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Reno, NV 89521-7430
April 27, 2009

Mr. Christopher J. Scolese,
Acting Administrator, NASA
300 E Street, SW
Washington, DC 20546
(202) 358-2810 (Fax)

Dear Sir,

I sent you a letter by certified mail on April 6, 2009. According to USPS it has not been delivered. USPS has several theories:

1. They lost it;
2. NASA refused to accept delivery;
3. Something happened to it when it was sent to New Jersey to be irradiated.

I am appending the letter to this fax.

The letter asks you to confirm that I have exhausted all of the administrative remedies that NASA has to offer in my attempt to get NASA to comply with the Freedom of Information Act. Since it took me an hour this morning just to get a fax number for you -I was misdirected all around NASA- the answer is obviously, "Yes."

When I file suit against NASA in the U.S. District Court For the District of Nevada I had planned to mail the Complaint to you. Since it does not seem possible to mail anything to NASA with any hope of success, will you allow me to email or fax the Complaint to you and will you waive Service?

If you refuse, I will have to pay a process server to serve you. Then I will amend my Complaint to ask the Court to assess costs and punitive damages against NASA.

Sincerely yours,

Jed Margolin

Cc: Senator Harry Reid

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Mr. Christopher J. Scolese,
Acting Administrator,
NASA
300 E. Street, SW
Washington, DC 20546

Dear Sir,

NASA has been acting in bad faith toward me for the past almost-6 years.

I am the named inventor on U.S. Patent 5,904,724 **Method and apparatus for remotely piloting an aircraft** issued May 18, 1999. This patent teaches the use of (what is now called) synthetic vision for controlling a UAV.

I contacted NASA in May 2003 after I became aware that NASA had used synthetic vision in the X-38 project. Because the use of synthetic vision for controlling a UAV can be used to the detriment of this country by unfriendly entities I wanted a friendly conversation because I thought NASA should buy the patent in order to control the technology

In June 2003 I was turned over to Mr. Alan Kennedy in the Office of the General Counsel. This is what I recorded in my Contact Log:

Summary: He basically said that what most independent inventors have is junk and that since I am an independent inventor what I have is probably junk. If NASA evaluates it as a license proffer it will give it a pro forma rejection and I will file a claim anyway, so the same people who rejected it as a proffer will reject it as a claim, but in the process will have had to do more work, so to save them some work they will ignore the proffer and handle it as a claim.

So, I filed a claim, completely answering all the questions on NASA's claim form. Then Mr. Kennedy informed me that NASA would conduct an investigation (expected to last 3-6 months) and that the purpose of the investigation would be to find prior art to invalidate the patent.

After six months I did not hear from NASA so I called Mr. Kennedy. He said:

1. The investigation had not been done.
2. NASA had a Research Exemption for using the patent. [Not true. See *Madey v. Duke* 307 F.3d 1351 (Fed. Cir. 2002)]
3. "The X-38 never flew." I informed him of the video on NASA's web site showing the X-38 flying.

4. The Statute of Limitations gives NASA 6 years to respond to my claim. (Wrong, it gives me 6 years to take NASA to Federal Claims Court.)
5. It would cost me more to sue NASA in Federal Claims Court than I could hope to recover from NASA.

After that, Mr. Kennedy refused to talk to me or respond to my letters. Then, various things came up and I was unable to pursue my claim against NASA.

Subsequently, I assigned the patent to Optima Technology Group, which has inherited the claim.

However, I still wanted to know what came up during the investigation so, on July 1, 2008 I filed a FOIA request. It was assigned FOIA HQ 08-270.

For some reason it was turned over to Mr. Jan McNut in the Office of the General Counsel.

His response is attached as *Reference 1*.

On August 5, 2008 Mr. McNut asked me to give NASA a 90-day extension to my FOIA request. I agreed.

In January, 2009 I received a letter from Mr. McNut who sent me back to the FOIA Office (*See Reference 2*), who wanted me to start over from scratch. Ms. Kelly Robinson then explained that she was currently working on FOIA requests filed two years before.

I told her that NASA did not get a do-over.

In the interests of brevity:

1. I talked to Ms. Robinson on March 18, 2009. She said she was sending me the results of the FOIA search, but there was some material she would not send me before it was internal Agency communications.
2. That was almost three weeks ago I have not received anything from NASA.

Therefore, Mr. Scolese, please confirm that I Have Exhausted All the Administrative Remedies that NASA Has to Offer. I need you to do this so I can bring suit against NASA in Federal Circuit Court.

If you fail to respond to this letter within ten days I will assume the answer is “Yes.”

And I will note your failure to respond in my upcoming article, “How NASA Defrauds Independent Inventors.” (That was not the title when this process started.) I will be sending the article to the various House and Senate oversight committees.

Sincerely yours,

Jed Margolin