DEPARTMENT OF COMMERCE
Patent and Trademark Office
[Docket No.: PTO–P–2021–0037]

Third Extension of the Modified COVID–19 Prioritized Examination Pilot Program for Patent Applications

AGENCY: Patent and Trademark Office, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) is extending the modified COVID–19 Prioritized Examination Pilot Program, which provides prioritized examination of certain patent applications. Requests that are compliant with the pilot program’s requirements and are filed on or before June 30, 2022, will be accepted. The USPTO will evaluate whether to terminate or further extend the program during this extension period.

DATES: The COVID–19 Prioritized Examination Pilot Program is extended as of March 25, 2022, to run until June 30, 2022.

FOR FURTHER INFORMATION CONTACT: Robert A. Clarke, Director, Office of Patent Legal Administration (571–272–7735; robert.clarke@uspto.gov).


The COVID–19 Track One Notice indicated that an applicant may request prioritized examination without payment of the prioritized examination fee and associated processing fee if: (1) the patent application’s claim(s) covered a product or process related to COVID–19, (2) the product or process was subject to an applicable Food and Drug Administration (FDA) approval for COVID–19 use, and (3) the applicant met other requirements noted in the COVID–19 Track One Notice. As of February 7, 2022, 225 patents had issued from applications granted prioritized status under the pilot program. The average total pendency, including time consumed by continued examination, from filing date to issue date for those applications was 298 days. The shortest pendency from filing date to issue date for those applications was 75 days.

The Second Extension Notice indicated that the pilot program would expire on March 31, 2022. In the current notice, the USPTO is further extending the pilot program by setting the expiration date as June 30, 2022. The Office will evaluate whether to terminate or further extend the program during this third extension period. If the USPTO determines that an additional extension of the pilot program is appropriate, the agency will publish a subsequent notice to the public.

Unless the pilot program is further extended by a subsequent notice following the expiration of this extension, the pilot program will be terminated, and patent applicants interested in expediting the prosecution of their patent application may instead seek to use the Prioritized Examination (Track One) Program. Patent applications accorded prioritized examination under the pilot program will not lose that status merely because the application is still pending after the date the pilot program is terminated but will instead retain prioritized examination status until that status is terminated for one or more reasons, as described in the COVID–19 Track One Notice.

The Track One Program permits an applicant to have a patent application advanced out of turn (accorded special status) for examination under 37 CFR 1.102(e) if the applicant timely files a request for prioritized (Track One) examination accompanied by the appropriate fees and meets the other conditions of 37 CFR 1.102(e). See Manual of Patent Examining Procedure 708.02(b)(2). The current fee schedule is available at www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule.

The Track One Program does not have the restrictions of the COVID–19 Prioritized Examination Pilot Program on the types of inventions for which special status may be sought, as the Track One Program does not require a connection to any particular technology. Moreover, under the Track One Program, an applicant can avoid delays associated with the determination of whether a patent application presents a...
claim that covers a product or process related to COVID–19 and whether the product or process is subject to an applicable FDA approval for COVID–19 use.

Andrew Hirshfeld,
Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

The United States Patent and Trademark Office (USPTO) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comment on this information collection renewal, which helps the USPTO assess the impact of its information collection requirements and minimize the public’s reporting burden. Public comments were previously requested via the Federal Register on December 14, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.


Title: International Work Sharing Program.

OMB Control Number: 0651–0079.

Needs and Uses: The United States Patent and Trademark Office (USPTO) established a Work Sharing Pilot Program in conjunction with the Japan Patent Office (JPO) and the Korean Intellectual Property Office (KIPO) to study how the exchange of search results between offices for corresponding counterpart applications improves patent quality and facilitates the examination of patent applications in both offices. Under this Work Sharing Pilot Program, two Collaborative Search Pilot (CSP) programs—USPTO–JPO and USPTO–KIPO—have been implemented.

Through their respective CSPs, each office concurrently conducts searches on corresponding counterpart applications. The exchange of information and documents between IP offices benefits applicants by promoting compact prosecution, reducing pendency, and supporting patent quality by reducing the likelihood of inconsistencies in patentability determinations among IP offices when considering corresponding counterpart applications. The gains in efficiency and quality are achieved through a collaborative work sharing approach to the evaluation of patent claims. As a result of this exchange of search reports, the examiners in both offices may have a more comprehensive set of references before them when making an initial patentability determination.

This information collection is comprised of four items: The Petition to Make Special Under the Expanded Collaborative Search Pilot Program; Petition for Participation in the CSP Program Between the JPO and the USPTO; the Petition for Participation in the CSP Program Between the KIPO and the USPTO; and the CSP Survey. The Petitions to Make Special and for Participation are used by patent applicants to request participation in the CSP Program. The CSP Survey is used to collect feedback on the program’s value, monitor usage of the program, and to measure the benefits the program provides to participants.

Forms:
• PTO/437 (Petition to Make Special Under the Expanded Collaborative Search Pilot Program)
• PTO/437–JP (Petition for Participation in the Collaborative Search Pilot (CSP) Program Between the Japan Patent Office (JPO) and the USPTO)
• PTO/437–KR (Petition for Participation in the Collaborative Search Pilot (CSP) Program Between the Korean Intellectual Property Office (KIPO) and the USPTO)
• PTO/461 (Collaborative Search Pilot Program Survey)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector; individuals or households.

Respondent’s Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Estimated Number of Annual Respondents: 96 respondents.

Estimated Number of Annual Responses: 190 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately between 5 minutes (0.08 hours) and 3 hours (240 minutes) to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 445 hours.

Estimated Total Annual Non-Hourly Cost Burden: $0.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Commerce, USPTO information collections currently under review by OMB.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the information collection or the OMB Control Number 0651–0079.

Further information can be obtained by:
• Email: InformationCollection@uspto.gov. Include “0651–0079 information request” in the subject line of the message.
• Mail: Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Kimberly Hardy.
Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

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BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the procurement list.

SUMMARY: This action adds product(s) and service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Date added to and deleted from the Procurement List: April 24, 2022

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely