

Revised Procedures for Express Abandonments

To facilitate processing of petitions for express abandonment to avoid publication under 37 CFR 1.138(c), and other letters of express abandonment under 37 CFR 1.138, the United States Patent and Trademark Office (USPTO) is establishing a Mail Stop Express Abandonment. Applicants are advised to file any petition for express abandonment to avoid publication under 37 CFR 1.138(c), as well as any other letter of express abandonment under 37 CFR 1.138, by:

- (1) Mailing the petition or letter to: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450;
- (2) Transmitting the petition or letter by facsimile directly to the Pre-Grant Publication Division at 703-305-8568; or
- (3) Delivering the petition or letter by hand to the Pre-Grant Publication Division at 2231 Crystal Drive, Room 905, Arlington, VA 22202, during business hours (8:00 A.M. - 5:00 P.M.).

Applicants seeking to expressly abandon an application for the purpose of avoiding publication are **strongly** advised to file a petition under 37 CFR 1.138(c) (accompanied by the petition fee set forth in 37 CFR 1.17(h)). If an applicant files a letter of express abandonment under 37 CFR 1.138 without a petition under 37 CFR 1.138(c), the application will be abandoned regardless of whether the application can be withdrawn from the publication process. Therefore, the application might be both published and abandoned.

Since even a petition under 37 CFR 1.138(c) will not stop publication of the application unless it is recognized and acted on by the Pre-Grant Publication Division in sufficient time to avoid publication, the applicant should submit a petition for express abandonment under 37 CFR 1.138(c) by facsimile or hand-delivery if projected publication date is within three months of the date when the petition will be filed. Furthermore, an applicant who files a petition under 37 CFR 1.138(c) or a letter of express abandonment under 37 CFR 1.138 not in accordance with this notice will bear the risk that the Pre-Grant Publication Division will not recognize the abandonment in sufficient time to avoid publication.

For information on this notice, contact the Pre-Grant Publication Division at (703) 605-4283.

Date: April 27, 2004

Signed: Stephen G. Kunin
Stephen G. Kunin
Deputy Commissioner for Patent Examination Policy