IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Telephone Interview Summary

Application Serial No. 09/947,801

Filed: 09/06/2001

For: DISTRIBUTED COMPUTING SYSTEM

Examiner: Chirag R. Patel Art Unit: 2141

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

Telephone Interview Date: 8/9/2005

Participants: Examiner Chirag R. Patel,
Primary Examiner Frantz Jean, Group 2151,
pro se Applicant Jed Margolin

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir,

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

Background

In a telephone interview with Examiner Patel on 8/5/2005, Examiner Patel appeared to understand how my invention is different from prior art and, in particular, how my Home Network Server is different from the Network Server NS2 in Ellis. Examiner Patel scheduled the present conference interview to include his supervisor SPE Dharia because SPE Dharia has the authority to negotiate the disposition of the case. My summary of the 8/5/2005 interview was filed 8/12/2005. As of this day, Examiner Patel's Summary of the interview has not appeared in the File Wrapper as accessed by Private PAIR.

The present interview was scheduled for Tuesday August 9, 2005, at 2:00pm . Since I am in California, to prevent confusion all times are Eastern.

The Telephone Interview with Examiner Chirag R. Patel and Primary Examiner Frantz Jean Tuesday 8/9/2005

On Tuesday, August 9, 2005, Examiner Patel called at approximately 1:00pm to tell me the interview had been moved to 3:00pm . (I wasn't expecting anyone to call me at that time and my phones were still turned off. I found Examiner Patel's messages on my answering machine.)

3:00pm came and went and they did not call. They finally called at 3:30pm. That's when I learned that this conference interview would not be with SPE Dharia. It was to be with Primary Examiner Frantz Jean, who is not a SPE. He is a Primary Examiner in another group (Group 2151, Phone number 571-272-3937). He assured me that he had the authority to negotiate. I didn't ask when and why the switch was made or how much time PE Jean had spent reading the File Wrapper but my impression was that he was doing this interview cold, with no preparation.

That's when Examiner Patel turned into his Evil Twin. Perhaps he had talked to his friend, Examiner El Hady, again. (See FW Search Notes 6/15/2005 "**EL HADY NABIL - discussed how to respond to applican'ts arguments 6/9/2005**.")

Examiner Patel said that he had only listened to me on Friday and had not changed his opinion about my invention. Basically, he had only pretended to have a serious interview.

He again informed me that he would consider my arguments only if I filed a Formal After Final Response ($395). He also refused to enter my Informal Response into the File Wrapper.

At one point PE Jean said that we were just going around in circles because he wanted to talk only about claims and I wanted to talk about Examiner Patel's insistence that my Home Network Server was identical to the Ellis Network Server NS2.

Examiner Patel kept insisting they were the same and I kept explaining how they were different and he steadfastly kept refusing to respond to my arguments.

He seems to think that saying, "No, they are the same," without giving any reasons is a valid response.

PE Jean was no help. It is clear that the only reason he was there was to agree with Examiner Patel on the technical matters that he had not read. He advised me to either file a Formal After Final Response ($395) or an RCE (also $395).

I explained that as long as Examiner Patel insisted that my Home Network Server and Ellis's Network Server NS2 were the same there was no point discussing the claims. PE Jean eventually agreed with my assessment.

He said he would work with Examiner Patel in writing the Examiner's Summary of the Interview. I said I would file my own Summary as required by 713.04(b).

I don't know how PE Jean was persuaded to be a party to this sham. He seems like a decent guy.

Examiner Patel and SPE Dharia have made a mockery of the Examination process and are a disgrace to all Examiners and their SPEs.

My patent activities go back to 1977. I have 15 U.S. patents. I have successfully prosecuted my last several patents entirely pro se. I have never before been treated by an Examiner with such a disregard for the Patent Office's own rules, not to mention the discourtesy and duplicitous behavior exhibited by Examiner Patel.

I suspect Examiner Patel's behavior may be due to SPE Dharia's lack of supervision and help. Otherwise, why would Examiner Patel have to turn to Examiners in other groups for help? In addition to PE Jean, Examiner Patel asked Mr. Nabil El Hady for help in responding to the arguments I filed in my response to the First Office Action. (See FW Search Notes 6/15/2005 **"EL HADY NABIL - discussed how to respond to applican'ts arguments 6/9/2005.")**

My numerous attempts to contact SPE Dharia were unsuccessful. He never answered the telephone or returned my messages.

Examiner Patel should be asked why he scheduled a conference telephone interview specifically to include an Examiner with the authority to negotiate the disposition of the case if he had already decided there was nothing to negotiate.

Respectfully submitted,

Jed Margolin
pro se inventor
August 19, 2005

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

Date: August 19, 2005

Inventor's Signature: Jed Margolin