

USPTO Response to COVID19

In the past few weeks, the USPTO has released a series of announcements in response to the COVID19 under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. There are currently four main considerations/changes offered by the USPTO to its customers:

1. Waiver of petition fees in certain situations for customers impacted by the coronavirus
2. Extension of certain patent and trademark-related timing deadlines
3. Waiver of original handwritten signature requirement
4. Closure of USPTO offices closed to the public

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Waiver of petition fees in certain situations for customers impacted by the coronavirus

In recognizing that COVID19 constitutes an “extraordinary situation” within the meaning of certain patent rules,¹ on March 16th USPTO announced that is waiving petition fees in certain situations for customers impacted by the coronavirus.² This waiver is applicable to circumstances where the patent applicant or owner was unable to timely reply to an Office communication due to the effects of the coronavirus outbreak, which resulted in the application being held abandoned (or the reexamination prosecution terminated or limited). In this situation, when the patent applicant or owner files the reply with a petition as customary, along with other relevant documents, they do not have to provide the petition fee. Although this notice did not grant waivers or extensions of dates or requirements set by statute, a later announcement provided certain relief regarding extension of due dates.

Extension of certain patent and trademark-related timing deadlines

On March 31st USPTO announced that certain patent and trademark-related deadlines were extended under the CARES Act.³ These extensions are applicable to the time allowed to file certain patent (patent application and reexamination proceedings) and trademark-related documents and to pay certain required fees.

Regarding patent related matters, the relief states that certain actions which were due between, and inclusive of, both March 27, 2020 and April 30, 2020, will be extended 30 days from the initial date it was due, provided that the filing is accompanied by a statement that the delay in filing or payment was due to the COVID-19 outbreak as defined in the relief.

Closure of USPTO offices closed to the public

Out of an abundance of caution for the health and safety of the public and USPTO employees, all USPTO offices will be closed to the public beginning Monday, March 16, 2020 until further notice. USPTO operations will continue without interruption.

Waiver of original handwritten signature requirement

USPTO requires original handwritten, ink signatures for certain correspondence with the Office of Enrollment and Discipline and certain payments by credit card.⁴ The announcement of March 30th waived this requirement until further notice is provided by the Office.⁵

Other Patent Offices Around the Globe

Among other Intellectual Property Offices around the world which have issued COVID-19 guidance are: the World Intellectual Property Organization (WIPO)⁶, the European Patent Office (EPO)⁷, the European Union Intellectual Property Office (EUIPO)⁸, the German Patent and Trade Mark Office (DPMA), The Australia IP Office⁹, and the UK Intellectual Property Office (UKIPO)¹⁰.

The best practice is to contact your patent counsel.

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About the Author



Soody Tronson, MS/JD, has over 25 years of interdisciplinary experience in technology, business, management, education, and law in startup and fortune 100 companies. Soody is the Founding Managing Counsel at **STLG**,¹¹ boutique Silicon Valley law firm counseling domestic and international clients in intellectual property and technology transactions in a wide range of technologies. Soody is also the Founder and CEO of **Presque**,¹² a startup venture creating wearables that fundamentally change and improve the health of women and infants, positively disrupting the status quo. The book “*Women Securing the Future with TIPPSS for IoT Trust, Identity, Privacy, Protection, Safety, Security for the Internet of Things*,” which she co-authored was recently published by Springer.

After holding technical and management positions at Schering Plough and Hewlett-Packard where she took several products to market; and practicing law at H.P., and a successfully acquired medical device start up, and two national law firms, HellerEhrman and Townsend and Townsend; Soody formed STLG.

Presque was formed in 2017 to develop and commercialize a line of wearables based on Soody’s original design. Guided by the belief that we each have a sphere of personal influence and it is our civic duty to use it for the betterment of our community, Soody is deeply committed to creating positive change. She serves in advisory, board, and leadership capacities with several organizations, including AWIS STEM to Market national Accelerator and its Palo Alto Chapter; California Lawyers Association Executive Committee of the Intellectual Property Section, Licensing Executives Society USA/Canada, and the Palo Alto Area Bar Association. As a member of the Silicon Valley Leadership Group, a diverse public policy association of dynamic companies shaping the future innovation economy, she is actively engaged with the Technology and Innovation, Health, and Education and Work Force Development, and The Women Executives Committees. One of her most fun ventures has been as the co-founder of **HighNote Co.**,¹³ a small batch coffee roasting company.

¹ 37 CFR 1.183 <https://www.law.cornell.edu/cfr/text/37/1.183> and 37 CFR 2.146 <https://www.law.cornell.edu/cfr/text/37/2.146>

² https://www.uspto.gov/sites/default/files/documents/coronavirus_relief_ognotice_03162020.pdf

³ <https://www.uspto.gov/sites/default/files/documents/Patents%20CARES%20Act.pdf>

⁴ 37 CFR 1.4(e)(1) and (2) <https://www.law.cornell.edu/cfr/text/37/1.4>

⁵ <https://www.uspto.gov/sites/default/files/documents/85%20FR%2017502.pdf>

⁶ https://www.wipo.int/pressroom/en/articles/2020/article_0006.html

⁷ <https://www.epo.org/news-issues/covid-19.html>

⁸ <https://euipo.europa.eu/ohimportal/en/covid-19-information>

⁹ <https://www.ipaustralia.gov.au/about-us/news-and-community/news/business-continuity-and-coronavirus-disease-covid-19-outbreak>

¹⁰ <https://www.gov.uk/government/news/coronavirus-advice-for-rights-applicants>

¹¹ www.STLGip.com

¹² www.MyPresque.com

¹³ www.HighNoteCoffee.com