

**Guidelines for the Accelerated Patent Grant within the framework of
Cooperation between the Mexican Institute of Industrial Property of the United
Mexican States (IMPI), and the United States Patent and Trademark Office
(USPTO), Department of Commerce**

Rule 1

Within the framework of the Joint Statement of Intent between the IMPI and the USPTO to accelerate the granting of patent applications, at the request of the interested party, the IMPI may carry out the accelerated granting of patent applications that have a corresponding application in the USPTO and whose patent has been granted.

Rule 2

The Accelerated Patent Grant can only apply for a patent application that has been filed with both the USPTO and the IMPI, where the Mexican application complies the following criteria:

1. The application validly claims priority under the Paris Convention of a USPTO application.
2. The application (which may be a PCT national phase application) has a common priority with the corresponding USPTO application.

The corresponding USPTO application may be the one derived from the application on which the priority claimed in the application filed before the IMPI is based.

Rule 3

The Accelerated Patent Grant can only be requested if, in addition to what is established in Rule 2, the following criteria are comply:

1. That the corresponding USPTO patent application has been determined to be patentable by the USPTO and the granted patent has been published in the USPTO Patent Gazette.
2. That all the claims in the patent application filed before the IMPI are sufficiently corresponding, or are amended to be, with respect to the claims of the patent granted by the USPTO.
3. That the patent application filed before the IMPI has covered the formalities, has been published in the Industrial Property Gazette (Article 52 of the Industrial Property Law, LPI hereinafter; or Article 107 of the Federal Protection Law to Industrial Property, LFPPI hereinafter, effective as of November 5, 2020) and the period of time to receive observations from third parties has passed (Article 52Bis of the LPI or 109 of the LFPPI).

Rule 4

The claims are considered to be "sufficiently corresponding" when, considering the differences due to the translation and/or the format of claims, the claims before the IMPI have the same scope as the claims of the patent granted by the USPTO, or the claims before the IMPI are narrower in scope than the claims granted by the USPTO.

Rule 5

To request the Accelerated Patent Grant, the applicant will submit a form where they must provide the following information:

- a. Title of the invention of the application filed before the IMPI
- b. Filing date before the IMPI
- c. Patent application number before the IMPI
- d. Applicant's name
- e. and. Number of the corresponding patent application filed before the USPTO and the publication number of the corresponding granted patent

The format must be accompanied by the following documentation:

- a. Number of the patent granted by the USPTO that has been published in the Gazette.
- b. A translation of the claims in Spanish language.
- c. A correspondence table indicating how all the claims of the IMPI application are sufficiently corresponding to the claims of the patent granted by the USPTO. When the claims are a literal translation, the applicant may only indicate "they are the same" in the table. When the claims are not just the literal translation, it will be necessary to explain the sufficient correspondence of each claim based on the criterion of Rule 4.

Rule 6

Under these Guidelines, the request for Accelerated Patent Grant for a patent application filed before the IMPI that has a corresponding application in the USPTO whose patent has been granted will be free of charge.

For cases in which it is required to make an amendment to the claims of the patent application filed before the IMPI, to comply with the requirement of sufficient correspondence, this will cause the payment of a fee for the concept of voluntary amendments to the claims.

Rule 7

The Joint Statement of Intent between the IMPI and the USPTO for the Accelerated Patent Grant does not exempt applicants from all their obligations under the LPI or LFPPI and other applicable legislation.

Rule 8

Any provision whose meaning is contrary to these Guidelines will be deemed null and void.

Rule 9

The IMPI will have the duty to implement these Guidelines from the date of their signature (issuance).