Update on Facsimile Submission of Assignment Documents to the USPTO

As was first announced in the Official Gazette (OG) of January 25, 2000, the United States Patent and Trademark Office (USPTO) now has the capability to accept facsimile (fax) transmissions to record an assignment or other documents affecting title. This process allows customers to submit their assignment documents via fax directly into the automated Patent and Trademark Assignment System (PTAS) and then receive the resulting recordation notice on their fax machine.

Since the inception of this process, the Assignment Services Division has been documenting the types of occurrences which can either delay or prevent the USPTO from receiving and processing fax-transmitted documents. The following questions and answers supplement the information provided in the initial January 25, 2000, OG Notice.

Why are you telling me that my document is “upside down”? 

In a routine fax transmission, page orientation (top of the page first into the machine or bottom of the page first) is not critical because the reader can easily flip and arrange the pages to read them top to bottom. However, it is critical to our process that each page is faxed top to bottom with the top margin being fed first into the machine. Once they have been received in PTAS, fax transmitted assignments are processed strictly by electronic means. Although the PTAS software can rotate a document 180 degrees for viewing purposes, when the electronic document is extracted to generate the archival microfilm record, each page is extracted exactly as it was first received. Accordingly, a document sent “upside down” would be microfilmed upside down. To further complicate matters, because the system generated recordation and reel and frame markings on the pages would be in the opposite orientation, the resulting document would be difficult to read.

The assignment document I sent you is perfectly proper and valid. What do you mean that my document is an “invalid submission type”? 

An “invalid submission” has nothing to do with the validity or legal standing of the document you submitted for recordation. “Invalid submission type” means you have sent us one of several kinds of documents that we cannot process via fax at this time. As first specified in the OG of January 25, 2000, there are six types of documents which we cannot process via fax:

1. Assignments submitted concurrent with newly filed patent applications. These must continue to be sent to the Office of Initial Patent Examination with the application.

2. Documents submitted in accordance with the Trademark Law Treaty where an application or registration number is not identified.
3. Documents with two or more cover sheets, e.g., a single document with one cover sheet to record an assignment, and a second cover sheet to record separately a license relating to the same property.

4. Requests for corrections to documents recorded previously.

5. Requests for “at cost” recordation services.

6. Documents with payment by credit card.

In addition to these documents, our experience with the fax capability over the past several months has added to the list of “invalid document types”:

7. Resubmission of a non-recorded assignment.

**I am the attorney of record. Why are you sending back my assignment document as non-recorded due to “unauthorized user”?**

The person who signs the cover sheet statement must be listed as an “authorized user” in the USPTO Revenue Accounting Management (RAM) system in order for the Assignment Services Division to collect the recordation fee from your firm’s deposit account. Customer updates to the “authorized user” list may be faxed to the Office of Finance, Deposit Account Division at (703) 308-6778, and must be signed by an authorized user. If you have questions concerning your current list of individuals authorized to charge your deposit account, you may also contact that division at (703) 305-4632.

**Why am I getting back mailed correspondence about documents that I faxed to you?**

The principal reasons we have to mail back correspondence to you concerning a faxed document are: (1) no identifying fax number on your document; and (2) an incorrect/unusable fax number associated with your document.

Standard business practice is that your complete fax number, your company or personal name, and the time and date of transmission should be transmitted along with your document. You need to program this sender information (TX Terminal Id) into your fax machine’s memory, and then the information will be sent automatically during your fax transmissions. Our software attaches your fax number to the incoming package and allows PTAS to extract the number to electronically process the return of your recorded assignment.

Your fax number must be a dedicated line. Shared lines, or lines going through a switchboard, will terminate the fax transmission. Either a person will answer, or there will be no answer.

**How many times will PTAS attempt to fax my return documents?**
Currently two attempts, 24 hours apart, are made to fax out your return documents. If the documents cannot be faxed after the second try, they will then be mailed to you.

**Why does faxing most often fail to work?**

We are seeing four principal reasons why return faxes fail:

1. Phone line problems on the receiving end, which include old and invalid area codes being used. For example, 201 is still a valid area code in Northern New Jersey, but if your fax machine’s area code is now in 973, the transmission will fail when we try 201.

2. A person, usually a receptionist or operator, answers the number.

3. The fax line is busy during the transmission attempt.

4. There is no answer at the number.

Each of these conditions would cause an automatic second attempt to fax your return documents.

**What is the fax number for the Patent and Trademark Assignment System?**

The system’s fax number is (703) 306-5995. *Please do not fax general assignment correspondence or recordation status inquiries to the PTAS fax system. These are not documents to be recorded. Faxing such documents delays our answering your question and causes extra work to delete the images and associated records from PTAS.*

**What if I have a question about the fax service or need help?**

Assignment Services Division staff are available to assist customers Monday through Friday from 8:30 a.m. to 5:00 p.m. Eastern Time. The telephone number is (703) 308-9723.

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PATRICK ROWE, Director
Office of Public Records