Quick Start Guide

Prioritized Examination for Non-Provisional Utility Applications
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EFS-Web Prioritized Examination Quick Start Guide 2
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:

- 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 One 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 to request prioritized examination, but the form is not required. For applications before September 16, 2012, form PTO/SB/424 may be used; for applications filed on or after September 16, 2012, form PTO/AIA/424 may be used. This Guide will refer to PTO/SB/424; however, these references apply equally to PTO/AIA/424. 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 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 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)(1).
Prioritized examination fee, as set forth in 37 CFR 1.17(c).

- 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).

- 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).

- 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 forth in 37 CFR 1.17(e).

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.

- For more information on submitting applications electronically via EFS-Web please review the EFS-Web Guidance and Resources page located at [http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp](http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp). For the complete details and requirements for prioritized examination, see the guidance posted.

**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 One):

**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 One – 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 One 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 One – 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 One – Prioritized Exam”.

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.
Once that box is checked it will display the following message.

![Message from webpage]

You will be able to continue by selecting OK. 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 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 One requirements. You will receive a warning message if required fees are unchecked.

![Message from webpage]
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.
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.
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.”

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

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 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 One – 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 One 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 One – Prioritized Exam”.

**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 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 One requirements.
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.

**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.”

**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.

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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 One – 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**

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</tbody>
</table>

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 One – 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” 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.

![Warning Message]

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.

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 “YES! I want to pay now” button.
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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.