

WSGR ALERT

MAY 2010

U.S. PATENT AND TRADEMARK OFFICE ELIMINATES CLASSIFICATION REQUIREMENT FOR "GREEN TECHNOLOGY" PILOT PROGRAM

In December 2009, the U.S. Patent and Trademark Office (USPTO) implemented a one-year pilot program to accelerate the examination of certain "green technology" patent applications. Under the program, a patent application can be advanced out of turn, which can lead to quicker examination. By patenting green technology innovations sooner, it is believed that entrepreneurs may secure funding, create businesses and jobs, and help bring these technologies to the market more quickly.

The USPTO has now eliminated one of the previously stated requirements, which will allow more applications into the green technology pilot program. A patent application is no longer required to fall into one of a few selected U.S. classifications for "green technologies." Applicants whose previous petitions were dismissed solely on the basis of not meeting the classification requirement may file a renewed petition.

However, other restrictions and eligibility requirements still apply and may depend on the status of a pending patent application.

For example, eligible applications for the pilot program include U.S. non-provisional applications or international Patent Cooperation Treaty (PCT) patent applications that have entered the national stage in the United States. Pending "provisional" applications do not qualify.

The USPTO previously announced that it would accept only the *first 3,000* petitions that met the requirements to participate in the green technology pilot program. According to recent PTO sources, more than 950 requests have been filed by applicants for the program. However, only 342 of those have been granted, primarily because many of the inventions were not in classifications that were eligible. The elimination of the classification requirements is now expected to allow many more patent applications to enter the program and receive faster examination.

For further information or questions regarding this WSGR Alert or other related matters, please contact U.P. Peter Eng, Vern Norviel, Esther Kepplinger, or your regular Wilson Sonsini Goodrich & Rosati contact.



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