



GREEN INITIATIVES AT THE UNITED STATES PATENT AND TRADEMARK OFFICE

At the end of 2009 the USPTO initiated a new manner of obtaining accelerated examination on patent applications: their Green Technology Pilot Program. The green program is designed to promote the filing and prosecution of so-called “green” inventions by accelerating “the development and deployment of green technology, create green jobs, and promote U.S. competitiveness in this vital sector.” This represents a significant departure from other accelerated examination programs which typically require applicants to provide significant amounts of information about both their application as well as prior art.

The green program is currently available for a number of inventions that relate to “environmental quality, energy conservation, renewable energy resources or greenhouse gas emissions reduction.” Director Kappos has spoken about the program and stated that if it is successful in increasing the number of green filings and encouraging innovation, the program could be further expanded to a broader scope of green inventions as well as potentially other areas where innovation could be encouraged.

The net effect of being admitted into the green technology pilot program will be the reduction of prosecution by about one year.

If an applicant’s pending patent application is defined in the correct technology area, obtaining entry into the green pilot program is relatively simple as a petition form must be completed and submitted to the USPTO. Assuming the petition is proper, it will be granted and the subject application will be admitted into the program. The patent office currently estimates that the net effect of being admitted into the green technology pilot program will be the reduction of prosecution by about one year.

Initially, a limit of 3000 patent applications was set for the green pilot program. As of April 2010, there had been nearly 1000 requests, of which about 35% had been granted.

While this percentage may seem a little low, it should increase as both awareness of the program as well as awareness of the appropriate types of inventions become more widespread. The USPTO is encouraging all relevant applications to utilize this program and, assuming the program is successful, looks to continue and expand the program.