



Greenblum & Bernstein, P.L.C.
CLIENT ADVISORY
Recent Changes in Rules and Procedures

December 20, 2011

Track I Prioritized (Expedited) Examination Expanded to Include RCEs

Dear Clients:

Effective December 19, 2011, the United States Patent and Trademark Office has announced that the Track I program (fee-based expedited examination) has been expanded to include RCEs that are filed before, on, or after December 19, 2011.

The expanded Track I expedited examination differs from the basic Track I expedited examination in several significant features, as follows:

- In accordance with the expanded Track I program, an RCE in a US national stage application is now eligible for expedited examination, while ordinarily, US national stage applications are not eligible for the basic Track I program.
- In accordance with the expanded Track I program, a request for prioritized (or expedited) examination can be filed after the RCE has been filed, while the basic Track I program requires that the request be filed at the same time as the application itself.

In other aspects, the expanded Track I program is substantially the same as the basic Track I program. The basic requirements of the basic and expanded programs are that the request must be filed via EFS -- Web (except for plant applications) before an office action (subsequent to the filing of the RCE) is issued, the application must contain or be amended to contain no more than 4 independent claims and no more than 30 total claims, and the request must be accompanied by the appropriate prioritized examination fee (\$4800/\$2400) together with the processing fee and the publication fee.

Please note additionally that only one request for prioritized examination of an RCE can be filed in any given application.

Further details of the prioritized examination program were set forth in our Client Advisory dated September 23, 2011.

We hope that this communication clarifies the basic provisions of this new provision of the Track I program.

Of course if you have any questions regarding this matter, or any other aspect of patent law or procedure, please feel free to contact us.

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Best regards,

GREENBLUM & BERNSTEIN, P.L.C.

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