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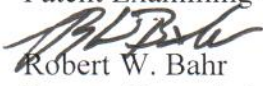
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Commissioner for Patents  
United States Patent and Trademark Office  
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[www.uspto.gov](http://www.uspto.gov)

**MEMORANDUM**

**DATE:** April 6, 2020

**TO:** Patent Examining Corps

**FROM:**   
Robert W. Bahr  
Deputy Commissioner  
for Patent Examination Policy

**SUBJECT: CARES Act Information for Patent Examiners**

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which became law on March 27, 2020, provides authority for the USPTO to modify the deadlines for patent applicants or patentees to file certain documents and fees. Based on the authority in the CARES Act, the USPTO issued a notice on March 31, 2020 extending the time to file certain patent-related documents or fees which otherwise would have been due on or after March 27, 2020. See <https://www.uspto.gov/sites/default/files/documents/Patents%20CARES%20Act.pdf>.

With respect to responses and fees that are applicable during the patent examination process, the USPTO extended the due date of the following responses and fees by 30 days, if the due date is between March 27, 2020 and April 30, 2020 (including due dates of March 27, 2020 and April 30, 2020):

1. Replies to an Office notice or action issued during examination, including restriction requirements, non-final Office actions, final Office actions, and Notices of Non-Compliant Amendment;
2. Notices of appeal to the Patent Trial and Appeal Board (PTAB);
3. Appeal briefs and reply briefs in an appeal to the PTAB;
4. Appeal forwarding fees;
5. Requests for oral hearings before the PTAB;
6. Responses to a substitute examiner's answer; and
7. Requests to reopen prosecution in response to a PTAB decision designated as including a new ground of rejection.

To obtain this 30-day extension of a due date, the applicant must provide a statement that the delay was due to the COVID-19 outbreak.

Patent examiners are not expected to review filings for compliance with the CARES Act relief provisions. Examination procedures will continue as usual. If no response is filed to an Office action with a due date that falls between March 27 and April 30, 2020, the abandonment will be processed eight months after the date of the Office action in accordance with standard procedure. Alternatively, if an examiner chooses to contact an applicant to confirm that no response has been filed and send a notice of abandonment prior to the expiration of this eight-month period, the examiner should wait at least seven months from the date of the Office action before contacting the applicant and should wait at least eight months from the date of a notice of appeal to the PTAB.

In addition to the above-mentioned responses and fees that are applicable during the patent examination process, the USPTO also extended the due date of the following responses and fees in patent applications and patents by 30 days, if the due date is between March 27, 2020 and April 30, 2020 (again including due dates of March 27, 2020 and April 30, 2020):

1. Replies to an Office notice issued during pre-examination processing by a small or micro entity;
2. Replies to an Office notice or action issued during the patent publication process;
3. Issue fees;
4. Requests for rehearing of a PTAB decision designated as including a new ground of rejection;
5. Maintenance fee payments by a small or micro entity; and
6. Requests for rehearing of a PTAB decision under 37 CFR 41.52.