

BUSINESS IN

WEEKLY WEBINAR SERIES

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Your Host



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TODAY'S AGENDA

Gabriel Oberfield – (12:00PM-12:05PM)

- Welcome / Agenda
- Updates on the NYS Budget Process

Daniel Carosa and Jéla Paul – (12:05PM-12:15PM)

- Beating the Wait: Practical Tips to Shorten Patent and Trademark Pendency at the USPTO

Frank Mayer – (12:15PM-12:25PM)

- Employment of Out-of-State Telecommuters by New York State Employers

Gabriel Oberfield – (12:30PM)

- Questions / Wrap Up

Where We Are with the New York State Budget



- **The Senate and Assembly released their one-house bills in Mid March**
- **Budget was due on April 1, 2025 – how long will we wait?**
- **Issues to negotiate:**
 - Cell phones in schools – advancing?
 - Discovery laws – advancing?
 - Involuntary commitment standards – advancing?
 - Inflation rebate checks – for older New Yorkers, only (per the Senate)?
 - COLA for human services organizations
 - Reimbursement rates for healthcare delivery (and interplay with the ‘MCO tax’) – and interplay with capital cuts
 - Restorations to Vital Access Provider Assurance Program (short-term healthcare delivery program funding)
 - Funding for cannabis industry innovations and enforcement
- **Issues left out**
 - Consumer Directed Personal Assistance Program
 - MTA financing

Beating the Wait: Practical Tips to Shorten Patent and Trademark Pendency at the USPTO



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The United States Patent and Trademark Office (USPTO)

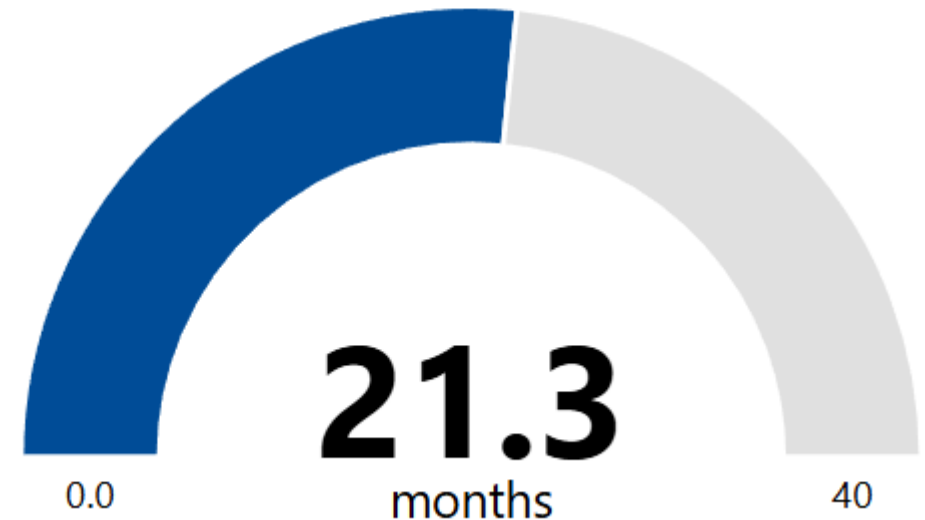
- The USPTO is an agency under the Department of Commerce
- The USPTO substantively examines both patent and trademark applications
- Patent examination is time intensive and requires search and analysis of prior patents, academic articles, product literature, etc. to evaluate novelty and non-obviousness
 - Over 700,000 new patent applications filed in 2024
- Trademark examination similarly involves searching for potentially conflicting trademarks to evaluate distinctiveness
 - Similarly, over 700,000 new trademark application classes filed in 2024



Pendency Trends

- **First Office Action Pendency** – the average time from filing to receiving an initial rejection or allowance
- **Total Pendency** – the average time from filing to the final disposition of the application (e.g., patent or trademark issued or abandoned)
- The average time from patent filing to receiving the first action from the U.S. Patent and Trademark Office (USPTO) has risen 50%, from 14 months to 21 months, in only five years
 - Total pendency has risen by three months in the same period
- First Office Action pendency for trademark applications is currently about 6 months

First Office Action pendency

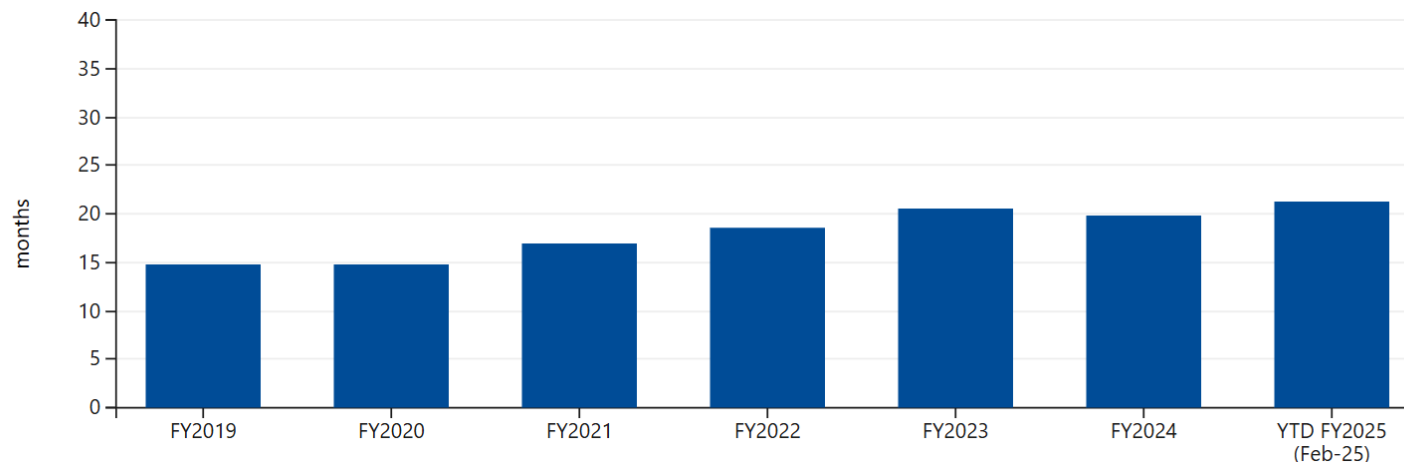


The USPTO's Measures to Reduce Pendency

- Ensuring that patents are routed to examiners with the correct technical backgrounds
- Introduction of new tools to streamline the examining process
- Hired more than 500 new patent examiners and 56 trademark examining attorneys since October 2024
- Pay raise incentives for current examiners and extended working hours for schedule flexibility
- Optimized the Trademark Academy training program for new trademark examiners

The USPTO Measures Yielded Positive Results

- Patents: For the first time since 2019, time to first action dropped in 2024 from 20.5 months to 19.9 months
- Trademarks: For the first time since 2022, time to first action dropped in 2024 from 8.5 months to 6.1 months



Uncertainty Under the Trump Administration

- The Trump Administration's efforts to reduce government spending has threatened to hinder the USPTO's progress
- Three days after the USPTO hired 500 new patent examiners in 2025, the White House announced a hiring freeze across the Executive Branch
- The Trump Administration also ordered remote federal workers to return to the office, while offering a "deferred resignation" program in exchange for exemption from return-to-work requirements until Sept. 30, 2025
- With nearly 13,000 of the USPTO's 14,000 employees working remotely, there is not enough office space to house its remote workers
- As a potential warning sign, first action patent pendency has increased from 20.3 months to 21.3 from December 2024 to February 2025

Tips to Reduce Application Pendency

Clients can hedge against risk of extended pendency by taking simple actions:

Generally

- File Early!
- Respond Promptly!

Patents

- Convert Provisional Applications Early
- Schedule Examiner Interviews
- Consider Prioritized Applications

Trademarks

- Ensure Accuracy of Trademark Goods and Services
- When in Doubt, Call the Examining Attorney
- Confirm Specimens of Use Meet USPTO Requirements

Employment of Out-of-State Telecommuters by New York State Employers



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Questions?



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Employment of Out-of-State Telecommuters by Manufacturers in New York State

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Sexual Harassment Prevention Training

To combat harassment in the workplace, every New York State employer must provide harassment prevention training for all employees annually.

For more information on Bond's online sexual harassment training [click here](#) or email bondonline@bsk.com

Thank You

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It is not to be considered as legal advice.
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