

USPTO's COVID-19 Prioritized Examination Pilot Program extended through 31 December 2022

Yesterday, a notice was published in the Federal Register announcing yet another extension of the U.S. Patent and Trademark Office (USPTO) pilot program for expedited review of COVID-19-associated patent applications (the COVID-19 Prioritized Examination Pilot Program; the "Program"). The Notice states that compliant requests "filed on or before December 31, 2022, will be accepted." The USPTO's Program website also notes that "The 500 qualifying patent application limit for inclusion in the COVID-19 prioritized examination pilot has been removed." This is the fourth extension of the Program, which, as of 28 June 2022, has received 964 applications and granted "prioritized status" to 626.

The Program allows micro and small-entity applicants to request expedited examination without paying a prioritized examination and processing fee, which is required for most other such requests. To qualify for the Program, the application must, among other requirements, (1) must be filed with the Request, (2) claim priority to no more than one non-provisional application, and (2) include at least one COVID-19-related method or product claim subject to Food and Drug Administration approval for COVID use. More information is available at the USPTO's website describing the Program.

The USPTO has also instituted programs to expedite COVID-19 related appeals and trademarks.

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