

Measures for Accelerating the Examination of Cases Concerning Invalidation by the Patent Reexamination Board

The present Measures are enacted in order to cooperate with the proceedings of an administrative penalty case or a litigation case concerning patent infringement dispute and to accelerate the examination of the relevant case concerning a request for invalidation.

1. Where a petitioner, when submitting a request for invalidation, attaches the certifying documents indicating that the case concerning patent infringement dispute has been accepted by the patent administrative department or the People's Court, such request shall be accepted by the Patent Reexamination Board in time.

2. For the case concerning invalidation that has been accepted by the Patent Reexamination Board but is not concluded yet, any of the following entities may file a request before the Patent Reexamination Board for accelerating the examination:

2.1. the patent administration departments as prescribed by Rule 78 of *the Implementing Regulations of the Patent Law of the People's Republic of China*.

2.2. the People's Courts that have the power to hear the patent infringement cases; and

2.3. the other entities whose entrustments the Patent Reexamination Board think should be accepted .

3. Where an entity requests the Patent Reexamination Board

to accelerate the examination, it shall file a request before the Patent Reexamination Board. The request shall conform to the format of the special forms prescribed by the Patent Reexamination Board, indicate the patent number of the case and the number of the case concerning invalidation, state the reasons, attach the certifying documents indicating that the entity that made the request has accepted the case concerning patent infringement dispute, and submit the relevant evidence materials if necessary.

4. The Filing and Flow Management Department of the Patent Reexamination Board may accept the request for accelerating the examination. Where the requirements for accelerating the examination have been met after approval, the Patent Reexamination Board shall handle the relevant case in an accelerated manner.

5. The case concerning invalidation that meets the requirements for accelerating the examination shall be examined by the Patent Reexamination Board prior to the other cases. Where a panel is not established yet, the Patent Reexamination Board shall establish it immediately. After the examination is accelerated and an examination decision is made, the panel shall transfer the examination decision to the entity that made the request for accelerating the examination.

6. The Patent Reexamination Board shall be responsible for the interpretation of the Measures.

7. The Measures will take effect as of the date of promulgation.