

## Patent & Trademark Law Alert - Relief Available to U.S. Applicants and Owners Affected by COVID-19

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It is possible to revive a patent or trademark matter, with the official revival fee waived, if a response deadline was missed because of the coronavirus.

As set forth in an [official notice](#) by the United States Patent and Trademark Office (USPTO), the USPTO “considers the effects of the Coronavirus outbreak ... to be an ‘extraordinary situation’ within the meaning of 37 CFR 1.183 and 37 CFR 2.146 for affected patent and trademark applicants, patentees, reexamination parties, and trademark owners.”

Patent and trademark applicants will be able to file a petition to revive an abandoned application *with the revival fee waived* for those “who were 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.”

To be eligible for the fee waiver when reviving an abandoned patent application, the delay or inability to reply to the USPTO communication must be a result of the legal representative, applicant, or at least one inventor being personally affected by the Coronavirus outbreak. In the case of an abandoned trademark application or cancelled or expired registration, the petition to revive or reinstate must explain “how the failure to respond to the Office communication was due to the effects of the Coronavirus outbreak.”

The petition must be filed within two months of the issue date of the notice of abandonment. If the applicant or registrant did not receive the notice, then the petition must be filed within six months from the date the application became abandoned or the registration was cancelled or deemed expired.

For further information, contact [Mark Montague](#), [Allison Furnari](#), or your CLL attorney. Our offices remain open through remote technology.