

**Closing of the United States Patent and Trademark Office
on Wednesday, December 5, 2018**

In view of the official closing of the Federal Government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), on Wednesday, December 5, 2018, the day proclaimed by President Trump as a National Day of Mourning, the USPTO will consider Wednesday, December 5, 2018, 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. Any action or fee due on Wednesday, December 5, 2018, will be deemed as timely for the purposes of, e.g., 15 U.S.C. §§ 1051(d), 1058, 1059, 1062(b), 1063, 1064, 1126(d), and 1141k, or 35 U.S.C. §§ 119, 120, 133, and 151, if the action is taken, or the fee paid, on the next succeeding business day on which the USPTO is open, that is, Thursday, December 6, 2018 (37 C.F.R. §§ 1.7(a) and 2.196), no later than 11:59 pm EST.

As indicated in the preceding paragraph, the USPTO will consider actions or fees due on Wednesday, December 5, 2018, to be timely if taken or paid on the next business day on which the USPTO is open, that is, Thursday, December 6, 2018. An actual filing date of Wednesday, December 5, 2018, also is available under existing procedures. Specifically, 37 C.F.R. §§ 1.6(a)(2), 2.195(a)(4), and 2.198 provide that certain correspondence 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 paper or fee properly deposited in the Priority Mail Express® service of the USPS on Wednesday, December 5, 2018, 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 Wednesday, December 5, 2018, on the mailing label).

In addition, 37 C.F.R. §§ 1.6(a)(4) and 2.195(a)(2) 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 Wednesday, December 5, 2018, will be considered filed in the USPTO on the date the USPTO received the electronic transmission. Patent correspondence successfully received by the USPTO through the Electronic Filing System (EFS-Web) and filed in compliance with the EFS-Web Legal Framework will receive the date indicated on the Acknowledgement Receipt. See the Manual of Patent Examining Procedure (MPEP) § 502.05 and the USPTO website. Trademark filings properly filed through TEAS, TEASi, and ESSTA will receive the date indicated in the e-mail confirmation sent at the time of a successful filing. See the Trademark Manual of Examining Procedure (TMEP) § 301 and Trademark Trial and Appeal Board Manual of Procedure (TBMP) § 110.09 regarding electronic filing.

Date:

12/4/2018



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