

USPTO Further Extends Deadlines in Response to COVID-19 Pandemic

April 30, 2020

Further to our [recent alert](#), the US Patent and Trademark Office [issued another alert](#) on April 28 indicating that, in accordance with its temporary authority under the Coronavirus Aid, Relief, and Economic Security Act, it has further extended the time to file certain patent- and trademark-related documents and to pay certain required fees to June 1, 2020, for situations where current deadlines cannot be met due to the COVID-19 outbreak.

Additional information regarding these further [patent-related](#) and [trademark-related](#) extensions is provided in notices of extended waiver, which supersede the previous notices issued by the USPTO on March 31.

In order to qualify for an extension, the filing or payment must be accompanied by a statement that the delay was due to the COVID-19 outbreak, as defined in the notices.

Once again, the patent notice provides an additional 30-day extension for certain matters before the Patent Trial and Appeal Board (PTAB) having a deadline between March 27, 2020, and April 30, 2020, that cannot be met due to the COVID-19 outbreak. Likewise, patent and trademark stakeholders are advised to reach out to the PTAB or the Trademark Trial and Appeal Board (TTAB) to request an extension or reopening of time for situations not specifically covered by the notices.

The notices also incorporate and supersede sections of the USPTO's March 16 notice entitled "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Coronavirus Outbreak" pertaining to petitions to revive or reinstate. While the USPTO will continue to provide a waiver of the petition fee for the revival of abandoned patent and trademark applications, abandoned patent reexamination proceedings and canceled/expired trademark registrations, this relief will be limited to applications, proceedings and registrations that became abandoned, terminated, limited or canceled/expired on or before May 31, 2020, as a result of the COVID-19 outbreak. Thus, in order to qualify for the fee waiver, the petition to revive or reinstate must be accompanied by a statement that the delay in filing or payment was due to the COVID-19 outbreak, as defined in the notices.

As indicated previously, Cooley's patent and trademark practitioners continue to work remotely, and our intention is to meet deadlines as originally scheduled whenever possible. However, in light of the widespread uncertainty surrounding the COVID-19 situation, we understand that there may be circumstances where we, or our clients, will not be able to meet these deadlines. In such cases, we will take advantage of these further patent and trademark extensions where available.

Coronavirus resource hub

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Key Contacts

Susan Piascik Christoff Washington, DC	schristoff@cooley.com +1 202 842 7854
Christina Stock Boston	cstock@cooley.com +1 617 937 2383
John Paul Oleksiuk New York	jpo@cooley.com +1 212 479 6363

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