

**Closing of the United States Patent and Trademark Office
on Thursday, January 9, 2025**

Due to the official closing of federal government offices in the Washington, D.C. metropolitan area on Thursday, January 9, 2025, the day proclaimed by President Biden as a National Day of Mourning, 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. Any action or fee due on Thursday, January 9, 2025, 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 Friday, January 10, 2025, which was the next business day the USPTO was open (37 CFR 1.7(a) and 2.196).

An actual filing date of Thursday, January 9, 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 Thursday, January 9, in accordance with 37 CFR 1.10 or 2.198, will be deemed filed on Thursday, January 9 (as shown by a “date accepted” of Thursday, January 9, 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.

That said, in general, trademark filings may not be submitted through the USPS. With limited exceptions, all trademark correspondence must be submitted through the Trademark electronic filing system. 37 CFR 2.23(a). Additionally, in general, Trademark Trial and Appeal Board (TTAB) filings may not be submitted through the USPS. With limited exceptions, all TTAB correspondence must be submitted through the TTAB’s electronic filing system. See Trademark Trial and Appeal Board Manual of Procedure (TBMP) § 110. As for the Patent Trial and Appeal Board (PTAB), in general, documents for inter partes proceedings established under the Leahy-Smith America Invents Act (AIA) may not be submitted through the USPS. Unless otherwise specifically authorized by the PTAB, all AIA documents must be submitted through the Patent Trial and Appeal Case Tracking System. See 37 CFR 42.6(b).

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 Thursday, January 9, 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 §

502.05. Trademark and TTAB filings properly filed through their respective electronic filing systems 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.

Derrick L. Brent
Acting Under Secretary of Commerce for Intellectual Property and
Acting Director of the United States Patent and Trademark Office