United States Patent and Trademark Office expands Green Technology Program for Expedited Examination

January 1, 2011

The United States Patent and Trademark Office (USPTO) recently announced changes to its Green Technology Pilot Program, which was implemented in December 2009 in an effort to promote development of clean technologies (for further details see: Fast-Track Examination for Clean Technology Patents). Essentially, the program allows an applicant to request expedited examination of certain qualifying patent applications without paying additional fees that are typically required for expedited examination. The goal of the program is to reduce the time required to obtain a patent for clean technology innovations.

Previously, the program was only available to applications filed before December 8, 2009, and the program was set to end on December 8, 2010, or until the USPTO accepted 3,000 applications into the program. As such, the program was unavailable to many applicants who filed applications after December 8, 2009.

Now, the program has been expanded to include all pending applications, not just those filed before December 8, 2009. The USPTO is also extending the program until December 31, 2011, or until 3,000 petitions have been granted.

The USPTO also recently expanded the scope of the program by removing another condition. In particular, the program was previously limited to applications classified under certain U.S. classifications. This condition was eliminated on May 21, 2010.

Based on these changes, many applicants with patent applications directed toward clean technologies might be able to enter the program and receive expedited examination, even if the USPTO previously denied entry into the program. Accordingly, applicants should review pending patent applications, especially those filed within the past year, to determine if they might now qualify for the program.

Since the program is also available to new applications being filed, inventors who are developing clean technologies might want to consider filing applications now in order to take advantage of the program.

As of November 15, 2010, only 800 petitions had been granted, so there is plenty of opportunity to take advantage of the program.

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