

Insights: Legal Alert

# U.S. Patent and Trademark Office Extends Certain Deadlines to July 1, For Some.

May 28, 2020

Written by **Andrew T. Serafini, Ph.D.** and **Theodore G. Brown, III**

---

*Please note: The below information may require updating, including additional clarification, as the COVID-19 pandemic continues to develop. Please monitor our main [COVID-19 Task Force](#) page and/or your email for updates.*

Section 12004 of the CARES Act allows the director of the United States Patent & Trademark Office (USPTO) (under certain conditions) to provide temporary relief from certain USPTO filing deadlines and fees. [See CARES Act | U.S. Patent and Trademark Office - Additional Extensions Available](#).

The USPTO previously determined that the CARES Act conditions were met, and published new Notices<sup>1</sup> on May 27, 2020, extending some of the previous deadlines and fee waivers. Perhaps because certain areas and sectors of the economy are starting to open up, the extensions allowed under the new Notices are significantly less generous than those announced previously.

Patent filings, but only those by small and micro entities, that previously would have been due by June 1, 2020, will now be considered timely if filed by July 1, 2020. For large entities, no deadlines extend past May 31, although these filers can still petition for an extension of time or to revive, accompanied by any required fee, on a case-by-case basis.

The USPTO will continue to waive fees for petitions to revive applications (and reexamination proceedings) that became abandoned (or terminated or limited) on or before June 30, as long as such petitions are accompanied by a statement that the delay in filing or payment was due to the COVID-19 pandemic. As before, such statements should be utilized judiciously.

The USPTO was careful to remind all applicants and patentees that extensions (and fees) provided for under the normal rules continue to be in effect, and that it would continue evaluating the evolving situation around the COVID-19 pandemic as well as the impact on the USPTO's operations and stakeholders.

These last statements were also included in the USPTO's May 27, 2020, update regarding trademark deadlines, but this update provides no other comfort to trademark practitioners; all previously granted deadline relief will expire on May 31, 2020.

## Footnotes

<sup>1</sup>The patent-related Notice is available [here](#). The trademark Notice is available [here](#).

## Related People

---



**Andrew T. Serafini, Ph.D.**

Partner

Seattle, WA

t 206.626.7769

atserafini@kilpatricktownsend.com



**Theodore G. Brown, III**

Senior Counsel

Menlo Park, CA

t 650.324.6353

tbrown@kilpatricktownsend.com