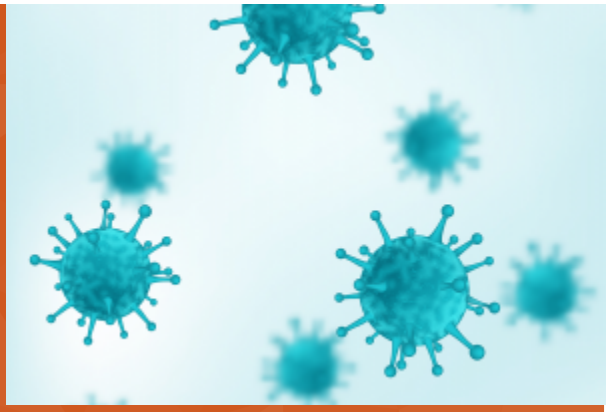
COVID-19 Alert: Prioritized Examination Pilot Program



USPTO Announces COVID-19 Prioritized Examination Pilot Program

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On May 7, 2020, the United States Patent and Trademark Office (USPTO) announced the COVID-19 Prioritized Examination Pilot Program, under which the USPTO will grant requests for prioritized examination to qualifying patent applicants without payment of the fees typically associated with prioritized examination. The goal of prioritized examination is to provide a final disposition of a patent application within 12 months from the date the prioritized status has been granted, and the USPTO has indicated that it believes that it can achieve final disposition in six months if applicants provide more timely responses to notices and actions from the USPTO.

As further described in the Federal Register Notice, participation in the pilot program is limited to applicants that qualify for small or micro entity status, and is reserved for certain non-provisional plant or utility patent applications that claim products or processes that are subject to an FDA approval for COVID-19 use. Such FDA approvals may include, for example, an Investigational New Drug (IND) application, an Investigational Device Exemption (IDE), a New Drug Application (NDA), a Biologics License Application (BLA), a Premarket Approval (PMA), or an Emergency Use Authorization (EUA).

The USPTO will grant qualified requests for prioritized examination of a patent application without payment of the fees that are normally associated with prioritized examination, representing a savings of up to $2,000. Participation in the pilot program is currently limited to a total of 500 participants, which the USPTO has indicated it may extend or terminate.

If you have any questions or need more information regarding the USPTO's COVID-19 Pilot Program, please contact Stan Chalvire.