



Insights: Alerts

USPTO COVID-19 Prioritized Examination Pilot Program (PEPP) Announced

May 8, 2020

Written by Theodore G. Brown, III

Please note: The below information may require updating, including additional clarification, as the COVID-19 pandemic continues to develop. Please monitor our main [COVID-19 Task Force page](#) and/or your email for updates.

UPDATED: MAY 13, 2020: Although the USPTO Notice published on May 8, 2020, the Federal Register Notice, upon which the PEPP program is effective, will publish tomorrow, May 14, 2020 (and will be accessible [here](#)). The USPTO will notify the public if the PEPP is extended or terminated.

A new COVID-19 Prioritized Examination Pilot Program (PEPP) for certain applications was [announced](#) today, May 8, 2020, by the United States Patent & Trademark Office (USPTO). For an application to qualify under the PEPP, a COVID-19 application must have a claim or claims covering a product or process related to COVID-19, and such product or process must be subject to an applicable FDA approval for COVID-19 use. See the planned Federal Register [Notice](#).

Under the PEPP, the USPTO will grant qualified requests for prioritized examination without payment of certain fees associated with prioritized examination for applicants that qualify for small ([37 C.F.R. 1.27](#); see also [MPEP 509.02](#)) or micro ([37 C.F.R. 1.29](#)) entity status. The goal of USPTO prioritized examination is to provide a final disposition of an application within 12 months, on average, from the date the prioritized status has been granted to the application.

As stated in the [Notice](#), the USPTO believes it can achieve final disposition of a patent application in six months under the PEPP if applicants provide more timely responses to notices and actions from the USPTO, as compared to those required by prioritized examination.

For more information regarding *other* USPTO established procedures under which examination of a patent application may be accelerated, visit the USPTO patent initiatives [here](#). A USPTO [dashboard](#) showing the time of disposition for patent applications under the various prioritized examination procedures is also informative.

As mentioned in the [Notice](#), the USPTO will accept requests for prioritized examinations under the PEPP beginning on the date of publication in the Federal Register until the USPTO has accepted **500 PEPP requests**. Although the Notice has not yet been published in the Federal Register (as of May 8, 2020), patent applicants

with potentially qualifying applications should be preparing now. The USPTO will notify the public if the PEPP is extended or terminated.

Related People



Theodore G. Brown, III

t 650.324.6353

tbrown@ktslaw.com