# Track One Prioritized Examination

Quick Start Guide

September 2024



# **Quick Start Guide**

**Prioritized Examination for** 

Non-Provisional Utility Applications



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### 1. Introduction

Prioritized Examination for newly filed applications (Track One) and for requests for continued examination (PE-RCE) provides applicants with greater control over when their applications are examined and promotes greater efficiency in the patent examination process. Prioritized Examination allows applicants who submit a request and pay an additional fee to have their application accorded special status during prosecution before the patent examiner.

The resource page for Prioritized Examination can be located at: http://www.uspto.gov/patents/init\_events/Track\_One.jsp

# 2. Basic Guidelines for Filing a Request for Prioritized Examination:

- Filer must be able to access Patent Center.
- Applicants are strongly advised to use the Office's certification and request form to request prioritized examination, but the form is not required. For applications before September 16, 2012, form PTO/AIA/424 may be used; for applications filed on or after September 16, 2012, form PTO/AIA/424 may be used. Failure to use form PTO/AIA/424 could result in the Office not recognizing the request or delays in processing the request. If applicant decides to use an applicant-created form for requesting prioritized examination (Track One or PE-RCE), applicant's form should be an equivalent to the Office's form. See the Federal Register Notice titled "Changes to Implement the Prioritized Examination Track (Track One) of the Enhanced Examination Timing Control Procedures under the Leahy-Smith America Invents Act" available at http://www.uspto.gov/patents/init\_events/Track\_One.jsp.
- Consult the current fee schedule available at <a href="http://www.uspto.gov/about/offices/cfo/finance/fees.isp">http://www.uspto.gov/about/offices/cfo/finance/fees.isp</a> for the correct fee amounts. The fees required to be paid on a utility patent application upon filing a request for prioritized examination of that application are:
  - o Basic filing fee, as set forth in 37 CFR 1.16(a).
  - Search fee, as set forth in 37 CFR 1.16(k).
  - Examination fee, as set forth in 37 CFR 1.16(o).
  - o Publication fee, as set forth in 37 CFR 1.18(d).
  - o Prioritized examination processing fee, as set forth in 37 CFR 1.17(i)(1).

- o Prioritized examination fee, as set forth in 37 CFR 1.17(c).
- o If applicable, any application size fee, due because the specification and drawings exceed 100 sheets of paper, as set forth in 37 CFR 1.16(s).
- o If applicable, any excess independent claim fee, due because the number of independent claims exceeds three, as set forth in 37 CFR 1.16(h).
- o If applicable, any excess claim fee, due because the number of claims exceeds twenty, as set forth in 37 CFR 1.16(i).
- If requesting prioritized examination for an RCE, RCE fee, as set for in 37 CFR 1.17(e).

Prioritized Examination requests via Patent Center are accepted only for nonprovisional utility applications. Requests for prioritized examination for plant applications must be filed by paper.

- If a Prioritized Examination request has been submitted but a necessary component has been omitted, the omitted component must be submitted as a follow-on document on the same day as the original submission. Prioritized Examination requests that are not complete on the day they are submitted will be dismissed.
- For more information on submitting applications electronically via Patent Center please review the Patent Center Guidance and Resources page located at <a href="https://www.uspto.gov/patents/apply/patent-center">https://www.uspto.gov/patents/apply/patent-center</a>. For the complete details and requirements for prioritized examination, see the guidance posted.

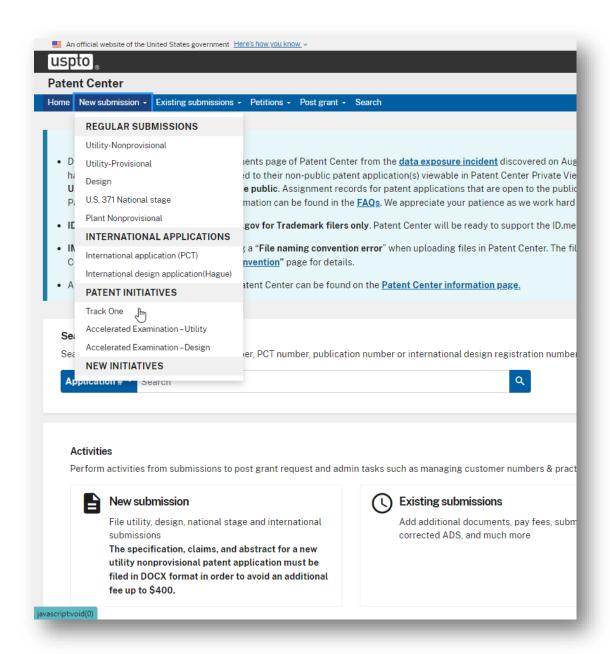
Warning: For your protection, your Patent Center sessions will time-out after 30 minutes of inactivity. A Prioritized Examination request that has not been submitted or saved after 30 minutes of inactivity will be lost. You will need to login to Patent Center again and re-enter the Prioritized Examination from the start.

# 3. Filing a Request for Prioritized Examination of a Newly Filed Application (Track One):

# Application Process

Track One – Prioritized Examinations can be filed by both Registered and Guest filers.

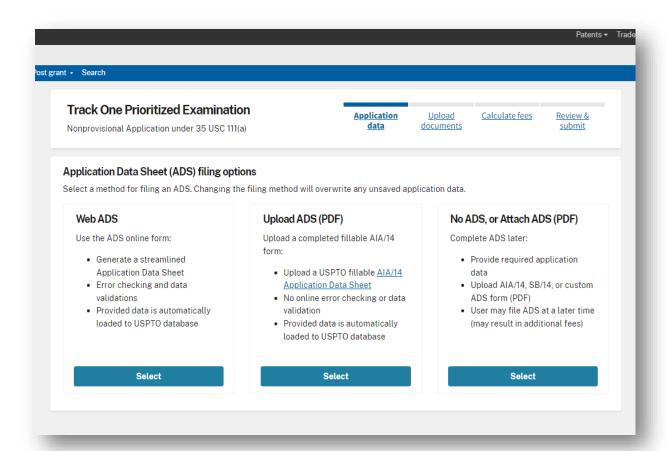
To submit a Track One – Prioritized Examination on the certification screen select "New Submission". The Web screen will expand to display additional options. Select "Track One" located under PATENT INITIATIVES. You can also access Track One by selection the "New Submission" Activity card.



### **Application Data**

On the "Application Data" screen please complete the bibliographical data by selecting how you will file your preferred ADS option.

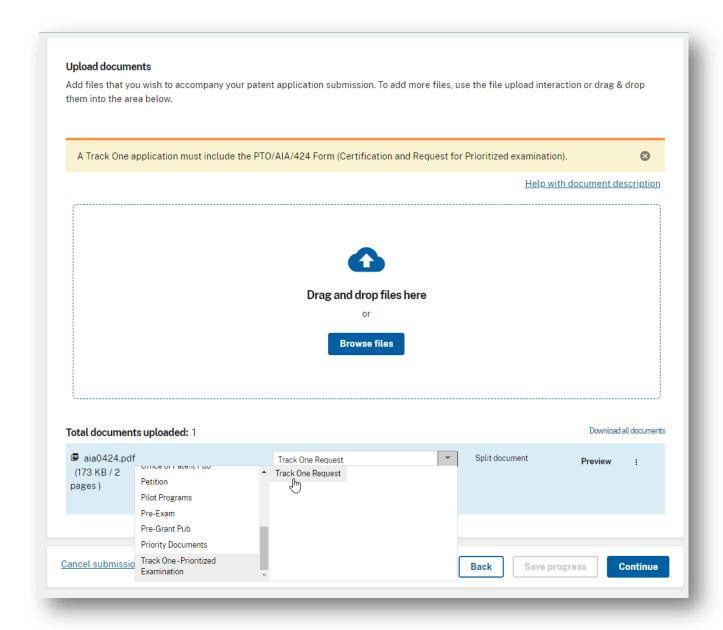
NOTE: If you select "No ADS" and you are a registered filer you will be able to select a Customer Number from a drop-down menu or key in a valid Customer Number. If you do not have a Customer Number you may provide a Correspondence Address by selecting Provide physical address.



### **Upload Documents**

On the "Upload documents" screen, upload the Certification and Request for Prioritized Examination form (PTO/AIA/424) or its equivalent. Failure to use form (AIA/424) or its equivalent could result in the Office not recognizing the request or delays in processing the request. Please drag and drop or click on the "Browse files" button to upload your completed documents. Once the form has been attached, you will need to index the document correctly. If you needed help with indexing your, you can select the "Help with document description" link above.

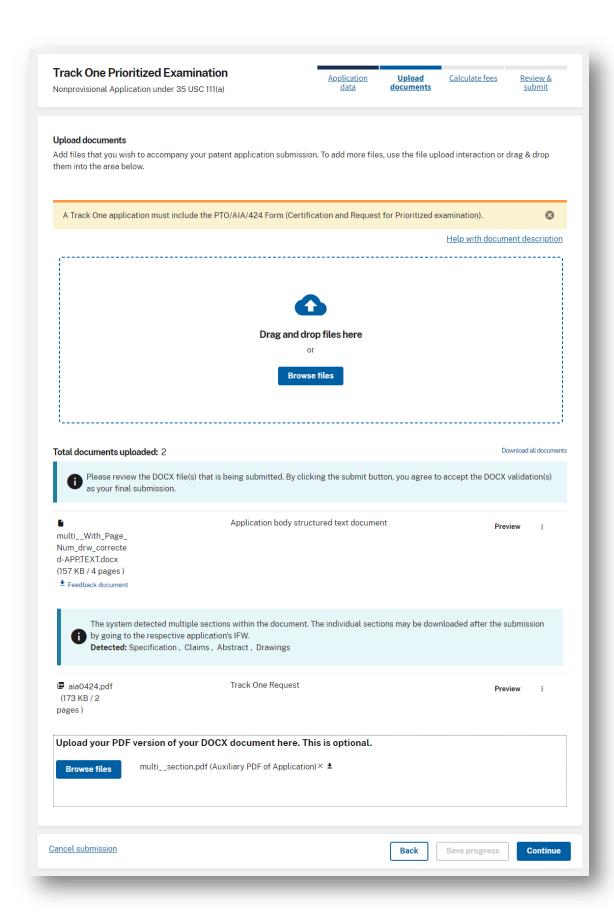
NOTE: The specification, claims, and abstract for a new utility nonprovisional patent application must be filed in DOCX format in order to avoid the Non-DOCX surcharge up to \$400.



Once you have uploaded your Track One form, you will select Track One – Prioritized Examination" on the left for category and then on the right you will select "Track One Request". After the appropriate selections have been made, you will continue to upload your documents and provide the appropriate document descriptions. If any of your documents have warnings you may continue with the warnings or remove the document, make changes and reupload. If any of your documents have errors, you must remove the documents, make changes and reupload. Patent Center will not allow you to submit documents with errors.

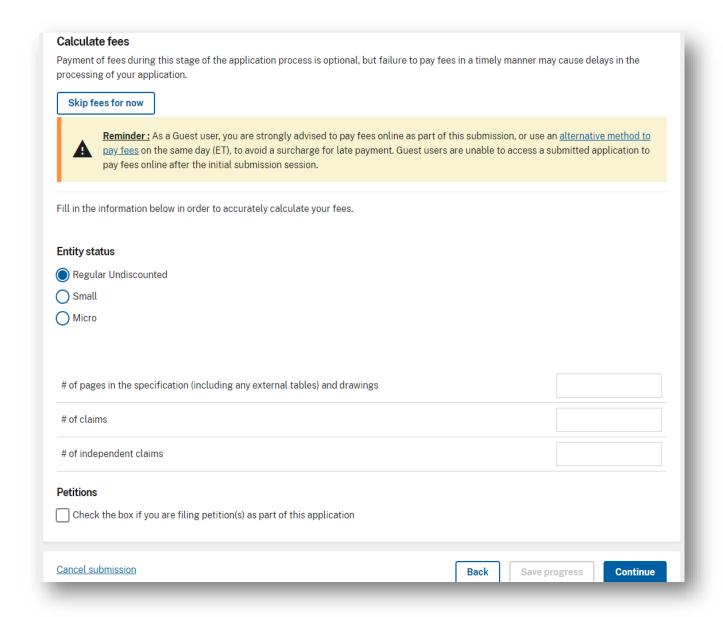
When uploading your application parts, you can upload a single section document for each application part or you can upload a multi-section document like in the example below. Applicants have the **option** to submit an Auxiliary PDF document of their application along with their DOCX document in Patent Center.

NOTE: Please be sure to upload your Auxiliary PDF in the appropriate space below to avoid the Non-DOCX surcharge.

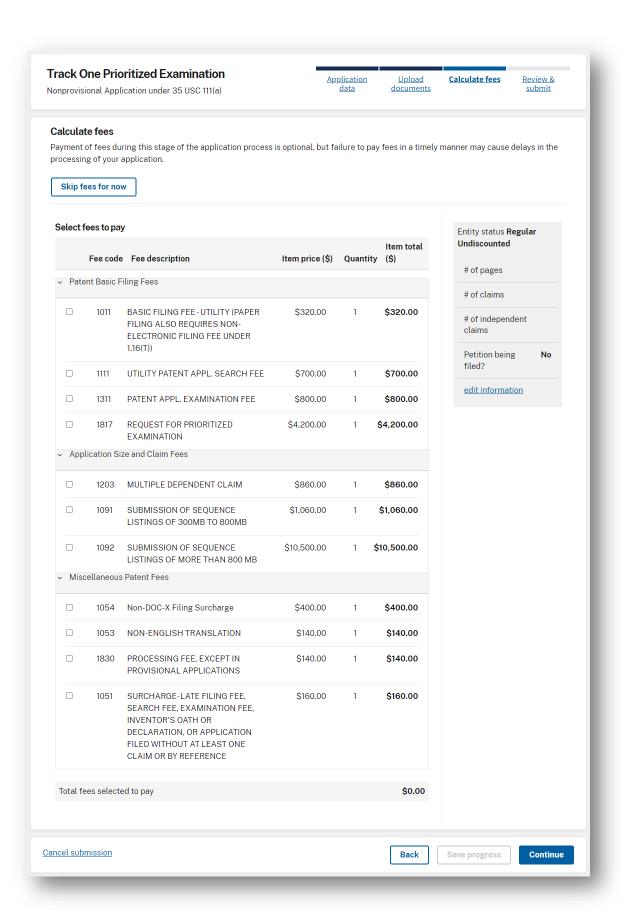


#### Calculate Fees

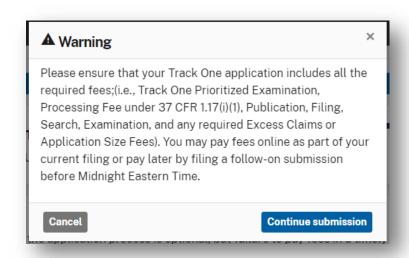
On the "Calculate fees" screen, you will select your entity status and proceed to add any additional pages if you have them. If you are filing any petitions, you will check the "Petitions" box. If not, select continue without the box checked.



Note: When filing a Track One request, the correct processing fee is "Processing fee, except in provisional applications" (fee code 1830/2830/3830); the current Regular Undiscounted fee amount is \$140



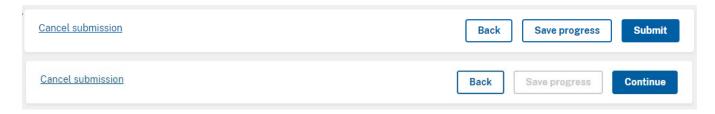
If you do not select the appropriate fees and click continue a warning message will be displayed. You will be able to continue by selecting "Continue submission" or you can select cancel and select the appropriate fees. For Track One – Prioritized Examination the processing and publication fees are required at filing. Once you have checked any additional appropriate boxes, click on the "Continue" to reach the Review & Submit screen. **NOTE: the publication fee is not applicable anymore. Please see USPTO fee schedule.** 



If you choose to pay fees in a follow-on submission, the fee payment must be processed before midnight 11:59:59 pm (Eastern Time) on the same day under Track One requirements. You will receive a warning message if required fees are unchecked.

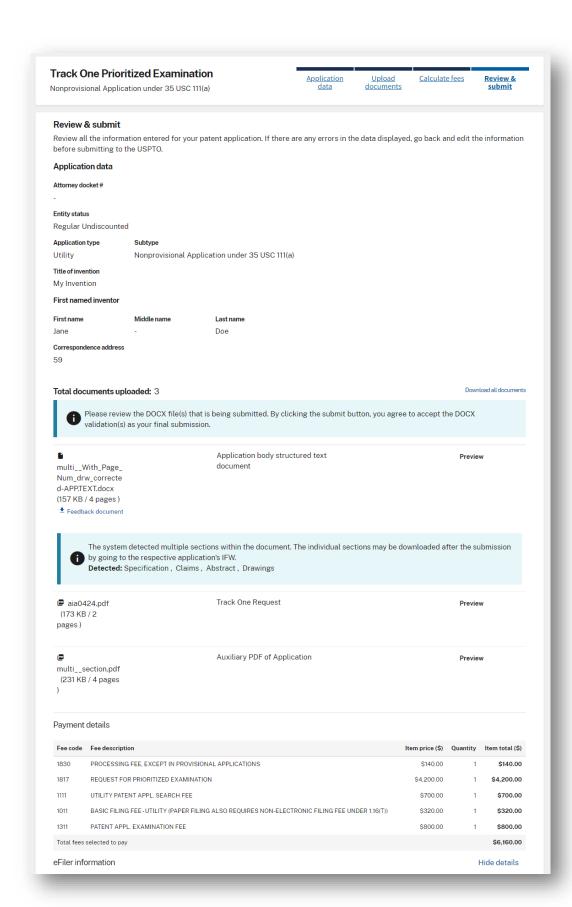
### Save progress

Registered filers will have the opportunity to save their submissions to file at a later time. To do so, click on the button "Save progress" listed at the bottom of the screen. Saved submissions will be available for 14 calendar days from the initial date saved. If you are guest filer, you will not be able to save your submissions and the "Save progress" button will be disabled. To submit your application, click on the "Submit" button located at the bottom of the screen.



#### Review & Submit

On the Review & Submit screen, filers will have the opportunity review all entered data and review the uploaded documents by selecting "Preview" next each document.



### Acknowledgement Receipt

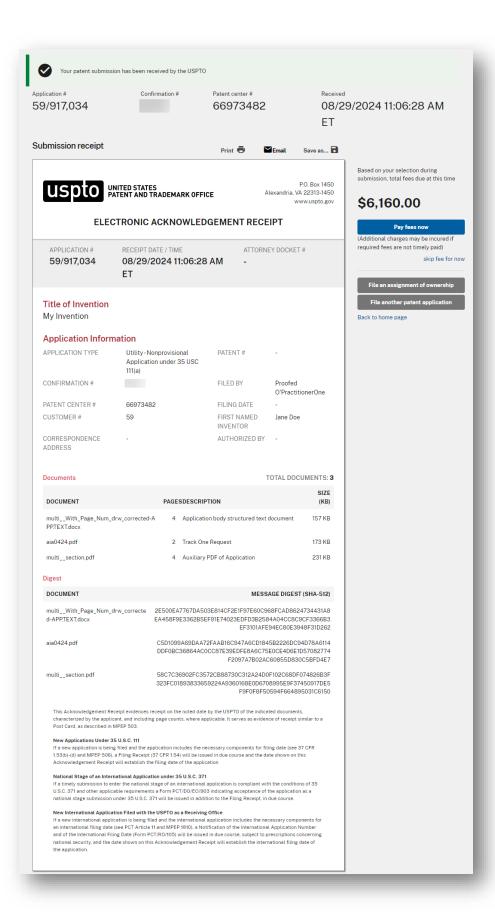
After clicking the "Submit" button, the next screen will indicate that the USPTO has received your submission. Patent Center will display your Acknowledgement Receipt on the screen. You will also have several actions you may take, such as printing, saving receipt or emailing the receipt. If you submit your application as a registered filer, you have the option of viewing the acknowledgement receipt by selecting View receipt history under Workbench in Patent Center. The Acknowledgement Receipt displays the application details of the submission, including the details of the documents uploaded such as page numbers and any warnings that were shown during the upload.

### Pay Fees

You have the option of paying the fees immediately or skipping fees for now and pay the fees later. As a registered filer you may choose to pay fees later as a follow—on submission. If you are filing as a guest filer and wish to pay fees online, your payment should be included with the current submission, since guest filers cannot file a follow-on submission. Fee payment is considered timely if paid before midnight Eastern Time on the day the request is submitted. If you choose to pay now click on the "Pay fees now" button.

Once you have provided all of the necessary payment information and your payment is processed successfully, you will receive your Payment Receipt on the screen. You also have several actions you may take, such as printing or saving the receipt.

If you have any questions or concerns regarding filing in Patent Center, please contact the Patent EBC Monday - Friday, from 6:00 a.m. to 12 Midnight Eastern Time, by email <a href="mailto:ebc@uspto.gov">ebc@uspto.gov</a> or telephone 866-217-9197.

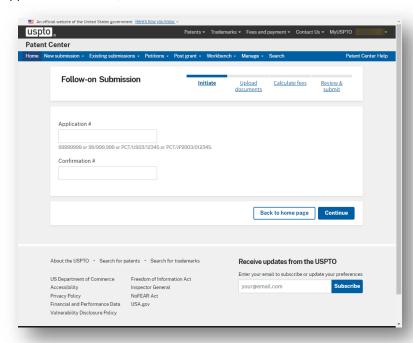


# 4. Filing a Request for Prioritized Examination for an RCE Application Process

Prioritized Examination may also be requested for an existing application in which an RCE has been filed, or is concurrently being filed. Once you have signed on to Patent Center as a registered filer, you will select Existing Submissions > Upload Documents/Pay Fees



To submit a request for Prioritized Examination for an RCE, on the Initiate/Follow-on submission screen enter the application number, confirmation number and click Continue.

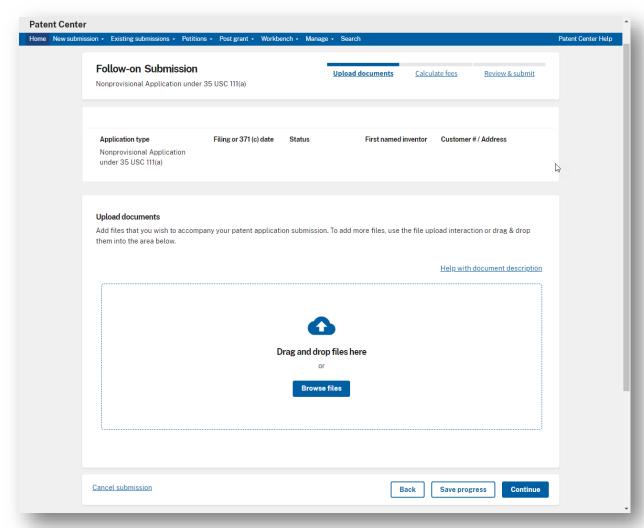


Next, to view the Application Data Screen, click on "Continue". The procedure will differ depending on whether the application was filed as an original U.S. application under 35 U.S.C. 111 (see part A), or filed as a national stage entry of an international application under 35 U.S.C. 371 (see part B).

# A. Process for an original U.S. application filed under 35 U.S.C. 111(a)

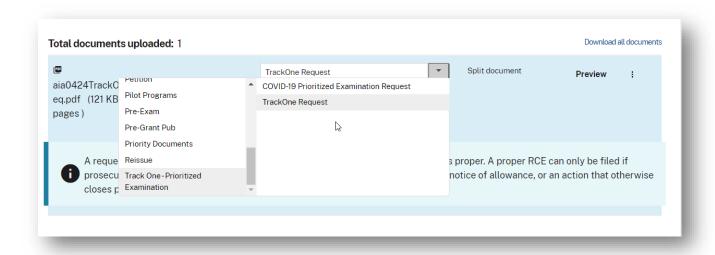
After entering the application identifier as discussed above, the "Upload documents" screen will appear.

### Upload documents

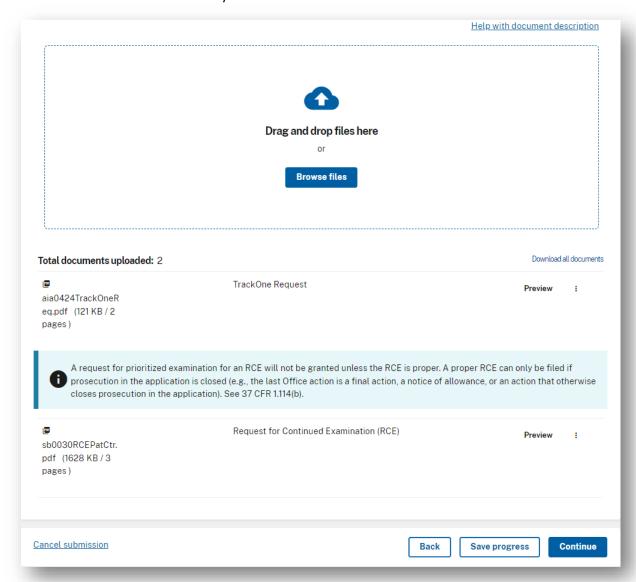


Check to make sure that the application type is listed as "Utility under 35 USC 111(a)." If the application type is listed as "U.S. National Stage under 35 USC 371," please follow the guidance in part B, below.

On the Upload documents screen, upload the Certification and Request for Prioritized Examination form (PTO/SB/424). Failure to use form (PTO/SB/424) or its equivalent could result in the Office not recognizing the request or in delays in processing the request. Please click on the "Browse Files" button to upload your completed document or drag and drop the document. Once the form has been attached, Patent Center may auto-assign a document description. If not, you will need to index the document correctly. For the Category drop down menu you will select "Track One – Prioritized Examination" and on the Document Description drop down menu you will select "TrackOne Request".



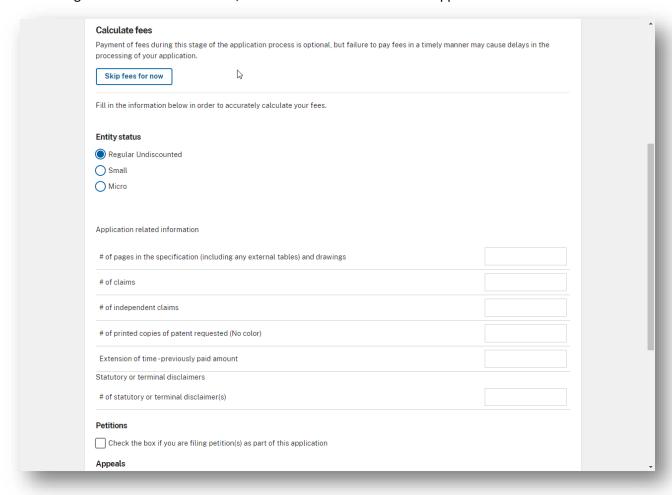
You will need to attach and index any additional documents.



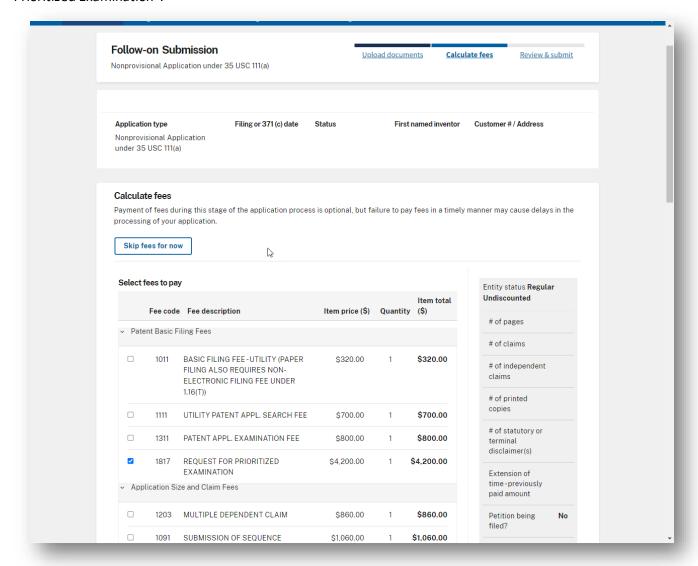
The above screen image represents a situation in which an applicant is filing a request for prioritized examination concurrently with a request for continued examination. Applicant has filled out and attached form PTO/AIA/424 and a request for continued examination. If applicant had previously filed a request for continued examination, applicant would only attach form PTO/SB/424.

## Calculate fees

After clicking on the "Continue" button, the "Calculate fees" screen will appear.

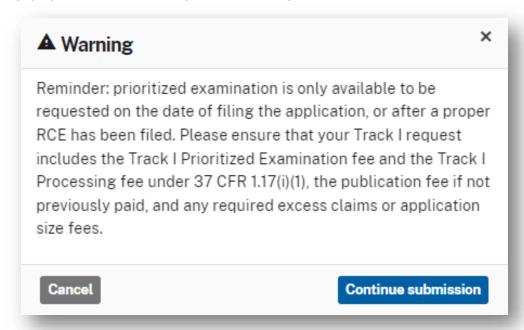


On the "Calculate fees" screen, under Patent Basic Filing Fees section, select the checkbox for "Request for Prioritized Examination".



**Note** - When filing a Track One request, the correct processing fee is **"Processing fee, except in provisional applications"** (fee code 1830/2830/3830); the current Regular Undiscounted fee amount is \$140. For Track One – Prioritized Examination the processing and publication fees are required at filing. Once you have checked any additional appropriate boxes, click on the "Calculate" button to add up the selected fees. Next, click on the "Continue" button to reach the Review & submit screen.

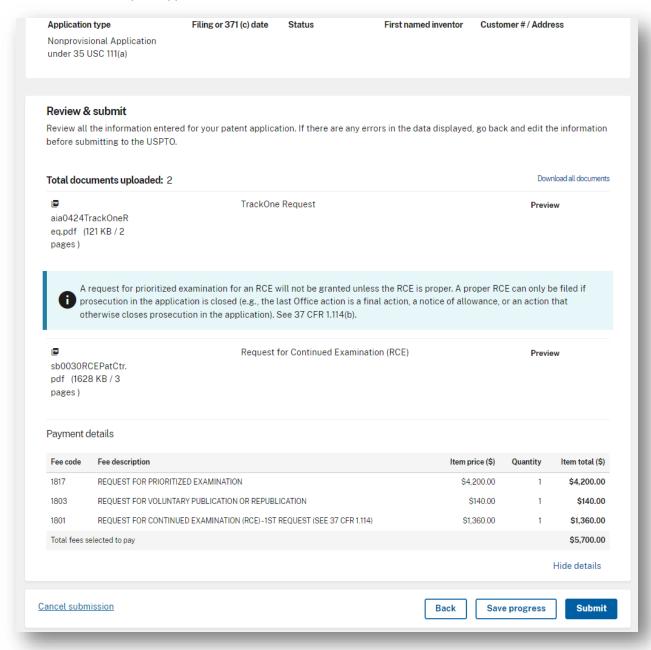
A pop-up window will remind you of the fee requirements:



If you choose to pay fees later in another follow-on submission, the fee payment must be processed before midnight 11:59:59 pm (Eastern Time) on the same day under Prioritized Examination requirements. Click on the "Continue submission" to reach the "Review & submit" screen.

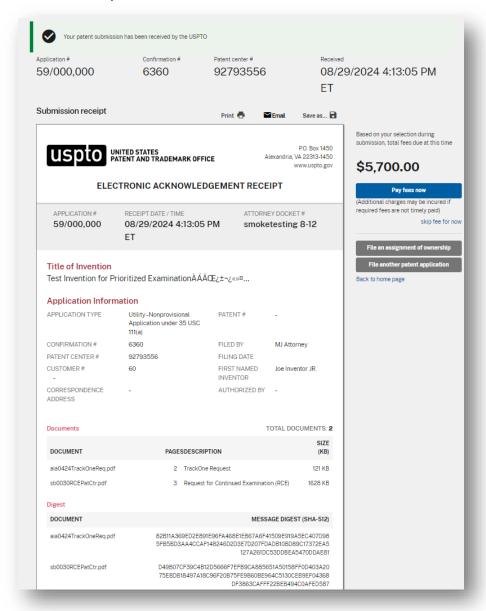
### Review & submit

On the "Review & submit" screen, you will have the opportunity to save your submission to file at a later time. To do so click on the button "Save progress" listed at the bottom of the screen. Saved submissions will be available for fourteen calendar days from the initial date saved. You may also review a document by clicking "Preview". To submit your application, click on the "Submit" button located at the bottom of the screen.



## Pay Fees

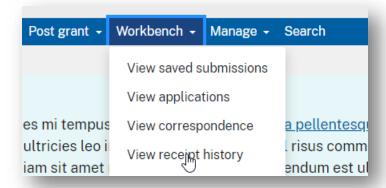
After clicking the submit button the next screen will indicate that the USPTO has received your submission. Patent Center will display the Submission Receipt including application number, confirmation number, Patent Center-ID number, and the total fees due. You have the option of paying the fees immediately or paying the fees later. As a registered filer you may choose to pay fees later as a follow-on submission. Fee payment is considered timely if paid before midnight Eastern Time on the day the request is submitted. If you choose to pay now, click on the button "Pay fees now".



Note: When using the USPTO Deposit Account as a method of payment, the fee associated with 37 CFR 1.18 is not available as an option for a pre-authorized payment. It is strongly recommended to include an authorization to file any additional necessary fees under 37 CFR 1.16, 37 CFR 1.17, and 37 CFR 1.18 in order to ensure that the Track One request is not dismissed for insufficient fees upon filing.

# Payment Receipt

Once you have provided all of the necessary payment information and your payment is processed successfully, you will receive your Payment Receipt on the screen. You also have several actions you may take, such as printing or saving the receipt. You also have the option of viewing the submission receipt under Workbench of Patent Center by clicking View receipt history.



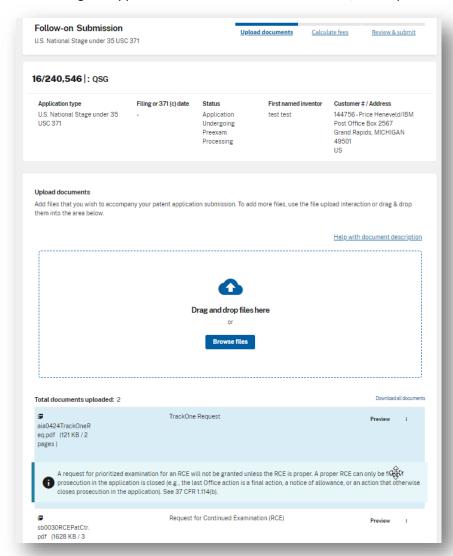
The Submission and Payment Receipts display the application details of the submission, including the total amount paid.

To ensure that your application is complete and loaded correctly to USPTO internal systems, you can review your filed application in Patent Center as a Registered filer. Submissions are available in Patent Center approximately 15 minutes after they are submitted.

If you have any questions or concerns regarding filing in Patent Center, please contact the Patent EBC Monday - Friday, from 6:00 a.m. to 12 Midnight Eastern Time, by email <a href="ebc@uspto.gov">ebc@uspto.gov</a> or telephone 866-217-9197.

# B. Process for a national stage entry of an international application under 35 U.S.C. 371

After entering the application identifier as discussed above, the "Upload documents" screen will appear.



The above screen image represents a situation in which an applicant is filing a request for prioritized examination concurrently with a request for continued examination. Applicant has filled out and attached form PTO/SB/424 and a request for continued examination. If applicant had previously filed a request for continued examination, applicant would only attach form PTO/SB/424. On the Upload documents screen, upload the Certification and Request for Prioritized Examination form (PTO/SB/424). Failure to use form (PTO/SB/424) or its equivalent could result in the office not recognizing the request or in delays in processing the request. Please click on the "Browse Files" button to upload your completed document or drag and drop the document. Once the form has been attached, Patent Center may auto-assign a document description. If not, you will need to index the document correctly. For the Category drop down menu you will select "Track One — Prioritized Examination" and on the Document Description drop down menu you will select "TrackOne Request". You will need to attach and index any additional documents. After clicking on the "Continue" button, the "Calculate fees" screen will appear.

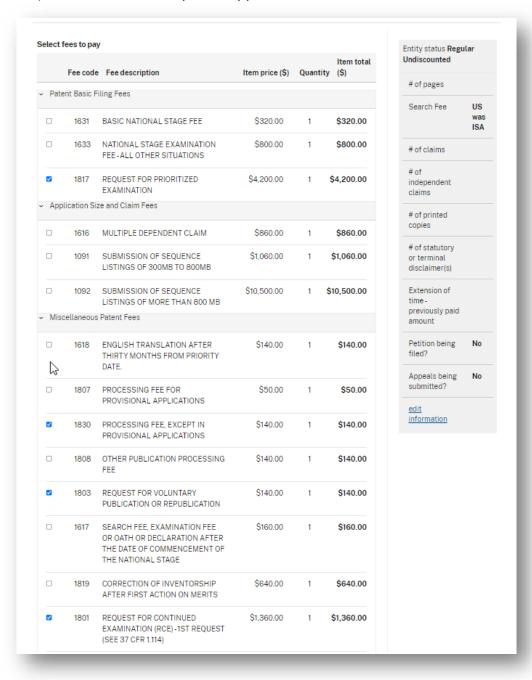
Follow-on Submission U.S. National Stage under 35 USC	371	<u>Upk</u>	ad documents	Calculate fees	Review & submit
<b>16/240,546</b>  : QSG					
Application type U.S. National Stage under 35 USC 371	Filing or 371 (c) date -	Status Application Undergoing Preexam Processing	First named inve	144756 - P Post Offic	#/Address rice Heneveld/IBM e Box 2567 oids, MICHIGAN
Calculate fees Payment of fees during this stage or processing of your application.	of the application proces	ss is optional, but failu	re to pay fees in a tin	nely manner may c	ause delays in the
Skip fees for now					
Fill in the information below in orde	r to accurately calculate	e your fees.			
Entity status					
Regular Undiscounted					
Small					
Micro					
Application related information					
National Stage Search option  National Stage Search Fee - U.S	. was the ISA				
National Stage Search Fee-sea	rch report prepared and	d provided to USPTO			
National Stage Search Fee - All	other situations				
# of pages in the specification (inc	luding any external tabl	les) and drawings			
# of claims					
# of independent claims					
# of printed copies of patent reque	ested (No color)				
Extension of time-previously paid	amount				
Statutory or terminal disclaimers					
# of statutory or terminal disclaim	(-)				

### Calculate fees

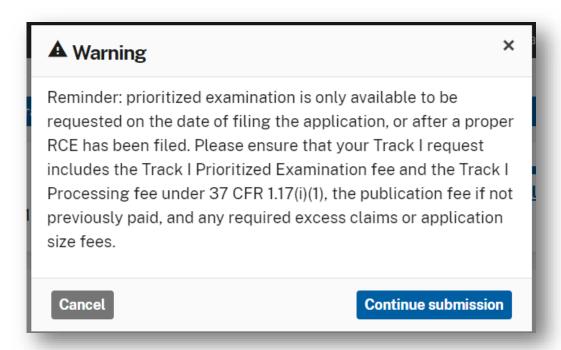
Applicants should use the "Calculate fees" screen to select the "Request for Prioritized Exam" fee.

Note - When filing a Track One request, the correct processing fee is "Processing fee, except in provisional applications" (fee code 1830/2830/3830); the current Regular Undiscounted fee amount is \$140.

The "Calculate fees" page should also be used to select the RCE fee (listed under "Basic Filing Fees" as #1801) if these have not been previously paid.



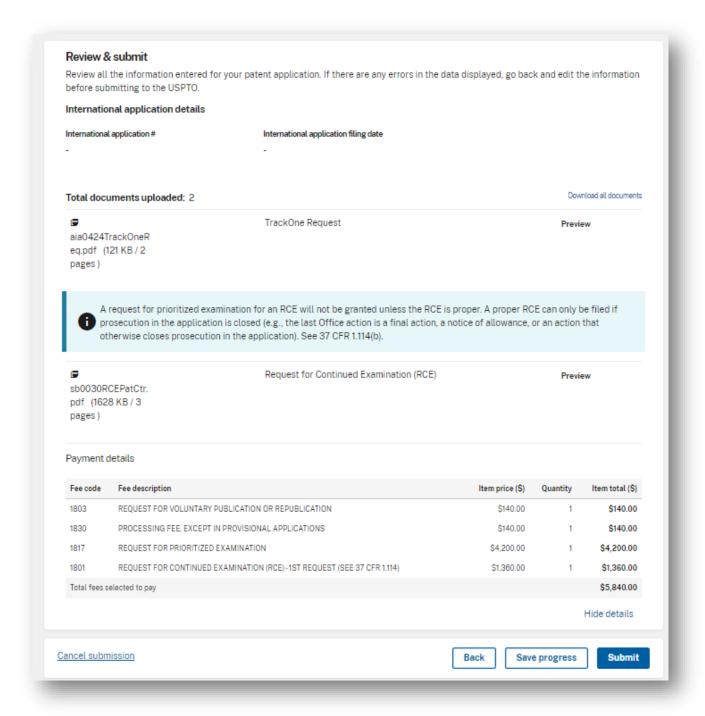
Once you have checked the appropriate boxes, click on the "Continue" button to add up the selected fees. The following warning message will appear once the Prioritized Examination fee is selected.



Next, click on the "Continue submission" button to reach the "Review & submit" screen.

### Review & submit

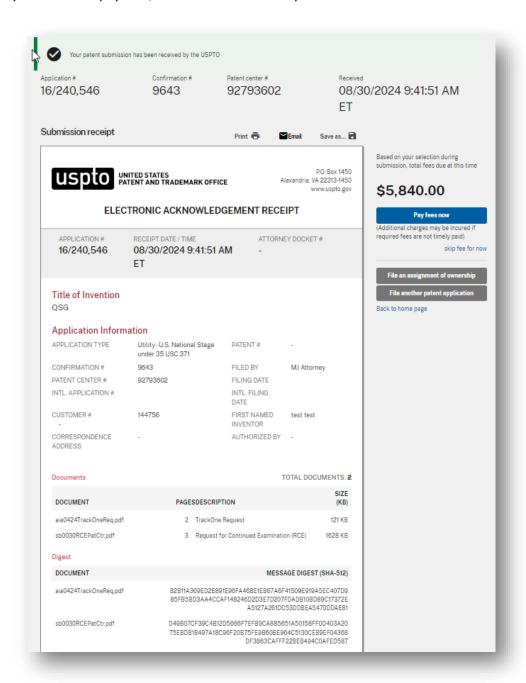
On the "Review & submit" screen, you will have the opportunity to save you submissions to file at a later time. To do so click on the button "Save progress" listed at the bottom of the screen. Saved submissions will be available for 14 calendar days from the initial date saved. You may also review a document by clicking "Preview". To submit your application, click on the "Submit" button located at the bottom of the screen.



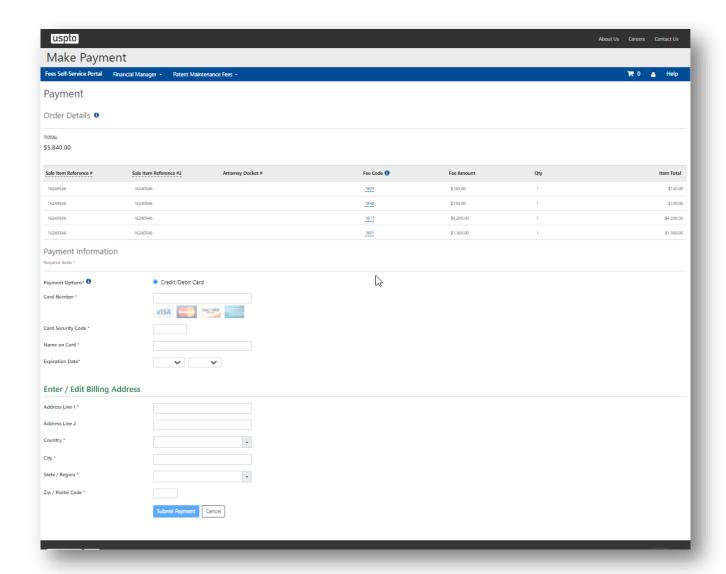
The "Review & submit" Screen will show all attached files, including fees selected.

## Pay Fees

After clicking the submit button the next screen will indicate that the USPTO has received your submission. Patent Center will display the Submission Receipt including application number, confirmation number, Patent Center-ID number, and Payment details. You have the option of paying the fees immediately or paying the fees later. As a registered filer you may choose to pay fees later as a follow-on submission. Fee payment is considered timely if paid before midnight Eastern Time on the day the request is submitted. If you choose to pay now, click on the button "Pay fees now".



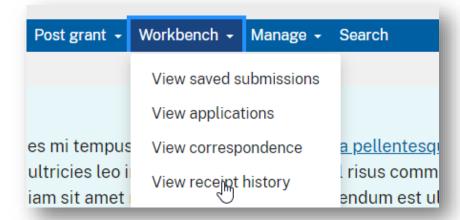
When paying fees, you have the option of paying via Charge USPTO Deposit Account, Charge Credit Card, or Electronic Funds Transfer.



Note: When using the USPTO Deposit Account as a method of payment, the fee associated with 37 CFR 1.18 is not available as an option for a pre-authorized payment. It is strongly recommended to include an authorization to file any additional necessary fees under 37 CFR 1.16, 37 CFR 1.17, and 37 CFR 1.18 in order to ensure that the Track One request is not dismissed for insufficient fees upon filing."

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If you have any questions or concerns regarding filing in Patent Center, please contact the Patent EBC Monday - Friday, from 6:00 a.m. to 12 Midnight Eastern Time, by email ebc@uspto.gov or telephone 866-217-9197.