

## USPTO Response to Crisis in Japan

The United States Patent and Trademark Office (USPTO) issued a “Relief” notice on March 11, 2011 for applicants, patentees, and trademark owners that may be affected by the earthquake and tsunami in Japan. The USPTO officially stated that the office considers the effects of this natural disaster to be an “extraordinary situation” within the meaning of 37 CFR 1.183 and 37 CFR 2.146 for those affected.

This includes patent inventors, assignees or those with a correspondence address in the affected areas of Japan and trademark applications and registrations with a correspondence or owner address in the affected areas of Japan.

See the **March 11, 2011 notice** for specific instructions regarding the following issues.

### PATENTS

#### *Withdrawal of an Office Communication and Its Reissue*

The USPTO will, upon request, withdraw the office communication and reissue it as a means to provide additional time for response, but the request must be made before the statutory or non-statutory period for the response expires. In particular, the request must be made far enough in advance for the office to withdraw and reissue the communication before the response period expires.

#### *Waiver of Late Fees for Maintenance Fees*

The USPTO will also waive late fees on paying maintenance fees with the submission of a petition to accept a delayed fee payment. If a maintenance fee was due on March 10 and the disaster caused the maintenance fee payment to be missed, a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent is suggested and the petition fee will be waived. This petition must be filed by **March 11, 2012** to be entitled to the waiver.

#### *Waiver of Late Fees for Filing With Unsigned Formal Documents*

For non-provisional applications filed between March 11, 2011 and April 12, 2011 without an executed oath or declaration, or payment of the filing fee, search fee and/or examination fee because of the disaster, the USPTO will waive the associated late fees.



## TRADEMARKS

### *Withdrawal of Office Communication and Its Reissue*

Similar to patents, upon request, the USPTO will withdraw an outstanding office action, notice of allowance or other notice requiring a response. Again, the request must be made timely enough for the withdrawal and reissue of the communication to occur within the statutory time period.

### *Waiver of Petition Fee to Revive Abandoned or Canceled Applications and Registrations*

If a trademark application or registration was abandoned or cancelled because of an inability to timely respond to a trademark-related office communication because of the disaster, the USPTO will waive the petition fee to revive the application or registration.

## FOR MORE INFORMATION

For more information, please contact:

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