USPTO Announces Fast-Tracking of COVID-Related Appeals

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The U.S. Patent and Trademark Office (USPTO) recently implemented the **Fast-Track Pilot Program for Appeals Related to COVID–19**, which advances and fast-tracks *ex parte* appeals before the Patent Trial and Appeal Board (PTAB). To be eligible, the pending patent application must include one or more claims to a product or process that is subject to an applicable FDA approval for COVID–19 use.

Applicable COVID-related inventions include, but are not limited to, an Investigational New Drug (IND) application, an Investigational Device Exemption (IDE), a New Drug Application (NDA), a Biologics License Application (BLA), a Premarket Approval (PMA), or an Emergency Use Authorization (EUA). Information on INDs, IDEs, NDAs, BLAs, PMAs, and EUAs may be obtained at www.fda.gov.

To fast-track an appeal, a fee-free petition must be filed and certify that the application involved in the appeal claims a product or a process that is subject to FDA approval for COVID–19 use. The petition may be filed at any time after a notice of appeal has been filed and a PTAB docketing notice has been issued by the USPTO.

Petitions will be accepted until 500 appeals have been accorded fast-track status under the program.

If you would like more information on the new program or would like to explore the possibility of fast-tracking an *ex parte* appeal before the PTAB, feel free to reach out to the patent practitioners at Vorys.

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VORYS COVID-19 TASK FORCE

Vorys attorneys and professionals are counseling our clients in the myriad issues related to the coronavirus (COVID-19) outbreak. We have also established a comprehensive Coronavirus Task Force, which includes attorneys with deep experience in the niche disciplines that we have been and expect to continue receiving questions regarding coronavirus. Learn more and see the latest updates from the task force

at vorys.com/coronavirus.