

Practice Update

Current Status of Patent, Copyright, and Trademark Courts and Agencies

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Below is the current status of patent, copyright, and trademark courts and agencies.

The United States Patent and Trademark Office (USPTO) maintains a dedicated COVID-19 resource page [here](#). All USPTO offices are closed to the public until further notice, but remain open to employees, contractors, and those with access badges. The USPTO will continue operations without interruption. Until further notice, examiner and examining attorney interviews, Patent Trial and Appeal Board (PTAB) and Trademark Trial and Appeal Board (TTAB) oral hearings, and other similar in-person meetings will occur by video or telephone. The USPTO will issue instructions to concerned parties regarding how to participate in such a meeting. Because the USPTO considers the effects of COVID-19 to be an “extraordinary situation”, the USPTO has waived the need for an original handwritten signature for certain correspondence with the Office of Enrollment and Discipline and certain payments by credit card. Additional details about this signature waiver can be found [here](#). The USPTO has also waived petition fees in certain situations for customers impacted by COVID-19. Further details about this petition fee waiver can be found [here](#).

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The Coronavirus Aid, Relief, and Economic Security Act (the CARES Act) authorizes the director of the USPTO, during the ongoing COVID-19 emergency, to extend any statutory filing deadline which “materially affects the functioning of the Patent and Trademark Office,” “prejudices the rights of applicants, registrants, patent owners or others appearing before the office” or “prevents users from filing a document or paying a fee timely.” This extension authorization includes deadlines related to filing applications, responding to office actions, and deadlines related to post-grant patent challenges before the PTAB.

While the World Intellectual Property Organization (WIPO) physically closed its offices for non-essential staff and either canceled or postponed all meetings through the end of April 2020, WIPO reassures the IP community that COVID-19 has not affected the processing of applications filed via WIPO’s Global IP. WIPO continues its ordinary operations including its processing of domain name disputes under the UDRP and other alternative dispute resolution cases. For IP offices and member states, WIPO is processing netting payments as well as monthly and annual distribution payments as scheduled. WIPO’s most recent update is found here.

The European Patent Office (EPO) confirmed that the searching, examining, and opposition divisions will continue with their activities, but has extended all time limits expiring on or after March 15, 2020 until April 17, 2020. The EPO also postponed until further notice all oral proceedings in examination and opposition proceedings scheduled until April 17, 2020 unless they have already been confirmed to take place by means of videoconferencing. The EPO also cancelled all oral proceedings at the Board of Appeals through April 17, 2020. The EPO will contact concerned parties. Lastly, the EPO also cancelled all EPO-organized events in March, April, and May 2020. The EPO maintains a COVID-19 resource page here.

The Supreme Court of the United States has postponed all oral arguments scheduled for the March 2020 session. The Building is closed to the public until further notice but remains open for official business. Although case filing deadlines have not been extended generally under Rule 30.1, the Court has issued an order addressing the extension of many filing deadlines, including the deadline for filing petition for a writ of certiorari.

The United States Court of Appeals for the Federal Circuit (CAFC) has ordered all oral arguments for the April 2020 sitting to be telephonically-based. Deadlines otherwise remain in effect. The CAFC posts announcements here.

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