MEMORANDUM

To: William Barber, President
    Todd Dickinson, Executive Director of AIPLA

Fr: Kenneth K. Cho, Chair
    Hung H. Bui, Vice-Chair

Date: June 28, 2012

Re: Trip Report - IP Practice in the Far East
    April 19 - 27, 2012

Below, please find a trip report directed to the recent AIPLA IP Practice in the Far East committee trip to Singapore, Taiwan and South Korea from April 19 – 27, 2012.

From April 19-27, 2012, a delegation of 23 members of the IP in the Far East Committee (“Delegation”) visited the Far East including Singapore, Taiwan and South Korea with certain delegates only visiting select countries. The Delegation was comprised of the following individuals:

William G. Barber          Q. Todd Dickinson
Kenneth K. Cho             Hung H. Bui
Nick Beckett                Jennifer Chen
Cindy Chou                  Andrew Choung
Roger C. Hahn               Ron C. Harris, Jr.
Peter H. Kang               Amanpreet Kaur
Tenley R. Krueger           Kevin C. Kunzendorf
T. Chyan Liang, Ph.D        Esther H. Lim
Thierry Lo                  Christopher J. Maier
Daniel C. Mulveny           Ying Tuo
Lena Vinitskaya             S.J. Wang, Ph.D.
Tim Wang

The Delegation had meetings with the following government and IP entities: (1) SINGAPORE: Association of Singapore Patent Agents (ASPA), Intellectual Property Office of Singapore (IPOS), A*STAR, and AIT Biotech; (2) TAIWAN: Taiwan Patent Attorneys' Association (TWPAA), Taiwan IP Court, Taiwan Customs Office, Association of Industries in Hsinchu Science Park (ASIP), and two companies located in the Hsinchu
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Science Park, including TSMC and AU Optronics Corp.; and (3) KOREA: Korea Patent Attorneys' Association (KPAA), Korea Electronics Association (KEA), Korea Research Institute of Bioscience and Biotechnology (KIRIBB) and the Korean Intellectual Property Office (KIPO).

This trip report is based mainly on the notes taken at these meetings by Tenley Krueger, Roger Hahn, Amanpreet Kaur, Jennifer Chen and Kenneth Cho. These notes were compiled and edited by Kenneth Cho and Hung Bui.

SINGAPORE (April 19-21, 2012)

Meeting with AIT Biotech (April 19, 2012 @ 10:00 am)

The Delegation met with Alex Thian who is the CEO of AIT Biotech and a former Singaporean IP attorney from about 1987 to 2000 specializing in copyright and trademark litigation matters. AIT Biotech is a small biotech company.

Bill Barber gave a short introduction into AIPLA. Alex explained that his company files patent applications in Malaysia, Thailand, Burma and Indonesia (countries where they do business) and the language translation costs make it cost prohibitive to get additional patent protection. AIT Biotech relies on trade secret protection because it is more advantageous to keep their know-how secret rather than disclosing it in a patent application.

During our discussions, we confirmed that A*Star is the biggest Singaporean patent filer/applicant, and very few companies file patent applications in Singapore. Alex is more concerned about running a profitable business. AIT Biotech does business in 8 countries and basically runs a sequencing lab with about 35 employees. In particular, AIT Biotech provides genomic services for personalized medicine, but purchase its equipment from the U.S. AIT Biotech also charges money to sequence DNA to inform patients if they have a likelihood for a particular disease. In addition, AIT Biotech also sells Molecular Diagnostic (MDx) Products or kits to detect malaria, HPV, etc. that are marketed in Asian countries. Alex believes that genetic mutations are a natural event and takes the position against prohibiting access based on patents.

AIT Biotech's distribution networks are located India, Vietnam, Thailand, Hong Kong, Taiwan, Philippines, Malaysia and Indonesia. Alex was a great host and took the Delegation for a tour of the company, including the labs where the machines are located, and research and testing are conducted.
Meeting with Association of Singaporean Patent Agents (April 19, 2012 @ 2:00pm)

The Delegation participated in a Joint Seminar/workshop with the ASPA which covered the following subjects:

- Bill Barber provided a brief introduction
- America Invents Act (AIA)
  - Overview of AIA by Todd Dickinson
  - 1st to File; Definition of Prior Art & Grace Periods; Derivation Proceedings & Prior User Rights; Brief Discussion of USPTO Rules Package by Kevin Kunzendorf
  - Post Grant Review; Inter Partes Review; Supplemental Examination; Brief Discussion of USPTO Rule Package by Peter Kang
- USPTO update (Patent Stats, Patent Reexamination Stats & Stats on PPH) by Thierry Lo
- Recent US Supreme Court and Federal Circuit Cases including *Therasense* & IDS by Hung H. Bui
The ASPA sponsored a buffet dinner (and after dinner drinks) for the IPPFE delegates after the seminar.

**Meeting with the Intellectual Property Office of Singapore (April 20, 2012 @ 9:00 am)**

The Delegation visited the Intellectual Property Office of Singapore (IPOS) in the morning of Friday, April 20, 2012. The meeting opened with the introduction of attendees by Danielle Yeow, Deputy Director General of IPOS. A cross-section of members from departments within IPOS was present.

Bill Barber introduced himself and provided a brief description of AIPLA and the purpose of the delegation visit. Belinda Wong, Senior Executive of IPOS gave a slide show presentation, including an overview of their mission and 2001 formation. The mission, which will be updated late 2012, includes a strong pro-business IP regime and strives to be Innovation-Inspired, People-People, Outstanding Results, Service Excellence. The slide show also outlined the IPOS organization chart and goals of strengthening the IP regime to keep pace with global trends, enabling IP capabilities and positioning Singapore in the international market. The slide show further identified public outreach, enterprise development and industry development, including encouraging IP exploitation, as part of the IPOS mission. In furtherance of their goals, members of IPOS participate in international forums, such as the Asia Pacific Form and the Trading Ideas Forum. IPOS further expressed the desire to shift IPOS to an examination system building to become an international searching authority. It was also noted that IPOS would like to become international searching authority for patents. Currently, the largest filing volume is trademark applications.

Todd Dickinson presented a slide show on the America Invents Act (AIA) and Patent Harmonization. The response from IPOS was that they had no particular stand on harmonization other than to enable harmonization for ease of inventors.

Further discussion was had regarding setting up a steering committee on Asia “hub” for patents filings, including industry and what capacity would be required in terms of human resources and training. It was discussed that the Patent Prosecution Highway (PPH) filing volume was low. A main reason for the low volume is that Singapore is not often the office of first filing, but that is changing. Centralized technology transfer was also discussed. Bill Barber also discussed protection of “well-known” marks.
Meeting with A*Star Leadership and Seminar (April 20, 2012 @ 2:00 pm)

The Delegation met with A*STAR (Agency for Science, Technology and Research), including its General Counsel, Suresh Sachi, during the afternoon of April 20, 2012. Both Bill Barber and Ken Cho provided a brief presentation/introduction on the purpose of the AIPLA delegation visit to Singapore.

A*STAR gave a presentation on where it fits into the IP landscape and its contribution to innovation in Singapore. Here are some highlights:

- A*STAR is the premier research and development (R&D) entity in Singapore, and it is responsible for filing the majority of patents. Its primary focus is to build Singapore’s economy through R&D. Its mission is to further world-class scientific research and talent for a vibrant knowledge based Singapore.
- A*STAR has 72,900 scientific and technical staff, greater than 50% of which is international talent, recruited from 60 countries.
- It actively licenses its patents to local as well as to multinational companies. 80% of the companies it licenses to are local concerns because it recognizes the need for research and development for small to midsize enterprises.
The Singaporean government, through A*STAR, actively provides incentives for foreign companies to relocate their R&D activities to Singapore. Manufacturing is the largest sector in Singapore, A*STAR promotes the manufacturing sector with its R&D work. Singapore aspires to devote 3.5% of its GDP to R&D, comparable to South Korea. In 1991, the R&D expenditure was S$2 billion, and in 2010 it increased to S$13.9 billion. S*STAR has a high degree of PCT applications. The area of growth for the future will be R&D in the biomedical industry. Challenges: the public does not recognize IP licensing by A*STAR since A*STAR is a government entity. A*STAR wants to build a “research culture” and to combine the efforts of the public and private sectors in this regard. The following are examples of its efforts to accomplish this:

- It sends PhDs to small and midsize enterprises and pays 70% of their salaries and allows the companies to own the IP developed by these researchers.
- It provides PhD scholarships in return for a commitment to conduct 2 years of research at A*STAR.
- Biopolis is a campus located at One-North, which brings together public and private research labs to build Singapore’s biomedical science research through public/private collaboration and scholarship. It is home to 36 companies (and growing).
- Fusionopolis is designed for the same sort of collaboration in the Information & Communication Technology, Media and Physical Sciences & Engineering fields. It is currently home to 31 companies.

Todd Dickinson provided an introduction to the AIA, Lena Vinitskaya gave a presentation on the in-house perspectives on patent filings, Jennifer Chen gave a presentation on cross-border technology transfers, and Peter Kang gave a presentation on patent trolls.

Informal dinner reception at the home of Gladys and Patrick Mirandah (April 21, 2012)

Those Delegates that remained in Singapore over the weekend were invited to a lovely dinner reception that was hosted at the home of Gladys and Patrick Mirandah. Both Gladys and Patrick were wonderful hosts inviting the Delegates to their beautiful home where we enjoyed good food, drink and ethnic entertainment. The Mirandah’s know how to throw a party!
Meeting with Taiwan IP Office (April 23, 2012 @ 8:00 am)

The Delegation had an opportunity to meet Director General Mei-Wan Wang of TIPO along with members of the TWPAA. During this meeting, we exchanged a brief introduction to AIPLA and TIPO.

Joint Seminar organized by AIPLA / TWPAA / Ministry of Economic Affairs (@9:00 am)

During the joint seminar held at the College of Law, National Taiwan University, the IPPFE delegates spoke on the following “Recent Development of the US IP Law” topics:

- Introductions to TIPO, TWPAA, AIPLA and the America Invents Act
- Topic #1: 1st to File; Definition of Prior Art & Grace Periods; Derivation Proceedings & Prior User Rights; Brief Discussion of USPTO Rules Package by Kevin Kunzendorf
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- Topic #2: Post Grant Review; Inter Partes Review; Supplemental Examination; Brief Discussion of USPTO Rule Package by Dan Mulveny
- Recent ITC Patent Cases and Trends by Chyan Liang
- Update of European IP Law by Nick Beckett
- Update of U.S. Trademark Law by Bill Barber

Meeting with the Taiwan IP Court (April 23, 2012 @ 2:30 pm)

The delegation had the opportunity to meet with Chief Judge (Present) Kao Shiow Jen of the Taiwan IP Court along with Judges Jack H.C. Wang and Huei Ju Tsai. The court is located in a building that is part of one of the subway locations so it seemed to be easily accessible. The Taiwan IP Court was formed a couple of years ago, but they are now a well-functioning body. Chief Judge Jen presented Bill Barber with a DVD on the court, and a small gift.
Meeting with Taiwan Customs (April 23, 2012 @ 4:00 pm)

The delegation had the opportunity to meet Secretary General Shun Zan Chow of the Directorate General of Customs, Yu Lang Chen (Director), Hsuh Hsiung Hsiao (Deputy Director) and Marina Tsai (Executive Officer) in a short meeting. Bill Barber provided a short introduction to AIPLA. After our meeting, we were given a tour of the Customs museum located on the first floor.
Meeting with the Association of Industries in Hsinchu Science Park (April 24, 2012 @
10:00 am)

On the morning of Tuesday, April 24, 2012, the Delegation traveled to a meeting with
the Association of Industries in Hsinchu Science Park (ASIP), and conducted a joint
seminar organized by the TWPAA. Tim Wang gave a presentation on “Recent Trends in
Patent Litigation & Strategies for TW companies”; Ron Harris gave a presentation on
“Joint Infringement – Impact on Prosecution, Litigation and Licensing”; and Lena
Vinitskaya gave a presentation on “Developing & Managing a Global Patent Portfolio from
In-House Perspective: Strategies for Specialty Companies.”

Questions Raised During the Seminar:

• Q. Please advise on the trade-off between litigation advantages and enduring extra cost
  for filing additional independent claims.
  o A (by Lena Vinitskaya): You can effectively protect the invention by just a single
    claim with the broadest scope. Remember, one will infringe a patent by a single
    claim.
  o A (by Hung Bui): Average speaking, 3-4 independent claims are enough. It is a
tough call, but 90% of the patents issued with no more than 20 claims.
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- A (by Tim Wang): From the litigation point of view, you can not just have one claim.
- A (by Kenneth Cho): Three good independent claims are better than 20 bad claims. It is strategy driven.
- A (by Bill Barber): According to the new America Invents Act, the post grant review fee is tremendous high with a large number of claims. This should be taken into account.

• Q. Please advise on filing patent application in second choice countries.
  - A (by Lena Vinitskaya): It depends on which industry you are in. For example, if you are in the cosmetic surgery industry, you may want to consider Brazil.
  - A (by Kenneth Cho): In electronic industry, 1/3 of the market is in the US, 1/3 in Europe, and 1/3 in Asia including China. Also, need to consider who your competitors are, for example, if the competitor is Samsung, then I would also file in South Korea.
  - A (by Jennifer Chen): Balance is the key.

• Q. Supposed the claims of a patent have been invalid by the Court, but USPTO asks the patent owner to pay for the maintenance fee, what happen?
  - A (by Bill Barber): The Court overpower the patent office.

• Q. Supposed the Supreme Court rules a patent as invalid, but the Congress changes the rule later, what happen?
  - A (by T. Chyan Liang): Take the means-plus-function claims as an example, the Supreme Court struck down a patent claim that recites an invention using purely functional language. In response, Congress added a new section to the patent law, which expressly authorized claims to depict physical elements as a “means” for accomplishing some task.

Meeting with Taiwan Semiconductor Manufacturing Company (April 24, 2012 @ 2:30 pm):

Dr. Richard “Dick” Thurston, Senior Vice President and General Counsel, Legal Organization of TSMC, was the main host and speaker. David Wen-Tang Su, Director, Transactions and Operations of Legal Division (II), was co-host. David joined the AIPLA luncheon.

Dr. Thurston explained that trade secrets are a key form of IP protection for TSMC. For example, it has entered into a significant number of NDAs, many of which are “perpetual.”

TSMC also has filed many patents -- about 1000 in the U.S., Japan, Korea, Taiwan, and Europe, etc. in 2010; and about 1200 applications for 2011. Also according to Dr. Thurston, TSMC employees 27 in-house counsel and one patent agent for IP matters. Overall, the legal department has about 70 in-house counsel worldwide, with 10 resident in Silicon Valley, four of whom are patent attorneys.

Dr. Thurston pointed out that the old, conventional view of Taiwan’s IP is outdated. Taiwanese companies do still tend to have low profit margin, so legal fees are a major factor.
He is an active member of LES, but not a member of AIPLA. Dr. Thurston joined TSMC in 2002, recruited by the Chairman, Morris Chang, after the company settled for a lot of money in a suit by Motorola before answering because management “panicked.” (He said that Morris and other leaders at TSMC also worked at TI.) His assistant is David, who was recruited from Lee and Li by Dr. Thurston. Dr. Thurston was in-house counsel at TI for 30 years, during the latter of which he was TI’s Assistant General Counsel. So he said he was U.S. trained and has U.S. work experience. (He said he has also worked and lived in Japan for three and a half years.)

His impression of Taiwan’s IP court is favorable, and he served as advisor to its formation. He is advocating to the Taiwan legislature for more robust discovery.

Dr. Thurston said TSMC’s current focus is on “quality.” About 220 applications are handled internally. Dr. Thurston said that there is “no shortage of innovation” in Taiwan, but it lacks “IP talents.” He believes that the IP function at a company should not report the CTO.

The TSMC facility is modern and new, consistent with its image as one of the largest and successful technology companies based in Taiwan. (Its reception area resembles that at a large Japanese company.)

Meeting with AU Optronics (April 24, 2012 @ 4:00):

Spencer Yu, Director of IP Division of IP Office, hosted the AIPLA delegation and was the main speaker. Co-host was Boru Chen, Associate General Counsel of Legal Office. Both Spencer and Boru joined the AIPLA delegation for lunch.

Spencer explained that AUO is focused on the LCD panel business, also referred to as the display business, and the solar business, which AUO is building up now. AUO was established in 1996. He explained that only Samsung and AUO make both large and small sized panels, where as other makers focus on either but not both. Spencer said that “in-cell” is a key technology now. In-cell panels have the touch-sensitive layer embedded, so there is no need to add film and other layers.

Spencer said that AUO has about 9000 patents and 16,600 applications. AUO files about 1500 applications worldwide, about one-third of which is in the U.S. AUO’s IP team has 60 people, and its legal team has 13. Spencer led the delegation through an extensive exhibit area, showcasing AUO’s many display products. However, AUO was sensitive and no photos were allowed. The AUO facility is modern and new, consistent with its image as one of the largest and successful technology companies based in Taiwan.
Meeting with the Korean Patent Attorneys' Association (April 26, 2012 @ 9:00 am):

On April 26, 2012, the Delegation met with the executive members of the Korean Patent Attorneys Association (“KPAA”) in a Pre-Seminar meeting. Present from KPAA were Dong-Yol Yoon, President; Gene Kim, Vice President; Rana Lee, Vice President; Jong-hag Jeon, Vice President, Kyu Pal Choi, Vice President; Sang-Yong Lee, Secretary General; Yoon Suk Shin, Director- International Cooperation; Hae-Cheol Bang, Director Membership; Chinsu William Lee, Director-Academy, Industry & Research Institute; Robert H. Jekal, Director General Affairs; Hyo Seon Choi, Director- Education; and Hyun Sil Lee, Director-Planning.

Opening statements were given by Presidents Yoon and Barber. A presentation was given by Gene Kim providing the background and history of KPAA. President Barber gave a verbal overview of AIPLA, its size, membership, committees, and amicus and legislative activities. President Barber noted AIPLA’s webinar and survey programs. He invited members of KPAA to join AIPLA. Because the Joint Seminar was running short on time, no questions were asked; however, most of the Delegation’s official questions were answered by Vice President Kim’s PowerPoint presentation.

The Pre-Seminar adjourned, and the Delegation moved to a ballroom in the hotel. The following members of the delegation gave presentations on the following topics:

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No questions were asked. However, Mr. Kee-dong Joo of the Pacific Law Firm and former Chief Judge of the IP Patent Court responded to an assertion made by one of the presenters from the Korean side, on whether the IP Patent Court is pro-patent or anti-patent. The Korean presenter responded that his presentation only showed trends about the tribunal’s decision.

The Seminar concluded and the Delegation was invited to a lunch at the hotel hosted by the KPAA. KPAA gave each member a gift, which was a mother of pearl business card holder/box. AIPLA received a very nice crystal commemorative award.
Meeting with the Association of Korean Electronics Companies (April 26, 2012 @ 1:30 pm):

In the afternoon of April 26, 2012, the delegation traveled to KEA. The executive members of the Delegation met with the Deputy Director in private (since the Vice-Chairman was away on a business trip). Afterwards, the Delegation had a round table exchange with Mr. Sang Woon Park, Assistant Manager of Patents Assistance Center and Ms. Euri Im, Assistant Manager of Patents Assistance Center.

Ms. Im gave opening remarks and introduced KEA. Mr. Bak-son Yoon provided an overview of KEA’s by-laws, activities, and services. President Barber introduced AIPLA and briefly described current out-reach activities, seminars and webinars. Ms. Im indicated that KEA is interested in US patent law and AIPLA’s activities.

Mr. Yoon noted that small and medium size companies can request consulting and information from KEA. Common questions received by KEA include: “We have the patents, what do we do now?” “How can we commercialize our products?” “How can we find patent attorneys in different countries?” Mr. Yoon noted that in some cases, KEA will
help reduce the financial burden by providing patent analysis or consulting services on a patent dispute. Mr. Yoon noted that KEA has formed a working group to help resolve cross-border disputes and has signed a MOU with groups in 61 countries including Japan, US, China, and the Euro-zone. KEA also assists Korean companies, which sell their products aboard by providing information, IP training, and education. KEA may send experts to the company if a dispute reaches a certain stage. KEA is currently expanding their overseas program due to increased interest by their members. Their overseas program includes sending their members to the USPTO for training. Tim Meier gave a presentation on recent developments in U.S. patent law.

The following questions were discussed:

Q. What kinds of information have KEA members found most useful?
    A. KEA provides many issue specific seminars. KEA guides and organizes lectures and seminars on topics that have been requested by their members.

Q. How many programs does KEA provide?
    A. KEA provides many issue specific seminars. KEA guides and organizes lectures and seminars on topics that have been requested by their members.

Q. How does KEA select the attorney that are included in their book of overseas law firms and attorneys?
    A. Although there are no specific standards, inclusion is based on reputation, personal knowledge, and recommendations (sometimes self).

Q. Where does KEA obtain its funding?
    A. Currently, KEA is funded by the Korean government. They sometimes receive private funding as well.

The KEA is an industry organization headquartered in Seoul and established in 1976 with the permission of the Minister of Ministry of Commerce, Industry and Energy to promote the Korean electronic industry, including the industries of information and electrical supplies manufacturing. The KEA has about 1,000 members including large corporations such as Samsung Electronics and LG Electronics. It is the largest and oldest association in the field of electronic and information industry in Korea.

Roles of KEA
1. Policy suggestion and system improvement related to the electronic industry
2. Statistical research and studies of the electronic industry
3. Establishment of international cooperation and export support
4. Promotion of harmony and dispute mediation between countries
5. Promotion of common interest business for electronic industry
6. Policy fund support
Meeting with the Korea Research Institute of Bioscience and Biotechnology (April 27, 2012):

On April 27, 2012, the Delegation traveled to Daejon to visit KRIBB. The Delegation met with the following KRIBB officials: Hyouk Joung, President; Ho-Yang Park, Director, Principal Researcher; and Heungchae Jung, Director.

President Joung gave introductory remarks and described KRIBB’s mission to foster innovation in biotechnology and to facilitate convergent biomedical research. Director Park described KRIBB’s resources such as the Biosystems support structure and a “Bioresource Tower.” Director Park noted emphasis in health, environment, energy and food. President Barber introduced AIPLA and briefly described out-reach activities, seminars and webinars.

Q. What are the most important areas to KRIBB?
A. Currently, KRIBB is focused on improving patent quality, commercial application and technology transfer.

Q. Where does KRIBB receive its funding?
A. KRIBB is a government-funded organization. It also receives outside funding from sources such as companies spun out of KRIBB and licensing revenue from KRIBB’s IP.

Q. Who works in the Technology Transfer Office?
A. The TTO is staffed by MBAs who have a basic science background. They are oftentimes engineers. Their task is to commercialize KRIBB innovations and advance the biopharmaceutical industry in Korea. They are also interested in commercializing KRIBB innovations outside of Korea. They are interested in the U.S. Bayh-Dole model, which seems to work well.

Q. How does KRIBB incentivize their researchers?
A. Researchers receive 20% stock in the companies they found. KRIBB would like to see more researchers attempt to commercialize their inventions.

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<tr>
<td>Roger C. Hahn</td>
<td>Strategies for Commercializing University Innovations in the US: A Corporate Perspective</td>
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Meeting with the Korean Intellectual Property Office (April 27, 2012):

In the afternoon of April 27, 2012, the Delegation visited the Korean Intellectual Property Office ("KIPO") in Daejon. The Delegation met Jae-hyun Ahn, the Director General; Hyun-Suk Lim, Senior Deputy Director of Patent Examination Policy Division; On Ki Baek, Senior Deputy Director of the Industrial Property Team; Tae-geun Kim, International Cooperation Division; Tae Soo Kim, Deputy Director of Patent Examination Cooperation Division; Choong-jae Lee, Industrial Property Promotion Division; and Dong-kuk Kim, Senior Patent Examiner/Electric & Electronic Examination Bureau.

Director Ahn gave opening remarks. He noted that a new commissioner had just been appointed. Director Ahn noted that KIPO was waiting to hear and learn more about the new Commissioner, Ho-Won Kim. Commissioner Kim’s term is for 2 years and began May 1, 2012. President Barber introduced AIPLA and briefly described current out-reach efforts, seminars and webinars.

Director Ahn noted that patent applications from the U.S. to Korea have increased by 10% in the last year from an approximate total of 10,700 to 11,700. Director Ahn suggested that the uptick in new applications may be a result of the recently ratified U.S. Korea Free Trade Agreement. Director Ahn suggested that IP harmonization may also have played a role. He believes that AIA will further contribute to harmonization and incentivize patent activity in both the US and Korea. Director Ahn noted that PPH has been in place since 2008 and the PCT to PPH route since last year. He expressed hope that Korean applicants will take advantage of the new procedures. President Barber noted that AIA should result in better and more useful procedures in the US. He also expressed his desire for the IP5 to organize and further advance the needs of the patent and trademark community.

Director Ahn provided some statistics of filed Korean applications. In 2009, US applicants filing in Korea took advantage of PPH 172 times while Korean applicants filing in the US took advantage of the PPH 250 times. In 2010, US applicants filing in Korea took advantage of PPH 146 times while Korean applicants filing in the US took advantage of the PPH 209 times. 88% of PPH users used the Paris route as of July 2011. Of those 88%, 90% filed in KIPO and 80% filed in the USPTO.

Of all recently hired Examiners, 10% are PhDs and 20% are patent attorneys. New hires are trained for 1-2 months. Director Ahn noted that there is a perception among PhD Examiner that new description issues predominate (presumably in biotech/pharma art units).

Q. What is the function of KIPO’s office in Reston, VA?
A. To support KIPO’s role as ISA for U.S. filers designating KIPO as their search authority.

Q. How do competing user groups interoperate?
A. IP user groups say they don’t support activity, but just their own company.

No IP association.

Q. What are KIPO’s primary long term goals?
A. Upgrade quality/Expand resources.

Q. What are some of KIPO’s near term goal?
A. With respect to the PPH, to have 14.8 filings per month. Another goal is to hire 100 new Examiners.

Q. How does KIPO view business method claims?
A. Business method claims are patentable.

Q. Are diagnostic medical claims patentable?
A. Medical diagnostic methods are patentable if the claims do not involve contact with the human body, e.g. performing an *in vitro* test is patentable.

Q. Is there any new legislation or regulation pending?
A. There is a desire to align with U.S. law.

Q. Can you give us some examples of possible alignment with U.S. law?
A. KIPO would like to adopt Patent Term Adjustment due to various types of delay similar to PTA in the US.

Q. What other changes are in store?
A. Extend grace period to 12 months. Provide for confidentiality during lawsuits.

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Final Note:

The Committee leadership (Ken Cho and Hung Bui) would like to sincerely thank the steering committee members, including Lena Vinitskaya, Jennifer Chen, and Roger Hahn for their diligent efforts in support of this trip. We would also like to thank Tan Tee Jim, S.C. and Alban Kang who were our AIPLA liaison coordinators for Singapore; Tom Tsai, Fred Yen, and Cindy Chou of the TWPAA for coordinating our schedule in Taiwan; and Gene Kim and T.J. Suh for coordinating our schedule in South Korea.