

USPTO Announces Relief for Postal Service Interruptions due to Hurricane Ida

by Andrew L. Goldstein

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The United States Patent and Trademark Office (USPTO) announced relief for patent and trademark filers affected by United States Postal Service (USPS) interruptions due to Hurricane Ida. The relief applies to areas affected by Hurricane Ida in Louisiana, beginning on Friday, August 27, 2021, and in New Jersey, beginning on Thursday, September 2, 2021.



To determine whether a post office has been closed or reopened, or whether postal services have been suspended or resumed in a particular area in Louisiana or New Jersey due to Hurricane Ida, contact the post office directly or visit the USPS's website at www.usps.com. Once the USPS, through its website, has notified the public that this interruption in the service of the USPS has ended, the relief announced by the USPTO will terminate without further notice.

Note that the USPTO's relief does not apply to other emergencies, such as the unavailability of an office or building other than a USPS facility. These relief provisions apply only if the post office was closed or Priority Mail Express service suspended in the affected areas on the specified dates due to Hurricane Ida in Louisiana or New Jersey.

Patent-Related Correspondence

Patent-related correspondence that can be filed by USPS Priority Mail Express (pursuant to [37 CFR 1.10](#)) during the USPS service interruption, but that was not filed due to the USPS service interruption, should be filed promptly after the termination of the USPS service interruption with a petition.

The required petition must:

1. Be filed in a manner designated by the Director of the USPTO promptly after the person becomes aware of the designated interruption or emergency in Priority Mail Express service;
2. Include the original correspondence or a copy of the original correspondence; and,
3. Include a statement that establishes, to the satisfaction of the Director, that the correspondence would have been deposited with the USPS but for the designated interruption or emergency in Priority Mail Express service, and that the correspondence or copy of the correspondence is the original correspondence or a true copy of the correspondence originally attempted to be deposited with the USPS on the requested filing date.

Trademark-Related Correspondence

With limited exceptions, all trademark filings and correspondence are to be made electronically and not through the USPS. If one of the exceptions applies, such as if you are a treaty-exempt filer under an international agreement or if you are filing specimens of use for certain non-traditional marks, such as scent or flavor marks, you can apply for relief from filing during the USPS service interruption.

Trademark correspondence that would have been allowed to be filed with the USPTO using the Priority Mail Express service, but that was not filed due to the interruption, should be filed promptly after the termination of the USPS service interruption with a petition.

The required petition must:

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

Note that the Priority Mail Express procedures cannot be used for the following types of correspondence: (1) notices of opposition to applications, and (2) requests for extensions of time to oppose applications. Therefore, the USPTO will not grant a petition seeking a filing date for these types of correspondence with Priority Mail Express.

If you have any questions about this USPS interruption and its effect on USPTO filings, please contact Andrew Goldstein (agoldstein@freeborn.com); (312) 360-6438) or another member of [Freeborn's Intellectual Property Practice Group](#).

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Andrew focuses his practice in the area of Intellectual Property and Information Technology. He has extensive experience in the areas of intellectual property law, including trademark, copyright, trade dress; internet, website, cloud computing, technology, outsourcing, IoT and computer law in general; advertising, marketing, and promotion law; and entertainment law, including video production, theater and dance-related matters.

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