



## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO-P-2021-0019]

### Termination of the Fast-Track for COVID-19-Related Appeals Pilot Program

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is terminating the Fast-Track for COVID-19-Related Appeals Pilot Program.

**DATES:** This notice serves as the formal termination of the Fast-Track for COVID-19-Related Appeals Pilot Program. Petitions to participate in the program filed after midnight ET on [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], will not be granted.

**FOR FURTHER INFORMATION CONTACT:** Megan Carlson, Patent Trial and Appeal Board, by telephone at 571-272-9797, or by email at [fasttrackappeals@uspto.gov](mailto:fasttrackappeals@uspto.gov).

### SUPPLEMENTARY INFORMATION:

In 2021, the USPTO published a notice implementing the Fast-Track for COVID-19-Related Appeals Pilot Program. See *Fast-Track Pilot Program for Appeals Related to COVID-19*, 86 FR 19877 (April 15, 2021) (2021 Notice). The 2021 Notice provided for the advancement of applications related to COVID-19 out of turn in *ex parte* appeals before the Patent Trial and Appeal Board (PTAB). An appellant who filed an *ex parte* appeal of an application with claim(s) that covered a product or process related to COVID-19 (such product or process must be subject to an applicable U.S. Food and Drug Administration (FDA) approval for COVID-19 use) and received a notice that the appeal had been docketed could file a petition at no cost to expedite the review of his or her appeal without paying a petition fee.

Pursuant to this notice, the USPTO is now formally terminating the Fast-Track for

COVID-19-Related Appeals Pilot Program. Terminating the program allows the USPTO to dedicate resources to other priorities, such as reducing pendency in *ex parte* appeals across all technology areas. Notwithstanding, the program was not widely used, with only one petition having been granted. This action is consistent with the 2021 Notice, in which the USPTO reserved the discretion to terminate the program depending on factors such as workload and resources needed to administer the program, feedback from the public, and the effectiveness of the program. *See* 86 FR 19877 at 19878.

Any petition to participate in the Fast-Track for COVID-19-Related Appeals Pilot Program filed after midnight ET on **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**, will not be granted.

At that time, the USPTO will remove petition form PTO/SB/454, titled “Petition Fast-Track for COVID-19-Related Appeals Pilot Program” from the USPTO’s website. Applicants should not submit stored copies of form PTO/SB/454.

The USPTO will continue to process petitions for the Fast-Track for COVID-19-Related Appeals Pilot Program filed by midnight ET on **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**, as set forth in the “Conduct of Fast-Track Pilot Program for Appeals Related to COVID–19” section of the 2021 Notice. *See* 86 FR at 19878. *Ex parte* appeals accorded fast-track status due to the filing of a grantable petition by midnight ET on **[INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**, will not lose that status merely because the appeal is still pending after that deadline. Any such appeal will retain fast-track status until the PTAB’s jurisdiction ends under 37 CFR 41.35(b).

Patent applicants interested in expediting an *ex parte* appeal before the PTAB may instead request fast-track status under the Fast-Track Appeals Pilot Program, which provides for the advancement of applications out of turn in *ex parte* appeals before the PTAB. An appellant who has filed an *ex parte* appeal and received a notice that the appeal has been docketed may file a petition, accompanied by a petition fee, to expedite the review of his or her appeal. The Fast-

Track Appeals Pilot Program sets a target of reaching a decision on the *ex parte* appeal within six months from the date an appeal is entered into that program.

**John A. Squires,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2026-07442 Filed: 4/15/2026 8:45 am; Publication Date: 4/16/2026]