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301 Filing Documents

301.01 Electronic Filing Is Mandatory

Trademark applicants and registrants must file all trademark submissions electronically using the trademark electronic filing system (see [TMEP §301.01\(a\)](#)) and provide an email address for receiving United States Patent and Trademark Office (USPTO) correspondence, with limited exceptions. See [37 C.F.R. §§2.21, 2.23, 7.4, 7.25](#).

Limited Exceptions for Paper Submissions.

The requirement to file all trademark correspondence electronically does not apply to:

- (1) Treaty-exempt filers under international agreements. [TMEP §301.02\(a\)](#).
- (2) Specimens for scent, flavor, or similar non-traditional marks. [TMEP §301.02\(b\)](#).
- (3) Petitions to accept a paper submission. [TMEP §301.02\(c\)](#).
- (4) Postal service interruptions or emergencies. [TMEP §§301.02\(d\)](#), [305.04](#).
- (5) Applications filed under Trademark Act Section 66(a), initial application only. [TMEP §301.02\(e\)](#).
- (6) “Grandfathered” applications and post-registration maintenance documents. [TMEP §301.02\(f\)](#).

Unless one of the above exceptions applies, applicants or registrants that file a paper submission will receive a notice from the USPTO indicating that the submission will not be processed and will be destroyed in accordance with the relevant record-retention schedule. If a check or money order was included with the paper submission, it will be returned with the USPTO notice.

Trademark Trial and Appeal Board. The Trademark Trial and Appeal Board’s (Board) electronic filing system comprises the Electronic System for Trademark Trials and Appeals (ESTTA), available at <https://estta.uspto.gov/>, and TTAB Center, available at <https://ttabcenter.uspto.gov/>. See [37 C.F.R. §2.126\(a\)](#). Parties to Board proceedings must use the Board’s electronic filing system to file requests for extensions of time to oppose, notices of opposition, petitions to cancel, appeals, motions, briefs, notices of change of address, and other documents. See *Trademark Trial and Appeal Board Manual of Procedure* (TBMP) [§110.01](#).

Assignments. Requests to record assignments, name changes, and other transfer of ownership of marks in applications and registrations may be filed using Assignment Center at <https://assignmentcenter.uspto.gov/> or submitted on paper. See [37 C.F.R. §3.25\(c\)](#); [TMEP Chapter 500](#).

301.01(a) Trademark Electronic Filing System

The USPTO’s electronic filing system, comprises the Trademark Electronic Application System (TEAS), available at <https://www.uspto.gov/trademarks/apply>, and Trademark Center, available at <https://trademarkcenter.uspto.gov>. Applicants and registrants must use the trademark electronic filing system to file all forms related to a domestic application or registration, or for filings under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol), except for initial applications filed under Trademark Act Section 66(a) (see [TMEP §301.02\(b\)](#)). The trademark electronic filing system provides situation-specific forms that require direct data entry in designated fields, and/or the attachment of a .jpg or .pdf image file.

To file documents using the trademark electronic filing system, the user must be logged into their USPTO.gov account with two-step authentication and have completed the one-time mandatory identity verification process. Because the user must complete identity verification in advance of a filing deadline, users should plan ahead to allow adequate time to complete the process. Failure to complete the identity verification process prior to a deadline will prevent use of the trademark electronic filing system and could result in the user having to file a petition to revive an abandoned application or a petition to the Director to accept a late filing, if appropriate. See [37 C.F.R. §§2.66, 2.146](#). Failure to timely file documents with a statutory deadline (e.g., a statement of use after five granted extensions or a Section 8 declaration of use or excusable nonuse) will result in abandonment of the application or cancellation of the registration. The Director has no authority to waive a statutory deadline, even on petition in an extraordinary situation. See [37 C.F.R. §2.148](#); [TMEP §1708](#).

If the user is unable to complete the identify verification process prior to the filing deadline, they may file a petition to accept a paper submission following the procedures outlined in [TMEP §1709](#).

For more information regarding the requirement to login to a USPTO.gov account, see <https://www.uspto.gov/trademarks/login>.

For all submissions filed using the trademark electronic filing system, the USPTO generally receives the submission within seconds after it is filed. Upon successful submission, the trademark electronic filing system almost immediately displays a page that confirms receipt. See [TMEP §303.02\(a\)](#). This page is evidence that the submission was filed should any question arise as to the filing date of the document, and may be printed or copied-and-pasted into an electronic record for storage. *Id.* The trademark electronic filing system also separately sends an email acknowledgement of receipt that includes the same information. Filing electronically automatically creates an entry of receipt of this filing in the USPTO's automated system.

See [TMEP §303.01](#) regarding the filing date for electronic submissions.

301.01(b) Trademark Electronic Filing System Availability

The trademark electronic filing system is generally available 24 hours a day, seven days a week. However, the system is periodically down for scheduled maintenance and unexpected outages. Users should check the “USPTO Systems Status and Availability” page on the USPTO website for notice regarding such maintenance or outage.

Widespread or lengthy system outage. In the event the trademark electronic filing system is unavailable to the general public due to a widespread or lengthy system outage, the USPTO will continue its practice of issuing a notice on the “USPTO Systems Status and Availability” page, specifying temporary procedures for filing documents with the USPTO. If the USPTO website is inaccessible, the filer should call the Trademark Assistance Center at (571) 272-9250 or 800-786-9199 or email TEAS@uspto.gov for information on the temporary procedures.

If the outage falls on the date of the deadline for the submission, the requirement to file electronically will be waived, and filings submitted in accordance with such temporary procedures will be accepted without a petition or petition fee. See [TMEP §1709.01\(a\)](#) for the requirements for submitting a document during a widespread or lengthy outage of the trademark electronic filing system and the associated fees.

Limited or short-term system outage or user's system outage. If the trademark electronic filing system is unavailable due to either a limited or short-term USPTO system outage or a user's system outage on the

date of the deadline for submission of a document, a petition to the Director to accept a paper submission may be submitted. [37 C.F.R. §2.147\(a\)](#). See [TMEP §1709.01\(b\)](#) for the requirements for submitting a document during a limited or short-term USPTO system outage or user's system outage and the associated fees.

See also [TMEP §1709](#) regarding filing petitions to the Director under [37 C.F.R. §2.147](#) to accept paper filings in general.

301.02 Limited Exceptions for Paper Submissions

The USPTO will permit paper submissions of forms related to a domestic application or registration, or for filings under the Madrid protocol, and related correspondence only in the limited circumstances discussed below. Otherwise, paper submissions will not be processed and will be destroyed in accordance with the relevant record retention schedule, and any accompanying fee will not be accepted. In these circumstances, the USPTO will issue a notice to that effect to the submitting party, and will return with the notice any check or money order provided with the paper filing.

301.02(a) Treaty-exempt Filers under International Agreements

The United States is a member of both the Trademark Law Treaty (TLT) and the subsequent Singapore Treaty on the Law of Trademarks (STLT), which constitute two separate international instruments that may be ratified or acceded to independently by member countries. Nationals of TLT members that are not also members of STLT at the time of submission of the relevant document to the USPTO are not required to file trademark submissions electronically, receive communications from the USPTO via email, or submit a petition to accept a paper filing. See [37 C.F.R. §§2.21\(c\)](#), [2.23\(c\)](#), [7.4\(c\)](#).

301.02(b) Specimens for Scent, Flavor, or Similar Non-Traditional Marks

A specimen for certain non-traditional marks, such as scent and flavor marks, cannot be submitted electronically. See [37 C.F.R. §2.56\(d\)\(1\)](#); [TMEP §904.03\(m\)](#). For example, if the application is for a scent mark, the examining attorney must be able to smell the actual scent to determine registrability.

To submit a specimen for a scent, flavor, or similar non-traditional mark, the applicant must first submit information about the specimen online using the trademark electronic filing system and then mail in the physical specimen to the following address:

Commissioner for Trademarks
James Madison Building – East Wing
Concourse Level – 0B50
Attn: Mailroom Staff
600 Dulany Street
Alexandria, VA 22314

The forms in the trademark electronic filing system have a checkbox on the “Use Information” page that must be selected to indicate that a specimen for a non-traditional mark will be submitted by mail. In these circumstances, the applicant or registrant is not required to submit a petition requesting acceptance of a specimen filed on paper or waiver of the requirement to file the specimen electronically. See [37 C.F.R. §2.56\(d\)\(1\)](#).

This exception does not apply to sound, motion, and color marks, for which electronically filed specimens are sufficient to determine registrability. Applicants are required to submit specimens for these marks electronically. See [TMEP §904.03\(f\)](#), [\(i\)](#).

301.02(c) Petition to Accept a Paper Submission

In certain circumstances, an applicant or registrant may file a petition to the Director under [37 C.F.R. §2.147](#) to request acceptance of a submission filed on paper. See [TMEP §§1709-1709.03](#) for further information on when such a petition can be filed and the requirements for submitting one.

301.02(d) Postal Service Interruption or Emergency

In the event of a postal-service interruption or emergency related to a natural disaster, the USPTO will continue its prior practice of issuing a notice on the USPTO website that specifies temporary procedures for filing documents with the USPTO. Generally, the USPTO will waive certain requirements of the rules for those in the affected area. The notice can be found on the “USPTO Systems Status and Availability” page of the website. If Internet access is not available, call the Trademark Assistance Center at (571) 272-9250 or 800-786-9199 or email TEAS@uspto.gov for information on the temporary procedures. See [TMEP §305.04](#) about postal service interruptions or emergencies.

301.02(e) Applications Filed under Trademark Action Section 66(a)

Trademark Act Section 66(a) applications are initially filed with the International Bureau of the World Intellectual Property Organization (IB) and subsequently transmitted to the USPTO for examination. However, all subsequent submissions relating to such applications must be filed through the trademark electronic filing system. See [37 C.F.R. §§2.23\(a\)](#), [7.25](#).

301.02(f) "Grandfathered" Applications and Post-Registration Maintenance Documents

Under the rules mandating electronic filing, the TEAS RF application filing option was renamed TEAS Standard and the TEAS Regular application filing option was eliminated. Applications filed prior to February 15, 2020 that were submitted on paper or using a TEAS Regular application form, which did not require electronic filing for other application-related submissions, are “grandfathered” under the prior rules, which permit paper submissions, until the application registers or is abandoned and is not eligible to be revived or reinstated pursuant to [37 C.F.R. §2.64](#), [§2.66](#), or [§2.146](#). If such an applicant or its attorney chooses to use the trademark electronic filing system to submit a document during the pendency of the application, the application loses its grandfathered status. Forms in the trademark electronic filing system will require the email address of the applicant and its qualified U.S. attorney, if represented, to be provided, and the USPTO will send all future correspondence to the email address of the applicant or its attorney, as appropriate.

Applicants that filed an application prior to February 15, 2020 using the TEAS RF or TEAS Plus application form were already subject to the requirement to correspond electronically with the USPTO at the time of filing. If a TEAS Plus or TEAS RF applicant submits a response to an Office action or other document on paper, the applicant must submit a petition requesting acceptance of the paper filing under [37 C.F.R. §2.146](#) or [§2.147](#) with the required petition fee, as appropriate. See [TMEP §§301.02\(e\)](#), [1702](#), [1709](#). The applicant will not be charged the additional processing fee under prior [37 C.F.R. §2.22\(c\)](#) or [§2.23\(c\)](#).

Registrants that filed post-registration maintenance documents on paper prior to February 15, 2020 are grandfathered under the prior rules until the acceptance or final rejection of the filing, unless the registrant

or its qualified U.S. attorney, if represented, elects to use the trademark electronic filing system to submit a document during the pendency of the post-registration matter. At that point, any subsequent post-registration filings must be submitted through the trademark electronic filing system.

302 Trademark Correspondence - In General

The USPTO requires all trademark correspondence be filed through the trademark electronic filing system, unless an exception to the requirement to file electronically applies. *See* [37 C.F.R. §2.23\(a\)](#); [TMEP §§301.01, 301.01\(a\), 301.02](#). Submissions may not be transmitted by email, but certain informal communications may be conducted by email. *See* [TMEP §304](#).

See [TMEP §611.01\(c\)](#) regarding the signature on documents filed electronically and [§611.01\(a\)](#) regarding the signature on documents as certification.

Paper filings. If paper correspondence is permitted (*see* [TMEP §301.02](#)), such correspondence may be sent through the United States Postal Service (USPS), delivered by a courier service, or hand carried to the USPTO. *See* [TMEP §305](#) regarding mailing documents to the USPTO and [§307](#) regarding hand delivery of documents to the USPTO.

302.01 Duplicate Documents Should Not Be Filed

37 CFR §2.193(g)(2) Separate copies for separate files.

Parties should not file duplicate copies of documents in a single application, registration, or proceeding file, unless the Office requires the filing of duplicate copies.

As a general rule, only one copy of a document should be filed, unless more than one copy is specifically required by statute or rule, or a USPTO employee specifically requests more than one copy.

When submitting a document electronically, a party should *not* send a follow-up copy unless the USPTO specifically requests one. [37 C.F.R. §2.193\(g\)\(2\)](#). Submission of duplicate documents can delay processing. *See In re Allegiance Staffing*, 115 USPQ2d 1319, 1323 (TTAB 2015) (discouraging the submission of duplicate filings because “it merely adds to the bulk of the file and makes it more difficult to review the submissions”).

302.02 Identifying the Type of Document Filed

302.02(a) Correspondence Pertaining to Trademark Applications

Documents filed through the trademark electronic filing system or the Board's electronic filing system are identified according to their type and require an application serial or proceeding number in order to relate the filing to a specific application or proceeding. These documents are automatically entered into the record of the appropriate application or Board proceeding.

Permitted paper filings. To ensure the timely entry into the record of any permitted paper filing (*see* [TMEP §301.02](#)), each piece of correspondence filed in the USPTO relating to a trademark application should be identified at the beginning by a heading or caption and by the serial number of the application, the name of the applicant, and the mark. [37 C.F.R. §2.194\(b\)\(1\)](#). Cover letters should identify the material that they accompany.

To expedite processing, incoming paper documents should include the following:

- (1) Application serial number;
- (2) Mark;
- (3) A title indicating the type of document being filed (e.g., a response to an Office action);
- (4) The name, mailing address (including ZIP code), and telephone number of the applicant or the applicant's attorney; and
- (5) The applicant's or attorney's email address, unless the applicant is a treaty-exempt filer under international agreements.

302.02(b) Correspondence Pertaining to Trademark Registrations

Documents filed through the trademark electronic filing system or the Board's electronic filing system are identified according to their type and require a registration or proceeding number in order to relate the filing to a specific registration or proceeding. These documents are automatically entered into the record of the appropriate registration or Board proceeding.

Permitted paper filings. To ensure the timely entry into the official record of any permitted paper filing (see [TMEP §301.02](#)), each piece of correspondence relating to a registered trademark should be identified by specifying the registration number, the registrant's name, and the mark. [37 C.F.R. §2.194\(b\)\(2\)](#).

Permitted paper correspondence filed under [15 U.S.C. §§1057, 1058, 1059](#), and [1141k](#) should also be directed to the Post Registration Section of the Office.

Permitted paper petitions to cancel a registered mark should be directed to the Board. [TMEP §1607](#). Court orders relating to registered trademarks should be sent to the Office of the Solicitor. [TMEP §1610](#).

303 Filing Date of Trademark Correspondence

37 CFR § 2.195 Filing date of trademark correspondence.

The filing date of trademark correspondence is determined as follows:

(a) *Electronic submissions.* The filing date of an electronic submission is the date the Office receives the submission, based on Eastern Time, regardless of whether that date is a Saturday, Sunday, or Federal holiday within the District of Columbia.

(b) *Paper correspondence.* The filing date of a submission submitted on paper is the date the Office receives the submission, except as follows:

(1) *Priority Mail Express®.* The filing date of the submission is the date of deposit with the USPS, if filed pursuant to the requirements of § 2.198.

(2) *Certificate of mailing.* The filing date of the submission is the date of deposit with the USPS, if filed pursuant to the requirements of § 2.197.

(3) *Office closed.* The Office is not open to receive paper correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia.

(c) *Email and facsimile submissions.* Email and facsimile submissions are not permitted and, if submitted, will not be accorded a date of receipt.

(d) *Interruptions in USPS.* If the Director designates a postal service interruption or emergency within the meaning of [35 U.S.C. §21\(a\)](#), any person attempting to file correspondence by Priority Mail Express® Post Office to Addressee service who was unable to deposit the correspondence with the USPS due to the interruption or emergency may petition the Director to consider such correspondence as filed on a particular date in the Office. The petition must:

- (1) Be filed promptly after the ending of the designated interruption or emergency;
- (2) Include the original correspondence or a copy of the original correspondence; and

(3) Include a statement that the correspondence would have been deposited with the USPS on the requested filing date but for the designated interruption or emergency in Priority Mail Express® service; and that the correspondence attached to the petition is the original correspondence or a true copy of the correspondence originally attempted to be deposited as Priority Mail Express® on the requested filing date.

303.01 Filing Date for Electronic Submissions

Trademark correspondence transmitted electronically using the trademark electronic filing system is considered filed on the date the USPTO receives the submission, in Eastern Time (ET), regardless of whether that date is a Saturday, Sunday, or Federal holiday within the District of Columbia. [37 C.F.R. §2.195\(a\)](#).

All forms filed using the trademark electronic filing system are time/date stamped when received by the USPTO, in ET. The time/date stamp is generated at the moment the payment process is completed or, if no payment is required, when the successful submission screen is displayed. The time/date stamp is the official time the USPTO received the submission; the time the transmission began is not considered when assigning the filing date. The official filing date and time can be found at the bottom of the email confirmation sent after submission. Any electronic submission received by the USPTO as of 11:59 p.m. (i.e., before 12:00 a.m.) ET will be given that day's filing date.

If a document transmitted through the trademark electronic filing system or the Board's electronic filing system is due on a Saturday, Sunday, or a Federal holiday within the District of Columbia, the document will be considered timely if the USPTO receives the transmission on or before the following day that is not a Saturday, Sunday, or a Federal holiday within the District of Columbia. [37 C.F.R. §2.196](#); [TMEP §308](#).

Permitted paper filings. For correspondence permitted to be filed on paper (see [TMEP §301.01](#)), the filing date of a submission submitted on paper is the date the USPTO received the submission. [37 C.F.R. §2.195\(b\)](#).

However, for submissions using Priority Mail Express®, in accordance with [37 C.F.R. §2.198](#), or the “certification of mailing” procedure, in accordance with [37 C.F.R. §2.197](#), the filing date of the submission is the date of deposit with the U. S. Postal Service. [37 C.F.R. §2.195\(b\)\(1\), \(b\)\(2\)](#).

In addition, under [37 C.F.R. §2.195\(b\)\(3\)](#), no paper correspondence is “received” in the USPTO on Saturdays, Sundays, or Federal holidays within the District of Columbia. See [TMEP §308](#) regarding response periods that end on a Saturday, Sunday, or Federal holiday within the District of Columbia.

See [TMEP §1904.01\(b\)](#) regarding the filing date of a request for an extension of protection of an international registration to the United States under §66(a) of the Trademark Act, [15 U.S.C. §1141f\(a\)](#).

303.02 Acknowledgment of Receipt by USPTO

303.02(a) Trademark Electronic Filing System Submission Confirmation Page

When a document is filed electronically, the USPTO generally receives it within seconds after it has been submitted. Upon successful submission, the trademark electronic filing system almost immediately displays a page that confirms receipt. This page may be printed or copied-and-pasted into an electronic record for storage, and used as evidence of filing should any question arise as to the filing date of the document. See [TMEP §303.01](#) regarding the filing date for an electronic submission.

303.02(b) Permitted Paper Filings: USPTO "Mail Room Date" Label Showing Receipt

The USPTO places a label indicating the date of receipt on every application, part of an application, amendment, letter, or other permitted paper filing (*see* [TMEP §301.02](#)). The label is referred to as the “Mail Room Date” label, and it establishes the date of receipt (i.e., the filing date) of the paper-filed document.

The documents are then scanned and added to the relevant application or registration record, and the prosecution history is updated accordingly.

303.02(c) Permitted Paper Filings: Filer-provided Postcard Receipt

For documents permitted to be filed on paper (*see* [TMEP §301.02](#)), a party may obtain a receipt by enclosing a self-addressed, stamped postcard identifying the document. The USPTO will place a label indicating the receipt date on the card and return it to the party who filed the document.

The identifying data on the postcard should be complete and specific. The nature of the document being filed on paper (e.g., application, affidavit, amendment, appeal, petition); the name of the applicant or registrant; the mark; the application filing date or registration date; and the application serial number, registration number, or proceeding number should be included if available. Each specific element of the filing should be listed on the postcard (e.g., written application, drawing page, fee, specimen) so that the postcard can be used as evidence that the element was submitted if the element is lost or disassociated from the record.

The party submitting the postcard is responsible for placing proper postage on the self-addressed postcard, and for ensuring that the proper mailing address appears on the postcard.

304 Email

304.01 Informal Communication Acceptable via Email

Applicants and registrants may use email only to conduct informal communications with the USPTO regarding a particular application or registration as an alternative to telephone communications. *See* [TMEP §§709.04, 709.05](#).

For example, an applicant may submit via email:

- Questions regarding an outstanding Office action that do not constitute a response;
- Authorization to issue an examiner’s amendment or priority action (*see* [TMEP §§707.01, 708.02](#));
- Objection to an examiner’s amendment (*see* [TMEP §§707, 707.02](#));
- Notification of termination of a cancellation proceeding that is the basis for suspension (*see* [TMEP §716.02\(a\)](#));
- Request to arrange a convenient time to speak by telephone.

See [TMEP §709.02](#) regarding the persons with whom an examining attorney may discuss the application in an interview, [§707.01](#) regarding who can authorize examiner’s amendments, and [§708.02](#) regarding who can authorize priority actions. See [TMEP §304.02](#) regarding communications that are not acceptable via email.

Attachments: As part of an informal communication, if an applicant's or registrant's email contains one or more attachments, the USPTO will only open and view the attachments if they are in .jpg or .pdf format and are legible. The USPTO will not open attachments in any other format.

The examining attorney must ensure that all relevant informal email communications from applicants are entered into the electronic record. See [TMEP §709.04](#) and [§709.05](#) for further information.

304.02 Formal Communications Not Acceptable via Email

Email may not be used to file applications for registration of marks, responses to Office actions or requests for an extension of time to respond, pre- or post-publication amendments to an application, changes of correspondence address, appointments or revocations of attorneys, designations or revocations of domestic representatives, attorney withdrawal requests, petitions, documents required by statute to show use of a mark in commerce or to request an extension of time to show such use, and post-registration maintenance documents, proposed amendments, or responses to Post Registration Office actions. These documents must be filed electronically using the trademark electronic filing system, unless an exception to the requirement to file electronically applies. See [37 C.F.R. §2.23\(a\)](#). See [TMEP §301.01](#) regarding mandatory electronic filing and [§301.02](#) regarding the limited exceptions for filing on paper.

Further, email may not be used to request an advisory opinion as to the likelihood of overcoming a refusal or requirement. The examining attorney or Post Registration specialist should advise the applicant to file a formal response for consideration of arguments regarding any refusal or requirement.

See [TMEP §304.01](#) regarding informal communications that are acceptable via email, [§709.04](#) regarding telephone and email communications in examination, and [§709.05](#) regarding informal communications in examination.

The Trademark Trial and Appeal Board does not accept email communications.

304.03 Official Email Correspondence from the USPTO

The USPTO will send official correspondence concerning an application or registration by email from the "uspto.gov" domain to the applicant, registrant, or qualified U.S. attorney under [37 C.F.R. §11.14](#), unless the applicant or registrant is a national of a country exempt from the requirements to file electronically and has chosen to not use the trademark electronic filing system to file submissions. See [37 C.F.R. §2.23\(b\)-\(c\)](#). Accordingly, the applicant, registrant, or qualified U.S. attorney must provide and maintain a valid email address for correspondence. [37 C.F.R. §§2.18\(c\), 2.23\(b\)](#); [TMEP §609.03](#). See [TMEP §§301.02\(a\)-\(b\)](#) regarding exceptions to the requirement to provide an email address, [§609.01](#) regarding establishing the correspondence email address, and [§609.01\(a\)](#) regarding email correspondence in §66(a) applications. Even if there is an appointed attorney, a separate email address for the applicant, registrant, or party is required under [37 C.F.R. §2.32\(a\)\(2\)](#) so that the USPTO can contact them if representation ends.

The USPTO will not undertake double correspondence with the applicant or registrant and the applicant's or registrant's qualified U.S. attorney, or with more than one qualified U.S. attorney. [37 C.F.R. §2.18\(b\)](#). One primary email address may be designated for correspondence, but the USPTO permits up to four secondary email addresses to be designated to receive courtesy copies of the correspondence. If an email transmission fails for any reason, the USPTO will not attempt to contact the correspondent by any other means. See [TMEP §403](#) regarding treatment of USPTO email correspondence returned as undeliverable.

A courtesy email reminder of USPTO registration maintenance filing deadlines will be sent to all email addresses of record within the Correspondence and Current Owner(s) Information fields, as indicated in USPTO records. See [TMEP §§1604.02, 1613.02](#).

305 Permitted Paper Filings: Mailing Documents to the USPTO

305.01 Mailing Addresses

Paper trademark documents – general. Except for documents sent to the Assignment Recordation Branch for recordation, requests for copies of trademark documents, specimens for scent, flavor, or similar non-traditional marks, and certain documents filed under the Madrid Protocol (listed below), all paper trademark-related correspondence to be delivered by the U.S. Postal Service (USPS) must be addressed to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

The names of individual employees should not be placed on the envelopes in which official communications are sent to the USPTO. See [TMEP §301.01](#) regarding the limited exceptions when paper submissions may be submitted and [§301.02\(b\)](#) regarding submitting specimens for scent, flavor, or similar non-traditional marks.

Documents filed under the Madrid Protocol. International applications under [37 C.F.R. §7.11](#), subsequent designations under [37 C.F.R. §7.21](#), responses to irregularity notices under [37 C.F.R. §7.14](#), requests to record changes in the International Register under [37 C.F.R. §7.23](#) and [§7.24](#), requests for transformation under [37 C.F.R. §7.31](#), requests to note replacements under [37 C.F.R. §7.28](#), and petitions to the Director to review the actions of the USPTO's Madrid Processing Unit, when filed by mail, must be mailed to:

Madrid Processing Unit
600 Dulany Street
Alexandria, Virginia 22314-5796

[37 C.F.R. §2.190\(e\)](#).

Documents to be recorded in Assignment Recordation Branch. To expedite processing, the USPTO recommends filing requests to record documents through Assignment Center at <https://assignmentcenter.uspto.gov/>. Documents filed electronically are recorded much faster than their paper counterparts. Unless they are filed together with new applications, paper documents and cover sheets to be recorded in the Assignment Recordation Branch should be mailed to:

Mail Stop Assignment Recordation Services
Director of the United States Patent and Trademark Office
P. O. Box 1450
Alexandria, Virginia 22313-1450

[37 C.F.R. §§2.190\(c\), 3.27](#).

Requests for copies of Trademark documents. Copies of trademark documents can be ordered through the USPTO website at <https://certifiedcopycenter.uspto.gov/>. Requests for copies of documents can also be emailed to the USPTO at dsd@uspto.gov, with an authorization to charge the fee to a credit card or USPTO deposit account. See [TMEP §111](#) for additional information regarding requesting copies.

All other requests for certified or uncertified copies of trademark documents should be mailed to:

Mail Stop Patent and Trademark Copy Fulfillment Branch
Director of the United States Patent and Trademark Office P. O. Box 1450
Alexandria, Virginia 22313-1450

[37 C.F.R. §2.190\(d\)](#).

305.02 Certificate of Mailing Procedure

37 CFR §2.197 Certificate of mailing.

- (a) The filing date of correspondence submitted under this section is the date of deposit with the USPS if the correspondence:
- (1) Is addressed as set out in § 2.190 and deposited with the USPS with sufficient postage as first-class mail; and
 - (2) Includes a certificate of mailing for each piece of correspondence that:
 - (i) Attests to the mailing and the address used;
 - (ii) Includes the name of the document and the application serial number or USPTO reference number, if assigned, or registration number to which the document pertains;
 - (iii) Is signed separately from any signature for the correspondence by a person who has a reasonable basis to expect that the correspondence would be mailed on the date indicated; and
 - (iv) Sets forth the date of deposit with the USPS.
 - (b) If correspondence is mailed in accordance with paragraph (a) of this section, but not received by the Office, the party who mailed such correspondence may file a petition to the Director under § 2.146(a)(2) to consider such correspondence filed in the Office on the date of deposit with the USPS. The petition must:
 - (1) Be filed within two months after the date of mailing;
 - (2) Include a copy of the previously mailed correspondence and certificate; and
 - (3) Include a verified statement attesting to the facts of the original mailing.
 - (c) If the certificate of mailing does not meet the requirements of paragraph (a)(2) of this section, the filing date is the date the Office receives the submission.

For permitted paper filings (*see* [TMEP §301.01](#)), [Trademark Rule 2.197](#) provides a “certificate of mailing” procedure to avoid lateness due to mail delay with the U.S. Postal Service (USPS). [37 C.F.R. §2.197](#). Under this procedure, correspondence is considered to be timely even if received after the due date, if the correspondence was:

- (1) addressed as set out in [37 C.F.R. §2.190](#) (*see* [TMEP §305.01](#));
- (2) deposited with the USPS as first-class mail (*see* [TMEP §305.02\(b\)](#)) before the expiration of the filing period; and
- (3) accompanied by a certificate of mailing for each piece of correspondence. *See* [TMEP §305.02\(c\)](#) for a list of information that must be provided in the certificate of mailing.

[37 C.F.R. §2.197\(a\)](#).

Filers must retain a copy of the correspondence, including the signed and dated certificate. *See In re Sasson Licensing Corp.*, 35 USPQ2d 1510, 1512 (Comm’r Pats. 1995).

See [TMEP §305.02\(a\)–\(h\)](#) regarding the certificate of mailing procedure.

305.02(a) When Certificate of Mailing Procedure May Be Used

The certificate of mailing procedure may be used for any trademark correspondence that may be filed on paper. *See* [TMEP §301.02](#) regarding the limited exceptions when paper submissions may be submitted.

305.02(b) Mailing Requirements

The correspondence must be properly addressed (see [TMEP §305.01](#) for mailing addresses), and must be deposited with the U.S. Postal Service (USPS) with sufficient postage as first-class mail. [37 C.F.R. §2.197\(a\)\(1\)](#).

Since first-class mail services of the USPS are not available in foreign countries, the certificate of mailing procedure may not be used for sending mail to the USPTO from a foreign country.

305.02(c) Location and Form of Certificate

The certificate of mailing must provide the following for each piece of correspondence submitted:

- (1) attest to the mailing and the address used;
- (2) include the name of the document and the application serial or registration number or USPTO reference number, if assigned, to which the document pertains;
- (3) be signed separately from any signature for the correspondence;
- (4) be signed by a person who has a reasonable basis to expect the correspondence would be mailed on the date indicated; and
- (5) state the date of deposit in the mail with the USPS, which must be a date within the set filing period (this includes the last day of the period, or the succeeding day that is not a Saturday, Sunday, or Federal holiday within the District of Columbia when the last day of the period falls on a Saturday, Sunday, or Federal holiday within the District of Columbia).

[37 C.F.R. §2.197\(a\)\(2\)](#).

The best location for the certificate of mailing is at the beginning of the correspondence to which it pertains, typed in its entirety. The certificate of mailing should be separated from contents of the correspondence that are on the same page. Several blank lines between the contents and the certificate will suffice.

If the certificate of mailing does not fit on the correspondence to which it pertains, the certificate may be placed on a separate sheet of paper that is attached securely to the correspondence. The separate sheet may be a cover letter, with the certificate placed at the bottom of the letter and signed separately from the letter. If there is any doubt concerning the correspondence to which a certificate of mailing on a separate sheet relates, the USPTO will not accept the certificate.

When correspondence for more than one application or registration is mailed in a single envelope, each item of correspondence must have its own certificate of mailing. Similarly, when more than one type of correspondence is submitted in connection with the same application, each item of correspondence must have its own certificate of mailing.

It is suggested that the certificate be signed by the applicant, registrant, or the party involved in the proceeding, or by the attorney for such person. If someone else signs, it should be a responsible person in a position to know that the mail will be deposited on the date specified. See [37 C.F.R. §2.197\(a\)\(2\)\(iii\)](#).

The USPTO accepts the date of deposit stated in the certificate of mailing on the basis of the statement of personal knowledge. The USPTO does not normally inspect the postmark on the envelope.

305.02(d) Wording of Certificate of Mailing

The following wording is suggested for a certificate of mailing for a paper trademark document. See [TMEP §305.01](#) regarding the mailing address for this type of document and others.

CERTIFICATE OF MAILING

I hereby certify that this correspondence, _____ (state the name of the document), which pertains to U.S. Application Serial/Registration No. or USPTO Reference No. _____, is being deposited with the U.S. Postal Service as first-class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on the date shown below:

(Typed or Printed Full Name of Person Signing Certificate)

(Signature)

(Title or Position of Person Signing Certificate)

(Date)

305.02(e) Effect of Certificate of Mailing

The filing date assigned to paper correspondence submitted with a certificate of mailing is the date of its deposit with the USPS when filed pursuant to the requirements of [37 C.F.R. §2.197](#), [37 C.F.R. §2.195\(b\)\(2\)](#). If the certificate of mailing does not meet the requirements of [37 C.F.R. §2.197\(a\)\(2\)](#), the filing date is the date the USPTO receives the submission. [37 C.F.R. §2.197\(c\)](#).

See [TMEP §§206–206.04](#) regarding changes in the effective filing date of an application.

The USPTO does not retain the envelopes in which material is received or record the date of the postmark.

305.02(f) Correspondence Mailed Pursuant to 37 C.F.R. §2.197 but Not Received by USPTO

If permitted paper correspondence (*see* [TMEP §301.01](#)) mailed with a certificate of mailing is not received by the USPTO, the party who mailed the correspondence may file a petition to the Director under [37 C.F.R. §2.146\(a\)\(2\)](#) to consider the correspondence filed in the USPTO on the date of deposit with the USPS.

The petition must:

- (1) Be filed within two months after the date of mailing;
- (2) Include a copy of the previously mailed correspondence and certificate of mailing; and
- (3) Include a verified statement attesting to the facts of the original mailing.

[37 C.F.R. §2.197\(b\)](#). See [TMEP §§1702–1708](#) regarding petitions under [37 C.F.R. §2.146](#).

The two-month time period for notifying the USPTO begins to run from the date that the party who filed the correspondence became aware that the USPTO has no evidence of receipt of the correspondence, unless the USPTO has issued a written action, such as a notice of abandonment or cancellation. In such situations, the issue date of the USPTO written action will serve as the starting point for measuring timeliness. *See* [37 C.F.R. §§2.146\(d\), 2.197\(b\)\(1\)](#); [TMEP §1705.04](#).

305.02(g) Correspondence Deposited as First-class Mail Pursuant to 37 C.F.R. §2.197 and Returned by the U.S. Postal Service

Correspondence must be deposited with the USPS as first-class mail in compliance with any and all applicable requirements of the USPS to be considered “[d]eposited with the USPS,” within the meaning of [37 C.F.R. §2.197\(a\)\(1\)](#). Therefore, correspondence returned by the USPS as not mailed in compliance with USPS requirements, including concerning mail weighing more than the USPS maximum permissible weight, is not entitled to any benefit under [37 C.F.R. §2.197](#).

305.02(h) Certificate of Mailing Requirements Strictly Enforced

The requirements of [37 C.F.R. §2.197](#) are strictly enforced, and the USPTO denies petitions to consider a document timely filed as of the date on the certificate if a party fails to comply with these requirements.

A party’s inadvertent failure to comply with the requirements of a rule is not considered an extraordinary situation that would warrant waiver of a rule on petition under [37 C.F.R. §2.146\(a\)\(5\)](#) or [37 C.F.R. §2.148](#). *See* *Honigsbaum v. Lehman*, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995) (finding Commissioner did not abuse discretion in refusing to waive requirements of 37 C.F.R. §1.10(c) and grant filing date to patent application, where applicant failed to produce “Express Mail” customer receipt or any other evidence that application was actually deposited with USPS as “Express Mail”), *aff’d mem.*, 95 F.3d 1166 (Fed. Cir. 1996); *In re Sasson Licensing Corp.*, 35 USPQ2d 1510, 1512 (Comm’r Pats. 1995) (noting that failure to retain an executed hard copy of documents filed with the USPTO is not an extraordinary circumstance that would justify waiver of 37 C.F.R. §1.8); *Gustafson v. Strange*, 227 USPQ 174 (Comm’r Pats. 1985) (finding counsel’s unawareness of the provisions of 37 C.F.R. §1.8 is not an extraordinary situation warranting waiver of the rule); *In re Chicago Historical Antique Auto. Museum, Inc.*, 197 USPQ 289 (Comm’r Pats. 1978) (finding lateness caused by mailing documents on the last day of the filing period is not an extraordinary situation justifying waiver of the rules, because certificate of mailing procedure under 37 C.F.R. §1.8 was available to petitioner).

305.03 Priority Mail Express®

37 CFR §2.198. Filing of correspondence by Priority Mail Express®.

(a) The filing date of correspondence submitted under this section is the date of deposit with the USPS, as shown by the “date accepted” on the Priority Mail Express® label or other official USPS notation.

(b) If the USPS deposit date cannot be determined, the filing date is the date the Office receives the submission.

(c) If there is a discrepancy between the filing date accorded by the Office to the correspondence and the “date accepted,” the party who submitted the correspondence may file a petition to the Director under § 2.146(a)(2) to accord the correspondence a filing date as of the “date accepted.” The petition must:

(1) Be filed within two months after the date of deposit;

(2) Include a true copy of the Priority Mail Express® mailing label showing the “date accepted,” and any other official notation by the USPS relied upon to show the date of deposit; and

(3) Include a verified statement attesting to the facts of the original mailing.

(d) If the party who submitted the correspondence can show that the “date accepted” was incorrectly entered or omitted by the USPS, the party may file a petition to the Director under § 2.146(a)(2) to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS. The petition must:

(1) Be filed within two months after the date of deposit;

(2) Include proof that the correspondence was deposited in the Priority Mail Express® Post Office to Addressee service prior to the last scheduled pickup on the requested filing date. Such proof must be corroborated by evidence from the USPS or evidence that came into being within one business day after the date of deposit; and

(3) Include a verified statement attesting to the facts of the original mailing.

(e) If correspondence is properly addressed to the Office pursuant to § 2.190 and deposited with sufficient postage in the Priority Mail Express® Post Office to Addressee service of the USPS, but not received by the Office, the party who submitted the correspondence may file a petition to the Director under § 2.146(a)(2) to consider such correspondence filed in the Office on the USPS deposit date. The petition must:

(1) Be filed within two months after the date of deposit;

(2) Include a copy of the previously mailed correspondence showing the number of the Priority Mail Express® mailing label thereon; and

(3) Include a verified statement attesting to the facts of the original mailing.

305.03(a) Filing Date When Priority Mail Express® Is Used

For permitted paper filings (*see* [TMEP §301.02](#)), Trademark Rule 2.198 provides a procedure for obtaining a filing date as of the date that correspondence is deposited as Priority Mail Express® with the USPS, as shown by the “date accepted” on the Priority Mail Express® label or other official USPS notation. [37 C.F.R. §2.198\(a\)](#).

If the USPS deposit date cannot be determined, the filing date is the date the USPTO receives the submission. [37 C.F.R. §2.198\(b\)](#).

305.03(b) Discrepancy between Filing Date and “Date Accepted”

If there is a discrepancy between the filing date given by the USPTO to the correspondence and the “date accepted,” the party who submitted the correspondence may file a petition to the Director under [37 C.F.R. §2.146\(a\)\(2\)](#) to have the correspondence be given a filing date as of the “date accepted.” [37 C.F.R. §2.198\(c\)](#).

The petition must:

(1) Be filed within two months after the date of deposit;

- (2) Include a true copy of the Priority Mail Express® mailing label showing the “date accepted” and any other official notation by the USPS relied upon to show the date of deposit; and
- (3) Include a verified statement attesting to the facts of the original mailing.

[37 C.F.R. §2.198\(c\)\(1\)-\(3\).](#)

305.03(c) Incorrectly Entered “Date Accepted”

If the party who submitted the correspondence can show that the “date accepted” was incorrectly entered or omitted by the USPS, the party may file a petition to the Director under [37 C.F.R. § 2.146\(a\)\(2\)](#) to have the correspondence be given a filing date as of the date the correspondence is shown to have been deposited with the USPS. [37 C.F.R. §2.198\(d\).](#)

The petition must:

- (1) Be filed within two months after the date of deposit;
- (2) Include proof that the correspondence was deposited in the Priority Mail Express® Post Office to Addressee service prior to the last scheduled pickup on the requested filing date. Such proof must be corroborated by evidence from the USPS or evidence that came into being within one business day after the date of deposit; and
- (3) Include a verified statement attesting to the facts of the original mailing.

[37 C.F.R. §2.198\(d\)\(1\)-\(3\).](#)

305.03(d) Correspondence Not Received by the USPTO

If correspondence is properly addressed to the USPTO pursuant to [37 C.F.R. §2.190](#) (see [TMEP §305.01](#)) and deposited with sufficient postage in the Priority Mail Express® Post Office to Addressee service of the USPS, but not received by the USPTO, the party who submitted the correspondence may file a petition to the Director under [37 C.F.R. §2.146\(a\)\(2\)](#) to consider the correspondence filed in the USPTO on the USPS deposit date. [37 C.F.R. §2.146\(e\).](#)

The petition must:

- (1) Be filed within two months after the date of deposit;
- (2) Include a copy of the previously mailed correspondence showing the number of the Priority Mail Express® mailing label thereon; and
- (3) Include a verified statement attesting to the facts of the original mailing.

[37 C.F.R. §2.198\(e\)\(1\)-\(3\).](#)

305.03(e) Certificate of Mailing under 37 C.F.R. §2.197 for Documents Sent by Priority Mail Express®

The certificate of mailing procedure of [37 C.F.R. §2.197](#) may be used for documents sent by Priority Mail Express® as well as documents sent by first-class mail. Correspondence sent by Priority Mail Express® is deemed to meet the requirements of [37 C.F.R. §2.197\(a\)\(1\)](#) for postage as first-class mail, because the

postage for Priority Mail Express® exceeds the postage required for first-class mail. However, to use the certificate of mailing procedure for documents mailed by Priority Mail Express®, the filer must place a certificate meeting the requirements of [37 C.F.R. §2.197\(a\)\(2\)](#) on the document prior to mailing. See [TMEP §§305.02–305.02\(h\)](#) for further information about the certificate of mailing procedure.

The following wording is suggested for a certificate of mailing for a paper trademark document when correspondence is sent by Priority Mail Express®. See [TMEP §305.01](#) regarding mailing address for this type of document and others.

CERTIFICATE OF MAILING

I hereby certify that this correspondence, _____ (state the name of the document), which pertains to U.S. Application Serial/Registration No. or USPTO Reference No. _____, is being deposited with the U.S. Postal Service as Priority Mail Express® in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on the date shown below:

(Typed or Printed Full Name of Person Signing Certificate)

(Signature)

(Title or Position of Person Signing Certificate)

(Date)

When correspondence to which [37 C.F.R. §2.198\(a\)](#) applies is placed in a Priority Mail Express® drop box after the box has been cleared for the last time on a given day, it is considered to have been deposited as of the date of receipt indicated on the Priority Mail Express® mailing label by the USPS employee. See Communications with the Patent and Trademark Office, 61 Fed. Reg. 56,439, 56,445 (Nov. 1, 1996).

305.04 Interruptions in U.S. Postal Service

35 U.S.C. 21(a)

The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Director.

37 CFR §2.195(d) Interruptions in USPS

If the Director designates a postal service interruption or emergency within the meaning of [35 U.S.C. 21\(a\)](#), any person attempting to file correspondence by Priority Mail Express® Post Office to Addressee service who was unable to deposit the correspondence with the USPS due to the interruption or emergency may petition the Director to consider such correspondence as filed on a particular date in the Office. The petition must:

- (1) Be filed promptly after the ending of the designated interruption or emergency;
- (2) Include the original correspondence or a copy of the original correspondence; and
- (3) Include a statement that the correspondence would have been deposited with the USPS on the requested filing date but for the designated interruption or emergency in Priority Mail Express® service; and that the correspondence attached to the petition is the original correspondence or a true copy of the correspondence originally attempted to be deposited as Priority Mail Express® on the requested filing date.

Under [35 U.S.C. §21\(a\)](#) and [37 C.F.R. §2.195\(d\)](#), if the Director designates a postal interruption or emergency, any person who attempted to file correspondence by Priority Mail Express® Post Office to Addressee service but was unable to deposit such correspondence with the USPS due to the postal interruption or emergency may petition the Director to consider the correspondence to have been filed in the USPTO on a particular date.

The petition must:

- (1) be filed promptly after the ending of the designated interruption or emergency;
- (2) include the original correspondence or a copy of it; and
- (3) include a statement that such correspondence would have been filed on that particular date if it were not for the interruption or emergency in Priority Mail Express® service, and that the correspondence attached to the petition is the original correspondence or a true copy of it originally attempted to be deposited as Priority Mail Express® on the requested filing date.

[37 C.F.R. §2.195\(d\)\(1\)-\(3\)](#).

306 Facsimile (Fax) Submissions

Trademark documents may not be filed by fax and, if submitted, will not be processed or accorded a date of receipt. [37 C.F.R. §§2.62\(c\)](#), [2.195\(c\)](#); see also [37 C.F.R. §2.2\(s\)](#) (indicating that the term “electronic submission,” as used in the Rules of Practice in Trademark Cases, does not include submissions made through facsimile transmission).

However, if the USPTO has issued a notice regarding a widespread or lengthy trademark electronic filing system outage on the date of the deadline for a submission, the requirement to file electronically will be waived, and filings via facsimile will be accepted without a petition or petition fee only if specifically instructed by the USPTO. [TMEP §301.01\(b\)](#). In these circumstances, procedures for submission by fax will be posted on the USPTO website. If the USPTO website is inaccessible, the filer should call the Trademark Assistance Center at (571) 272-9250 or 800-786-9199 or email TEAS@uspto.gov for information on the

temporary procedures. See [TMEP §1709.01\(a\)](#) for the requirements for submitting a document during a widespread or lengthy system outage and the associated fees.

307 Hand Delivery

Hand delivery is available only for documents that are permitted to be filed on paper. See [37 C.F.R. §2.190\(a\)](#). See [TMEP §301.02](#) regarding the limited exceptions when paper submissions may be submitted.

Trademark Operation, Madrid Processing Unit, and Trademark Trial and Appeal Board. Any correspondence that is permitted to be filed on paper may generally be hand-delivered between 8:30 a.m. and 5:00 p.m., Eastern Time, Monday through Friday, except Federal holidays within the District of Columbia, to the following location:

Trademark Assistance Center
James Madison Building - East Wing
Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

[37 C.F.R. §2.190\(a\)](#)

If the filer wants a receipt, the filer should provide a card, which will be date-labeled and handed back to the person delivering the document. When a card is used for receipt, it should include the applicant's name, the application serial number or registration number, the mark, and the title or a description of the document being filed. The card should also specify the items submitted (e.g., drawing, specimen, fee). See [TMEP §303.02\(c\)](#).

See [TMEP §309](#) regarding unscheduled closings of the USPTO.

308 Period Ending on Saturday, Sunday, or Federal Holiday

35 U.S.C. §21(b).

When the day, or the last day, for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding secular or business day.

37 CFR §2.196. Times for taking action: Expiration on Saturday, Sunday or Federal Holiday.

Whenever periods of time are specified in this part in days, calendar days are intended. When the day, or the last day fixed by statute or by regulation under this part for taking any action or paying any fee in the Office falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding day that is not a Saturday, Sunday, or a Federal holiday.

(See also [37 C.F.R. §2.145\(d\)](#) for time for appeal to court and civil action.)

Any action or fee that is due on a date falling on a Saturday, Sunday, or a Federal holiday within the District of Columbia is considered timely if the action is received, or the fee paid, on the following day that is not a Saturday, Sunday, or a Federal holiday within the District of Columbia. This applies to all documents, whether filed electronically or, if permitted, on paper (see [TMEP §301.01](#)).

The following days are Federal holidays in the District of Columbia, under 5 U.S.C. §6103:

- New Year's Day, January 1.
- Birthday of Martin Luther King, Jr., the third Monday in January.
- Washington's Birthday, the third Monday in February.
- Memorial Day, the last Monday in May.
- Juneteenth National Independence Day, June 19.
- Independence Day, July 4.
- Labor Day, the first Monday in September.
- Columbus Day, the second Monday in October.
- Veterans Day, November 11.
- Thanksgiving Day, the fourth Thursday in November.
- Christmas Day, December 25.
- Inauguration Day (January 20 of each fourth year after 1965), *except* when it falls on a Saturday (see Note below).

As to the observance of holidays that fall on Saturday, 5 U.S.C. §6103 also provides:

(b)(1) *Instead of a holiday that occurs on a Saturday, the Friday immediately before is a legal public holiday....*

NOTE: If Inauguration Day (January 20 of each fourth year after 1965) falls on a Saturday, the preceding Friday is *nota* legal public holiday for purposes of [35 U.S.C. §21\(b\)](#). When Inauguration Day falls on Sunday, the next succeeding day selected for the public observance of the inauguration of the President is a legal public holiday. 5 U.S.C. §6103(c).

309 Unscheduled Closings of the U.S. Patent and Trademark Office

When the USPTO is officially closed by executive order of the President or by the Office of Personnel Management for an entire day because of an unscheduled event, such as adverse weather conditions, the USPTO will consider that day to be a “Federal holiday within the District of Columbia” under [35 U.S.C. §21\(b\)](#). [37 C.F.R. §2.2\(d\)](#). Any action or fee due that day is considered timely if the action is taken, or the fee paid, on the next succeeding business day that the USPTO is open.

However, when the USPTO is open for business during any *part* of a business day between 8:30 a.m. and 5:00 p.m., documents are due on that day even though the USPTO may be officially closed for some period of time during the business day because of an unscheduled event. The trademark electronic filing system, or the procedures of [37 C.F.R. §§2.197–2.198](#) for permitted paper filings (*see* [TMEP §301.01](#)), may be used, as appropriate, for the filing of documents during unscheduled closings of the USPTO.

310 Computing Period for Response to Office Action or Notice

The deadline for responding to an Office action, notice of allowance, or other notice issued by the USPTO is computed from the date the USPTO issues the action or notice to the date the response is received in the USPTO. See [TMEP §303.01](#) regarding the filing date for electronic submissions.

For example, in an application filed under Section 66(a), a response to an examining attorney's Office action dated August 31 with a six-month response period is due on the following February 28 (or 29 if it is a leap year); a response to an Office action dated February 28 with a six-month response period is due on August 28 and not on the last day of August. *Ex parte Messick*, 7 USPQ 57 (Comm'r Pats. 1930).

Similarly, in an application filed under Section 1 and/or 44, a response to an examining attorney's Office action dated March 31 with a three-month response period is due on June 30. However, a response to an Office action dated April 30 with a three-month response period is due on the following July 30 and not the last day of July.

See [TMEP §711](#) regarding the deadline for response to an Office action.

If a document or fee is due on a Saturday, Sunday, or a Federal holiday within the District of Columbia, the document or fee is considered timely if it is received on or before the following day that is not a Saturday, Sunday or a Federal holiday within the District of Columbia. [35 U.S.C. §21\(b\)](#); [37 C.F.R. §2.196](#); [TMEP §308](#).

See [TMEP §309](#) regarding unscheduled closings of the USPTO.

See [TMEP §301.02](#) regarding permitted paper filings.