

# Request for Extension of Time to File a Response form user guide

November 2022

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## Introduction

### Purpose

The Request for Extension of Time to File a Response (ERP) form has two separate functions. It allows you to request a single three-month extension to respond to a pre-registration office action (your trademark is under examination) and to request a one-month extension to respond to office actions issued during an expungement or reexamination proceeding (you have a registered trademark). This guide focuses on using the form for pre-registration office actions.

### Requesting a three-month extension for pre-registration office actions

After you file a trademark application, an examining attorney may send you an office action. Starting December 3, 2022, office actions sent during examination have a three-month response deadline if the filing basis for your application is section 1 (use in commerce, intent to use) or section 44 (foreign application). If you need more time, you have the option to request a three-month extension of time to respond.

You may not request an additional three months for post-registration office actions, intent-to-use office actions, or actions without a three-month deadline.

If you need more time to respond, complete the ERP form and pay the required fee to request an additional three months. This gives you a total response period of six months from the issue date listed on the office action.

- You can file an extension request only one time per office action.
- You can only request an extension of time after an office action is issued.
- The request must be for the most recently issued office action.
- You must file the request before you file a response to an office action.
- We must receive the request on or before the initial deadline in your office action.

If the extension request is granted, we must receive your response within six months of the issue date in the office action.

You're not eligible to file an extension request if:

- The filing basis for your application is section 66(a) (Madrid Protocol), since you already have six months to respond.
- No response to an office action is currently due.
- You already filed an extension request for the most recently issued office action.
- The initial response deadline has passed, and so the trademark is considered abandoned.

## Step-by-step instructions

1. Access the ERP form through <https://teas.uspto.gov/erp/> or from the [Response forms webpage](#).
2. Enter your application serial number on the wizard page.

**TIME TO FILE:** You may request an extension of time only **after** an Office action has been issued.

**\* Serial/Registration Number:**  
**Pre-Registration:** Enter a serial number if you are responding to an Office action issued prior to registration.  
**Expungement or Reexamination Proceeding:** Enter a registration number if you are responding as part of an Expungement or Reexamination Proceeding. A Proceeding Number can be selected on the screen that follows.

Do **not** enter a number here if you are accessing a previously saved form. Upload your saved form below.

Enter serial number

3. Select the continue button at the bottom of the page.
4. On the next page, review the trademark information for accuracy. Check the "Office Action Issue Date" listed in the "Office Action Information" section to make sure that you're requesting an extension of time to respond to the correct office action.
  - a. Answer any remaining questions that appear on the page.

**Office Action Information**

Office Action Issue Date: 08/22/2022

Applicant requests a three-month extension of time to respond to the Office action. Only a three-month extension will extend the response deadline to six months from the issue date of the Office action. Only a three-month extension will extend the response deadline to six months from the issue date of the Office action.

Is a newly appearing U.S.-licensed attorney filing this for the first time? (Yes/No) [ ] Yes [X] No

Foreign-domiciled owners/holders must have a U.S.-licensed attorney represent them before the USPTO in any application-or registration-related filing. Information about hiring a U.S.-licensed attorney can be found on the USPTO website.

Check that issue date is correct

5. Select the continue button at the bottom of the page.
6. Continue through the form. You can review and update owner information, such as the owner mailing address, domicile address, and correspondence information.
7. On the "Fee Information" page, you'll see that the required fee is \$125 per request. Three payment options will appear after you select the "Pay/Submit" button later in the form.
8. Select the continue button at the bottom of the page.
9. Complete the "Signature Information" page to submit the form.
  - a. Choose one signature method:
    - i. Sign electronically directly on the form.

- ii. Email a text version of the form to a second party for electronic signature.
- iii. Handwritten pen-and-ink signature.

Click to choose ONE [signature method](#):

[Sign directly](#)
 [Email Text Form for signature](#)
 [Handwritten](#)

Choose signature method

b. Read the declaration and sign and date the form.

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any resulting registration, declares that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

* <a href="#">Signature</a>	<input type="text"/> <small>Examples of acceptable "signatures" include: /john doe/; /jd/; or /123-4567/.  <b>NOTE:</b> Must be personally signed by the individual listed in the Signatory's Name field. <a href="#">37 C.F.R. §2.193(a)</a>. The person signing may not enter someone else's signature.            Only one signature is required, regardless of the number of applicants. To add a signature option, if appropriate, use the "Add Signatory" button, below.</small>	* <a href="#">Date Signed</a>	<input type="text" value="11/15/2022"/> (MM/DD/YYYY)
* <a href="#">Signatory's Name</a>	<input type="text"/>		
* <a href="#">Signatory's Position</a>	<input type="text"/>		

Sign and date form

- 10. Select the validate button at the bottom of the page.
- 11. On "Validation" page, read through all the information and check the box confirming that you read and understand the notice concerning cancellation of filings.

**Important Notice:**

Please note that:

(1) Once you submit an extension request, we will not cancel the filing or refund your fee, because it is a processing fee for our substantive review.

(2) All information you submit to the USPTO at any point in the application and/or registration process will become public record, including your name, phone number, email address, and street address. By filing this document, you acknowledge and agree that **YOU HAVE NO RIGHT TO CONFIDENTIALITY** in the information disclosed. The public will be able to view this information in the USPTO's on-line databases and through internet search engines and other on-line databases. This information will remain public even if the application is abandoned or any registration is surrendered, cancelled, or expired. To maintain confidentiality of banking or credit card information, only enter payment information in the secure portion of the site and by submitting it to the USPTO, the filer is representing the information available in its on-line database and in

(3) Private companies **not** associated with the USPTO (including solicitors or non-USPTO solicitations included).

If you have read and understand the above notice, please check the box before you click on the **Pay/Submit** button.

Check the box

- 12. Select the "Pay/Submit" button at the bottom of the page.
- 13. You'll be automatically redirected to a "Make Payment" page. Select your payment method and complete the required information.
  - a. The required fee is \$125 per request.
- 14. Select the "Submit Payment" button at the bottom of the page. The form will not be submitted until payment is complete.