



ARE Patent Law Alert: U.S. Patent and Trademark Office Provides Additional Relief for Small Businesses Affected by COVID-19 Pandemic

Author(s): Benjamin M. Halpern, Albert Boardman,

In an effort to mitigate the continuing effects of the COVID-19 pandemic on individuals and small businesses, on June 29, the U.S. Patent and Trademark Office (USPTO) published a notice providing additional relief for certain fee payments by small and micro entities.

Specifically, the USPTO will consider basic filing fees, search and examination fees, late filing surcharges, basic national fees, issue fees and maintenance fees that had been due between and including March 27 and September 29, 2020 timely paid if payment is made on or before September 30, provided the payment is accompanied by a statement that any delay in payment was due to the

COVID-19 outbreak. This additional relief is only available to small and micro entities.

In addition to this relief, other extensions of time and other relief remain available on a case-by-case basis, such as extensions of time

for office action replies, petitions to revive abandoned applications and petitions to accept delayed payment of maintenance fees.



Moreover, the fee for petitions to revive are waived for applicants and patent owners who were unable to submit a filing or payment on time due to the COVID-19 outbreak. The USPTO has clarified that a petition to revive must be filed by July 31 to be eligible for waiver

of the petition fee.

Further, for proceedings before the PTAB, a party may still request an extension of time where the COVID-19 outbreak has prevented

or interfered with a filing by contacting the PTAB directly by telephone or e-mail.

The full text of the USPTO's June 29 notice can be found [here](#).

We will continue to monitor and report on developments in this area. In the meantime, feel free to contact us to learn more.

***About the Author(s)**



[Benjamin Halpern](#) is a partner and [Albert J. Boardman](#) is an associate at Amster, Rothstein & Ebenstein LLP. Their practices focus on patent prosecution and other intellectual property matters.