

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Jed Margolin

Serial No.: 11/736,356

Examiner: Ronnie M. Mancho

Filed: 4/17/2007

Art Unit: 3664

For: **System and Method For Safely Flying Unmanned Aerial Vehicles in Civilian Airspace**

Filed: 4/17/2007

First Office Action: 9/1/2010

Response: 11/29/2010

Second Office Action: 2/15/2011

The following is to comply with 37 CFR § 1.133 **Interviews** and MPEP Section 713.04
Substance of Interview Must Be Made of Record.

I called SPE Tran Khoi on or about March 22, 2011. Mr. Khoi is the SPE for the Examiner in this application. I identified myself and the patent application and explained to SPE Khoi that his Examiner had expanded his grounds for rejection in the Second Office Action, which constructively added new grounds for rejection, and had made the rejection final. I asked SPE Khoi to ask the Examiner to withdraw making the Second Office Action Final so I could respond to the new rejection and introduce new evidence.

SPE Khoi asked if I had amended the claims. I said no.

He asked if I was an attorney. I said no, I am a *pro se* applicant but I have done this before.

Then he asked for the Application Number and I gave it to him.

After he looked it up he asked where the Examiner had given new grounds for rejection.

I started with where the Examiner had equated an Autopilot with an Autonomous Control System.

Then I pointed out where the Examiner had introduce the issue of Civilian Airspace, and that he could have done that in the First Office Action but hadn't.

I brought up the issue of the Duggan Examiner and that her actions in the Duggan patent constitute either incompetence or possible misconduct. I explained that the reason I had brought up this issue was to show that the USPTO discriminates against *pro se* inventors. Aerospace companies with expensive Law Firms are given a free pass, while *pro se* inventors get kicked in the head. I was not asking for a free pass, only fair treatment.

I brought up the issue of the Examiner citing my own patent (5,904,724) against me, and that it was not proper under 102(b) because the present invention is not taught by '724, it is a new application of '724.

We discussed the issue of Civilian Airspace again.

Then I brought up the issue of the Examiner's statement about safety. In the Second Office Action he had made the statement (page 11, third paragraph):

Applicant thus insists that the rejection is conclusory and is not supported. The examiner disagrees and notes that any particular level of safety is not described or disclosed in the specification nor is there any meaning provided for "civilian airspace" or "safety". **It is believed that the aircraft flown in the prior art is flown safely and further that the aircraft is flown in all airspaces since a particular airspace was not prohibited.**

I explained that the Examiner's belief is absolutely wrong and that safely flying UAVs is a major problem. I went into some detail.

SPE Khoi distinguished the section in the Second Office Action "Response to Arguments" with the Formal Rejection in "Claim Rejections" and stated that "Response to Arguments" was not subject to Rule 706.07(a).

I said that the Examiner's Response to Arguments will be used against me at BPAI and I deserve the right to respond to it and introduce new evidence.

SPE Khoi suggested I file a Petition. I told him that filing a Petition does not toll deadlines and that I have heard of the USPTO simply waiting for the deadline to pass and then saying the Petition is moot.

After that the conversation deteriorated and will not be summarized here.

Then we talked about the current state of UAV technology and what my invention actually is.

SPE Khoi said he would look at my case and get back to me.

A few days later, on or about March 24, 2001, SPE Khoi left me message saying that the Examiner's Final Office Action was correct and proper.

The telephone interview between SPE Khoi and myself that is described above was mostly cordial but SPE Khoi decided that the Examiner's Final Office Action was correct and proper. And then he advised me to "Have a Nice Day."

Respectfully submitted,

/Jed Margolin/ Date: April 10, 2010

Jed Margolin

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