

USPTO shortens Trademark Office response window by 3 months



Todd A. Benni | Monday, November 21, 2022

On December 3, 2022, the United States Patent and Trademark Office will shorten the now six-month response due date for any trademark office action (final or non-final) to just three months. The USPTO will, however, allow an extension of an additional three-months with payment of a \$125 fee to file the applicable response. Failure to file and pay the extension fee will result in the application becoming abandoned. The shortened response due date applies to any type of office action, whether it was issued during substantive examination or issued in response to the filing of a statement of use. This change applies to all applications, except those filed under the Madrid Protocol. In the case of post-registration office actions, the shortened three-month deadline will not be effective until October 7, 2023.

To obtain the three-month extension, the request must be filed electronically on or before the initial three-month deadline and be accompanied by a \$125 fee. *The extension will not be retroactive.* If missed, the only option is to petition to revive the application or registration, accompanied by payment of another fee. An applicant/registrant should, therefore, file for an extension as soon as it determines one is necessary, but no later than the initial three-month deadline.

Anyone with questions can contact the attorney listed below or any member of our [Intellectual Property Department](#).



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