The PPH pilot program between the Taiwan Intellectual Property Office (TIPO) and the United States Patent and Trademark Office (USPTO) started on September 1, 2011. The PPH pilot program enables an applicant, whose claims are determined to be allowable/patentable in the Office of First Filing (OFF), to have the corresponding application filed in the Office of Second Filing (OSF) advanced out of turn for examination while at the same time allowing the OSF to exploit the search and examination results of the OFF. However, due to the long examination pendency at TIPO, search and examination results of applications whose OFF is TIPO could not be provided before the initiation of examination in the OSF. In other words, the making use of search and examination results of the OFF cannot be fully achieved. In order to promote international work-sharing in patent examination, and to encourage applicants to take advantage of expedited examination under the PPH pilot program, the TW-Support Using the PPH Agreement (TW-SUPA) examination pilot program will commence on March 1, 2012.

Where TIPO is the OFF of a TW application and a corresponding foreign application is later filed in the Patent Office which has a PPH agreement with TIPO, the applicant may request participation in the TW-SUPA pilot program and request the TW application be advanced out of turn for examination. TW-SUPA pilot program is expected to support patent acquisition through PPH and to promote international work-sharing by providing search and examination results of TIPO at an early stage.

TW-SUPA pilot program will be carried out on a trial period of six months. TIPO will evaluate the result of this program to determine whether and how the program should be fully implemented after the trial period. TIPO may also change or terminate this program early if the volume of participation exceeds a manageable level, or for any other reason.

1. **Requirements for examination under the TW-SUPA pilot program**

There are four requirements for requesting examination under the TW-SUPA pilot program. These are:

(a) The application is a TW invention application which forms the base for international priority by a corresponding foreign application, and the corresponding foreign application was filed in the Patent Office which has a PPH agreement with TIPO.

(b) The applicant should file a request for examination under the TW-SUPA pilot program with TIPO within six months of filing the corresponding foreign
application.
(c) The applicant has been notified that a substantive examination for the application will begin shortly, but a first examination report on the application has not been issued.
(d) The application has been laid-open prior to filing for TW-SUPA; if not, the applicant must request her/his application be published early pursuant to Article 36 Paragraph 2 of the Patent Act.

Since TIPO and USPTO have already begun the PPH pilot program, the corresponding foreign application refers to U.S. utility patent application. Provisional applications, plant applications, design applications, reissue applications, reexamination proceedings, or applications subject to secrecy order are not within the scope of corresponding US application.

2. Documents to be submitted for examination under the TW-SUPA pilot program
(a) A request form indicates the Taiwan patent application number, as well as the country of the corresponding foreign application, its application number and filing date.
(b) A copy of proof of filing the corresponding foreign application
Proof of filing refers to a proof that indicates the corresponding application has been filed with the foreign Patent Office and a filing date and application number have been obtained. Also, this corresponding application has claimed the TW application for international priority.
Example of proof of filing could be the filing receipt issued by USPTO (see annex 1).
(c) Copies of at least two prior art references that the applicant thinks is most closely related to the invention, as well as reasons showing the claims to be patentable over each reference cited (see attachment 2 for example). If the reference is a patent document, submission is not necessary, as it is usually available to TIPO. If the reference is a non-patent literature, the applicant has to submit it. A translation of the reference is not necessary, but might be requested for submission shall the examiner finds it necessary.
(d) The request fee for TW-SUPA is NT$4,000.

3. Supplementary matters
(a) Number of applications examined monthly under the TW-SUPA pilot program
In order to balance the needs of the applicants and the restricted examination resources at TIPO, there is a limit on the number of applications to be examined monthly under the TW-SUPA pilot program for each technical field.
The limit for each technical field is:

(i) 8 applications per month for machinery (IPC fields of B and F) and daily commodities (IPC fields of A, D and E);

(ii) 4 applications per month for semiconductors (IPC fields H01L and H01S), information (IPC field G06), communication (IPC fields H03, H04 and G11C), electricity/measuring/lighting/storage (IPC fields G and H02), biotechnology and pharmaceutical (IPC fields C07 and C12), chemical engineering (IPC field C for chemicals), and photoelectric and display (IPC fields G02F and G09G).

(b) Number of requests submitted by an applicant yearly
To give all applicants an equal opportunity for participation in the TW-SUPA pilot program, and to prevent applicants from filing a request for all qualified applications without first screening the applications cautiously, each applicant\(^1\) is limited to submit a maximum of 8 requests a year.

(c) Updating statistics periodically online
To facilitate evaluation of TW-SUPA requests in TIPO, TIPO will update on its official website periodically\(^2\) the number of TW-SUPA requests submitted for each technical field, the number of applications qualified for participation in the TW-SUPA pilot program, and the expected date of an office action to be issued for the last application pending for examination under the TW-SUPA pilot program in each technical field.

4. Procedures for examination under the TW-SUPA pilot program
The applicant must complete a request form and submit all required documents along with NT$4,000 request fee. If the TW invention application is not laid-open at the time of request, the applicant must request her/his application to be published early and an early publication request fee of NT$1,000 must be included with the TW-SUPA request fee.

If the application satisfies all requirements and all required documents are submitted, TIPO will notify the applicant that the application will be examined under TW-SUPA pilot program and an expected date of an office action to be issued will be provided (see attachment 3 for the calculation method of the expected date of an office action to be issued).

The applicant may request for withdrawal from this program within a month of receiving the expected date notification; TIPO will refund the NT$4,000 request fee for TW-SUPA.

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\(^1\) When an application has more than two applicants, each would be counted separately; at least one applicant in each application must not have reached the maximum 8 applications limit.

\(^2\) In principle, twice a month, but could be adjusted accordingly depending on the filing situation.
If the application does not qualify for participation in the TW-SUPA pilot program, the applicant will be notified accordingly to perfect the request. If not perfected, the application will await action in its regular turn.
Attachment 1: A copy of proof of filing the corresponding foreign application

Example: filing receipt issued by USPTO

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**FILING RECEIPT**

4743
MERRILL, GERSTEIN & BOYUM LLP
230 S. WACKER DRIVE, SUITE 6000
SEARS TOWER
CHICAGO, IL 60606

Date Mailed: 06/19/2008

Receipt is acknowledgment of this provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections.

Applicant(s):

Hyun Jo Yang, Cheongju-si, KOREA, REPUBLIC OF;

Assignment For Published Patent Application:

HYUNIX SEMICONDUCTOR INC., Inc., Seoul-si, KOREA, REPUBLIC OF

Power of Attorney: The patent practitioners associated with Customer Number 04743.

Foreign Applications:


If Required, Foreign Filing License Granted: 06/17/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/133,570.

Projected Publication Date: 04/30/2009

Non-Publication Request: No

Early Publication Request: No
Attachment 2: Copies of at least two prior art references that the applicant thinks is most closely related to the invention, as well as reasons showing the claims to be patentable over each reference cited

一、最接近本發明之先前技術:

1. TW 200600001 A 2006/06/16

二、請求項具可專利性之理由:

(先前技術 1)

本案請求項第 1 項獨立項所述裝置，其在側踏板底部設有軌槽，而先前技術 1<記載段落與圖式>中揭示之裝置則無此軌槽之設置，故本案請求項第 1 項所請裝置相較於先前技術 1 具有新穎性，且該軌槽之設置，具有<簡述對於本項所屬技術領域中具通常知識者而言非能輕易完成之理由>，故本案請求項相較於先前技術 1，非為該發明屬技術領域中具通常知識者依申請前之先前技術，所能輕易完成者，具有進步性。本案請求項第 2 至 10 項所附加之技術特徵均限縮在請求項第 1 項之範圍，故其附屬項第 2 至 10 項亦具有進步性。

(先前技術 2)

本案請求項第 1 項獨立項所述裝置，其在側踏板底部設有軌槽，而先前技術 2<記載段落與圖式>中揭示之裝置則無此軌槽之設置，故本案請求項第 1 項所請裝置相較於先前技術 1 具有新穎性，且該軌槽之設置，具有<簡述對於本項所屬技術領域中具通常知識者而言非能輕易完成之理由>，故本案請求項相較於先前技術 2，非為該發明属技術領域中具通常知識者依申請前之先前技術，所能輕易完成者，具有進步性。本案請求項第 2 至 10 項所附加之技術特徵均限縮在請求項第 1 項之範圍，故其附屬項第 2 至 10 項亦具有進步性。
**Attachment 3: Calculation method of the expected date of an office action to be issued**

In principle, the expected date of an office action (notification of reason for refusal or decision to grant a patent) to be issued is six months after the day which the application satisfies all requirements and all required documents are submitted to TIPO.

When the number of applications qualified for participation in the TW-SUPA pilot program in each field exceeds its maximum quota of applications to be examined under the TW-SUPA pilot program per month, processing of the excess applications will be postponed to the following month(s). Therefore, the actual amount of time it takes to issue an office action would be six months after the day which the application satisfies all requirements and all required documents are submitted to TIPO, plus the number of months waiting in turn for processing.

The number of waiting months is the pending order of the application in its technical field divided by the number of applications to be examined per month in the technical field, whose quotient is then rounded up to the nearest digit and subtract 1.

**Example 1:**
The applicant submitted the request for TW-SUPA on April 25, 2012 under the technical field of machinery. If there are no pending requests from the previous month(s) for that technical field, and the current request is the 8th request TIPO received for the month of April for that technical field, then TIPO would notify the applicant that the expected date of an office action to be issued is October 25, 2012 (April 25 + 6 months = October 25)

**Example 2:**
The applicant submitted the request for TW-SUPA on April 25, 2012 under the technical field of information. There are 6 pending requests from the previous month(s) for that technical field, and the current request is the 8th request TIPO received for the month of April for that technical field, then TIPO would notify the applicant that the expected date of an office action to be issued is January 25, 2013 (waiting months (6+8)/4= 3.5→ 4, 4-1= 3; hence the request is scheduled to begin examination procedure in July. In other words, submission date of April 25 + 3 months waiting + 6 months regular processing time= January 25, 2013).