

April 29, 2020

April 2020: Availability of U.S. Patent and Trademark Office Extensions under the CARES Act

On April 28, Director Iancu announced a further extension for certain deadlines related to patent and trademark matters at the U.S. Patent and Trademark Office (the Office) for those personally affected by the COVID-19 outbreak. This extension supersedes and extends the previous March 31 extension.

To qualify for the extension, the deadline must fall on or between March 27, 2020 and May 31, 2020. The filing or payment will be considered timely if filed on or before June 1, 2020, provided that the filing or payment is accompanied by a statement that the delay in filing or payment was due to the COVID-19 outbreak. The Office identifies several non-exhaustive examples, listed below, for delays that are due to being personally affected by the COVID-19 outbreak, to the extent that the outbreak materially interfered with timely filing or payment:

- Office closures;
- Cash flow interruptions;
- Inaccessibility of files or other materials;
- Travel delays;
- Personal or family illness, or similar circumstances.

A list of the deadlines that may qualify for an extension are provided in the Office's Patent Notice and the Trademark Notice, which are linked here for convenience. The Patent Notice also explains how extensions due to the COVID-19 outbreak may be requested for Patent Trial and Appeal Board deadlines, as well as for situations that are not specifically covered. The Trademark Notice includes a similar explanation.

Related Practices

CARES Act Relief
COVID-19 Resource Center
Intellectual Property
Patent
Trademark



The Office previously waived the fees for petitions seeking to revive an abandoned patent application or reinstating a trademark registration due to the inability to respond as a result of the COVID-19 outbreak, and this waiver remains in effect.

Michael Best is staying on top of the COVID-19 outbreak and any further impact it may have on USPTO operations, and we will keep you apprised of any further developments stemming from the COVID-19 outbreak or the CARES Act that might affect your business. To the extent possible, you should continue with a 'business as usual' approach to your IP prosecution strategies because the USPTO remains open for filing submissions and payment of fees.

Feel free to contact us, our COVID-19 Task Force, or our CARES Act Task Force if you have any questions regarding the COVID-19 outbreak and its potential impact on your business.

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