

## Jason Novak in Medtech Insight: 'USPTO Giving Major Patent Incentives to COVID-19 Inventions ? But There Aren't Enough Takers'

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April 26, 2021

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Haynes Boone Partner Jason Novak discussed with *MedTech Insight* about the U.S. Patent and Trademark Office's (USPTO's) COVID-19 expedited patent review and fast-track reexaminations programs and how many companies are not taking advantage of them.

Below is an excerpt:

Launched in May 2020, the COVID-19 prioritized examination pilot program was allows COVID-19-related patent applications to skip the line and get their patents reviewed sooner. It was meant to give manufacturers more incentive to file their COVID-19-related applications and get new products to market faster to save lives and the global economy.

"Here they're creating a soft blanket for less time and money for COVID-related inventions because you have two opportunities for waived fees during the pre-grant process," Jason Novak, an attorney at Haynes Boone's Precision Medicine and Digital Health Practice Group said. He spoke to Medtech Insight about the USPTO's COVID-19 expedited patent review and fast-track reexamination programs.

Novak said a patent application can often take up to three years or more before a decision is handed down, and an appeal on average takes roughly another 15 months. But using the two COVID-19 programs, the application process can be cut down to a year, while a reexamination proceeding would only take six months. On top of that, the whole process can be done for free if the patent applicant takes advantage of the COVID-19 Patents for Humanity Program waiver.

The USPTO's expedited examination program last year was limited to 500 applicants, but Novak said the full number of applicants did not meet that cap. While the programs can save significant time and money, he believes the problem is that not too many inventors are aware of them to take advantage of their benefits.

To read the full article, click [here](#). (Subscription required)