Intellectual Property Update

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USPTO Launches Streamlined Claim Set Pilot Program: A New Path to Faster Examination

The USPTO has opened a new pathway in the examination queue with its Streamlined Claim Set Pilot Program. Effective October 27, 2025, this limited-duration initiative allows qualifying applications to move "out of turn" to a first Office action, offering potential advantages for applicants willing to narrow their claim sets and meet strict procedural requirements—while requiring careful navigation of tradeoffs and procedural pitfalls.

What the Program Does—and Does Not Do

The pilot advances eligible utility applications to the front of the line in the examination queue for a first Office action only. After that first Office action (including a written restriction requirement), special status ends, and the application returns to the regular docket. The USPTO aims to test whether tight claim sets can meaningfully reduce pendency and improve examination quality across technology areas.

Key Eligibility Requirements

To participate, an application must be an original, non-reissue, non-continuing utility application filed under 35 U.S.C. § 111(a). Continuation applications, divisional applications, continuation-in-part applications, and national stage entries under § 371 are ineligible, as are any applications claiming the benefit of a prior nonprovisional or PCT filing.

A petition on USPTO Form PTO/SB/472, accompanied by the fee under 37 C.F.R. § 1.17(h) of $150 ($60 for a small entity), must be filed before any first Office action (including a written restriction requirement). The USPTO will generally dismiss petitions if the application has already been docketed to an examiner when the petition is decided. Any previously filed nonpublication request must be rescinded at the time of petition.

There is also an inventor-based participation cap: no inventor or joint inventor may be named on more than three other nonprovisional applications for which a petition under this pilot has been filed.

The "Streamlined" Claim Set and Dependency Format

Pending claims at the time of petition must include no more than one independent claim, no more than ten total claims, and no multiple dependent claims. All dependent claims must be in proper dependent form under § 112(d), reference the previous claim in the preamble, and remain in the same statutory class as the independent claim.

If needed, a preliminary amendment may be filed before or with the petition to conform the claim set. Once in the pilot, amendments that violate these limits or the dependency format may be refused entry while the application is under special status.

Timing and Capacity Limits

Petitions will be accepted until the earlier of October 27, 2026, or when each Technology Center has docketed approximately 200 accepted pilot applications. The USPTO may end or adjust the pilot sooner, including addressing uneven uptake across Technology Centers. Petitions may be dismissed if the application is already docketed to an examiner when the petition is decided; petition fees are not refunded.

When to Consider This Program: Practical Guidance for Clients

The pilot offers a pragmatic acceleration lever—but it is not one-size-fits-all. Clients should assess whether the program's tradeoffs align with business objectives, claim strategy, and portfolio posture.

First, this program is particularly attractive for recently filed, unexamined U.S. § 111(a) applications with a single core inventive concept captured in one independent claim and a concise dependent claim tree. Applicants facing long waits for a first action, especially in crowded Technology Centers, may find the near-term movement to first action valuable for financing milestones, licensing discussions, competitive signaling, or product launches. Where publication aligns with business strategy, rescinding nonpublication is straightforward; where confidentiality remains paramount, the publication requirement may be a deal-breaker.

Second, the program's cost-benefit profile is compelling relative to prioritized examination. Track One remains the gold standard for consistent cradle-to-allowance acceleration, but with a significantly higher fee of $150 ($60 for a small entity) and its own claim-count constraints. The pilot's lower petition cost and narrower scope (acceleration to first action only) may offer a measured, budget-conscious approach to breaking initial inertia and shaping the record early, especially when paired with a well-constructed dependent claim ladder designed to invite incremental allowability.

Third, consider your broader filing strategy and family planning. Because continuations and national stage entries are excluded, this pathway is suitable for stand-alone U.S. filings or the initial U.S. filing in a program. If a robust family is planned with later continuation or divisional applications, weigh whether carving down to a single independent claim now serves or complicates downstream prosecution. In particular, applicants anticipating restricted practice should note that a written restriction requirement ends special status; however, the pilot's narrow claim structure may reduce the likelihood of early restriction in some cases.

Fourth, confirm procedural gatekeepers before committing. Ensure DOCX compliance at filing, verify the application is not yet docketed to an examiner, check that named inventors have not exceeded the pilot's three-petition cap, and prepare the dependency format carefully. Petitions dismissed for timing or format issues will not be refunded, making a light pre-petition audit essential.

Finally, situate the pilot among other acceleration tools in the current environment. The USPTO has adjusted Patent Prosecution Highway throughput to balance examiner workloads, narrowing the gap in first-action timing relative to standard cases. In this context, the new pilot operates as a domestic, claim-focused complement: a practical shortcut to first action that may benefit U.S.-first filers, technologies where early examination can deter copying or support investor diligence, or situations where a first action "pump prime" can lead to earlier allowance with focused amendments. For others, particularly those requiring multiple independent claims, complex multiple dependencies, or continued nonpublication, this shortcut may add complexity without easing the backlog.

Takeaways

The Streamlined Claim Set Pilot Program is a timely, tactical option for applicants who can live within tight claim architecture, early publication, and acceleration limited to the first Office action. Used thoughtfully, it can deliver a boost to examination momentum and position select filings for faster commercial impact. Used reflexively, it may constrain downstream flexibility without offering material lifecycle advantages. A tailored, application-by-application assessment—grounded in claim scope, business objectives, and timing—will continue to separate benefits from risks as the program unfolds.

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