

Achievements of the Trilateral Offices in 2010

The Trilateral Offices have engaged in a number of cooperative projects to address workload through maximizing reuse of work results from the other Offices. The Offices would like to highlight the following achievements based on these activities for 2010.

1. Implementation of a Trilateral PCT-PPH pilot project

In the area of work sharing, the Trilateral Offices implemented a Patent Prosecution Highway Pilot to utilize PCT work products as a basis for a PPH request. The pilot began in January 2010 and will continue for a period of two years. This new PPH agreement greatly expands the potential of the PPH program. Additionally, the Offices agreed on the extension of the scope of the PCT- PPH pilot by inviting KIPO and SIPO with a view of expanding the potential of work sharing cooperation and promoting the PCT.

2. Implementation of a common citation document pilot

The Offices implemented a pilot to evaluate the use and format of a Common Citation Document. The Trilateral Offices will utilize the EPO as a data host for storing and presenting the available information provided during the Common Citation Document pilot.

3. Implementation of pilots to maximize re-use of search and examination results

The USPTO recently implemented a First Look Application Sharing (FLASH) pilot to promote worksharing between the Trilateral Offices. The prioritization of filings is a standard practice in the EPO and has been implemented by the JPO. The FLASH pilot will test the feasibility of balancing and prioritizing workloads to maximize re-use of search and examination results.

4. Implementation of a collaborative search pilot

The USPTO and the EPO commenced a limited PCT collaborative search pilot wherein a number of PCT applications are searched by the offices, and the search results compared. This pilot allows for the co-production of a single search report. It increases understanding and trust among the examiners and provides for a means for studying reusability of work results.

5. Catalog of Differing Practices

The Trilateral Offices completed the first draft of a Catalog of Differing Practices. This Catalog identifies existing differences among the practices in the Trilateral Offices and indicates the legal basis for such differences. The Catalog will provide applicants and examiners with an enhanced understanding of the similarities and differences in each Office's applicable law, regulations, guidelines and practices in areas critical to patentability. It also facilitates work-sharing among the offices because an examiner will be able to better understand a counterpart examiner's decision-making rationale.