



1 According to NASA there are about 4,000 pages of documents, which is a great deal more than  
2 the 100 pages they admitted to withholding in their Denial of FOIA Appeal. Before receiving  
3 these documents Margolin thought he had simply been the object of benign neglect by NASA.  
4 These documents, even though they are heavily redacted, tell a very different story of the period  
5 of time from when Margolin contacted NASA in May 2003 about their infringement of '724 to  
6 when they finally responded to his FOIA request in May 2009. These documents also provide  
7 evidence showing that NASA is withholding other documents relevant to the present case.

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9 Therefore, Margolin requests leave to amend his Complaint to include a discussion of the newly  
10 provided documents under the Federal Rules of Civil Procedure Rule 15(d) which states:

11 (d) SUPPLEMENTAL PLEADINGS. On motion and reasonable notice, the court may, on  
12 just terms, permit a party to serve a supplemental pleading setting out any transaction,  
13 occurrence, or event that happened after the date of the pleading to be supplemented. The  
14 court may permit supplementation even though the original pleading is defective in stating a  
15 claim or defense. The court may order that the opposing party plead to the supplemental  
16 pleading within a specified time.

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#### Second Reason

19 Under the Federal Rules For Civil Procedure Rule 15(a)(1)(A) Margolin is permitted to amend  
20 his complaint before being served with a responsive pleading. Defendants have yet to file a  
21 responsive pleading to either the original Complaint or the First Amended Complaint.

22

1 Conclusion

2 Margolin moves for leave to amend his Complaint and as per local Rule LR 15-1 AMENDED  
3 PLEADINGS Margolin is including his proposed Second Amended Complaint and Appendix.

4  
5 Respectfully submitted,

6  
7 /Jed Margolin/

8 Jed Margolin, plaintiff pro se  
9 1981 Empire Rd.  
10 VC Highlands, NV 89521-7430  
11 775-847-7845  
12 [jm@jmargolin.com](mailto:jm@jmargolin.com)  
13

14 Dated: December 22, 2009

15  
16 **CERTIFICATE OF SERVICE**

17  
18  
19 The undersigned hereby certifies that service of the foregoing MOTION FOR LEAVE TO FILE  
20 AMENDED COMPLAINT has been made by electronic notification through the Court's  
21 electronic filing system on December 22, 2009.

22  
23 /Jed Margolin/

24  
25 Jed Margolin  
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**Exhibit 1**



## Exhibit 2

National Aeronautics and Space Administration

**Headquarters**  
Washington, DC 20546-0001



November 5, 2009

Reply to Attn of: 08-HQ-F-00270

Mr. Jed Margolin  
1981 Empire Road  
Reno, NV 89521

Dear Mr. Margolin:

This is a supplemental response to your Freedom of Information Act (FOIA) request for "all documents related to the Administrative Claim of Jed Margolin for Infringement of U.S. Patent Nos. 5,566,073 and 5,904,724; NASA Case No. I-222," from the files of the National Aeronautics and Space Administration (NASA).

Although arguably outside the scope of your request to the NASA Headquarters FOIA Office, NASA has expanded its search to identify additional records, provided by offices located at the Johnson Space Center (JSC), Langley Research Center (LaRC), the NASA Management Office (NMO) and Headquarters (HQ), which are considered responsive to your request. These enclosed documents, consisting of approximately 4,000 pages of agency records are a part of a system of records exempt from the mandatory disclosure provisions under Title 5, USC §552 of the FOIA. Certain documents and portions of documents have been withheld under applicable FOIA exemptions.

The removal of this information constitutes a partial denial pursuant to the following provisions of Title 5, USC, §552:

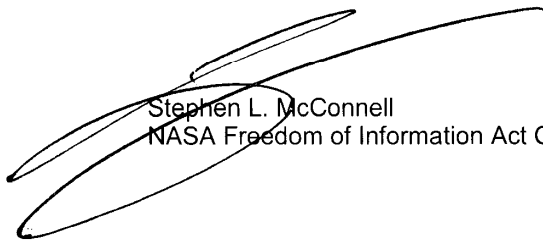
- (b)(3) – implementing nondisclosure provisions that are contained in 41 U.S.C. § 253b, which protects "proposals in the possession or control of an executive agency";
- (b)(4) – which protects "trade secrets and commercial or financial information obtained from a person that is privileged or confidential";
- (b)(5) – which protects inter-agency documents generated which "are predecisional and/or deliberative in nature" and information protected as attorney work product; and
- (b)(6) – which protects the privacy interests of individuals by protecting "information concerning his or her person."

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Since you have appealed the initial response to this FOIA and instituted litigation against NASA on your request, your administrative remedies stemming from this supplemental response have been exhausted and any appeal on this supplemental response must be addressed in that action.

Any further questions should be directed to the undersigned, at (202) 358-0068.

Sincerely,



Stephen L. McConnell  
NASA Freedom of Information Act Officer

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JED MARGOLIN,  
Plaintiff,  
vs.  
CHARLES F. BOLDEN, in his official  
capacity as Administrator, National  
Aeronautics and Space Administration, and  
NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION,

Case No. 3:09-cv-00421-LRH-(VPC)

ORDER

Defendants.

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On Motion of the Plaintiff,

IT IS HEREBY ORDERED that Plaintiff's motion for leave to file a Second Amended Complaint is GRANTED.

DATED this \_\_\_\_\_<sup>th</sup> day of January, 2010.

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Larry R. Hicks  
United States District Judge