

**Closing of the United States Patent and Trademark Office
on Friday, January 7, 2022**

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 Friday, January 7, as a result of inclement weather, the USPTO will consider Friday, January 7, to be 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 Friday, January 7, 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 p.m. ET on Monday, January 10, which was the next business day the USPTO was open (37 CFR 1.7(a) and 2.196).

An actual filing date of Friday, January 7, 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 Friday, January 7, in accordance with 37 CFR 1.10 or 2.198, will be deemed filed on Friday, January 7 (as shown by a “date accepted” of Friday, January 7, on the mailing label). See the Manual of Patent Examining Procedure (MPEP) § 513 and the Trademark Manual of Examining Procedure (TMEP) § 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 § 512 and TMEP § 305.02, respectively. It must be noted that, 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). It also must be noted that, 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) § 110.

In addition, 37 CFR 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 Friday, January 7, 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, e.g., MPEP § 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 § 301 and TBMP § 110.09 regarding electronic filing.

Date: 01/13/2022

/Andrew Hirshfeld/

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