

Ombudsman Rep.
January 9, 2026

[00:09] Terry: Hello, hi, how's it going? Um, I called the
[00:17] Terry: Ombudsman and I have an issue
[00:19] Terry: I am actually having an ongoing issue with the USPTO and I was hoping that there might be
[00:27] Terry: Some guidance that you can offer me. I find
[00:30] Ombudsman: Do you have a reference number?
[00:32] Terry: I don't have a reference number right now. This is the first time I'm calling about this issue ever
[00:38] Ombudsman: Okay, who am I speaking with?
[00:40] Terry: My name is Terry Torres
[00:42] Ombudsman: Make sure I'm spelling your name right
[00:49] Ombudsman: Is it T-E-R-R-Y?
[00:53] Terry: Yes, ma'am. Yes
[00:57] Ombudsman: I mean T-O-R-R-E-S
[00:59] Terry: Yes ma'am
[01:00] Ombudsman: Oh it is?
[01:02] Terry: Yeah, okay, well I had to correct
[01:05] Ombudsman: Sometimes people spell their name different ways
[01:07] Ombudsman: We like to make sure we have it correct
[01:09] Terry: No worries
[01:13] Ombudsman: So the application number you're talking about?
[01:15] Terry: The application number is just two seconds
[01:21] Terry: It's 1-8-9-7-3-0-6-7
[01:31] Ombudsman: Okay, what's your concern about this application?
[02:23] Terry: Um, well, actually I filed the application some time ago.
[02:28] Terry: And I recently received a couple months ago actually about two months ago, a notice
[02:35] Terry: Which was
[02:37] Terry: Let me see if I can find the actual name for it.
[02:41] Terry: Do you see it right here?
[02:45] Terry: It was a combined notice
[02:47] Terry: To show cause.
[02:49] Terry: Essentially what they were saying was
[02:51] Terry: Or saying that I used the micro entity status
[02:57] Terry: I claimed micro entity status
[03:00] Terry: Too many times
[03:04] Terry: Immediately when they informed me about it
[03:06] Terry: I investigated the matter.
[03:08] Terry: I'm a pro se filer by the way.
[03:10] Terry: I immediately looked into it.
[03:12] Terry: And I realized that
[03:14] Terry: Yes, they're absolutely right
[03:16] Terry: I did.
[03:17] Terry: However there were circumstances
[03:19] Terry: And they're very important circumstances.
[03:23] Terry: The application that they said
[03:26] Terry: That exceeded the number of micro entity status claims
[03:32] Terry: Was a continuation in part,
[03:35] Terry: Of another application.
[03:38] Terry: So naturally,
[03:40] Terry: When I filed the original application
[03:43] Terry: I filed micro entity status.
[03:45] Terry: And then when I wanted to expand the patent
[03:47] Terry: Which is a continuation of the very same patent
[03:51] Terry: I claimed micro entity status again.

[03:54] Terry: What I didn't understand at the time was
[03:58] Terry: That because
[04:00] Terry: I naturally believed
[04:02] Terry: That the micro entity status
[04:04] Terry: Would carry over because
[04:06] Terry: It's just a continuation
[04:07] Terry: I now know that I'm wrong
[04:09] Terry: And that I don't have any right to say that
[04:13] Terry: I now understand that
[04:15] Terry: Even though it's a continuation
[04:17] Terry: Of a second application
[04:18] Terry: That they're counting it separate
[04:21] Terry: I do understand.
[04:22] Ombudsman: Because you get a whole new application number
[04:25] Terry: Got it.
[04:26] Terry: But what I did was
[04:29] Terry: I generated a response
[04:30] Terry: And I explained this
[04:32] Terry: I said listen
[04:32] Terry: I made the mistake
[04:34] Terry: I apologize, I'm sorry
[04:36] Terry: Here's full payment.
[04:38] Terry: I did this all within a matter of seven days.
[04:41] Terry: And I responded to them
[04:43] Terry: And I asked them to forgive me.
[04:46] Terry: And that I would proceed with
[04:48] Terry: Small entity status
[04:49] Terry: This is the first time that this has ever happened to me.
[04:52] Terry: I've not been accused of this before
[04:57] Terry: I remitted full payment.
[04:59] Terry: And acknowledged my guilt.
[05:01] Terry: And that it was in good faith.
[05:03] Terry: You know, the mistake was
[05:06] Terry: Error.
[05:06] Terry: As a pro se applicant
[05:09] Terry: I thought that they would
[05:13] Terry: But anyway, it's been two months
[05:15] Terry: And I haven't heard back
[05:17] Terry: From them at all.
[05:18] Terry: They have not responded at all.
[05:21] Terry: I have called
[05:23] Terry: The office
[05:26] Terry: Repeatedly over the
[05:27] Terry: Last two months trying to get some status update.
[05:30] Terry: Because they've removed
[05:32] Terry: My application from
[05:34] Terry: Prosecution.
[05:35] Terry: Now, they removed my application
[05:38] Terry: But they've been paid for the
[05:39] Terry: Last two months.
[05:41] Terry: In full.
[05:43] Terry: The only thing left
[05:45] Terry: For them to do is to rule
[05:47] Terry: Whether they believe they want
[05:49] Terry: To impose a fine upon me.
[05:52] Terry: The issue
[05:53] Terry: Of whether that
[05:55] Terry: My application should be prosecuted
[05:57] Terry: Is already closed because

[05:59] Terry: As soon as I paid them in full
[06:01] Terry: My responsibility
[06:03] Terry: According to the law was complete.
[06:05] Terry: The application should be examined.
[06:07] Terry: But they're holding up
[06:09] Terry: Determination
[06:10] Terry: They've removed it from prosecution
[06:13] Terry: Until the outcome
[06:15] Terry: Of their decision.
[06:16] Terry: Now, there's a problem.
[06:19] Terry: The problem is
[06:21] Terry: Is that this application is supposed
[06:23] Terry: To publish in two months.
[06:26] Terry: Okay?
[06:27] Terry: And if they
[06:29] Terry: If they hold it
[06:31] Terry: One or two months
[06:33] Terry: It's not going to publish
[06:34] Terry: And there's going to be irreparable harm
[06:36] Terry: Done to me that adjusting
[06:39] Terry: The minimum time cannot
[06:41] Terry: Compensate for.
[06:43] Terry: Now, I've explained this
[06:45] Terry: To the agents that were there
[06:47] Terry: And I explained that this isn't
[06:49] Terry: A situation that I just want to go
[06:51] Terry: Ahead of anybody, that's not what I'm trying to do
[06:53] Terry: I just don't want
[06:55] Terry: I don't want it to
[06:57] Terry: Go beyond
[06:59] Terry: Cause it not to be published
[07:01] Terry: On time because.
[07:03] Terry: That's important for my
[07:05] Terry: Business strategy.
[07:07] Terry: What they told me was
[07:09] Terry: That they literally
[07:11] Terry: Are instructed pretty much
[07:13] Terry: Not to give any information
[07:15] Terry: Regarding their procedures
[07:17] Terry: How long it's going to take.
[07:19] Terry: I was told today that it might take
[07:21] Terry: Three to five months before
[07:23] Terry: I could hear back
[07:25] Terry: On this application.
[07:27] Ombudsman: Who did you call?
[07:29] Terry: I spoke to the office of petitions
[07:31] Terry: In the USPTO
[07:32] Terry: And that's exactly.
[07:33] Ombudsman: Cause they're the office that's going to process it
[07:37] Ombudsman: So they will be the ones
[07:39] Terry: To discuss it.
[07:40] Ombudsman: Every department has different departments
[07:42] Ombudsman: Handling different things.
[07:43] Ombudsman: I just looked at your application
[07:45] Ombudsman: it's with petitions.
[07:47] Ombudsman: So if they're department
[07:49] Ombudsman: They will be the ones to let you know
[07:52] Ombudsman: How long it's going to take
[07:54] Ombudsman: And when it's going to be processed

[07:55] Ombudsman: We have been backlogged though at the patent office
[07:58] Ombudsman: We have been backlogged for a while.
[07:59] Ombudsman: And lost a lot of staff so everything's been
[08:01] Ombudsman: Kind of behind.
[08:04] Ombudsman: But far as this
[08:06] Ombudsman: This particular
[08:07] Ombudsman: Petition you said then is with the
[08:09] Ombudsman: Petitions office.
[08:11] Ombudsman: You know no one can override their decision.
[08:14] Ombudsman: It's rules and things
[08:16] Ombudsman: We have to follow.
[08:17] Ombudsman: So petitions would be the department
[08:19] Terry: We would have to talk to.
[08:21] Ombudsman: Now I don't know how long
[08:24] Ombudsman: It's going to take in petitions
[08:25] Ombudsman: They would be the ones to give guidance.
[08:27] Ombudsman: But just like petitions and just like any other
[08:30] Ombudsman: Office we have
[08:32] Ombudsman: Supervisors if you feel
[08:34] Ombudsman: That you need to call for someone else
[08:36] Ombudsman: You can always reach out
[08:37] Ombudsman: To petitions to ask and speak to a supervisor
[08:41] Terry: And
[08:41] Ombudsman: Discuss your matter further if you feel
[08:43] Ombudsman: That you want to discuss it in more detail.
[08:46] Terry: It's not just a matter
[08:48] Terry: Of discussing it in more detail
[08:50] Terry: I already know what they're telling me
[08:51] Terry: What they're telling me is I'm going to miss my publication
[08:54] Terry: Date.
[08:55] Terry: I don't want to discuss it anymore
[08:58] Terry: I want it to be remedied.
[08:59] Terry: The situation is very simple
[09:01] Ombudsman: But I'm saying they're the ones that are going to handle it
[09:03] Ombudsman: We wouldn't be the ones to handle it.
[09:05] Ombudsman: It would be their department.
[09:06] Ombudsman: We don't process this department.
[09:07] Terry: Yeah.
[09:08] Terry: I understand that they're the ones
[09:11] Terry: That are supposed to handle it.
[09:13] Terry: What I'm trying to say is that
[09:16] Terry: What they're communicating
[09:18] Terry: Is that they can't.
[09:20] Terry: That's the point.
[09:21] Terry: What they're saying is
[09:23] Terry: Is that I'm going to miss my publication
[09:26] Terry: Date despite.
[09:27] Terry: The fact that I am now
[09:30] Terry: For the last two months
[09:31] Terry: In full compliance of the law
[09:34] Terry: And the law states
[09:36] Terry: So long as I meet the certain
[09:38] Terry: Criteria which I did two months ago
[09:40] Terry: My application should be
[09:42] Terry: Prosecuted.
[09:44] Terry: If I miss my publication
[09:46] Terry: Date that's not some
[09:48] Terry: Minor event that can be swept
[09:50] Terry: Away by extending

[09:52] Terry: My patent life or anything like that.
[09:54] Terry: That's a serious business
[09:57] Terry: Impacting move
[09:58] Terry: On the part of the USPTO.
[10:00] Terry: And I understand that they can't be challenged
[10:02] Terry: But what I'm saying is
[10:04] Terry: I
[10:06] Terry: I don't know what to do
[10:08] Terry: I've been talking to an attorney.
[10:10] Terry: He wants to
[10:12] Terry: File a writ of mandamus
[10:14] Terry: With a
[10:17] Terry: Asking for
[10:18] Terry: Injunction relief
[10:20] Terry: Because he said
[10:22] Terry: That the law is new
[10:24] Terry: And it hasn't been
[10:26] Terry: Tested in the federal courts
[10:28] Terry: Yet
[10:30] Terry: The fact that they
[10:32] Terry: Have been given
[10:34] Terry: There's no time limitation
[10:36] Terry: By which they need to
[10:39] Terry: Respond
[10:40] Terry: Is easily
[10:42] Terry: A due process.
[10:44] Terry: Violation
[10:46] Terry: I have certain rights
[10:48] Terry: Constitutional rights and one of them is
[10:50] Terry: The due process.
[10:52] Terry: If their administrative
[10:56] Terry: Decisions
[10:57] Terry: Impact my due process
[10:58] Terry: Rights that becomes a
[11:00] Terry: Constitutional issue.
[11:02] Terry: This is very important
[11:04] Terry: To me so I was hoping that you
[11:06] Terry: Would advise me because
[11:08] Terry: This is not some small issue that can
[11:10] Terry: Just be swept away and I'm just going to
[11:12] Terry: Be a good pro se applicant
[11:14] Terry: And go away.
[11:15] Terry: If I need to proceed
[11:19] Terry: To
[11:20] Terry: The writ of mandamus
[11:22] Terry: That's exactly what I'm doing in fact he's preparing
[11:24] Terry: The paperwork right now.
[11:28] Ombudsman: Okay we
[11:30] Ombudsman: Okay we're the ombudsman office
[11:32] Ombudsman: But we cannot override
[11:34] Ombudsman: Petitions.
[11:36] Ombudsman: I think a lot of time it gets
[11:37] Ombudsman: Confusing because they say ombudsman
[11:40] Speaker 3: We have two ombudsman offices there's one
[11:42] Ombudsman: Which is our department
[11:43] Terry: We do status of application
[11:46] Ombudsman: And if you need to talk to someone
[11:48] Ombudsman: If the department is depending on where it is
[11:50] Ombudsman: You might say okay well if it's a department

[11:52] Ombudsman: You need to reach out to we don't process
[11:54] Ombudsman: This department then we have an ombudsman
[11:56] Ombudsman: That deals with ethics but
[11:58] Ombudsman: That department is only for internal
[12:00] Ombudsman: They're not for external
[12:02] Ombudsman: We don't like they're not
[12:04] Ombudsman: They're not going to speak to someone on the
[12:06] Ombudsman: Outside about someone
[12:08] Ombudsman: In the inside it's only for internal
[12:10] Ombudsman: Employees supervisors
[12:12] Ombudsman: They have it broken down which each department
[12:14] Ombudsman: Have their own head they handle their own department
[12:16] Ombudsman: So just like petitions
[12:18] Ombudsman: They have their head we don't have
[12:20] Ombudsman: Authority to override petitions
[12:22] Ombudsman: Or any other department
[12:23] Ombudsman: We are analysts in this department
[12:26] Speaker 3: So I'm just saying if you talk to petitions
[12:28] Ombudsman: You would have to talk to someone
[12:30] Ombudsman: In management in petitions
[12:33] Ombudsman: To address
[12:34] Ombudsman: For them to fix it yeah for them to
[12:36] Ombudsman: Look at your situation and
[12:38] Ombudsman: Help you it wouldn't be our department
[12:40] Ombudsman: Would be petitions but a head press
[12:42] Ombudsman: That analyst there that's in
[12:44] Ombudsman: Petitions is not helping you
[12:46] Ombudsman: You ask to speak to a supervisor
[12:48] Ombudsman: Okay so what you're suggesting
[12:50] Ombudsman: Is that I call back and ask to speak to
[12:52] Ombudsman: Supervisor? Yes. Okay.
[12:53] Ombudsman: Absolutely. All right I will
[12:55] Terry: Definitely do that but right now I do
[12:57] Terry: You know I have no other choice
[12:59] Terry: My attorney is going to
[13:01] Terry: Pursue the mandamus with injunction.
[13:04] Terry: I'm not
[13:05] Terry: I'm not going to stop
[13:07] Terry: At just them
[13:09] Terry: Correct the situation I'm going
[13:11] Terry: To have the constitutional law
[13:14] Terry: Of giving them unlimited time
[13:16] Terry: That affects
[13:18] Terry: Applicants
[13:19] Terry: Constitutional rights to due process
[13:21] Terry: To be impeded by their administrative
[13:24] Terry: Delays.
[13:25] Terry: I'm sorry that the patent office
[13:28] Terry: Doesn't have enough staff
[13:30] Terry: I really am.
[13:31] Terry: But that doesn't justify
[13:33] Terry: That doesn't warrant them
[13:35] Terry: To
[13:37] Terry: Practice in such a way
[13:40] Terry: That it negatively
[13:42] Terry: Impacts petitioners
[13:45] Terry: Business
[13:46] Terry: Pursuits in their applications.
[13:48] Terry: It's just it doesn't and

[13:50] Terry: I understand that they do have
[13:52] Terry: This right what I'm trying to say is
[13:54] Terry: That they shouldn't have this
[13:56] Terry: Time limit
[13:58] Terry: This unlimited
[14:00] Terry: Time frame
[14:02] Terry: That's what I would be fishing at the court
[14:03] Terry: That they impose a time limit
[14:05] Terry: Or that someone look into that matter.
[14:08] Terry: And that would be the constitutional
[14:10] Terry: Issue. Because
[14:11] Terry: If my patent
[14:13] Terry: I'm not saying that I want anyone
[14:16] Terry: To override anybody
[14:17] Terry: All I want them to do is not infringe
[14:19] Terry: Upon my rights. I have complied
[14:22] Terry: With the law.
[14:23] Terry: And even though I'm now
[14:25] Terry: In full compliance
[14:27] Terry: The patent office is on the verge
[14:29] Terry: Of harming me,
[14:31] Terry: My business.
[14:33] Terry: That's what I'm saying.
[14:35] Terry: I'm no longer not in compliance.
[14:38] Terry: I am now
[14:39] Terry: In full compliance
[14:41] Terry: And despite being in full compliance
[14:43] Terry: For the last two months
[14:45] Terry: There's a risk that I can be harmed
[14:49] Terry: And that's what I
[14:51] Terry: That's the issue.
[14:52] Terry: So I will definitely
[14:55] Ombudsman: Definitely ask for a supervisor
[14:57] Ombudsman: Because they
[14:59] Ombudsman: They're going to have to look over your
[15:01] Terry: Petition and make a decision
[15:03] Ombudsman: So like I said if you
[15:05] Ombudsman: Called and the
[15:06] Ombudsman: Analyst there are not able to do
[15:09] Ombudsman: To help you with this
[15:10] Terry: I would just go ahead and ask for a supervisor anyway
[15:13] Ombudsman: Just because you want to have this thing
[15:16] Ombudsman: I would ask for a supervisor.
[15:17] Terry: And that's the situation
[15:19] Terry: It's a new law
[15:20] Terry: And there are sometimes complications
[15:23] Terry: With the application of new laws.
[15:25] Terry: When the new law impacts
[15:27] Terry: A defendant
[15:29] Terry: I mean a petitioner's rights
[15:31] Terry: Then that new law needs to be curtailed.
[15:34] Terry: And I'm
[15:35] Terry: Definitely going to pursue it.
[15:37] Terry: I'm you know
[15:39] Terry: Can I have your name again
[15:41] Terry: So I could remember who I spoke to
[15:45] Ombudsman: Tara.
[15:47] Terry: Tara sounds great
[15:49] Terry: Alright I will definitely give them a call in the morning

[15:51] Terry: And I will ask
[15:53] Terry: To speak to a manager.
[15:54] Terry: Or on Monday.
[15:57] Ombudsman: Monday yeah because we closed
[15:59] Terry: You have the petitioner's
[16:01] Ombudsman: You have the petitioner's number?
[16:02] Terry: I don't do you have that.
[16:05] Ombudsman: I can give it to you yes.
[16:08] Ombudsman: It's 571
[16:11] Ombudsman: 571
[16:13] Ombudsman: 272
[16:15] Terry: 272
[16:16] Ombudsman: 32
[16:18] Terry: 32
[16:19] Ombudsman: 82
[16:21] Terry: Okay thank you so much I really
[16:23] Terry: Appreciate it.
[16:24] Ombudsman: You're welcome
[16:25] Terry: I will be filing off a couple of other internal motions
[16:29] Terry: To the commissioner of patents
[16:31] Terry: Requesting you know that
[16:33] Terry: Attention be afforded this
[16:34] Terry: And notice of the written mandamus.
[16:37] Terry: To both
[16:39] Terry: The commissioner of patents
[16:40] Terry: And ombudsman
[16:42] Terry: You're also being
[16:44] Terry: Copied on that
[16:48] Terry: Court filing as well.
[16:50] Terry: Thank you so much
[16:51] Terry: I really appreciate it
[16:52] Terry: And if I have any questions
[16:54] Terry: Is it possible to call and ask for you
[16:57] Terry: Or should I just speak to her.
[17:00] Ombudsman: You can
[17:00] Ombudsman: You have a choice
[17:01] Ombudsman: You can call back and speak to anyone
[17:03] Ombudsman: Or you can ask for me and they'll
[17:05] Ombudsman: If I'm not available then I can always
[17:08] Ombudsman: Call you back.
[17:10] Terry: Thank you so much.
[17:11] Terry: Have a really great day and thank you for your time
[17:14] Ombudsman: You have a good weekend.
[17:15] Terry: Bye bye.