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1                   IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2  
3                                   Telephone Interview Summary  
4

5 Application Serial No. 09/947,801

6 Filed: 09/06/2001

7 For: DISTRIBUTED COMPUTING SYSTEM

8 Examiner: Chirag R. Patel           Art Unit: 2141

9 In re Application of Jed Margolin  
10                                   3570 Pleasant Echo Dr.  
11                                   San Jose, CA 95148-1916  
12                                   Phone: 408-238-4564  
13

14 Telephone Interview Date: 8/25/2005

15  
16 Participants: SPE Rupal Dharia,  
17                                   Examiner Chirag R. Patel,  
18                                   Primary Examiner Frantz Jean, Group 2151,  
19                                   pro se Applicant Jed Margolin  
20

21  
22 Mail Stop AF  
23 Commissioner for Patents  
24 P.O. Box 1450  
25 Alexandria, VA 22313-1450  
26

27  
28 Sir,  
29

30 The following Interview Summary is submitted as required by Rule 713.04 **Substance**  
31 **of Interview Must Be Made of Record [R-2] - 700 Examination of Applications**  
32 paragraph (b).  
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A129

Telephone Interview with SPE Rupal Dharia,  
Examiner Chirag R. Patel, and  
Primary Examiner Frantz Jean  
Thursday 8/25/2005

The main issues to be discussed were:

1. What is a Subscriber?
2. Whether my Home Network Server 101 is the same as Ellis' Network Server NS2.

What Is a Subscriber

I explained that my application clearly shows that a *Subscriber* is a person, nominally the owner of the Home Network Server, and that common usage of the term *Subscriber* indicates that a *Subscriber* is a person. I read from the dictionary definitions of **Subscribe** as provided in my Informal AF Response July 25, 2005 which is incorporated in my **Summary of Telephone Interview Date: 8/5/2005** and which is listed in the File Wrapper as **8/12/2005 Miscellaneous Incoming Letter**.

SPE Dharia insisted that a *Subscriber* can be a device such as a computer, and claims that his computer regularly *subscribes* to different newsletters. I asked if his computer did this on its own or if he had instructed it to do this but I did not get an answer.

That brought up the subject of defining other words, such as *home*. SPE Dharia asserts that his office at the Patent Office is his *home* even though he owns a house.

I explained that when words can be defined as being anything the user wishes, then words have no meaning at all.

Whether my Home Network Server 101 is the same as Ellis' Network Server NS2

I pointed out that in Ellis Figure 1, Meter M5 is located between PC1 and Network Server NS2 and that in Ellis Figure 2 Meter M7 is located between PC1 and Network Server NS2.

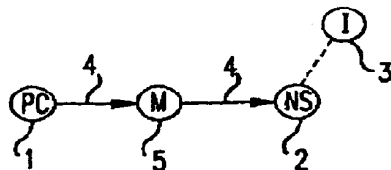


FIG. 1

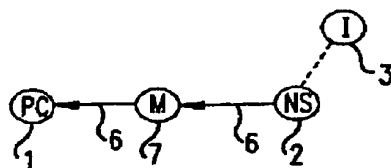


FIG. 2

1 I explained that, according to Ellis, it is the computing resources of PC1 that are used  
2 for distributed computing for which Ellis receives payment of one kind or another.  
3 Network Server NS2 is part of the ISP's equipment and is therefore not a Home  
4 Network Server 101 as taught in my application.  
5

6 I asked SPE Dharia several times which device's computing resources were used in  
7 Ellis for distributed computing for which Ellis received payment of one kind or another.  
8 SPE Dharia consistently gave evasive answers and finally announced he had already  
9 answered my question. I asked SPE Dharia why Ellis would put a meter for measuring  
10 the flow of network resources between PC1 and Server NS2 if NS2 was Ellis' own  
11 server. SPE Dharia said, "I don't know."  
12

13 If Ellis' Network Server NS2 were the same as my Home Network Server 101, then  
14 Ellis's financial arrangement would be with himself. If Ellis' Network Server NS2 was  
15 part of the ISP equipment, then Ellis would have persuaded the ISP to pay him for using  
16 their own equipment. Either interpretation would render Ellis' patent invalid.  
17

18 I also pointed out that Ellis' specification can be interpreted as including Distributed  
19 Computing using organic computers.  
20

- 21 1. The human brain is frequently considered an organic computer.
- 22
- 23 2. The three Examiners participating in this Interview were working together on a  
24 task.
- 25
- 26 3. They are paid for performing that task.
- 27
- 28 4. They were using their knowledge and experience to determine the validity of the  
29 information being discussed (Ellis' Firewall).  
30

31 Therefore, they were infringing Ellis' patent.  
32

33 SPE Dharia agreed!  
34

35 I informed him that such human activities had been going on for quite some time, long  
36 before Ellis filed his Application, and therefore constituted prior art to invalidate Ellis's  
37 patent.  
38

39 However, since issued patents are presumed to be valid, such an interpretation is not  
40 permissible, along with the other overly broad interpretations he had given to Ellis.  
41

42 SPE Jean brought up the subject of my Claims, but since SPE Dharia insisted that my  
43 Home Network Server was the same as Ellis' Network Server NS2 there was obviously  
44 no point in discussing the claims.  
45

46 Examiner Patel was silent except for the beginning ("Hello") and the end ("Bye") of the  
47 Interview.  
48

1 **Conclusion**

2  
3 Since SPE Dharia insists on defining all words as he sees fit no agreement on any issue  
4 was reached nor was any agreement possible because a home network server in a  
5 subscriber's home may comprise:

6  
7 said SPE Dharia (an organic *computer*);

8  
9 a PC (a *subscriber*) that selects at its own discretion newsletters for said SPE  
10 Dharia to read;

11  
12 SPE Dharia's office at the Patent Office (which he considers his *home*);

13  
14 whereas when said SPE Dharia is not reading said newsletters he is infringing on the  
15 Ellis patent by:

16  
17 conferring with colleagues on cases (*distributed computing*);

18  
19 deciding on the relevance of the information being discussed (*firewall*); and

20  
21 getting paid for it (*financial arrangement*).

22  
23  
24 While it is commendable for a Boss to support an employee even when he has made a  
25 mistake, this is ridiculous.

26  
27  
28 Respectfully submitted,

29 Jed Margolin  
30 pro se inventor  
31 August 25, 2005

32  
33  
34 Jed Margolin  
35 3570 Pleasant Echo Dr.  
36 San Jose, CA 95148-1916  
37 (408) 238-4564  
38

39  
40 I hereby certify that this correspondence is being faxed to the Central Fax Number  
41 571-273-8300.

42  
43 Date: August 25, 2005

44  
45 Inventor's Signature: \_\_\_\_\_

*Jed Margolin*