

My Response and Arguments (Including Factual Data and Dates) Against the Errored Statements and Conclusions and Actions of USPTO staff including the Errored Statements and Errored Conclusions of Richard M Moss

This is done by me refuting Richard M Moss within a copy of document he wrote and uploaded to the USPTO.

Inventor - Robert Harold Norman

PCT Application Number: PCT/US26/20261

PCT Confirmation Number: 7098

Customer Number: 196983

Parent Application: 19/075,747 (and that confirmation # is 2791)

19/075,747 Filing or 371(c) date 03/10/2025 (March 10 2025 not October 3 2025)

S signature /Robert Harold Norman/



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| PCT/US26/20261 | 03/22/2026 | | MUSCLE- | 7098 |

196983 7590 06/23/2026

FITDYNAMIC-PCT

ROBERT NORMAN

EXAMINER

THOMAS, SHANE M

| ART UNIT | PAPER NUMBER |
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3903

| MAIL DAMS | DELIVERY MODE |
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06/23/2026

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.

In re Application of NORMAN, ROBERT
PCT Application No.: PCT/US26/20261DECISION
Int. Filing Date: 22 March 2026
Attorney Docket No. : MUSCLE-FITDYNAMIC-PCT
For: PIVOTING, TRANSFORMING, VOICE
ACTIVATED WEIGHTLIFTING MACHINE

This is in response to the correspondence filed by applicant on 12 June 2026, considered in part herein as a petition under 37 CFR 1.181 to withdraw the "NOTIFICATION OF INTENDED REFUSAL OF REQUEST TO RESTORE RIGHT OF PRIORITY AND/OR INVITATION TO FURNISH DECLARATION OR OTHER EVIDENCE" (Form PCT/RO/158) mailed on 04 June 2026 ("hereinafter "Notification of Intended Refusal"). No petition fee is required.

BACKGROUND

On 22 March 2026, applicant filed the present international application. Box No. VI of the PCT Request (Form PCT/RO/IOI) included a priority claim directed to U.S. application number 19/075, 747, which applicant identified as having a filing date of 03 October 2025. The application submission also included payment of \$452 as the micro entity petition fee for restoration of the right of priority under PCT Rule 26bis.3 and an unsigned one page document titled "Petition to Restore Priority" that contained a statement that "[t]he delay in filing the international application within the 12-month priority period was unintentional. "

On 24 May 2026, applicant filed a "CERTIFICATION OF MICRO ENTITY STATUS (GROSS INCOME BASIS)" (Form PTO/SB/15A) asserting micro entity status.

On 26 May applicant filed a one page signed document entitled "Petition to Restore Priority" which included a statement that "[delay filing the PCT application within the 12-month priority period was unintentional. "

On 04 June 2026, the United States Receiving Office (RO/US) mailed a "Notification of Intended Refusal" indicating that the RO/US intends to refuse applicant's request for restoration of the right of priority.

On 12 June 2026 applicant filed the correspondence considered in part herein as a petition under 37 CFR

1.181 to withdraw the "Notification of Intended Refusal. "

DISCUSSION

The "Notification of Intended Refusal" mailed on 04 June 2026 indicates that applicant's request for restoration of priority will be refused because: (1) applicant did not timely pay the required [cc applicant paid the micro entity level petition [cc but did not timely submit the micro entity certification form required for such fee to be accepted), and (2) the priority application in the PCT Request was identified as having a filing date of 03 October 2025, which is less than twelve months before the filing date of the present International application and therefore not properly the subject of a request for restoration of priority.

Applicants' 12 June 2026 correspondence asserts that the correct filing date for the priority application is 10 March 2025, a date outside the twelve month priority period, and that the "Notification of Intended Refusal" was therefore incorrect in stating that the priority application was not properly the subject of a restoration

request. The correspondence indicates that the error in the original application submission resulted from an inadvertent reversal of the month and date for the priority filing date.

Applicant's correspondence with respect to the filing date of the priority application will be treated separately as a request to correct the priority claim under PCT Rule 26bis. 1. In view of this correction, applicant is correct that the priority application could properly have been the subject of a proper request for restoration under PCT Rule 26bis.3. However this correction would not justify withdrawal of the "Notification of Intended Refusal" as such Notification was correct based on the application of record at the time it was issued. In addition, applicant's present correspondence does not address the other reason for refusal listed in the "Notification of Intended Refusal," that is, the failure to submit a micro entity certification statement with the micro entity level petition fee, as required for a fee payment in the micro entity amount to be accepted. Sec 37 CFR 1.29(0): "A fee may be paid in the micro entity amount only if it is submitted with, or subsequent to, the submission of a certification of entitlement to micro entity status. In the present case, applicant did not submit a micro entity certification statement until 24 May 2026. Taking into account the corrected 10 March 2025 filing date for the priority application, the deadline for all requirements of a grantable request for restoration of priority was 10 May 2025, that is, two months from the date on which the priority period expired. See PCT Rule 29bis.3(e). The required micro entity certification form was therefore filed after expiration of the applicable deadline.

Moreover, a review of the application file reveals an additional reason why applicant's restoration request must be refused. Specifically, applicant did not file a properly executed request for restoration and statement of unintentional delay prior to the 10 May 2022 deadline. The one page document titled "Petition to Restore Priority" filed on 22 March 2026 that contained a statement of unintentional delay was unsigned and therefore has no effect. The signed version of this petition and statement was not submitted until 26 May 2026, after the expiration of the deadline for submitting all requirements of a grantable request for restoration under PCT Rule 26bis.3.

Response by Robert Norman:

[Response: I, applicant, object to the above conclusions drawn (by Richard M Moss. Conclusions that are legally in error as any 1st year law student would know):

Above it is stated, *However this correction would not justify withdrawal of the "Notification of Intended Refusal" as such Notification was correct based on the application of record at the time it was issued.* That is untrue. It was not based on anything correct and all they have to do is to go back and look at the date on my parent application of March 10 2025 (3/10/25) to see that them using an October date of anything is an error and cannot then be used as if it is factual.

The facts:

PCT Application Number: PCT/US26/20261

PCT Confirmation Number: 7098

Customer Number: 196983

Parent Application: 19/075,747 (and that confirmation # is 2791)

19/075,747 Filing or 371(c) date 03/10/2025

I was made aware problems by Patricia McKay on June 4th 2026 and was given a month to rectify them. At that time she was stating the incorrect October 3rd date was correct and was thus refusing the petition for it simply not being necessary. So, she did not get into or make me aware of any problem in getting my petition or related material up to specs as she said it was not necessary to be able to not provide that information I needed. She did not make me aware of any micro entity certification statement I may have lacked. If she had let me know I still have till July 4th to provide it but I believe because of all the evil and deceit by the USPTO people that I should have an extended time period to even get that in as I have been deadline with their incompetence or deceit (it has to be one of the other) instead.

What should have happened in the beginning was for Patricia McKay to look and see what the parent application date was of March 10 2025 for the priority date (instead of not looking to see if what I submitted was correct and saying it was not late because she used the incorrect October date as a cover to create the refusal) and said I looked back and saw that your priority date was March 10,2025 so you had till March 3rd 2026 to get this in so I see what you have the petition to restore priority and said you did what many people do, which is to use the American dating format on that PCT form and that instead needs to be done in European

dating format. Since it was obviously an error on your part, that page spit out October 3rd when you put 3/10/26, so fill that form out again (as I did) but use European format and send it in that that will take care of everting. But she did not do that (I had to figure out what happened as all she said was the form needs European format) as she used incompetence as a cover to not explain what had happened, and she is the professional and she repeated that October dating mistake (instead of seeing if it was right, especially when that would make a petition to restore not even necessary that should have prompted her to check if that was entered in American or European format by looking at the Parent Application). Then someone else came in behind her and used that date to make another mistake, not checking anything regarding the date and transmitted the PCT Application to the International Board using the in error October 3rd 2025 date to make appear like I committed fraud when I was trying to fix their mistakes that they kept making one right after the other (as of 6/25/2026 that has been resubmitted with the correct priority date).

Now that is another mistake of theirs that they have to fix and that is all on them. They need to do what is necessary on their end to rectify that and transmit the factual date with the granted petition to restore priority. Maybe in the end it will be easier to fix since it has already been transmitted. I do not know but it needs to be fixed on the USA side and on the International Board side. I do see a corrected transmittal was done today 06/25/2026 P.111.OUT PCT/RO/111- Notification Relating to Priority claim with the correct priority date of March 10 2025 (prior to me uploading this response). Good. It appears to me by that my priority date has been granted. I don't know if there is a specific response to the petition for the right to restore the priority date or if they just do what was done in that PCT/RO/111 and submit that as they have.

I asked about a micro entity fee and Patricia MacKay said I did not have to pay anything. But she checked that I owed something as I also discovered that Micro entity status does not have a separate standalone fee for the Patent Cooperation Treaty (PCT). Instead, the micro entity discount is automatically factored into the specific PCT fees I paid at filing (e.g., the Transmittal and Search fees). And those were all paid. What led me to believe that there was separate fee was that Patricia McKay selected a box that said "the fee required under Rule 26bis.3(d) was not paid, or was not paid in full" when everything was paid. As 06/12/2026 P.102 PCT/RO/102 - Notification Concerning Payment of Prescribed Fees and Annex also says (It does have the wrong priority date in that document though). What I had not done at that time was to submit the micro entity certification which I did 2 days after I submitted all my original PCT documents, on 05/24/2026 MES.GIB Certification of Micro Entity (Gross Income Basis) (2 days into the month I had). So she was in error again on that same document.

There was no *10 May 2022 deadline*. I had not even thought of my invention back in 2002 and there are no USPTO records dating for that year regarding me or my invention or any invention ever. It is a fabricated deadline manufactured by Richard M Moss, made up out of thin air.

And above they say, *In the present case, applicant did not submit a micro entity certification statement until 24 May 2026*. That is not any objection as there is no way to make it on time when I'm saying the PCT application was late and thus asking for an extension, so the micro entity statement would be late too, Einstein. Being late is the whole reason to be excused, for me to request / petition the right of priority to be restored. It was due on March 3 2026 and I submitted it on March 22 2026 and then submitted the micro entity statement on the 24th of March 2026. Two days later than the other so that needs to be included in what is excused being late, also, obviously.

Richard M Moss wrote *request for restoration and statement of unintentional delay prior to the 10 May 2022 deadline*. But in reality there is no 2022 anything, But if there is a *statement of unintentional delay* I need to make I can also make that but I think I made that and I signed it (Patricia McKay said I made it but I forgot to sign it and so I made a new one and signed it. If I did, it is already included with my proof online and if not I will make a new one and submitted it to the USPTO before July 4th the deadlines I had for that stuff. But I know I did it already. Though they have been making what I submit unreadable to an extent. I have made screen recordings proving what I uploads is clear and legible and then made not clear when it gets to them putting it on their site). I simply said the delay was unintentional (as that I what ChatGPT advised me to say. It said don't get into details just say that. The only detail I can add is what I added below regarding that).

And I was sent on 06/12/2026 P.102 PCT/RO/102 - *Notification Concerning Payment of Prescribed Fees and Annex*, stating that I had paid all necessary fees so someone needs to get their ducks in a row if I owe something they do not need to send me something saying I have everything paid.]

And above it says, *applicant paid the micro entity level petition [cc but did not timely submit the micro entity certification form required for such fee to be accepted]*. So that is done a lot I know and is nothing to remedy and I still had till July 4th 2026 a date that has not arrived to still do that (but I did it already) though Richard Moss wasn't you to believe it was already too late (when it is not and was not). It is even, for many, typical to pay after once you have submitted the applications.

Also, that is a bult in flaw of the USPTO. Can you image PayPal or amazon requiring people to go download a form from somewhere on their site so they would let you have your purchased product. I did fill one out for my

parent application and if I did not fill one out, I can do so. Even by what Patricia McCay wrote I have till July 4th to do that. Instead of having all these problems and having to defend myself I should have just been told that.

Back to what Richard M Moss wrote:

CONCLUSION

The indication in the "Notification of Intended Refusal" that, based on its filing date, the priority application was not properly the subject of a request for restoration was correct based on the application of record at the time, and applicant's subsequent correction of the filing date for the priority application does not invalidate such Notification. Thus, to the extent applicant's petition seeks withdrawal of the "Notification of Intended Refusal," the petition is DISMISSED without prejudice.

Regardless of the correction to the filing date of the priority application, as discussed above, applicant's request for restoration of the right of priority under PCT Rule 26bis.3 here is properly refused based on applicant's failure to submit a signed request for restoration and statement of unintentional delay and acceptable payment of the petition fee prior to the expiration of the deadline for submitting such materials set forth in PCT Rule 26bis.3(c).

Response by Robert Norman:

[Response: Applicant objects to the above conclusions drawn (by Richard M Moss. Conclusions that are legally in error as any 1st year law student would know):

The Notification of Intended Refusal was based upon a priority date that was incorrect. The October 3, 2025 date, that incorrect date used to say it was being refused simply because it was not outside of the one year window but within it. So it was being refused simply because it was not necessary, was the reason for its entire existence.

It was produced by the difference in the European dating format used on the PCT rather the American format used on all other USPTO, well everting. And it was not explained that it was different on the form where 10.3.2025 is what I should have put for March 10, 2025 but I put 3/10/25 for March 10 2025 and that came out from the automation to be October 3, 2025, instead of March 10, 2025 as I intended. And the USPTO knows that and still tries to use it as a reason for a refusal when it was a clerical error on my part, not a reason for anything but for them to fix it as I have requested, which they so far refuse to do. And instead abused power by claiming what is in error to be the truth and basing what was derived from error, to be truth.

The refusal, on 06/04/202 P.158 Notification of Intended Refusal of Request to Restore Right of Priority, written by Patricia McKay, since it was created based on an acknowledged error admitted by the USPTO (admitted but never fixed because of their rebellion by people like Richard M Moss), it is thus an invalid base to then add anything to as it was created by a fundamental error. It cannot remain upheld in any way as it has a factual detrimental flaw in its origin. It could not have existed without that incorrect origin so nothing can be added to that flawed base and flawed creation and said to be valid, and it cannot be left upheld as you in your deceit are trying to do.

In addition, the June 4, 2026 PCT/RO/158 Notification of Intended Refusal was created from a record that contained a fundamental error regarding the priority date. Because the Notification originated from that error, it cannot serve as a valid foundation for subsequent conclusions that depend upon the accuracy of the October 3, 2025 date. It is like the FBI entering the USPTO without a search warrant. You have to have a legal valid base to add upon to uphold your actions and he did not. Richard M Moss, keep adding error to error. He is a disgrace to the USPTO and should be fired. The base is proved to be an error and Patricia McKay should have seen that and never made the refusal to basically say, hey you can even get your money back because you paid for what you did not even need as it is Oct 3rd not March 10th when it was March 10th not October 3rd and so the petition to restore was needed and the refusal was not needed as it was outside the one year time frame. It was filed on March 22nd 2026 instead of by March 3rd 2026 and that was an accident as I am one person doing all of this all on my own but a petition that is regularly granted in such circumstances. There was no plot to be late. It was an oversight and accident when the USPTO itself has made so many mistakes, you want to deny me of being able to make one. If your accidents are accidents at all and not outright plots against me, me someone trying to save animals' lives.

It is thus my conclusion that the USPO needs to:

1. Invalidate their NOTIFICATION OF INTENDED REFUSAL OF REQUEST TO RESTORE RIGHT OF PRIORITY as it is based on error and is a worthless piece of paper carrying no legal value but to testify against itself.

That said that was the only place where Patricia McKay gave me 1 month to pay for the micro entity status from that day of June 4, 2026 which gives me to July 4th 2026 to provide payment for micro entity status. And she said the only reason that criteria was not met for the petition to restore priority, was only because she was using the wrong date of October 3rd 2025 as according to her it just was not necessary as it was within the year allowed and not late.

2. Count as fable the conclusions of Richard M Moss and deem him prejudice against me and my business and not be allowed to continue to have any more say in the matter as his conclusions are without logic or reason and are biased/ and or suspect and/ or derelict and/ or incompetent to the extent to warrant termination from his duties with or at the USPTO.

3. Allow me till at least July 4th or to be reasonable considering the duress I have been put under by all this and the time I have spent having to defend myself, allow me till August 4th 2026 to get what else I need to get into the USPTO uploaded to the USPTO not counting what I was given 2 months to do for my drawings etc. There should only be payment for micro-entity status left (and I will do that on the 25th or the 26th of July 2026) everything else is done. But just in case I'd rather have some leeway room, and have till August 4th, considering.

4. Grant my Petition to Restore Right of Priority.

This document is documented online at <https://musclefitdynamic.com/uspto/> as will also be a screen recording of the uploads of this to the USPTO to the *Petition for review by the PCT Legal Office* as said to be required below, by Richard M Moss. But I will also upload it in some other general way as you know that may go right to Richard M Moss if done only as he states and who knows what he might do if he is still employed as of (6/25/2026) if it only goes to him. He might delete it and say it never got there and /or blur it past recognition and try to run out my time with some other retaliation. He needs to be fired. He is a criminal who is engaged in criminal activity (or a fool beyond measure and an evil one at that) while being paid to work for the USPTO. So, I will be submitting this twice, once to that department and once to some other department.

I hope this will be done and approved smoothly and there will not be a need for me to send this to journalists, animal rights activists, attorneys, any governor etc. I do not wish to have to prolong this.

5. Redo / fix the PCT/RO/105 - Notification of the International Application Number and of the International Filing Date on July 12 2026 done by Lashonnah Renee Tyson. Application that was transmitted to the International Board using the in error October 3rd 2025. That was made with the incorrect October 3rd priority date and sent solely by the USPTO and is on them to correct to the March 10 2025 priority date, obviously with the granted petition to resort priority rights included however that is done on the USPTO end (I see that has been done already. Good)

Back to what Richard M Moss wrote:

The application is being referred to the PCT Operations Division for further processing in accordance with this decision, including processing applicant's 12 June 2026 correspondence as a request to correct the priority claim under PCT Rule 26bis. 1 .

Any further correspondence with respect to this matter may be filed electronically via Patent Center, selecting the document description "Petition for review by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, International Patent Legal Administration, P.O. Box 145() -Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the International Patent Legal Administration.

[RichardMRoss/
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