

# WORK-SHARING IN THE UNPUBLISHED PHASE

2<sup>nd</sup> IP5 ICG Meeting | 1 February 2018 | Tokyo



Korean Intellectual Property Office

# BACKGROUND

- ❖ IP5 offices have built the OPD and have been operating the IP5 PPH program in order to reduce duplicate work with respect to family applications.
- ❖ As a result of reduced backlogs, accelerated examination and initiatives for shortening pendency, the examinations in the unpublished phase at each office has been increased.
- ❖ However, information sharing among offices in the unpublished phase is limited due to their domestic laws.
- ❖ From the perspective of offices and users, the high-quality and efficient examination is required for family applications as they are filed in multiple countries.

 **Work-sharing in the unpublished phase needs to be considered and discussed.**

# RECENT DISCUSSIONS

- ❖ IP5 Heads and Industry representatives discussed the work-sharing in the unpublished phase, ‘New Stage of Work-sharing’, as one of strategic topics | *IP5 Heads and Industry meeting, Valletta, May 2017.*
- ❖ KIPO presented a proposal for work-sharing in the unpublished phase including (a) **updating amendments to laws/rules** and (b) **improving the GD family service with no amendment of laws/rules** | *IP5 WG3 meeting, Tokyo, Nov. 2017.*
  - Because the amendment of laws/rules may take time, we proposed two track approach (a, b) which runs in parallel.
  - The USPTO will update the document regarding work-sharing in the unpublished phase at each office which was compiled in 2014.

# CURRENT STATUS ON EXCHANGE OF UNPUBLISHED INFORMATION

Type of exchanged information			
Relevance to invention information			
<i>Strong</i>		<i>Medium</i>	
<i>Strong</i>		<i>Weak</i>	
Invention info.	Examination info.	Search info.	Classification info.
Priority document <i>(IP5)</i>	CSP <i>(JPO/KIPO/USPTO)</i>	CSP, Rule 23bis PCT, EPC R141 <i>(JPO/KIPO/USPTO, PCT RO, JPO/KIPO/USPTO)</i>	Rule 23bis PCT <i>(PCT RO)</i>

# REQUIREMENT FOR EXCHANGE OF UNPUBLISHED INFORMATION

<b>EPO</b>	Working agreement
<b>JPO</b>	Explicit permission from applicants
<b>KIPO</b>	<u>Working agreement</u> <sup>NEW</sup>
<b>SIPO</b>	No information except priority document
<b>USPTO</b>	Explicit permission from applicants

\* Modified from the USPTO's presentation, "Exploring Information Exchange Among Unpublished Applications" in WG3 2014

# IMPROVEMENT ON GD FAMILY SERVICE (2018 IP5 WG2)

## ❖ Background

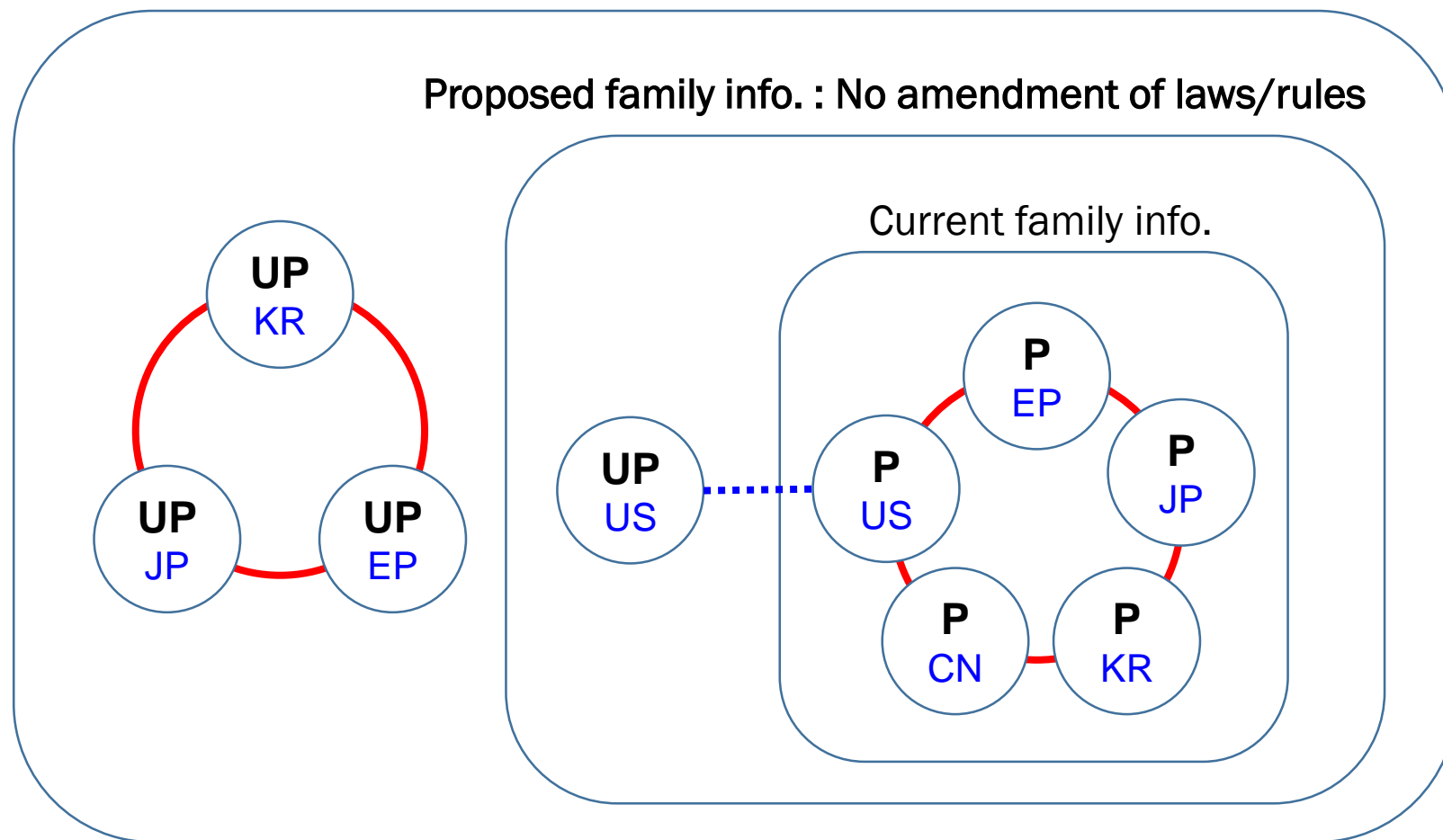
- KIPO observed problem cases where GD family service does not cover all the information available especially with the application in the unpublished phase.

## ❖ Proposal

- Providing the expanded family information through GD family service (OPS)
  - by expanding family information with unpublished application number in the patent grant publication; or
  - by establishing family information with cross-filing information (e.g. application number, priority number, etc.) which could be exchanged by the IP5 offices at the earliest stage possible like when the applications are accepted.

# IMPROVEMENT ON GD FAMILY SERVICE (2018 IP5 WG2)

## ❖ Concept of the proposal



- **P**: Published
- **UP**: Unpublished

— : Family applications

⋯ : Family applications where patent publication includes unpublished application number

# IMPROVEMENT ON GD FAMILY SERVICE (2018 IP5 WG2)

## ❖ Example

- 1) Patent grant number: US 9,554,041 B1
- 2) Unpublished provisional application number: US 62/276,251
- 3) Unpublished application number in examination: KR 10-2016-0008917

- **(Problem)** KIPO examiner can not see the US patent grant via the OPD.
- **(Solution)** Building family information with the numbers above.

(12) **United States Patent**  
Shin et al.

(10) **Patent No.:** **US 9,554,041 B1**  
(45) **Date of Patent:** **Jan. 24, 2017**

(54) **PORTABLE CAMERA**

(56) **References Cited**

(71) Applicant: **LG ELECTRONICS INC.**, Seoul (KR)

U.S. PATENT DOCUMENTS

(72) Inventors: **Jiyong Shin**, Seoul (KR); **Sanghyuk Im**, Seoul (KR); **Sunglyong Cha**, Seoul (KR); **Matthew Kim**, Seoul (KR)

6,308,394 B1 10/2001 Boe  
2002/0159774 A1\* 10/2002 Koyama ..... H04N 5/2251  
396/505

(Continued)

(73) Assignee: **LG Electronics Inc.**, Seoul (KR)

FOREIGN PATENT DOCUMENTS

(\* ) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

EP 2933997 A1 10/2015  
JP 2011-97158 A 5/2011  
(Continued)

OTHER PUBLICATIONS

(21) Appl. No.: **15/183,230**

Author Unknown, "Ricoh Theta m15, 360-Degree Spherical Panorama Camera with Video Capability," Oct. 30, 2014, 19 pages, www.Popco.net, with an English translation.

(22) Filed: **Jun. 15, 2016**

(Continued)

### Related U.S. Application Data

(60) Provisional application No. 62/276,251, filed on Jan. 8, 2016.

Primary Examiner — Christopher K Peterson  
(74) Attorney, Agent, or Firm — Birch, Stewart, Kolasch & Birch, LLP

### Foreign Application Priority Data

Jan. 25, 2016 (KR) ..... 10-2016-0008917

### (57) ABSTRACT

A portable camera including a housing including a pair of apertures formed on a front surface and a rear surface, an imaging unit including a pair of lens units exposed through the pair of apertures and mounted inside the housing, and a main board controlling the imaging unit. The imaging unit



## ❖ **Benefit for offices**

- Offices can enhance examination result in the unpublished phase by building additional family information.
  - \* We observed that with 285 applications, KIPO examiners could use work products (patent grants) of the JPO and the USPTO published in 2016.
  - \* Comparable figure: Number of PPH/PCT-PPH requests at KIPO with work products from the JPO and the USPTO published in 2016 is 2,763.

## ❖ **Benefit for applicants**

- Examiner can see positive result from other offices without applicants' explicit submission of PPH request and response to office action, etc.

# DISCUSSION POINTS AT THE 2<sup>ND</sup> ICG MEETING

- ❖ **(Point 1)** We would like to hear users' comments on the improvement on GD patent family service.
  
- ❖ **(Point 2)** We would like to hear users' comments on expanding work-sharing in the unpublished phase with potential amendment of laws/rules at the IP5 offices.
  - Search & classification information is the most important in work-sharing.
  - However, current practices on exchange of unpublished information are allowed only when specific conditions are met.  
*e.g.) petition for CSP, Rule 23bis PCT, EPC R141*
  - We therefore would like to discuss a more comprehensive and streamlined approach with users.

# DISCUSSION POINTS AT THE 2<sup>ND</sup> ICG MEETING

- ❖ **(Point 3)** If a comprehensive work-sharing in the unpublished phase among IP5 offices is introduced, what options would be preferred by users and offices?
  - (Type of info.) Examination info. / Search info. / Classification info.
  - (User's permission) Without permission / With permission (Opt-out/Opt-in)

***Thank you!***