

Subject: Notice Forwarding Certified List
From: "Jed Margolin" <jm@jmargolin.com>
Date: Tue, 21 Nov 2006 09:39:35 -0800
To: <kyra.abraham@uspto.gov>

Ms. Abraham.

In CAFC Appeal 2007-1056 (Application 09/947,801 ***Distributed Computing System***), I received the ***Notice Forwarding Certified List*** on November 20, 2006. There are some problems with it.

1. The cover letter suggests that either I have Counsel or I am Counsel. I don't and I'm not. I am a Pro Se Appellant. If Mr. Whealan insists that only Counsel contact him to arrange for designating the record, he should be informed that I have no intention of retaining Counsel in order to designate the record and I will inform the Court that he refuses to discuss designating the record with me.

2. The certified list contains at least one document that is ambiguous and others that are irrelevant.

In chronological order:

09/06/2001 APPLICATION FILED

There are a number of documents in the IFW having that date. Are they all considered the Application?

10/05/2001 CORRESPONDENCE ADDRESS CHANGE

There is no such document in the IFW. The only time I changed the correspondence address was when I moved in late 2005. I did this by changing the address associated with my Customer Number. There is no document in the IFW for this.

In any event, how is this relevant to the prosecution history of the case?

09/06/2001 INFORMATION DISCLOSURE STATEMENT (IDS) FILED

09/06/2001 NONPUBLICATION REQUEST

OK, but since these documents are listed separately from ***09/06/2001 APPLICATION FILED*** then that entry is ambiguous.

12/09/2004 MISCELLANEOUS INCOMING LETTER

In the Fall of 2004 this application disappeared from my customer number. After a series of telephone calls it was discovered that the Patent Office had mistakenly transferred it to another customer number, one belonging to the law firm of McGinn & Gibb, who have never represented me on this or any other matter. I contacted them and they filed this letter informing the Patent Office of this.

How is this relevant to the prosecution history of this case other than to show that the Patent Office makes mistakes?

01/26/2005 NON-FINAL ACTION
04/21/2005 RESPONSE AFTER NON-FINAL ACTION
06/15/2005 MAIL FINAL REJECTION (PTOL - 326)
08/04/2005 RESCIND NONPUBLICATION REQUEST FOR PRE GRANT PUBLICATION

OK.

08/12/2005 MISCELLANEOUS INCOMING -TELEPHONE INTERVIEW SUMMARY
08/12/2005 INFORMALRESPONSE TO OFFICE ACTION

The Informal Response to Office Action was filed as part of the Telephone Interview Summary for 8/5/2005 because the Examiner had refused to enter it into the Record. It was not recorded as a separate document. If you wish to treat it as a separate document, then fine.

08/19/2005 MISCELLANEOUS INCOMING-TELEPHONE INTERVIEW SUMMARY
08/25/2005 MISCELLANEOUS INCOMING-TELEPHONE INTERVIEW SUMMARY
08/29/2005 MAIL EXAMINER INTERVIEW SUMMARY (PTOL -413)

OK.

08/30/2005 MAIL EXAMINER INTERVIEW SUMMARY (PTOL-413)

This is very bad.

There are two entries in the IFW for 08/30/2005.

One is for a telephone conversation I had on August 23, 2005 with SPE Rupal Dharia to schedule a telephone interview for August 25, 2005.

The other is the Examiner's Summary for the Telephone Interview held on August 25, 2005.

The first document is irrelevant. The second is material. There is no way to distinguish the two in this Certified List.

The remaining entries appear to be correct and relevant.

09/06/2005 **NOTICE OF APPEAL FILED**
09/06/2005 **PRE-APPEAL BRIEF REQUEST FOR REVIEW**
10/26/2005 **APPEALS CONF. PROCEED TO BPAI,**
10/27/2005 **NOT ICE OF PANEL DECISION FROM PRE-APPEAL BRIEF REVIEW**
11/17/2005 **APPEAL BRIEF FILED**
01/20/2006 **EXAMINER'S ANSWER TO APPEAL BRIEF**
01/24/2006 **MAIL EXAMINER'S ANSWER**
03/16/2006 **REPLY BRIEF FILED**
05/17/2006 **ASSIGNMENT OF APPEAL NUMBER**
08/24/2006 **BPAI DECISION - EXAMINER AFFIRMED**
10/06/2006 **APPEAL TO COURT OF APPEALS**
10/12/2006 **MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)**

As far as the Designated List is concerned, I have uploaded my proposed Appendix (updated to reflect the Docket Number) to my server.

www.jmargolin.com/uspto/jm_propap.pdf Proposed Appendix PDF 9 MByte self-contained

www.jmargolin.com/uspto/jm_propap_index.htm Proposed Appendix html 8 KByte
with active online links to references

www.jmargolin.com/uspto/jm_propap.zip Proposed Appendix zip 8 MBytes

unzip to folder
click on ***jm_propap_index.htm***
contains references with active local links

Mr. Whealan should consider this my Designated List. If he wants me to add to it he should contact me, assuming he is willing to talk to a Pro Se Appellant.

And, finally, I am planning on filing a Corresponding Brief on Compact Disc under CAFC Rule 32(e). If you have any objections to this, let me know.

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