

Topics	Updates
<p>(i) certain aspects of the applicable national or regional patent law, related to prior art, novelty, inventive step (non-obviousness), grace period, sufficiency of disclosure, exclusions from patentable subject matter and/or exceptions and limitations of the rights, available at: http://www.wipo.int/scp/en/annex_ii.html;</p>	<p>On these topics, the U.S. provided a 2022 update to WIPO entitled “Certain Aspects of National Patent Laws – Research on US Law” (see attached email). Some of the updated information was added to WIPO’s website, in charts dated June 2022. However, the charts do not appear to reflect all of the updated information. We would suggest including all of the updated information in the charts at your earliest convenience.</p>
<p>(ii) national and regional laws on opposition systems and other administrative revocation and invalidation mechanisms, available at: http://www.wipo.int/scp/en/revocation_mechanisms/;</p>	<p>In June 2021, the USPTO implemented an interim process that allows a party to request review by the Director of the USPTO of a Patent Trial and Appeal Board (PTAB) final written decision in <i>inter partes</i> review (IPR) or post-grant review proceedings, and also provides the Director the option to <i>sua sponte</i> initiate the review of any PTAB decisions (at the Director's discretion). Until the process is formalized, the existing, interim Director review process will remain in place. The interim process has allowed the USPTO to quickly and efficiently implement United States v. Arthrex, Inc., a 2022 U.S. Supreme Court case holding that the PTAB’s final decisions must be subject to review by the Director. See <i>United States v. Arthrex, Inc.</i>, 141 S. Ct. 1970, 1986 (2021).</p>
<p>(iii) international worksharing and collaborative activities for search and examination of patent applications, available at: http://www.wipo.int/patents/en/topics/worksharing/; and</p>	<p>The USPTO enters into patent worksharing arrangements with foreign IP offices to improve patent examination efficiency and facilitate cooperation within the global patent system. Patent worksharing permits IP offices to collaborate in the examination of commonly filed patent applications. The USPTO has various patent worksharing arrangements, including the Patent Prosecution Highway, Accelerated Patent Grant, Parallel Patent Grant, PCT Collaborative Search and Examination Pilot, and Expanded Collaborative Search Pilot. More information on this topic is available here.</p>

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<p>(iv) compilation of laws and practices regarding the scope of client attorney privilege and its applicability to patent advisors, available at: https://www.wipo.int/scp/en/confidentiality_advisors_clients/national_laws_practices.html.</p>	<p>A previous U.S. update on this issue, addressing attorney-client privilege for trials before the PTAB in the USPTO, referenced administrative amendments that entered into force on December 7, 2017. Those amendments appear at 37 CFR § 42.57 (not 37 § CFR 43 as previously indicated).</p>