

# **Procedures to file a request to the NBPR for Patent Prosecution Highway Pilot Program between the HPO (Hungarian Patent Office) and the NBPR (National Board of Patent and Registration of Finland)**

## **1. Request to the NBPR**

[0001] An applicant should file a request for accelerated examination under the Patent Prosecution Highway (PPH) to the NBPR by submitting a letter requesting accelerated examination under the PPH accompanied by the relevant supporting documents. The requirements for an application to the NBPR for accelerated examination under the PPH are given in the following section. Relevant supporting documentation is discussed in a later section (paragraphs [0003]-[0005]) as is the general NBPR application procedure envisaged at this time (paragraph [0006]).

## **2. Requirements for requesting an accelerated examination under the PPH pilot program at the NBPR**

[0002] There are four requirements for requesting accelerated examination under the PPH pilot program at the NBPR. These are:

### ***2.1. The NBPR application (including PCT national phase application) is***

- (i) an application which validly claims priority under the Paris Convention to the HPO application(s) (examples are provided in Annex 3, figure A, B, C, D, E and F), or
- (ii) a PCT national phase application without priority claim (example is provided in Annex 3, figure G), or
- (iii) an application which validly claims priority under the Paris Convention to the PCT application(s) without priority claim (examples are provided in Annex 3, figure H, I and J).

The NBPR application, which validly claims priority to multiple HU or PCT applications, or which is the divisional application validly based on the originally filed application that

is included in (i) to (iii) above, is also eligible.

***2.2. At least one corresponding application exists in the HPO and has one or more claims that are determined to be patentable by the HPO.***

Claims clearly identified to be patentable in the latest office action at examination stage are able to be a base of a request for an accelerated examination under the PPH pilot program, even if the application, which includes those claims is not granted for patent yet. The following case will fall within this interpretation: When a HPO examiner sends a notification specifying the HPO's intention to grant. The headings for such notifications will be "Communication of Approval" (The heading of the communication is "Felhívás nyilatkozattételre és megadási díj megfizetésére").

[Note]

Where the HPO application that contains the patentable/allowable claims is not the same application for which priority is claimed in the NBPR application, applicant must identify the relationship between the HPO application that contains the patentable/allowable claims and the HPO priority application claimed in the NBPR application. (Refer to Examples C and E in Annex 3).

***2.3. All claims in the NBPR application (for which an accelerated examination under the PPH pilot program is requested) must sufficiently correspond to one or more of those claims determined to be patentable in the HPO.***

Claims are considered to sufficiently correspond where both claims have a common technical feature which made the claims patentable over the prior art in the HPO application. In this regard, a claim which has additional component on the claim determined to be patentable in the HPO or which is the same except for claim format as the claim determined to be patentable in the HPO will be considered to sufficiently correspond.

Note that when claims are determined to be patentable by the HPO by making amendment to claims, the claims in the NBPR also must be amended similar way to

sufficiently correspond to the allowable/patentable claims in the HPO application.  
(See Annex 1)

***2.4. The NBPR has not yet issued a communication “Communication of Approval” (The heading of the communication is “Hyväksyvä välipäätös”).***

**3. Documents to be submitted**

[0003] The following documentation will be needed to support a request for accelerated examination under the PPH pilot program at the NBPR:

***3.1. Copies of all office actions in the HPO, which were sent for the corresponding application by the HPO, and translations of them***

“Office actions” are documents which relate to substantive examination and which were sent to the applicant by the HPO examiner. Both Finnish and English are acceptable as translation language. Machine translations are admissible, but if it is impossible for the examiner to understand the outline of the translated office action or claims due to insufficient translation, the examiner can request the applicant to resubmit translations.

***3.2. Copies of all claims determined to be patentable by the HPO, and translations of them.***

The copy of the claims determined to be patentable/allowable by the HPO might be either:

- a copy of the document submitted at initial filing which includes claims determined to be patentable/allowable where no later amendments to the claims have been made, or
- a copy of the amendments which includes claims determined to be patentable/allowable where later amendments to the claims have been made, or
- a copy of the HPO’s publication of the granted patent.

Both Finnish and English are acceptable as translation language. The descriptions in the requirement 3.1 above regarding the machine translations also apply to this

requirement 3.2.

### ***3.3. Copies of references cited by HPO examiner***

If the references are patent documents, the applicant doesn't have to submit them because the NBPR usually possess them. When the NBPR does not possess the patent document, the applicant has to submit the patent document at the examiner's request. Non-patent literature must always be submitted. Submission of translation of the references is not required. However, applicants will be free to file translations as part of the supporting documentation when initially requesting accelerated examination under the PPH to allow prompt consideration of the citations if they so desire.

### ***3.4. Claim correspondence table***

Applicant must submit a claim correspondence table, which indicates how all claims in the FI application sufficiently correspond to the allowable/patentable claims in the HU application. When claims are just literal translation, the applicant can just write down that "they are same" in the table. When claims are not just literal translation, it is necessary to explain the sufficient correspondence of each claim based on the criteria at section 2.3.

When the applicant has already submitted above documents 3.1 to 3.4 to the NBPR through simultaneous or past procedures, the applicant may incorporate the documents by reference and does not have to attach them.

[0004] The applicant is required to complete a form for requesting accelerated examination under the PPH pilot program (as given in Annex 2) which will be available for download from the NBPR website (<http://www.prh.fi/en/patentit/pph.html>). The form must be sent to the NBPR along with a letter requesting acceleration under the PPH and the relevant supporting documentation.

[0005] The applicant need not provide further copies of documentation if they have already submitted the documents noted above to the NBPR through simultaneous or past procedures.

#### **4. Procedure for accelerated examination under the PPH pilot program at the NBPR**

[0006] The applicant files a letter requesting accelerated examination under the PPH pilot program to the NBPR, including a completed request form and the relevant supporting documents referred to in section 3. The PPH administrator will consider the request and if all requirements are met, the application is assigned a special status for an accelerated examination under the PPH.

In those cases where the requirements are not met, the applicant will be notified and the defects in the request will be identified. The applicant will be given an opportunity to correct the request. If not corrected, the applicant will be notified and the application will be processed by normal procedures.

The claims in the following cases are considered to “sufficiently correspond”.

**EX.1**

<i>OFF claims</i>	<i>OSF claims</i>	<i>Comment</i>
1	1	<i>The OSF claim has the additional component on the OFF granted claim.</i>

OFF granted claim	OSF claim
<p>A system for presenting a container storing at least one article to a processing tool, comprising:</p> <p>(a) a load port, including:</p> <p>a frame having an opening;</p> <p>a support structure being adapted to receive a container, and</p> <p>a drive mechanism for moving said support structure substantially vertically between a first height and a second height; and</p> <p>(b) a conveyor for movably supporting the container substantially along a container transport plane;</p> <p>wherein a container traveling on said conveyer moves unobstructed over said support structure when said support structure is located in said second height,</p> <p>wherein the container traveling unobstructed does not contact said support structure while traveling over said support structure located at said second height,</p> <p>wherein said support structure, when located at said second height, is located below said transport plane.</p> <p><u>*This additional part is NOT included in the OFF granted claim but it is included in the description of the OFF application</u></p>	<p>A system for presenting a container storing at least one article to a processing tool, comprising:</p> <p>(a) a load port, including:</p> <p>a frame having an opening;</p> <p>a support structure being adapted to receive a container, and</p> <p>a drive mechanism for moving said support structure substantially vertically between a first height and a second height; and</p> <p>(b) a conveyor for movably supporting the container substantially along a container transport plane;</p> <p>wherein a container traveling on said conveyer moves unobstructed over said support structure when said support structure is located in said second height,</p> <p>wherein the container traveling unobstructed does not contact said support structure while traveling over said support structure located at said second height,</p> <p>wherein said support structure, when located at said second height, is located below said transport plane,</p> <p><b><u>wherein said support structure, when located at said first height, is located above said transport plane*.</u></b></p>

**EX.2**

<i>OFF claims</i>	<i>OSF claims</i>	<i>Comment</i>
1	1	Same
none	2	The OSF claim2 is dependent on the OSF claim1, which has been granted at OFF.

OFF granted claim	OSF claim
1. A nitride-based semiconductor device comprising: a first semiconductor layer, consisting of either an n-type nitride-based semiconductor layer having a wurtzite structure or an n-type nitride-based semiconductor substrate having a wurtzite structure; and an n-side electrode formed on a back surface of said first semiconductor layer, wherein a dislocation density is not more than $1 \cdot 10^9 \text{ cm}^{-2}$ in the vicinity of the interface between said first semiconductor layer and said n-side electrode, and contact resistance between said n-side electrode and said first semiconductor layer is not more than $0.05 \text{ } \Omega \text{ cm}^2$	1. (Same)
2. (None)	2. <b>The nitride-based semiconductor device according to claim 1, wherein said first semiconductor layer includes an n-type dopant.*</b>

\*This additional part is NOT included in the OFF granted claim but it is included in the description of the OFF application

## PPH REQUEST

Request for Accelerated Examination at the NBPR under the Patent Prosecution Highway Pilot Program between the NBPR and the HPO

1. FI application number:

Corresponding HU application number(s):

2. **Either:**

a) Copy of HPO office action(s) attached:

**and**

Copy of translated HPO office action(s) attached

**or**

b) HPO office action(s) on file from previous PPH application:  
FI application number:

3. **Either:**

a) Copy of claims of corresponding HU application attached:

**and**

Copy of translated claims of corresponding HU application attached:

**or**

c) HU application claims on file from previous PPH application:  
FI application number:

4. Translation version of foreign language citation attached

*(Please note that it is not necessary to provide translation of documents. However, applicant will be free to file translations to allow prompt consideration of the citations if they so desire.)*

5. Claim correspondence table completed:



Figure A:

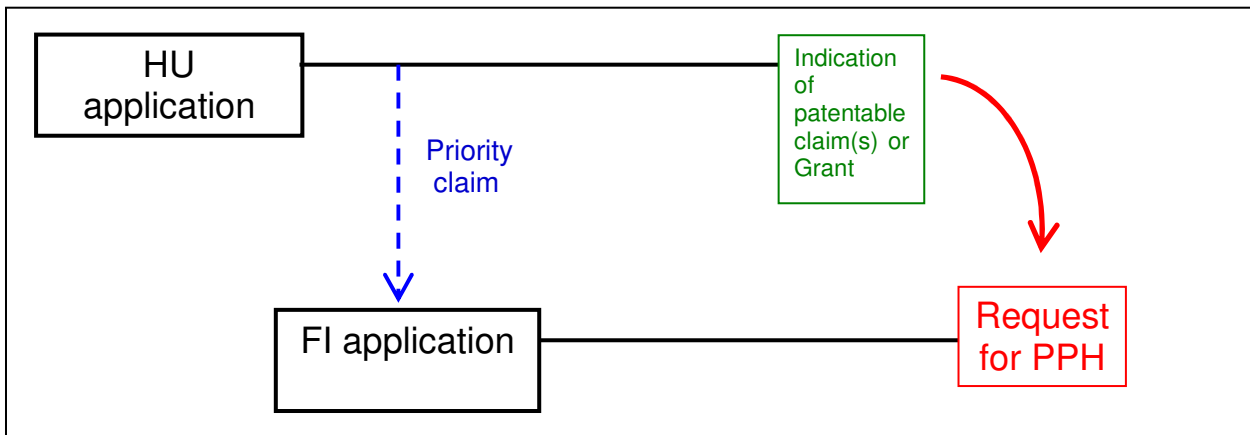
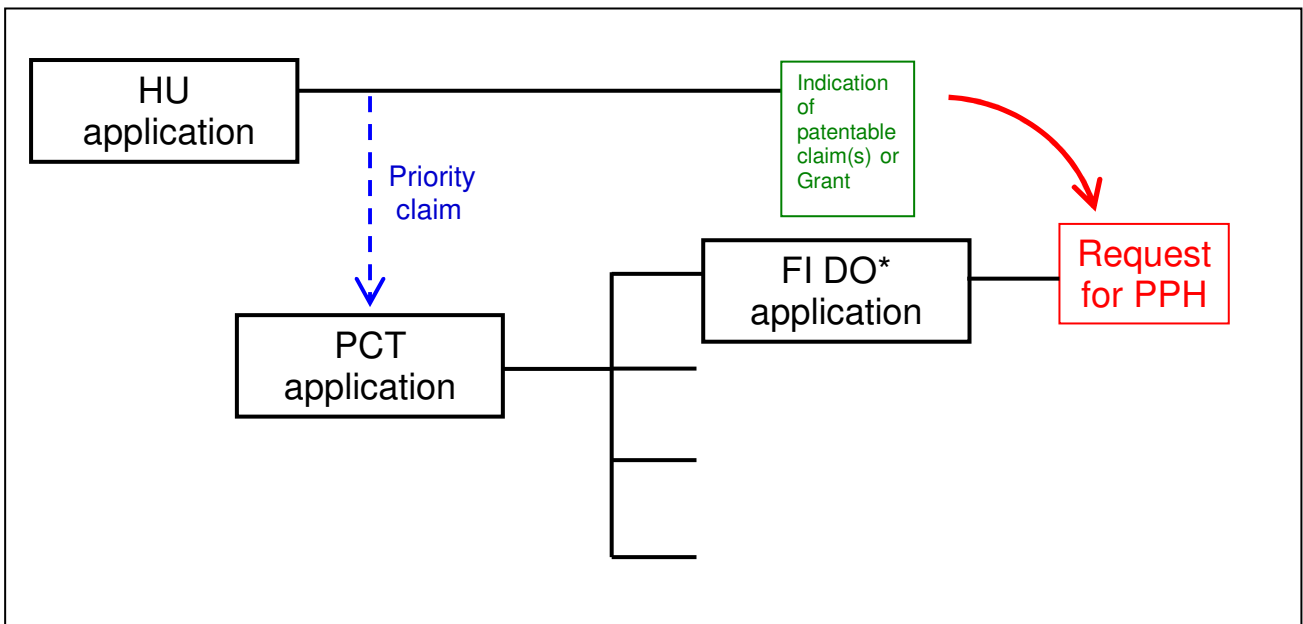


Figure B:



\* DO – Designated Office

Figure C:

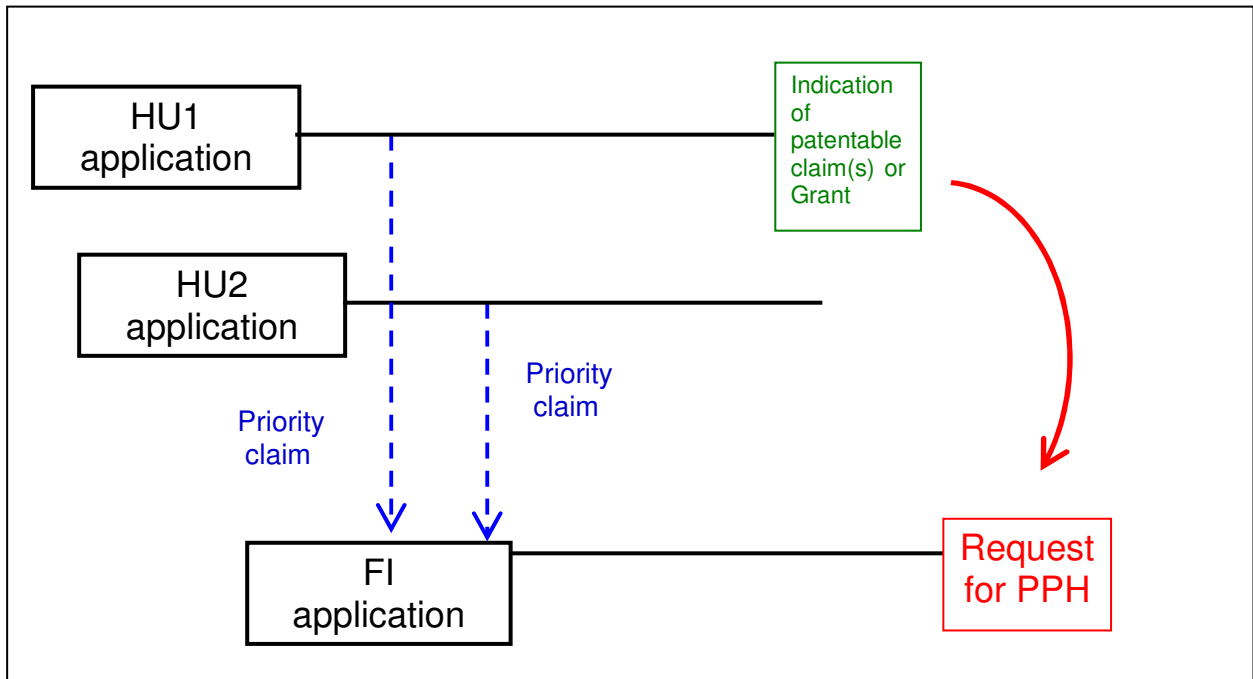


Figure D:

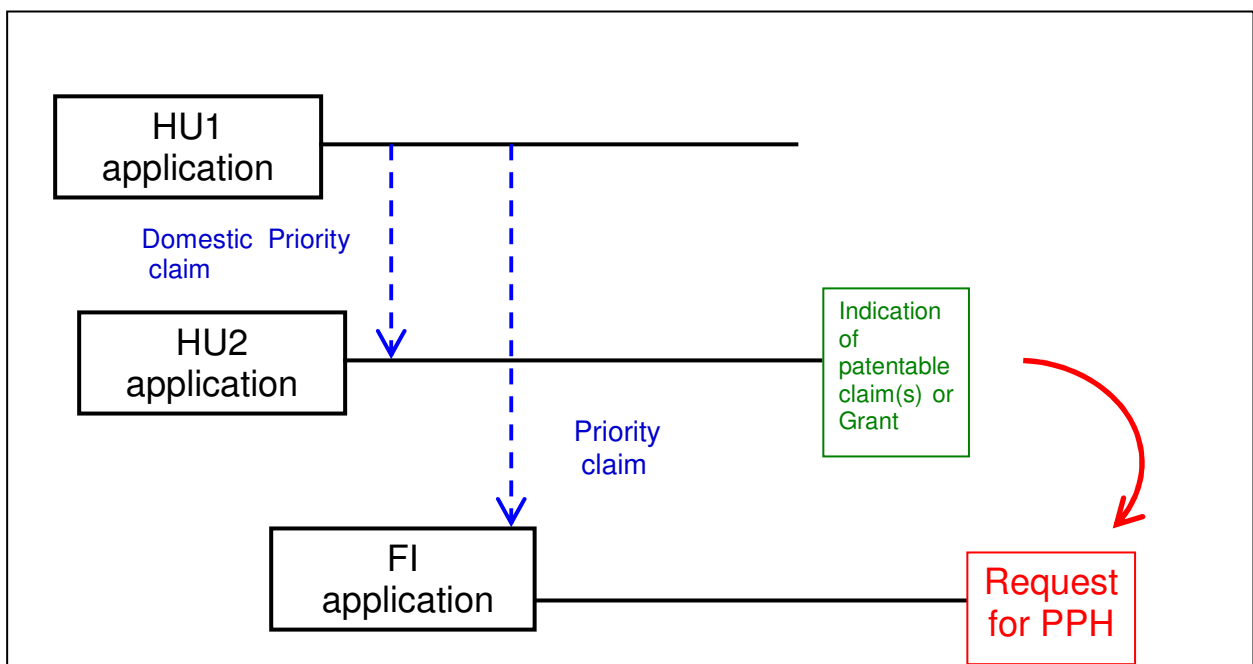


Figure E:

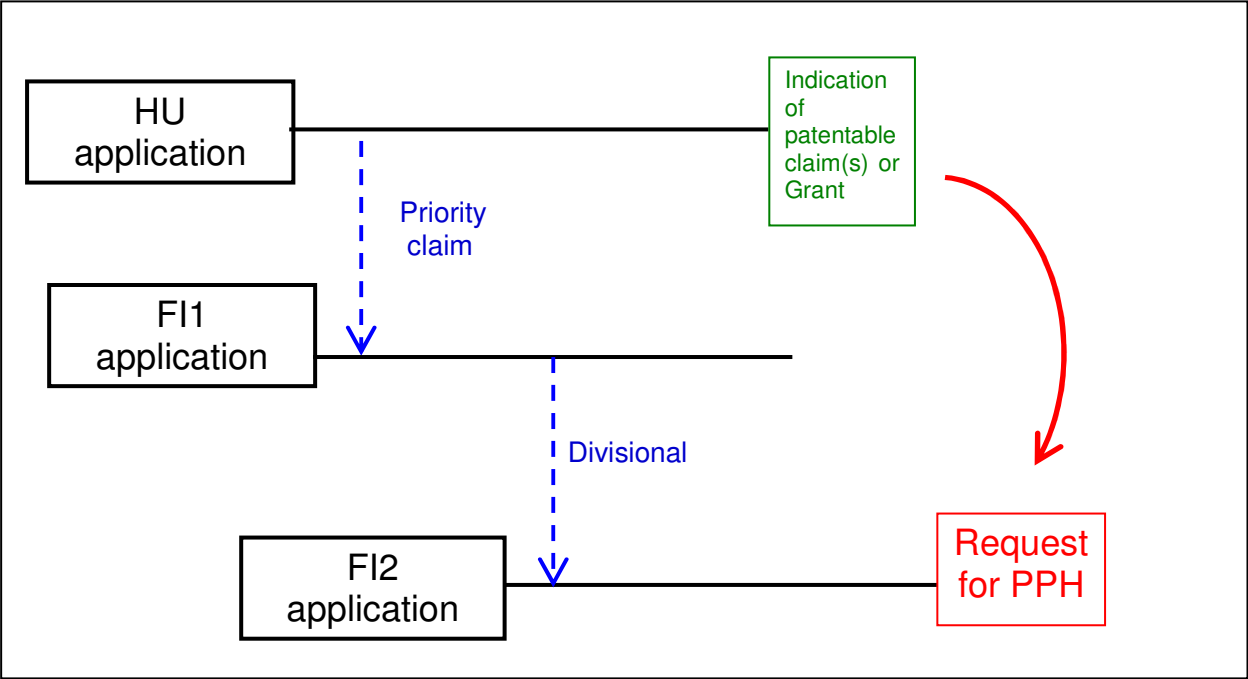


Figure F:

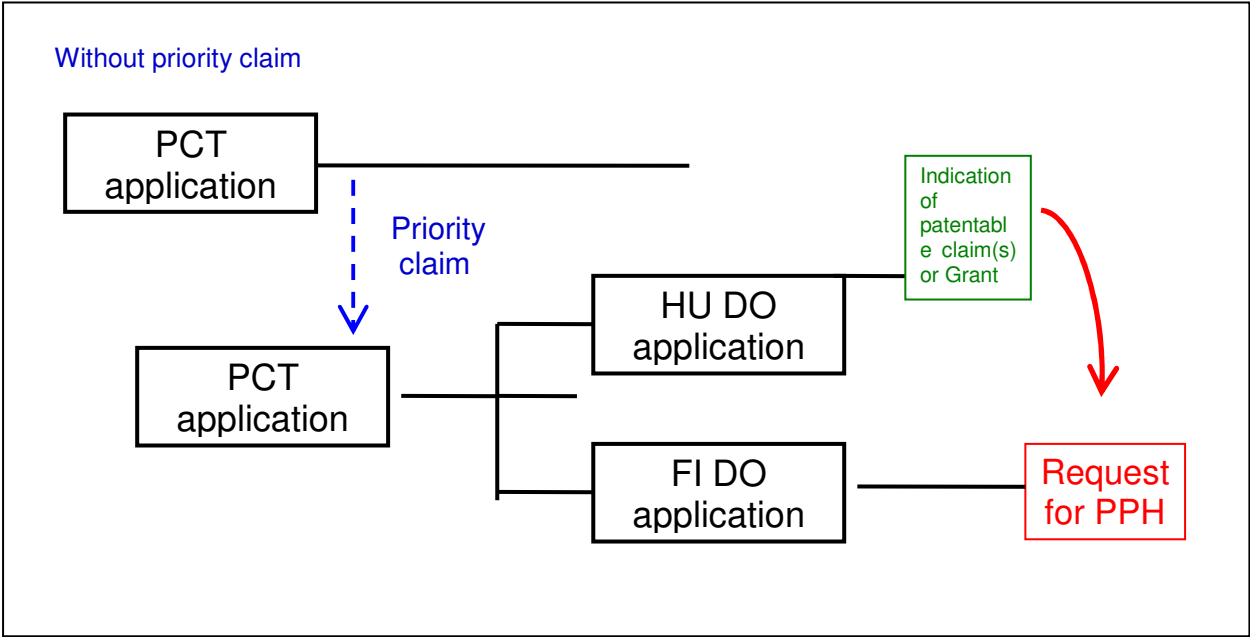


Figure G:

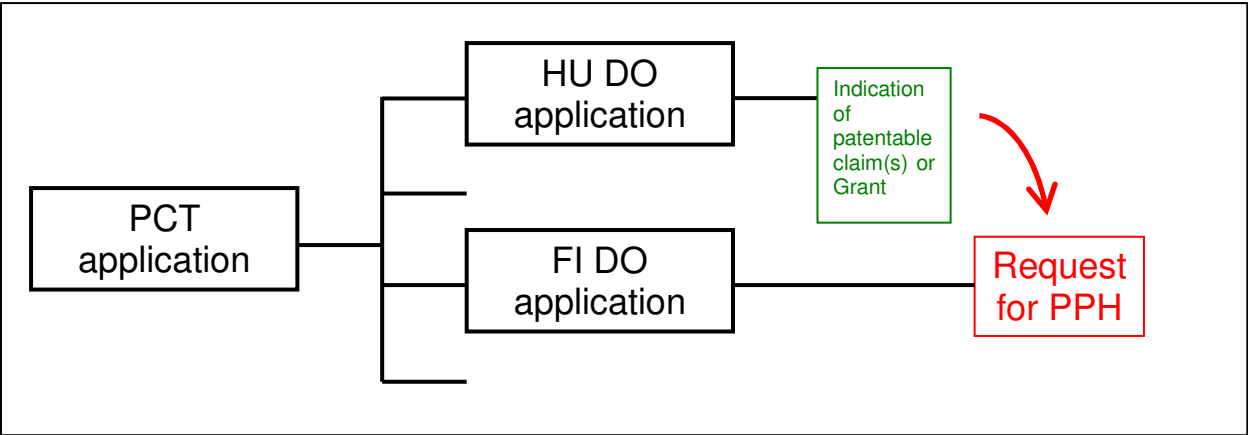


Figure H:

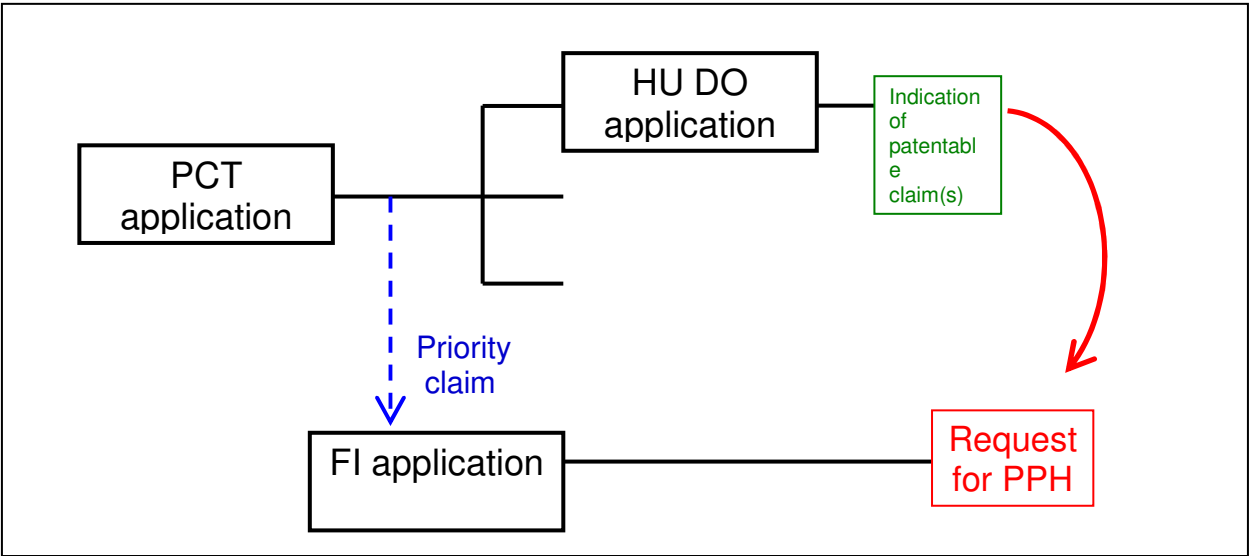


Figure I:

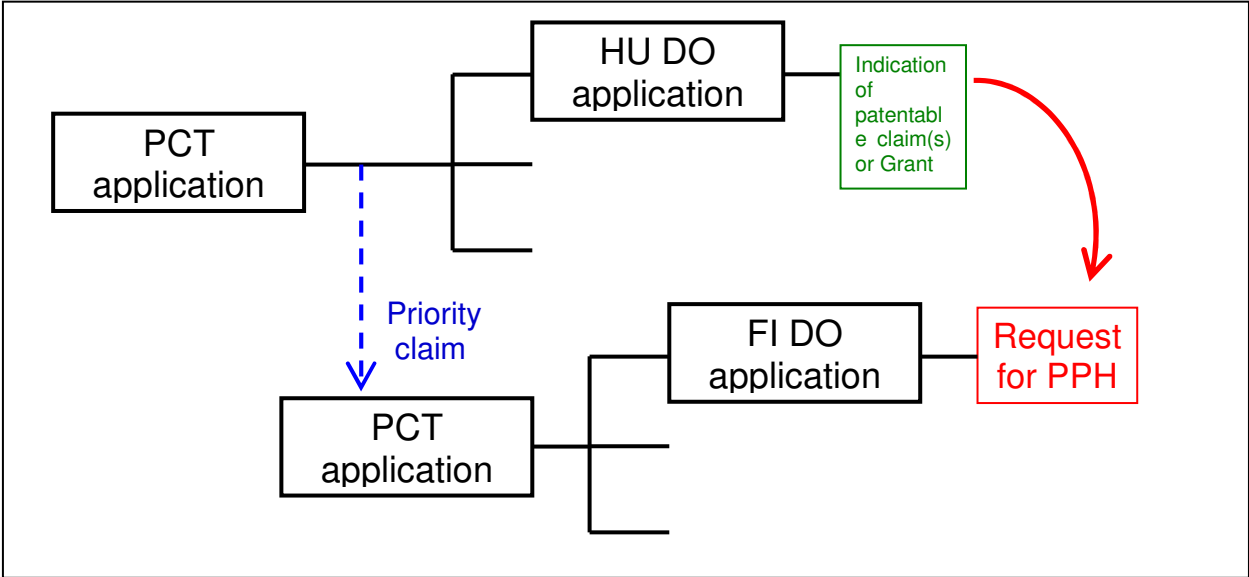


Figure J:

