

## UNITED STATES OF AMERICA

The following information is provided by the United States of America, responsive to the document SCP/6/7, addressing relief efforts available in the United States Patent and Trademark Office (USPTO) for those patent applicants affected by the terrorist attacks in the United States and other “*force majeure*”-type circumstances.

### **I. Relief currently available**

#### **A. Extension of time**

37 CFR 1.136 provides that if an applicant is required to reply within a non-statutory or shortened statutory time period, the applicant may extend the time period for reply up to the earlier of the expiration of any maximum period set by statute or five months after the time period set for reply, if a petition for an extension of time and the appropriate fee are filed, with certain limitations. Further information related to extensions of time may be found in the USPTO Manual of Patent Examining Procedure (MPEP), section 710.02(e). The USPTO MPEP may be accessed electronically at:

<http://www.uspto.gov/web/offices/pac/mpep/index.html>

#### **B. United States Postal Service Mail Delays**

Notices related to the closure of the USPTO on September 11 and possible remedies for applicants and patentees due to subsequent USPS mail delays may be found at:

<http://www.uspto.gov/emergencyclosure.htm>

#### **C. Revival of an abandoned application**

37 CFR 1.137 provides for the revival of abandoned applications and lapsed patents for the failure:

1. to timely reply to an Office requirement in a provisional application;
2. to timely prosecute in a non-provisional application;
3. to timely pay the issue fee for a design application;
4. to timely pay the issue fee for a utility or plant application; and
5. to timely pay any outstanding balance of the issue fee (lapsed patents).

Petition procedures may be found in the USPTO MPEP at section 711.03(c). The USPTO MPEP may be accessed electronically at:

<http://www.uspto.gov/web/offices/pac/mpep/index.html>

**II. Status of and prospects for acceleration of implementation/ratification/accession to the PLT 2000**

In conjunction with the PLT 2000 ratification/implementation process in the United States, we are considering implementation of the necessary legislation as soon as possible, with adequate time for rulemaking, independent of the date of entry into force of the treaty. By the same token, we are considering a retroactive effect for the legislation to provide relief for those applications, of both domestic and foreign origin, that may have missed Paris Convention (section 119(a) of title 35, United States Code) or provisional to non-provisional application (section 119(e) of title 35, United States Code) filing deadlines in the United States due to, among other things, the events of September 11, 2001.