

## The EPO opens a preferential pathway for applications with a US priority (and vice versa)

The EPO and the USPTO started today the so called Patent Prosecution Highway (PPH) for EP and US applications claiming a US or EP priority respectively. This new program allows the patent applications to have an accelerated examination when the corresponding priority application already received a substantial allowance opinion from the Office where the application was filed.

This prosecution track will be tested for a period of one year, possibly extendable to two years, only upon request of the applicant. Otherwise, the application will follow the usual path. This kind of prosecution can be requested only for those applications whose examination phase has not yet begun.

Through this examination, the Examiner of the subsequent application shall be requested to consider both the objection formerly raised and the responsive amendments. Then, if the Examiner deems that the claimed subject-matter is allowable and consistent with the EP formal rules, a notice of allowance according to Rule 71.3 EPC is issued.

In order to enter an application into this program, the corresponding US application must have at least one claim allowed by the USPTO: all the claims of the corresponding EP application should either correspond or be amended to substantially comply with the allowed US claims in terms of patent scope. To ease Examiner's work, a correspondence table has to be filed too, together with copy of all the Office actions from the USPTO and all the prior documents cited by the USPTO.

If the request is accepted, the application is processed under the PACE program (Program of Accelerated Examination). A substantial response may be expected in the next three months.

For the time being, this kind of request can be filed in a paper form, but soon the EPOLINE filing software will be adapted to allow the requests to be processed on-line. More information is available at the EPO website .

