



American Intellectual Property Law Association

March 9, 2018

Public Comment Reception Division
Trial Planning Office, Tribunal Board
Japan Patent Office
3-4-3, Kasumigaseki, Chiyoda-Ku 100-8915
Japan

Via Email: PA6B00@jpo.go.jp

**Re: New Hantei service regarding Standard Essential Patent advisory opinions
of the Japan Patent Office**

Dear Sir or Madame:

The American Intellectual Property Law Association (AIPLA) welcomes this opportunity to submit comments to the Japan Patent Office on the proposed advisory opinion service (Hantei) to indicate whether a particular patent is a standard essential patent.

AIPLA, headquartered in the United States, is a national bar association of approximately 13,500 members who are primarily practitioners engaged in private or corporate practice, in government service, and in the academic community. AIPLA members represent a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent, trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property. Our mission includes helping to establish and maintain fair and effective laws and policies that stimulate and reward invention while balancing the public's interest in healthy competition, reasonable costs, and basic fairness.

AIPLA recently became aware of the newly proposed procedure related to the expansion of the Hantei system in the area of Standard Essential Patents, announced in a Patent Office Board of Appeals notice dated February 16, 2018 and titled (as provided by machine translation) "About implementation of opinion recruitment to 'Guideline for use of judgment for judgment on standard essentiality (draft)'." AIPLA is now studying this procedure, after recently obtaining an English language translation of the published Japanese text of the proposal. However, we have not had sufficient time to fully review this matter. We hope that we can complete our study promptly and provide any relevant comments to you even after the deadline of March 11, 2018 that was established in the published notice.

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We understand that the requested form for comments was to submit them in the Japanese language. We apologize for submitting this letter in English, as this is necessary for us to provide this comment letter by March 11, 2018. Thank you for your kind consideration of our requests.

Very truly yours,

A handwritten signature in black ink that reads "Myra McCormack". The signature is written in a cursive, flowing style.

Myra H. McCormack

President, American Intellectual Property Law Association