

# Diálogos da MEI III



## Propriedade Intelectual Acordos Internacionais de Cooperação para Exame de Patentes



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# Summary

- USPTO Structure
- Work Sharing and PPH
- Brazilian Patents in USPTO

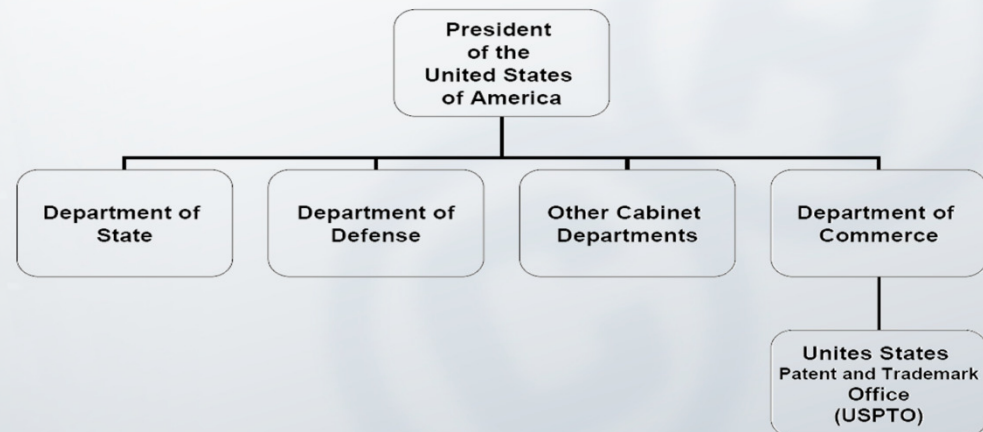
# USPTO Structure





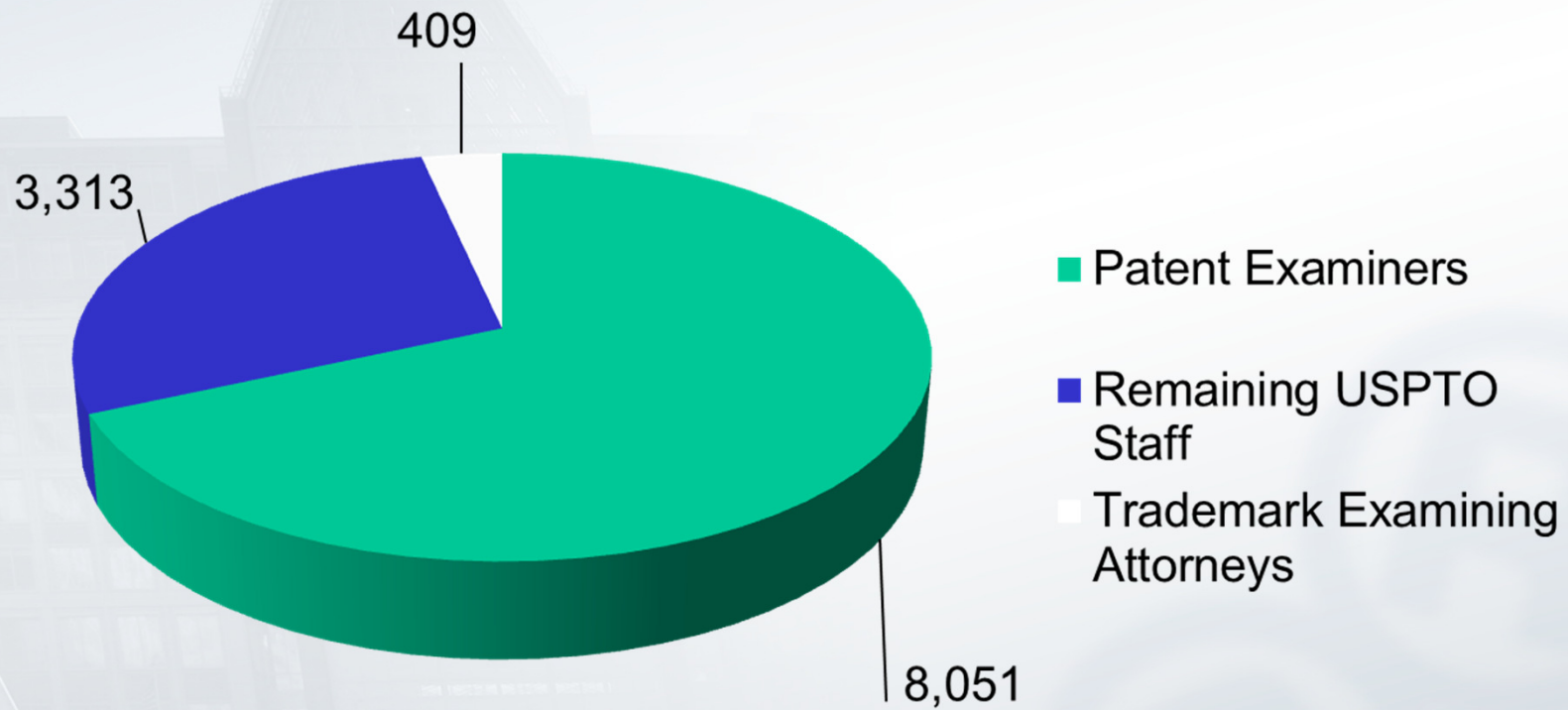
# O Escritório de Marcas e Patentes dos EUA (USPTO)

- Agency of the U.S. Department of Commerce
- Entirely self-financed since 1993
- In 2005, opened new headquarters in Alexandria, Virginia
- In 2013-11,773 employees
- Revenue in 2013- US\$2.2 billion (R\$4.8 bilhões)





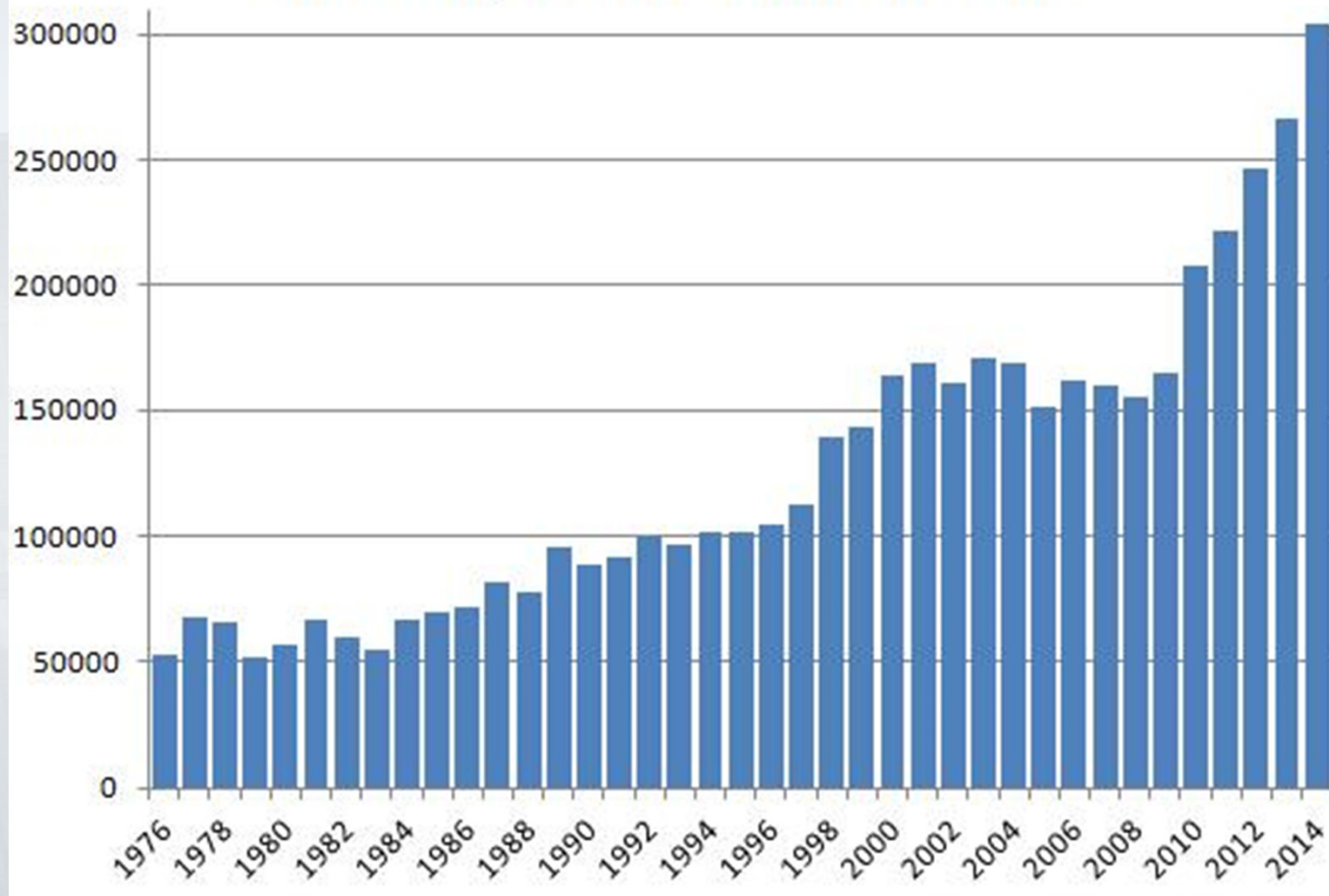
# Nosso Pessoal: Ano Fiscal 2013





# USPTO Patents Granted

## US Utility Patent Grants Per Year



# Work Sharing





# WIPO (OMPI) Policy Dialogue on Patent Work-Sharing Initiatives

- Work sharing needed to manage volume
- Elimination of unnecessary duplication
- Enhance quality of examination
- Take into account:
  - different laws and practices
  - degree of confidentiality and delay





# Enhancement and Expansion of International Work Sharing

Work sharing continues to be a key feature in the USPTO's approach to managing workload and reducing the examination backlog.

A critical component of work sharing is the Patent Prosecution Highway (PPH).



# PPH Background

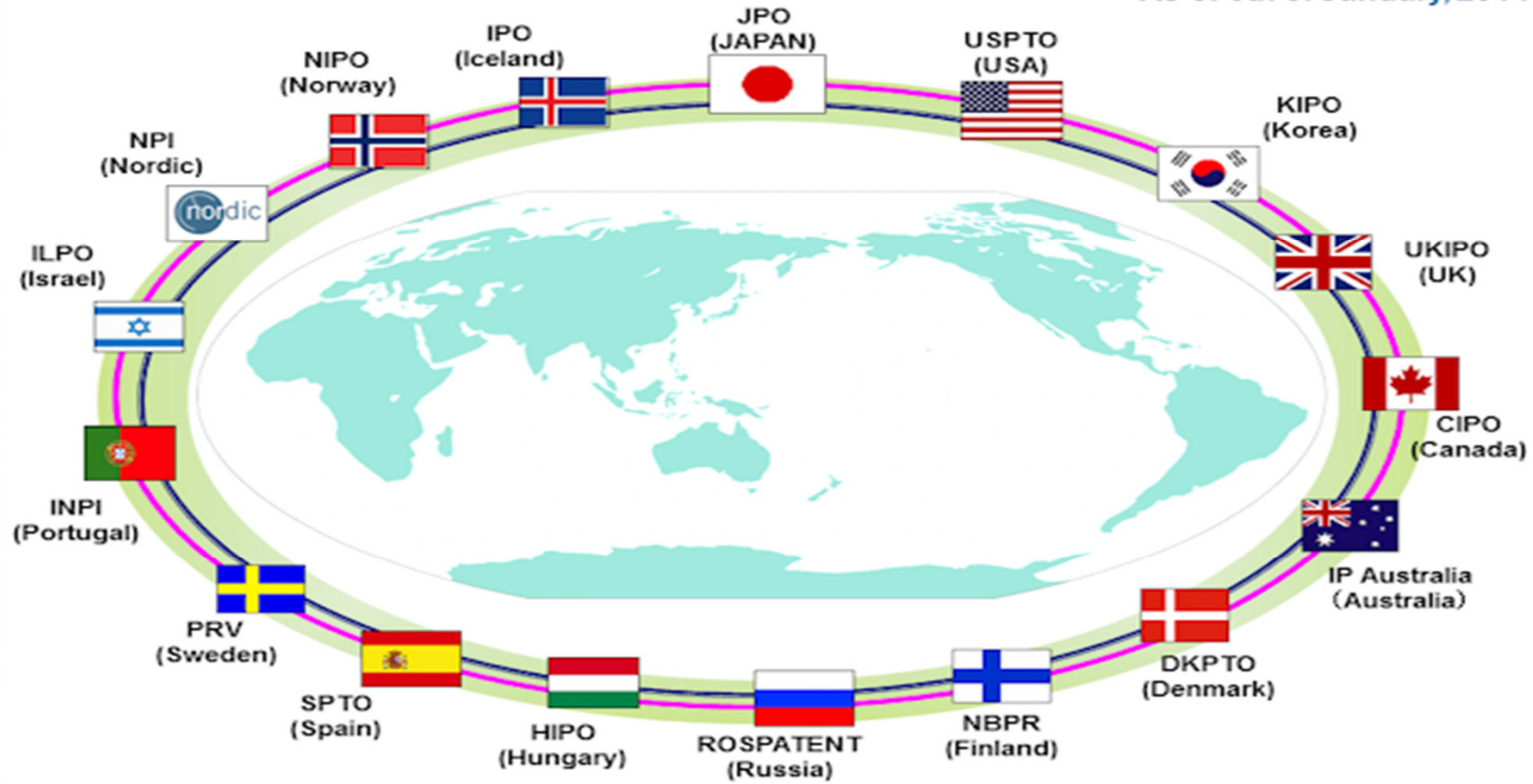
## Patent Prosecution Highway

- Concept from Japanese Patent Office (“JPO”)
- Final framework is a JPO-USPTO collaboration
- Pilot USPTO-JPO PPH launched in 2006



# GLOBAL PPH -2014

As of 6th of January, 2014



— : PPH MOTTAINAI  
— : PCT-PPH

<http://www.jpo.go.jp/ppph-portal/globalpph.htm>



# PPH in Latin America

- PPH in Latin America
  - Mexico – USPTO
  - Colombia – USPTO
- USPTO Open to More
- PROSUR Initiative



# PPH Basics

- **What is PPH?**
  - After patent claims are said to be allowable in an Office of First Filing (OFF), a corresponding application with the same claims existing in an Office of Second Filing (OSF) is permitted examination more quickly.
- **What is the Purpose of PPH?**
  - The OSF can use the search and examination results of the OFF and will not have duplication of work and the examination process in the OSF is faster.












# PPH Efficiency Benefits

- PPH continues to deliver benefits to the offices and users
- PPH results compared with all cases

	<b>Paris-PPH</b>	<b>PCT-PPH</b>	<b>All Cases</b>
<b>Grant Rate (Allowances/Total Number of Disposals)</b>	<b>87%</b>	<b>91%</b>	<b>49%</b>
<b>Actions per Disposal</b>	<b>2.3</b>	<b>1.6</b>	<b>2.6</b>



## PPH Statistical Data(NOT including PCT-PPH)

									
	JP	US	KR	GB	CA	AU	RU	MX	TW
Grant Rate {%	75 (69)	86 (53)	88.6 (65.6) <sup>*1</sup>	100	91 (65)	100 <sup>*2</sup>	100 (83)	97.7	95 (58)
Average Pendency from PPH Request to First Office Action {months}	2.2 (16)	5.8 (18.8)	2.4 (14.8) <sup>*1</sup>	0.8	2.1 (17.8)	1.1	3.9 (7.2)	0.6	1.68 (35.0)
Average Pendency from PPH Request to Final Decision {months}	6.7 (25)	11.4 (30.7)	5.2 (21.6) <sup>*1</sup>	5.3	6.2 (35.6)	1.7	4	0.8	3.93 (43.3)
Average Number of Office Actions	1.00 (1.1)	TBD (2.5)	0.75	1.1	0.7 (1.5)	0.5	1 (1.8)	0.05	0.55 (0.99)

[http://www.jpo.go.jp/ppph-portal/statistics.htm#pph\\_gr](http://www.jpo.go.jp/ppph-portal/statistics.htm#pph_gr)



# PPH: Advantages

- Significantly lower prosecution costs
- Fast-tracked examination improving timeliness of patent issuance
- Higher quality than can be delivered by any single office acting individually





# PPH Quality Benefits

- Analysis of 155 First Action Allowances
  - 98% - Examiner recorded a new search
  - 84% - Additional art cited
  - 40% - Examiner amendment and/or interview
- Serial examination process yields quality, defensible patent rights.



# Useful Information

- Dedicated USPTO PPH web page:



([http://www.uspto.gov/patents/init\\_events/pph/index.jsp](http://www.uspto.gov/patents/init_events/pph/index.jsp))

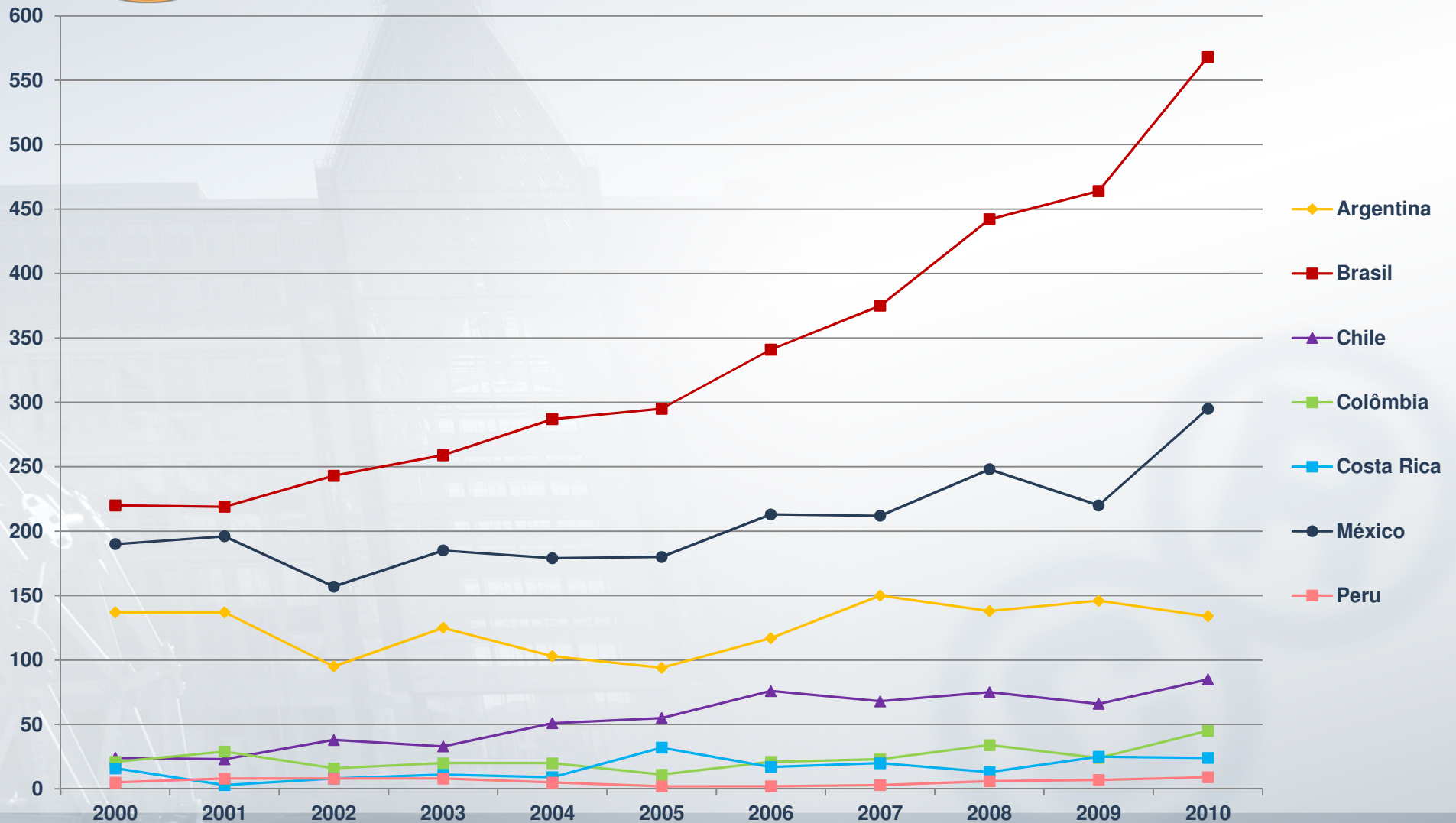
- Including links to:
  - FAQs
  - PPH “how-to” and informational video
  - Downloadable information brochure
  - Question and feedback e-mail inbox
- PPH information portal site with statistics and other information (<http://www.jpo.go.jp/cgi/linke.cgi?url=/ppph-portal/index.htm>)

# Patents from Brazil in the USPTO





# Depósitos de Patentes nos EUA – países latino-americanos





# Patentes de brasileiros nos EUA – Classe Tecnológica (1996 – 2010)

Patentes	Título da Classe	Classe
65	Drogas, Bio-Composições de Tratamento do Corpo	424 + 514
41	Bombas	417
34	Poços (ex. Óleo e Gás)	166
29	Papel e Fibra	162
33	Compostos Orgânicos	532
24	Química: Biologia Molecular e Microbiologia	435
26	Refrigeração	62
22	Manejo de Fluídos	137
17	Registradoras (ex. Caixa registradora, calculadoras, etc.)	235
16	Metal	29
17	Juntas e Conexões	403
24	Organismos Multicelulares e Processos Relacionados	800



# Patentes de brasileiros nos EUA (1996-2010) - Empresas

Empresas	Total
<b>PETRÓLEO BRASILEIRO S.A. PETROBRAS</b>	<b>141</b>
<b>EMPRESA BRASILEIRA DE COMPRESSORES S/A-EMBRACO</b>	<b>79</b>
<b>CARRIER CORPORATION</b>	<b>36</b>
<b>METAGAL INDUSTRIA E COMERCIO LTDA.</b>	<b>22</b>
<b>VOITH PAPER PATENT GMBH</b>	<b>24</b>
<b>MULTIBRÁS S/A ELETRODOMESTICOS</b>	<b>21</b>
<b>PRAXAIR TECHNOLOGY, INC.</b>	<b>20</b>
<b>FUNDAÇÃO DE AMPARO À PESQUISA DO ESTADO DE SÃO PAULO</b>	<b>19</b>

Obrigado pela sua atenção!

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Mais Informações: [www.uspto.gov](http://www.uspto.gov)



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