

COVID-19 CHANGES AFFECTING U.S. INTELLECTUAL PROPERTY FILINGS AND PROCEEDINGS

March 18, 2020

Posted: March 18 at 2:15 PM

With the federal government engaging in social distancing and teleworking in response to the Coronavirus pandemic, government agencies responsible for intellectual property prosecution and proceedings are implementing modified procedures. The following is guidance for intellectual property owners based on the information currently available. As the situation continues to evolve on a daily basis, our team will continue to keep you apprised of relevant developments.

U.S. Patent and Trademark Office (USPTO)

The [U.S. Patent and Trademark Office](#) (USPTO) announced that all USPTO offices will be closed to the public beginning March 16, until further notice. In addition, the USPTO previously announced that any examining attorney interviews, Patent Trial and Appeal Board (PTAB) and Trademark Trial and Appeal Board (TTAB) oral hearings and other similar in-person meetings scheduled to take place at the USPTO offices will be conducted remotely by video or telephone starting on March 13, until further notice. Parties will receive instructions on how to participate by video or telephone in advance of the interview, hearing or meeting.

As USPTO operations will continue without interruption, any deadlines related to patent and trademark will not be extended. However, the USPTO considers the effects of the Coronavirus outbreak to be an “extraordinary situation.” While filing and response deadlines remain the same, the USPTO will waive the fee for certain Petitions to Revive where patent and trademark applications and registrations were abandoned or canceled/expired due to inability to timely respond to USPTO communications as a result

of the effects of the Coronavirus outbreak. It is important to note that this reprieve does not apply to missed statutory filing deadlines, such as Declarations of Use, Renewals and payment of maintenance fees.

U.S. International Trade Commission

The [U.S. International Trade Commission](#) (ITC) postponed all in-person hearings in Section 337 intellectual property cases scheduled to take place until at least May 12, but cases will proceed otherwise. The ITC secretary's office will only accept electronic filings during this period, visitor access to the ITC building will be limited and restricted to the first floor and ITC staff may be contacted via telephone and email as usual.

U.S. Copyright Office

The Library of Congress announced that all Library of Congress buildings, including the [U.S. Copyright Office](#), will be closed to the public until at least April 1 at 8:30 am "to reduce the risk of transmitting COVID-19 coronavirus."

However, the U.S. Copyright Office will continue to operate without interruption. Copyright applications may still be submitted online, and questions for the Office may be submitted through copyright.gov and by phone at (202) 707-3000.

If you have questions or would like to discuss further, please contact [Danica Mathes](#), [Jeff Tinker](#) or Jason Nardiello.

Related Practices

Intellectual Property

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