

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

No. 2007-1056
(Serial No. 09/947,801)

IN RE JED MARGOLIN

Notice of Consent to Give the USPTO Solicitor an
Additional 14 days to File His Brief

To: Clerk of Court

The USPTO Solicitor gave notice via email to Margolin on January 17, 2006 requesting his consent for an additional 14 days to file his brief. Margolin gave his consent in an email the next morning only to be told that the Solicitor had already filed his motion with the Court. Margolin consents to the 14-day extension for the USPTO Solicitor and requests that the USPTO Solicitor be sanctioned for his rude behavior. The email correspondence is attached.

Dated: January 18, 2007



Jed Margolin
Applicant, Appellant, pro se
1981 Empire Rd.
Reno, NV 89521-7430
(775) 847-7845
cafc@jmargolin.com

Subject: In re Margolin, Fed. Cir. Appeal 2007-1056
From: "Piccolo, Joseph" <Joseph.Piccolo@USPTO.GOV>
Date: Wed, 17 Jan 2007 15:54:48 -0500
To: cafc@jmargolin.com

Mr. Margolin, with regard to appellee's below-attached motion, do you consent under Fed. Cir. R. 27(a)(5)? Or, will you object and file a response under the foregoing rule? Please advise. Thank you.

<<motion.mar.wpd>>

Content-Description: motion.mar.wpd
motion.mar.wpd Content-Type: application/octet-stream
Content-Encoding: base64

Jed Margolin

From: "Jed Margolin" <cafc@jmargolin.com>
To: "Piccolo, Joseph" <Joseph.Piccolo@USPTO.GOV>
Cc: <John.Whealan@uspto.gov>; <Nathan.Kelley@uspto.gov>
Sent: Thursday, January 18, 2007 10:47 AM
Subject: Re: In re Margolin, Fed. Cir. Appeal 2007-1056

Mr. Piccolo.

I consent to your motion requesting a 14-day extension of time to file your brief, even though you do not deserve it.

1. You seem to be saying it's my fault that you need more time because I filed early ("a month before its due date"). Where does it say that I have to wait for the last second to file? And it's not my fault that you chose that moment to take an extended vacation.
2. You instructed Deputy CIO Williams to not investigate who tampered with a material document in the case (Examiner's Summary for telephone interview of August 5, 2005) or maybe, just to not tell me. Have you found the culprit yet? If you need help I'm sure the FBI could find him/her, since this is not just a crime, it's a computer crime. They could start by interviewing everyone with a password to the system. Maybe they could use a lie detector, too.
3. If you plan to use the Whealan Gambit you will have more time to find spurious prior art.

Regards,

Jed Margolin

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----- Original Message -----

From: "Piccolo, Joseph" <Joseph.Piccolo@USPTO.GOV>
To: <cafc@jmargolin.com>
Sent: Wednesday, January 17, 2007 12:54 PM
Subject: In re Margolin, Fed. Cir. Appeal 2007-1056

Mr. Margolin, with regard to appellee's below-attached motion, do you consent under Fed. Cir. R. 27(a)(5)? Or, will you object and file a response under the foregoing rule? Please advise. Thank you.

<<motion.mar.wpd>>

Subject: RE: In re Margolin, Fed. Cir. Appeal 2007-1056
From: "Piccolo, Joseph" <Joseph.Piccolo@USPTO.GOV>
Date: Thu, 18 Jan 2007 13:57:25 -0500
To: "Jed Margolin" <cafc@jmargolin.com>

I filed the motion this morning. Please do not cc: my supervisor. Thank you.

-----Original Message-----

From: Jed Margolin [<mailto:cafc@jmargolin.com>]
Sent: Thursday, January 18, 2007 1:48 PM
To: Piccolo, Joseph
Cc: Whealan, John; Kelley, Nathan
Subject: Re: In re Margolin, Fed. Cir. Appeal 2007-1056

Mr. Piccolo.

I consent to your motion requesting a 14-day extension of time to file your brief, even though you do not deserve it.

1. You seem to be saying it's my fault that you need more time because I filed early ("a month before its due date"). Where does it say that I have to wait for the last second to file? And it's not my fault that you chose that moment to take an extended vacation.
2. You instructed Deputy CIO Williams to not investigate who tampered with a material document in the case (Examiner's Summary for telephone interview of August 5, 2005) or maybe, just to not tell me. Have you found the culprit yet? If you need help I'm sure the FBI could find him/her, since this is not just a crime, it's a computer crime. They could start by interviewing everyone with a password to the system. Maybe they could use a lie detector, too.
3. If you plan to use the Whealan Gambit you will have more time to find spurious prior art.

Regards,

Jed Margolin

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----- Original Message -----

From: "Piccolo, Joseph" <Joseph.Piccolo@USPTO.GOV>
To: <cafc@jmargolin.com>
Sent: Wednesday, January 17, 2007 12:54 PM
Subject: In re Margolin, Fed. Cir. Appeal 2007-1056

Mr. Margolin, with regard to appellee's below-attached motion, do you consent under Fed. Cir. R. 27(a)(5)? Or, will you object and file a response under the foregoing rule? Please advise. Thank you.

<<motion.mar.wpd>>

Jed Margolin

From: "Jed Margolin" <cafc@jmargolin.com>
To: "Piccolo, Joseph" <Joseph.Piccolo@USPTO.GOV>
Cc: <John.Whealan@USPTO.GOV>; <Nathan.Kelley@USPTO.GOV>
Sent: Thursday, January 18, 2007 11:22 AM
Subject: Re: In re Margolin, Fed. Cir. Appeal 2007-1056

Are you saying you filed the motion for an extension of time without giving me even one day to respond?

JM

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----- Original Message -----

From: "Piccolo, Joseph" <Joseph.Piccolo@USPTO.GOV>
To: "Jed Margolin" <cafc@jmargolin.com>
Sent: Thursday, January 18, 2007 10:57 AM
Subject: RE: In re Margolin, Fed. Cir. Appeal 2007-1056

> I filed the motion this morning. Please do not cc: my supervisor. Thank
you.

>

Subject: RE: In re Margolin, Fed. Cir. Appeal 2007-1056
From: "Piccolo, Joseph" <Joseph.Piccolo@USPTO.GOV>
Date: Thu, 18 Jan 2007 14:38:47 -0500
To: "Jed Margolin" <cafc@jmargolin.com>
CC: "Whealan, John" <John.Whealan@USPTO.GOV>

Please advise the Court that you consent. I have asked you to not cc: the Solicitor (as he receives many e-mail messages). I will be signing the government's brief in your case, so please only communicate with me. Unless something new arises, this will be my last communication to you until we file our brief.

-----Original Message-----

From: Jed Margolin [<mailto:cafc@jmargolin.com>]
Sent: Thursday, January 18, 2007 2:22 PM
To: Piccolo, Joseph
Cc: Whealan, John; Kelley, Nathan
Subject: Re: In re Margolin, Fed. Cir. Appeal 2007-1056

Are you saying you filed the motion for an extension of time without giving me even one day to respond?


JM

Certificate of Service

I hereby certify that on January 18, 2006 I mailed one copy of the foregoing by US Postal Service first-class, postage prepaid mail to the USPTO Solicitor addressed as follows:

Office of the Solicitor
Post Office Box 15667
Arlington, VA 22215

Dated: January 18, 2007



Jed Margolin