

USPTO Implements the Green Technology Pilot Program to Accelerate Review of Green Technologies

The U.S. Patent and Trademark Office is implementing a pilot program to accelerate the examination of certain “green” technology patent applications. Normally, patent applications are taken up for examination in the order that they are filed and take over three years to receive a final decision. Under the Green Tech Pilot Program, for the first 3,000 patent applications related to green technologies in which a proper petition is filed, the Office will examine the application on an accelerated basis, which should reduce the time it takes to patent the invention by an average of a year. The deadline for filing petitions under this program is December 8, 2010.

To be considered a “green” technology, the application must pertain to the quality of the environment, energy conservation, development of renewable energy resources, or greenhouse gas reduction. To determine whether a patent application may fall within one of these categories, the USPTO provided the following guidance:

- *Environmental Quality*: includes inventions that materially enhance the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements
- *Energy Conservation*: includes hydroelectric, solar, wind, renewable biomass, landfill gas, ocean, geothermal, and municipal solid waste, as well as other services directly used providing electrical energy from these sources.
- *Development of Renewable Energy Resources*: includes inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, and household appliances.
- *Greenhouse Gas Reduction*: includes inventions that contribute to advances in nuclear power generation technology, fossil fuel power generation technology, or industrial processes with greenhouse gas-abatement technology (e.g., inventions that significantly improve safety and reliability of such technologies).

If you have any questions concerning the pilot program or would like to know whether you are eligible, please contact Charles Forlidas at 404 962-6444.

The opinions expressed in this bulletin are intended for general guidance only. They are not intended as recommendations for specific situations. As always, readers should consult a qualified attorney for specific legal guidance. Should you need assistance from a Miller & Martin attorney, please call 1-800-275-7303.

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