

UNITED STATES  
PATENT AND TRADEMARK OFFICE



## Patent Initiatives

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## Track One – Prioritized Patent Examination Program

- Track One program applications are accorded special status during prosecution until a final disposition is reached
- The Office's goal is to provide a final disposition within twelve months of prioritized status being granted
  - Final disposition includes mailing of a notice of allowance or final Office action, filing of a notice of appeal, completion of examination as defined in 37 CFR 41.102, filing of an appeal, or abandonment of the application



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## Track One Requirements

- Original utility or plant non-provisional applications filed under 35 USC 111(a), may be continuation or divisional applications
- Track One utility applications must be filed via EFS-Web
- Must contain four or less independent claims, thirty or less total claims, and no multiple dependent claims
- Applicants are advised to submit Prioritized Examination Request Form PTO/AIA/424 when filing the application
  - Prioritized examination fee must accompany the request



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## Track One Requirements for RCEs

- Requests for prioritized examination may be filed concurrently with or subsequently to the filing of a request for continued examination (RCE)
- The request for prioritized examination must be filed before the mailing of the first Office action after the filing of the RCE
  - Prioritized examination fee must accompany request
- The same claim limitations apply to RCEs as to other applications



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## Track One Termination

- Prioritized examination of an application in the Track One program will be terminated
  - If applicant files a petition for an extension of time to file a reply or a request for suspension of action
  - If applicant files an amendment to the application resulting in more than four independent claims, more than thirty total claims, or a multiple dependent claim
- Upon termination of prioritized examination, the application will be placed on the examiner's regular docket in accordance with its stage of prosecution



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12<sup>th</sup> Annual Advanced Patent Law Institute session

"USPTO Special Programs for Patent Prosecution"