

COVID-19: USPTO OFFERS 30-DAY EXTENSION OF FILING AND PAYMENT DEADLINES TO THOSE AFFECTED BY COVID-19 OUTBREAK

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In a [Notice issued March 31, 2020](#), the U.S. Patent and Trademark Office (“USPTO”) extended certain filing and payment deadlines due between March 27, 2020, and April 30, 2020, by 30 days from the initial due date, provided that the filing is accompanied by a statement that the delay was due to the COVID-19 outbreak. The USPTO’s authority to offer this extension was part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), signed into law on March 26, 2020.

The USPTO remains open, and filings and payments only qualify for this 30-day extension 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.

This extension is available for responses to Office Actions, statement of use or requests for extension, notices of opposition or requests for extension of time to file a notice of opposition, priority filings, transformation of an extension of protection to the United States into a U.S. application, affidavits of use or excusable nonuse, and renewals.

However, the extension does not apply to matters before the Trademark Trial and Appeal Board (TTAB), although those affected by the COVID-19 outbreak may request (in ex parte appeals) or bring a motion (for trial cases) for an extension of time.

In addition, the existing procedures to revive an abandoned/expired trademarks remain available, and pursuant to the [USPTO’s prior March 16, 2020 Notice](#), the USPTO has waived its usual petition fees

where the petition includes a statement explaining that the unintentional abandonment/ expiration was due to the COVID-19 outbreak.

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National Law Review, Volume X, Number 92

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