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IMPI
INSTITUTO MEXICANO
DE LA PROPIEDAD
INDUSTRIAL

User Guide for the Accelerated Patent Grant Agreement (APG)

Índice

Generalities.....	2
Guidelines for the Accelerated Patent Grant Agreement	3
APG Website Functions.....	6
Access the Website for Incorporation into the APG process	
End Capture	7
Sign your Petition APG.....	10
Download your Acknowledgment	12
	13

Generalities:

Within the framework of the Mutual Understanding Agreement 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.

The purpose of this document is to detail the procedure and requirements necessary to qualify for the Accelerated Patent Grant program with the USPTO.

Applicants may request an accelerated examination for a patent application from the IMPI, only through *Patente en Línea*, as long as the following requirements are met:

- This agreement will allow for the accelerated granting of the patent applications that have a corresponding application in the USPTO and that has been granted for that Office.
- It is only applicable if you already have a patent granted by the USPTO.
- It is available through *Patente en Línea*, providing the number of the Mexican application and the number of the patent granted by the USPTO for the corresponding application.
- You can request it even after the substantive examination of the Mexican application has begun.
- If necessary, you must amend* the claims to meet the requirement of sufficient correspondence with respect to the claims granted by the USPTO.

*The amendment to the claims must be made paying the fee set in the article 13 of the Rate for the services provided by the IMPI, which in no case will be susceptible to a discount.

Guidelines

Guidelines for the Accelerated Patent Grant Agreement between the *Instituto Mexicano de la Propiedad Industrial* (IMPI), and the United States Patent and Trademark Office (USPTO).

1. The IMPI's application for which the APG procedure is requested and the USPTO application that forms the basis of the APG petition will be corresponding patent applications, so the IMPI's application (which may be an application in PCT national phase, for which participation in the APG procedure is requested, must meet one of the following criteria):
 - a) The application validly claims priority under the Paris Convention of a USPTO application.
 - b) The application has a priority in common with the corresponding USPTO application.

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

2. 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.
3. 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.

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.

A claim in the IMPI application that introduces a new/different category of claim to those claims granted by the USPTO will not be considered sufficiently corresponding. For example, if the claims in the USPTO only refer to the manufacturing process of a product, then the claims before the IMPI are not sufficiently corresponding if product claims are introduced that depend on the claims of the corresponding manufacturing process..

It is not required to include "all" claims granted by the USPTO (deletion of claims is permitted). For example, in the case where the patent granted by the USPTO contains 5 claims, the IMPI application can only contain 3 of these 5 claims..

4. 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).

Procedure

1. To request the APG procedure, the applicant must provide the following information through *Patente en Línea*:
 - a. Patent application number before the IMPI.
 - b. Publication number of the corresponding patent granted by the USPTO.

In case of making an amendment to the claims of the patent application submitted to the IMPI to comply with the requirement of sufficient correspondence, the corresponding amendment must also be attached to the claims.

2. The APG procedure is free of charge.

For cases in which it is required to make an amendment to the claims of the patent application submitted to the IMPI, to comply with the requirement of sufficient correspondence, you will need to pay a fee for the concept of voluntary amendments to the claims.
3. The APG procedure may be requested within the period of two months referred to in article 111 of the LFPPI, including the period of two additional months referred to in article 117 of the LFPPI to respond at most to the third official letter requirements resulting from the substantive examination.
4. If the patent application submitted to the IMPI is divisional, the participation in the program will be suspended until the initial application has been definitively resolved.
5. In those cases where the request to participate in the program is not accepted because it does not meet the above established requirements, the applicant will be notified and the defects in the request will be identified. The applicant may re-request the APG procedure considering what is stated in point 3, above.
6. The IMPI will not notify the applicant of the acceptance of the request to participate in the APG program, but the applicant will be aware of this by receiving the respective official action resulting from the accelerated background examination.

General considerations

1. Any claims amended or added after the filing of the petition to participate in the APG program must sufficiently correspond to the indicated claims granted by the USPTO.
2. Regardless of the result of the APG petition, the amendment that has been made to the patent application in question to be examined within the framework of the APG, will be considered carried out in accordance with the provisions of article 55Bis of the LPI or article 116 of the LFPPI, and it will be considered during the substantive examination of the invention referred to in article 53 of the LPI or 110 of the LFPPI.
3. Applications for utility models and industrial designs, as well as patent applications that contain claims with subject matter considered non-patentable in accordance with articles 4, 16 and 19 of the LPI or 12, 47 and 49 of the LFPPI, are not subject to participation in this program.
4. Acceptance of the application to participate in an initial patent application will not be carried over to a divisional application. The applicant must submit a new application for the divisional application and meet all the conditions established above, in order to be accepted.
5. All correspondence relating to the APG program that is submitted to the IMPI must be clearly identified as relating to an APG petition to ensure that the correspondence is properly processed.
6. The Mutual Understanding Agreement between the IMPI and the USPTO for the Accelerated Grant of Patents does not exempt applicants from all their obligations under the LPI or the LFPPI and any other applicable legislation. Applicants must act in good faith.

APG Website Functions

Learn about the functions of each button on the Accelerated Patent Grant Agreement (APG) Website.

- ✓ **Inicio:** By clicking this button you'll get back to the main page of *Patente en Línea*.

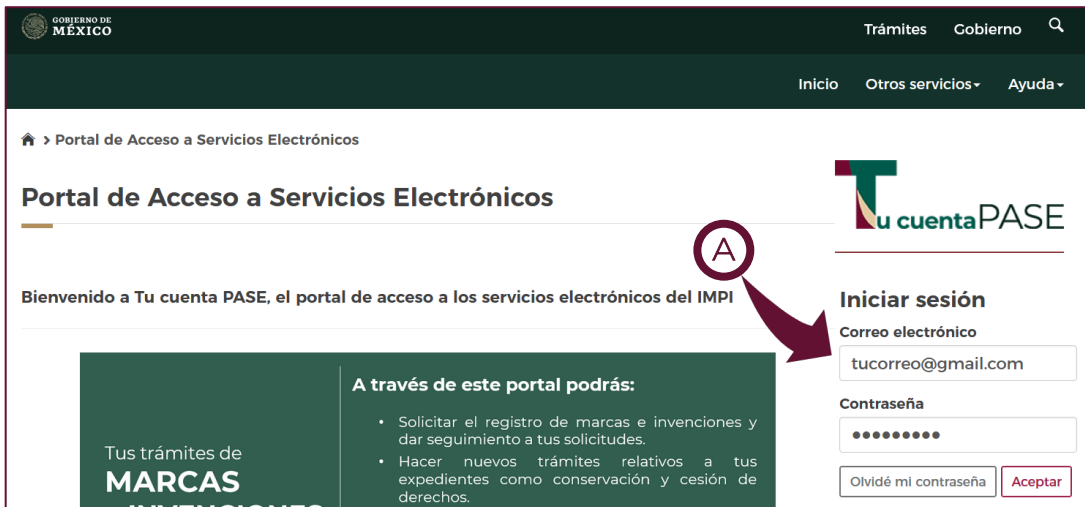
- ✓ **Mis peticiones:**
 - **Captura tu petición:** It takes you to the form to start a new APG Petition request.

 - **Peticiones en preparación:** Here you will find your APG requests previously saved for editing.

- ✓ **Historial de trámites:**
 - **Peticiones enviadas:** In this section, the acknowledgments of receipt of the APG requests already sent are stored permanently.

Access the Website for incorporation into the Accelerated Patent Grant process

1. Access to : <https://eservicios.impi.gob.mx/seimpi/>
2. Log in with your username and password (**See A**).



3. Select *Patente en Línea* (**See B**).



4. Select the icon *Petición APG* (See C).



5. The system will show the type of document “*Petición APG*” as the main document, and it can only be combined with the document “*Enmienda Voluntaria (Fondo)*” (See D)

Tipo de escrito


Selecciona el tipo de escrito*: Cantidad*:


#	Descripción	Cantidad	Artículo	Principal	Eliminar
1	Petición APG	1		<input checked="" type="radio"/>	
2	Enmienda Voluntaria (Fondo)	1			<input type="button" value="x"/>

6. Captures the file number before the IMPI of the application that you wish to incorporate into the Accelerated Patent Grant process. (See E)

Expedientes

Captura el número de expediente de solicitud de incorporación al proceso de Consesión Acelerada de Patentes.

Número de Expediente*:

Número de Patente USPTO*:




7. Capture the USPTO Patent number according to the nomenclature US 0123456 or US 20210123456, as accordingly. **(See F)**

Expedientes

Captura el número de expediente de solicitud de incorporación al proceso de Concesión Acelerada de Patentes.


Número de Expediente : Agregar

Número de Patente USPTO : Agregar



8. The Description of your APG request will appear automatically and cannot be edited. **(See G)**

Descripción

G


En el marco del Acuerdo de Entendimiento Mutuo entre el IMPI y la USPTO para acelerar la concesión de solicitudes de patentes, solicito la participación en el proceso de concesión acelerada de solicitudes de patente.


Para ello declaro bajo protesta de decir verdad que:


1. La solicitud presentada ante el IMPI reclama válidamente prioridad bajo el Convenio de París de la solicitud de la USPTO, o tiene una prioridad en común con la solicitud correspondiente de la USPTO, pudiendo ser la solicitud en IMPI una solicitud en fase nacional del PCT.
2. La patente señalada, ha sido concedida por la USPTO y publicada en la Gaceta de patentes de la USPTO.
3. Las reivindicaciones de la solicitud de patente presentada ante el IMPI, cumplen con el requisito de la suficiente correspondencia con respecto a las reivindicaciones de la patente concedida por la USPTO, y que, en caso de no serlo, presento en este mismo momento las reivindicaciones enmendadas para cumplir con el requisito, sin que contengan materia adicional a lo originalmente presentado en la solicitud MX y considerando el marco legal mexicano aplicable.
4. Conozco que la presente petición podrá presentarse hasta dentro del plazo de dos meses a que se refiere el artículo 111 de la Ley Federal de Protección a la Propiedad Industrial incluyendo el plazo de dos meses adicionales a que se refiere el artículo 117 Ley Federal de Protección a la Propiedad Industrial para dar contestación como máximo al tercer oficio de requisitos que resulte del examen de fondo.
5. En caso de que la solicitud de patente presentada ante el IMPI sea divisional, la participación en el programa quedará suspendida hasta que el trámite de la solicitud inicial haya sido resuelto de manera definitiva.
6. Conozco que, independientemente del resultado de la presente solicitud, la enmienda que haya sido efectuada a la solicitud de patente en comento a fin de que fuera examinada en el marco del APG, se tendrá por realizada de acuerdo con lo dispuesto por el artículo 116 de la Ley Federal de Protección a la Propiedad Industrial, y la misma será considerada durante la realización del examen de fondo de la invención a que se refiere el artículo 110 del mismo ordenamiento legal antes señalado.



Expediente: MX/a/2022/000123
Número de Patente USPTO: US 20210123456

9. You may attach the document with the amendment to the claim chapter of the application submitted to the IMPI, which must be in PDF format, letter size, without exceeding 25MB for each document if applicable. **(See H)**

Descripción:

Archivo PDF : Agregar



#	Descripción	Archivo	Ver	Eliminar
1	DOCUMENTO	ANEXOS.pdf		



As mentioned before, the amendment to the claims is subject to the payment based on article 13 of the Rate for the services provided by the IMPI, which in no case will be susceptible to a discount.

10. Once you have completed filling out your writing, you must click on the “*Guardar*” button **(See I)** and then “*Vista Previa*” for review. **(See J)**

The screenshot shows a form with the following elements:

- Descripción*:** A text input field.
- Archivo PDF*:** A section containing an "Examinar..." button, the text "Ningún archiv...eleccionado.", and an "Agregar" button.
- Table:** A table with 5 columns: #, Descripción, Archivo, Ver, and Eliminar. It contains one row with # 1, Descripción DOCUMENTO, Archivo ANEXOS.pdf, Ver (eye icon), and Eliminar (X icon).
- Buttons:** "Vista Previa", "Guardar" (highlighted with a green circle 'I'), and "Finalizar Captura".
- Annotation:** A red circle 'J' with an arrow pointing to the "Vista Previa" button.

11. At the end of the review of the APG request, you must click on “*Finalizar Captura*” **(See K)**

The screenshot shows the same form as above, but with the following changes:

- Buttons:** "Vista Previa", "Guardar", and "Finalizar Captura" (highlighted with a green circle 'K').
- Annotation:** A green circle 'K' with an arrow pointing to the "Finalizar Captura" button.

12. Once the Request has been completed, APG must accept (**see L**) the terms and conditions and click on the button “Aceptar” (**See M**).

Tipo de promoción

Principal: Petición APG

Adicionales: Enmienda Voluntaria (Fondo)

Expedientes

Principal: MX/a/2022/000123

Anexos

En caso de estar presentando un escrito(s) o promoción(es) correspondiente(s) a expediente(s) que haya(n) iniciado su trámite a través de la ahora plataforma Patente en Línea, o en caso de que el expediente ya haya sido migrado para su gestión electrónica en la presente plataforma de Patente en Línea, conforme lo dispuesto por los artículos 18 y 19 del Acuerdo por el que se establecen lineamientos en materia de servicios electrónicos del Instituto Mexicano de la Propiedad Industrial: acepto bajo protesta de decir verdad que:

I. He revisado en la vista previa la información capturada y los anexos a la promoción y que éstos son correctos; así mismo que, una vez concluido el proceso, no podré editar o variar la información o sus anexos;

Finalmente, reitero mi manifestación en el sentido de que daré aviso por escrito a la Dirección Divisonal de Patentes, a través del correo electrónico buzon@impi.gob.mx, dentro de los tres días hábiles siguientes a aquel en que me vea imposibilitado, por causas imputables al Instituto, a consultar el tablero o abrir los archivos depositados en el mismo, en los días quince y último de cada mes, o bien, el día hábil siguiente si alguno de éstos fuere inhábil y que, en caso de no hacerlo, la notificación se tendrá por hecha el día hábil siguiente a los días quince y último de cada mes.

Cancelar **Aceptar**

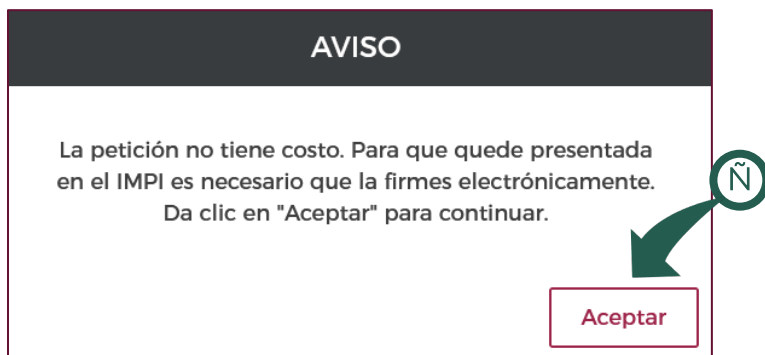


If the Voluntary Amendment (Fund) **Enmienda Voluntaria (Fondo)**, has been included, the system will request to make the corresponding online payment

Resumen de tarifa	
Total tarifa	\$638.35
Descuento	\$0.00
Subtotal	\$638.35
IVA	\$102.14
Recargos	\$0.00
Actualización	\$0.00
Total a pagar	\$740.49

Continuar

13. It will show you the notice “*La petición no tiene costo. Para que quede presentada en el IMPI es necesario que la firmes electrónicamente. Da clic en "Aceptar" para continuar*” (See Ñ).

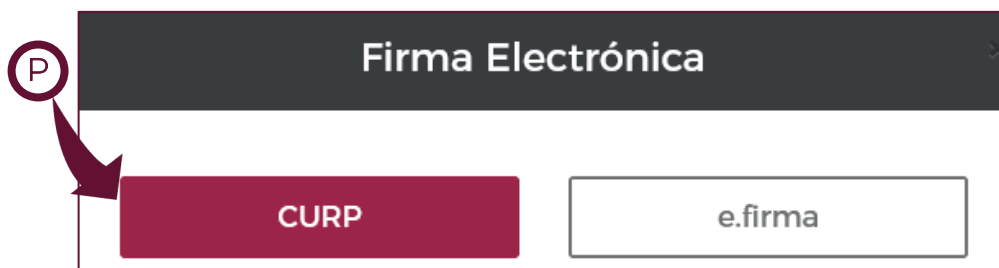


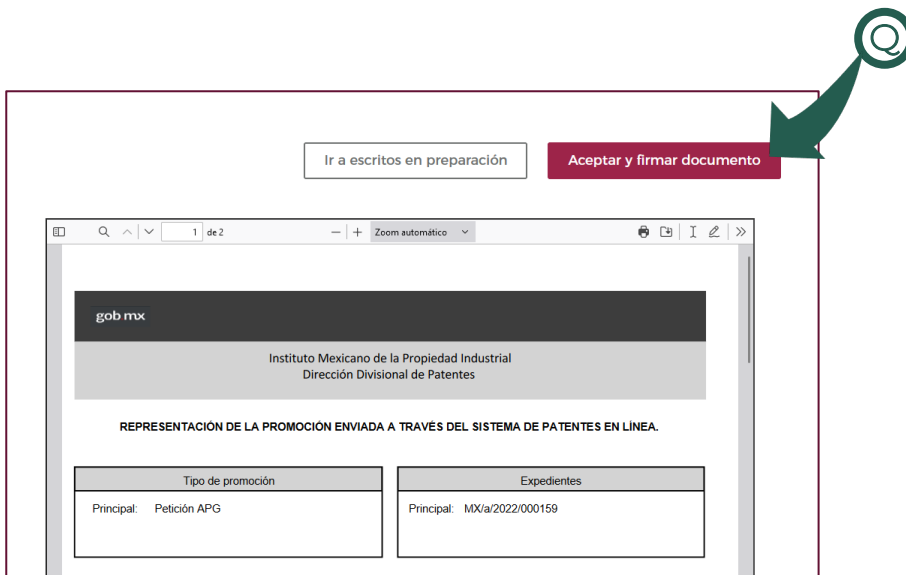
14. You must click on the option “Firmar” (See O).

Escritos encontrados: 16

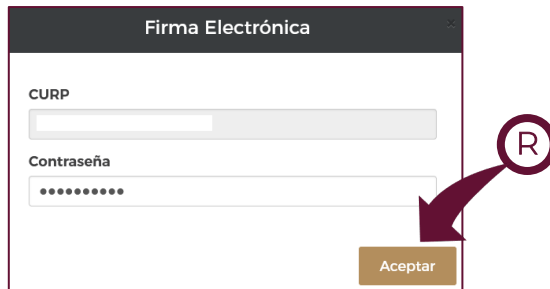
Folio	Tipo de escrito principal	Estatus	Fecha captura	Fecha estatus	Expediente	Siguiente acción	Vista previa	Eliminar
143991	Petición APG	Sin pago pendiente	11/10/2023 12:05:54	11/10/2023 12:06:04	MX/a/2022 /000159	Firmar		

15. Select the CURP option (preferred) (See P) and click on “Aceptar y firmar documento” (See Q).





16. Access the account password “PASE” and click on “Aceptar **(See R)**”.



Ready! You have signed correctly. Click “accept” to go to your Electronic Dashboard and download your APG Request **(See S)**.

Folio	Tipo de escrito principal	Estatus	Fecha captura	Fecha recepción	Expediente	Documento entrada	Visualizar	Enviar a escritorio
143991	Petición APG	Recibido	11/10/2023 12:05:54	11/10/2023 12:36:24	MX/a/2022 /000159	MX/E/2023 /000642		

Contact

If you have questions, write to us at: **buzon@impi.gob.mx**

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