

USPTO Announces Extension of Certain Patent and Trademark-Related Deadlines

March 31, 2020

On March 31, 2020, the U.S. Patent and Trademark Office (USPTO) announced that it would “extend the time to file certain patent and trademark-related documents and to pay certain required fees” by 30 days for deadlines that fall on or between March 27, 2020, and April 30, 2020, **and** if the extended filing is accompanied by a statement that the delay was “due to the COVID-19 outbreak.”

Amid the COVID-19 pandemic, many intellectual property offices around the world have granted extensions during this difficult time. The USPTO, however, did not have the authority to grant extensions set by statute. That was temporarily changed with the passage of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which authorized the Director of the USPTO to grant certain extensions in his discretion.

Using the authority granted by the CARES Act, the USPTO announced that certain patent or trademark-related deadlines (including filing and fee payment deadlines) that originally fell on or between March 27, 2020, and April 30, 2020, may be extended by 30 days from the date of the original deadline, “provided that the filing is accompanied by a statement that the delay in filing or payment was due to the COVID-19 outbreak.” According to the USPTO, “due to the COVID-19 outbreak” means “if a practitioner, applicant, registrant, or other person associated with the filing or fee was personally affected by the COVID-19 outbreak, including, without limitation, 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.”

Further details pertaining to patent-specific deadlines may be found [here](#).

Further details pertaining to trademark-specific deadlines may be found [here](#).

In its original announcement, the USPTO stated that “[t]he USPTO is open for business and fully-functioning, although almost all employees are working remotely.” That statement was changed moments after the initial release, and now states that “the USPTO has made operational adjustments to keep its employees and the public safe as it remains open for business.” Regardless of the wording, much of the USPTO’s operations have been fully electronic for years, and many examiners and administrative judges were primarily working remotely well before the COVID-19 outbreak. Thus, the USPTO was already well-equipped to handle many day-to-day operations remotely.

If you have any questions about this new announcement and how it may impact your patent or trademark matter, please contact [Andrew O'Connor](#) or any member of our [IP practice team](#).

