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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
18/973,067	12/08/2024	Terry Torres	CIP	5833
195408 Terry	7590 Torres	02/02/2026	EXAMINER BETT, JACOB F	
			ART UNIT	PAPER NUMBER
			PFMU	
			MAIL DATE	DELIVERY MODE
			02/02/2026	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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In re Application of :
Torres, Terry :
Application No. 18/973,067 : PENALTY DETERMINATION
Filed: December 8, 2024 : NOTICE: FINE ASSESSMENT
For: Social Networking Content :
Supplemented Web Page Linker :

The United States Patent and Trademark Office (“USPTO”) has made a final determination that the above-identified application contains a false micro entity status certification that resulted in the payment of at least one fee in an unentitled reduced amount. The USPTO’s basis for this final determination is set forth below.

Final Determination

The above-identified application contains a certification of micro entity status. Status as a micro entity is proper only if each applicant qualifies for micro entity status under 37 CFR 1.29, and any other party holding rights in the invention qualifies for small entity status under 37 CFR 1.27. See 37 CFR 1.29(h). The record as a whole establishes that more likely than not the submitted certification is false, and is not in good faith.

Reasoned explanation: The Notice of Payment Deficiency & Show Cause Order (hereinafter, “SCO”) sets forth the basis for a determination that the micro entity certification has been falsely made in this application. As explained in the SCO, the USPTO has statutory authority to assess a fine when the Director determines an entity has falsely made a micro entity certification, unless the entity shows that the certification was made in good faith. The amount of the assessed fine shall be not less than three (3) times the amount the entity failed to pay due to the false certification. See 35 U.S.C. 123(f).

The USPTO has fully considered the explanation presented in Applicant’s reply to the SCO, and determined that Applicant’s burden to show the false certification of micro entity status was made in good faith **has not been met**.

Prior to implementation of the penalty provisions of 35 U.S.C. 41(j) and 123(f), the USPTO issued an Official Gazette Notice titled “Statutory Penalties for False Assertions or Certifications of Small and Micro Entity Status,” 1536 OG 204, July 8, 2025. This Notice states, in pertinent part: “An entity is required to conduct an inquiry reasonable under the circumstances prior to making the assertion or certification. See 37 CFR 11.18(b)(2).” Accordingly, a reply seeking to

establish that the good faith exception provided for in 35 U.S.C. 123(f) is applicable should explain how an entity status inquiry under the circumstances that led to an incorrect determination was reasonable.

Applicant's reply to the SCO includes remarks relating to the issue of good faith, but does not give any details regarding a reasonable inquiry being made that led to the incorrect determination of entity status in the present application. In particular, a failure to understand the micro entity certification requirements does not necessarily establish that the good faith exception is applicable because it does not address whether a reasonable inquiry was conducted. The PTO/SB/15A form which was signed and submitted in the present application lists the specific certifications that were made. While the reply establishes that the certifications were not properly understood, the reply does not establish that a reasonable inquiry was made with regard to entity status. For instance, the reply does not show any steps were taken to appropriately understand the certifications that were made before the form was signed and submitted. Applicant has not carried its burden of showing that the good faith exception set forth in 35 U.S.C. 123(f) is applicable.

As required by 37 CFR 1.29(k)(i), applicant must itemize the deficiency. The itemization of the fee deficiency made in the above-identified application is incorrect. A proper itemization is shown in the chart below.

Fee Description or Type	Current Fee Amount [⋄]	Amount Previously Paid	Date Previously Paid	Deficiency Owed
Utility Search Fee	\$308.00	\$140.00	12/09/2024	\$168.00
Claims in Excess of 20	\$720.00	\$180.00	12/09/2024	\$540.00
Basic Filing Fee – Utility	\$70.00	\$64.00	12/09/2024	\$6.00
Utility Application Size Fee	\$180.00	\$84.00	12/09/2024	\$96.00
Utility Examination Fee	\$352.00	\$160.00	12/09/2024	\$192.00
Claims in Excess of 20	\$80.00	\$20.00	12/23/2024	\$60.00
Processing Fee, Except in Provisional Applications	\$60.00	\$28.00	1/06/2025	\$32.00
Claims in Excess of 20	\$560.00	\$280.00	10/08/2025	\$280.00
Total Deficiency Owed (sum of all entries in "Deficiency Owed" column)				\$1374.00
<p>⋄ The "current fee amount" refers to the small entity or undiscounted rate (whichever is applicable) listed on the USPTO fee schedule available at www.uspto.gov/Fees as currently in force at the time this paper is submitted and the deficiency is paid in full. For more information about submitting fee deficiencies, see section 509.04(f) of the MPEP. The MPEP is available at www.uspto.gov/MPEP.</p>				

The incorrect itemization of the fee deficiency resulted in a deficiency payment that is more than what is owed. \$1412.00 was paid in the submission dated November 18, 2025. The actual total deficiency is \$1374.00. The excess payment of \$1412.00 - \$1374.00 = \$38.00 can be applied to the penalty amount below or refunded.

Please file an itemization using the Response to Notice of Payment Deficiency & Show Cause Order – Options II & III form (Doc Code: MES.LOSS.SCO) available at <https://www.uspto.gov/sites/default/files/documents/sb0143.pdf>. The itemization is due **two months** from the mailing date of this communication. Extensions of time under 37 CFR 1.136 are **not** available.

Additionally, a fine under 35 U.S.C. § 123(f) is being assessed. **The fine amount is \$4122.00 (3 times the deficiency amount of \$1374.00)**. Payment of the fine is due **two months** from the mailing date of this communication. After this date, a late payment charge of 5% per annum will be assessed. Extensions of time under 37 CFR 1.136 are **not** available. The application will not be returned to examination until the fine is paid. Failure to pay the assessed fine in full will result in the termination of the proceedings. When paying the fine, please use the Assessed Fine Payment form (Doc Code: PAY.FINE) available at <https://www.uspto.gov/sites/default/files/documents/sb0477.pdf>.

You have two months from the date of this notice to (1) inspect and copy our records related to your debt; (2) request an agency review of the existence or amount of the debt in accordance with 15 C.F.R. § 19.10(c); and (3) enter into an acceptable repayment agreement. Should this debt become delinquent, USPTO will refer the debt to the Bureau of Fiscal Services (BFS) within the Department of Treasury for additional collection action. BFS may enforce collection of delinquent debt by referral of the debt to a private collection agency; referral of the debt to the U.S. Department of Justice or agency counsel for litigation; or initiating tax refund offsets and/or offsets of other federal payments. Interest, penalty, and administrative charges will continue to accrue on the unpaid debt, pursuant to 31 U.S.C. § 3717. If the debt is referred to Treasury for additional collection action, you will be assessed an additional administrative charge of at least 28 percent.

This fine assessment is issued without prejudice to the USPTO taking any other appropriate action(s).

Questions about the contents of this notice should be directed to the Office of Petitions (OPET) at 571-272-3282.

/Brian E. Hanlon/
Assistant Commissioner for Patents

January 30, 2026
Date