

Information Letter

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SPECIAL ISSUE

U.S. PATENT AND TRADEMARK OFFICE

- Express Mail Service

FAXES

- Special Request

U.S. Patent and Trademark Office:

EXPRESS MAIL SERVICE

Effective June 24, 2002, the U.S. Patent and Trademark Office (PTO) no longer considers certain documents filed by the United States Postal Service "Express Mail Post Office to Addressee" service (Express Mail Service) pursuant to Trademark Rule 1.10 to be filed on the date of deposit with the US Postal Service. Instead, these documents are deemed to have been filed on the date of receipt in the PTO.

Until the recent change, Rule 1.10 provided that, if the requirements of the rule were met, correspondence mailed to the PTO using the Express Mail Service would be considered to have been filed with the PTO on the date of deposit with the US Postal Service. In order to encourage use of its Trademark Electronic Application Service (TEAS), the PTO has changed the rule so that certain documents that are filed on paper instead of via the TEAS system no longer receive this benefit. The documents affected by the rule change are:

Trademark applications
 Allegations of Use and Statements of Use
 Extensions of Time to File Statement of Use
 Section 8 affidavits
 Renewal applications

Requests to change or correct addresses

The amendment does not apply to Responses to Office actions, or to documents filed with the Trademark Trial and Appeal Board (TTAB) and the Assignment Branch.

Note: Rule 1.8 is still available. Rule 1.8 provides that certain documents filed via US Postal Service first class mail and via facsimile transmission are considered timely filed if the procedure described in the rule is followed. Rule 1.8 does not apply to the filing of trademark applications.

Faxes: SPECIAL REQUEST

Technology is a wonderful thing but, as we all know, it is not perfect. From time to time we fail to receive a fax that you have sent us. Accordingly, where any deadlines are involved, or other important action must be taken, please be sure to send us a confirmation copy of your fax and/or communicate with us by telephone or email. In this manner, all client needs can be addressed timely. We thank you for your cooperation.

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

This Information Letter is designed to highlight items of current interest and is not intended to be a full review of any subject matter, for which specific legal advice should always be obtained.