Quick Start Guide

Prioritized Examination for Non-Provisional Utility Applications
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1. Introduction

Prioritized Examination for newly filed applications (Track I) 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:

- User must be able to access EFS-Web.

- User must be a registered eFiler, except that an unregistered eFiler may file a new application which includes a request for Track I prioritized application.

- Applicants are strongly advised to transmit their electronic filings sufficiently early in the day to allow time for alternative filing such as EFS-Web Contingency when transmission cannot be initiated or correctly completed.
  
  - It is strongly recommended that applicants use the Office’s certification and request form PTO/SB/424 to request prioritized examination, but the form is not required. The form is available on the Office’s Internet Web site at http://www.uspto.gov/forms/index.jsp. Failure to use form PTO/SB/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 I 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 I) 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 http://www.uspto.gov/about/offices/cfo/finance/fees.jsp 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:
  
  - 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).
  - Publication fee, as set forth in 37 CFR 1.18(d).
  - Prioritized examination processing fee, as set forth in 37 CFR 1.17(i).
  - Prioritized examination fee, as set forth in 37 CFR 1.17(c).
Prioritized Examination requests via EFS-Web 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 paper on the same day as the original submission. Prioritized Examination requests that are not complete on the day they are submitted will be dismissed.


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

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

**Application Process**

Once you have signed on to EFS-Web as a registered user, you will need to certify that you are the certificate holder or working under the authority of the certificate holder. You also have the ability to submit this request as an unregistered eFiler.

To submit a Track I – Prioritized Examination on the certification screen select the radio button “New Application”. The Web screen will expand to display additional options. Select the radio button located next to “Utility” to display more options and then select the radio button “Track I Prioritized Examination – Nonprovisional Application under 35 USC 111(a)”. Next, to view the “Application Data” screen, click on the “Continue” button.
**Application Data**

On the “Application Data” screen please complete the bibliographical data. If you are a registered eFiler 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. To reach the “Attach Documents” screen, click on the “Continue” button.
Attach Documents

On the “Attach Documents” screen, upload the Certification and Request for Prioritized Examination form (PTO/SB/424) or its equivalent. Failure to use form (PTO/SB/424) or its equivalent could result in the Office not recognizing the request or delays in processing the request. Please click on the “Browse” button to upload your completed document. Once the form has been attached, you will need to index the document correctly. Help text displayed below the application type provides the correct indexing of the document. For the “Category” drop down menu you will select “Track I – Prioritized Examination” and on the “Document Description” drop down menu you will select “TrackOne Request”. Once the appropriate selections have been made, you will then click on the button “Upload & Validate”. You will need to attach and index each of your application documents.
Review Documents

On the “Review Documents” screen a message will appear to include the Certification and Request for Prioritized Examination form (PTO/SB/424), although the user is able to proceed without attaching the PTO/SB/424. Once you have uploaded all of the necessary documents for your submission and received no validation errors click on the “Continue” button to reach the “Calculate Fees” screen.
Calculate Fees

On the “Calculate Fees” screen, under the Utility Patent Application Filing Fees section, select the checkbox for “Track I – Prioritized Exam”. Once that box is checked it will automatically check the boxes for Filing, Search, and Exam fees. Under Miscellaneous Fees, the Processing and Publication fees are automatically checked as well.
Note - When filing a Track I 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.

On the EFS-Web Fee Calculation screen, the old fee code (1808) is auto-selected when the Track I fee is checked. Please unselect "Other publication processing fee" and select "Processing fee, except in provisional applications" found in the "Newly Added Fees" section.

Contact the Patent EBC for assistance: 1-866-217-9197 or EBC@USPTO.GOV.

By unselecting “Other publication processing fee” you will receive a warning message. You will be able to continue by selecting OK. For Track I – 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 Confirm & Submit screen.

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 I requirements. You will receive a warning message if required fees are unchecked.
Confirm & Submit

On the Confirm & Submit screen, Registered eFilers will have the opportunity to save their submissions to file at a later time. To do so, click on the button “Save for Later Submission” listed at the bottom of the screen. Saved submissions will be available for seven calendar days from the initial date saved. You may also review a document by clicking on the document name. To submit your application click on the “Submit” button located at the bottom of the screen.
After clicking the “Submit” button the next screen will indicate that the USPTO has received your submission. EFS-Web will display the application number, confirmation number, EFS-ID number, and the total fees due. You have the option of paying the fees immediately or paying the fees later. As a registered eFiler you may choose to pay fees later as a follow-on submission. If you are filing as an unregistered eFiler and wish to pay fees online, your payment should be included with the current submission, since unregistered eFilers 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 “YES! I want to pay now” button.
The USPTO has received your submission. An Acknowledgement Receipt will be received in due course. Prior to receiving the Acknowledgement Receipt, registered users may check "My Workplace" to confirm receipt by the USPTO of their submission and access Private PAIR to view the actual documents filed. You may continue by paying fees. For questions, contact the EBC. See the EBC Web Page for contact info and hours.

The following identification numbers are associated with your submission.

- Application Number: 529460412
- Confirmation Number: A422
- IFS ID: 43004053

The following fees are due.

Total Fees Due: $ 

The USPTO’s RAN payment server is ready to accept your fee payments using a USPTO Deposit Account, Charge Credit Card, or Electronic Funds Transfer. Please have all access codes, account numbers and account holder information ready to ensure a successful online payment experience.

Would you like to pay your fees at this time?

- YES: I want to pay now
- NO: I will pay later (additional charges may be incurred)

Pay Fees

When paying fees, you have the option of paying via Charge USPTO Deposit Account, Charge Credit Card, or Electronic Funds Transfer. Select the radio button that coincides with your method of payment. The review fees section of the Pay Fees screen will display the fees being collected for the application. The Total Payment is listed on the bottom right of the screen. To make a payment, click the “Start online payment process” button located at the bottom of the screen.
Acknowledgement Receipt

Once you have provided all of the necessary payment information and your payment is processed successfully, you will receive your Acknowledgement Receipt on the screen. You also have several actions you may take, such as printing or saving the receipt. If you submit your application as a registered eFiler you also have the option of viewing the acknowledgement receipt under My Workplace of EFS-Web. The Acknowledgement Receipt displays 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 Private PAIR as a Registered eFiler. Submissions are available in Private PAIR approximately 15 minutes after they are submitted in EFS-Web.

If you have any questions or concerns regarding filing in EFS-Web, 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.

4. Filing a Request for Prioritized Examination for an RCE:

Application Process

Prioritised 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 EFS-Web as a registered user, you will need to certify that you are the certificate holder or working under the authority of the certificate holder.
To submit a request for Prioritized Examination for an RCE, on the certification screen select the radio button “Existing Application”. The Web screen will expand to display additional options. Select the radio button located next to “Documents/Fees for an existing application” to display more options and then enter the application number and confirmation number for the application.

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**

After entering the application identifier as discussed above, the “Attach Documents” screen will appear.

Attach 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 Attach 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" button to upload your completed document. Once the form has been attached, you will need to index the document correctly. For the Category drop down menu you will select “Track I – Prioritized Examination” and on the Document Description drop down menu you will select “TrackOne Request”. Once the appropriate selections have been made, you will then click on the button “Upload & Validate”. 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/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.

After clicking on the “Upload & Validate” button, the “Review Documents” screen will appear. This screen will list all files attached to the current EFS-Web submission.
The warning text (in red font) applies only to Track I submissions, and does not apply to a request for prioritized examination for an RCE. Once you have uploaded all of the necessary documents for your submission and received no validation errors click on “Continue” to reach the “Calculate Fees” screen.

Calculate Fees

On the “Calculate Fees” screen, under the Utility Patent Application Filing Fees section, select the checkbox for “Track I – Prioritized Exam”. Once that box is checked it will automatically check the boxes for Processing and Publication fees as well. For Prioritized Examination for an RCE, the prioritized examination, processing and publication fees are required at the time of filing the request for prioritized examination.

Note - When filing a Track I 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.

On the EFS-Web Fee Calculation screen, the old fee code (1808) is auto-selected when the Track I fee is checked. Please unselect "Other publication processing fee" and select "Processing fee, except in provisional applications" found in the “Newly Added Fees” section.

Contact the Patent EBC for assistance: 1-866-217-9197 or EBC@USPTO.GOV.
If the publication fee has previously been paid for the application, please uncheck the related box. 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.

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 “Confirm & Submit” screen.

**Confirm & Submit**

On the “Confirm & 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 for Later Submission” listed at the bottom of the screen. Saved submissions will be available for seven calendar days from the initial date saved. You may also review a document by clicking on the document name. To submit your application click on the “Submit” button located at the bottom of the screen.
The “Confirm & Submit” screen will show all attached files, including the “fee-info.pdf” file which is generated when the filer has selected fees in the Calculate Fees screen.

Pay Fees

After clicking the submit button the next screen will indicate that the USPTO has received your submission. EFS-Web will display the application number, confirmation number, EFS-ID number, and
the total fees due. You have the option of paying the fees immediately or paying the fees later. As a registered eFiler 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 “YES! I want to pay now”.

When paying fees, you have the option of paying via Charge USPTO Deposit Account, Charge Credit Card, or Electronic Funds Transfer. Select the radio button that coincides with your method of payment. The review fees section of the Pay Fees screen will display the fees being collected for the application. The Total Payment is listed on the bottom right of the screen. To make a payment, click the “Start online payment process” button located at the bottom of the screen.

**Acknowledgement Receipt**

Once you have provided all of the necessary payment information and your payment is processed successfully, you will receive your Acknowledgement 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 acknowledgement receipt under My Workplace of EFS-Web. The Acknowledgement Receipt displays 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 Private PAIR as a Registered eFiler. Submissions are available in Private PAIR approximately 15 minutes after they are submitted in EFS-Web.

If you have any questions or concerns regarding filing in EFS-Web, 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.
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 “Attach Documents” screen will appear.

Attach 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/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 “Attach 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 delays in processing the request. Please click on the “Browse” button to upload your completed document. Once the form has been attached, you will need to index the document correctly. For the Category drop down menu you will select “Track I – Prioritized Examination” and on the Document Description drop down menu you will select “TrackOne Request”.

Once the appropriate selections have been made, you will then click on the button “Upload & Validate”. You will need to attach and index any additional documents.

After clicking on the “Upload & Validate” button, the “Review Documents” screen will appear. This screen will list all files attached to the current EFS-Web submission.
Review Documents

After clicking on the “Continue” button, the “Calculate Fees” screen will appear.

Calculate Fees

Applicants should use the “Calculate Fees” screen to select the “Track I – Prioritized Exam” fee. Selecting this fee will automatically include the Processing and Publication fees.

Note - When filing a Track I 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.

On the EFS-Web Fee Calculation screen, the old fee code (1808) is auto-selected when the Track I fee is checked. Please unselect "Other publication processing fee" and select "Processing fee, except in provisional applications" found in the “Newly Added Fees” section.

Contact the Patent EBC for assistance: 1-866-217-9197 or EBC@USPTO.GOV.

The “Calculate Fees” Tab should also be used to select the RCE fee (listed under “Miscellaneous Patent Fees” as #1801) if these have not been previously paid.
The following warning message will appear once the Prioritized Examination fee is selected.
Once you have checked the appropriate boxes, click on the “Calculate” button to add up the selected fees. Next, click on the “Continue” button to reach the “Confirm & Submit” screen.

Confirm & Submit

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