

AIPLA

American Intellectual Property Law Association
Serving America's Legal and Creative Community

INDUSTRY TRILATERAL REPORT ON PPH

Trilateral/Users Meeting

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AIPLA

IT Consideration of Prosecution Highway

- ❖ PPH is Only One of Several Tools in an Applicant's Tool Box
 - ❖ The IT recognized that PPH is not for every application, and is valuable in certain circumstances but not others.
 - ❖ PPH is best promoted as one option that can provide one or more of cost savings, speed and flexibility
 - ❖ Promotion of PPH only based on speed may not attract some applicants

- ❖ Some Applicants Have not Considered PPH Based on Industry
 - ❖ Based on survey and anecdotal information, the IT and rapidly developing industries appear to use PPH
 - ❖ Other more traditional industries and Pharma do not use PPH
 - ❖ Differences in acceptance of PPH exist geographically
 - ❖ Enhanced promotion by Trilateral Offices would be effective

IT Consideration of Prosecution Highway

- ❖ Recent Improvements to PPH are Welcome
 - ❖ The IT applauds the Mottainai and PPH 2.0 initiatives
 - ❖ The IT notes that Mottainai does not appear to have been used much
 - ❖ The IT encourages user interfaces and forms that make use of PPH easier, particularly where machine translations of office actions and other documents, claim charts, and claims are involved

- ❖ Perception of Quality Remains a Significant Issue
 - ❖ Some users still have concern with the quality of the second office workproduct
 - ❖ The IT recommends that Offices employ common and comprehensive metrics for quality
 - ❖ The IT recommends that Offices develop and share search strategy records
 - ❖ The IT recommends that quality and search strategy data be more transparent for user evaluation