

Adjust JP OA Timing For Obtaining Valid US and / or JP Patents



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Issues Addressed

JPO does not find English prior art very well.
USPTO does not find Japanese prior art very well. Both English and Japanese prior art is abundant.

→ Patents are Often Invalid.

Not Best Worded

Q1. Is IDS possible in JP?



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YES. Prior Art Can Be Informed to JPO.

No Duty, No Specific Procedure, But:
The List of Prior Art Can Be Added to the Spec.

- List Prior Art Cited or Submitted in the US.
- Let Examiner Consider Them.
- Solid Patents



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Which Should Be Examined First, US or JP?

Examined in US First → Solid JP Patent

Examined in JP First → Solid US Patent

Q2. Can we choose the order?



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YES. OA Timing Is Adjustable in JP

3 Years to Request for Examination from JP Filing Date
2 More Years for the First OA (Typically)

When Accelerated ... 2 to 6 Months to the First OA
Acceleration Fee ... Only About \$500 (60,000 JPY)*

* If any search report or official action is available.
Request for Examination is About \$1500 to \$2500.



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Suggestion 1 : For Solid US Patents

JP Accelerate Examination.



US Submit Prior Art Found in
JP Examination.



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Suggestion 2 : For Solid JP Patents

In JP

File Later
Defer Request for Examination.
List Prior Art Cited or Submitted in US.

Q3. Can we make both US & JP solid?

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YES: Suggestion 3 For Solid US and JP Patents

US If PCT, Nationalize Earlier For Earlier OA
↓
JP File Later, within Priority Period
| Defer Request for Exam. Until US OA is Issued.
| List Prior Art Cited or Submitted in US.
| Amend Claims by Preliminary Amendment. (Following Slides)
| Accelerate Examination.
↓
US After the OA(s), Delay the Responses and Issue Fee Payments
Until JP OA is issued.
Submit Prior Art Found in JP.

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Preliminary Amendment For Better Synchronization

Vague Claims, Broad Claims
→ Less Relevant Citation
→ Important Citation is Issued Later.
↓
Preliminary Amendment
For Better Synchronization

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CONCLUSION

**Adjust JP OA Timing to Obtain
Valid US and / or JP Patents, Utilizing:**

Deferral of the Examination,
Information Listing,
Preliminary Amendment, and
Acceleration of the Examination.

We would welcome your comments.
Thank you.

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