

Agent G.
Assignment: Office of Petitions
January 9, 2026

[00:01] Automated System: Thank you for calling the Office of Petitions at the United States Patent and Trademark Office.

[00:09] Automated System: Did you know petition-related information is available on the Patent Petitions website at www.uspto.gov/patent/apply/petitions.

[00:20] Automated System: If you still wish to speak to a representative, please remain on the line.

[00:25] Automated System: You can press 9 to repeat this message. Thank you.

[00:32] Automated System: To ensure quality services, your call may be monitored or recorded.

[00:38] Automated System: All customer service representatives are busy assisting other customers.

[00:49] Agent G.: USPTO Office of Petitions, How may I help you.

[00:51] Terry: Hi, how's it going? I was just transferred to your office. I was speaking to another very nice lady.

[00:57] Terry: I was explaining to her that I'm calling for a status update in reference to a motion, actually a response to notice of payment deficiency in show cause order.

[01:11] Terry: She explained to me that the motions take anywhere from three to five months to hear back from.

[01:18] Terry: I was trying to explain. Well, I did explain to her that that creates an issue because my the patent that's being held right now is is not being prosecuted.

[01:32] Terry: They took it off prosecution is supposed to be published in two months.

[01:37] Terry: And that creates a harm toward the prosecution process of that application.

[01:49] Terry: I did respond to the application in full.

[01:52] Terry: I, you know, I provided all the information that's required and I don't I need to know whether there's any way to expedite this so that the patent proceeds to publication in the two month timeline.

[02:12] Agent G.: Ok, give me one second. So um, and, and, and I'm going to apologize beforehand because we are rather limited on the information that we can provide with show cause orders. So, um, I'm going to ask you a question, um, so first off, are you able to provide me with the application number?

[03:06] Terry: Absolutely. The application number is 1-8-9-7-3-0-6-7.

[03:18] Agent G.: Ok, let me open that up first and look at it. Yeah, so I do see here that you have responded to the show cause order, um, the only thing and again, we are rather limited on the amount of information that we do provide, um, and um, all we can, all I can tell you is that the response you filed will be handled in due course. But we have not been given not even information on the timely or the time that it would take for them to process it. I see here that it was, it appears that it was back on...

[04:25] Terry: It was 11. I believe it was 11 -4.

[05:18] Agent G.: November, yep, November of 2025. Yes, and I, and I know they have been a little bit backed up. Because that was just the beginning of all the holiday seasons. And, um, all we've been told is that any responses to show cause orders will be responded to in due course. And I'm basically quoting what they have told us. Uh, they haven't given us any information as to the time that it will take for it, for them to be able to get to them. Um, and the Office of Petitions is not really, um in the position to answer that question because we just don't know.

[05:19] Terry: Got it. I do want to point out that I do understand that this is a new law that's been recently, you know, being enforced.

[05:27] Terry: And I am aware of the fact that certain provisions give the patent

office wide latitude in terms of resolution.

[05:39] Terry: However, I do want to point out that when when certain provisions of those laws conflict with or can cause a defendant harm that, you know, the applicant harm that that predicates the necessity for review.

[05:58] Terry: And if that review isn't forthcoming, I have to file a writ of mandamus for injunctive relief.

[06:08] Terry: I mean, that's ultimately I don't want to do it.

[06:11] Terry: Obviously, I don't want to file to the federal courts to ask for injunctive relief.

[06:16] Terry: But essentially what I'm saying to you is that these patents, this patent supposed to be published in two months, I have paid all of the fees that were required.

[06:26] Terry: The only thing that's hanging in the balance is whether you're going to find me or not.

[06:34] Terry: So far as the law is concerned, I've I've I've met all of my legal requirements and there is no basis to hold my application out of prosecution.

[06:47] Terry: Now that your fees have been paid in full, the only thing that's hanging in the balance is whether you're going to fine me or not and whether you're going to fine me or not is not a basis to hold my patent up.

[07:00] Terry: And since no one at the patent office can provide me with this information, I mean, the only thing I can do is either petition directly to the commissioner of patents for, you know, to expedite this matter or to file directly with the federal courts because the harm that you're going to cause by not publishing my application is, you know, it's substantial.

[07:26] Terry: Those are the only two courses of action that you're you're saying that I have by telling me that you don't you know that there's no there's nothing you can tell me.

[07:40] Terry: I only, with that answer, I only have two other avenues to explore one filing a motion directly with the commissioner of patents regarding this issue and explaining that no one can help me.

[07:53] Terry: You know, there's no I'm completely in the dark as to what's happening.

[07:58] Terry: A substantial period of time of approaching two months has already elapsed.

[08:03] Terry: And and and if that I think the proper course in this action because the patent supposed to be published in two months and I've paid all the dues you're already paid the check has already been cashed.

[08:16] Terry: Okay, so I've satisfied my legal requirement for for prosecution.

[08:21] Terry: At this point, there is no basis to withhold the application from prosecution, other than saying, you know, it's an administrative thing we're doing and we're going to hold it until we decide whether we're going to fine you or not.

[08:37] Terry: You know, whether you fine me or not doesn't change the fact that it should be prosecuted.

[08:43] Terry: You know that that that I fulfilled the law for prosecution.

[08:46] Terry: And if I can't get an answer from anyone that I only have two other avenues, which is a writ of mandamus with the federal court and requesting injunction relief immediate injunction relief or and filing a motion with the commissioner of patents.

[09:06] Terry: So I'm hoping that you might be able to tell me, you know, the do we need to does this need to happen.

[09:12] Terry: I mean, at all.

[09:14] Agent G.: Well, all, the only thing I can tell you is, that we don't these, um, applications are subject to show cause orders are not being examined until we verify the response or evaluate the response and accept the response that you filed to the show cause order. So, the examination is paused during that time frame.

[09:43] Agent G.: Yeah, that's what I'm saying.

[09:45] Terry: What I'm saying is, is that the new law that has been implemented essentially deprives me of due process.

[09:54] Terry: You are aware of due process.

[09:57] Terry: The problem is, is that the law gives the patent office too much leeway, and it deprives me of due process, because, as you realize, I have satisfied the application process I've, I've sent you the money, I've paid you I've explained why what happened happened.

[10:17] Terry: And that's because I've satisfied the legal requirement for prosecution.

[10:23] Terry: It should not be held up on the basis of a determination of whether you're going to issue a fine or not.

[10:31] Terry: And that this is completely a legal issue.

[10:33] Terry: I know that this is nothing you can talk about.

[10:36] Terry: I know that this is a legal issue, and it's a it's a due process issue.

[10:42] Terry: I'm being deprived of due process in light of an administrative or procedural, you know, I'm being denied due process.

[10:54] Terry: I'm not being allowed to prosecute something that I've complied with the law.

[10:58] Terry: I've made the payment I filled, you know, I've satisfied all of the legal requirements.

[11:04] Terry: And, and despite the fact that all of the legal requirements for prosecution have been fulfilled, the new law, the new law still provides the patent office with the leeway to decide, hey, you know, even though you've said now satisfied with all the laws.

[11:21] Terry: We can still hold up your application indefinitely until we feel like it without limitation.

[11:28] Terry: There's no limitation.

[11:30] Terry: And that becomes a due process law.

[11:32] Terry: And that's why I'm mentioning that I might have to file a writ of mandavis for injunction relief to the federal courts because the new law deprives me of due process constitutional issue.

[11:47] Agent G.: Well, well, regardless of whether the law is a law is new or not, we don't, we don't really have, we don't really have a way to force our office of petitions to respond to any type of petition within or within a specific time frame.

We do set goals and we try to be as timely as we can. And we do have some petitions that for which you may be able to request expedited consideration, not for all types of petitions, and even those do not guarantee that there will be a reply by a specific amount of time. So, you know, I understand your frustration, but my hands are tied. There's just no way for me to control how quickly they'll get your reply. And I wish I had more than that, but I really don't have a way or mechanism to force a petition.

[12:52] Terry: Exactly! That's that's the point.

[12:53] Terry: That is the constitutional issue that arises the constitutional issue that arises that you don't have a mechanism or a means to correct the due process violation that's occurring as a result of the new law.

[13:07] Terry: And that's the basis that I would petition to the federal court.

[13:11] Terry: You know, you can't and that's that's the federal that's the writ of a mandamus to the federal court requesting immediate injunction relief because the new law violates my right, my constitutional right to due process.

[13:28] Terry: And the basis of it is exactly what you said.

[13:31] Terry: You're articulating my case.

[13:33] Terry: You don't have a means by which to expedite cases that are that require redress.

[13:42] Terry: So I'm going to move forward with this since there's no avenue to there's nothing I can do right.

[13:52] Terry: I'm wasting my time calling.

[13:53] Terry: So I'm going to move forward with a writ of mandamus to the federal courts and request injunction relief federal injunction relief, because I believe that my due process rights are being violated.

[14:08] Terry: When my application my application is supposed to be prosecuted

published in two months when that app when that timeline elapses my patent should be used to block other

[14:27] Terry: Petitioners as prior art by keeping my application from prosecution and publication.

[14:36] Terry: You are depriving me the the right that I should have because I've I've made good.

[14:43] Terry: I've updated the payment.

[14:45] Terry: I explained everything.

[14:46] Terry: I did everything I did and the law is violating due process rights because it should be published regardless of whether I receive a fine or not.

[14:57] Terry: How about this?

[14:58] Terry: What if I tell you find me the maximum but publish my application right now because that's the worst that can possibly happen.

[15:08] Terry: You see what I'm saying.

[15:09] Terry: There's no scenario that the patent office could say we think your application should not be considered.

[15:18] Terry: There's no scenario under which that can happen.

[15:22] Terry: The worst that the patent office can do to me at this point is fine me the maximum even finding me the maximum fine.

[15:32] Terry: They still have to process my patent application.

[15:35] Terry: And that's my point.

[16:10] Agent G.: I hear you and, um, I apologize, I am not able to give you the answers that would satisfy what you're looking for today with this phone call, again, my, I don't have any mechanisms to give you the relief that you're seeking with this phone call as much as the, the most that I can do is give you the information that I've given you. Um, and, you know, I wish that I could do more than that. I try to do what I can for my callers, I really try to go above and beyond for them, if I can,

[16:22] Terry: I completely understand. And I appreciate your help, by the way. I do appreciate your help.

[16:24] Agent G.: Yeah, If I had any information that I could provide you other than what I'm saying, I would, I would give it to you.

[16:24] Terry: Trust me, I believe you. I know this is not you. This has nothing to do with you. Um, but can I ask one question?

[16:45] Terry: Since my patent has been removed from prosecution.

[16:49] Terry: Will the application be published two months from now or will that also be withheld as well?

[16:55] Agent G.: I'll be honest with you. Um, we have not been giving information about whether the application, an application would publish when, when they have been subject to the show cause order. We have been told that examination is paused. And I can tell you that much that examination will be paused while the response is reviewed and accepted. But that particular answer, that is something that I can definitely try to seek an answer for you. And, um, call you back, you know, whether the, whether the application would be published during the timeframe where there is an pending show cause order, I can definitely seek that answer out. You know, they have not really given us that detail and it is a pretty good question, I admit. Um, but if you don't mind, I can get your phone number and I can give you a quote and try to seek whether this is another thing that is paused, the publication of the application itself.

[18:11] Agent G.: That would be fantastic.

[18:13] Terry: I mean, any information right now.

[18:16] Terry: I mean, like I said, I'm a little bit desperate because I see constitutional violations here of due process.

[18:27] Terry: You know, and I'm going to have to petition the commissioner of patents.

[18:35] Terry: But based on what you're telling me, there is no information.

[18:39] Terry: So even if I file an application to the commissioner of patents to expedite the prosecution of this this document on the basis that any delay in the prosecution of this application will result in the purposeful.

[18:53] Terry: And knowing delay of the publication of the application on the part of the USPTO, you know, that's that's I will incur harm.

[19:03] Terry: And on that basis, since I have paid, if you look on my record, you could see that I if I paid the whatever the I owed.

[19:13] Terry: I explained that I am a pro se litigant, that I didn't understand that continuation patent continuation patent is based on an initial patent.

[19:25] Terry: I thought they would be carry the same status.

[19:29] Terry: That's not that's not unbelievable.

[19:32] Terry: That's very believable.

[19:34] Terry: I just thought that if I filed a patent and then I file the continuation to that patent that the financial status continued.

[19:43] Terry: But now I understand that it doesn't.

[19:47] Terry: You know, but I shouldn't be harmed by the USPTO because I made a mistake that is entirely reasonable.

[19:57] Terry: And has been corrected.

[20:00] Terry: I shouldn't be punished for that.

[20:02] Terry: Yeah, I understand. Um, I can try my best again, you know, it's very limited. Well, again, what we have been given in actually the direction of the office is that we're trying to not, you know, entertain too much too many conversations on this topic. They want us to really leave this to the people who are actually reviewing your response to show cause order. They don't want us to really meddle into these matters until they have been reviewed by the proper authorities here. So I really wish that I could give you more information than what we have been authorized to provide.

[20:45] Agent G.: I completely understand.

[20:47] Terry: All right.

[20:48] Terry: I will definitely I could leave you my telephone number.

[20:50] Terry: My telephone number is 732-639-3333

[21:00] Terry: And my name is Terry Torres.

[21:02] Terry: I'm the applicant.

[21:05] Terry: I just I I I'm going to have to do something and I'm going to test the new law.

[21:12] Terry: I'm going to test it in federal court, you know, to see if it violates my due process or not.

[21:19] Terry: I understand that I I through an accident on my part.

[21:26] Terry: I initiated this process, but it's been two months since I've corrected the problem.

[21:34] Terry: You know, I shouldn't as a result of correcting the problem two months ago.

[21:39] Terry: I shouldn't be on perpetual hold, you know, like my case is on perpetual hold now until someone in the USPTO decides they want to do something about it.

[21:53] Terry: I don't think that's fair to any defendant, especially a pro se.

[21:58] Terry: I'm a pro se applicant.

[22:00] Terry: It's entirely reasonable.

[22:02] Terry: The law states that pro se applicants should be afforded the widest latitude.

[22:09] Terry: You know, and I don't think that this is the widest latitude.

[22:13] Terry: I feel like I'm being punished with Fortune 500 companies that are doing this on purpose.

[22:26] Agent G.: I understand. I'll try to see if I can get any information on this. And again, apologies if I have not satisfied the relief that you're seeking and I have not been able to provide the answers that you're looking for. But, you know, if I'm able to find any kind of information, I'll try my best to give you a call back. But in the meantime, in the meantime, I really don't have anything at this moment.

[22:55] Terry: Got it, I understand.

[22:56] Terry: Can I just ask your name real quick so I could when you call I know who it is.

[23:01] Agent G.: XXXXXXXX is X-X-X-X-X-X-X.

[23:10] Terry: XXXXXXXX? Hi, it's very nice to meet you.

[23:12] Terry: And I know it's not your fault.

[23:13] Terry: And I, you know, I don't mean this, you know, personally, I just I just I don't know what to do.

[23:19] Agent G.: Yeah, no, no, no worries. Don't worry about it. I can really understand.

[23:19] Terry: Thank you so much and have a wonderful day.

[23:29] Agent G.: All right, Bye. Bye.