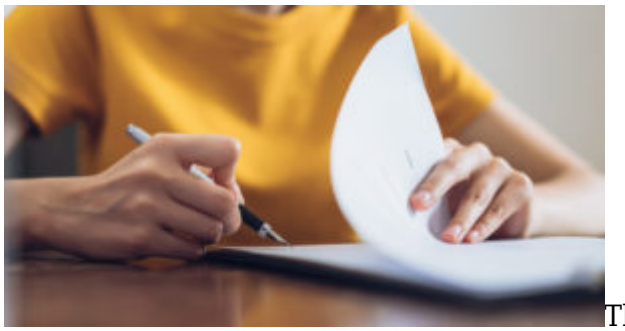
Proposed USPTO Fee Changes Will Make It Much More Expensive to Patent and to Challenge Patents on Therapeutics. You Have an Opportunity to Comment...



The United States Patent & Trademark Office (USPTO or PTO) recently announced **proposed changes** to certain fees it charges with respect to patent applications, design patents, and America Invents Act (AIA) trials. These changes may significantly increase costs associated with building a robust patent portfolio for New Chemical Entities (NCEs) and Biologics, and to challenge patents at the PTAB. An oral hearing on the proposed changes will be held on **May 18, 2023**, and the USPTO is accepting written comments until **May 25, 2023**.

Read the client alert **here**.

The Future of Patents for Patients: USPTO Temporarily Extends Cancer Immunotherapy Pilot Program (Patents for Patients) and Requests Public Input On Next Steps

On June 29, 2022, the United States Patent & Trademark Office (USPTO) announced that it was temporarily extending its Cancer Immunotherapy Pilot Program (”Patents 4 Patients” or “P4P”) to September 30, 2022, and also issued a request for public input on the P4P.

Under the P4P, Applicants can file a petition for expedited examination of a patent application that recites a method of treating cancer using immunotherapy. Petitions to enter the P4P are free, *i.e.*, there is no cost for expediting under this program. This most recently announced extension will allow filing of P4P through September 30, 2022 unless and until the USPTO announces any further

extensions.

During the current extension period, the USPTO is also considering whether to further extend and/or modify the P4P. In support of this effort, the USPTO is seeking input from the public. The comment period is open until July 29, 2022.

Once the comment period closes, the USPTO will review and decide whether to: (1) extend the current P4P beyond September 30, 2022; and (2) if so, whether or not to make any modifications, such as by expanding its scope in one or more areas. For example, since the current P4P requires recitation of a method of treatment, one modification could be to allow entry into the P4P based on recitation of compositions of matter, including those which could be used in treating a cancer. Along similar lines, the P4P could be expanded beyond cancer to include other diseases. The official notice can be accessed at the online federal register (**here**) and anyone interested in commenting is able to do so **here**, anytime before midnight July 29, 2022.