

**Closing of the United States Patent and Trademark Office
on Tuesday, January 16, 2024**

Due to the official, weather-related closing of federal government offices in the Washington, D.C. metropolitan area on Tuesday, January 16, the United States Patent and Trademark Office (USPTO) considers that date a “Federal holiday within the District of Columbia” under 35 U.S.C. 21 and 37 CFR 1.6, 1.7, 1.9, 2.2(d), 2.195, and 2.196. Thus, any action or fee due on Tuesday, January 16, will be deemed as timely for the purposes of 15 U.S.C. 1051(d), 1058, 1059, 1062(b), 1063, 1064, 1126(d), 1141g and 1141k, or 35 U.S.C. 119, 120, 133, and 151, if the action was taken or the fee was paid no later than 11:59 pm ET on Wednesday, January 17, which was the next business day the USPTO was open (37 CFR 1.7(a) and 2.196).

An actual filing date of Tuesday, January 16, was also available under existing procedures. Specifically, 37 CFR 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 CFR 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 Tuesday, January 16, in accordance with 37 CFR 1.10 or 2.198, will be deemed filed on Tuesday, January 16 (as shown by a “date accepted” of Tuesday, January 16, on the mailing label). See the Manual of Patent Examining Procedure (MPEP) section 513 and the Trademark Manual of Examining Procedure (TMEP) section 305.03. For correspondence being mailed or transmitted with a certificate of mailing or transmission in accordance with 37 CFR 1.8 and 2.197, see MPEP section 512 and TMEP section 305.02, respectively. That said, in general, trademark customers may not submit any trademark filings through the USPS. With limited exceptions, all trademark correspondence must be submitted through the Trademark Electronic Application System (TEAS). 37 CFR 2.23(a). Additionally, in general, Trademark Trial and Appeal Board (TTAB) customers may not submit any TTAB filings through the USPS. With limited exceptions, all TTAB correspondence must be submitted through the Electronic System for Trademark Trials and Appeals (ESTTA). See Trademark Trial and Appeal Board Manual of Procedure (TBMP) section 110.

As for patent-and trademark-related correspondence transmitted electronically to the USPTO, pursuant to 37 CFR 1.6(a)(4) and 2.195(a), those papers 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 Tuesday, January 16, 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 patent electronic filing system (Patent Center) and filed in compliance with the Legal Framework for Patent Electronic System will receive the date indicated on the Acknowledgement Receipt. See, e.g., MPEP section 502.05. Trademark and TTAB filings properly filed through TEAS, the Trademark Electronic Application System International (TEASi), and ESTTA will receive the date indicated in the email confirmation sent at the time of a successful filing. See TMEP section 301 and TBMP section 110.09 regarding electronic filing.

Date: _____

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Katherine K. Vidal
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office