

Jeff Wolfson in Law360: Four Things to Know About Plan to Speed COVID-19 Patent Apps

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PRACTICES Patent Litigation, Patents, Intellectual Property

Haynes Boone Partner [Jeff Wolfson](#) talked with *Law360* about considerations for a new, cost-free U.S. Patent and Trademark Office program that will prioritize the examination of COVID-19-related patent applications from small businesses, non-profit organizations, including universities, and independent inventors.

Here is an excerpt:

... While [COVID-19 prioritized examination] could result in patents issuing very quickly, applicants need to make sure the program makes sense for their invention.

The Program Has a Narrow Scope

The prospect of being able to secure patent protection so quickly will be enticing to many applicants, particularly given the fast-moving nature of the pandemic. But the program has significant limits: It is only open to small companies, will initially be limited to 500 applications, and is available only for specific types of inventions.

The program could provide cost savings and the prospect of securing a patent quickly. But Jeff Wolfson of Haynes Boone said, "I'm not sure it will help that many people because of the limits on the numbers and the fairly precise requirements involved."

Fast Patents Can Help Spur Investment

Holding a patent can help small companies raise capital, which they can use to further ramp up drug development and clinical trials and manufacturing, which may be crucial during a global health crisis, Wolfson said.

"That's a key part of the process because some people won't invest in a medical treatment unless there's a way of creating a moat around it and protecting it from competition," he said.

By quickly securing a patent during the pandemic, "these companies might be able to raise capital faster, to help come up with a cure faster and distribute that faster," he added.

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