Customer Number Required in order to Establish a Fee Address

When an application has been allowed, at the time of issue fee payment, applicants may designate a fee address for maintenance fee purposes (hereafter, fee address) by submitting a "Fee Address" Indication form (PTO/SB/47; Rev 03-02 or more recent) as an attachment to the Issue Fee Transmittal (PTOL-85B). If no Customer Number was previously acquired from the Office for the address being designated as the fee address, a Request for Customer Number form (PTO/SB/125) should also be attached to the Issue Fee Transmittal (PTOL-85B). If a fee address is established in an allowed application or patent, the Office will send all maintenance fee correspondence (such as maintenance fee reminder notices) to the fee address; and the Office will send all other correspondence, to the correspondence address of record.

Effective immediately, any designation of a fee address (at the time of issue fee payment or afterwards) is required to be a Customer Number, either an existing Customer Number or one created for this purpose.

Background - The Office's record-keeping database does not permit the Office to establish a fee address without a Customer Number. Because of this database requirement, if a specific address, by itself, was designated as the fee address upon payment of the issue fee, or afterwards, the USPTO had been sua sponte assigning a Customer Number to represent the designated fee address. This practice caused confusion to some fee address requesters who were surprised to find out that they had been assigned a new Customer Number when no Customer Number was requested. To avoid such confusion, the "Fee Address" Indication form (PTO/SB/47) has recently been revised to only permit a fee address to be designated by a Customer Number.

Revised "Fee Address" Indication Form (PTO/SB/47; Rev 03-02 or more recent) - The revised version of the "Fee Address" Indication form (PTO/SB/47; Rev 03-02) has been posted on the USPTO website since March 2002. The March 2002 revision date is shown by the notation "(03-02)" in the upper right-hand corner of the form, following the form number (PTO/SB/47). Only a version of the "Fee Address" Indication form (PTO/SB/47) showing a revision date of 03-02, or more recent, reflects the requirement that a Customer Number be used to designate a fee address. Versions of the "Fee Address" Indication form (PTO/SB/47) showing a revision date earlier than 03-02 do not reflect this requirement, and are outdated.

If a Customer Number was previously acquired from the Office for the address being designated as the fee address, both the revised version (showing a revision date of 03-02) and the outdated versions of the "Fee Address" Indication form (PTO/SB/47) provide a space for entering that Customer Number to designate the fee address. The revised version of the "Fee Address" Indication form (PTO/SB/47) differs from outdated
versions of the form insofar as how a fee address may be designated where no Customer Number exists for that address. Outdated versions provide a space for entering an address not represented by a Customer Number, whereas the revised version provides no such space. Instead, where no Customer Number exists for the address being designated as the fee address, the revised version of the "Fee Address" Indication form (PTO/SB/47; Rev 03-02) requires that the address be entered on an attached Request for Customer Number form (PTO/SB/125), or equivalent form. Further, the revised version of the "Fee Address" Indication form (PTO/SB/47; Rev 03-02) contains instructions notifying fee address requesters that any fee address must be designated by a Customer Number.

The revised version of the "Fee Address" Indication form (PTO/SB/47; Rev 03-02) is posted on the USPTO website at: http://www.uspto.gov/web/forms/sb0047.pdf. Also, the current version of the Request for Customer Number form is available at: http://www.uspto.gov/web/forms/sb0125.pdf.

Non-conforming Fee Address Indications - Previously unprocessed "Fee Address" Indication forms (PTO/SB/47), or equivalent forms, filed prior to the publication date of this Notice are being returned by the Office to the correspondence address of the relevant allowed application or patent where the designated fee address is not already represented by a Customer Number and where there is no request that a Customer Number be used to represent the designated fee address. Together with any returned "Fee Address" Indication form (PTO/SB/47), or equivalent form, the Office shall provide an updated version of the "Fee Address" Indication form (PTO/SB/47), a Request for Customer Number form (PTO/SB/125), and instructions for establishing a fee address for the subject application or patent.

After the publication date of this Notice, any fee address designation will be considered by the Office to be a Customer Number regardless of which version of the "Fee Address" Indication form (PTO/SB/47) is used. Accordingly, "Fee Address" Indication forms (PTO/SB/47), or equivalent forms, filed after the publication date of this Notice shall not be returned by the Office for lack of any request that a Customer Number be used to represent the designated fee address. The Office considers the following factors to be sufficient to advise fee address requesters that all fee addresses established at the Office will be represented by a Customer Number: (1) the instant Notice; (2) the latest version of the "Fee Address" Indication form (PTO/SB/47; Rev 03-02) containing instructions notifying fee address requesters that any fee address must be represented by a Customer Number; and (3) the bolded statement on currently mailed Issue Fee Transmittals (PTOL-85B) that in order to establish a fee address, "Use of a Customer Number is required."

Section 2540 of the Manual Of Patent Examining Procedure (MPEP 2540) shall be revised in accordance with this Notice.

Questions concerning the need for a Customer Number in order to establish a Fee Address should be directed to Dave Scherbel, by telephone at (703) 308-1272 or by e-mail at david.scherbel@uspto.gov.
Questions concerning a returned Fee Address Indication should be directed to Gisele Jones, by telephone at (703) 308-9649, by facsimile at (703) 308-6778, or by e-mail at gisele.jones@uspto.gov.

STEPHEN G. KUNIN
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