

## Green Innovations Move to the Front of the Patent Application Line

The U.S. Patent and Trademark Office has announced a pilot program for accelerating U.S. patent applications for “green tech” innovations. In an effort to accelerate the development and deployment of green technology, create more jobs, and promote U.S. competitiveness in this market, the U.S. Patent and Trademark Office (“USPTO”) recently introduced the Green Technology Pilot Program to accelerate the examination of “green” technology patent applications.

Under normal USPTO procedures, new patent applications are taken up for examination in the order in which they are filed. However, applications that qualify for acceleration under the program, will be placed on a special fast track that will likely result in an initial review in approximately 16 months, rather than 30 months. Clearly, this is a tremendous commitment by the USPTO to ensure that critical, environmentally-friendly inventions find their way to the marketplace promptly.

To qualify under the program, the applicant must be among the first 3,000 to file a petition with the USPTO claiming it meets all of the program’s requirements. In order to participate in the program, the application must be:

- a non-reissue, non-provisional utility application **pending as of December 8, 2009**
- classified in one of the following: (a) Alternative Energy Production, (b) Energy Conservation, (c) Environmentally Friendly Farming, (d) Environmentally Purification, Protection, or Remediation
- have three or fewer independent claims and 20 or fewer total claims
- directed to a single invention
- filed electronically

The petition to make special must be filed prior to issuance of a first Office Action and before December 8, 2010.

In addition, there is a balance of commercial aims to consider. Applicants considering this procedure should bear in mind that accelerating U.S. examination will also speed up the associated costs. Potentially, participation in this program could also limit flexibility, by forcing selection of one particular inventive feature at a time while the technology and market are still developing.

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