

May 2020 Update Regarding Certain Patent-Related Timing Deadlines under the Coronavirus Aid, Relief, and Economic Security Act and Other Relief Available to Applicants, Patent Owners, and Others

In accordance with section 12004 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the United States Patent and Trademark Office (USPTO or Office) further extends the time to file certain patent-related documents or fees that would otherwise have been due on or after March 27, 2020.

For small and micro entities only, pursuant to the CARES Act Notice dated April 28, 2020, filings that would have been deemed timely filed if filed by June 1, 2020, will now be deemed timely filed if filed by July 1, 2020. After May 31, 2020, large entities should seek relief on a case-by-case basis, through the filing of a petition for an extension of time or a petition to revive, accompanied by any required fee.

For all entities, the USPTO continues to provide relief in the form of a waiver of the 37 CFR § 1.17(m) petition fee for filing a petition under 37 CFR § 1.137(a) for the revival of applications (and reexamination proceedings) that became abandoned (or terminated or limited) on or before June 30, 2020, with a statement that the delay in filing or payment was due to the COVID-19 outbreak, as set forth in section (I)(1)(b) of the April 28, 2020 CARES Act Notice.

All patent applicants and patentees are reminded that extensions of time under 37 CFR § 1.136 are available for filing replies to Office actions and notices issued during patent processing or examination; petitions under 37 CFR § 1.137 to revive an application are available if any of the patent-related documents or fees in section (I)(1)(a) of the April Notice not being filed or paid by its due date has resulted in the abandonment of an application; and petitions under 37 CFR § 1.378 to accept a delayed maintenance payment are available if a maintenance fee has not been paid by its due date.

The USPTO recognizes that the COVID-19 pandemic continues to impose various hardships, especially on small businesses and individual inventors, and will continue to evaluate the evolving situation around the COVID-19 outbreak and the impact on the USPTO's operations and stakeholders.

Comments and Contact Information

Comments and patent-related inquiries concerning this notice may be sent by email to Covid19PatentsRelief@uspto.gov. If email submission of comments is not feasible due to a lack

of access to a computer and/or the internet, please call the Office of Patent Legal Administration at 571-272-7704 (571-272-7703 for reexamination) for special instructions.

Date: MAY 27 2020

A handwritten signature in blue ink that reads "Andrei Iancu". The signature is written in a cursive style with a long horizontal stroke at the end.

Andrei Iancu
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office