

## WSGR ALERT

APRIL 2011

### USPTO ANNOUNCES “TRACK ONE,” A PRIORITIZED EXAMINATION OF PATENT APPLICATIONS

The U.S. Patent and Trademark Office (USPTO) recently announced a “Track One” prioritized patent-examination initiative beginning on May 4, 2011. “Track One” will permit applicants to expedite the examination of their patent applications. For a \$4,000 fee, applications will be placed on the examiner’s special docket throughout their entire course of prosecution with the goal of reaching a final disposition in 12 months. “Final disposition” means that the application is allowed, abandoned, or made subject to a final rejection, or the applicant files a notice of appeal. There is no guarantee that a patent will issue as a result of the expedited examination.

The Track One program is limited to 10,000 applications through the end of the fiscal year (September 30, 2011). New or continuing applications (e.g., continuations or divisionals) are eligible for the program if they are filed on or after the effective implementation date. An application filed as a continuation or continuation-in-part application from a Patent Cooperation Treaty (PCT) international application is also eligible.

#### Qualification Criteria:

- Application must be filed on or after May 4, 2011, using the USPTO’s

electronic filing system with a request for prioritized examination

- Application must be “complete” (e.g., filed with an oath or declaration and all fees)
- Application may contain no more than four independent and thirty total claims with no multiple dependent claims
- A \$4,000 fee must be paid in addition to the normal filing fees; if it is a continuation or divisional application, there is no credit for prior fees paid

Applications are eligible for Track One examination if they are filed as a utility or plant application. Applications deemed ineligible for the program include PCT international applications (including national-stage applications filed from a PCT); design, reissue, re-exam, or provisional applications; or requests for continued examination (RCEs).

For more information on the Track One initiative and other USPTO accelerated patent-examination programs, please contact Peter Eng, Jeff Guise, Mike Hostetler, Vern Norviel, Peter Munson, Karen Wong, Esther Kepplinger, Lou Lieto, or another member of the firm’s patent and innovation strategies practice.



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