Cooley

USPTO Extends Certain Deadlines in Response to COVID-19 Pandemic

April 2, 2020

On March 31, 2020, the US Patent and Trademark Office (USPTO) issued an alert indicating that it had exercised its temporary authority under the recently signed Coronavirus Aid, Relief, and Economic Security Act (CARES Act) by announcing the availability of extensions of time to file certain patent- and trademark-related documents and to pay certain required fees. The alert also reminds stakeholders that, while the USPTO remains open for all patent and trademark business, all in-person meetings will be conducted virtually by phone and/or video until further notice.

Information regarding patent-related extensions is provided in a notice of waiver, as is information regarding trademark-related extensions. Both notices indicate that the USPTO is extending the time to file certain documents or pay certain fees in situations where stakeholders are unable to meet near-term deadlines due to the COVID-19 pandemic.

The notices enumerate specific types of deadlines in patent and trademark proceedings that may be eligible for a 30-day extension. To qualify for an extension, the relevant patent or trademark deadline must fall between March 27, 2020, and April 30, 2020 (inclusive), and the filing or payment must be accompanied by a statement indicating that the delay was due to the COVID-19 outbreak, as specifically defined in the notices.

The patent notice also provides additional relief for specific Patent Trial and Appeal Board (PTAB) matters with deadlines falling between March 27, 2020, and April 30, 2020 (inclusive), and stakeholders are advised to reach out to the PTAB or the Trademark Trial and Appeal Board (TTAB) regarding other extensions or reopening of time that may be necessary.

Cooley's patent and trademark practitioners continue to work remotely, and our intention is to meet deadlines as originally scheduled in most cases. In light of the widespread impacts surrounding the COVID-19 situation, we understand that there may be circumstances where we, or our clients, cannot meet these deadlines. In such cases, we will take advantage of these newly announced patent and trademark extensions where available.

Coronavirus resource hub

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