

REPORT

EXPANSION AND EXTENSION OF THE GREEN TECHNOLOGY PILOT PROGRAM

November 12, 2010

On November 10, the United States Patent and Trademark Office (USPTO) announced an extension and expansion of its Green Technology Pilot Program ("Program"). The Program is intended to expedite examination of patent applications related to "green" technologies, such as technologies (e.g., high efficiency or alternative fuel apparatus) that materially contribute to more efficient utilization and conservation of energy resources. Please see our December 15, 2009 and May 24, 2010 Special Reports.

The requirements to participate in the Program are set forth in our December 15, 2009 and May 24, 2010 Special Reports. Those requirements remain the same except for the following revisions.

First, the Program is now available until the first 3,000 grantable petitions are received, or until December 31, 2011, whichever occurs earlier. Previously, the Program was set to expire December 8, 2010.

Second, and more significantly, the Program is now available to applications filed on or after December 8, 2009, whereas previously, the Program was limited to applications filed before December 8, 2009. This expansion of eligible applications is significant because it allows applicants to determine at the time of filing an application whether to participate in the Program.

Applicants whose prior petitions to participate in the Program were dismissed or denied solely because the application was not filed prior to December 8, 2009 may file a renewed petition. If the renewed petition is filed by December 10, 2010, the renewed petition will be given priority as of the filing date of the initial petition.

Because the Program is currently limited both in duration and the number of petitions that will be granted, applicants desiring to participate are encouraged to take action as soon as possible.

Please let us know if you desire any additional information regarding the Green Technologies Pilot Program, or if you have any questions about other ways to expedite examination of U.S. patent applications.

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This Special Report is intended to provide information about legal issues of current interest. It is not intended as legal advice and does not constitute an opinion of Oloff & Berridge, PLC. Readers should seek the advice of professional counsel before acting upon any of the information contained herein.

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