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Locke Lord QuickStudy: USPTO Announces Fast Track Semiconductor Technology Pilot Program

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On November 30, 2023, the United States Patent and Trademark Office (USPTO) announced a new pilot program for applicants to freely expedite examinations of applications directed to semiconductor manufacturing, including innovations that increase semiconductor device production, reduce semiconductor manufacturing costs, and strengthen the semiconductor supply chain in support of the CHIPS Act of 2022.

The pilot program will allow qualifying applications, upon request, to be advanced out of turn for examination (granted special status) until a first Office action is issued, without any additional cost to the applicant. Further, the applicant is not required to satisfy the other requirements of the accelerated examination program or the prioritized examination program.

To qualify, applicants must file a petition to make special under the pilot program (PTO/SB/467), and the petition must be filed with the application or entry into the national stage under 35 U.S.C. 371 or within 30 days of the filing date or entry date of the application. The petition also requires the applicant to make certain certifications, including the good faith belief that the subject matter of the application meets the technology requirements and expediting the application will have a positive impact on semiconductor manufacturing, among others.

Eligible applications must be non-continuing, original applications, or original non-provisional applications that claim the benefit of only one prior filed US or International application designating the US. Note, priority claims to any number of provisional patent applications or foreign patent applications will not affect eligibility.

To satisfy the technology requirements, eligible applications must include at least one claim that covers a process or an apparatus for manufacturing a semiconductor device and that corresponds to one or more of the technical concepts within CPC classifications H10 (Semiconductor Devices; Electric Solid-State Devices Not Otherwise Provided For) or H01L (Semiconductor Devices Not Covered by Class H10).

Applicants may begin filing petitions on December 1, 2023 and the USPTO will accept petitions until December 1, 2024, or until 1,000 applications have been granted special status, whichever comes first.

Applicants should consider whether their technology is classifiable under the standard of the program and proactively file applications and a request to participate in this program.

Questions or assistance in using this program can be directed to [Gabrielle Gelozin](#).

For more information:

[Semiconductor Technology Pilot Program](#)

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