INDUSTRY IP5 COMMENT ON PCT/PPH

IP5/Users Meeting
Porticcio, France
Tuesday, June 5, 2012

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REASONS FOR PARTICIPATING GENERALLY

- **Cost**
  - Possible reduced cost of prosecution (US Study - $3,000-$5,000 per application and possibly higher)

- **Quality**
  - Quality of Examination may be improved

- **Speed**
  - Examination is accelerated in some Offices

- **Strategy**
  - Permits rapid grant of claims allowed in OFF and filing of continuations for broader claims if possible.
  - Consistency in Claims and Prosecution World Wide
### COMPARABLE ADVANTAGES IN SOME COUNTRIES FOR PCT/PPH* (January – June 2011)

*from PPH portal site

<table>
<thead>
<tr>
<th>Office of Filing</th>
<th>JP</th>
<th>US</th>
<th>CA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Grant Rate (%)</strong></td>
<td>93.6 (58.1)</td>
<td>96<em>1</em>2 (47)</td>
<td>100 (64.6)</td>
</tr>
<tr>
<td><strong>First Action Allowance Rate (%)</strong></td>
<td>63.0 (9.3)</td>
<td>20<em>1</em>5 (15.9)</td>
<td>60*5 (4.9)</td>
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<tr>
<td><strong>Average Pendency from PPH Request to First Office Action {months}</strong></td>
<td>1.9 (27.3)</td>
<td>3.5*1 (27.8)</td>
<td>1.5 (23.2)</td>
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<tr>
<td><strong>Average Pendency from PPH Request to Final Decision {months}</strong></td>
<td>3.5 (33.4)</td>
<td>5.5*1 (33.5)</td>
<td>1.8 (42.4)</td>
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<tr>
<td><strong>Average Number of Office Actions</strong></td>
<td>0.47 (1.12)</td>
<td>1.61*1 (2.49)</td>
<td>0.4 (1.6)</td>
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IIP5 Consideration of PCT/PPH

- Brief discussion of PCT/PPH in IIP5 Meeting

- IIP5 Delegations report that some member industries use PCT/PPH while other member industries have not.
  - Possibly due to lack of knowledge of PCT/PPH

- Agreement that study and report on use of PCT/PPH by IIP5 participants would be valuable

- Agreement on use of IPER/WO as a basis for PPH
  - IIP5 has confidence in quality of IP5 Office workproduct
  - IIP5 is concerned with reliance of workproduct of some other ISA’s
IIP5 Consideration of PCT/PPH

- Perception of Quality Remains a Significant Issue
  - Concern with quality of some ISA workproduct
  - Concern with the quality of the second office workproduct
  - Need for common and comprehensive metrics for quality
  - Need for development and sharing of search strategy records
  - Need for greater transparency for quality and search strategy data to permit user evaluation