



USPTO EXTENDS CERTAIN PATENT AND TRADEMARK DEADLINES UNDER CARES ACT

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On March 31, the [United States Patent and Trademark Office \(USPTO\)](#) announced extensions of certain patent and trademark filing and fee payment deadlines pursuant to authority granted under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which was signed by President Trump on March 27.

Specifically, the USPTO allowed 30-day extensions for certain deadlines related to:

1. patent application and reexamination proceedings;
2. trademark application and maintenance proceedings;
3. Patent Trial Appeal Board (PTAB) proceedings; and
4. Trademark Trial and Appeal Board (TTAB) proceedings;

which were due between, and inclusive of, both March 27, and April 30, as long as the filings include a statement that the delay in filings or payments were due to the COVID-19 outbreak as defined by the USPTO. The patent notice also provides certain considerations specifically for small and micro entities in connection with maintenance fees and replies to office notices issued during pre-examination processing.

The USPTO's definition of a delay "due to the COVID-19 outbreak" is broad enough to cover most individuals, companies and practitioners, as it contemplates those affected by the COVID-19 outbreak, including "through office closures, cash flow interruptions, inaccessibility of files or other materials, travel

delays, personal or family illness, or similar circumstances, such that the outbreak materially interfered with timely filing or payment."

The [previous USPTO notice waiving the fee for certain Petitions to Revive](#) where patent and trademark applications and registrations were abandoned or canceled/expired due to inability to timely respond to USPTO communications as a result of the effects of the COVID-19 outbreak remains the same.

Other USPTO operations are expected to continue without interruption, especially with respect to applications and other filings typically filed electronically.

Additional details can be found in the [Patent notice](#) and the [Trademark notice](#) on the USPTO's website.

If you have questions or would like to discuss further, please contact [Danica Mathes](#) or Jennice Lee.

Related Practices

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