



POSTPONED – –USPTO Prioritized Examination Track (Track I)

April 6, 2011

The USPTO has announced that implementation of the prioritized examination track described below has been postponed due to budgetary constraints. For information on this and other programs affected by the appropriations for the remainder of FY2011, please click [here](#).

The USPTO published a final rule on April 4, 2011 to implement prioritized examination upon an applicant's request and payment of a \$4,000 request fee and other filing fees. The USPTO's goal is to provide a final disposition within twelve months of an application's receiving prioritized status. Here are some of the key provisions:

- Request must be filed together with a complete utility or plant nonprovisional application on or after May 4, 2011
- Application must contain or be amended to contain no more than four independent claims, no more than 30 total claims, and no multiple dependent claims.
- A maximum of 10,000 applications will be given prioritization during the remainder of fiscal year 2011.
- Extensions of time are available but will result in prioritization status being terminated.
- Currently no small entity discount on prioritization fee, but this is provided for in patent reform legislation passed by Senate (S. 23) and pending in the House (H.R. 1249).

For more information, see the Federal Register notice – click [here](#).

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