

Grant G. Teeple, Esq. SBN 144760  
Frederick M. Reich, Esq. SBN 157028  
Julia M. Williams, Esq. SBN 244400  
TEEPLE HALL, LLP  
9255 Towne Centre Drive, Suite 500  
San Diego, CA 92121  
Telephone: (858) 622-7878  
Facsimile: (858) 622-0411  
E-Mails: grant@teeplehall.com  
fritz@teeplehall.com  
julia@teeplehall.com

Attorneys for Plaintiff RENEWAL SERVICES

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

RENEWAL SERVICES,  
Plaintiff,

vs.

UNITED STATES PATENT AND  
TRADE OFFICE,  
Defendant.

Case No. '15CV1779 WQHDHB

**COMPLAINT**

Magistrate Judge:  
District Judge:

**COMPLAINT FOR RELIEF**

1. This is an action under the Freedom of Information Act (FOIA), 5 USC §552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records pertaining to Plaintiff, Renewal Services, improperly withheld from him by the United States Patent Office

**Jurisdiction and Venue**

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 USC §552 (a) (4) (B). This Court also has jurisdiction over this action pursuant to 28 USC §1331. Venue lies in the district under 5 USC §552 (a) (4) (B).

Teeple Hall, LLP

1 **Parties**

2 3. Plaintiff Renewal Services, Inc. (“Renewal Services”) is a California  
3 corporation headquartered in San Diego, California. Amongst other things,  
4 Renewal Services provides assistance with patent renewal.

5 4. Defendant United States Patent and Trademark Office (“USPTO”) is  
6 a Department of the Executive Branch of the United States Government. The  
7 USPTO is an agency within the meaning of 5 USC §552 (f).

8 **Facts**

9 5. By letter dated October 24, 2014, addressed to the USPTO, Plaintiff,  
10 requested copies of all documents containing correspondence addresses, issuance  
11 date, and patent number for all patents issued in on or after January 1, 2002. In its  
12 letter, Plaintiff explained that its present need for information under FOIA arose  
13 from the USPTO’s discontinuation of inventor’s mailing addresses on patents.  
14 Plaintiff further explained that, while the discontinuation of mailing addresses was  
15 purportedly done in the interests of inventors’ privacy concerns, this information  
16 was technically possible via the USPTO’s Patent Application Information Retrieval  
17 (“PAIR”) system. Utilization of the PAIR database, however, is prohibitively  
18 cumbersome to Plaintiff, because the current PAIR system uses a “captcha” system  
19 to prevent data mining. PAIR also requires searchers to possess certain inputs  
20 codes, such as patent number, control number, or a publication number. As Plaintiff  
21 explained in its initial FOIA request, the PAIR system has a limiting and chilling  
22 effect on the ability for the public to access information, and prevents businesses  
23 who service the industry from accessing information sufficient to assist with patent  
24 renewals.

25 6. By letter dated October 27, 2014, the USPTO advised Plaintiff that its  
26 FOIA request had been received and that it had been docketed as FOIA Request  
27 No. F-15-00026.

1           7.     On November 13, 2014, the USPTO responded to Plaintiff’s FOIA  
2 request. The USPTO stated in its response that it was not obligated to provide  
3 information pursuant to FOIA because information was “publically available.” The  
4 USPTO did not address Plaintiff’s stated issues with accessibility of information.

5           8.     On March 9, 2015, Plaintiff wrote to the USPTO to renew its FOIA  
6 demand. In its March 9, 2015 letter, Plaintiff noted that all information except street  
7 address and zip code data was already available for bulk downloads. Plaintiff  
8 provided authority noting that FOIA denials are only applicable in narrow  
9 circumstances not at issue in Plaintiff’s demand.

10          9.     By letter dated March 13, 2015, the USPTO advised Plaintiff that its  
11 FOIA request had been received and that it had been docketed as FOIA Request  
12 No. F-15-00142.

13          10.    On April 7, 2015, the USPTO responded to Plaintiff’s FOIA request.  
14 The USPTO stated in its response that it was not obligated to provide information  
15 pursuant to FOIA because information was “publically available” through the PAIR  
16 system. The USPTO did not address Plaintiff’s stated issues concerning the  
17 excessively onerous method for extracting information, nor did it address the fact  
18 that addresses and zip codes are excluded from the bulk data currently offered by  
19 the USPTO.

20          11.    By letter dated May 6, 2015 addressed to the USPTO, Plaintiff filed an  
21 administrative appeal.

22          12.    By letter dated May 12, 2015, the Appeals office of the USPTO  
23 advised Plaintiff that its administrative appeal dated May 6, 2015 had been received  
24 on May 11, 2015 and that it had been assigned number A-15-00017.

25          13.    By letter dated June 5, 2015, the Appeals Administrator of the USPTO  
26 informed Plaintiff that because requested documents were available through public  
27 PAIR, the USPTO was denying Plaintiff’s appeal.

Teple Hall, LLP

28

1 14. Plaintiff has a right of prompt access to the requested records under 5  
2 USC §552 (a) (3) (A).

3 15. The USPTO has wrongfully withheld the sought-after records from  
4 Plaintiff.

5 **Requested Relief**

6 Wherefore, Plaintiff prays that this Court:

7 A. Order Defendant to disclose the requested records in their entirety and  
8 make electronic copies available to Plaintiff;

9 B. Provide for expeditious proceedings in this action;

10 C. Award Plaintiff his/her costs and reasonable attorneys' fees incurred in  
11 this action; and

12 D. Grant such other relief as the Court may deem just and proper.

13  
14 Dated: August 13, 2015

TEEPL E HALL, LLP

15  
16 By: /s/ Grant G. Teeple  
17 Grant G. Teeple, Esq.  
18 Frederick M. Reich, Esq.  
19 Julia M. Williams, Esq.  
20 Attorneys for Plaintiff  
21 RENEWAL SERVICES  
22  
23  
24  
25  
26  
27  
28

Teeple Hall, LLP