

## LEGAL UPDATES

# Track One Expansion: A Strategic Opportunity Amid USPTO Delays

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Following on our [February 2025 alert](#) regarding operational delays at the U.S. Patent and Trademark Office (USPTO), we are pleased to share that the USPTO has expanded the annual cap for Track One Prioritized Examination requests from 15,000 to 20,000, effective July 8, 2025. This expansion reflects the agency's recognition of the growing demand for expedited examination amid its continued efforts to provide applicants with strategic tools to navigate the persistent backlog of unexamined applications.

## Track One Growth Reflects USPTO's Focus on Reducing Backlogs

Introduced in 2011 under the America Invents Act (AIA), the [Track One program](#) provides a fast-track option for applicants seeking to accelerate the patent examination process. The program's most notable benefit is speed: on average, applicants receive a First Office Action within 1.3 months – compared to the growing average of 23.4 months under standard processing.

To further tackle the backlog – now totaling about 814,500 unexamined Utility, Plant, and Reissue (UPR) applications as of May 2025 – the USPTO has implemented several initiatives, including:

- Reassigning former examiners to active examination roles
- Limiting non-examination activity of examiners
- Implementing AI-based search tools
- Offering Pendency Balance Awards to incentivize examination in high inventory categories
- Refocusing resources by ending acceptance of new Accelerated Examination requests
- Securing an exemption from the federal hiring freeze to bring in new patent examiners

## Related People

### Malaika D. Tyson, Ph.D.

Partner

Chicago

312.920.3318

[malaika.tyson@lathropgpm.com](mailto:malaika.tyson@lathropgpm.com)

### Lisbeth C. Robinson, Ph.D.

Counsel

Minneapolis

612.632.3387

[lisbeth.robinson@lathropgpm.com](mailto:lisbeth.robinson@lathropgpm.com)

### Jason Kuchar, Ph.D.

Associate

Minneapolis

612.632.3533

[jason.kuchar@lathropgpm.com](mailto:jason.kuchar@lathropgpm.com)

## Related Services

Intellectual Property



## Strategic Use and Value of Track One

A Track One request can be filed with an original nonprovisional utility or plant patent application (including continuations) that meet specific claim limits (no more than four independent claims, 30 total claims, and no multiple dependent claims). The program can also be utilized for Requests for Continued Examination (RCEs) if the Track One request is filed with or after an RCE but prior to the mailing of the first Office Action subsequent to the RCE.

Track One requires additional fees beyond standard filing, search and examination costs, and can demand a more proactive and intensive prosecution strategy. These factors raise a key question: Is the expedited timeline worth the expense?

Track One fees often are quite small in comparison to the value generated for entities seeking:

- Faster market entry of IP protected products
- Stronger competitive positioning
- Improved opportunities for fundraising and licensing
- Accelerated global patenting timelines

Quicker IP protection can be a critical advantage, especially for entities operating in fast-paced, market-driven innovation cycles. Moreover, Track One applications often result in fewer Office Actions. The cleaner file wrapper can translate into fewer downstream legal costs and reduced litigation risk, offering long-term value beyond the initial prosecution phase.

## Track One in a Dynamic Landscape

With examination delays rising, the Track One program is a critical component for applicants seeking fast, strategic protection for their innovations. While the program requires an upfront investment, the potential return – in reduced delays, increased IP value and enhanced business agility – can be substantial.

We will continue to monitor changes at the USPTO in this current dynamic landscape.

If you have any questions about current USPTO initiatives or would like assistance in evaluating whether Track One is right for your application, please reach out to any of the authors, or your regular Lathrop GPM attorney.

**Tristen Lindell**, a 2025 summer associate at Lathrop GPM, also contributed to this legal alert.