

**Before the  
UNITED STATES PATENT AND TRADEMARK OFFICE  
DEPARTMENT OF COMMERCE  
Washington, DC**

**In the Matter of** )

**CHANGES TO IMPLEMENT THE )  
PRIORITIZED EXAMINATION TRACK )  
(TRACK I) OF THE ENHANCED )  
EXAMINATION TIMING CONTROL )  
PROCEDURES )**

**DOCKET NO. PTO-P-2010-0092**

**COMMENTS OF THE WISCONSIN ALUMNI RESEARCH FOUNDATION**

On June 4, 2010, the United States Patent and Trademark Office (“USPTO”) requested comments regarding a proposal for Enhanced Examination Timing Control Procedures, which would allow applicants to choose from three different examination tracks: Track I would provide prioritized examination, under specific conditions; Track II would provide examination under the current routine process; and Track III would provide for a delay in examination of up to 30 months. The USPTO received and evaluated comments accordingly and, on February 4, 2011, published a Notice proposing to proceed immediately with the Prioritized Examination Track (Track I). *See* 76 Fed. Reg. 6369 (February 4, 2011).

The Wisconsin Alumni Research Foundation (“WARF”) commends the USPTO for its careful and thoughtful consideration of the previously submitted comments, and appreciates the explanations provided for the modifications proposed. WARF particularly appreciates the revised requirements for filing a request for prioritized examination, and the careful protection of

the current examination process by avoiding any diversion of resources. WARF agrees that the prioritized examination track, as proposed, could be valuable and helpful for applicants, as well as beneficial for the USPTO.

However, WARF recommends allowing applicants to apply for prioritized examination for applications that have already been filed but for which a first office action has not yet been mailed. Finally, WARF appreciates the USPTO's explanation that it lacks statutory authority to apply fee discounts for small entities applying for prioritized examination via Track I; however, WARF hopes that small entity fees will eventually apply, which will make the use of Track I examination more achievable for academic and small business applicants.

WARF believes that Track I prioritized examination could be very helpful in select cases for achieving accelerated review and a shorter time to issuance, which could be of substantial benefit for facilitating product development and licensing efforts.

Respectfully yours,



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(Submitted electronically to: [track\\_I\\_comments@uspto.gov](mailto:track_I_comments@uspto.gov))