



United States Patent and Trademark Office

Collegiate Inventors Competition Acceleration Certificate Terms and Conditions

Awards

Winners of the National Inventors Hall of Fame (NIHF) Collegiate Inventors Competition (CIC) will receive recognition for their inventions at an awards ceremony as well as cash prizes as determined by NIHF. Each winning team will also receive one acceleration certificate from the United States Patent and Trademark Office (USPTO), which can be redeemed to accelerate one of the following: (i) a patent application, including one appeal to the PTAB from that application; or (ii) an appeal to the PTAB of a claim twice rejected in a patent application or reissue application. When redeemed for a patent application, only the first appeal to the PTAB arising from that matter will be accelerated. Alternatively, the certificate may be used to accelerate an appeal to the PTAB of a final rejection in a patent application or reissue application without accelerating the underlying application which generated the appeal. Reexaminations and interference proceedings are not eligible for acceleration, nor are post grant reviews, inter partes reviews, covered business method reviews, derivation proceedings, or supplemental examinations.

Each winning team will only receive one certificate. Certificates awarded during CIC are not transferable to other parties. Winners are defined as those teams who finish first and second ("runner up") in the competition in both the graduate and undergraduate categories, as well as the People's Choice winner. In the event that same team is the People's Choice winner and also places in the top two teams, that team will still only receive one certificate.

Each certificate may be redeemed only once and only towards one matter. Certificates must be redeemed within 12 months of their date of issuance. Certificates not redeemed within 12 months of issuance will expire and may not be redeemed. Holders of expiring or expired certificates may petition that the USPTO extend the redemption period of their certificate for an additional 12 months beyond the original expiration date (Form 431). This petition incurs no fee. Petitioners should explain why the additional time is needed, such as not having a suitable matter or expecting a pending matter which is not yet ripe for certificate redemption. The decision whether to extend the redemption period of a certificate rests solely within the Director's discretion and cannot be challenged before the USPTO or any Federal agency. Once a certificate has been redeemed, it is no longer eligible for extension.

The certificate may be applied to an eligible matter for any patent or patent application in which the certificate holder has an ownership interest, not just those related to the recipient's CIC

submission. Certificate holders may not redeem a certificate to accelerate the matter of another patent owner or patent applicant.

Certificate Redemption Process

When redeeming a CIC certificate, the certificate holder must notify the USPTO with the certificate number, the relevant application serial number, and any other pertinent information, such as the appeal number, if assigned. The USPTO will determine whether the certificate may be redeemed by checking that the certificate is valid, that the redeeming party is the certificate holder or its agent, that the matter is eligible for certificate acceleration, and that the Office has sufficient resources to accelerate the matter without unduly impacting others. The USPTO will promptly notify the certificate holder whether the redemption is accepted. If the redemption fails for lack of ownership interest or insufficient Office resources, the certificate holder retains the certificate and may redeem it in another matter subject to the same constraints.

Under this program, any number of certificates up to the number issued may be redeemed to accelerate patent applications or appeals to the PTAB without accelerating the underlying matter which generated the appeal (including appeals from ex parte reexaminations).

Certificates redeemed for accelerated appeals to the PTAB will receive the following treatment. Accelerated appeals will be taken out of turn for assignment to a panel. Other processing in the matter will proceed normally. The USPTO's goal in accelerated cases already docketed to the PTAB, i.e., having an appeal number, is to proceed from certificate redemption to decision in under six months if no oral arguments are heard in the case, or within three months of the date of an oral argument. For certificates redeemed in appeals not already docketed at the PTAB, the goal is to reach decision in under six months from the date of the appeal number assignment if no oral arguments are heard in the case, or within three months of the date of an oral argument. In FY 2020, the typical time for PTAB to issue a decision on an appeal was about 13 months from docketing. PTAB also has a fast-track appeals pilot program; in FY 2020, the average time to decision on appeal was 2.2 months from the grant of the fast-track appeal petition. Pendency also varies significantly by technology area.

CIC certificates redeemed to accelerate examination of a patent application will receive the following treatment. Patent applicants must present their certificate to receive accelerated examination. If any appeal to the PTAB arises from the examination accelerated with this certificate, the first appeal will also be accelerated according to the procedures for accelerated appeals to the PTAB described herein. The USPTO's goal in examinations accelerated by certificate will be a final disposition within 12 months of accelerated status being granted, not including the time for any appeals to the PTAB. As of July 2021, the average pendency for Track One prioritized examinations was 4.5 months from petition grant to allowance, while the average pendency for all applications was 23 months.

Acceleration Requirements

In order to receive acceleration, the patent owner or patent applicant must agree to the following conditions. Accelerated patent applications may not contain at any time more than four independent claims, more than thirty total claims, or any multiple dependent claims. Claims may be added without triggering these limits by canceling an equal number of existing claims. A CIC certificate can be redeemed in a patent application appeal or reissue application appeal to the PTAB at any time after a docketing notice has issued and before the matter is assigned to a PTAB panel. All submissions in accelerated matters must be filed electronically via EFS-Web. All petitions filed in the matter must be filed in good faith. Petitions for Revival and Requests for Continued Reexamination may not be filed. Failure by the applicant to abide by these conditions may result in the acceleration being revoked without return of the certificate and the matter reverting to normal processing.

Acceleration Recommendations

Conducting more than one examiner interview during prosecution should be avoided. Responses to all Office actions should be submitted within one month of receiving the Office action. Petitions should be avoided as much as possible. Failure to meet these conditions may result in longer processing times by the USPTO than the goals given above, but the matter will continue to receive accelerated processing as described herein to the extent possible.

In all instances, certificate redemption is subject to available USPTO resources at the Director's discretion. If accelerating the matter would negatively impact other applicants, the USPTO may decline to redeem the certificate.