

## USPTO PUTS "GREEN" PATENTS ON THE FAST TRACK FOR EXAMINATION

CARR LLP would like to make you aware of another important change in the rules of the U.S. Patent and Trademark Office as to patent applications. The Office announced on Monday, December 7, 2009 a new pilot program fast-tracking the review of certain "green" technology patent applications. The Office will afford this opportunity of expedited examination only to applications pending prior to Tuesday, December 8, 2009 claiming subject matter focused on environmental quality, conserving energy, renewable energy and reducing greenhouse gas emissions.

Requirements of the petition omit many of the current requirements for accelerated examination added in 2006 for petitions to make "special" (other than petitions based on applicant's health or age or the Patent Prosecution Highway pilot program). **Acceptance of such a petition should have the effect of reducing the time it takes to examine applications for these technologies by an average of one year (or more).** Such applications will be treated as "special" up to the first office action and for any appeal to the BPAI.

**This pilot program is limited to the first 3,000 petitions meeting Office requirements.** The application must contain no more than three independent claims and no more than twenty (20) total claims (without any multiple dependent claims). A preliminary amendment must be filed with the petition if necessary to meet these claim requirements. The petition must be filed at least one day before a first office action appears in the PAIR system and, in any event, before December 8, 2010. **No additional filing fee is required by the Office for the petition; however, a request for early publication must be made with payment of the publication fee.**

### How can you benefit from this change?

If you have a pending green patent application, **it is strongly recommended to apply for special status to take advantage of this expedited examination opportunity.** Because the pilot program is currently capped at the first 3,000 applications received, a petition should be submitted as soon as possible.

### View the full USPTO memorandum

The complete Office notice with details on eligibility is available [here](#).

CARR will continue to track USPTO updates on examination of patent applications. If you have questions regarding the above, please contact me at 214.760.3000.

With best regards,



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