

CMS Patent Formalities Guide: Accelerated Examination at the EPO (PACE Request)

- Prosecution of an application can be accelerated in Europe via the EPOs PACE programme.
- There are no official fees associated with requesting PACE.

Why request PACE

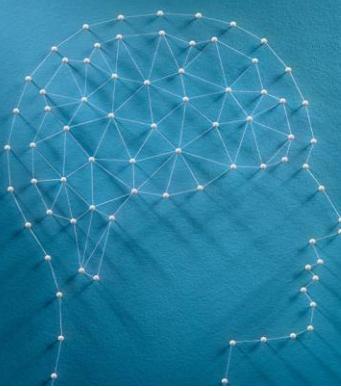
- The EPO may take up to three or more years to issue their next office action. However, when accelerated examination is requested, the EPO makes every effort to issue to issue a search report within 6 months. During examination, the EPO makes every effort to issue the next office action within three months of receipt and subsequent examination communications within three months of receipt of the applicant's reply.

Once PACE is requested

- The EPO will accept the request for accelerated prosecution where “practically feasible and subject to the workload of search and examining divisions”. In practice, PACE requests are usually accepted.
- An application will be taken out of the PACE programme if:
 - the PACE request has been withdrawn;
 - the applicant has requested an extension to any period for response;
 - the application has been refused;
 - the application has been withdrawn;
 - the application is deemed to be withdrawn;
 - a renewal fee is not paid in time.

Other things to note with PACE

- A PACE request for the search procedure and a PACE request for the examination procedure need to be filed separately.
- A PACE request may be filed only once during its applicable stage of the procedure, i.e., search and examination.
- It is only possible to file a PACE request for the examination procedure after responsibility for the application has passed to the examining division.
- Once an application has been taken out of the PACE programme, it is not possible to restore the application to the PACE programme.



- It is not possible to inspect whether a PACE request has been filed on any given application as the requests are not published by the EPO on file.

Acceleration when third-party observations have been filed

- Filing substantiated third-party observations on an application at the EPO can have the same effect as a PACE request.
- The EPO will make every effort to issue the next office action within three months of receipt of third-party observations by the examining division, provided the observations are substantiated and have not been filed anonymously.
- Where the observations are received at a time when a reply from the applicant to a communication is outstanding, this period starts from receipt of the reply at the EPO.

EPO Guidelines on PACE requests can be found [here](#)

EPO Guidelines on third party observations can be found [here](#)

This guide is for general information only. Please contact your usual CMS contact for advice regarding any specific patent or patent application.