

**Termination of United States Postal Service Interruption and Emergency
under 35 U.S.C. § 21(a) and 37 CFR 1.10(i)**

The United States Patent and Trademark Office (USPTO) posted a notice on Monday, September 27, 2004, on its Internet web site (<http://www.uspto.gov>) designating the interruption in service of the United States Postal Service (USPS) in the areas affected by a series of hurricanes that started with Hurricane Frances in Florida on September 3, 2004, as a postal service interruption and an emergency within the meaning of 35 U.S.C. § 21(a) and 37 CFR 1.10(i). See United States Postal Service Interruption and Emergency under 35 U.S.C. 21(a) and 37 CFR 1.10(i), 1287 Off. Gaz. Pat. Office 168 (October 19, 2004). The USPS has notified the USPTO that this interruption in the service of the USPS has ended and postal services in the affected areas (Florida, Alabama, Mississippi, Louisiana, Georgia, Puerto Rico, U.S. Virgin Islands, West Virginia, Ohio, Pennsylvania, Maryland, and Virginia) have resumed. Therefore, the USPTO has terminated the designation of this interruption in the service of the USPS as a postal service interruption and an emergency within the meaning of 35 U.S.C. § 21(a) and 37 CFR 1.10(i).

Correspondence covered by 37 CFR 1.10 (non-trademark correspondence) that would have been filed with the USPTO under 37 CFR 1.10 during this USPS service interruption, but which was not filed due to the USPS service interruption, should now be filed with a petition in accordance with 37 CFR 1.10(i) using "Express Mail" service in accordance with 37 CFR 1.10.

The provisions of 35 U.S.C. § 21(a) and 37 CFR 1.10(i) apply only to postal interruptions and emergencies. The provisions of 35 U.S.C. § 21(a) and 37 CFR 1.10(i) do not provide for the granting of a filing date to correspondence as of the date on which it would have been filed but for other exigencies, such as the unavailability of an office or building other than a USPS facility. These provisions apply only if the post office was closed or "Express Mail" service suspended in the affected areas on the specified date due to the hurricanes.

Inquiries concerning this notice may be directed to Fred Silverberg by e-mail at fred.silverberg@uspto.gov or by telephone at 571-272-7719.

Date: November 3, 2004

/S/

Nicholas P. Godici
Commissioner for Patents