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## Fast-track patent program help businesses sue patent infringers faster



This Feb. 25, 2011 file photo shows Tthe U.S. Patent and Trademark Office in Alexandria, Va. (Alex Brandon/AP)

By [Catherine Ho](#) October 19 [Follow @WapoCat](#)

Last September, when his client — a company that makes a device to help stop bleeding — caught wind that a competitor was infringing on patents that enable the device to work, attorney Matthew Schneider jumped to action.

Schneider, a patent lawyer at Buchanan Ingersoll & Rooney, filed two patent applications with the U.S. Patent and Trademark office in hopes that patent officials would approve them quickly, and thereby arm his client with leverage to sue the infringer. Both patents were approved in less than 10 months — much faster than the two to four years it often takes the patent office to approve patent applications.

The company, who Schneider declined to name for client confidentiality reasons, is one of the thousands of businesses, universities and inventors taking advantage of a new fast-track patent system put in place by the 2011 America Invents Act.

Since the system, called Track One, began in 2011, the number of entities that have gotten fast-track approval for patents has grown nearly tenfold from 827 in 2011 to 8,085 in 2014, [according to the Patent and Trademark Office](#).

The system allows companies to pay an additional \$1,000 to \$4,000 — on top of the base fee of \$1,600 for a standard patent application — in the hopes that they could get a patent approved more quickly than if they submitted a standard application. The extra fee is based on a sliding scale, with large companies paying more and smaller companies and individual inventors paying less. The program is meant to alleviate the backlog of patent applications before the patent office, a long-standing problem that often makes it hard for businesses to enforce their legal rights against infringers quickly.

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An approved patent allows patent owners to sue a person or company they believe is infringing on their work, and gives them more leverage in negotiating with infringing competitors over licensing rights.

“If you’re willing to spend a little money, you can jump in line,” Schneider said. “That could be worth a heck of a lot to a company that has developed a really interesting, important technology that someone else is infringing.”

The patent office could not immediately provide a list of companies, universities, inventors and other entities that have been granted expedited patents. But the office does keep track of which categories of patents have received the most requests. Those numbers indicate the most interest in fast-track patents appears to be coming from entities seeking electrical and mechanical patents, which include patents for car parts and medical products, and electrical processes that make video recording and computer networking function.

There are three broad types of patents: chemical and biotechnology, which includes prescription drugs; electrical, which includes such processes as what make lights work; and mechanical, which includes parts in cars, ovens, medical devices and other objects. The most requests for expedited patents fall under a sub-group for a particular kind of mechanical patent covering parts found in everything from cars and boats to furniture and fishing equipment. That category has gotten 3,747 requests, according to the patent office.

That is followed by the sub-group of mechanical patents that include patents for such diverse items as medical devices, wallets, shoes, drills, power plants and other objects, which has drawn 3,630 requests. That is followed by the sub-group of electrical patents that includes patents that go into computer networks and video recording technology, which has drawn 3,139 requests.

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