Shumaker

MAY 5, 2023 | PUBLICATION

Client Alert: Accelerated Examination for First-Time Inventors

SERVICE LINE

Intellectual Property

RELATED PROFESSIONALS

Samantha L. Summer

MEDIA CONTACT

Wendy M. Byrne
wbyrne@shumaker.com

Download Client Alert: Accelerated Examination for First-Time Inventors

The United States Patent and Trademark Office (USPTO) recently launched a First-Time Filer Expedited Examination Pilot Program. The Program is designed to increase accessibility to the patent system for new inventors. The Program aligns with Executive Order 13985 to create more equity and diversity in innovation. Other expedited examination programs initiated by the USPTO include programs supporting COVID, cancer immunotherapy, and climate change mitigation. Additionally, the USPTO may grant Accelerated Examination based on a petition to make special. A petition to make special may be filed based on manufacture, infringement, environmental quality, energy, recombinant DNA, superconductivity materials, HIV/AIDS and cancer, countering terrorism, and biotechnology applications filed by small entities. Petition to make special may also be filed based on the inventor's age or health.

After filing a patent application, an examiner reviews the application and issues a written report on their findings in the form of an Office Action. Typically, an inventor waits an average of 16 months for the first Office Action. The First-Time Filer Expedited Examination Pilot Program provides an expedited first Office Action in an effort to increase accessibility to the patent system and incentivize innovation from inventors who otherwise may not participate in the patent system, including underserved geographic and economic communities.

To participate in the program, applicants must certify:

> (1) that each inventor or joint inventor has not been named as an inventor on any other non-provisional application;
>
> (2) the applicant and the inventor, or joint inventors, qualify for micro-entity status; and
>
> (3) the inventor, or joint inventors, are reasonably trained on the basics of the USPTO patent application process.

The program is open to non-continuing original utility non-provisional applications not claiming the benefit of the filing date to any prior-filed non-provisional U.S. or international applications. The program is not open to continuation, continuation-in-part, divisional, and bypass applications; nor is it open to applications

claiming foreign priority or entering national stage under the Patent Cooperation Treaty (PCT).

The Program's website lists free resources for applicants on the basics of the USPTO patent application process. However, first-time filers should consider the help of a trained patent attorney or patent agent for guidance through the patent application process.

The USPTO will accept petitions for expedited examination until either March 11, 2024, or the date the USPTO grants 1,000 petitions to participate in the program, whichever occurs earlier. As of May 2, 2023, only four applications have been granted special status under this program.

If you have any questions or would like further information about the USPTO's First-Time Filer Expedited Examination Pilot Program or other Accelerated Examination programs, please contact us.

© 2026 Shumaker, Loop & Kendrick, LLP. All Rights Reserved. Privacy Policy/Disclaimer

Shumaker