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**Date:** January 2, 1996 **Number of pages (including this transmittal cover sheet):** 4  
**Time:** **Our Reference:** 39078-Lab

**To:** Assistant Commissioner for Patents  
Lynne G. Beresford

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January 2, 1996

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Assistant Commissioner for Trademarks  
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Facsimile: (703) 308-7220

Attention: Lynne G. Beresford

**Re: Supplement and Summary of Comments of December 29  
 Regarding Proposed Revised Rule 1.10, 37 C. F.R. §1. 10**

Dear Ms. Beresford:

Please add the following supplement and summary to the comments in my letter of December 29, 1995, which was forwarded by facsimile and mail on that date.

- 35 USC §21 (a) clearly provides for the granting of a filing date as of the date of deposit of the paper or fee with the USPS.
- The "deposit" of mail with the USPS is the act of the mailing person. As authorized by the postal regulations and followed in longstanding common practice, such deposit is accomplished by placing the item in any authorized receptacle as well as by personal delivery to a USPS clerk.
- The proposed Rule 1.10 is significantly more restrictive than the enablement provided by the statute, 35 USC §35.
- In addition to the step of depositing the paper or fee with the USPS as prescribed in 35 USC §21 (a), the proposed

Lynne G. **Beresford**

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form of Rule 1.10 would require the applicant to obtain written completion of an Express **Mail** acceptance label by an authorized USPS clerk on the day in question. Further, the applicant would bear the burden ("**risk**") of whether that USPS clerk performs his/her duties diligently and legibly.

5. The acceptance by the USPS acceptance clerk necessarily occurs after the **mail** has been deposited by the applicant. This may be a matter of minutes or hours, even being on a later day, depending upon the availability of a USPS acceptance clerk for access by the applicant, and depending **upon** the authority and willingness of that USPS clerk to complete the Express Mail acceptance at that time.

6. The times of availability of Express Mail acceptance clerks to an applicant **will** vary depending upon the hours and practices of the **local** USPS facilities.

7. The USPS Express Mail clerks are not subject to the discipline of either the applicant **or** the Commissioner of Patents and Trademarks in the performance of their Express Mail acceptance duties.

8. Patent applicants and their registered agents are subject to the discipline of the Commissioner in the performance of their activities before the Office.

9. The proposed Rule would eliminate the most cogent direct evidence of when an item of mail was deposited with the USPS, namely the statement of the person who made the deposit.

**10.** The proposed Rule 1.10 clearly would add to the burdens of applicants as opposed to facilitating their conduct of business before the Office.

It may be that the proposed form of Rule 1.10 would simplify the work of the Office by allowing a clerk, or even a scanning device, to simply look at the USPS label to determine a filing date under the proposed Rule **1.10**, rather than having someone apply **judgement** as to whether an applicant's Certificate of Mailing is credible. But it seems to me that one key goal of the office is to facilitate the obtaining by applicants **of** the full benefits available under the statute.

In all events, if an applicant or agent misrepresents the facts to the Office as to the date of deposit of *any* paper or fee to gain a filing date under 35 USC **§21(a)**, he or she will be subject to discipline by the Office and **place** the validity of any patent or trademark registration at risk to at least the same

Lynne G. Beresford  
January 2, 1996  
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degree **as in** the many **other** instances **where** the Office relies upon statements by applicants or their attorneys *or* agents.

I urge that the proposed form of Rule 1.10 be withdrawn, and that the Rule and practice of the Office be directed to granting a filing date as of the date the paper **or** fee **was** deposited by *or* on behalf of the applicant. **Prima facie** effect should be given to a Certificate of Mailing, with all of the relevant evidence being considered if a significant discrepancy appears from the papers as filed.

Thank *you* for your time and consideration.

Respectfully submitted



Neel I. Smith  
Reg. No. 18,698

NIS:hwc  
95.551

Assistant Commissioner **for** Trademarks  
Attention: **Lynne G.** Beresford  
December 29, 1995  
Page 4

well known **that Postal** facilities in large cities typically have Express **Mail** acceptance personnel **on** duty many more hours per day, and particularly later at night, than do Postal facilities in smaller cities, suburbs and **towns**. All have equal access to **"deposit"** their mail before a midnight deadline so long as the local postal facility provides a drop box. But by making the acceptance date entered on the Express Mail label the sine qua non for securing a filing date, those who do not have ready access to a facility which maintains **late** hours are cut down.

Obviously, the Acceptance personnel of the USPS are not under the control of either the applicant or the Patent and Trademark Office. For example, how could an applicant compel an Acceptance clerk to complete the Express Mail label at a particular time? What if the USPS **clerk** says that he or she is too busy at the time, and that they will only complete the labels later, at a more convenient time, or just prior to the next scheduled pick-up of Express Mail? Or, what if the applicant's agent believes the **clerk's** entry is not sufficiently clear, but the clerk is very busy or simply asserts that it is as clear as he/she is going to make it? Neither the applicant nor the Patent and Trademark Office can discipline or control the USPS personnel. The proposed practice of making the conduct of the USPS Acceptance personnel the controlling factor raises a host of potential problems. And the assignment to the applicant of the **"risk"** of nonfeasance, sloppy or illegible work **or misfeasance** by another governmental agency, namely the USPS, would impose new, additional and unnecessary burdens upon the applicants for U.S. patents.

By adhering to the "deposit" requirement of the statute, the actions necessary to obtain a filing date are left **in** the hands of the applicant and his attorneys and agents. Reasonable **evidentiary** requirements can be spelled out and enforced against those personnel. The attorneys and agents are subject to the discipline of the Patent and Trademark Office in the performance of their relevant activities. The USPS personnel are not. The Office has decades of experience in prescribing and enforcing governance **rules** upon those persons who are before it either as applicants, attorneys or agents.

The use of the Express **Mail** procedures may be acceptable to provide one element of evidence along with the sworn statement of an applicant or agent as to when paper or fee was deposited. But making the date entered by the USPS Acceptance personnel the controlling factor is unreasonable, and, I submit, unduly restrictive and problematic.

On a more subjective but more fundamental aspect, I am concerned about the strong resonance of cynicism and suspicion as

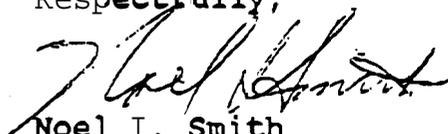
Assistant Commissioner for Trademarks  
Attention: Lynne G. **Beresford**  
December 29, 1995  
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to the credibility of applicants and their attorneys and agents which seems to pervade both the text of the proposed Rule 1.10 and the discussion of the proposal. **My** perception from 40 years of practice before the PTO has been that one of the Office's goals is to assist and facilitate applicants and their agents in carrying out the patent solicitation process. Have there been numerous cases of fraud or reasonable suspicion of fraud in the practice, for example under either Rule 1.8 or 1.10? **Why** is there a tenor of suspicion, and an effort to create and assign added "**risk**" to an applicant who seeks the benefit of 35 USC § 21(a)?

Reconsideration of the proposed Rule 1.10 and reformulation of a more user-friendly approach are respectfully urged. The Rule **should** allow an applicant or agent to establish a filing date by deposit of the paper or fee with the USPS. The applicant should be allowed to substantiate the date, if questioned, with appropriate evidence, such as the signature **of** the mailing clerk or a Certificate of Mailing. Or perhaps the Rule could require that the Certificate of Mailing be signed by either the applicant, personally, or by a person who is registered to practice before the Office. In any case, the proposed Rule as presently formulated represents **a** significant step in the *wrong* direction.

Thank you for your consideration.

Respectfully,



Noel I. Smith

Registration No. 18,698

NIS:tp  
Enclosure

## Domestic Mail Services

152.411

**150 Collection and Delivery****151 Mail Receptacles**

**151.1 Designation as Authorized Depository.** Every letterbox or other receptacle intended or used for the receipt or delivery of mail on any city delivery route, rural delivery route, highway contract route, or other mail route is designated an authorized depository for mail within the meaning of 18 USC 1702, 1708, 1708, and 172S, except that doorslots, and nonlockable bins or troughs used in connection with apartment house mailbox= are not letterboxes within the meaning of 18 USC 1725 and are not private mail receptacles within the meaning of 146.2. The post is not part of the receptacle.

**151.2 Use for Mail Only.** Except as provided in 156.58, the receptacles described in 151.1 shall be used exclusively for matter which bears postage. Therefore, other than as permitted in 156.58, no part of a mail receptacle may be used to deliver any matter not bearing postage. This applies to items or matter placed upon, supported by, attached to, hung from, or inserted into, a mail receptacle. Any mailable matter not bearing postage and found as described above is subject to the same postage as would be paid if it were carried by mail. (see 146.2 for procedures to be followed.)

**151.3 Maintaining a Clear Approach to Mailbox.** The customer is responsible for keeping the approach to his mailbox clear to facilitate delivery. Where the approach to the mail receptacle located at the curb is temporarily blocked by a parked vehicle during normal delivery hours for the area, or snow or ice hampers the approach to the mailbox, the motorized city or rural carrier normally dismounts to make delivery. If the carrier continually experiences a problem in serving curbside boxes and where the customer who is able to control onstreet parking in front of his mailbox does not take prompt corrective action after being properly notified, the postmaster may, with the approval of the sectional center manager, withdraw delivery service.

**151.4 Receptacles to be Purchased by the Postal Service.** Neighborhood delivery and collection boxes and parcel lockers which are to be purchased by the Prowl Service shall be procured locally in lots not exceeding 100 units. Amendments to the provisions of this section (151.4) may be made only if notice is published in the *Federal Register*, with opportunity for public comment.

**152 Mail Deposit and Collection**

**152.1 Collection Times.** Mail is collected in residential and business sections served by city carriers at times to connect with mail dispatches. Mail is also collected in business sections at frequent intervals to keep boxes

from becoming overloaded and to provide an e-a, flow of mail to the post office.

**152.2 Ordinary Deposit of Mail**

**152.21 Post Office Lobby.** Letterdrops are provided in lobbies of all post offices for the deposit of mail.

**152.22 Collection Boxes.** Collection boxes for the deposit of mail are placed at convenient points in areas served by city carriers, at noncity-delivery offices in front of the post office quarters, and in nonpersonnel rural units.

**152.23 Rural Boxes.** Mail on which postage has been paid may be deposited for collection in mailboxes on rural routes.

**152.24 Vertical Improved Mail (VIM) Mailrooms.** Mail may be deposited in bundle mail drops where provided. Otherwise, it may be left with the carrier on duty when the VIM call window is open.

**152.3 Deposit of Mail With Employees.** The following types of mail may be handed for dispatch to employees on duty in mobile units or transfer offices and at airport mail facilities:

**A. First-Class Mail** on which postage has been paid.

**B. Third- and fourth-class mail:** presented by representatives of manufacturers or distributors of medicines or serums, when endorsed: "Emergency—This package has been weighed and bears necessary postage. Any additional postage found to be due is guaranteed by sender. Third- and fourth-class mail, other than that described, attd mail to be sent registered, insured, or COD, is not mailable with the identification above.

acceptance has been prearranged and previously authorized by the postmaster, only parcels which may be opened for postal inspection in the presence of the mailer to determine mailability of contents may be accepted at airport mail facilities.

**152.4 Mailchutes and Receiving Boxes****152.41 Use**

**152.411 Mailing chutes and receiving boxes** may be placed, at the expense of the owner, in public buildings, railroad stations, hotels, and business or office buildings of not less than four stories, and apartment houses of not less than 60 residential apartments. Buildings in which receiving boxes are located must be open to the general public, without restrictions, during the hours prescribed for mail collections. If the owner of a building does not desire to install a mailchute and receiving box, a receiving box only may be installed, provided the postmaster has determined it is necessary and has approved its installation.

## 150 Collection and Delivery

### 151 Mail Receptacles

#### 151.1 Designation As Authorized Depository.

Every letterbox or other receptacle intended or used for the receipt or delivery of mail on any city delivery route, rural delivery route, highway contract route, or other mail route is designated an authorized depository for mail within the meaning of 18 U.S. C. sections 1702, [705, 1708, and 1725, except that door slots, and nonlockable bins or troughs used in connection with apartment house mailboxes are not letter boxes within the meaning of 18 U.S.C. 1725 and not private mail receptacles within the meaning of 146.2. The post is not part of the receptacle.

**151.2 Use for Mail Only.** Except as provided in 156.58, the receptacles described in 151.1 shall be used exclusively for matter which bears postage. Therefore, other than as permitted in 156.58, no part of a mail receptacle may be used to deliver any matter not bearing postage. This applies to items or matter placed upon, supported by, attached to, hung from, or inserted into, a mail receptacle. Any mailable matter not bearing postage and found as described above is subject to the same postage as would be paid if it were carried by mail. See 146.2 for procedures to be followed.

#### 151.3 Maintaining a Clear Approach to Mailbox.

The customer is responsible for keeping the approach to his mailbox clear to facilitate delivery. Where the approach to the mail receptacle located at the curb is temporarily blocked by a parked vehicle during normal delivery hours for the area, or snow or ice hampers the approach to the mailbox, the motorized city or rural carrier normally dismounts to make delivery. If the carrier continually experiences a problem in serving curbside boxes and where the customer who is able to control on-street parking in front of his mailbox does not take prompt corrective action after being properly notified, the postmaster may, with the approval of the sectional center manager, withdraw delivery service.

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Issue 10, 8-1-82

**21 Post Office Lobby.** Letter drops are provided in lobbies of all post offices for the deposit of mail.

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**23 Rural Boxes.** Mail on which postage has been paid may be deposited for collection in mailboxes on rural routes.

**24 VIM Mailrooms.** Mail may be deposited in bundle mail drops where provided. Otherwise, it may be left with the carrier on duty when the VIM call window is open.

**1523 Deposit of Mail With Employees.** The following types of mail may be handed for dispatch to employees on duty in mobile units or transfer offices and at airport mail facilities:

a. **First-Class Mail.** On which postage has been paid.

b. **Medicines and Serums.** Third- or fourth-class mail, presented by representatives of manufacturers or distributors of medicines or serums, when endorsed: *Emergency-This package has been weighed and bears necessary postage. Any additional postage found to be due is guaranteed by sender.* Third- and fourth-class mail, other than that described and mail to be sent registered, insured, or COD, is not mailable with the employees identified above.

c. **Unless acceptance has been ~ & and previously authorized by the postmaster, only parcels which may be opened for postal inspection in the presence of the mailer to determine mailability of contents may be accepted at airport mail facilities.**

### 152.4 Mail Chutes and Receiving Boxes

#### .41 Use

**.411 Mailing chutes and receiving boxes** may be placed at the expense of the owner in public buildings, railroad stations, hotels, and business or office buildings of not less than 4 stories, and apartment houses of not less than 40 residential apartments. Buildings in which receiving boxes are located must be open to the general public, without restrictions, during the hours prescribed for mail collections. If the owner of a building does not desire to install a mail chute and receiving box, a receiving box only may be installed, provided the postmaster has determined it is necessary and has approval its installation.

**.412 Mailing chutes and receiving boxes** are intended for the deposit of First-Class Mail and small quantities of single-piece rate third class. Bulk rate mailings of third-class mail may not be deposited in mail chutes and receiving boxes.

**.42 Installation, Specification, and Maintenance.** Requests for the installation of mailing chutes and receiving boxes must be approved by the postmaster and he must be furnished the contract and

**U.S. POSTAL SERVICE  
WASHINGTON, DC 20260-6334**

**EXPRESS MAIL SERVICE**  
Methods Handbook, **DM-201**

**Transmittal Letter 2**  
**March 31, 1988**

**A MATERIAL TRANSMITTED**

**This transmits** a partial **revision** of **Handbook DM-201**. This revision incorporates revised **procedures** for the opinion of the **Electronic Marketing Reporting System (EMRS)**.

**B. EXPLANATION**

This **handbook provides** information, guidelines, and procedures for the **management of Express Mail service**.

**C. INITIAL DISTRIBUTION**

This **document** is being distributed **directly to:** Headquarters; **Regions**, 10 each; divisions; MSCS (**distribution varies**).

**D. REQUISITIONS**

To **obtain additional** copies of **this handbook**, **postal facilities** must **submit** Form 7380, **Supply Center Requisition**, to their MSC **Express Mail** Office.

**E. COMMENTS AND QUESTIONS**

- 1. Content.** Address any comments or questions regarding **the content of this directive to:**

**Expedited Mail Services Division**  
**USPS Headquarters**  
Room **5621**  
Washington, DC 2026&6334

- 2, Clarity.** Send any suggestions regarding **this directive's organization or language to:**

**Document Control Division**  
**USPS Headquarters**  
Room **2810**  
Washington, DC 2026&1571

FOR REPLY  
MAY 21 1988  
MAIL ROOM

**F. FILING INSTRUCTIONS**

File this transmittal letter in front of Transmittal Letter 1. Follow the instructions in the table below:

Remove pages headed:	Insert pages headed:
<p>Contents Overview (p. 1)—Contents 292.112                      (4 pages) ✓                      Contents 632                      List of Exhibits                      115-150 (5 pages) ✓                      232.29-260 (5 pages) ✓                      322.23 ✓                      332.14-352.32 (2) ✓                      421.-32.1 (2 pages) ✓                      524.31 -542.2 (3 pages) ✓                      612.41-640 (4 pages) ✓                      712-770 (3 pages)</p>	<p>Contents Overview (p. 1)—Contents 292.112                      (4 pages)                      Contents 632                      List of Exhibits                      115-150 (5 pages)                      232.29-260 (5 pages)                      322 23                      332.14-352.32 (2 pages)                      421 -432.1 (2 pages)                      524.31 -542.2 (3 pages)                      612.41-640 (4 pages)                      714.2-Exhibit 742.2 (p. 2) (3 pages)</p>

**G. EFFECTIVE DATE**

This material is **effective upon** receipt.



*John R. Wargo  
 Assistant Postmaster General  
 Marketing Department*

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**Express Mail Service**

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## CHAPTER 2

### EXPRESS MAIL NEXT DAY SERVICE

#### 210 GENERAL

Express Mail Next Day Service offers a reliable, overnight delivery service between designated three-digit ZIP Code prefix areas. The destinations served from each origin MSC/office are listed in the Express Mail Next Day Service network(s) which is generated through the Transportation Management Office (TMO) and available from that origin MSC/office. An item mailed at an acceptance post office by the cutoff times authorized by the local postmaster will be delivered (or delivery will be attempted) by 3 p.m. the next day (Post Office to Addressee Service) or it will be available for claim at a designated facility by 10 a.m. of the next day that the facility is open for retail business (Post Office to Post Office Service), provided the destination is part of the origin MSC/office's destination network. Postage is refundable to the sender, upon application, if the service standards are not met.

Express Mail Next Day Service is not available to APO/FPO addresses.

#### 220 SCOPE OF SERVICE

##### 221 Post Office to Post Office Service

**221.1 Post Office to Post Office (Label 11-A or 11-E)** items will be available for claim by the addressee by 10 a.m. at the destination post office the next post office business day. Do not extend or establish window service hours to provide this service.

**221.2 Post Office to Post Office** Service cannot be used for post office box delivery.

**221.3 Publication 272, Shipment Claim Locations, Post Office to Post Office Service,** lists all facilities to which Post Office to Post Office shipments may be sent.

##### 222 Post Office to Addressee Service

**222.1 Delivery (or attempted delivery)** of Post Office to Addressee (Label 11-B or 11-F) items must be provided by 3 p.m. the next day for all items mailed to addresses within the entire delivery area served by the destination facility.

**222.2 Delivery of Express Mail to post office boxes** must be made using Post Office to Addressee Service. Deliver such items to the post office box by 3 p.m. of the next post office business day of the destination post office (see 232.28). Delivery is considered to have been made when the destination box clerk receives a shipment and places Form 3849-A, *Delivery Notice or Receipt* (Exhibit 242.22), in the customer's post office box (or pouch, if caller service) and completes the "DELIVERY WAS ATTEMPTED" block of Label 11-B.

##### 223 Pickup Service

Pickup service is available to Express Mail Next Day Service customers on a scheduled basis, if the customer has completed Form 5637, *Express Mail Corporate Account/Express Mail Service Leg.* and Form 5631, *Express Mail Service Agreement,* and submitted it to the Postal Service (see 236).

##### 224 Return Receipt and Address Correction Services

Return receipt service and address correction service may be purchased for Next Day Service shipments.

##### 225 Forwarding, Holding, and Return

Express Mail items will be forwarded, held, and/or returned to sender in accordance with 246.

## 226 Redelivery

Items which cannot be delivered on the scheduled delivery day will be redelivered in accordance with 244.32.

## 230 Operations

### =1 Acceptance Procedures

#### 231.1 Locations. Express Mail Next Day Service shipments can be:

- a. Deposited at retail windows in designated postal facilities;
- b. Deposited in bulk at designated postal facilities;
- c. Deposited in designated Express Mail collection boxes;
- d. Given to mail delivery personnel;
- e. Picked up according to a scheduled pickup service;
- f. Accepted at a detached postal unit (DPU);
- g. Deposited at an Express Mail acceptance van; or
- h. Collected from a post office box via a reshipment service leg (see 630).

**231.2 Service.** Shipments must be deposited and accepted by the cutoff times authorized by the local postmaster in order to meet outgoing dispatches for next-day delivery. An Express Mail Next Day Service destination network directory lists the three-digit ZIP Code prefix destinations to which overnight delivery service is available from each Express Mail facility. Publication 272, *Shipment Claim Locations, Post Office to Post Office Service*, lists the postal facilities to which Post Office to Post Office shipments can be sent. Acceptance personnel must encourage the use of correct ZIP Codes in both the destination and return addresses of all Express Mail shipments.

**231.3 Dispatch and Distribution Methods.** For dispatching Express Mail shipments from acceptance unit to distribution unit, local offices must develop and implement acceptance unit distribution procedures which support local operating plans in place at

the principal mail processing center. At a minimum, these procedures should include pouching and labeling instructions. Such procedures should include provisions for early and frequent dispatch, where available, and instructions for direct pouching where volume warrants. Additionally, procedures and schedules must be posted in local acceptance offices to help ensure that they are completed as planned.

#### 232 Postal Facility Acceptance

##### 232.1 General

**.11 Materials and Equipment.** Express Mail Next Day Service shipments must be accepted at all full-service windows at each designated acceptance facility. All acceptance windows must be supplied with necessary mailing materials and equipment (including, but not limited to, network directory lists, mailing labels, rate chart... Express Mail envelopes, 2-Pound Paks, Overnighter boxes and tubes, brochures, seals, postage refund and insurance claim application forms, etc.). Customers depositing Next Day Service shipments on a frequent basis should be given a supply of mailing labels, containers, etc., and encouraged to purchase booklets of Express Mail stamps or establish an Express Mail Corporate Account.

**.12 Specialized Windows.** Where volume warrants, specialized windows and counters for accepting Next Day Service shipments may be established. Local offices may also designate other acceptance points, including bulk acceptance units, airport mail facilities (AMFs), and box section windows.

**.13 Supplies.** Express Mail supplies and adequate counter or table space must be available to customers in postal facility lobbies. Instructions on preparing mailing labels must be prominently displayed.

**.14 Decal.** Express Mail acceptance facilities must have a Sign 105, *Express Mail Acceptance Office*, displayed at the entrance to the facility.

**.15 Locations.** All Express Mail acceptance offices/facilities must prominently display, or publish, up-to-date information concerning the locations for the deposit of prepaid shipments (collection boxes, mail drops, etc.).

## 2322 Acceptance Procedures

**.21 Express Mail Label 11.** Label 11-A, *Express Mail Next Day Service, Post Office to Post Office*, or 11-B, *Post Office to Addressee* (Exhibits 232a and b), as appropriate, must be used on all items accepted for shipment by Express Mail Next Day Service. Customers should complete the "FROM" and "TO" blocks on mailing labels (Exhibit 232c). If Post Office to Post Office Service is used, ask customers to include both the addressee's name and organization/firm on the mailing label. Mailing labels are also available in marginally punched, continuous-form versions for use on pin-fed computer printers. Such Post Office to Post Office labels are designated as Label 11-E and Post Office to Addressee labels as Label 11-F. They are otherwise identical to Labels 11-A and 11-B.

**.22 Completing Label 11.** Acceptance personnel must enter the ZIP Code of the acceptance facility, the date and time the shipment is being accepted, the weight of the shipment (rounded up to the next highest pound), and the postage; then initial in the "ORIGIN" block. (In recording the time of acceptance, always use either the a.m. or p.m. designation or the 24-hour clock; e.g., 1330 for 1:30 p.m.) *Note: If the acceptance office is using labels printed after September 1984, check the appropriate block indicating next-day or second-day delivery (see 232.3 for late mailings). Explain the delivery time to the customer.* Also ensure that the correct postage is applied to the shipment. If an Express Mail Next Day Service shipment is presented in an Express Mail pouch, deduct the tare weight of the pouch. Shortpaid items should be dispatched in accordance with 132; unpaid items should be handled in accordance with DMM 146.12 and returned to the Sender.

**.23 Express Mail Corporate Accounts** If postage is paid through an Express Mail Corporate Account, the six-digit customer number (preceded by an X) must be entered in the "CUSTOMER NUMBER" block on Label 11. For use of the Express Mail Corporate Account customer chargeback option, see 322.22S.

**.24 Postal Service Mail and Official Mail.** If the shipment is Postal Service mail or Penalty Express Mail (official Federal agency Express Mail) under the three digit agency code, the name and address of the agency must appear in the "FROM" or "TO" address. In addition to using a penalty label/envelope, the

USPS or three digit agency code must be entered by the rider in the "ACCOUNT/CUSTOMER NUMBER" block (see 622). Enter the postage for the shipment in the "POSTAGE AND FEES" block. IF A FEDERAL AGENCY SHIPMENT IS PAID BY CASH, STAMPS, OR METER STAMP, DO NOT ENTER THE THREE DIGIT AGENCY CODE.

**.25 Return Receipts.** If return receipt service is desired, give to customer Form 3811. *Domestic Return Receipt.* The customer will complete the form and prominently affix it to the shipment. Place a check in the appropriate block on the mailing label under "RETURN RECEIPT SERVICE." Add the fee to the postage and write the total in the "POSTAGE AND FEES" block. Restricted delivery service is not available for Express Mail service shipments.

**.26 Separating Copies.** Separate the Customer Receipt and Finance copies of the mailing label. Give the Customer Receipt copy to the customer and keep the Finance copy. Affix the mailing label to the mailpiece, if this has not already been done.

**.27 Notifying Addressees - Post Office to Post Office Shipments.** Remind customers purchasing Post Office to Post Office Service that they must let the addressee know where and when the shipment will be available for claim.

**.28 Cautioning Sander— Post Office Box Shipments.** For customers mailing Post Office to Addressee Service to a post office box, alert the customer that during weekends or holidays, some box sections may not be accessible all day. This particularly applies to articles accepted for mailing on Fridays or Saturdays. Should this occur, the delivery standard will be the second postal business day.

**.29 Finance Copies.** Acceptance facility personnel sort the Finance copies of mailing labels into four categories, or as otherwise instructed by the management sectional center (MSC): (a) Those paid by postage and fees paid indicia; (b) those paid via EMCA; (c) other Post Office to Post Office shipments; and (d) all other Post Office to Addressee shipments. Send the Finance copies to the EMRS data entry unit daily. No record or log of pieces accepted will be maintained at the acceptance facility.

### 232.3 Late Mailings

.31 Accepting **Late Mailings**. Shipments mailed after the **deposit time necessary to meet the dispatch for next-day delivery** to destinations included on the Next Day Service destination network must be accepted. Advise the mailer that, although the USPS will try to deliver the shipment the next day, the postage refund guarantee applies for delivery the second day after mailing (e.g., pieces accepted after the established deposit time on Monday will be delivered by Wednesday). If the acceptance office is using labels printed after September 1984, check the appropriate block for second-day delivery. Otherwise, circle the time of acceptance to indicate that the shipment was mailed/accepted too late for next-day delivery.

.32 Dispatching Late Mailings. A regular dispatch should never be delayed in an attempt to include late-mailed items. Shipments received too late to be included in the regular dispatch will be forwarded to the dispatching facility on the next available dispatch.

### 233 Bulk Acceptance Procedures

**233.1 Form 3877, Firm Mailing Book for Registered, Insured, COD, Certified, and Express Mail.** Furnished without charge to customers who mail an average of three or more Express Mail shipments at one time. Spaces are provided for entering the description of each article. All entries in firm mailing books must be made by the mailer, in duplicate, by typewriter, ink, or ballpoint pen. All unused portions of the addressee column must be obliterated by drawing a diagonal line through the unused portion of the page. Any alterations must be initialed by the mailer and the accepting employee. One copy of the bill will be retained by the post office and the other will be receipted and returned to the mailer. The books must be presented with the articles to be mailed (see Exhibit 233).

233.2 **Receipts.** The accepting employee will count the articles and check them against entries on the Form 3877. If the sender does not want to wait for a descriptive receipt, issue a bulk receipt on Form 3824, *Temporary Bulk Receipt*, and issue a regular receipt after the mailing "has been verified. Use Form 3876, *Notice to Firm Mailer-Incorrect Fees*, to notify firm mailers of incorrect fees.

233.3 **Acceptance Times.** The accepting employees will mark the time of acceptance on Form 3877 and complete the time in, ZIP Code, and employee's initials in the block of Label 11.

### 234 Express Mail Collection Boxes

#### 234.1 General

.11 **Location.** Express Mail collection boxes can be installed in post office lobbies, street locations, office building lobbies, and other locations where a significant deposit volume can be expected.

.12 **Decals.** Express Mail collection boxes must be identified with Express Mail Next Day Service decals. The collection time(s) and network served must be shown. Collection time(s) must permit transportation of the shipments to an acceptance facility/AMF for processing in time to meet transportation for next-day delivery.

.13 **Publishing Locations.** Locations of Express Mail collection boxes and their collection times must be published in the local MSC Express Mail Next Day Service Directory.

.14 **Postage Payment Methods.** Only prepaid shipments, with mailing labels and postage affixed, can be deposited in Express Mail collection boxes. Shipments without postage affixed, but which have the "CUSTOMER NUMBER" block on the mailing label completed to indicate payment by an EMCA, or to indicate that the shipment is Postal Service mail or official Federal agency mail, may also be deposited in Express Mail collection boxes.

#### 234.2 Acceptance Procedures

.21 Shipments will be verified by designated employees and Label 11 completed in the same way as for shipments deposited at a window (see 232.2). The Customer Receipt copy of mailing labels should be returned to sender on the next delivery day by F&-Class Mail, using Envelope EP-13B. The sender's address in the "FROM" block must show through the window.

.22 Shipments which are brought to an acceptance facility in time to meet the outgoing dispatch must be accepted for next-day delivery, even though

**Express Mail Service**

238.1

they may actually be verified after the posted cutoff time for acceptance. (Example: Traffic prevents collector from getting back to the acceptance post office before the cutoff time.

.23 For shortpaid items, see 132.

.24 Nonpaid items are to be handled in accordance with *Domestic Mail Manual (DMM)* 146.12 and returned to the sender for postage.

.25 If shipments are overpaid, notify Customer Services (who will notify the customer), furnishing the name of the sender/receiver, destination city, and amount of overpayment. Indicate the amount of overpayment on the *Finance* copy. Dispatch as scheduled.

**234.3 Late Mailings.** Shipments deposited after the posted collection times for destinations on the local Next Day Service destination network, must have either the "SECOND DAY" block checked (on labels printed after September 1984), or the mailing time circled (on forms printed prior to September 1984) to indicate delivery on the second day after mailing. This is done by the acceptance employee.

**234.4 Flexible Acceptance Times.** Where destination networks have been established with cutoff times other than 5 p.m., and collection boxes are used for shipments meeting the earlier or later deposit time, mark collection boxes to indicate the collection time for destinations reached on the earlier or later network. This information should also be published in the local MSC Next Day Service Directory.

## 235 Express Mail Collection Service

### 235.1 General

.11 **Where Collected.** Express Mail Next Day Service shipments can be collected by Postal Service delivery and collection personnel (at offices which accept Express Mail) in\* course of their normal delivery and collection activities. Customers giving shipments to USPS employees should be informed that their receipts will be returned by mail the next postal business day.

. 1 2 **Prepaid Postage.** Shipments must be prepaid, with the mailing label attached and postage affixed, and be of a size consistent with the equipment normally used on the route. Shipments without postage

affixed cannot be collected from customers, except when the "ACCOUNT/CUSTOMER NUMBER" block is completed to indicate payment by an Express Mail Corporate Account or under Federal Government three digit agency code.

.13 **Acceptance Facility Dispatch.** Delivery and collection employees must ensure that shipments arrive at the acceptance facility for processing in time to meet outgoing dispatches. If an employee cannot arrive in time, other arrangements must be made (c-g., depositing the shipment in an Express Mail collection box prior to the collection time marked on the box).

.14 **Pickup Fee.** There is no charge for Express Mail handed to an employee in the course of normal delivery and collection activities. A fee is charged only for those items picked up in accordance with Form 5631, *Express Mail Service Agreement*.

**235.2 Acceptance Procedures.** The acceptance employee will follow the same acceptance procedures used for window acceptance (see 232.2).

**235.3 Late Mailings.** If a delivery or collection employee knowingly collects a shipment which cannot be delivered to the acceptance facility in time to meet the outgoing dispatch of value, the customer must be informed that the mailing will be treated as a late mailing, and that the postage refund guarantee applies if delivery is not made on the second day (or second postal business day for "A" labels) after mailing (see 232.3).

## 236 Pickup Service

**236.1 Requirements.** Pickup of Express Mail Next Day Service shipments will only be provided on a scheduled basis pursuant to Form 5631 and Form 5637 specifying time, place, day or date, and frequency of pickup. (See 235 for collation of Express Mail by delivery and collection employees during the normal performance of their duties.)

**236.2 Where Available.** Pickup service is generally available throughout the city delivery area of all post offices offering Express Mail Next Day Service.

**236.3 Pickup Schedules.** Pickups must be scheduled so that all items picked up can be taken to a designated Next Day Service acceptance unit and processed in time to meet the outgoing dispatch.

**236.4 Payment for Pickup.** The pickup charge, using Form 5625-B, must be paid by the same means as postage is paid for the items which are picked up; i.e., by stamps or meter strips, through an Express Mail Corporate Account, or under a Federal Government three digit agency code.

### 236.5 Establishing the Service

**.51 Operational Feasibility.** Upon receipt of a customer request for pickup on Form 5631, Delivery Services must determine and verify the operational feasibility of the customer's request before service can begin.

**.52 Pickup Time.** If the pickup cannot be made at the time desired, the customer should be contacted to negotiate a mutually satisfactory pickup time, if possible.

**.53 Finalizing the Pickup.** After the operational feasibility has been established, the Express Mail manager will prepare the Forms 5631 and 5637 as for Custom Designed Service (see 322.2), and send copies to the customer and the postal unit responsible for pickup. Service leg numbers are assigned in the same manner as Custom Designed Service legs, but must be assigned separately (see Exhibit 236.53).

**.54 Data Entry Worksheet.** The post office copy of the Forms 5631 and 5637 and a completed Data Entry Worksheet should be sent to the EMRS data entry unit.

### 236.6 Customer Preparation

**.61 Label 11.** Customers must complete the "FROM" and "TO" portion of Label 11, and attach the label to the piece. Do not remove customer receipt.

**.62 Form 5625-B, Mailing Statement for Next Day and Same Day Airport Express Mail Service.** The customers will also prepare a Form 5625-B. The pickup employee will leave a signed copy of Form 5625-B as a receipt (see Exhibit 236.62),

**.63 Form 3877, Firm Mailing Book For Registered, Insured, COD, Certified, and Express Mail.** Form 3877 is furnished to customers who mail an average of three or more Express Mail

articles at one time. It is used in lieu of, or in addition to (such as for Custom Designed or Express Mail International Service shipments). Form 5625-B. For instructions on use, refer to DMM 263.5.

**.64 Serial Number Recording.** When the pickup involves three or more pieces, each serial number from Label 11 will be recorded by the customer on the Form 5625-B or Form 3877.

**.65 Bulk Procedures.** When the number of pieces to be picked up makes recording each serial number impractical, a bulk procedure should be substituted. In this situation, the USPS will provide the customer a suitable container(s) in which the pieces will be enclosed. The customer will prepare Form 5625-B or Form 3877 as described in 236.63, listing the Label 11 serial numbers of the accompanying items, and enclose the form in the container. Numbered seals must be used to seal the container(s). The customer will prepare a separate Form 5625-B, listing only the container seal number(s) for receipt by the pickup employee. The Pod Service will determine when the bulk procedure is to be used.

**.66 Express Mail Reshipment** If pickup is from a post office box address, follow Custom Designed Service procedures for Express Mail reshipment service in 331.3, except that Form 5625-B must be filled out for the pickup charge.

**.67 Return Receipt- If Return Receipt service is desired, the customer must complete Form 3811, Domestic Return Receipt, and prominently attach it to each shipment for which the service is being purchased. Return receipts must always be attached to the front (address side) of the shipment, unless there is no space available. A check must be placed in the appropriate block under "RETURN RECEIPT SERVICE" on Label 11. If an old mailing label is used, the "CUSTOMER NUMBER" block must be endorsed with the words "RETURN RECEIPT REQUESTED." The same endorsement must be placed in the "POSTAGE" block of Form 5625-B, and on Form 3877. The return receipt fee must be included in the total postage paid on both forms. A separate list of this fee is not required. Restricted delivery service is not available for Express Mail shipments.**

**Express Mail Service**

332.14

.113 The pickup employee enters the date and time of pickup and signs Form 5625 or 5625-C and distributes it as follows:

a. Place the *Destination Post Office, Addressee,* and *Finance* copies in the EP-13 envelope attached to the pouch.

b. Give the customer receipt to the customer.

.114 If the customer fails to notify the Postal Service in time to cancel a scheduled pickup and the pickup stop is made, the collection unit must notify the Express Mail manager. The customer will be charged for the scheduled attempt. The amount of notification time needed will be determined locally.

.12 Responsibilities of Sender. The customer must notify the Express Mail manager, or designee, prior to a mutually agreed upon time if there will not be a dispatch on a normally scheduled day. The amount of notification time needed will be determined locally.

**331.2 Transportation.** A locally designated employee will transport the pouch to a specified location (either a relay point for connection with a scheduled MVS run or directly to the dispatch point). Express Mail must be placed at the rear of the vehicle (tailgated) on the scheduled MVS/PVS run.

**331.3 Express Mail Reshipment.** When pickup is from a post office box address (reshipment), a postal employee will prepare the pouch in accordance with 323.2 and 630. Shortpaid items and business reply mail will only be included after they have been processed through the postage-due unit, or optional business reply account, and postage and fees have been withdrawn from the appropriate account. The customer's copy of the receipt form will be sent to the customer by First-Class Mail. (Include a Notice 32, *Yaw Box Rent or Caller Service Fee is Due*, and Form 1538, *Receipts for Post Office Box/Caller Service Fees* (when necessary).) Items addressed to the post office box and sent as registered, certified, COD, numbered insured, or Express Mail Next Day Service must not be enclosed in an Express Mail reshipment pouch. Any such mail must be forwarded, under the service paid for, to the addressee shown in block 17 of Form 1093, *Application for Post Office Box or Caller Service* (Exhibit 631i). These articles are not to be returned to the sender.

**332 Customer Deposit St Postal Facilities/ Offices****332.1 Responsibilities of Acceptance Employees**

.11 Receipt of Shipment Upon receipt of the pouch(es), verify that each has been properly closed and sealed. Check Form 5625 or 5625-C to ensure that:

a. The customer portion of the receipt has been properly prepared.

b. Either postage has been applied and the amount applied corresponds with the amount(s) entered in postage block on Form 5625 or 5625-C; or the customer's EMCA account number or Government "G" number has been entered on the form (see Chapter 6). If adhesive postage stamps have been used, cancel them by drawing several lines across the face of the stamps.

.12 Form 5625 or 5625-C. Enter the date, time of acceptance, and signature on Form 5625 or 5625-C. A shipment tendered late or out of frequency (not according to the Form 5637) must have the time/date circled and must be accepted for delivery the second day after mailing.

.13 Distribution — Nonverifying Office. For post offices which send Express Mail to a verifying acceptance/dispatch unit, distribute Form 5625 or 562542, as follows:

a. Place the *Destination Post Office, Addressee,* and *Finance* copies in the EP-13 envelope attached to the pouch. (*Finance* copy is detached at the verifying office (AMF, MSC, etc.) and sent to the EMRS data entry unit of the origin MSC/office); and

b. Give\* customer receipt copy to the customer.

.14 Distribution - Verifying Office. Distribute Form 5625 or 5625-C, as follows:

a. Place the *Destination Post Office and Addressee* copies in the EP-13 envelope attached to the pouch. send *Finance* copy to the EMRS data entry unit of the origin MSC/office; and

b. Give the customer receipt copy to the customer.

2321s

Express Mail Service

**15 Pouch Transfer.** Transfer the pouch to a relay point for transportation to the dispatch unit.

**332.2 Responsibilities of Dispatch Office.** The dispatch facility (associate office, station/branch, MSC, terminal annex) has the following responsibilities.

**.21 Receive Shipment** Receive the **Express Mail service pouch(es)** (and outside pieces, if any) from the pickup employee, MVS/PVS driver, or acceptance unit.

**.22 Schedule Log. Complete,** if appropriate, the "REMARKS" column of Form 563&o.

**.23 Weight.** If the weight shown on Form 5625 or 5625-C is incorrect (after deducting the tare weight of the Express Mail pouch). circle the figure and enter the correct weight. The verifying office *must send forms daily to the EMRS data entry unit* in the MSC responsible for reporting revenue and volume data.

## 340 SERVICE PROCEDURES AT DESTINATION MSC/OFFICE

### 341 Receipt Responsibilities

**341.1** Upon receipt of the pouch(es), complete, if appropriate, the "REMARKS" column of Form 5634-I.

**341.2** Place the pouch(es) in a designated place for pickup by the delivery employee or MVS driver. The Express Mail pouches must not be misplaced or mixed with other pouches.

### 342 Delivery by the Postal Service

**342.1 Delivery.** Forward the pouch(es) to the delivery unit at the post office, or to an employee who will make the delivery.

**342.2 Filling In Form 6626 or 6625-C.** Before starting the route, the delivery employee will remove the Form 5625 or 5625-C and the return receipt, if any, from the EP-13 envelope on each pouch and will sign each receipt, enter the time and date, and sort the receipts in delivery order.

**342.3 Delivering Pouch.** The employee delivers the pouch(es) to the addressee(s) and obtains a signature on all Express Mail receipts.

### 342.4 Undeliverable Items

**.41 Endorsing Article.** If a Custom Designed Service item is undeliverable for any reason, the delivery employee must endorse the article with the reason for nondelivery, enter route number, the date and time of attempted delivery, and initial on Form 562S or 5625-C. The employee's endorsement must be made in the "POSTAGE" section of Form 562S or 5625-C. If space is not available in the "POSTAGE" section, write the endorsement on any space available on the form and circle the notation. See DMM 224.222 for redelivery procedures.

**.42 Form 3849-A.** The delivery employee will leave Form 3849-A, *Delivery Notice or Receipt*, indicating Express Mail, and return the article to the delivery unit for clearance. The article will be redelivered on the regular delivery trip the next delivery day. If delivery is not made on the second attempt, contact the addressee by telephone. The name, address, and telephone number of the facility shown on Form 3849-A must be the same as the delivery unit where the article is held.

**.43 Form 5625 or 5625-C.** Forms 562S or 5625-C, with notions of attempted delivery, must be separated from other receipts and submitted to the Express Mail manager each day. The Express Mail manager at the destination MSC will then contact the Express Mail manager at the origin MSC. The Express Mail manager at the origin MSC will contact the mailer, discuss the reason for the inability to deliver, and update the service agreement if necessary. *The Express Mail manager must never allow "attempted deliveries" to become a common occurrence on any service leg.*

**342.5 Disposition of Form 562S or 5625-C.** The addressee or agent enters the date and time of delivery, signs the receipt and return receipt, if any, and retains the addressee copy. The delivery employee must return the signed receipts to the delivery unit for clearance. Return receipts must be postmarked and handled in accordance with DMM 932.41.

**342.6 Customer's Supply of Express Mail Pouches.** Express Mail Custom Designed Service customers should not have more than a one week supply of pouches on hand.

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\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*8\*\*\*\*\*

RECEPTION OK

TX/RX NO. 9225

CONNECTION TEL 6178619540

CONNECTION ID

START TIME 01/02 16:20

USAGE TIME 03'31

PAGES 4

RESULT OK