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December 14, 2009

GREEN TECHNOLOGY GOES TO THE HEAD OF THE LINE AT USPTO

In advance of the United Nations Climate Change Conference in Copenhagen, Denmark, the U.S. Patent and Trademark Office (USPTO) has made patenting green technology easier and faster. Domestic and foreign patent applications pertaining to these new inventions and pending at the USPTO are eligible for accelerated examination by the USPTO. Normal fees and requirements when petitioning for accelerated examination have been waived. In essence, the Applicant need only file a form provided by the USPTO requesting accelerated examination.

Specifically, the USPTO has implemented a one-year Pilot Program for Green Technologies Including Greenhouse Gas Reduction to accelerate examination of pending applications for inventions that pertain to one of the following categories:

- materially enhances the quality of the environment;
- materially contributes to the discovery or development of renewable energy resources;
- materially contributes to the more efficient utilization and conservation of energy resources; or
- materially contributes to greenhouse gas emission reduction.

For instance, a technology in the first category would contribute to the restoration or maintenance of the basic life-sustaining natural elements. Renewable resources pertaining to a technology in the second category include, in part, hydroelectric, solar, wind, renewable biomass, landfill, gas, ocean (including tidal, wave, current, and thermal), geothermal, and municipal solid waste, as well as the transmission, distribution, or other services directly used in providing electrical energy from these sources. A technology in the third category includes inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, and household appliances. A technology in the fourth category includes, in part, nuclear power generation technology, fossil fuel generation, and greenhouse gas-abatement technology.

The Pilot Program is limited to the first 3,000 petitions, and will end after one year on December 8, 2010. Details of the Pilot Program have been published in the Federal Register for December 8, 2009 (<http://www.uspto.gov/patents/law/notices/74fr64666.pdf>).

In essence, applications pertaining to green technologies including environmental quality, energy conservation, development of renewable energy, or greenhouse gas emission reduction will be advanced out of turn for examination.

Please feel free to contact your HRO attorney to discuss the Pilot Program and how it may apply to your particular patent applications.

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