

USPTO PATENT EXAMINATION ACCELERATION PROGRAMS AND PROPOSALS

| Program Name | Description of Program | Effective Dates | Examination Support Document | Program Fees | Terms of Acceleration |
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| <p>Accelerated Examination Program</p> | <p>Pursuant to the Accelerated Examination Program, an applicant may have an application granted accelerated examination status provided certain conditions are met. In order to receive accelerated treatment, applicants must file a petition to make special under 37 CFR 1.102 entitled “Advancement of examination.”</p> <p>Key requirements include the following:</p> <ul style="list-style-type: none"> (1) the application must be filed via EFS-Web with a petition to make special along with (a) required petition fee or (b) a statement that the claimed invention is directed to environmental quality, development or conservation of energy resources, or counter terrorism; (2) the application must be complete and in condition for examination; (3) the application must contain three or fewer independent and twenty or fewer total claims, and must not contain any multiple dependent claims; (4) the claims must be directed to a single invention; (5) the petition must include a statement agreeing to have an interview; (6) applicant must provide a statement that a pre-examination search was conducted that meets certain requirements; and (7) applicant must provide an accelerated examination support document that satisfies certain requirements. <p>See MPEP § 708.02(a). http://www.uspto.gov/patents/process/file/accelerated/index.jsp</p> | <p>Permanent Program</p> <p><u>Start Date</u> Aug. 25, 2006</p> | <p>Complete Examination Support Document Required</p> | <p>US \$130 Petition Fee to Request Accelerated Examination</p> <p>No petition fee required for inventions that will enhance the quality of the environment, relate to the development or conservation of energy resources or, contribute to counterterrorism.</p> | <p>Goal is to complete examination of an application within 12 months from the filing date of the application.</p> <p>Applications are placed on an accelerated examination track throughout the entire prosecution in the USPTO.</p> |

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| Green Technology Pilot Program | <p>The Green Technology Pilot Program permits applicants to request accelerated examination for applications pertaining to clean technologies, such as environmental quality, energy conservation, development of renewable energy resources, and greenhouse gas emission reductions. In order to receive accelerated treatment, applicants must file a petition to make special under 37 CFR 1.102 entitled “Advancement of examination.”</p> <p>Some key requirements include the following:</p> <ul style="list-style-type: none"> (1) the application must be filed before December 8, 2009; (2) the application must contain three or fewer independent claims and twenty or fewer total claims, and must not contain any multiple dependent claims; (3) the claims must be directed to a single invention that materially enhances the quality of the environment; (4) the petition must include a statement explaining how the materiality standard is met if it is not clear on its face from the application disclosure; (5) the petition must be filed via EFS-Web; and (6) the petition must be accompanied by a request for early publication and the publication fee. <p>An initial classification requirement was removed on May 21, 2010, allowing more inventions related to green technologies to qualify.</p> <p>http://www.uspto.gov/patents/init_events/green_tech.jsp</p> | <p>Pilot Program</p> <p><u>Start Date</u> Dec. 8, 2009</p> <p><u>Termination Date</u> Dec. 8, 2010, or when the first 3,000 grantable petitions are filed, whichever is earlier</p> | <p>Not Required</p> | <p>No Fees</p> | <p>Applications will be placed on an accelerated examination track in the following situations:</p> <ul style="list-style-type: none"> (1) prior to the first communication on merits, <i>i.e.</i>, first Office action; (2) any appeal to the Board of Patent Appeals and Interferences; and (3) the patent publication process. |

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| Project Exchange or Patent Application Backlog Reduction Stimulus Plan | <p>The Project Exchange Program was initially designed to allow small-entity applicants having multiple applications pending before the USPTO to have an application accorded accelerated examination status if the applicant expressly abandons another co-pending unexamined application. In order to receive accelerated treatment, applicants must file a petition to make special under 37 CFR 1.102 entitled “Advancement of examination.”</p> <p>Some of the key requirements include the following:</p> <p>(1) the non-provisional application for which accelerated status is sought must be filed before October 1, 2009;</p> <p>(2) the applicant has another co-pending non-provisional application that has an actual filing date earlier than October 1, 2009, and is complete;</p> <p>(3) the application for which accelerated status is sought and the other co-pending application either are owned by the same party as of October 1, 2009, or name at least one inventor in common; and</p> <p>(4) the applicant files a letter of express abandonment in the co-pending application before it has been taken up for examination.</p> <p>The small-entity status requirement was removed on June 24, 2010 to increase participation in the Program.</p> <p>http://www.uspto.gov/patents/init_events/PatentStimulusPlan.jsp</p> | <p>Pilot Program</p> <p><u>Start Date</u> Nov. 27, 2009</p> <p><u>Termination Date</u> Dec. 31, 2010 or when 10,000 applications have been granted accelerated status under this program, whichever is earlier</p> | <p>Not Required</p> | <p>No Fees</p> | <p>Applications will be placed on an accelerated examination track in the following situations:</p> <p>(1) prior to the first communication on merits, <i>i.e.</i>, first Office action;</p> <p>(2) any appeal to the Board of Patent Appeals and Interferences; and</p> <p>(3) the patent publication process.</p> |

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| Applicant's Age or Health | <p>Applications may be accorded accelerated examination status based on an applicant's age or health. In order to receive accelerated treatment, applicants must file a petition to make special under 37 CFR 1.102 entitled "Advancement of examination."</p> <p>Key requirements include a petition with accompanying evidence showing that (1) the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course, such as a doctor's certificate or other medical certificate or (2) that the applicant is 65 years of age or older.</p> <p>See 37 CFR 1.102(c).</p> | Permanent Program <u>Start Date</u> Circa December, 1959 | Not Required | No Fees | Applications are placed on an accelerated examination track throughout the entire prosecution in the USPTO. |

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| Three-Track Proposal | <p>The Three-Track Proposal would permit applicants to choose one of three “tracks” for patent examination. The proposal would provide applicants with greater control over the timing of examination and increase the efficiency of examination by avoiding or reducing duplication of efforts by the Office of First Filing and the USPTO.</p> <p><i>Track I (accelerated examination)</i> Applicants who submit a request and pay an additional fee will have their application placed in an accelerated queue for examination. Applicants would expect to receive a first Office action on the merits within 4 months. Final disposal (allowance or final rejection) would be expected to occur within 12 months of accelerated status being granted.</p> <p><i>Track II (standard or traditional timing for examination)</i> This option will involve standard fees and will proceed under current examination procedures.</p> <p><i>Track III (applicant controlled up to 30 months queue prior to docketing for examination)</i> Non-continuing applications that originate in the United States may have examination delayed for up to 30 months.</p> <p>For United States applications that are based on a prior foreign application, no action would be taken until the applicant submits a copy the search report from the foreign office (if any), a copy of the first action on the merits from the foreign office, and an appropriate reply to the foreign office action. After these items are received, the applicant could request prioritized examination or obtain standard processing under Track II.</p> <p>See 75 FR 31763 (June 4, 2010). http://www.uspto.gov/news/pr/2010/10_24.jsp</p> | Proposal | Not Required | Applications in Track I would require a cost recovery fee. | The goal for handling applications in Track 1 would be to provide a first Office action on the merits within 4 months and a final disposition within 12 months of accelerated status being granted. |