

Closing of the United States Patent and Trademark Office on Thursday, December 24, 2020

Due to the closing of federal government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), on Thursday, December 24, the USPTO will consider Thursday, December 24 to be a “Federal holiday within the District of Columbia” under 35 U.S.C. § 21 and 37 C.F.R. §§ 1.6, 1.7, 1.9, 2.2(d), 2.195, and 2.196. Since Friday, December 25 is also a holiday, any action or fee due on Thursday, December 24 or Friday, December 25 will be deemed as timely for the purposes of 15 U.S.C. §§ 1051(d), 1058, 1059, 1062(b), 1063, 1064, 1126(d), 1141(g), and 1141k, or 35 U.S.C. §§ 119, 120, 133, and 151, if the action is taken or the fee is paid no later than 11:59 pm ET on Monday, December 28, which is the next business day that the USPTO is open (37 C.F.R. §§ 1.7(a) and 2.196).

As an initial matter, it must be noted that, in general, Trademark customers may *not* submit any trademark filings through the United States Postal Service (USPS). With limited exceptions, all trademark correspondence must be submitted through the Trademark Electronic Application System (TEAS). 37 C.F.R. § 2.23(a).

As indicated in the opening paragraph, the USPTO will consider actions or fees due on Thursday, December 24 or Friday, December 25 to be timely if taken or paid on Monday, December 28, which is the next business day that the USPTO is open. An actual filing date of Thursday, December 24 or Friday, December 25 is also available under existing procedures. Specifically, 37 C.F.R. §§ 1.6(a)(2), 2.195(b), and 2.198 provide that any correspondence properly deposited in the Priority Mail Express[®] service of the United States Postal Service (USPS) in accordance with 37 C.F.R. §§ 1.10 or 2.198 will be deemed filed on the date of deposit (as shown by the “date accepted” on the mailing label) with the USPS. Thus, any correspondence properly deposited in the Priority Mail Express[®] service of the USPS on Thursday, December 24 or Friday, December 25, in accordance with 37 C.F.R. §§ 1.10 or 2.198, will be deemed filed on its respective date of deposit in the Priority Mail Express[®] service of the USPS (as shown by a “date accepted” of Thursday, December 24 or Friday, December 25 on the mailing label). See the Manual of Patent Examining Procedure (MPEP) § 513 and the Trademark Manual of Examining Procedure (TMPEP) § 305.03. For correspondence being mailed or transmitted with a certificate of mailing or transmission in accordance with 37 C.F.R. §§ 1.8 and 2.197, see MPEP § 512 and TMPEP § 305.02, respectively.

In addition, 37 C.F.R. §§ 1.6(a)(4) and 2.195(a) provide that patent- and trademark-related correspondence transmitted electronically to the USPTO will be deemed filed in the USPTO on the date the USPTO received the electronic transmission. Thus, any patent- or trademark-related correspondence transmitted electronically to the USPTO on Thursday, December 24 or Friday, December 25 will be deemed filed in the USPTO on the date the USPTO received the electronic transmission. Patent correspondence successfully received by the USPTO through the USPTO’s patent electronic filing systems (EFS-Web or Patent Center) and filed in compliance with the Legal Framework for Patent Electronic System will receive the date indicated on the Acknowledgement Receipt. See MPEP § 502.05 and the USPTO website. Trademark filings properly filed through TEAS, TEASi, and ESTTA will receive the date indicated in the email

confirmation sent at the time of a successful filing. See TMEP § 301 and Trademark Trial and Appeal Board Manual of Procedure § 110.09 regarding electronic filing.

Date: 12/18/20



Andrei Iancu
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office