

Procedures to File a Request to the Korean Intellectual Property Office for Patent Prosecution Highway Pilot Program between the Korean Intellectual Property Office and the Austrian Patent Office

The pilot program consists of 2 sub-units: Patent Prosecution Highway using the national work products (PPH) and Patent Prosecution Highway using the Patent Cooperation Treaty work products (PCT-PPH). The pilot period will commence on March 1, 2013 for a duration of two years and ending on February 28, 2015. The pilot period may be extended if necessary until the Korean Intellectual Property Office (KIPO) and the Austrian Patent Office (APO) receive the sufficient number of APO PPH/PCT-PPH requests to adequately assess the feasibility of PPH/PCT-PPH program.

The Offices may also terminate the pilot program if the volume of participation exceeds manageable level, or for any other reason. Ex Ante notice will be published if the pilot program is terminated.

Part I

PPH using the national work products from the APO

Applicants can request accelerated examination by a prescribed procedure including submission of relevant documents on an application which is filed with the KIPO and satisfies the following requirements under the KIPO-APO PPH pilot program based on the APO application.

When filing a request for the PPH pilot program, an applicant must submit a request form "Request for Accelerated Examination under the Patent Prosecution Highway" to the KIPO.

1. Requirements

(a) *The KIPO application (including PCT national phase application) is*

(i) *an application which validly claims priority under the Paris Convention to the APO application(s) (examples are provided in ANNEX I, Figure A, B, C, F, G and H), or*

(ii) *a PCT national phase application without priority claim (examples are provided in ANNEX I, Figure I), 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 I, Figure J, K and L).*

The KIPO application, which validly claims priority to multiple APO or direct 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.

(b) At least one corresponding application exists in the APO and has one or more claims that are determined to be patentable/allowable by the APO.

The corresponding application(s) can be the application which forms the basis of the priority claim, an application which derived from the APO application which forms the basis of the priority claim (e.g., a divisional application of the APO application or an application which claims domestic priority to the APO application (see Figure C and G in ANNEX I)), or an APO national phase application of a PCT application (see Figures H, I, J, K and L in ANNEX I).

Claims are “determined to be patentable/allowable” when the APO examiner explicitly identified the claims to be patentable/allowable in the latest office action, even if the application is not granted for patent yet.

The office action includes:

- (1) Decision to grant a patent (“Erteilungsbeschluss”)
- (2) First/Second/Third/...Office Action (“Vorbescheid”)

Claims are also “determined to be patentable/allowable” in the following circumstances: If the APO office action does not explicitly state that a particular claim is patentable/allowable, the applicant must include an explanation accompanying the request for participation in the PPH pilot program that no rejection has been made in the APO office action regarding that claim, and therefore, the claim is deemed to be patentable/allowable by the APO.

(c) All claims in the KIPO application (for which an accelerated examination under the PPH pilot program is requested), as originally filed or as amended, must sufficiently correspond to one or more of those claims determined to be patentable/allowable in the APO.

Claims are considered to “sufficiently correspond” where, accounting for differences due to translations and claim format, the claims in the KIPO are of the same or similar scope as the claims in the APO, or the claims in the KIPO are narrower in scope than the claims in the APO.

In this regard, a claim that is narrower in scope occurs when an APO claim is amended to be further limited by an additional technical feature that is supported in the specification (description and/or claims).

A claim in the KIPO which introduces a new/different category of claims to those claims determined to be patentable/allowable in the APO is not considered to sufficiently correspond. For example, the APO claims only contain claims to a process of manufacturing a product, then the claims in the KIPO are not considered to sufficiently

correspond if the KIPO claims introduce product claims that are dependent on the corresponding process claims.

It is not necessary to include “all” claims determined to be patentable/allowable in the APO in an application in the KIPO (the deletion of claims is allowable). For example, in the case where an application in the APO contains 5 claims determined to be patentable/allowable, the application in the KIPO may contain only 3 of these 5 claims.

Refer to ANNEX II for the cases which are considered to “sufficiently correspond” and the cases which are not considered to “sufficiently correspond”.

Any claims amended or added after the grant of the request for participation in the PPH pilot program need to sufficiently correspond to the claims indicated as patentable/allowable in the APO application.

(d) A “Request for Examination” must have been filed.

The request for accelerated examination under the PPH must be accompanied by, or preceded by a request for examination.

The request for accelerated examination under the PPH may be filed not only when examination has not begun, but also when examination has already begun.

2. Documents to be submitted

Documents (a) to (d) below must be submitted by attaching to “Request for Accelerated Examination under the Patent Prosecution Highway”.

Note that even when it is not needed to submit documents below, the name of the documents must be listed in “Request for Accelerated Examination under the Patent Prosecution Highway” (Please refer to the example form below for the detail).

(a) Copies of all office actions (which are relevant to substantial examination for patentability in the APO), which were sent for the corresponding application by the APO and translations of thereof

Either Korean or English is acceptable as translation language. Machine translations will be admissible. But if it is impossible for the examiner to understand the translated office actions, the examiner may request the applicant to resubmit translations.

It is not required to submit the office actions and translations thereof when those documents are available via Dossier Access System (DAS) of APO.

(b) Copies of all claims determined to be patentable/allowable by the APO and

translations thereof

Either Korean or English is acceptable as translation language. Machine translations will be admissible. But if it is impossible for the examiner to understand the translated claims, the examiner may request the applicant to resubmit translations.

It is not required to submit the claims and translations thereof when those documents are available via Dossier Access System (DAS) of APO.

(c) *Copies of references cited by the APO examiner*

Reference documents which are not relevant to the reasons for refusal stated in the office action are not required to be submitted.

If the references are patent documents, the applicant is not required to submit them. When the KIPO does not possess the patent documents, the applicant has to submit the patent documents at the examiner's request. Non-patent documents must always be submitted. The translations of the references are unnecessary.

(d) *Claim correspondence table*

The applicant requesting for PPH must submit a claim correspondence table, which indicates how all claims of the KIPO application sufficiently correspond to the patentable/allowable claims of the APO application.

When claims are just literal translations, the applicant can just write down that "they are the same" in the table. When claims are not just literal translation, it is required to explain the sufficient correspondence of each claim based on the criteria 1.(c) (Please refer to the example form below and ANNEX II).

3. Example of "Request for Accelerated Examination under the Patent Prosecution Highway" for filing request of an accelerated examination under the PPH pilot program

(a) *Circumstances*

When an applicant files a request for participation in the PPH pilot program to the KIPO, an applicant must submit a request form "Request for Accelerated Examination under the Patent Prosecution Highway".

The applicant must indicate that the application is included in (i) to (iii) of 1.(a), and that the accelerated examination is requested under the PPH pilot program. The application number of the corresponding APO application(s) also must be written.

In the case that the application which has one or more claims that are determined to be

patentable/allowable is different from the APO application(s) included in (i) to (iii) of 1.(a) (for example, the divisional application of the basic application), the application number of the application(s) which has claims determined to be patentable/allowable and the relationship between those applications also must be explained.

(b) Documents to be submitted

The applicant must list all required documents mentioned above 2. in an identifiable way, even when the applicant is exempted to submit certain documents.

(c) Notice

An applicant can file the "Request for Accelerated Examination under the Patent Prosecution Highway" to the KIPO through either paper-based or on-line procedures.

4. Procedure for the accelerated examination under the PPH

The KIPO decides whether the application can be entitled to the status for an accelerated examination under the PPH when it receives a request with the documents stated above. When the KIPO decides that the request is acceptable, the application is assigned a special status for an accelerated examination under the PPH.

In those instances where the request does not meet all the requirements set forth above, the applicant will be notified and the defects in the request will be identified. The applicant will be given opportunity to perfect the request. If not perfected, the applicant will be notified and the application will await action in its regular turn. Then the applicant may resubmit the request.

The KIPO will not notify the applicant of the acceptance for assigning a special status for accelerated examination under the PPH, but instead applicant may recognize it by the reception of an office action resulting from accelerated examination.

Example form of Request for Accelerated Examination under the Patent Prosecution Highway
(consists of 2 Forms: Request for Accelerated Examination and Explanation of Request for Accelerated Examination under the Patent Prosecution Highway)

【서류명】 심사청구(우선심사신청)서 (Form of Request for Accelerated Examination)

【구분】 우선심사신청 (Request for Accelerated Examination)

【제출인】 (Subscriber)

【명칭】 (Name)

【출원인코드】 (Subscriber ID)

【사건과의 관계】 (Relation)

【대리인】 (Agent)

【성명】 (Name)

【대리인코드】 (Agent ID)

【포괄위임등록번호】 (Mandating Registration ID)

【사건의 표시】 (Application)

【출원번호】 (Application Number)

【발명의 명칭】 (Title)

【수수료】 (Fee)

【우선심사 신청료】 (Fee for Accelerated Examination)

【수수료 자동납부번호】 (Automated Fee Transfer ID)

【취지】 (Purpose)

【첨부서류】 (Attachment) (Explanation of Request for Accelerated Examination under the Patent Prosecution Highway)

【서류명】 특허심사하이웨이(PPH)에 의한 우선심사신청설명서

(Explanation of Request for Accelerated Examination under the Patent Prosecution Highway)

【대상국가】 (Office of First Filing)

【본원출원번호】 (Application Number)

【대응출원번호】 (Application Number of Corresponding Application)

【본원출원과 대응출원의 관계】 (Relation of the Corresponding Application)

【제출서류】 (Required Documents)

【특허가능하다고 판단된 특허청구범위】 (Patentable Claims in OFF)

【서류명 및 제출(발행)일】 (Issue Date)

【서류제출여부】 (Submit, Y/N)

【제출생략 이유】 (Reasons of Exemption)

【번역문제출여부】 (Submit Translations, Y/N)

【제출생략 이유】 (Reasons of Exemption for Translations)

【심사관련통지서】 (Office Action in OFF)

【서류명 및 통지일】 (Issue Date)

【서류제출여부】 (Submit, Y/N)

【제출생략 이유】 (Reasons of Exemption)

【번역문제출여부】 (Submit Translations, Y/N)

【제출생략 이유】 (Reasons of Exemption for Translations)

【심사단계에서 인용된 선행기술문헌】 (Prior Arts cited in the Office Action of OFF)

【명칭】 (Title)

【제출여부】 (Submit, Y/N)

【제출생략 이유】 (Reasons of Exemption)

【청구항간 대응관계설명표】 (Claim Correspondence Table)

본원출원의 청구항 번호 (Claim Number)	대응출원에서 특허가능하다고 판단한 청구항 번호 (Claim Number of OFF)	대응관계 설명 (Correspondence)

Part II

PPH using the PCT international work products from the APO

Applicants can request accelerated examination by a prescribed procedure including submission of relevant documents on an application which is filed with the KIPO and satisfies the following requirements under the KIPO-APO PCT-PPH pilot program.

When filing a request for the PCT-PPH pilot program, an applicant must submit a request form "Request for Accelerated Examination under the PCT-PPH" to the KIPO.

1. Requirements

The application which is filed with the KIPO and on which the applicant files a request for the PCT-PPH must satisfy the following requirements:

- (a) *The latest work product in the international phase of a PCT application corresponding to the application ("international work product"), namely the Written Opinion of International Search Authority (WO/ISA), the Written Opinion of International Preliminary Examination Authority (WO/IPEA) or the International Preliminary Examination Report (IPER), indicates at least one claim as patentable/allowable (from the aspect of novelty, inventive steps and industrial applicability).***

Note that the ISA and the IPEA which produced the WO/ISA, WO/IPEA and the IPER are limited to the KIPO or the APO, but, if priority is claimed, the priority claim can be to an application in any Office, see example A' in ANNEX II (application ZZ can be any national application).

The applicant cannot file a request for PCT-PPH on the basis of an International Search Report (ISR) only.

In case any observation is described in Box VIII of WO/ISA, WO/IPEA or IPER which forms the basis of a PCT-PPH request, the applicant must explain why the claim(s) is/are not subject to the observation irrespective of whether or not an amendment is submitted to correct the observation noted in Box VIII. The application will not be eligible for participating in PCT-PPH pilot program if the applicant does not explain why the claim(s) is/are not subject to the observation. In this regard, however, it does not affect the decision on the eligibility of the application whether the explanation is adequate and/or whether the amendment submitted overcomes the observation noted in Box VIII.

- (b) *The relationship between the application and the corresponding international***

application satisfies one of the following requirements:

- (i) The application is a national phase application of the corresponding international application. (See Figures A, A', and A'' in ANNEX II)**
 - (ii) The application is a national application as a basis of the priority claim of the corresponding international application. (See Figure B in ANNEX II)**
 - (iii) The application is a national phase application of an international application claiming priority from the corresponding international application. (See Figure C in ANNEX II)**
 - (iv) The application is a national application claiming foreign/domestic priority from the corresponding international application. (See Figure D in ANNEX II)**
 - (v) The application is the derivative application (divisional application and application claiming domestic priority etc.) of the application which satisfies one of the above requirements (i) – (iv). (See Figures E1 and E2 in ANNEX II)**
- (c) All claims on file, as originally filed or as amended, for examination under the PCT-PPH must sufficiently correspond to one or more of those claims indicated to be patentable/allowable in the latest international work product of the corresponding international application.**

Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims of the application are of the same or similar scope as the claims indicated to be patentable/allowable in the latest international work product, or the claims of the application are narrower in scope than the claims indicated to be patentable/allowable in the latest international work product.

In this regard, a claim that is narrower in scope occurs when a claim indicated to be patentable/allowable in the latest international work product is amended to be further limited by an additional feature that is supported in the specification (description and/or claims) of the application.

A claim of the application which introduces a new/different category of claims to those claims indicated to be patentable/allowable in the latest international work product is not considered to sufficiently correspond. For example, the claims indicated to be patentable/allowable in the latest international work product only contain claims to a process of manufacturing a product, then the claims of the application are not considered to sufficiently correspond if the claims of the application introduce product claims that are dependent on the corresponding process claims.

It is not necessary to include "all" claims determined to be patentable/allowable in the corresponding international application in an application in the KIPO (the deletion of claims is allowable). For example, in the case where the corresponding international application contains 5 claims determined to be patentable/allowable, the application in the KIPO may

contain only 3 of these 5 claims.

Refer to ANNEX III for the cases which are considered to “sufficiently correspond” and the cases which are not considered to “sufficiently correspond”.

Any claims amended or added after the grant of the request for participation in the PCT-PPH pilot program need to sufficiently correspond to the claims indicated as patentable/allowable in the latest international work product

(d) A “Request for Examination” must have been filed.

The request for accelerated examination under the PCT-PPH must be accompanied by, or preceded by a request for examination.

The request for accelerated examination under the PCT-PPH may be filed not only when examination has not begun, but also when examination has already begun.

2. Documents to be submitted

Documents (a) to (d) below must be submitted by attaching to “Request for Accelerated Examination under the PCT-PPH”.

Note that even when it is not needed to submit documents below, the name of the documents must be listed in “Request for Accelerated Examination under the PCT-PPH” (Please refer to the example form below for the detail).

(a) A copy of the latest international work product of the corresponding international application which indicates the claims to be patentable/allowable, and translation thereof

Either Korean or English is acceptable as translation language. If it is impossible for the examiner to understand the translated international work product, the examiner may request the applicant to resubmit translations.

If the copy of the latest international work product and translation thereof are available via “PATENTSCOPE”¹ (e.g. the international Patent Gazette has been published), the applicant is not required to submit these documents, unless otherwise requested by the KIPO.

(b) Copies of all claims which are indicated to be patentable/allowable in the latest international work product of the corresponding international application, and translations thereof

Either Korean or English is acceptable as translation language. If it is impossible for the examiner to understand the translated claims, the examiner may request the applicant to

¹ <http://www.wipo.int/pctdb/en/index.jsp>

resubmit translations.

If the copies of all the claims which are indicated to be patentable/allowable and translation thereof are available via "PATENTSCOPE", the applicant is not required to submit this document unless otherwise requested by the KIPO.

(c) *Copies of references cited in the latest international work product of the corresponding international application*

Reference documents which are not relevant to negation of the patentability (novelty/inventive steps/industrial applicability) are not required to be submitted.

If the references are patent documents, the applicant is not required to submit them. When the KIPO does not possess the patent documents, the applicant has to submit the patent documents at the examiner's request. Non-patent documents must always be submitted. The translations of the references are unnecessary.

(d) *A claims correspondence table*

The applicant requesting for PCT-PPH must submit a claim correspondence table, which indicates how all claims of the KIPO application sufficiently correspond to the patentable/allowable claims of the corresponding international application.

When claims are just literal translations, the applicant can just write down that "they are the same" in the table. When claims are not just literal translation, it is required to explain the sufficient correspondence of each claim based on the criteria 1.(c) (Please refer to the example form below and ANNEX II).

3. Example of "Request for Accelerated Examination under the PCT-PPH" for filing request for an accelerated examination under the PCT-PPH pilot program

(a) *Circumstances*

The applicant must indicate that the application is included in (i) to (v) of 1.(b), and that the accelerated examination is requested under the PCT-PPH pilot program. The application number(s) of the corresponding international application(s) also must be written.

In case any observation is described in Box VIII of WO/ISA, WO/IPEA or IPER which forms the basis of a PCT-PPH request, the applicant must explain why the claim(s) is/are not subject to the observation.

(b) *Documents to be submitted*

The applicant must list all required documents mentioned above 2. in an identifiable way, even when the applicant is exempted to submit certain documents.

(c) Notice

An applicant can file the "Request for Accelerated Examination under the PCT-PPH" to the KIPO through either paper-based or on-line procedures.

4. Procedure for the accelerated examination under the PCT-PPH pilot program

The KIPO decides whether the application can be entitled to the status for an accelerated examination under the PCT-PPH when it receives a request with the documents stated above. When the KIPO decides that the request is acceptable, the application is assigned a special status for an accelerated examination under the PCT-PPH.

In those instances where the request does not meet all the requirements set forth above, the applicant will be notified and the defects in the request will be identified. The applicant will be given opportunity to perfect the request. If not perfected, the applicant will be notified and the application will await action in its regular turn. Then the applicant may resubmit the request.

The KIPO will not notify the applicant of the acceptance for assigning a special status for accelerated examination under the PCT-PPH, but instead applicant may recognize it by the reception of an office action resulting from accelerated examination.

**Example form of Request for Accelerated Examination under the PCT-PPH (consists of 2 Forms:
Request for Accelerated Examination and Explanation of Request for Accelerated Examination
under the PCT-PPH)**

【서류명】 심사청구(우선심사신청)서 (Form of Request for Accelerated Examination)

【구분】 우선심사신청 (Request for Accelerated Examination)

【제출인】 (Subscriber)

【명칭】 (Name)

【출원인코드】 (Subscriber ID)

【사건과의 관계】 (Relation)

【대리인】 (Agent)

【성명】 (Name)

【대리인코드】 (Agent ID)

【포괄위임등록번호】 (Mandating Registration ID)

【사건의 표시】 (Application)

【출원번호】 (Application Number)

【발명의 명칭】 (Title)

【수수료】 (Fee)

【우선심사 신청료】 (Fee for Accelerated Examination)

【수수료 자동납부번호】 (Automated Fee Transfer ID)

【취지】 (Purpose)

【첨부서류】 (Attachment) (Explanation of Request for Accelerated Examination under the
PCT-PPH)

【서류명】 PCT-PPH 에 의한 우선심사신청설명서

(Explanation of Request for Accelerated Examination under the PCT-PPH)

【대상국가】 (Office of First Filing)

【본원출원번호】 (Application Number)

【대응출원번호】 (Application Number of Corresponding Application)

【본원출원과 대응출원의 관계】 (Relation of the Corresponding Application)

【제출서류】 (Required Documents)

【신규성, 진보성 및 산업상 이용가능성이 모두 있다고 판단된 특허청구범위】

(Patentable Claims in view of Novelty, Inventive step and Industrial Applicability)

【서류명 및 제출(발행)일】 (Issue Date)

【서류제출여부】 (Submit, Y/N)

【제출생략 이유】 (Reasons of Exemption)

【번역문제출여부】 (Submit Translations, Y/N)

【제출생략 이유】 (Reasons of Exemption for Translations)

【국제조사 또는 국제예비심사 관련 통지서】 (International Work Product)

【서류명 및 통지일】 (Issue Date)

【서류제출여부】 (Submit, Y/N)

【제출생략 이유】 (Reasons of Exemption)

【번역문제출여부】 (Submit Translations, Y/N)

【제출생략 이유】 (Reasons of Exemption for Translations)

【국제조사 또는 국제예비심사에서 인용된 선행기술문헌】 (Prior Arts cited in WO/IPER)

【명칭】 (Title)

【제출여부】 (Submit, Y/N)

【제출생략 이유】 (Reasons of Exemption)

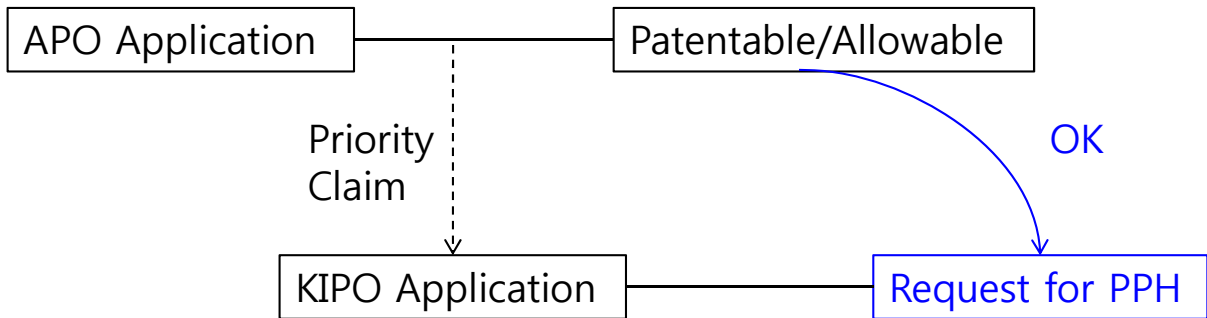
【청구항간 대응관계설명표】 (Claim Correspondence Table)

본원출원의 청구항 번호 (Claim Number)	대응출원에서 특허가능하다고 판단한 청구항 번호 (Claim Number of the Corresponding International Application)	대응관계 설명 (Correspondence)

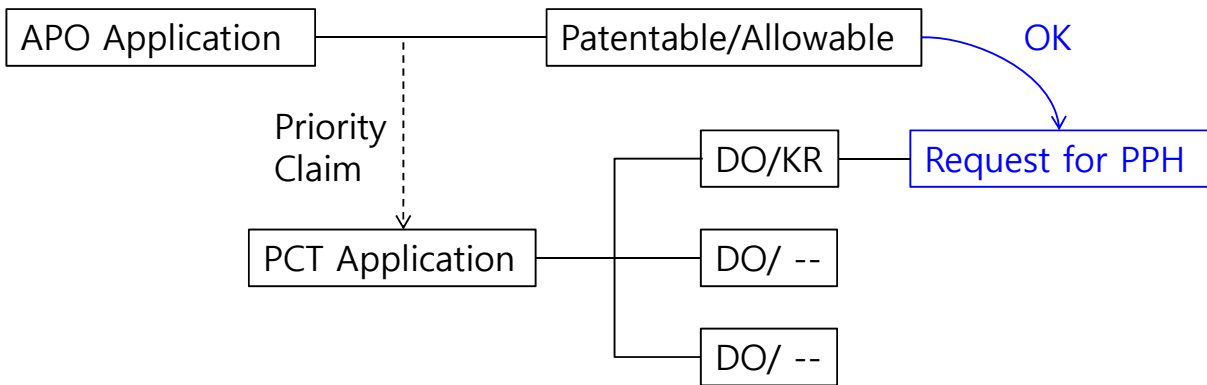
【국제출원에 관한 의견 관련 설명】

(Explanation for the Comments in Box VIII of the International Work Product)

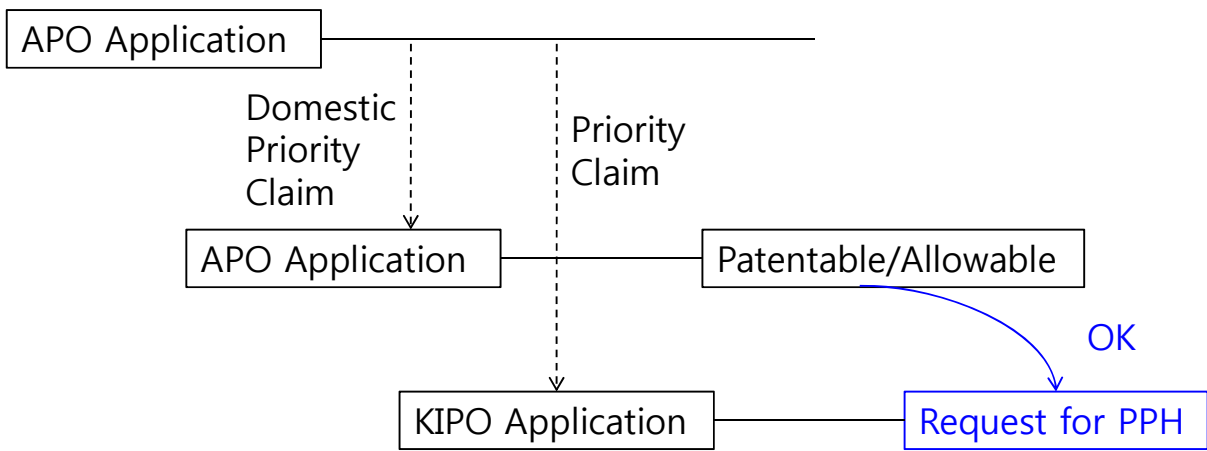
ANNEX I



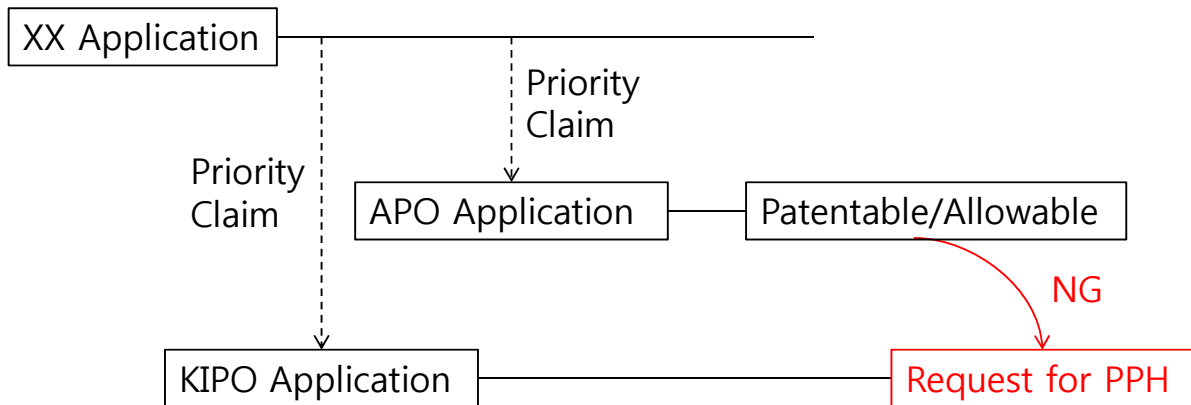
(A) A case meeting requirement (a)
- Paris Route



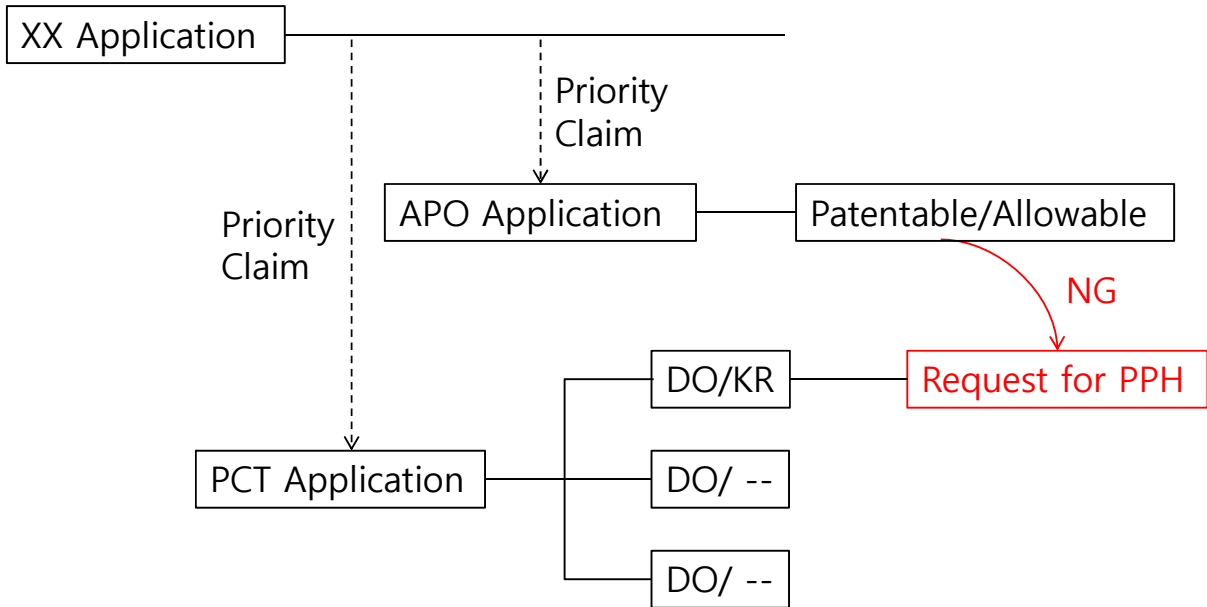
(B) A case meeting requirement (a)
- Paris Route and PCT Route



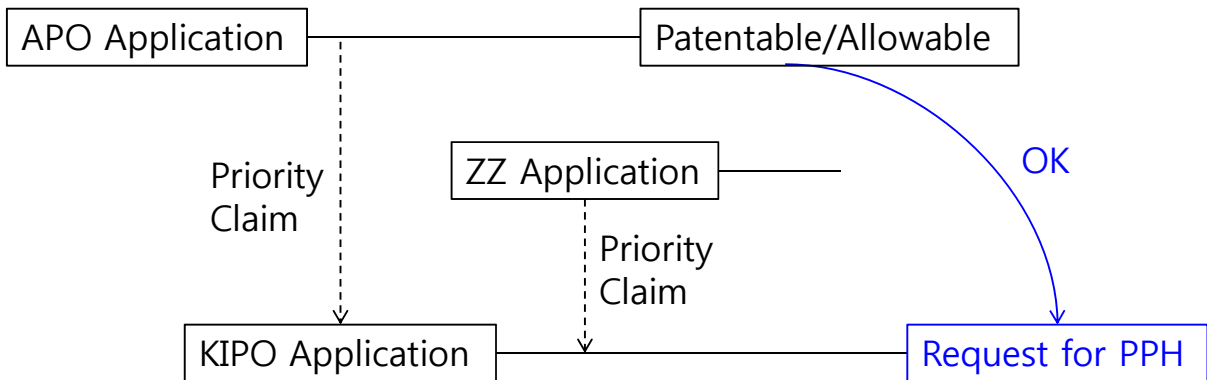
(C) A case meeting requirement (a)
- Paris Route and Domestic Priority



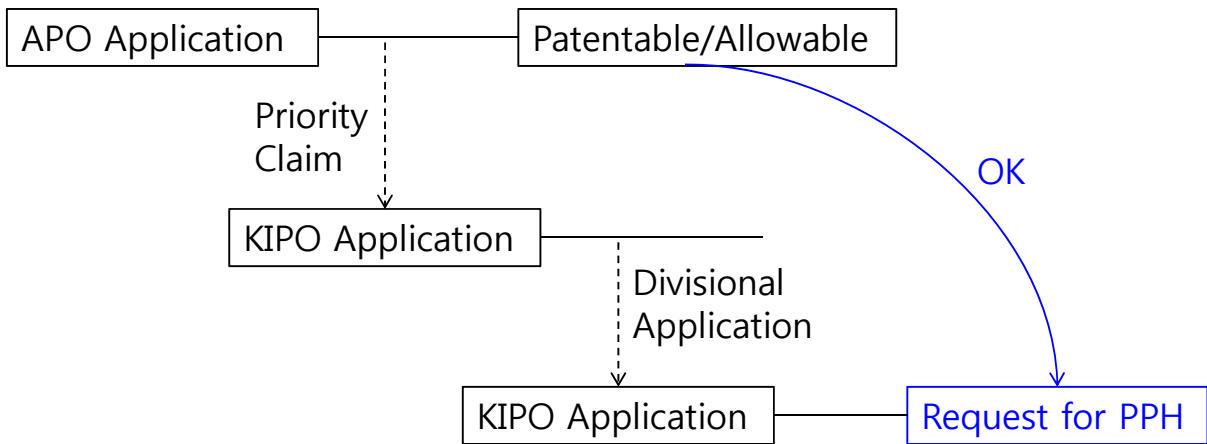
(D) A case not meeting requirement (a)
- Paris Route, but the first application is from the third country (XX)



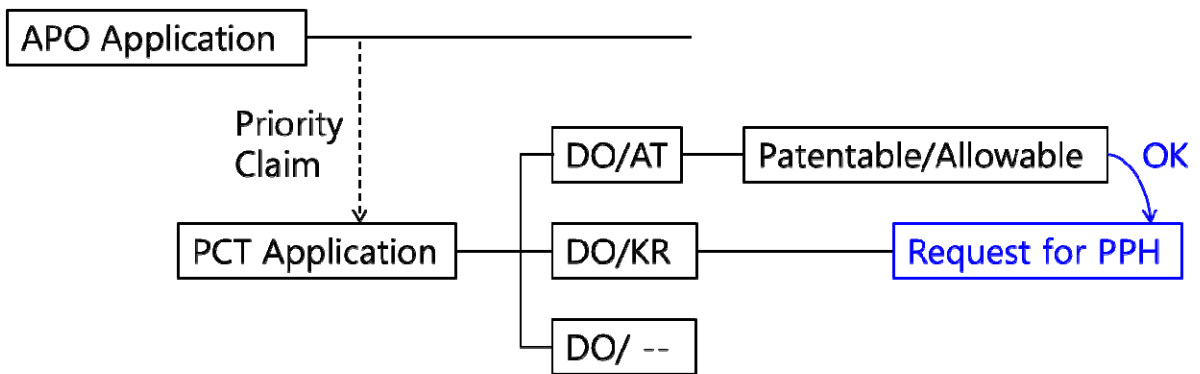
(E) A case not meeting requirement (a)
 - Paris Route and PCT Route,
 but the first application is from the third country (XX)



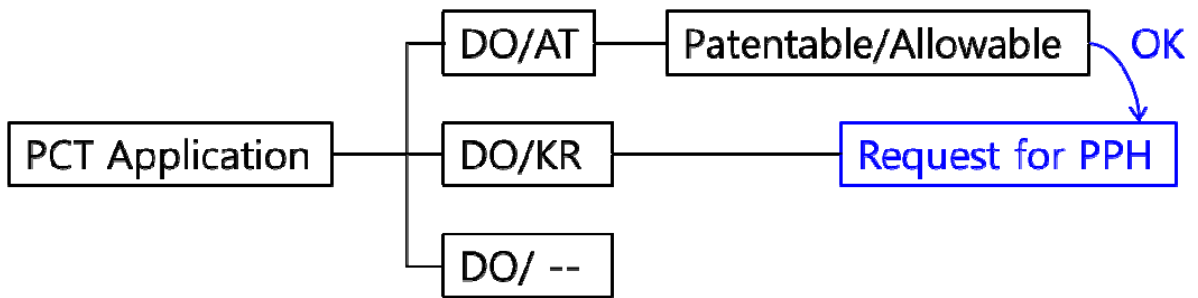
(F) A case meeting requirement (a)
 - Paris Route and Complex Priority from any Office (ZZ)



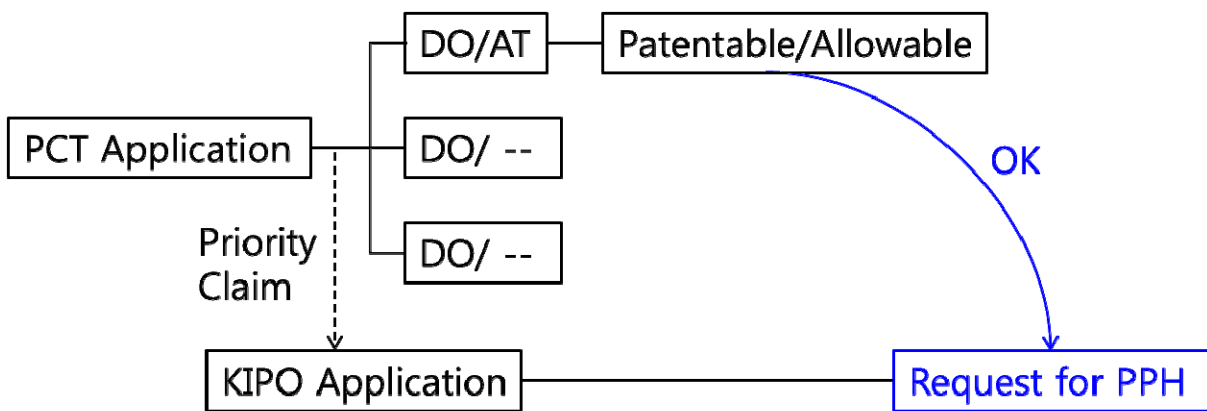
(G) A case meeting requirement (a)
 - Paris Route and Divisional Application



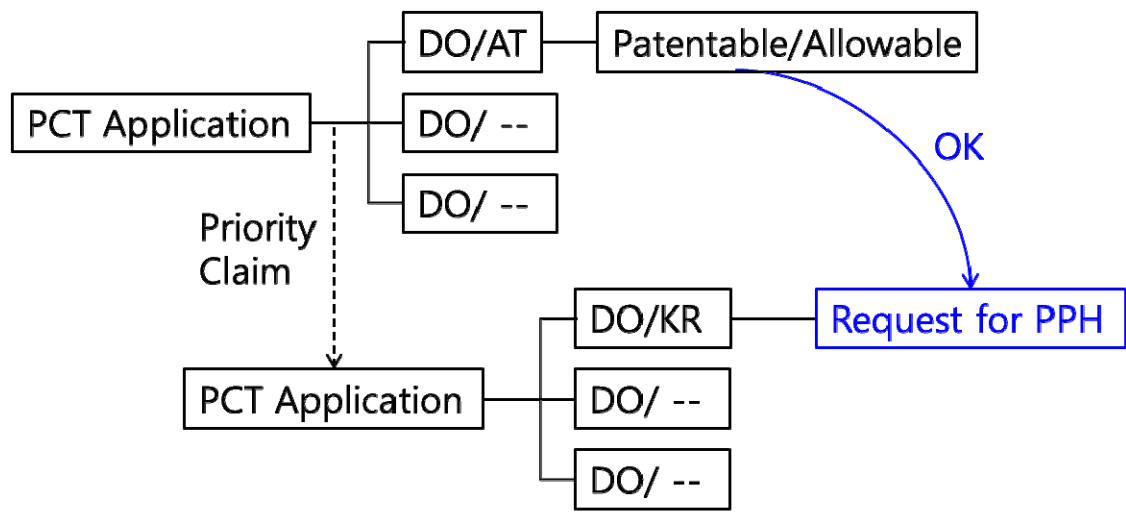
(H) A case meeting requirement (a)
 - Paris Route and Direct PCT Route



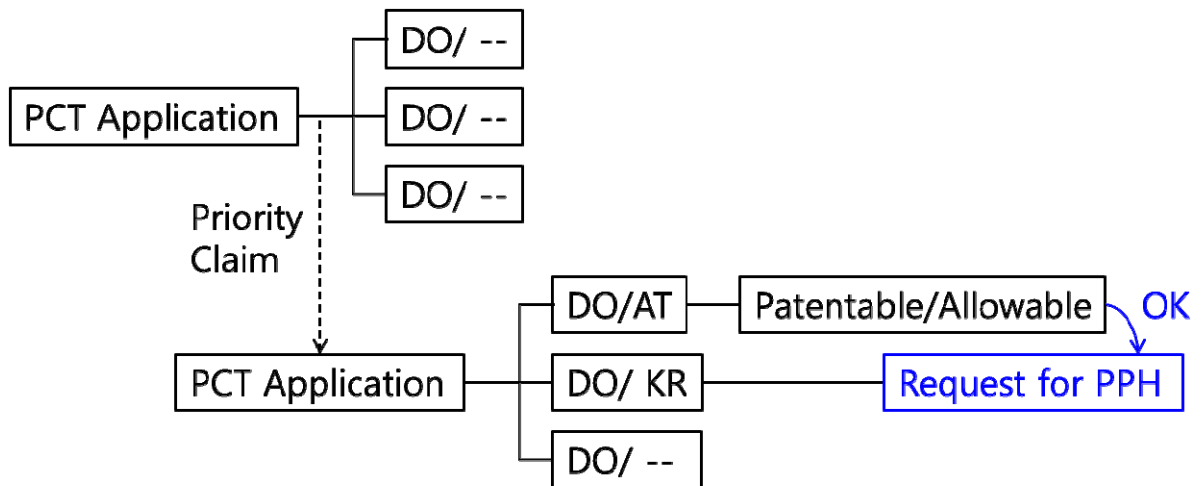
(I) A case meeting requirement (a)
- Direct PCT Route



(J) A case meeting requirement (a)
- PCT Route and Paris Route

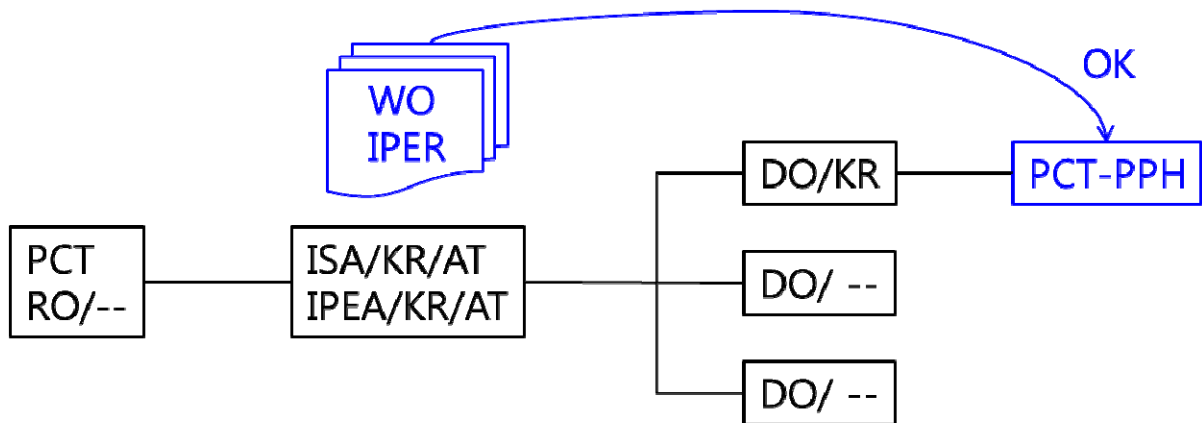


(K) A case meeting requirement (a)
- PCT Route and Paris Route

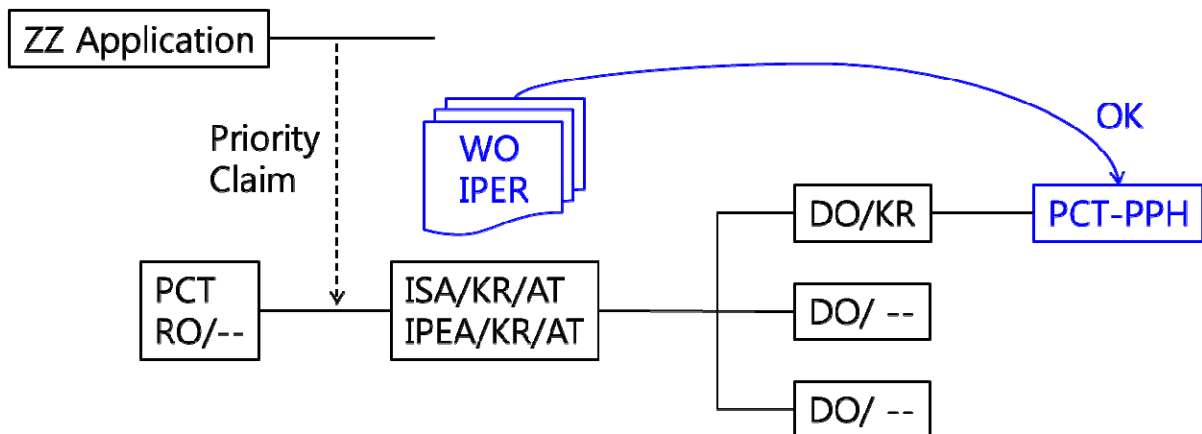


(L) A case meeting requirement (a)
- Paris Route and Direct PCT Route

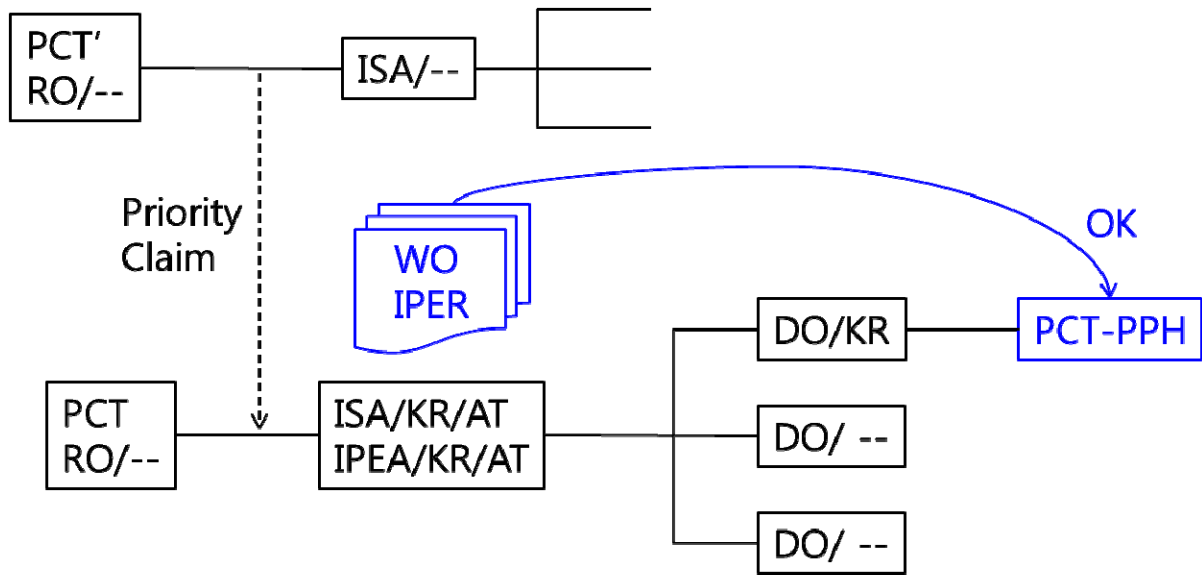
ANNEX II



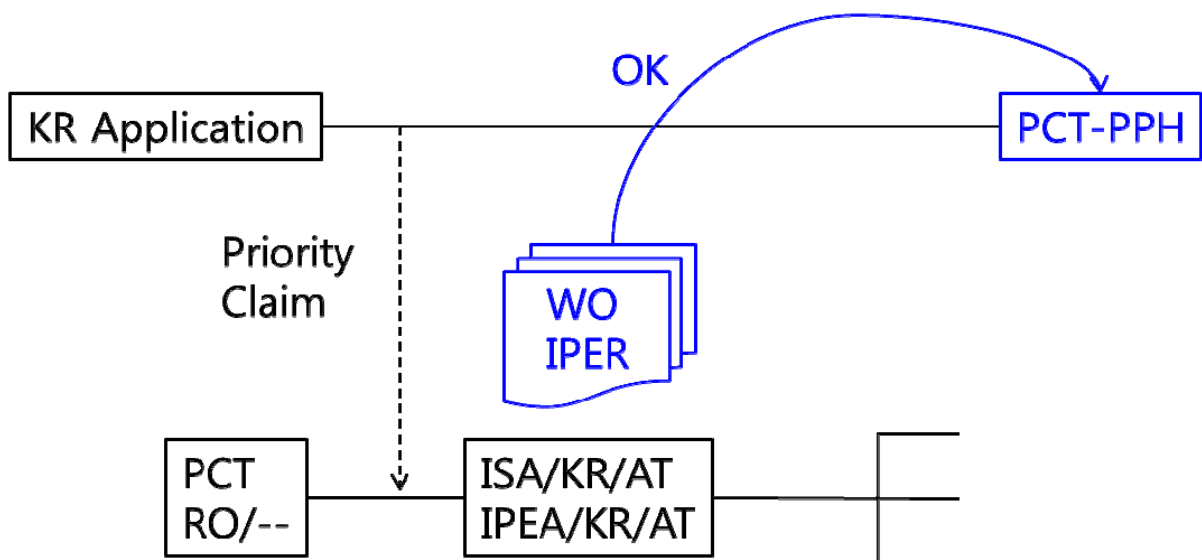
(A) The application is a national phase application of the corresponding PCT application.



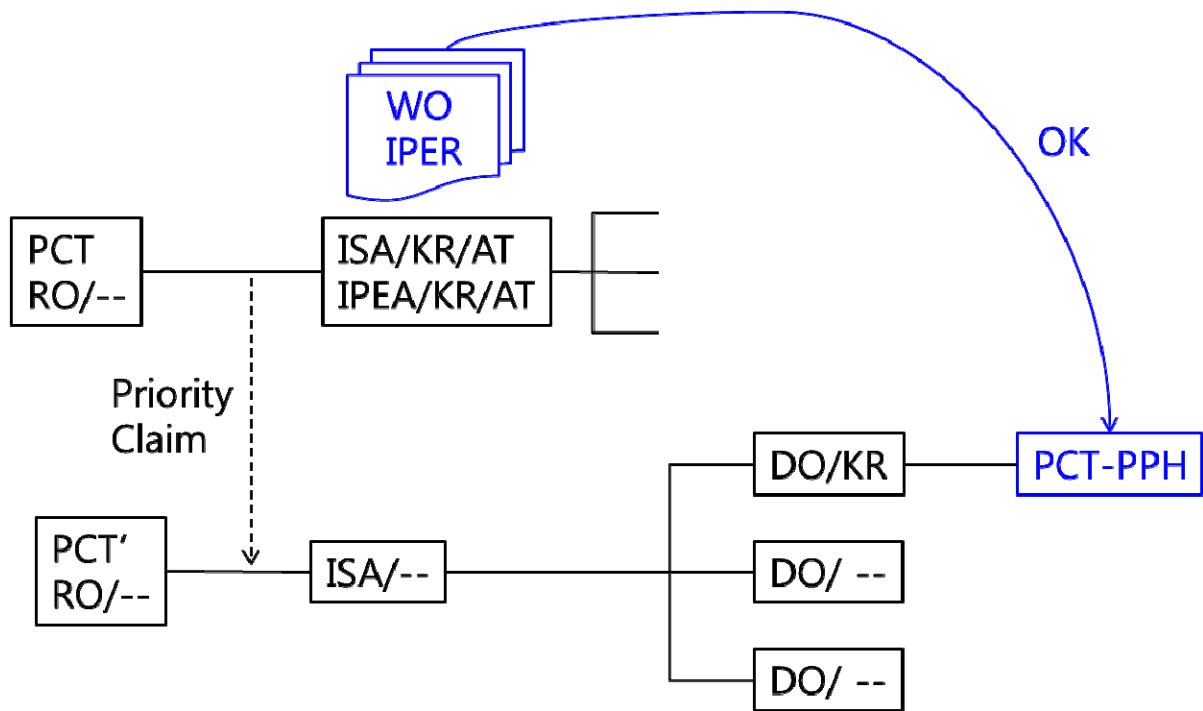
(A') The application is a national phase application of the corresponding PCT application.
(The corresponding PCT application claims priority to a national application filed anywhere.)



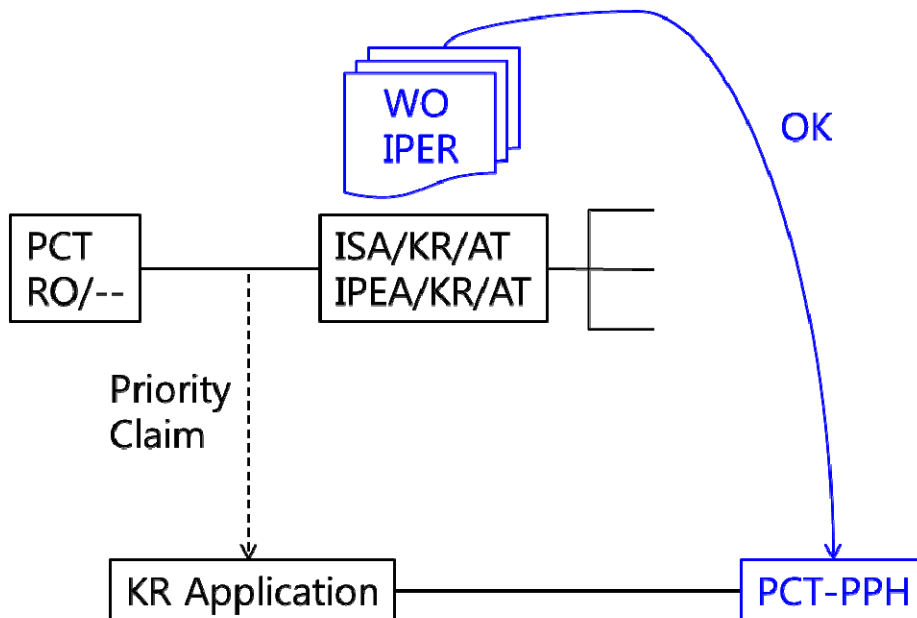
(A') The application is a national phase application of the corresponding PCT application claiming priority to another PCT application.



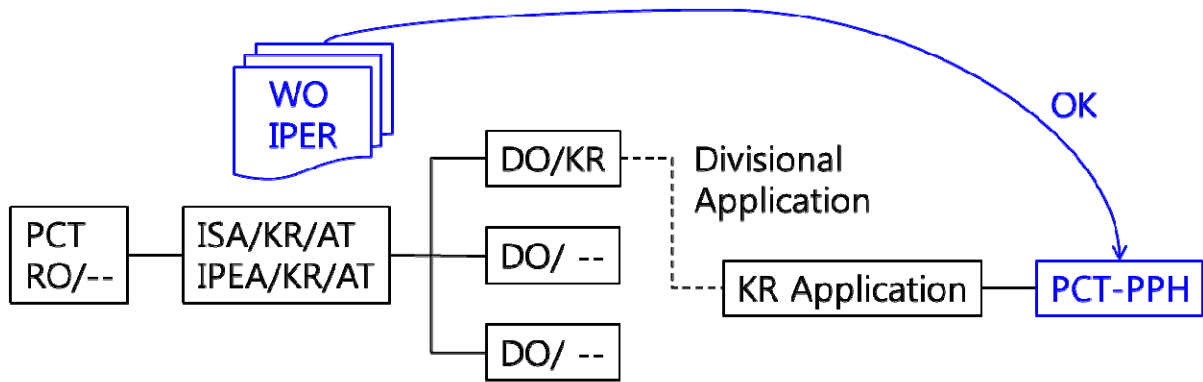
(B) The application is a national application which forms the basis of the priority claim of the corresponding PCT application.



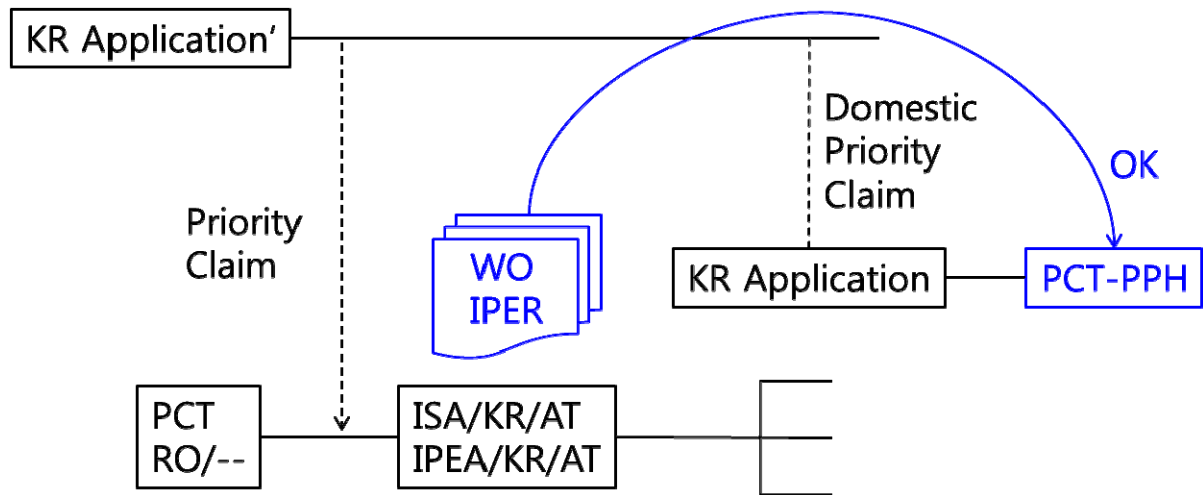
(C) The application is a national phase application of a PCT application claiming priority to the corresponding PCT application.



(D) The application is a national application claiming foreign/domestic priority to the corresponding PCT application.



(E1) The application is a divisional application of an application which satisfies the requirement (A).



(E2) The application is an application claiming domestic priority to an application which satisfies the requirement (B).

ANNEX III

Examples for the claim correspondence

1. The claims in the following cases (case 1 to case 4) are considered to “sufficiently correspond” to each other.

Case	“Patentable” claim(s)		PPH claim(s)		Correspondence
	Claim	Wording	Claim	Wording	
Case 1	1	A	1	A	PPH claim 1 is the same as “Patentable” claim 1.
Case 2	1	A	1 2	A A+a	PPH claim 1 is the same as “Patentable” claim 1. PPH claim 2 is created by adding a technical feature disclosed in the specification to “Patentable” claim 1.
Case 3	1 2 3	A A+a A+b	1 2 3	A A+b A+a	PPH claim 1 is the same as “Patentable” claim 1. PPH claims 2, 3 are the same as “Patentable” claims 3, 2, respectively.
Case 4	1	A	1	A+a	PPH claim 1 has an additional technical feature ‘a’ disclosed in the specification.

2. The claims in the following cases (case 5 and case 6) are NOT considered to “sufficiently correspond” to each other.

Case	“Patentable” claim(s)		PPH claim(s)		Explanation
	Claim	Wording	Claim	Wording	
Case 5	1	A product	1	A’ method	PPH claim 1 claims to a method, whereas “Patentable” claim 1 claims to a product. (The technical feature of “Patentable” claim is the same as that of PPH claim, but categories of both claims are different.)
Case 6	1	A+B	1	A+C	PPH claim 1 is different from “Patentable” claim 1 in a component of the claimed invention. (PPH claim is created by altering part of the technical features of “Patentable” claim.)