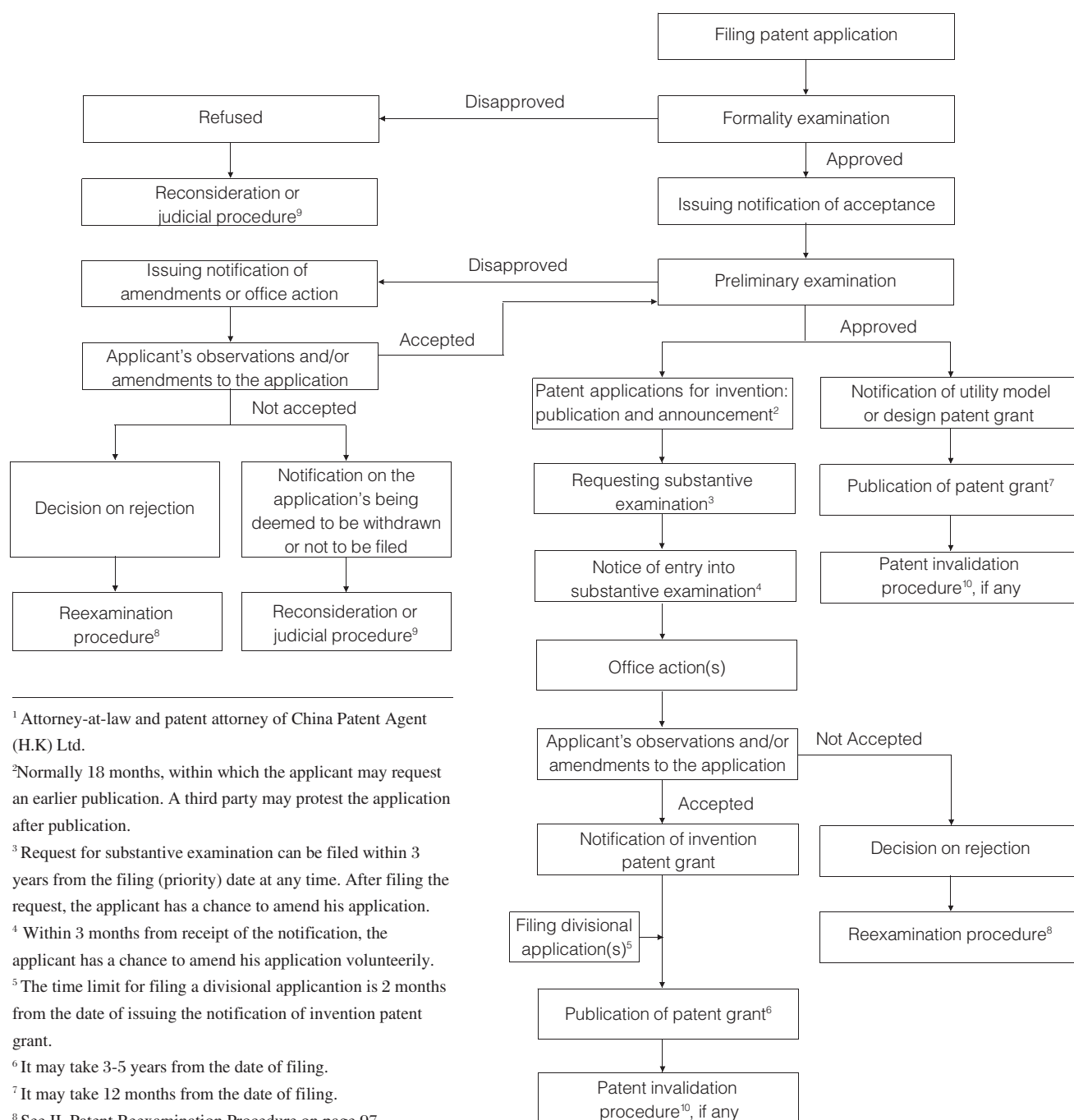


I. Procedure for Filing and Examination of Patent Applications and Grant of Patents

(at the State Intellectual Property Office of China)

By Wu Yuhe¹



¹ Attorney-at-law and patent attorney of China Patent Agent (H.K) Ltd.

² Normally 18 months, within which the applicant may request an earlier publication. A third party may protest the application after publication.

³ Request for substantive examination can be filed within 3 years from the filing (priority) date at any time. After filing the request, the applicant has a chance to amend his application.

⁴ Within 3 months from receipt of the notification, the applicant has a chance to amend his application voluntarily.

⁵ The time limit for filing a divisional application is 2 months from the date of issuing the notification of invention patent grant.

⁶ It may take 3-5 years from the date of filing.

⁷ It may take 12 months from the date of filing.

⁸ See II. Patent Reexamination Procedure on page 97.

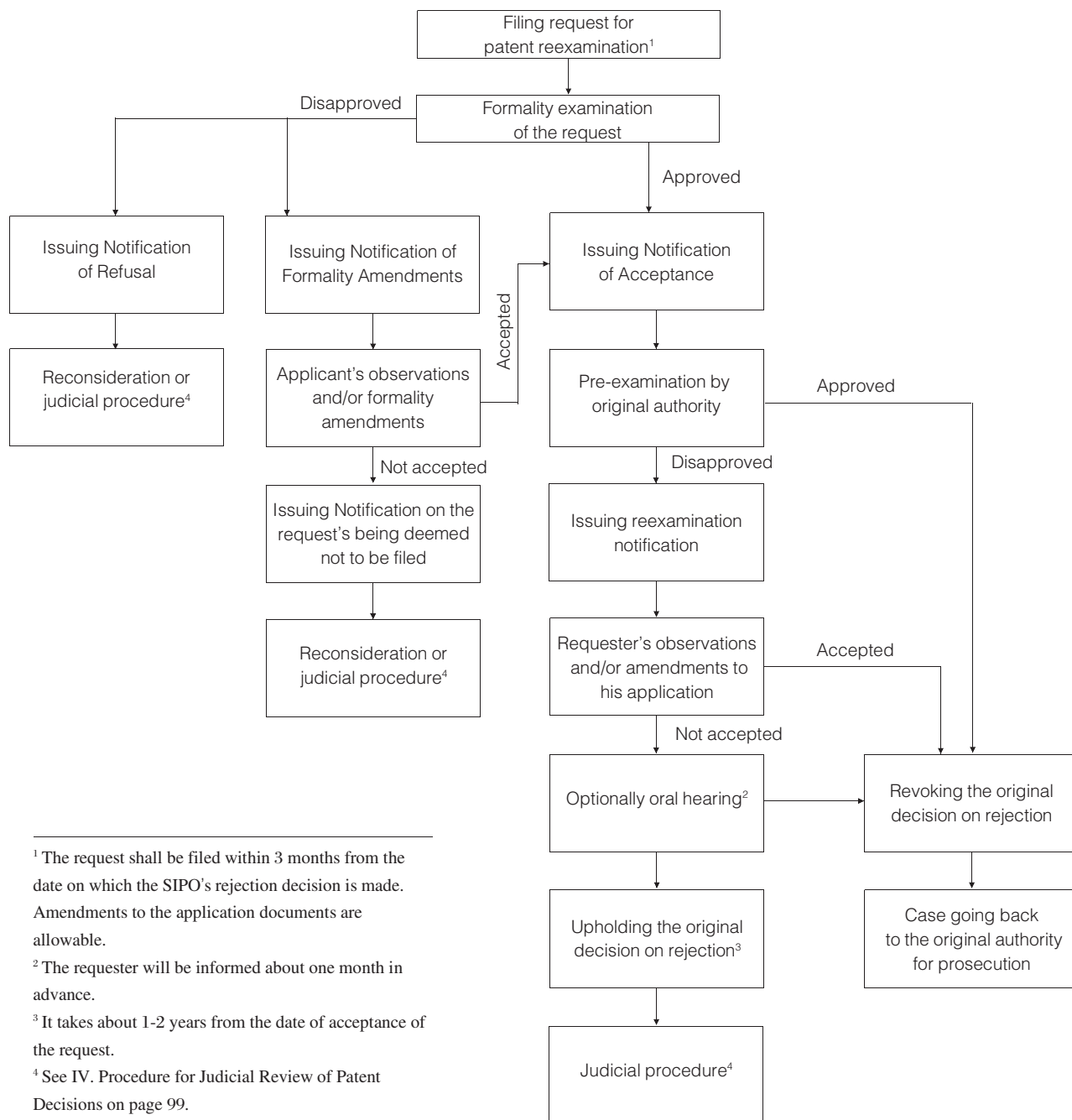
⁹ See IV. Procedure for Judicial Review of Patent Decisions on page 99.

¹⁰ See III. Patent Invalidation Procedure on page 98.

II. Patent Reexamination Procedure

(at the Patent Reexamination Board of SIPO)

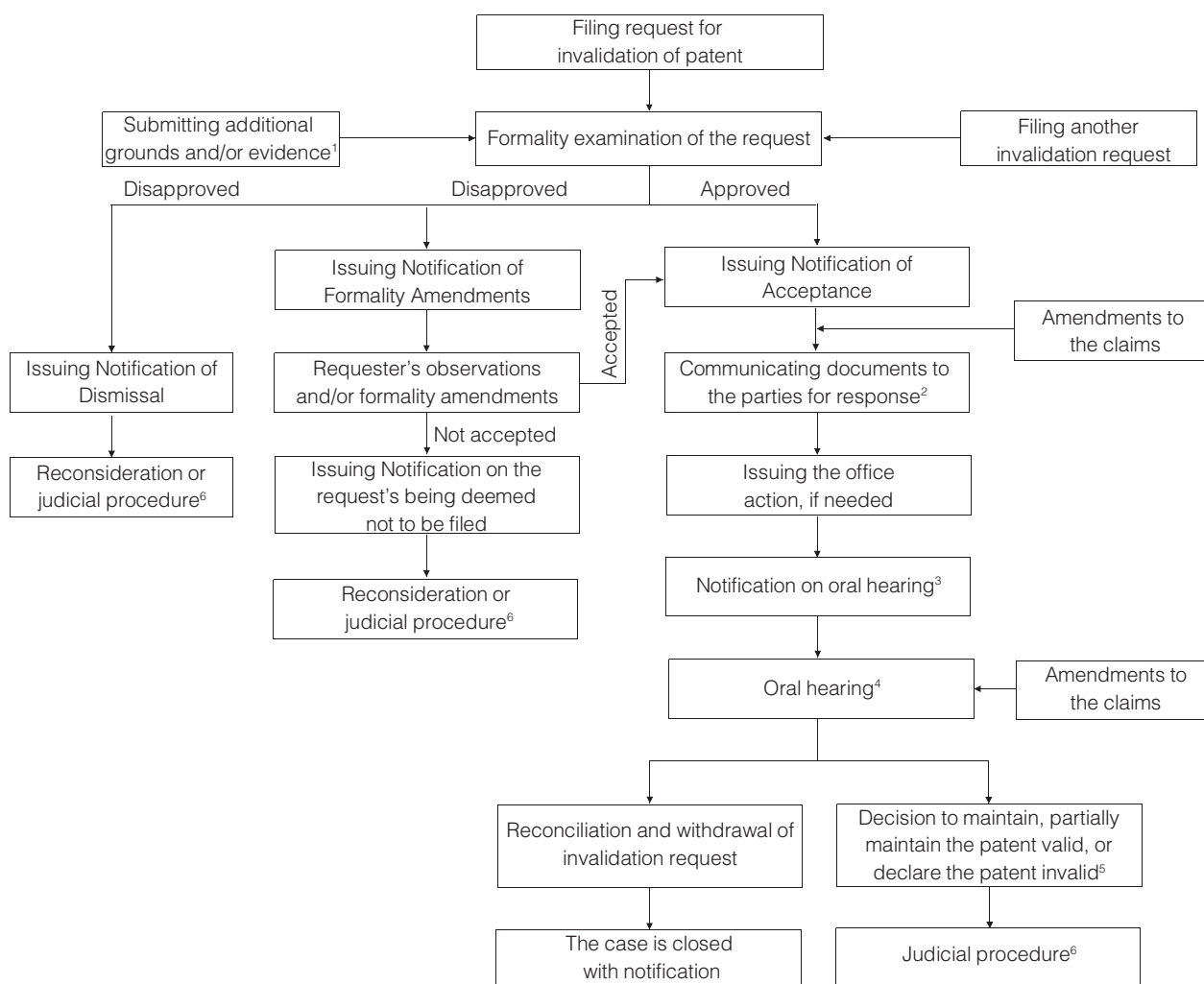
By Wu Yuhe



III. Patent Invalidation Procedure

(at the Patent Reexamination Board of SIPO)

By Wu Yuhe



¹ Time limit: one month after filing the request.

² Time limit for response: one month.

³ The parties will be informed about one month in advance.

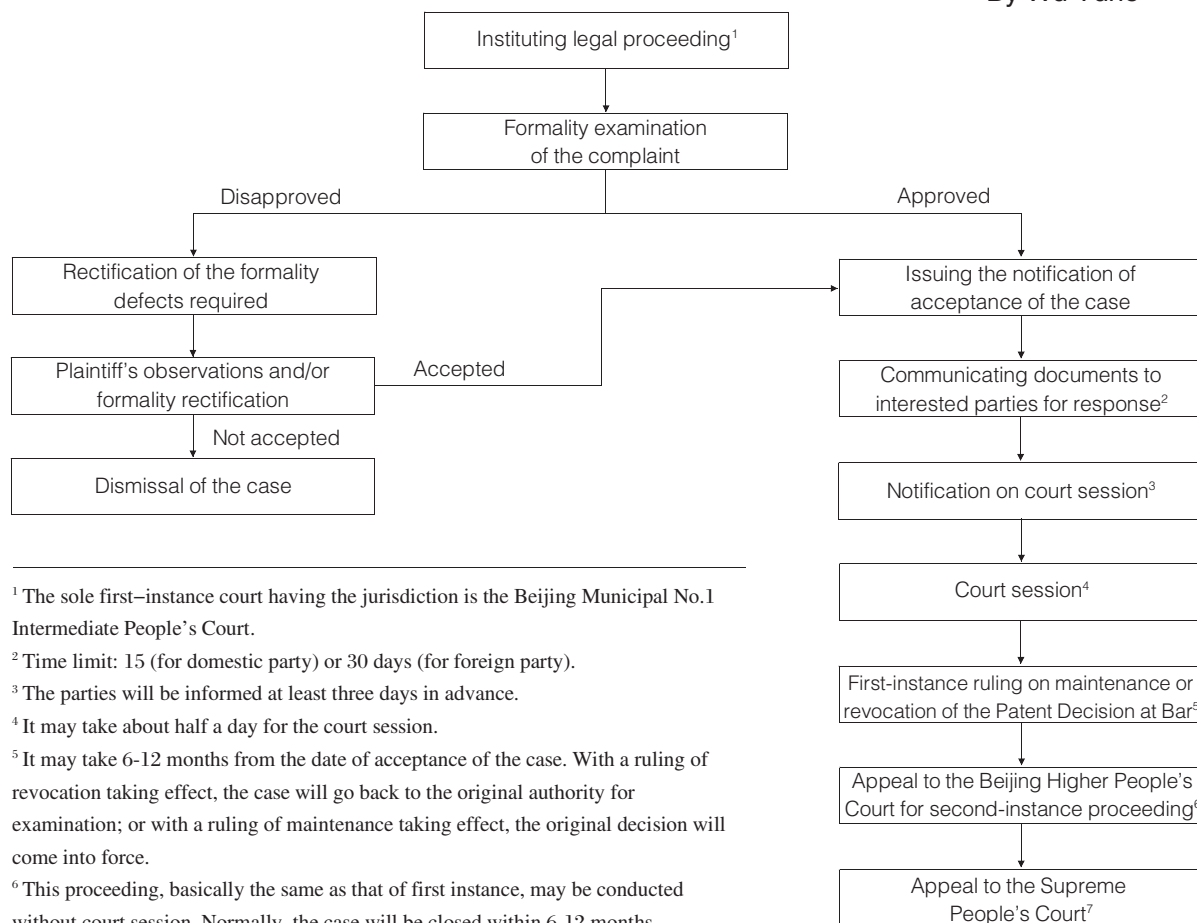
⁴ Generally, only one oral hearing would be arranged, and it may take a half to one day for the hearing.

⁵ It may take 1.5 years from the date of acceptance of the request.

⁶ See IV. Procedure for Judicial Review of Patent Decisions on page 99.

IV. Procedure for Judicial Review of Patent Decisions

By Wu Yuhe



¹ The sole first-instance court having the jurisdiction is the Beijing Municipal No.1 Intermediate People's Court.

² Time limit: 15 (for domestic party) or 30 days (for foreign party).

³ The parties will be informed at least three days in advance.

⁴ It may take about half a day for the court session.

⁵ It may take 6-12 months from the date of acceptance of the case. With a ruling of revocation taking effect, the case will go back to the original authority for examination; or with a ruling of maintenance taking effect, the original decision will come into force.

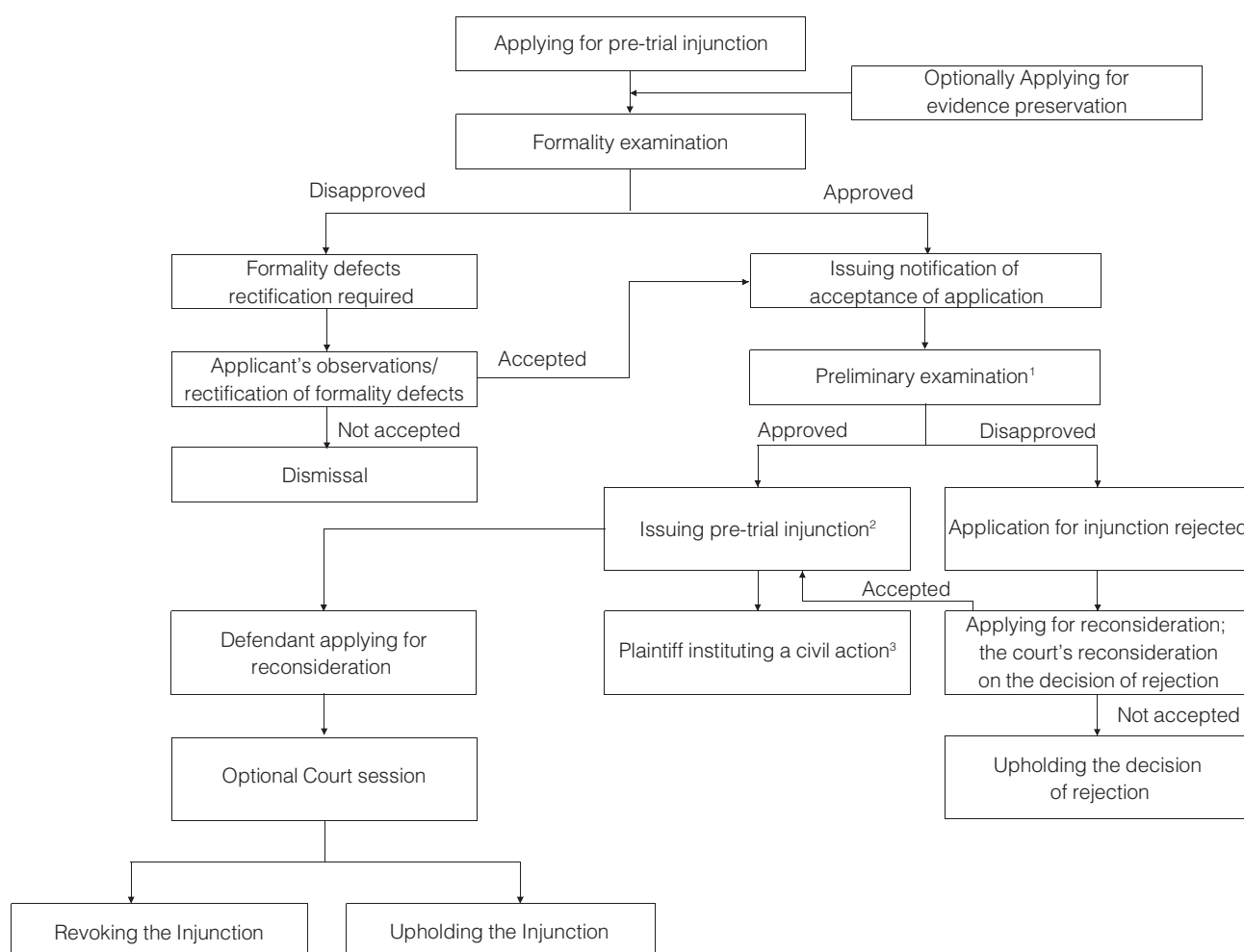
⁶ This proceeding, basically the same as that of first instance, may be conducted without court session. Normally, the case will be closed within 6-12 months.

⁷ Second instance is final. However, the Supreme People's Court may optionally accept a certain case for supervision.

V. Pre-trial Proceeding for Patent Infringement Litigation

(at a court having jurisdiction)

By Wu Yuhe



¹ The court preliminarily examines the validity, likelihood of infringement, irreparable damage, and guaranty. Court session may be held.

² In emergency situations, the pre-trial injunction will be issued within 48 hours from the acceptance of the application. The injunction order comes into force once it is served.

³ The plaintiff must institute the civil action within 15 days (for Chinese applicants) or 30 days (for foreign applicants) from the date of issuing the injunction to maintain the enforceability of the injunction.

VI. Patent Infringement Litigation Procedure

(at a court having jurisdiction)

By Wu Yuhe

