UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GILBERT P. HYATT, Plaintiff, v. MICHELLE K. LEE, Defendant.	Civil Action No. 05-2310 (RCL) Civil Action No. 09-1864 (RCL) Civil Action No. 09-1869 (RCL) Civil Action No. 09-1872 (RCL) **ECF**

Declaration of Gilbert P. Hyatt in Support of
Plaintiff's Motion for Discovery Pursuant to Rule 56(d)

Pursuant to 28 U.S.C. § 1746, I, Gilbert P. Hyatt, declare as follows:

1. I am an engineer, scientist, and inventor and holder of more than 70 patents issued by the United States Patent and Trademark Office ("PTO"). I have over 370 patent applications ("applications") pending before the PTO covering subject matter including microcomputer structure, computer memory architecture, illumination control systems, display systems, graphics systems, image processing systems, and sound and speech processing systems. Most of my pending patent applications have been pending for over 21 years, with about a dozen applications pending for over 35 years.

2. I submit this declaration in support of the Plaintiff's Motion for Discovery Pursuant to Rule 56(d) to provide a factual basis for certain of the facts for which I am requesting to conduct discovery.

Hyatt-Specific Policies and Procedures

3. Based on my communications and interactions with PTO personnel over the years, I know that PTO has adopted, at various times, a number of policies and procedures specifically addressing the treatment of my applications. Documents setting forth these policies and procedures, however, are not included in the file histories for my applications or in the administrative records before this Court.

4. Although my applications covered diverse technology subject matter that are examined in different PTO Technology Centers ("TCs"), the PTO assigned Richard Hjerpe, a Supervisory Patent Examiner, to work with my patent attorney and me in the late-1990s through the mid-2000s to manage the examination of my patent applications, including the four patent applications in the instant actions. Mr. Hjerpe communicated with me personally from at least 1996. The telephone conference record attached hereto as Exhibit 1 describes a 1996 telephone call that I received from Mr. Hjerpe. Mr. Hjerpe stated that he was in charge of all my patent applications and that my patent attorney and I should work through him on my patent applications. In order to assist the PTO in examining my applications, we had numerous telephone conferences and several meetings with Mr. Hjerpe at the PTO.

5. Mr. Hjerpe mentioned many times in telephone conversations from the late-1990s to the mid-2000s that he communicated often with the examiners working on my applications to keep track of their progress and ensure consistency in their actions. These communications, which Mr. Hjerpe often said took place through email, are not included in the file histories or in the record before this Court.

6. Mr. Hjerpe mentioned in one of the telephone conferences in the early-2000s that the PTO was taking special care of my patent applications and that the PTO had "special procedures" for handling them. Mr. Hjerpe also mentioned the Patent Application Location and Monitoring ("PALM") system. Based on my conversations with Mr. Hjerpe and other timing considerations, it is likely that the four patent applications at issue in these cases were subject to these "special procedures."

7. I understand that the "special procedures" included the creation and use of a "Hyatt room" at the PTO to organize the work of a team of patent examiners ("examiners") responsible for certain of my applications. Mr. Hjerpe mentioned several times in telephone conversations in the early- and mid-2000s that the PTO had a "Hyatt room" where it kept the file histories and prior art references for my patent applications. The telephone

conference record attached hereto as Exhibit 2 describes the protocol for providing prior art references, which I understood were kept in the "Hyatt room," and the Information Disclosure Statement ("IDS") attached hereto as Exhibit 3 is one of many IDSs that references the telephone conference record for the submission of prior art references. The telephone conference record is referenced in the footnote on the first page of Exhibit 3. Based on my conversations with Mr. Hjerpe and other timing considerations, it is likely that the four patent applications at issue in these cases were maintained in the "Hyatt room" at the PTO.

8. I had several meetings at the PTO and numerous telephone conversations with Brian Werner, who was responsible for many of my applications, in the mid-2000s.

9. In a telephone conversation, Mr. Werner told me that he had a special procedure by which he could generate a large office action on each of my patent applications in two days. I understood him to be referring to the lengthy, repetitive, and burdensome-to-respond-to actions that were being issued on many of my applications around that time—actions that appeared calculated to frustrate my ability to comply with the PTO's demands and obtain substantive action on my applications. He indicated that a team had been assembled specifically to work on my applications. Two of the four applications in the instant actions were examined personally by Mr. Werner. It is Mr. Werner's rejections that are the subject of these two appeals.

10. I understand that, in early 2013, after years of inaction, the PTO assigned almost all of my applications to a single examination group, Art Unit 2615, which worked exclusively on my applications. Exhibit 4. The PTO called this group the "Bulk Filers" group, apparently reflecting the PTO's prejudgment that the mere fact that I filed a large number of applications (covering a wide range of technology subject matter) somehow implies that my pending applications are without merit. This is despite the fact that I hold a number of issued patents and have been recognized for my technological innovations. I am

unaware of any PTO art unit dedicated solely to "bulk filers" such as IBM that file thousands of patent applications every year.

11. I understand that a number of my pending patent applications were, for a number of years, subject to the PTO's secret Sensitive Application Warning System (SAWS) program. This program was created at least as far back as 1994. It established a secret review process for some pending U.S. patent applications selected based on secret criteria made up by the PTO. It was designed to flag what the PTO deemed "sensitive" applications and subject them to special scrutiny, even though the term "sensitive" is not found in, nor could be reasonably interpreted from, any statutory criteria for patentability. The SAWS program had not been adopted by reference to any specific statutory or regulatory authority, nor was it disclosed to the public by the PTO. It was secret. Freedom of Information Act ("FOIA") disclosures revealed that the PTO used SAWS to target applications "which if issued would potentially generate extensive media coverage" (i.e., news, blogs, forums), "applications…claiming subject matter that, if issued, would potentially generate high publicity" for the USPTO, and "[a]pplications with pioneering scope." Exhibit 5 at 1–2. Applications "which have old effective filing dates (pre 6/8/1995, i.e. pre-GATT) with broad claim scope" were also flagged under SAWS. Exhibit 5 at 2. In other words, the SAWS program was the PTO's "Be On the Lookout," or "BOLO," list of certain patent applications. Importantly, SAWS applications were flagged in the PALM system "to prevent issuance." Exhibit 6.

12. The PTO's Board of Appeals was informed of any application that came up on appeal that was flagged under SAWS. The PTO instructed examiners to write an Impact Report for some SAWS applications, projecting likely impact on the public and the PTO should the application issue. FOIA records reveal that such SAWS applications would be referred to the "10th floor," specifically to the PTO's Office of Patent Legal Administration ("OPLA"), for review. The OPLA may approve issuance, may ask for changes in the

application to allow, or may say "no way"—the application "could not get allowed (had to be withdrawn from issue)." Exhibit 6.

13. The program was said to have been terminated in March 2015, in the midst of a public controversy over its operation and a Senate inquiry that was in process. Because my applications met the SAWS criteria (pre-GATT applications, "claiming to subject matter that, if issued, would potentially generate high publicity" for the USPTO), I understand that my applications were identified as being subject to SAWS, including when they were appealed to the Board of Appeals, potentially prejudicing its consideration of my appeals. This likely included the four applications in the instant actions which are appealed from the decisions of the Board. Of particular significance is the fact that PTO management on "the 10th floor," exercised extraordinary power under this secret program to refuse allowance, or withdraw from issue, claims to patentable inventions which they deem too "sensitive." The treatment of my applications has the hallmark of PTO's secret exercise of such power—the "no way" determination made at the "10th floor" to prevent issue—including an indefinite withdrawal from issue of one of my allowed applications. *See infra* ¶ 57.

14. Other experiences with the PTO, some of which are described below, have indicated that the PTO is applying other Hyatt-specific practices, policies, and procedures. In many instances, the PTO has issued waves of identical or related actions in numerous of my applications within a short period of time, reflecting that it is carrying out some kind of policy or directive. In many instances, the application of these policies and procedures has consisted of or caused delays in the prosecution of my applications, induced delays in the prosecution of my applications, induced the conduct the Defendant described in the motion to dismiss, and I understand and believe frustrated the regularity of the PTO's examination of my applications.

PTO's Inducement of Challenged Conduct

15. At all times, I have sought to prosecute my applications according to the requirements of law, so that they will be granted. To that end, I have often taken direction

from the PTO on how it prefers that I proceed, and worked collaboratively with PTO personnel, to facilitate expeditious action on my applications.

16. I took numerous actions before the PTO at Mr. Hjerpe's behest in an attempt to assist the PTO, with the understanding that taking such actions would expedite consideration of my applications. For example, Mr. Hjerpe stated in a telephone communication and in a meeting that the PTO wanted to expedite processing of my patent applications and that he would work with my patent attorney and me to get my patent applications issued. Mr. Hjerpe was representing PTO management at a high level; for example, Mr. Hjerpe stated that this was the IDS procedure decided by the directors of the groups examining my pending applications. Exhibit 2. Because we wanted to assist the PTO, my patent attorney and I cooperated with Mr. Hjerpe for that purpose. Exhibit 3. Mr. Hjerpe did not mention delays, laches, or any other such issue and he did not mention that the PTO had any problem with my patent applications.

17. The PTO assigned Michael Razavi, a Supervisory Patent Examiner, to work with my patent attorney and me between the late-1990s and the mid-2000s to simplify the examination of my patent applications. Mr. Razavi and I had a meeting at the PTO and several telephone conferences.

18. Because I wanted to assist the PTO in processing my applications, I took numerous actions before the PTO at Mr. Razavi's behest, with the understanding that taking such actions would expedite consideration of my applications. For example, Mr. Razavi reviewed and pre-approved amendments to patent applications that I drafted and filed. True copies of three excerpted telephone conference records for telephone conferences with Mr. Razavi are attached hereto as Exhibit 7. Mr. Razavi suggested that my patent attorney and I inform the patent examiners that the amendments were pre-approved by him and we did so. An excerpt from such an amendment informing an examiner to that effect is attached hereto as Exhibit 8. Mr. Razavi did not mention delay, laches, or any other such issue, and he did not mention that the PTO had any problem with my patent applications.

Based on timing and other considerations, it is likely that all four patent applications at issue in these cases were subject to Mr. Razavi's involvement.

19. I had several meetings with Gerry Goldberg, Director, at his office at the PTO and several telephone conversations with Mr. Goldberg in the late-1990s and in the early-2000s. Mr. Goldberg gave me guidance on issues such as claim drafting. I understood that following his guidance would expedite consideration of my applications. Mr. Goldberg did not mention delay, laches, or any other such issue and he did not mention that the PTO had any problem with my patent applications.

20. I also had meetings and telephone conversations with Mr. Werner. In my meetings and conversations with Mr. Werner, he did not mention delay, laches, or any other such issue and he did not mention that the PTO had any problem with my patent applications.

21. These facts, and others, lead me to believe that the PTO had a policy of encouraging and inducing me to take actions that it now claims resulted in or contributed to unreasonable delays.

PTO's Policy of Delaying Examination

22. Based on the PTO's actions, I believe that the PTO has numerous times implemented a policy of intentionally delaying examination of my applications.

23. For example, on page 43 of the Defendant's motion to dismiss, the PTO concedes that it suspended prosecution of the four applications at issue in these cases, among many others, for years. MTD at 43.

24. That was not the only instance where PTO suspended prosecution across many of my applications at once.

25. For example, Mr. Hjerpe and Mr. Razavi and four PTO TC Directors (Andrew Faile, Mark Powell, Joseph Rolla, and Nestor Ramierez) signed more than 2,000 suspensions of action for a period of six months each for my patent applications, causing

more than 1,000 years of aggregate delay in the prosecution of my patent applications during the 2000s.

26. Altogether, these more than 2,000 suspensions of action caused more than 1,000 years of aggregate delay by the PTO in the prosecution of my patent applications in the mid-2000s. An example of a suspension issued by the PTO is shown in Exhibit 9.

27. These delays were contrary to the PTO's own operating procedures, which specify that "[s]uspension of action at the initiative of the Office should be avoided, if possible," and that subsequent suspensions should issue only "in an extraordinary circumstance." *Manual of Patent Examining Procedure* ("MPEP") § 709(II). These more than 2,000 suspensions of action were produced in waves of hundreds of nearly identical suspensions issued together at different times over and over again in the same applications. There was also no apparent examination-related basis for these actions, which were often entered simultaneously across numerous applications that are unrelated technically or legally.

28. In addition to the delays caused by the suspensions, there were long periods during which the PTO simply took no action, without formally entering suspensions of action.

29. I objected to these delays and attempted to expedite—not delay—action on my applications. To that end, I sent numerous status inquiry letters, filed over 1,000 petitions for an action on the merits or, in cases that had already been appealed, for an examiner's answer (the PTO version of an opposition brief to my appeal brief) or a waiver thereof, without which the appeal will not be decided by the Board of Appeals. Under the PTO's own procedures, the patent examiners should have filed responsive examiner's answers within two months, *see* MPEP § 1207.02, but the examiners never did so. My petitions, both in appealed and non-appealed cases, were either ignored by the PTO or were dismissed, and were often followed by more suspensions. Exhibit 10 provides the detailed events of 80 appealed applications which the PTO delayed by withholding examiner's

answers, refusing to pass the appeals to the Board of Appeals, and issuing waves of suspensions of prosecution. Exhibit 11 shows the timeline of these 80 appealed applications, including my repeated petitions for action and the waves of simultaneous PTO suspensions in these applications.

30. Many of my applications, despite being assigned to an examiner, have languished due to the PTO's unexplained inaction. Yet, pursuant to MPEP § 707.02, applications are considered "special" if they have been pending for more than 5 years. A patent application that is deemed "special" is entitled to prioritized treatment and may be advanced out of turn for examination. *See generally* 37 C.F.R. § 1.102. All of my applications must be considered "special" and have long been entitled to expedited treatment.

31. In my conversations with Mr. Hjerpe regarding the examination of my applications, he explained to me about the PALM system and docketing. He also mentioned "dockets" and "docketing" numerous times, stated he would put my applications on an examiner's docket, and informed me they were on an examiner's docket or that he would docket them. As I understand it, every material activity, action, or transaction in a patent application is recorded in the PALM system by status codes and event codes. For each patent examiner, the PALM system provides examiner-specific bi-weekly docket reports identifying docketed applications for examination as regular, special, or expedited applications in priority order; the individual examiner rejected applications; the individual examiner new applications, sorted by month of filing. MPEP § 1704. Thus, PALM records and bi-weekly examiner docket reports generated by the PALM system can reveal when applications were placed on the examiner's docket for action and when examiners were actually working on specific applications and other internal actions taken by PTO. This information is not generally available outside of the PTO. I understand that the PALM records and reports are preserved and backed-up in their entirety. I believe that the full PALM records, as well as related records and reports maintained by the PTO would therefore provide evidence of PTO's prioritization and processing of my applications.

32. The PTO's policy of delaying the examination and appeal of my patent applications continues in force to this day, based on actions it has taken to delay examination and frustrate appeals in many of my applications.

PTO's Misrepresentations Regarding Its Consideration of My Applications

33. On a number of occasions, the PTO has misled me to believe that it intended to expedite consideration of my applications or otherwise take prompt action on them. In reality, it has delayed action on them for many years, for which it now blames me.

34. I have filed petitions asking that the PTO act on about 184 of my pending applications that languished for years at the PTO with no examiner action. In my petitions I explained that my applications have been pending longer than 5 years and so were considered "special" pursuant to MPEP § 707.02 and entitled to prioritized treatment. *See, e.g.*, Exhibit 12.

35. In answering my petitions, the PTO acknowledged that the patent applications were "special" and thus entitled to special expedited treatment but dismissed the petitions *as moot* because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy." Exhibit 13. The PTO also stated that "[t]he examiner will be notified that this application should be considered as 'special' and appropriate for expedited action." *Id*.

36. Contrary to these misleading promises to treat the applications as "special" and act promptly, I received no examiner action in any of these 184 cases. Instead, around May of 2007, the PTO proceeded against my applications in two ways. First, in actions signed by Mr. Razavi, it abandoned at least five of my applications by falsely asserting that I failed to respond to PTO actions mailed in 2003 (applications in Dockets 373, 380, 386, 405, and 468). I successfully petitioned to withdraw the holding of abandonment, and Mr. Razavi's actions were reversed by the Office of Petitions in all five cases. Second, around the same time, the PTO began issuing suspensions of examination in all of these applications, on average 2.5 years after the PTO represented in its petition decisions that

there would be prompt examiner action. Exhibit 14 is a table illustrating the chronology of these events. All but three of the petition decisions were signed by Kenneth A. Wieder, Special Program Examiner of TC 2600. At the time these petitions were decided, the TC's Special Program Examiners were overseeing and deciding petitions to make applications "special." *See* MPEP § 708.02(XII) (8th ed., Rev. 2, May 2004) ("Petitions to make special are decided by the Special Program Examiner of the TC…."). Therefore, the Special Program Examiner's promise for prompt action in these applications carried an imprimatur of authority for ensuring "special" treatment and prompt action, on which I relied.

37. The PTO's misrepresentations and false promises were uniformly orchestrated across all 184 petitions not only by using identical stock petition decision language, but also by denying subsequent examiner action on all of these applications for years. As Exhibit 14 shows, Mr. Razavi took over as examiner of record in most of these 184 applications, which had been previously assigned to dozens of examiners. Because it is unreasonable that Mr. Razavi could single-handedly do all work normally assigned to dozens of examiners, a reasonable inference can be drawn that the PTO had no intention of acting on these applications at that time—in other words, that Mr. Razavi was simply assigned as examiner of record in all these applications to "manage" inaction and issue suspensions. As the PTO records show, Mr. Razavi did not approve any patent applications for issuance for which he was the examiner of record.[1]

38. In one instance, the first case listed in Exhibit 14, after I filed a petition for examiner action, Exhibit 15, the PTO denied it but stated that, "in view of the lengthy prosecution in the instant application, the file is being forwarded to the examiner for *immediate* action as appropriate. Any delay caused petitioner in the treatment of the petition

[1] Search of the PTO database at http://patft.uspto.gov/netahtml/PTO/search-adv.htm using the search string (EXA/"Razavi; Michael" OR EXP/"Razavi; Michael") yields no issued patents after February 2007.

and the Appeal Brief is regretted." Exhibit 16 (emphasis added). That "immediate action" did not happen. Instead, the PTO took no action for more than a year and then issued a suspension.

39. Examiners of record at the time of my petitions for action in these applications were clearly not working on my applications. PTO records show that the examiners issued numerous other patents without examining my applications during the period that they were to treat my applications as "special"—i.e., first on their action docket. Exhibit 17. The PTO docket management procedures require that after a petition decision, the application files be "forwarded to the examiner" with a corresponding PALM time stamp to that effect. The specific applications must therefore appear on the examiners' bi-weekly docket report as "special," having expected examiner actions within 14 days on average with a maximum control ceiling of 28 days. *See* Patent Office Professional Association, *Patent Examiner Performance Appraisal Plan Guidelines* 55 (Apr. 2012). That "special" treatment did not happen in any of the 184 applications.

40. These actions, taken consistently across a group of 184 applications, reflect a policy by the PTO to delay action on my applications, even where expedition is required by agency rules, and to mislead me regarding the status of my applications and the PTO's actions on them. Based on my interactions with the PTO, including those described in this Declaration, I have reason to believe that the same or similar policies were carried out with respect to many other of my applications.

PTO's Bad Faith or Unclean Hands

41. Based on the PTO's conduct and other evidence, I understand and believe that the PTO's ultimate policy is to prevent my patent applications from issuing regardless of their merits.

42. The PTO has blocked the fair and impartial examination of my applications and, in many cases, blocked me from obtaining final agency action on the merits subject to judicial review.

43. I had a telephone conversation with a patent examiner who was examining many of my patent applications in the mid-2000s in one of what the PTO calls a "family" of applications. This patent examiner told me that he wanted to issue these patent applications but that his supervisor would not let him do so. These patent applications are still pending about a decade later, and most of them have been re-examined with totally new non-final rejections on the same claims that were examined a decade before. The PTO is thus starting over with non-final rejections on patent applications that it had examined about 20 years ago and on which at least one examiner stated that he wanted to issue patents to me. On further information and belief, there is discoverable evidence that several times during the 2000s examiners were told by supervisors that none of my patent applications would be permitted to issue, that my patent claims should be "rejected out of hand," and that the examiners should erect all possible barriers to overwhelm me with paperwork burdens that would make it difficult for me to respond.

44. The PTO has tied up my applications in a never-ending cycle of administrative proceedings, which it refers to as "recycling." I met with the Director of Technology Center 2600, Andrew Christensen, on November 16, 2006. This meeting occurred just after the Board of Appeals had reversed the rejections in two of my patent applications, and the PTO had then reopened prosecution instead of allowing the two applications to issue as patents. After I described this treatment, Mr. Christensen confirmed that it was the "policy" of the PTO to "recycle" my patent applications—going round and round from the examining groups to the Board of Appeals and then back to the examining groups and then back to the Board of Appeals. My meeting notes were contemporaneously sent to the PTO for filing in the records of the relevant applications. *See* Exhibit 18. Mr. Christensen also signed many of the suspensions. *See* Exhibit 9.

45. PTO has taken other actions to avoid judicial review of the merits of final actions denying issuance of patents for most of my applications. In particular, the PTO has

not only interposed delays in examination, but has also frustrated my ability to obtain final agency action on the merits that could be challenged in court.

46. For example, there are many instances in which I prevailed at the Board of Appeals only to have the PTO end-run the decisions of the Board of Appeals, reopen prosecution of these applications, issue non-final office actions, and cause additional years of delay. This PTO policy has caused years if not decades of delay in the prosecution of my patent applications while attempting to keep my applications from issuing as patents.

47. Similarly, the PTO has taken apparently coordinated action across numerous applications to frustrate administrative appeals that might result in issuance of patents or final agency action subject to judicial review.

48. During a typical appeal to the Board of Appeals the applicant files an Appeal Brief, the examiner files a response called an examiner's answer, and the applicant files a Reply Brief. However, in 80 of my applications, after many years of PTO delay, I filed Appeal Briefs in these patent applications. After a long period of additional delay by the PTO (typically more than five years), rather than file examiner's answers and forward the cases to the Board of Appeals, the examiners reopened prosecution without identifying any ground for rejection. Exhibit 10; Exhibit 11. For example, in one application, this action took these 80 applications back 20 years, to the beginning of the examination process. There is no PTO rule or procedure that permits examiners to reopen prosecution without giving notice of the new ground for rejection. Instead of giving a new ground of rejection, the examiners demanded that I select only a small subset of my claims for *repeated* examination. After I made claim selections under protest, the examiners issued rejections based on many of the same arguments that had already been addressed in the Appeal Briefs, which the PTO refused to consider. I filed petitions to have my Appeal Briefs considered by the examiners but the PTO denied the petitions. The patent examination was thus restarted from the very beginning with no consideration given to the 20 years of prosecution that had already occurred.

49. Based on my interactions with the PTO, I believe it has adopted a policy of drafting office actions and communications so as to maximize the burden and effort required for me to respond, even by raising issues that are frivolous. The result has been the imposition of a substantial time and expense burden on me, while putting me at risk of adverse action for failure to respond in full compliance.

50. In 2013, the PTO set back the examination process in nearly all of my applications to a time prior to the original non-final office actions generated 20 years ago (not including the four patent applications in the instant actions) through a series of about 400 office actions undertaken over a period of just six months. Many of these applications are still waiting for an imminent non-final office action three years after the 2013 actions and more than 20 years after the first non-final office actions were generated. The 2013 actions appear to have been coordinated across nearly all of my applications, suggesting a common policy and a lack of regard for the unique substance and circumstances of each application.

51. The PTO's 2013 actions, like other actions taken by PTO, prejudiced me in two respects. First, after years of inaction in all applications, when PTO takes hundreds of near-simultaneous actions in nearly all applications, rather than through the normal pipeline process of taking action at spaced intervals as would have occurred had action in these applications been unfrozen, it taxes the resources of even the most diligent applicant to respond to them all expeditiously. Second, because PTO placed my applications in limbo for years before suddenly requiring me to amend them, the experienced and knowledgeable attorneys and staff who assisted me in prosecuting my applications during the early- and mid-2000s were no longer available, requiring me to attempt to bring others up to speed rapidly on my inventions. As a result, I was not able to amend most of my patent applications before responding to the office actions, which I believe to have been the PTO's purpose in issuing so many actions at once.

52. The PTO has claimed at various times that it "lost" entire file histories for more than 50 of my patent applications—about 13 percent of my pending applications. In some cases, the PTO has lost and found the file histories of a single application several times, and in other cases I have had to replace the PTO's lost file histories with copies from my files. A considerable delay is imposed on a patent application each time the PTO loses part or all of the file history. I am not aware of the PTO regularly "losing" other applicants' file histories.

53. In my docket number 829, I filed a District Court action to compel examination of all of the claims, rather than only a subset imposed by the PTO. The PTO moved to dismiss the case to enable the Board of Appeals to render a decision that might moot the court case. My District Court action was dismissed without prejudice in 2000, pending a decision by the Board of Appeals. The Board of Appeals reversed the examiner's rejections in part, and thus the PTO should have examined the rest of the claims. However, in 2016, about 15 years after the court dismissal and the Board decision, this application is still awaiting an examiner's action.

Responsibility for Delay

54. PTO faults me for the sheer amount of time that has elapsed since my applications were filed. Three examples serve to demonstrate how PTO's policies and practices that are unique to my applications, taken altogether, have caused decades of delay on my applications and have severely prejudiced me.

55. **Example 1.** This example involves instances of the PTO delaying its first actions on applications for 9 years after they had been filed, without any explanation.

a. In 2004, I filed the patent applications of Docket Nos. 904 and 906. At that time, the average wait for a first action on an application was about 21 months. PTO, *Performance and Accountability Report for Fiscal Year 2005*, at 22.

b. It was not until October 2013, 9 years after filing, that the PTO issued an action imposing certain requirements but without an action on the merits.

This was despite the fact that there could have been no antecedent factors for PTO delay, because these applications did not claim any priority to any other of my pending applications.

c. This delay has not only prejudiced me by denying me patent protection for years, but it also prejudiced the public. Under 35 U.S.C. § 154(b)(1)(A)(i), the term of the patent shall be extended 1 day for each day beyond 14 months until the first PTO action is taken on the application. Thus, when patents are issued on these applications, their term would be adjusted by adding about 8 years—an extension that would deprive the public of free access to the technology for 8 years longer. The responsibility for this prejudice to the public lies squarely with the PTO.

56. **Example 2**: This example illustrates how the PTO can employ multiple approaches to delay action on what it considers a disfavored application for decades.

a. I filed a patent application on *High Intensity Illumination Control System*, designated as Docket No. 146 on December 13, 1977 (40 years ago).

b. After my claims were rejected, I filed a notice of appeal and an appeal brief in 1989, more than 25 years ago.

c. The PTO Board of Appeals finally decided the appeal, reversing in part the examiner on May 20, 2013, approximately 25 years after I filed my appeal brief. The journey to this 2013 event is replete with many instances of the PTO's use of its favored arsenal for dilatory conduct, including losing file histories multiple times and taking years to find them, asking me to furnish copies of items purported to be irretrievably "lost" at the Office, falsely abandoning my applications several times, suspending action several times, not responding to numerous status inquiries, dismissing several of my petitions for action, and leaving other petitions unanswered for decades. This tortured record is provided in great detail in a submission I made to the Board

of Appeals found in Exhibit 19. The Board of Appeals decision contained new grounds of rejection, and I responded in July of 2013. Since July 2013, the application has been awaiting action by the examining corps. The delay is now 40 years and counting.

57. **Example 3**: This example illustrates the arbitrary and extremely prejudicial actions that PTO took against me in connection with its withdrawal from issue of my U.S. Patent 5,625,761.

a. On September 20, 1991, I filed a patent application for *A Transform Processor System Having a Lower Resolution Higher Speed Transform Processor in Combination With a Higher Resolution Lower Speed Transform Processor*, Ser. No. 07/763,395 (Docket No. 342) (the "'395 application").

b. After a final rejection by the examiner, I filed an appeal and the Board of Appeals reversed the examiner. I subsequently received a notice of allowance on January 4, 1996. I paid the issue fee, and Patent No. 5,625,761 was assigned. An issue notice including bibliographic information, a drawing, and the first claim were published in the PTO's Official Gazette, 1197 OG 3543 (April 29, 1997) as is the PTO policy with newly issued patents. *See* Exhibit 20.

c. A week before the publication in the Official Gazette, in a letter by Karna Cooper, Paralegal Specialist in the Office of the Director, the PTO withdrew the patent from issue under 37 C.F.R. § 1.313, stating only that the purpose is to "reopen prosecution." A copy of the letter from Karna Cooper is attached hereto as Exhibit 21. At the time of withdrawal from issue, the MPEP required that when prosecution is reopened after the payment of issue fee, "[t]he examiner at once writes a letter in the case stating that the application has been withdrawn from issue, citing the new reference, and rejecting the claims met thereby. The letter is given a paper number and placed in the file."

MPEP § 1308.01 (6th ed., Rev. 2, July 1996). No such claim rejection letter was provided, and no reason or ground of rejection of any previously-allowed claim was given.

d. Although prosecution in the '395 application was nominally reopened, the PTO has been sitting on it without action on the merits for almost 20 years. I filed petitions for action on January 21, 2005, August 28, 2007, and March 30, 2009. Copies of the petitions for action are provided in Exhibit 22. The PTO ignored all these petitions. Instead, more than a year after my second petition, the PTO started issuing a series of suspensions of the application, on December 31, 2008, April 21, 2010, January 21, 2011, October 13, 2011, and June 13, 2012, without making a single rejection on any claim since it purportedly reopened prosecution in 1997.

e. The PTO has issued no patent to me at any time after April 29, 1997, the date that my '395 application was to be issued as Pat. No. 5,625,761 had it not been withdrawn from issue. I believe that it was around that time that the PTO had adopted internal policies and procedures to avoid issuance of any of my meritorious patent applications.

f. Despite its withdrawal from issue, the PTO made the '395 application available to the public in violation of law, published it in the Official Gazette in 1997 and on its public Patent Application Information Retrieval ("PAIR") website. In 1997, 35 U.S.C. § 122 (Confidential status of applications) prescribed: "Applications for patents shall be kept in confidence by the Patent and Trademark Office and no information concerning the same given without authority of the applicant or owner unless necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner." I have given no authority to the PTO to publish the '395 application without issuing it as a patent. No act of Congress

necessitated the publication of the '395 application, nor is there a record that the PTO Commissioner made any determination that special circumstances arose to warrant such publication.

g. Between my payment of the issue fee on April 5, 1996, and the Paril 29, 1997 publication in the Official Gazette, the PTO had ample time and opportunity to ensure that the '395 application would not appear in the Official Gazette if it intended to withdraw it from issue. By making the '395 application available to the public without issuing a patent in exchange, the PTO irreversibly violated the patent bargain by disclosing my claimed invention without issuing me a patent. I am not aware of such an unlawful publication occurring to any other applicant.

58. These examples not only support my belief that PTO has adopted policies and procedures specific to my applications, but also demonstrate the cumulative effect of the application of those policies against me.

59. Based on these examples, others like them, and the other facts discussed in this memorandum, I believe that the PTO is no longer acting on my applications in good faith and that it has not been for some time.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 27th day of December, 2016.

Gilbert P. Hyatt

Gilbert P. Hyatt

Exhibit 1. Telephone record of Mr. Hjerpe's call to me

#74
6/25/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	
GILBERT P. HYATT	Group Art Unit: 3609
Serial No. 08/471,598 08/471,700 08/471,704 08/471,702 08/479,087 08/466,953	Examiners: Jeffrey Brier Steven Saras K. Farnandez Stoll
Docket No. 509, 512, 514, 516, 517, 538 respectively	
Filed: June 6, 1995	
For: IMPROVED MEMORY ARCHITECTURE HAVING A MULTIPLE BUFFER OUTPUT ARRANGEMENT	

TELEPHONE CONFERENCE RECORD

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

SPE Richard Hjerpe telephoned the Applicant on March 13, 1996. SPE Hjerpe told the Applicant that each of the six related applications listed above did not have the August 1995 preliminary amendment in the file wrapper. The Applicant checked and confirmed to SPE Hjerpe that an August 1995 preliminary amendment was filed in each of the six applications. SPE Hjerpe asked the Applicant for a copy of each of the six preliminary amendments and the Applicant said that he would supply copies thereof.

Transmitted herewith is a copy of each of the six preliminary amendments. Attached hereto as Exhibit A is a copy of each of the return postcards related to each of the six preliminary amendments.

The Applicant respectfully requests that a separate copy of this paper be placed in the file wrapper of each of the six applications identified above.

Respectfully submitted,

Dated: March 15, 1996

Gilbert P. Hyatt
Registration No. 27,647
P.O. Box 81230
Las Vegas, NV 89180
Phone (702) 871-9899

Exhibit 2. Telephone conference record on providing prior art for the “Hyatt Room”

APPENDIX - I

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
GILBERT P. HYATT) Group Art Unit: 2774
)
Serial No. 08/435,894) Examiner: Xiao Wu
)
Docket No. 500)
)
Filed: May 5, 1995)
)
For: AN MEMORY SYSTEM HAVING IMPROVED)
INFORMATION FLOW)
)

TELEPHONE CONFERENCE RECORD

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

SPE Richard Hjerpe and the Applicant's representative, Mr. Vincent Turner, spoke on the telephone on December 10, 1998 and on December 15, 1998 regarding IDSs in the pending applications of the Applicant. SPE Hjerpe said that he had met with the directors of the groups examining the Applicant's pending applications regarding IDSs being filed by the Applicant. SPE Hjerpe stated that the Directors had decided that, when an IDS is relevant to multiple applications, the Applicant should file an individual IDS in each relevant application and that the Applicant should file three copies of each patent and nonpatent reference with SPE Hjerpe. This will make it more convenient for the Applicant and for the PTO. SPE Hjerpe suggested that the Applicant select an application and direct the copies of the references to that application for convenience. The Applicant has selected the instant application identified above.

SPE Richard Hjerpe and Mr. Vincent Turner spoke on the telephone on February 2, 1999. SPE Hjerpe suggested that the Applicant deliver the copies of the references to his office in room 6R01, in Crystal Park 2, on the sixth floor, at the PTO.

Respectfully submitted,

Dated: February 2, 1999

Vincent Turner
Registration No. 40,419
P.O. Box 33189
Las Vegas, NV 89133
Phone (702) 396-4670

Exhibit 3. IDS per Mr. Hjerpe’s request

02/11/02

#38
2674

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
GILBERT P. HYATT)
)
Serial No. 08/457,362)
)
Docket No. 716)
)
Filed: June 1, 1995)
)
For: IMPROVED IMAGE PROCESSING)
ARCHITECTURE)
)

INFORMATION DISCLOSURE STATEMENT

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Transmitted herewith is an Information Disclosure Citation (IDC) listing references for consideration by the Examiner.

The Applicant requests consideration by the Examiner of the references listed on the IDC transmitted herewith and initialing of the references listed on the IDC.

Copies of the listed references are being filed in the PTO contemporaneously herewith.

The listed references are relevant because they were cited by examiners in copending applications of the Applicant.

The instant Information Disclosure Statement is filed in accordance with directions provided by the PTO.[1]

1. See the Telephone Conference Record dated February 2, 1999 regarding telephone conversations between SPE Hjerpe and Mr. Turner that took place on December 10, 1998 and February 2, 1999; which Telephone Conference Record was filed with other IDSs of record.

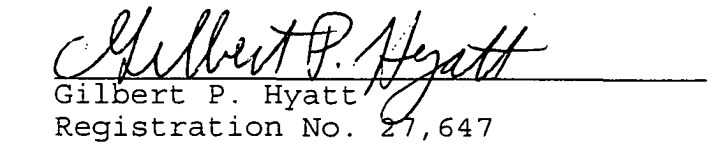
I hereby certify that each of the listed references was cited in one of the actions in the copending applications listed hereinafter, which actions were received no more than three months prior to the mailing of this statement.

DKT.	SERIAL NO.	DKT.	SERIAL NO.
408	08/467,471	764	08/466,992
554	08/470,879	772	08/469,262
614	08/462,919	773	08/469,261
732	08/458,608	787	08/471,425
734	08/461,567	790	08/469,889
738	08/460,172	793	08/470,569
744	08/460,718		

CERTIFICATION OF MAILING BY EXPRESS MAIL: I hereby certify that this correspondence is being deposited with the United States Postal Service with Express Mail post office to addressee service under 37 CFR 1.10, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 with the express mail label number EL819238669 on February 8, 2002.

Respectfully submitted,

Dated: February 8, 2002



Gilbert P. Hyatt
Registration No. 27,647
P.O. Box 81230
Las Vegas, NV 89180
Phone (702) 871-9899

Exhibit 4. “Bulk Filers” Art Unit 2625

https://web.archive.org/web/20130210130405/http://www.uspto.gov/web/patents/contacts/tcmgrs.htm

Robert Chilus 571-272-8416

Return to Top

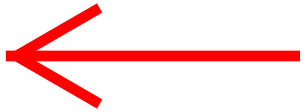
Quality Assurance Specialists (QAS)	Telephone
Wellington Chin	571-272-3134
John Peng	571-272-7272
Michael Horabik	571-272-3068
Kenneth A. Wieder	571-272-2986
Doris To	571-272-7629
Daniel Swerdlow	571-272-7531

Return to Top

TTSS Managers, HSAE's, Team Leads	Telephone
HSLIE Supervisory Legal Instruments Examiner Earline Green	571-272-2993
Team 1 John W. Epps	571-272-3006
Team 3 Kimberly D. Williams	571-272-7282
Team 4 Sharone Moore	571-272-7269
Team 2 Sharon West	571-272-2996

Return to Top

2615 **Bulk Filers** **571-272-4650**
Director, Derris Banks



Art Unit	Supervisory Patent Examiner (SPE)	Telephone
2615	Diego Gutierrez	571-272-2245

Return to Top

2630 **Digital Communications** **571-272-4650**
Director, Derris Banks

https://web.archive.org/web/20130415164753/http://www.uspto.gov/web/patents/contacts/tcmgrs.htm

Return to Top

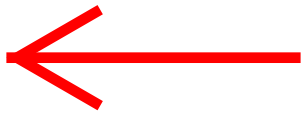
Quality Assurance Specialists (QAS)	Telephone
Wellington Chin	571-272-3134
John Peng	571-272-7272
Michael Horabik	571-272-3068
Kenneth A. Wieder	571-272-2986
Doris To	571-272-7629
Daniel Swerdlow	571-272-7531

Return to Top

TTSS Managers, HSAE's, Team Leads	Telephone
HSLIE Supervisory Legal Instruments Examiner Earline Green	571-272-2993
Team 1 John W. Epps	571-272-3006
Team 3 Kimberly D. Williams	571-272-7282
Team 4 Sharone Moore	571-272-7269
Team 2 Sharon West	571-272-2996

Return to Top

2615 **Bulk Filers** **571-272-4650**
Director, Derris Banks



Art Unit	Supervisory Patent Examiner (SPE)	Telephone
2615	Gregory Morse	571-272-3838

Return to Top

2630 **Digital Communications** **571-272-4650**
Director, Derris Banks

https://web.archive.org/web/20131106015628/http://www.uspto.gov/web/patents/contacts/tcmgrs.htm

TTSS Managers, HSAE's, Team Leads	Telephone
HSLIE Supervisory Legal Instruments Examiner Earline Green	571-272-2993
Team 1 John W. Epps	571-272-3006
Team 3 Kimberly D. Williams	571-272-7282
Team 4 Sharone Moore	571-272-7269
Team 2 Sharon West	571-272-2996

Return to Top

2615 **Bulk Filers** **571-272-4650**
Director, Tariq Hafiz

Art Unit	Supervisory Patent Examiner (SPE)	Telephone
2615	Gregory Morse	571-272-3838

Return to Top

2630 **Digital Communications** **571-272-4650**
Director, Derris Banks

Art Unit	Supervisory Patent Examiner (SPE)	Telephone
2631	Shuwang Liu	571-272-3036
2632	David Payne	571-272-3024
2632	Chieh Fan	571-272-3042
2633	Sam Ahn	571-272-3044
2634	Daniel Washburn	571-272-5551

Return to Top

Exhibit 5. SAWS Criteria

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND
TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

DATE: May 15, 2002

TO: Patent Examining Group Directors

FROM: Esther Kepplinger
Deputy Commissioner for Patent Operations

SUBJECT: Sensitive Application Warning System (SAWS) Program

The following reminders are being distributed about the SAWS program:

- Each Technology Center will distribute a SAWS memo to examiners at least semi-annually. The memo will briefly describe the SAWS program and will list both general Corps-wide SAWS criteria as well as Technology Center-specific SAWS criteria.

- Independent of the SAWS program, examiners should be encouraged to bring to their supervisor's attention any application that raises issues that they are uncertain how to handle, e.g. simple inventions for which art cannot be located.

- Each Technology Center will continue to use or implement an internal-TC tracking and/or flagging system.

- SAWS cases that have been through the TC-screening process and are at the allowance stage should be brought by the Director or his/her designee to the attention of the Deputy Commissioner for Patent Operations and the Deputy Commissioner for Patent Examination Policy.

SAWS Program Management Guidelines are attached.

Attachments: Management Guidelines for the SAWS Program

Management Guidelines for SAWS Program

I. PROGRAM OVERVIEW:

The SAWS program is designed to assist in processing of patent applications identified as claiming subject matter of special interest, that, if issued, would potentially generate high publicity or would potentially have a strong impact in the patent community. It is also an information gathering system to apprise various segments of the USPTO of these patent applications.

As a program to assist in processing of patent applications, it is intended to ensure that the examination standards and guidelines are applied properly to such applications that include sensitive or noteworthy subject matter.

As an information gathering system, the SAWS program should be identifying applications that, if issued as a patent, would be controversial or noteworthy.

The initial identification of SAWS applications is performed by the examiners (may also include managers and classifiers). Therefore, it is important that examiners are well informed about this program and the identification criteria.

Independent of the SAWS program, examiners should be encouraged to bring to their supervisor's attention any application that raises issues that they are uncertain how to handle. Supervisors are responsible for determining which applications proceed through the SAWS program versus those applications having other issues which are normally addressed by existing examination procedures and established examination guidelines.

II. OPERATIONAL OVERVIEW:

It is recommended that the TCs handle the SAWS program based upon a tiered process of application identification. This process may utilize Examiners and SPEs to identify these applications, and a SAWS screening committee to verify their status.

Applications which have been identified and verified as containing SAWS material are reported the TC Group Director, and as needed, forwarded to the Deputy Commissioner for Patent Operations and the Deputy Commissioner for Patent Examination Policy prior to allowance.

A. Corps-wide Potential SAWS Subject Matter

The following subject matter has been determined to be criteria for identifying potential SAWS applications throughout the Patent Corps.

1. Applications which have old effective filing dates (pre 6/8/1995, i.e. pre-GATT) and claims of broad scope (submarines);

2. Applications with pioneering scope;

3. Applications dealing with inventions, which if issued would potentially generate extensive media coverage;

4. Applications which have objectionable or derogatory subject matter in the specification and/or drawing(s);

5. Applications having claims defining inventions which would endanger individuals, the environment, harm the security of our nation or threaten public safety;

6. Commissioner-ordered re-exams, except those ordered because of prior art timely filed, but not considered, before the patent issued, or for prior art submitted under 37 CFR §1.501;

7. Applications claiming a method or apparatus to take a human life (e.g. suicide machine, abortion);

8. Applications claiming a motor or power plant which is self-sustaining (perpetual motion) or appears to violate the laws of physics (e.g. antigravity, faster than the speed of light, etc.);

9. Applications claiming the prevention or curing of diseases which were previously considered impossible to prevent or cure; and

10. Human cloning.

B. Technology Center Recommended Practices:

1. Examiners are the first line of review since they are the most knowledgeable about the pending claims and application issues. Examiners will report potential SAWS cases to their SPE. Upon approval of the SPE, a person designated by the technology center will enter the SAWS case into the appropriate TC tracking system.

2. A reminder and an updated SAWS criteria list will be distributed, at least semi-annually, to examiners to stress the importance of SAWS application identification.

3. Flagging an identified SAWS application in PALM to ensure that the case does not issue until the flag has been removed.

4. Utilizing a TC-specific screening mechanism to remove non-SAWS applications from their SAWS designation. This screening mechanism permits a second review and will result in a recommendation as to whether the application contains SAWS subject matter. The screening mechanism can be performed by a committee made up of SPEs representing a cross section of the Technology Center and a SPRE or a QAS.

5. Applications that have been through the TC screening mechanism and have been identified as SAWS cases will be brought to the attention of the TC Group Director. The Group Director will bring them to the attention of the Deputy Commissioner for Patent Operations and the Deputy Commissioner for Patent Examination Policy.

6. For uniformity and process improvements, a SPRE, QAS, or a SAWS TC-screening committeeshould be utilized. A SPRE, QAS, or a SAWS TC-screening committee will be tasked to periodically review the SAWS processing guidelines and criteria to continually update and revise the program as needed.

7. Placing a PALM Flag on subject classes which encompass sensitive subject matter until a review of these cases is performed upon allowance (such as business methods, class 705).

III. MISCELLANEOUS ISSUES

A. Pre-Grant Publication

Pre-grant publication should not warrant SAWS consideration. Applications published under Pre-grant publication are published "as-filed" and the claims, as-published, have not gone through any examination.

A separate procedure for determining acceptability of what gets published under Pre-grant publication is being established.

SAWS Committee members and Contacts

1600
Brian Stanton

1700
Doug McGinty
Kat Gorgos

2100
Jack Harvey
Tod Swann

2600
Tommy Chin
John Peng

2800
Hien Phan
Clayton LaBalle

3600
Randy Reese
Ken Dorner
Dave Mitchell

3700
Derris Banks
Cliff Crowder
Paul Sewell
Hank Recla

Exhibit 6. SAWS Decision process and OPLA's practice of withdrawing patentable applications from issue

LeGuyader, John

From: LeGuyader, John
Sent: Friday, March 02, 2012 2:13 PM
To: Bragdon, Kathleen; Stone, Jacqueline
Subject: Re: Saws

Not ultimately my call but I would say no. 1600 is the outlier with this issue and that might be the only area I personally would want to know. 1600 would be emblematic of the OPLA issue is there is one at all.

From: Bragdon, Kathleen
Sent: Friday, March 02, 2012 02:05 PM
To: LeGuyader, John; Stone, Jacqueline
Subject: RE: Saws

I would need to check w/each TC individually. We track how many are in SAWS status every month, but we don't track "why" they leave (OPLA approved, OPLA asked for changes to allow, OPLA said "no way").

I you want me to check, I just need to know what to ask them. I can think of the below that might get at what you want? Some variation of this?

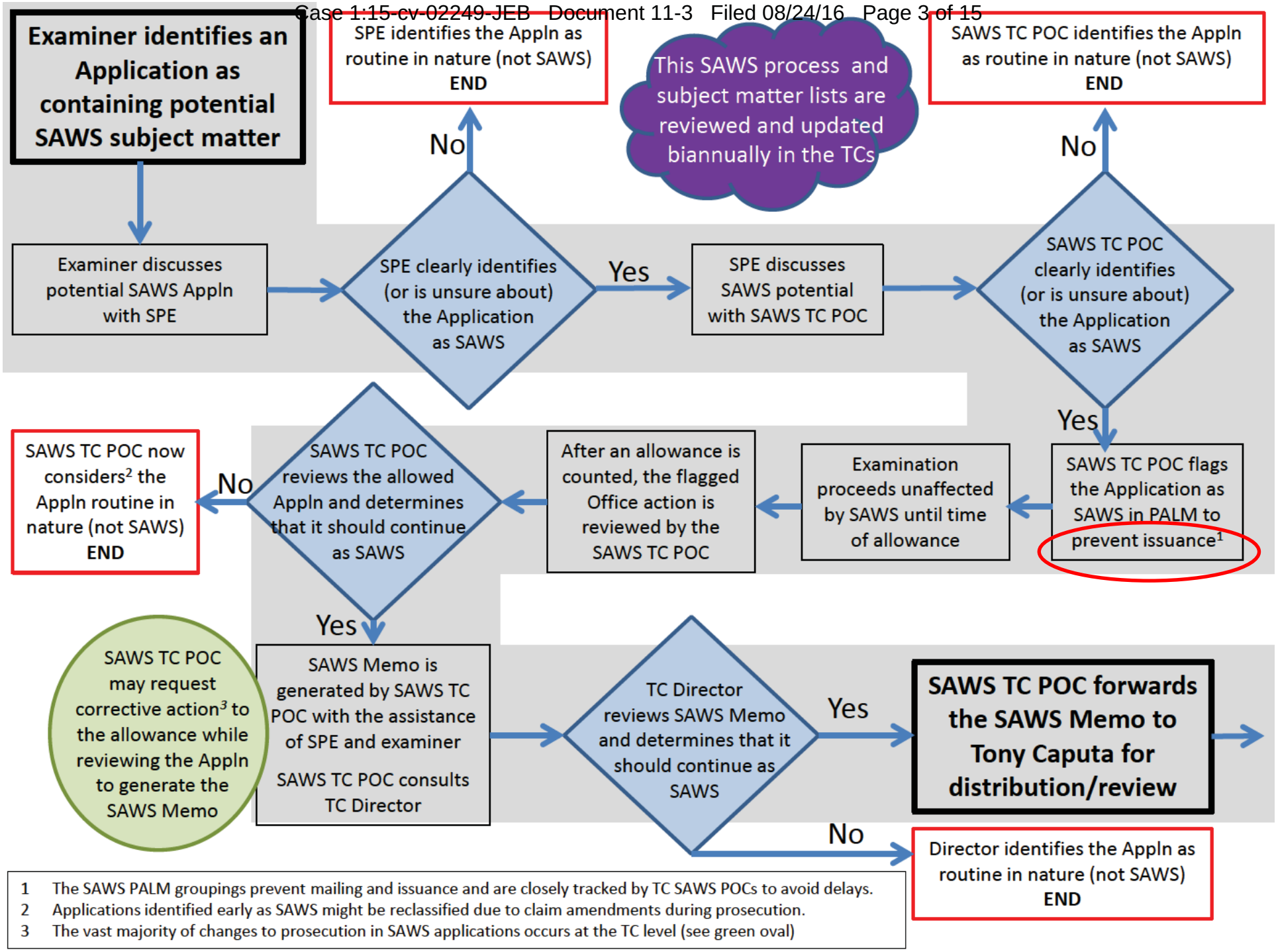
How many went for SAWS review? (time frame?)

- How many cleared SAWS review w/out any issues?
- How many cleared SAWS review (as is) after working with the TC?
- How many only cleared after changes?
- How many were could not get allowed (had to be withdrawn from issue)?

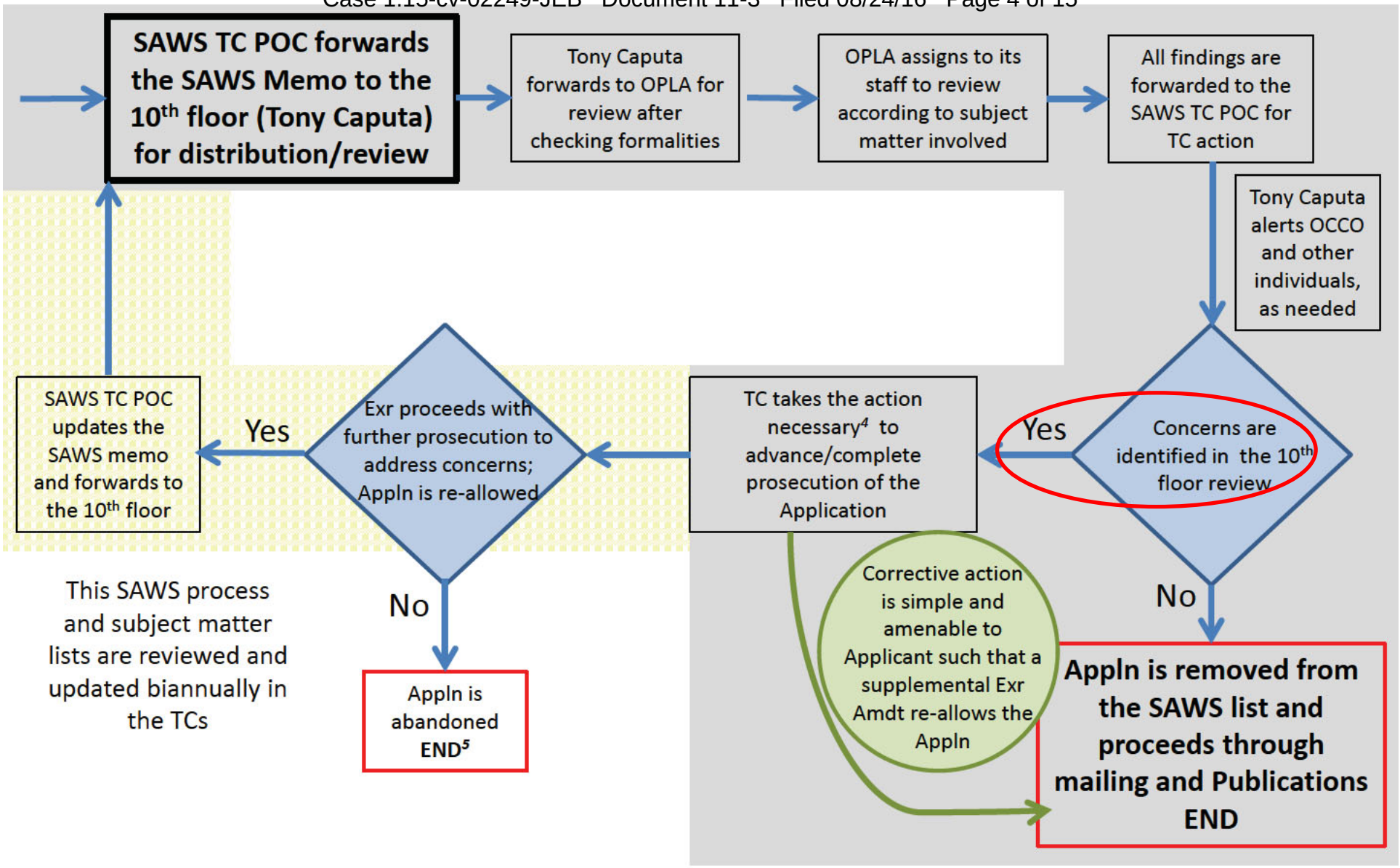
I can't imagine Tony keeps any kinds of records, he just seems to forward to OPLA and forward back from them.

Original Message
From: LeGuyader, John
Sent: Friday, March 02, 2012 11:12 AM
To: Stone, Jacqueline; Bragdon, Kathleen
Subject: RE: Saws

And since Tony Caputa is the 10th floor gate keeper on this (he receives for the 10th floor a SAWS from a TC at the director' discretion and handles as deemed necessary including forwarding to OPLA), he may have a better idea.



1 The SAWS PALM groupings prevent mailing and issuance and are closely tracked by TC SAWS POCs to avoid delays.
2 Applications identified early as SAWS might be reclassified due to claim amendments during prosecution.
3 The vast majority of changes to prosecution in SAWS applications occurs at the TC level (see green oval)



4 Necessary action can include specific claim amendments to address OPLA's concerns that Applicant might agree to (see green circle which expedites allowance), reinstating a previous (improperly dropped) rejection, and reopening to apply a new rejection.

5 Often ABN applications remain on the SAWS list in case they are revived; these cases are removed when provided statistics of pending SAWS cases

Exhibit 7. Telephone conference with Mr. Razavi

#15
6/24/97
RS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	
GILBERT P. HYATT	Group Art Unit: 2613
Serial No. 08/458,141 (See Appendix-I for 99 other applications)	Examiner: Gerard Del Rosso Joseph Mancouso Larry Prikockis Bipin Shalwala Chanh Nguyen Jon Chang Team Exam-Six
Docket No. 700	
Filed: June 1, 1995	
For: IMPROVED IMAGE PROCESSING ARCHITECTURE	

TELEPHONE CONFERENCE RECORD

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

This transmittal is submitted for filing in each of the 100 applications listed in Appendix-I.

If separate copies of this document are needed for placement in the file wrapper of each of the applications identified in Appendix-I, the Applicant will promptly provide same upon notice that such is necessary.

This is a telephone conference record. On March 24, 1997; the Applicant's representative, Mr. Vincent Turner, telephoned Mr. Michael Razavi, SPE of Art Unit 2613, and inquired about the procedure for filing a Conforming Amendment in each of 100 pending related application that are pending in SPE Razavi's art unit. SPE Razavi requested a draft copy of the Conforming Amendment and the Applicant transmitted by facsimile a draft copy on March 24, 1997. A copy of this draft copy of the Conforming Amendment is attached hereto as Exhibit A.

SPE Razavi telephoned Mr. Turner on April 15, 1997 and told Mr. Turner that the Conforming Amendment was acceptable and would be entered in the 100 related applications. SPE Razavi telephoned Mr. Turner on April 18, 1997 and told Mr. Turner that the Conforming Amendments in the 100 related applications should be filed in each application as a separate paper.

Respectfully submitted,

Dated: April 22, 1997

Vincent Turner

Vincent Turner
Registration No. P-40,419
P.O. Box 36370
Las Vegas, NV 89133
Phone (702) 396-4670

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	
GILBERT P. HYATT	Group Art Unit: 2613
Serial No. 08/458,141 (See Appendix-I for 45 other applications)	
Docket No. 700	
Filed: June 1, 1995	
For: IMPROVED IMAGE PROCESSING ARCHITECTURE	

TELEPHONE CONFERENCE RECORD

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

This is a telephone conference record for each of the 46 patent applications listed in Appendix-I.

The Applicant's representative, Mr. Vincent Turner, telephoned SPE Razavi on August 12, 1997. Mr. Turner left a message that amendments had been filed on August 11, 1997 in 46 related applications that are pending in SPE Razavi's art unit. SPE Razavi telephoned Mr. Turner on August 18, 1997 and told Mr. Turner that he had received the telephone message on August 12, 1997. SPE Razavi asked Mr. Turner to send by facsimile the serial numbers of those 46 applications. Mr. Turner agreed.

Attached hereto in Appendix-I is a list of the serial numbers in the 46 above discussed patent applications.

If separate copies of this Telephone Conference Record are necessary for placement in the file wrapper of each of the 46 applications identified in Appendix-I, the Applicant will promptly provide same upon notice that such is necessary.

CERTIFICATION OF TRANSMISSION: I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 308-5397) on August 19, 1997.

Respectfully submitted,

Dated: August 19, 1997

Vincent Turner

Vincent Turner
Registration No. 40,419
P.O. Box 36370
Las Vegas, NV 89133
Phone (702) 396-4670

APPENDIX-I

DKT. NO.	SERIAL NO.
700	08/458,141
703	08/458,142
704	08/456,339
705	08/457,360
707	08/457,726
710	08/457,448
714	08/458,104
716	08/457,362
717	08/456,398
720	08/456,296
722	08/458,006
724	08/459,158
725	08/460,607
727	08/459,152
729	08/460,737
731	08/460,705
733	08/460,433
735	08/459,221
736	08/458,206
738	08/460,172
739	08/458,549
742	08/465,083
744	08/460,718
745	08/460,753
746	08/459,648
750	08/463,824
751	08/464,034
756	08/465,071
760	08/465,072
766	08/465,200
776	08/466,600
777	08/466,599
778	08/469,407
780	08/471,542
781	08/469,321
782	08/471,695
784	08/471,600
785	08/471,701
786	08/471,123
788	08/471,136
789	08/469,580
790	08/469,889
793	08/470,569
795	08/469,592
797	08/471,255
798	08/471,042

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of GILBERT P. HYATT Serial No. 08/458,141 (and 99 other applications as listed in Appendix I) Docket No. 700 Filed: June 1, 1995 For: IMPROVED IMAGE PROCESSING ARCHITECTURE	Group Art Unit: 2714

TELEPHONE CONFERENCE RECORD

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

The Applicant's representative, Mr. Vincent Turner, telephoned SPE Michael Razavi on December 3, 1997. Mr. Turner told Mr. Razavi that the Applicant had prepared a Conforming Amendment and a Supplemental Amendment for each of 100 applications, a list of the 100 applications is provided in Appendix I attached hereto. Mr. Turner asked Mr. Razavi if he would review and comment on a draft of the amendments, for efficiency of examination, before the Applicant filed the amendments. Mr. Razavi agreed to review the draft amendments.

In response thereto the Applicant sent a copy of the draft amendments by facsimile to Mr. Razavi on December 5, 1997. A copy of this facsimile is attached hereto as Appendix A.

Mr. Turner telephoned Mr. Razavi on January 14, 1998 regarding the draft amendments. Mr. Razavi said that he had reviewed the draft amendments and that he found them to be acceptable and that they would be entered if filed in the individual cases. Mr. Turner said that the Applicant would file the amendments in the individual cases in due course.

CERTIFICATION OF MAILING BY EXPRESS MAIL: I hereby certify that this correspondence is being deposited with the United States Postal Service with Express Mail post office to addressee service under 37 CFR 1.10, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 with the express mail label number EM375192259 on February 2, 1998.

Respectfully submitted,

Dated: February 2, 1998

Vincent Turner

Vincent Turner
Registration No. 40,419
P.O. Box 36370
Las Vegas, NV 89133
Phone (702) 396-4670

Exhibit 8. Excerpt of an amendment per Mr. Razavi's instructions

#15
6/24/97
RS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	
GILBERT P. HYATT	Group Art Unit: 2613
Serial No. 08/458,141 (See Appendix-I for 99 other applications)	Examiner: Gerard Del Rosso Joseph Mancouso Larry Prikockis Bipin Shalwala Chanh Nguyen Jon Chang Team Exam-Six
Docket No. 700	
Filed: June 1, 1995	
For: IMPROVED IMAGE PROCESSING ARCHITECTURE	

TELEPHONE CONFERENCE RECORD

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

This transmittal is submitted for filing in each of the 100 applications listed in Appendix-I.

If separate copies of this document are needed for placement in the file wrapper of each of the applications identified in Appendix-I, the Applicant will promptly provide same upon notice that such is necessary.

This is a telephone conference record. On March 24, 1997; the Applicant's representative, Mr. Vincent Turner, telephoned Mr. Michael Razavi, SPE of Art Unit 2613, and inquired about the procedure for filing a Conforming Amendment in each of 100 pending related application that are pending in SPE Razavi's art unit. SPE Razavi requested a draft copy of the Conforming Amendment and the Applicant transmitted by facsimile a draft copy on March 24, 1997. A copy of this draft copy of the Conforming Amendment is attached hereto as Exhibit A.

SPE Razavi telephoned Mr. Turner on April 15, 1997 and told Mr. Turner that the Conforming Amendment was acceptable and would be entered in the 100 related applications. SPE Razavi telephoned Mr. Turner on April 18, 1997 and told Mr. Turner that the Conforming Amendments in the 100 related applications should be filed in each application as a separate paper.

Respectfully submitted,

Dated: April 22, 1997

Vincent Turner

Vincent Turner
Registration No. P-40,419
P.O. Box 36370
Las Vegas, NV 89133
Phone (702) 396-4670

Exhibit 9. PTO Suspension of examination

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/471,070	06/06/1995	GILBERT P. HYATT	547	8145

7590 05/02/2007

GILBERT P HYATT
P O BOX 81230
LAS VEGAS, NV 89180

EXAMINER	
RAZAVI, MICHAEL	
ART UNIT	PAPER NUMBER
2628	
MAIL DATE	DELIVERY MODE
05/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER
	20070402

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

A court decision relevant to the examination of this application will be rendered soon. Ex parte prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication should be directed to Michael Razavi at telephone number (571) 272-7664.

Andrew Christensen
Acting Director
Technology Center 2600

Exhibit 10. Events in the 80 appealed applications

Case Index	Family	Docket No.	Filing Date	Prior Appeal Brief Filed	Prior Appeal Concluded, reopen prosecution	Last Action Issued	Notice of Appeal Filed	Appeal Brief Filed	Reopen Prosecution (PTO's version)	PTO's Suspensions	Mr. Hyatt's Petitions	Application filing fees	Total Excess Claims Fees	Total Appeal Fees	Sum of PTO Fess Paid	"Bulk Filers" Group 2615
1	**370**	**379**	05/31/95			07/18/01	01/18/02	07/05/02	09/18/13	04/25/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	01/20/05	$730	$11,776	$640	$13,146	√
2	**410**	**411**	04/06/95	06/22/01	05/31/02	01/17/07	06/18/07	11/16/07	09/17/13	07/31/02, 01/31/03, 08/07/03, 05/03/07, 12/30/08, 09/25/09, 04/19/10, 09/23/11	03/30/09	$730	$18,250	$1,130	$20,110	√
3	**410**	**415**	04/10/95			11/29/07	05/29/08	12/01/08	09/17/13	07/31/02, 01/31/03, 08/07/03, 10/05/04, 05/03/07, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$730	$16,706	$860	$18,296	√
4	**410**	**416**	04/06/95	08/07/97	02/18/98	01/29/07	07/30/07	11/21/07	09/17/13	07/31/02, 01/31/03, 08/07/03, 12/30/08, 09/24/09, 04/19/10, 09/23/11	03/30/09	$730	$17,296	$1,610	$19,636	√
5	**410**	**420**	04/10/95	09/09/97	12/12/97	07/11/06	01/04/07	07/02/07	09/18/13	07/31/02, 01/31/03, 08/07/03, 12/30/08, 09/24/09, 04/19/10, 09/23/11	03/30/09	$730	$19,024	$1,600	$21,354	√
6	**410**	**422**	04/10/95	08/18/97	06/12/02	05/09/06	07/13/07	11/28/07	09/17/13	03/28/03, 09/22/03, 12/30/08, 09/24/09, 04/19/10, 09/23/11	01/19/01, 03/30/09	$730	$15,296	$1,610	$17,636	√
7	**410**	**423**	04/10/95	09/10/97	11/19/97	07/05/06	01/04/07	07/02/07	09/17/13	07/31/02, 01/31/03, 08/07/03, 12/30/08, 09/25/09, 04/19/10, 09/23/11	03/30/09	$730	$18,480	$1,600	$20,810	√

Case Index	Family	Docket No.	Filing Date	Prior Appeal Brief Filed	Prior Appeal Concluded, reopen prosecution	Last Action Issued	Notice of Appeal Filed	Appeal Brief Filed	Reopen Prosecution (PTO's version)	PTO's Suspensions	Mr. Hyatt's Petitions	Application filing fees	Total Excess Claims Fees	Total Appeal Fees	Sum of PTO Fess Paid	"Bulk Filers" Group 2615
8	**410**	**424**	04/10/95	08/12/97	12/04/97	02/02/07	07/30/07	11/16/07	09/17/13	07/31/02, 01/31/03, 08/07/03, 12/30/08, 09/24/09, 04/19/10, 09/23/11	03/30/09	$730	$17,826	$1,610	$20,166	√
9	**410**	**425**	04/12/95	08/11/97	06/05/02	10/23/06	04/23/07	10/22/07	09/17/13	03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	1/19/01, 3/30/09	$730	$15,998	$1,610	$18,338	√
10	**410**	**427**	04/17/95			12/27/06	05/29/07	10/26/07	09/17/13	08/01/02, 01/31/03, 03/14/03, 09/24/03, 04/24/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	03/30/09	$730	$18,742	$1,010	$20,482	√
11	**410**	**428**	04/17/95	08/11/97	10/05/04	05/17/06	11/17/06	05/21/07	09/16/13	07/31/02, 01/31/03, 08/07/03, 07/11/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	1/19/01, 3/30/09	$730	$15,134	$1,600	$17,464	√
12	**410**	**429**	04/17/95			02/12/07	08/13/07	11/13/07	09/17/13	07/31/02, 01/31/03, 08/07/03, 12/30/08, 09/25/09, 04/19/10, 09/23/11	03/30/09	$730	$15,518	$1,010	$17,258	√
13	**410**	**441**	06/05/95			08/21/03	01/21/04	07/20/04	10/25/13	04/23/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$7,039	$330	$7,734	√
14	**450**	**406**	06/05/95			03/01/05	08/31/05	02/28/06	10/24/13	04/25/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$9,014	$500	$9,879	√

Case Index	Family	Docket No.	Filing Date	Prior Appeal Brief Filed	Prior Appeal Concluded, reopen prosecution	Last Action Issued	Notice of Appeal Filed	Appeal Brief Filed	Reopen Prosecution (PTO's version)	PTO's Suspensions	Mr. Hyatt's Petitions	Application filing fees	Total Excess Claims Fees	Total Appeal Fees	Sum of PTO Fess Paid	"Bulk Filers" Group 2615
15	450	465	05/03/95			05/21/03	11/21/03	05/13/04	10/24/13	05/11/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	12/21/04, 08/28/07, 03/30/09	$365	$7,198	$330	$7,893	√
16	450	467	05/05/95			07/30/03	12/30/03	06/24/04	10/24/13	04/24/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	12/21/04, 08/28/07, 03/30/09	$365	$7,318	$330	$8,013	√
17	450	490	06/05/95			09/09/04	02/09/05	08/09/05	10/25/13	04/23/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$7,721	$500	$8,586	√
18	450	494	06/05/95			04/13/07	10/11/07	04/09/08	10/25/13	12/30/08, 09/25/09, 04/19/10, 09/23/11	03/30/09	$365	$4,599	$510	$5,474	√
19	450	495	06/05/95			05/16/05	11/14/05	03/16/06	10/24/13	04/23/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$10,446	$500	$11,311	√
20	500	547	06/06/95			04/19/01	10/19/01	04/22/02	05/21/04	07/31/02, 01/31/03, 05/02/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	01/20/05, 03/28/07, 10/15/07, 03/30/09	$365	$5,601	$320	$6,286	√

Case Index	Family	Docket No.	Filing Date	Prior Appeal Brief Filed	Prior Appeal Concluded, reopen prosecution	Last Action Issued	Notice of Appeal Filed	Appeal Brief Filed	Reopen Prosecution (PTO's version)	PTO's Suspensions	Mr. Hyatt's Petitions	Application filing fees	Total Excess Claims Fees	Total Appeal Fees	Sum of PTO Fess Paid	"Bulk Filers" Group 2615
21	550	337	06/21/90			05/19/04	11/19/04	04/15/05	10/10/13	12/02/92, 08/18/93, 04/14/94, 03/20/96, 12/31/98, 04/17/07, 07/23/08, 05/01/09, 08/02/10, 05/16/12, 08/12/91, 04/16/92, 03/20/95, 12/24/96, 11/30/07, 01/07/10, 03/29/11	08/28/07, 03/30/09	$185	$9,202	$420	$9,807	√
22	550	551	06/06/95			06/12/03	11/12/03	05/12/04	03/21/06	04/17/07, 04/14/09, 02/19/10, 07/06/11, 03/02/12, 12/20/07, 09/23/08, 10/07/10	08/28/07, 03/30/09	$730	$16,396	$660	$17,786	√
23	550	553	06/06/95			11/17/03	01/06/05	10/26/05	10/11/13	04/17/07, 04/14/09, 02/19/10, 07/06/11, 03/02/12, 12/20/07, 09/25/08, 10/07/10	08/28/07, 03/30/09	$730	$17,392	$1,000	$19,122	√
24	550	559	06/06/95			05/24/04	11/24/04	05/10/05	10/10/13	04/18/07, 04/14/09, 02/19/10, 07/06/11, 03/02/12, 12/20/07, 09/23/08, 10/07/10	08/28/07, 03/30/09	$730	$14,748	$840	$16,318	√
25	550	560	06/06/95			04/28/05	10/19/06	05/31/07	10/10/13	06/04/96, 05/10/99, 07/23/08, 05/01/09, 08/02/10, 05/16/12, 12/05/07, 01/07/10, 03/29/11, 10/13/11	08/28/07	$730	$18,302	$1,000	$20,032	√

Case Index	Family	Docket No.	Filing Date	Prior Appeal Brief Filed	Prior Appeal Concluded, reopen prosecution	Last Action Issued	Notice of Appeal Filed	Appeal Brief Filed	Reopen Prosecution (PTO's version)	PTO's Suspensions	Mr. Hyatt's Petitions	Application filing fees	Total Excess Claims Fees	Total Appeal Fees	Sum of PTO Fess Paid	"Bulk Filers" Group 2615
26	550	564	06/06/95			10/02/03	02/02/04	08/02/04	03/21/06	04/17/07, 04/14/09, 08/02/10, 05/16/12, 12/20/07, 09/23/08, 01/07/10, 03/29/11, 10/13/11	08/28/07, 03/30/09	$730	$15,424	$660	$16,814	√
27	550	568	06/06/95			10/02/03	02/02/04	08/02/04	03/21/06	04/17/07, 04/14/09, 08/02/10, 05/16/12, 12/20/07, 09/23/08, 01/07/10, 03/29/11, 10/13/11	08/28/07, 03/30/09	$730	$17,154	$660	$18,544	√
28	550	569	06/06/95			01/16/04	06/15/04	12/15/04	04/07/06	04/19/07, 04/14/09, 02/19/10, 07/06/11, 03/02/12, 12/20/07, 09/25/08, 10/07/10	05/09/06, 08/28/07, 03/30/09	$730	$14,944	$830	$16,504	√
29	600	606	05/08/95			10/21/03	02/23/04	08/23/04	02/13/06	04/19/07, 04/13/09, 02/19/10, 07/06/11, 03/02/12, 12/20/07, 09/23/08, 10/07/10	08/28/07, 03/30/09	$730	$16,236	$660	$17,626	√
30	600	607	05/05/95			09/23/03	02/23/04	08/23/04	09/18/13	04/17/07, 04/13/09, 02/19/10, 07/06/11, 03/02/12, 12/20/07, 09/25/08, 10/07/10	08/28/07, 03/30/09	$730	$13,345	$660	$14,735	√
31	600	615	06/05/95			08/15/05	02/15/06	08/15/06	09/18/13	04/17/07, 02/19/10, 07/06/11, 03/02/12, 12/20/07, 09/25/08, 04/13/09, 10/07/10	08/28/07, 03/30/09	$730	$15,904	$1,000	$17,634	√

Case Index	Family	Docket No.	Filing Date	Prior Appeal Brief Filed	Prior Appeal Concluded, reopen prosecution	Last Action Issued	Notice of Appeal Filed	Appeal Brief Filed	Reopen Prosecution (PTO's version)	PTO's Suspensions	Mr. Hyatt's Petitions	Application filing fees	Total Excess Claims Fees	Total Appeal Fees	Sum of PTO Fess Paid	"Bulk Filers" Group 2615
32	600	**619**	06/05/95			05/13/05	11/14/05	05/04/06	09/18/13	04/17/07, 04/13/09, 02/19/10, 07/06/11, 03/02/12, 12/20/07, 09/25/08, 10/07/10	08/28/07, 03/30/09	$730	$15,530	$1,000	$17,260	√
33	700	**702**	06/01/95			01/13/05	07/13/05	01/13/06	10/28/13	05/30/03, 05/11/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$10,282	$500	$11,147	√
34	700	**713**	06/01/95			07/15/05	01/16/06	06/29/06	10/24/13	07/31/02, 01/31/03, 08/18/03, 04/24/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$8,910	$500	$9,775	√
35	700	**716**	06/01/95			11/05/04	05/05/05	10/21/05	10/24/13	04/24/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 08/18/03, 10/24/03, 09/23/11	08/28/07, 03/30/09	$365	$8,681	$500	$9,546	√
36	700	**719**	06/01/95			10/18/04	03/18/05	09/19/05	10/24/13	02/13/03, 07/31/03, 04/23/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$8,180	$500	$9,045	√
37	700	**720**	06/01/95			12/30/05	06/29/06	12/22/06	10/28/13	07/31/02, 01/31/03, 08/18/03, 04/24/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$10,428	$500	$11,293	√

Case Index	Family	Docket No.	Filing Date	Prior Appeal Brief Filed	Prior Appeal Concluded, reopen prosecution	Last Action Issued	Notice of Appeal Filed	Appeal Brief Filed	Reopen Prosecution (PTO's version)	PTO's Suspensions	Mr. Hyatt's Petitions	Application filing fees	Total Excess Claims Fees	Total Appeal Fees	Sum of PTO Fess Paid	"Bulk Filers" Group 2615
38	700	**723**	06/01/95			02/22/06	08/21/06	02/20/07	10/28/13	05/11/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07	$365	$9,459	$500	$10,324	√
39	700	**728**	06/02/95			11/03/04	04/04/05	10/04/05	10/24/13	02/07/03, 07/31/03, 05/11/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$8,776	$500	$9,641	√
40	700	**730**	06/02/95			06/26/06	12/26/06	06/19/07	10/24/13	10/23/02, 04/23/03, 12/30/08, 09/25/09, 04/19/10, 09/23/11	03/30/09	$365	$10,328	$500	$11,193	√
41	700	**735**	06/02/95			06/19/06	12/19/06	06/11/07	10/24/13	02/13/03, 07/31/03, 06/21/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	03/30/09	$365	$10,348	$500	$11,213	√
42	700	**736**	06/02/95			04/12/05	10/12/05	03/31/06	10/24/13	07/31/02, 01/31/03, 08/18/03, 04/23/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$8,439	$500	$9,304	√
43	700	**737**	06/02/95			04/11/07	10/11/07	04/10/08	10/28/13	02/13/03, 07/31/03, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$10,277	$510	$11,152	√
44	700	**739**	06/02/95			09/07/04	02/07/05	07/22/05	10/28/13	07/31/02, 01/31/03, 08/18/03, 04/24/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$8,747	$500	$9,612	√

Case Index	Family	Docket No.	Filing Date	Prior Appeal Brief Filed	Prior Appeal Concluded, reopen prosecution	Last Action Issued	Notice of Appeal Filed	Appeal Brief Filed	Reopen Prosecution (PTO's version)	PTO's Suspensions	Mr. Hyatt's Petitions	Application filing fees	Total Excess Claims Fees	Total Appeal Fees	Sum of PTO Fess Paid	"Bulk Filers" Group 2615
45	700	**740**	06/02/95			09/27/04	02/28/05	08/26/05	10/31/13	07/31/02, 01/31/03, 08/18/03, 05/11/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$8,972	$500	$9,837	√
46	700	**742**	06/02/95			06/07/06	12/07/06	06/07/07	10/24/13	10/24/03, 09/25/09, 04/19/10, 03/17/08, 09/19/08, 09/23/11	03/30/09	$365	$9,561	$500	$10,426	√
47	700	**744**	06/02/95			05/15/06	11/15/06	05/14/07	10/28/13	07/31/02, 01/31/03, 08/18/03, 04/25/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$8,935	$500	$9,800	√
48	700	**748**	06/05/95			08/09/04	02/09/05	07/11/05	10/28/13	07/31/02, 01/31/03, 08/18/03, 04/23/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$8,275	$500	$9,140	√
49	700	**750**	06/05/95			09/30/04	03/29/05	09/29/05	10/24/13	07/31/02, 01/31/03, 08/18/03, 05/11/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$7,759	$500	$8,624	√
50	700	**751**	06/05/95			03/09/05	09/09/05	03/08/06	10/24/13	02/13/03, 07/31/03, 04/23/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$11,156	$500	$12,021	√

Case Index	Family	Docket No.	Filing Date	Prior Appeal Brief Filed	Prior Appeal Concluded, reopen prosecution	Last Action Issued	Notice of Appeal Filed	Appeal Brief Filed	Reopen Prosecution (PTO's version)	PTO's Suspensions	Mr. Hyatt's Petitions	Application filing fees	Total Excess Claims Fees	Total Appeal Fees	Sum of PTO Fess Paid	"Bulk Filers" Group 2615
51	700	**755**	06/05/95			11/05/04	04/04/05	10/04/05	10/28/13	02/13/03, 07/31/03, 05/11/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$6,562	$500	$7,427	√
52	700	**756**	06/05/95			01/31/07	07/30/07	01/30/08	10/28/13	05/30/03, 12/31/08, 09/25/09, 04/19/10, 09/23/11	03/30/09	$365	$10,310	$505	$11,180	√
53	700	**757**	06/05/95			09/07/04	02/07/05	07/22/05	10/28/13	07/31/02, 01/31/03, 08/18/03, 04/24/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$7,951	$500	$8,816	√
54	700	**764**	06/05/95			04/21/06	10/23/06	04/19/07	10/24/13	07/31/02, 01/31/03, 08/18/03, 05/03/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	03/30/09	$365	$9,028	$500	$9,893	√
55	700	**766**	06/05/95			09/07/04	03/07/05	07/22/05	10/24/13	07/31/02, 01/31/03, 08/18/03, 04/25/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$9,017	$500	$9,882	√
56	700	**767**	06/05/95			07/05/06	01/05/07	06/29/07	10/28/13	02/07/03, 07/31/03, 12/30/08, 09/25/09, 04/19/10, 09/23/11	03/30/09	$365	$10,104	$500	$10,969	√

Case Index	Family	Docket No.	Filing Date	Prior Appeal Brief Filed	Prior Appeal Concluded, reopen prosecution	Last Action Issued	Notice of Appeal Filed	Appeal Brief Filed	Reopen Prosecution (PTO's version)	PTO's Suspensions	Mr. Hyatt's Petitions	Application filing fees	Total Excess Claims Fees	Total Appeal Fees	Sum of PTO Fess Paid	"Bulk Filers" Group 2615
57	700	768	06/05/95			10/18/04	03/18/05	09/19/05	10/28/13	02/13/03, 07/31/03, 04/23/07, 03/17/08, 12/30/08, 09/25/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$9,836	$500	$10,701	√
58	700	769	06/05/95			09/27/04	02/28/05	08/26/05	10/24/13	04/25/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$7,641	$500	$8,506	√
59	700	773	06/06/95			01/04/05	07/05/05	01/03/06	10/31/13	10/24/02, 04/23/03, 05/11/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$9,246	$500	$10,111	√
60	700	776	06/06/95			03/09/05	09/09/05	03/08/06	10/28/13	10/24/02, 04/23/03, 04/23/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$10,354	$500	$11,219	√
61	700	777	06/06/95			02/07/05	08/08/05	02/08/06	10/24/13	07/31/02, 01/31/03, 08/18/03, 04/23/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$9,837	$500	$10,702	√
62	700	780	06/06/95			01/10/06	07/10/06	01/09/07	10/28/13	07/31/02, 01/31/03, 08/18/03, 05/11/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	03/30/09	$365	$8,662	$500	$9,527	√

Case Index	Family	Docket No.	Filing Date	Prior Appeal Brief Filed	Prior Appeal Concluded, reopen prosecution	Last Action Issued	Notice of Appeal Filed	Appeal Brief Filed	Reopen Prosecution (PTO's version)	PTO's Suspensions	Mr. Hyatt's Petitions	Application filing fees	Total Excess Claims Fees	Total Appeal Fees	Sum of PTO Fess Paid	"Bulk Filers" Group 2615
63	700	**781**	06/06/95			10/17/05	04/17/06	10/16/06	10/28/13	07/31/02, 01/31/03, 08/18/03, 04/24/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$9,136	$500	$10,001	√
64	700	**782**	06/06/95			02/02/05	08/02/05	02/01/06	10/24/13	07/31/02, 01/31/03, 08/18/03, 05/11/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$10,893	$500	$11,758	√
65	700	**783**	06/06/95			01/11/06	07/10/06	01/09/07	10/24/13	08/01/02, 01/31/03, 08/18/03, 05/11/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$9,045	$500	$9,910	√
66	700	**784**	06/06/95			04/21/06	10/23/06	03/23/07	10/28/13	02/13/03, 07/31/03, 05/03/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	03/30/09	$365	$9,552	$405	$10,322	√
67	700	**786**	06/06/95			09/07/05	03/06/06	09/05/06	10/24/13	04/25/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$9,426	$500	$10,291	√
68	700	**787**	06/06/95	02/28/01	11/08/01	09/08/05	03/06/06	09/05/06	10/24/13	07/31/02, 01/31/03, 08/18/03, 04/25/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$9,201	$805	$10,371	√

Case Index	Family	Docket No.	Filing Date	Prior Appeal Brief Filed	Prior Appeal Concluded, reopen prosecution	Last Action Issued	Notice of Appeal Filed	Appeal Brief Filed	Reopen Prosecution (PTO's version)	PTO's Suspensions	Mr. Hyatt's Petitions	Application filing fees	Total Excess Claims Fees	Total Appeal Fees	Sum of PTO Fess Paid	"Bulk Filers" Group 2615
69	700	**789**	06/06/95			09/06/05	03/06/06	09/11/06	10/28/13	07/31/02, 01/31/03, 08/18/03, 05/11/07, 09/25/09, 04/19/10, 09/19/07, 09/23/11	08/28/07, 03/30/09	$365	$9,167	$500	$10,032	√
70	700	**790**	06/06/95			02/02/05	08/02/05	02/01/06	10/25/13	10/24/02, 04/23/03, 04/23/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$8,803	$500	$9,668	√
71	700	**791**	06/06/95			10/18/04	03/18/05	09/19/05	10/28/13	02/13/03, 07/31/03, 04/23/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$9,361	$500	$10,226	√
72	700	**792**	06/06/95			01/04/05	07/05/05	01/03/06	10/28/13	07/31/02, 01/31/03, 08/18/03, 04/23/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$10,066	$500	$10,931	√
73	700	**793**	06/06/95			08/26/05	02/27/06	08/28/06	10/28/13	07/31/02, 01/31/03, 08/18/03, 04/24/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$10,046	$500	$10,911	√
74	700	**794**	06/06/95			02/02/05	08/02/05	02/01/06	10/24/13	10/24/02, 04/23/03, 05/11/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$9,984	$500	$10,849	√

Case Index	Family	Docket No.	Filing Date	Prior Appeal Brief Filed	Prior Appeal Concluded, reopen prosecution	Last Action Issued	Notice of Appeal Filed	Appeal Brief Filed	Reopen Prosecution (PTO's version)	PTO's Suspensions	Mr. Hyatt's Petitions	Application filing fees	Total Excess Claims Fees	Total Appeal Fees	Sum of PTO Fess Paid	"Bulk Filers" Group 2615
75	700	**795**	06/06/95			04/29/05	10/30/05	04/24/06	10/24/13	10/24/03, 04/23/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$9,360	$500	$10,225	√
76	700	**796**	06/06/95			10/18/04	03/18/05	09/19/05	10/28/13	07/31/02, 01/31/03, 08/18/03, 04/23/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$8,793	$500	$9,658	√
77	700	**797**	06/06/95			12/29/05	06/29/06	12/22/06	10/28/13	07/31/02, 01/31/03, 08/18/03, 05/03/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$9,758	$500	$10,623	√
78	700	**798**	06/06/95			07/15/05	01/16/06	06/26/06	10/24/13	07/31/02, 01/31/03, 08/18/03, 04/24/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	08/28/07, 03/30/09	$365	$8,797	$500	$9,662	√
79	850	**856**	06/06/95			05/24/99	11/24/99	05/23/00	10/15/13	04/25/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	01/19/01, 01/20/05, 03/28/07, 08/28/07, 03/30/09	$730	$7,389	$450	$8,569	√
80		**865**	06/06/95			05/24/99	11/24/99	05/23/00	10/11/13	04/25/07, 03/17/08, 12/30/08, 09/24/09, 04/19/10, 09/23/11	01/19/01, 01/20/05, 03/28/07, 08/28/07, 03/30/09	$730	$5,791	$450	$6,971	√
										Totals:		**$38,145**	**$884,188**	**$52,725**	**$975,058**	

Exhibit 11. Timeline of key events in 80 appealed applications

Timeline of activities at the PTO in the 80 Hyatt patent applications by case index

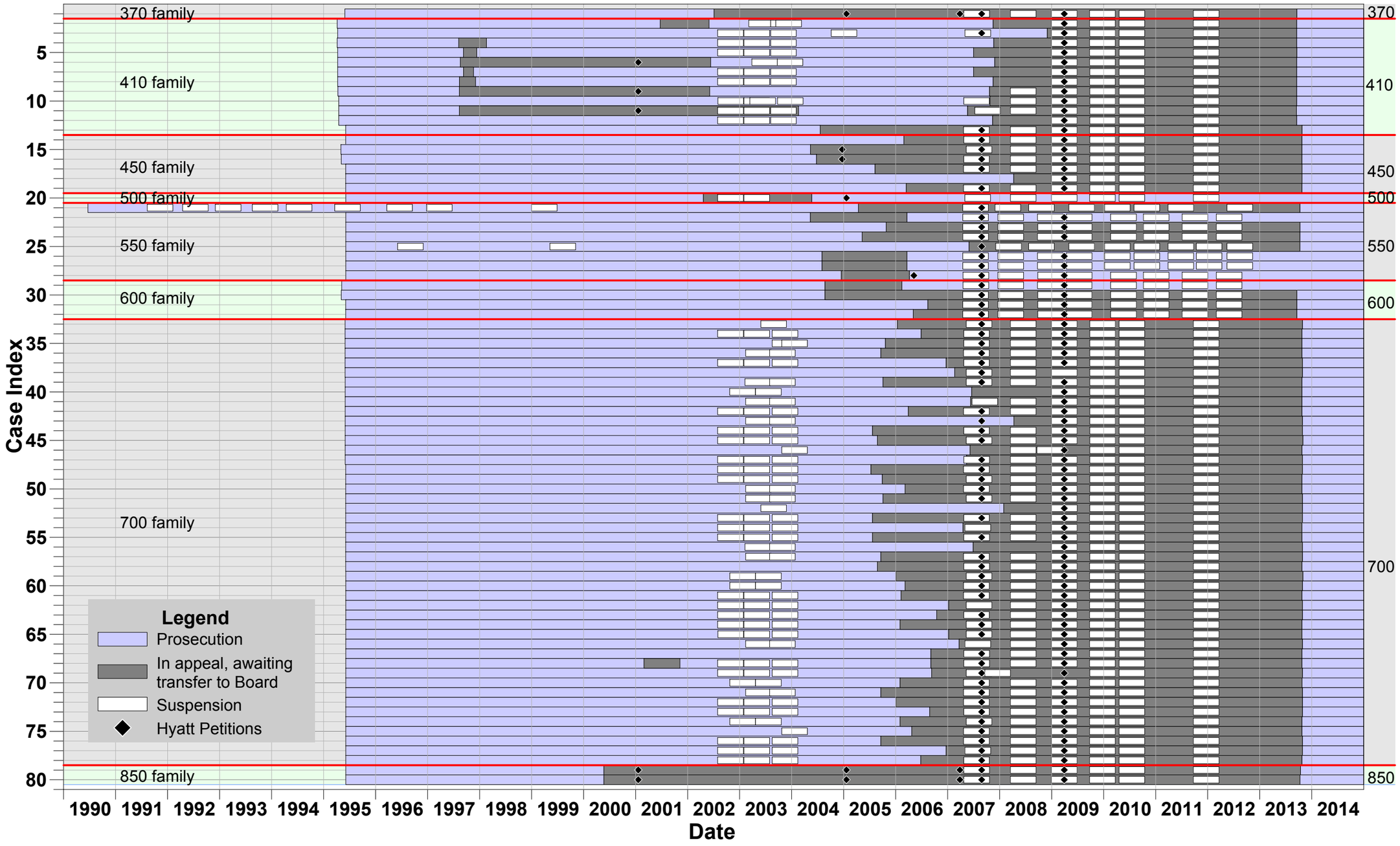
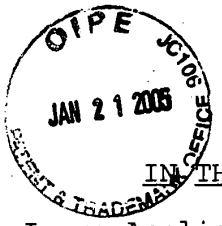


Exhibit 12. Petition for action on the merit

2676



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)
GILBERT P. HYATT	)
Serial No. 08/471,070	)
Docket No. 547	)
Filed: June 6, 1995	)
For: AN IMPROVED ARCHITECTURE FOR WRITING DATA INTO A RANDOM ACCESS MEMORY	)

PETITION FOR AN ACTION ON THE MERITS UNDER 37 CFR 1.181(A)(3)

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

The Applicant respectfully petitions the Commissioner for his intervention to direct the Examiner to expeditiously provide the Applicant with an Action on the merits.

The PTO requires an expeditious response to amendments (MPEP 708, last paragraph):

> All amendments before final rejection should be responded to within two months of receipt.

Further, the PTO requires that the instant application be advanced out of turn for examination for the following reasons (MPEP 708.01, item I):

> Applications pending more than 5 years, including those which, by relation to a prior United States application, have an effective pendency of more than 5 years.

The instant application meets both of these criterion, it has been pending more that 5 years and it has an effective pendency of more than 5 years.

No action has been received in the instant application in more than a year.

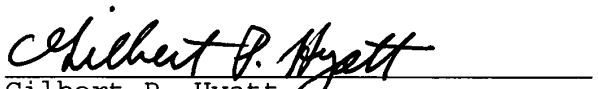
The Applicant filed a Request For Status in the instant application dated November 9, 2004 but the Examiner has not responded thereto.

In view of the above, the Commissioner is hereby petitioned to direct the Examiner to immediately prepare an action in the instant application or, alternatively, to pass the instant application to issue.

Because this petition seeks to invoke the Supervisory Authority of the Commissioner under 37 CFR 1.181(a)(3), a petition fee is not required and thus a fee authorization is not needed.

Respectfully submitted,

Dated: January 20, 2005



Gilbert P. Hyatt
Registration No. 27,647
P.O. Box 81230
Las Vegas, NV 89180
Phone (702) 871-9899

Exhibit 13. PTO decision on petition for action

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

GILBERT P HYATT
PO BOX 81230
LAS VEGAS NV 89180

In re Application of: :
Hyatt :
Application Serial No.: 08/471,070 : DECISION
Filed: June 6, 1995 : ON PETITION
For: **MEMORY ARCHITECTURE HAVING A** :
MULTIPLE BUFFER OUTPUT ARRANGEMENT :

This is a decision on the petition, filed on January 21, 2005 under 37 C.F.R. §1.181 requesting an expedited action on the merits. This petition has been considered a request to affirm that this application is under "special" status in accordance with 37 CFR 1.102.

Petitioner provides support for the request for expedited action with reference to MPEP sections 708 and 708.01. The latter section specifically states that applications pending over 5 years should be considered special. Since this application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is moot.

The examiner will be notified that this application should be considered as "special" and appropriate for expedited action.

The petition is **DISMISSED**.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

Exhibit 14. Chronology of petitions and PTO's responses thereto

Docket No.	Application Ser. No.	Date of Hyatt petition for action	Date of PTO decision on petition (a)	PTO decision representation	Petition decision signed by	Dates of subsequent Hyatt petitions for action prior to PTO's subsequent suspension	Subsequent PTO Suspension Date (b)	Period of PTO inaction after promising prompt action and prior to suspension [(b)-(a), years]	Examiner of record as of petition for action	Examiner of record upon suspension
428	08/423,234	1/22/01	5/22/01	"[I]n view of the lengthy prosecution in the instant application, the file is being forwarded to the examiner for immediate action as appropriate. Any delay caused petitioner in the treatment of the petition and the Appeal Brief is regretted."	Joseph J. Rolla Jr.		7/31/02	**1.19** yrs	Anh, Hong Do	Couso, Jose L
465	08/434,449	12/21/04	6/7/05	"the application has now been converted into image format" and "the file has been forwarded to the examiner for appropriate action in due course."	Boudreau, Leo	3/28/07	5/11/07	**1.93** yrs	Nguyen, Phu K	Lillis, Eileen Dunn
467	08/435,938	12/21/04	6/7/05		Boudreau, Leo		4/24/07	**1.88** yrs	Nguyen, Phu K	Lillis, Eileen Dunn
860	08/472,031	1/21/05	3/4/05	Because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is moot. ... The examiner will be notified that this application should be considered as 'special' and appropriate for expedited action."	Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Wong, Allen C	Wong, Allen C
488	08/460,092	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	4/25/07	**2.16** yrs	Storm, Donald L	Storm, Donald L
483	08/459,877	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Smits, Talivaldis Ivars	Smits, Talivaldis Ivars
810	08/501,981	1/21/05	3/2/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.17** yrs	Awad, Amr A	Razavi, Michael
324	07/357,570	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/30/08	**3.85** yrs	Brier, Jeffery A	Razavi, Michael
344	07/774,159	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Brier, Jeffery A	Razavi, Michael
404	08/464,520	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.06** yrs	Brier, Jeffery A	Razavi, Michael
476	08/463,791	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Brier, Jeffery A	Razavi, Michael
513	08/479,086	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.18** yrs	Brier, Jeffery A	Razavi, Michael
546	08/483,016	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.15** yrs	Brier, Jeffery A	Razavi, Michael
801	08/456,270	1/21/05	3/3/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.16** yrs	Brier, Jeffery A	Razavi, Michael
804	08/454,889	1/21/05	3/3/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.16** yrs	Brier, Jeffery A	Razavi, Michael
805	08/455,752	1/21/05	3/3/05		Wieder, Kenneth A.	3/28/07	5/15/07	**2.20** yrs	Brier, Jeffery A	Razavi, Michael

Docket No.	Application Ser. No.	Date of Hyatt petition for action	Date of PTO decision on petition (a)	PTO decision representation	Petition decision signed by	Dates of subsequent Hyatt petitions for action prior to PTO's subsequent suspension	Subsequent PTO Suspension Date (b)	Period of PTO inaction after promising prompt action and prior to suspension [(b)-(a), years]	Examiner of record as of petition for action	Examiner of record upon suspension
811	08/501,980	1/21/05	3/3/05	Because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is moot. ... The examiner will be notified that this application should be considered as 'special' and appropriate for expedited action."	Wieder, Kenneth A.	3/28/07; 8/28/07; 3/30/09	7/7/10	**5.35** yrs	Brier, Jeffery A	Razavi, Michael
812	08/501,979	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/3/07	**2.16** yrs	Brier, Jeffery A	Razavi, Michael
813	08/457,941	1/21/05	3/2/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.17** yrs	Brier, Jeffery A	Razavi, Michael
814	08/501,978	1/21/05	3/2/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.04** yrs	Brier, Jeffery A	Razavi, Michael
817	08/456,126	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/31/08	**3.85** yrs	Brier, Jeffery A	Razavi, Michael
821	08/455,769	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.20** yrs	Brier, Jeffery A	Razavi, Michael
825	08/457,659	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	4/24/07	**2.14** yrs	Brier, Jeffery A	Razavi, Michael
360	08/429,272	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.02** yrs	Chow, Dennis Doon	Razavi, Michael
379	08/456,130	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	4/25/07	**2.16** yrs	Chow, Dennis Doon	Razavi, Michael
442	08/464,995	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Chow, Dennis Doon	Razavi, Michael
800	08/454,902	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.18** yrs	Chow, Dennis Doon	Razavi, Michael
802	08/454,901	1/21/05	5/18/05		Wieder, Kenneth A.	3/28/07	5/2/07	**1.96** yrs	Chow, Dennis Doon	Razavi, Michael
809	08/455,117	1/21/05	3/2/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.17** yrs	Chow, Dennis Doon	Razavi, Michael
815	08/454,877	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.04** yrs	Chow, Dennis Doon	Razavi, Michael
816	08/454,879	1/21/05	3/2/05		Wieder, Kenneth A.	3/29/07	4/24/07	**2.15** yrs	Chow, Dennis Doon	Razavi, Michael
824	08/454,884	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/3/07	**2.16** yrs	Chow, Dennis Doon	Razavi, Michael
828	08/455,202	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.18** yrs	Chow, Dennis Doon	Razavi, Michael
378	08/454,887	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.17** yrs	Diep, Nhon Thanh	Razavi, Michael

Docket No.	Application Ser. No.	Date of Hyatt petition for action	Date of PTO decision on petition (a)	PTO decision representation	Petition decision signed by	Dates of subsequent Hyatt petitions for action prior to PTO's subsequent suspension	Subsequent PTO Suspension Date (b)	Period of PTO inaction after promising prompt action and prior to suspension [(b)-(a), years]	Examiner of record as of petition for action	Examiner of record upon suspension
365	08/436,552	1/21/05	3/7/05	Because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is moot. ... The examiner will be notified that this application should be considered as 'special' and appropriate for expedited action."	Wieder, Kenneth A.	3/28/07	5/11/07	**2.18** yrs	Dinh, P	Razavi, Michael
361	08/428,737	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.17** yrs	Dinh, Son T	Razavi, Michael
470	08/437,527	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Dorvil, Richemond	Razavi, Michael
363	08/433,307	1/21/05	3/7/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.03** yrs	Fears, Terrell W	Razavi, Michael
381	08/455,309	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/30/08	**3.85** yrs	Flynn, Nathan J	Razavi, Michael
384	08/454.875	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Flynn, Nathan J	Razavi, Michael
356	08/599,450	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.17** yrs	Jankus, Almis R	Razavi, Michael
450	08/417,530	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Jankus, Almis R	Razavi, Michael
452	08/419,590	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Jankus, Almis R	Razavi, Michael
460	08/432,384	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Jankus, Almis R	Razavi, Michael
464	08/435,513	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Jankus, Almis R	Razavi, Michael
474	08/460,800	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	4/25/07	**2.18** yrs	Jankus, Almis R	Razavi, Michael
475	08/460,768	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Jankus, Almis R	Razavi, Michael
385	08/445,458	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	4/24/07	**2.13** yrs	Kianni, Kaveh C	Razavi, Michael
850	08/479,097	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	4/25/07	**2.14** yrs	Knepper, David D	Razavi, Michael
858	08/470,666	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/31/08	**3.83** yrs	Knepper, David D	Razavi, Michael
863	08/471,932	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	4/25/07	**2.16** yrs	Knepper, David D	Razavi, Michael
489	08/461,572	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Laneau, Ronald	Razavi, Michael
864	08/470,665	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Laneau, Ronald	Razavi, Michael

Docket No.	Application Ser. No.	Date of Hyatt petition for action	Date of PTO decision on petition (a)	PTO decision representation	Petition decision signed by	Dates of subsequent Hyatt petitions for action prior to PTO's subsequent suspension	Subsequent PTO Suspension Date (b)	Period of PTO inaction after promising prompt action and prior to suspension [(b)-(a), years]	Examiner of record as of petition for action	Examiner of record upon suspension
493	08/464,980	1/21/05	2/24/05	Because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is moot. ... The examiner will be notified that this application should be considered as 'special' and appropriate for expedited action."	Wieder, Kenneth A.	3/28/07; 8/28/07	12/30/08	**3.85** yrs	Lao, Lun Yi	Razavi, Michael
455	08/429,391	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Lao, Lun Yi	Razavi, Michael
469	08/436,853	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Lao, Lun Yi	Razavi, Michael
471	08/438,598	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Lao, Lun Yi	Razavi, Michael
803	08/454,896	1/21/05	3/2/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Lao, Lun Yi	Razavi, Michael
808	08/455,750	1/21/05	2/28/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/31/08	**3.84** yrs	Lao, Lun Yi	Razavi, Michael
819	08/455,435	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/3/07	**2.21** yrs	Lao, Lun Yi	Razavi, Michael
823	08/454,780	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Lao, Lun Yi	Razavi, Michael
826	08/455,648	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.16** yrs	Lao, Lun Yi	Razavi, Michael
383	08/454,878	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Le, Vu	Razavi, Michael
372	08/455,297	1/21/05	3/7/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.18** yrs	Lee, Y Young	Razavi, Michael
380	08/455,320	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07; 8/10/07	3/17/08	**3.06** yrs	Lee, Y Young	Razavi, Michael
405	08/464,032	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07; 8/10/07	3/17/08	**3.06** yrs	Legree, Tracy Michelle	Razavi, Michael
613	08/465,482	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Liang, Regina	Razavi, Michael
655	08/457,609	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.17** yrs	Liang, Regina	Razavi, Michael
666	08/458,102	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Liang, Regina	Razavi, Michael
675	08/457,717	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Liang, Regina	Razavi, Michael
485	08/459,508	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Liang, Regina	Razavi, Michael
497	08/466,994	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.17** yrs	Liang, Regina	Razavi, Michael

Docket No.	Application Ser. No.	Date of Hyatt petition for action	Date of PTO decision on petition (a)	PTO decision representation	Petition decision signed by	Dates of subsequent Hyatt petitions for action prior to PTO's subsequent suspension	Subsequent PTO Suspension Date (b)	Period of PTO inaction after promising prompt action and prior to suspension [(b)-(a), years]	Examiner of record as of petition for action	Examiner of record upon suspension
654	08/640,727	1/21/05	2/24/05	Because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is moot. ... The examiner will be notified that this application should be considered as 'special' and appropriate for expedited action."	Wieder, Kenneth A.	3/28/07; 8/28/07	12/31/08	**3.85** yrs	Liang, Regina	Razavi, Michael
654	08/640,727	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/31/08	**3.83** yrs	Liang, Regina	Razavi, Michael
656	08/456,399	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Liang, Regina	Razavi, Michael
658	08/457,963	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Liang, Regina	Razavi, Michael
660	08/456,332	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Liang, Regina	Razavi, Michael
661	08/456,327	1/21/05	3/7/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.18** yrs	Liang, Regina	Razavi, Michael
662	08/456,338	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Liang, Regina	Razavi, Michael
668	08/459,090	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Liang, Regina	Razavi, Michael
669	08/457,195	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.06** yrs	Liang, Regina	Razavi, Michael
472	08/460,550	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Mengistu, Amare	Razavi, Michael
657	08/457,361	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.06** yrs	Mengistu, Amare	Razavi, Michael
806	08/455,164	1/21/05	3/4/05		Wieder, Kenneth A.		5/2/07	**2.16** yrs	Mengistu, Amare	Razavi, Michael
807	08/455,779	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.16** yrs	Mengistu, Amare	Razavi, Michael
818	08/455,738	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.18** yrs	Mengistu, Amare	Razavi, Michael
822	08/455,505	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/3/07	**2.16** yrs	Mengistu, Amare	Razavi, Michael
407	08/465,923	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Nguyen, Chanh Duy	Razavi, Michael
670	08/457,344	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/31/08	**3.85** yrs	Nguyen, Chanh Duy	Razavi, Michael
671	08/457,355	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/31/08	**3.85** yrs	Nguyen, Chanh Duy	Razavi, Michael
403	08/465,152	1/21/05	3/7/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.18** yrs	Nguyen, Chanh Duy	Razavi, Michael

Docket No.	Application Ser. No.	Date of Hyatt petition for action	Date of PTO decision on petition (a)	PTO decision representation	Petition decision signed by	Dates of subsequent Hyatt petitions for action prior to PTO's subsequent suspension	Subsequent PTO Suspension Date (b)	Period of PTO inaction after promising prompt action and prior to suspension [(b)-(a), years]	Examiner of record as of petition for action	Examiner of record upon suspension
650	08/439,032	1/21/05	3/4/05	Because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is moot. ... The examiner will be notified that this application should be considered as 'special' and appropriate for expedited action."	Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Nguyen, Chanh Duy	Razavi, Michael
659	08/458,144	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Nguyen, Chanh Duy	Razavi, Michael
663	08/456,397	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Nguyen, Chanh Duy	Razavi, Michael
667	08/457,446	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/31/08	**3.85** yrs	Nguyen, Chanh Duy	Razavi, Michael
672	08/471,810	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/31/08	**3.85** yrs	Nguyen, Chanh Duy	Razavi, Michael
676	08/457,210	1/21/05	3/2/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Nguyen, Chanh Duy	Razavi, Michael
479	08/459,244	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Nguyen, Phu K	Razavi, Michael
369	08/472,025	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.17** yrs	Nguyen, V	Razavi, Michael
364	08/435,502	1/21/05	3/7/05		Wieder, Kenneth A.	3/28/07; 8/28/07	5/9/07	**2.17** yrs	Rao, Anand Shashikant	Razavi, Michael
371	08/455,924	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Rao, Anand Shashikant	Razavi, Michael
386	08/454,810	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07; 8/10/07	3/17/08	**3.04** yrs	Rao, Anand Shashikant	Razavi, Michael
389	08/455,310	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Rao, Anand Shashikant	Razavi, Michael
454	08/420,942	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Shankar, Vuay	Razavi, Michael
463	08/431,638	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Shankar, Vuay	Razavi, Michael
466	08/438,012	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Shankar, Vuay	Razavi, Michael
496	08/464,996	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Shankar, Vuay	Razavi, Michael
857	08/457,086	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	4/24/07	**2.16** yrs	Tran, Thung V	Razavi, Michael
500	08/435,894	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.04** yrs	Tung, Kee M	Razavi, Michael
501	08/432,478	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.02** yrs	Tung, Kee M	Razavi, Michael

Docket No.	Application Ser. No.	Date of Hyatt petition for action	Date of PTO decision on petition (a)	PTO decision representation	Petition decision signed by	Dates of subsequent Hyatt petitions for action prior to PTO's subsequent suspension	Subsequent PTO Suspension Date (b)	Period of PTO inaction after promising prompt action and prior to suspension [(b)-(a), years]	Examiner of record as of petition for action	Examiner of record upon suspension
502	08/435,901	1/21/05	3/4/05	Because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is moot. ... The examiner will be notified that this application should be considered as 'special' and appropriate for expedited action."	Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.04** yrs	Tung, Kee M	Razavi, Michael
503	08/435,033	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.06** yrs	Tung, Kee M	Razavi, Michael
504	08/470,079	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.16** yrs	Tung, Kee M	Razavi, Michael
507	08/471,707	1/21/05	3/7/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.15** yrs	Tung, Kee M	Razavi, Michael
508	08/471,138	1/21/05	3/7/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.15** yrs	Tung, Kee M	Razavi, Michael
520	08/470,082	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.15** yrs	Tung, Kee M	Razavi, Michael
530	08/471,708	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.15** yrs	Tung, Kee M	Razavi, Michael
538	08/466,953	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.15** yrs	Tung, Kee M	Razavi, Michael
543	08/466,164	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.15** yrs	Tung, Kee M	Razavi, Michael
547	08/471,070	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.18** yrs	Tung, Kee M	Razavi, Michael
326	07/419,911	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	4/24/07	**2.13** yrs	Wil, X	Razavi, Michael
391	08/454,886	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Wong, Allen C	Razavi, Michael
453	08/419,681	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Wu, Xiao Min	Razavi, Michael
610	08/465,627	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.17** yrs	Wu, Xiao Min	Razavi, Michael
652	08/457,369	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.17** yrs	Wu, Xiao Min	Razavi, Michael
653	08/640,726	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/31/08	**3.85** yrs	Wu, Xiao Min	Razavi, Michael
664	08/458,003	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Wu, Xiao Min	Razavi, Michael
674	08/457,716	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Wu, Xiao Min	Razavi, Michael
677	08/458,579	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Wu, Xiao Min	Razavi, Michael

Docket No.	Application Ser. No.	Date of Hyatt petition for action	Date of PTO decision on petition (a)	PTO decision representation	Petition decision signed by	Dates of subsequent Hyatt petitions for action prior to PTO's subsequent suspension	Subsequent PTO Suspension Date (b)	Period of PTO inaction after promising prompt action and prior to suspension [(b)-(a), years]	Examiner of record as of petition for action	Examiner of record upon suspension
486	08/458,548	1/21/05	2/25/05	Because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is moot. ... The examiner will be notified that this application should be considered as 'special' and appropriate for expedited action."	Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Wu, Xiao Min	Razavi, Michael
651	08/439,033	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.17** yrs	Wu, Xiao Min	Razavi, Michael
665	08/457,663	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Wu, Xiao Min	Razavi, Michael
673	08/456,599	1/21/05	3/2/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.04** yrs	Wu, Xiao Min	Razavi, Michael
678	08/457,939	1/21/05	3/2/05		Wieder, Kenneth A.	3/28/07	4/24/07	**2.15** yrs	Wu, Xiao Min	Razavi, Michael
505	08/470,888	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.17** yrs	Psitos, Aristotelis M	Psitos, Aristotelis M
535	08/470,899	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.18** yrs	Psitos, Aristotelis M	Psitos, Aristotelis M
852	08/483,011	1/21/05	3/3/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Opsasnick, Michael N	Opsasnick, Michael N
859	08/470,856	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.04** yrs	Opsasnick, Michael N	Opsasnick, Michael N
541	08/470,177	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.17** yrs	Neyzari, Ali	Neyzari, Ali
548	08/470,882	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/31/08	**3.82** yrs	Neyzari, Ali	Neyzari, Ali
506	08/471,714	1/21/05	3/7/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.15** yrs	Miller, Brian E	Miller, Brian E
534	08/471,845	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	5/15/07	**2.22** yrs	Miller, Brian E	Miller, Brian E
492	08/469,019	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Maung, Nay Aung	Maung, Nay Aung
761	08/463,111	1/21/05	2/28/05		Wieder, Kenneth A.	3/28/07	4/24/07	**2.15** yrs	Del Rosso, Gerard D	Lillis, Eileen Dunn
752	08/463,583	1/21/05	3/2/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Mancuso, Joseph	Lillis, Eileen Dunn
754	08/465,198	1/21/05	2/28/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.20** yrs	Mancuso, Joseph	Lillis, Eileen Dunn
762	08/464,497	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Mengistu, Amare	Lillis, Eileen Dunn
765	08/463,821	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Nguyen, Chanh Duy	Lillis, Eileen Dunn
775	08/469,263	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Nguyen, Chanh Duy	Lillis, Eileen Dunn

Docket No.	Application Ser. No.	Date of Hyatt petition for action	Date of PTO decision on petition (a)	PTO decision representation	Petition decision signed by	Dates of subsequent Hyatt petitions for action prior to PTO's subsequent suspension	Subsequent PTO Suspension Date (b)	Period of PTO inaction after promising prompt action and prior to suspension [(b)-(a), years]	Examiner of record as of petition for action	Examiner of record upon suspension
799	08/471,252	1/21/05	3/4/05	Because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is moot. ... The examiner will be notified that this application should be considered as 'special' and appropriate for expedited action."	Wieder, Kenneth A.	3/28/07	4/24/07	**2.14** yrs	Wu, Xiao Min	Lillis, Eileen Dunn
487	08/458,197	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.06** yrs	Lerner, Martin	Lerner, Martin
480	08/459,220	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	5/9/07	**2.20** yrs	Lerner, Martin	Lerner, Martin
390	08/456,129	1/21/05	3/7/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.18** yrs	Lee, Y Young	Lee, Y Young
514	08/471,704	1/21/05	3/7/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.15** yrs	Letscher, George J	Korzuch, William R
853	08/470,859	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Knepper, David D	Knepper, David D
856	08/472,041	1/21/05	3/3/05		Wieder, Kenneth A.	3/28/07	4/25/07	**2.15** yrs	Knepper, David D	Knepper, David D
862	08/469,528	1/21/05	3/3/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Knepper, David D	Knepper, David D
867	08/471,062	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Knepper, David D	Knepper, David D
855	08/486,151	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Opsasnick, Michael N	Knepper, David D
861	08/470,898	1/21/05	3/3/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.19** yrs	Opsasnick, Michael N	Knepper, David D
865	08/472,032	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	4/25/07	**2.16** yrs	Opsasnick, Michael N	Knepper, David D
868	08/471,434	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Opsasnick, Michael N	Knepper, David D
367	08/471,214	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.02** yrs	Fears, Terrell W	Kelley, Christopher S
315	07/128,659	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/29/08	**3.82** yrs	Flynn, Nathan J	Kelley, Christopher S
866	08/471,795	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Le, Vu	Kelley, Christopher S
382	08/456,138	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.04** yrs	Miller, J	Kelley, Christopher S
482	08/458,582	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Nguyen, Chanh Duy	Kazavi, Michael
519	08/470,084	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/31/08	**3.82** yrs	Huber, Paul W	Huber, Paul W

Docket No.	Application Ser. No.	Date of Hyatt petition for action	Date of PTO decision on petition (a)	PTO decision representation	Petition decision signed by	Dates of subsequent Hyatt petitions for action prior to PTO's subsequent suspension	Subsequent PTO Suspension Date (b)	Period of PTO inaction after promising prompt action and prior to suspension [(b)-(a), years]	Examiner of record as of petition for action	Examiner of record upon suspension
529	08/470,080	1/21/05	3/9/05	Because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is moot. ... The examiner will be notified that this application should be considered as 'special' and appropriate for expedited action."	Wieder, Kenneth A.	3/28/07; 8/28/07	12/31/08	**3.82** yrs	Huber, Paul W	Huber, Paul W
539	08/469,939	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.21** yrs	Huber, Paul W	Huber, Paul W
521	08/469,573	1/21/05	3/4/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/30/08	**3.83** yrs	Hindi, Nabil Z	Hindi, Nabil Z
409	08/465,176	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Legree, Tracy Michelle	Field, Joseph H
401	08/469,002	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.06** yrs	Maung, Nay Aung	Field, Joseph H
509	08/471,598	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	4/25/07	**2.13** yrs	Evans, Jefferson A	Evans, Jefferson A
512	08/471,700	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	4/25/07	**2.13** yrs	Evans, Jefferson A	Evans, Jefferson A
402	08/464,246	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07; 8/28/07	12/30/08	**3.85** yrs	Eng, George	Eng, George
366	08/469,061	1/21/05	3/7/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.15** yrs	Edun, Mohammad N	Edun, Mohammad N
523	08/469,565	1/21/05	3/7/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.15** yrs	Edun, Mohammad N	Edun, Mohammad N
542	08/469,098	1/21/05	3/9/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.15** yrs	Edun, Mohammad N	Edun, Mohammad N
536	08/469,058	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.18** yrs	Dinh, Tan X	Dinh, Tan X
522	08/471,428	1/21/05	2/24/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.18** yrs	Davis, David Donald	Davis, David Donald
528	08/471,543	1/21/05	3/7/05		Wieder, Kenneth A.	3/28/07	5/2/07	**2.15** yrs	Davis, David Donald	Davis, David Donald
440	08/460,966	1/21/05	2/17/05		Wieder, Kenneth A.	3/28/07	5/11/07	**2.23** yrs	Holder, Regina Neal	Davidson, Dan
400	08/465,203	1/21/05	2/25/05		Wieder, Kenneth A.	3/28/07; 8/28/07	3/17/08	**3.06** yrs	Saras, Steven	Appiah, Charles Nana
							Average:	**2.46** yrs		

Exhibit 15. Petition for examiner’s answer in Docket No. 428

26X

#26

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	
GILBERT P. HYATT	Group Art Unit 2724
Serial No. 08/423,234	Examiner: Anh Hong Do
Docket No. 428	
Filed: April 17, 1995	
For: IMAGE PROCESSING SYSTEM HAVING A SAMPLED FILTER	

PETITION FOR AN EXAMINER'S ANSWER UNDER 37 CFR 1.181(A)(3)

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

The Applicant respectfully petitions the Commissioner for his intervention to direct the Examiner to expeditiously provide the Applicant with an Examiner's Answer in response to the Applicant's Appeal Brief.

Examination in the instant application proceeded to the taking of an appeal and the timely filing of an Appeal Brief on August 11, 1997. An Examiner's Answer was due within two months.

> The examiner should furnish the appellant with a written statement in answer to the appellant's brief **within 2 months** after the receipt of the brief by the examiner.

See MPEP 1208 (emphasis added). The importance of an examiner expeditiously furnishing an Examiner's Answer is even more compellingly illustrated by the fact that an Examiner's Answer takes "precedence" and "priority" over **special** applications.

> Certain procedures by the examiners [examiner's answers] take precedence over actions even on special cases....
>
> Applications in which practice requires that the examiner act within a set period, such as 2 months after

> appellants brief to furnish the **examiner's answers** (MPEP § 1208) **necessarily takes priority over special cases without specific time limits**.

See MPEP 708.01 (emphasis added). Nevertheless, it has been over **forty-one (41) months** and the Applicant has not received an Examiner's Answer. This is a blatant violation of the plain requirements of the PTO and of the right's of the Applicant.

Even the United States Congress discourages delays by the PTO. The United States Congress, in the term extension provision of the American Inventors Protection Act of 1999, sent the clear message that undue delay by the PTO is unacceptable.

In view of the above, the Commissioner is hereby petitioned to direct the Examiner to immediately prepare an Examiner's Answer in the instant application or, alternatively, to pass the instant application to issue.

Because this petition seeks to invoke the Supervisory Authority of the Commissioner, a petition fee is not required.

Please charge any fees associated with the papers transmitted herewith to Deposit Account No. 08-3626, including any fees that may be required but are not set forth above.

Respectfully submitted,

Dated: January 19, 2001

Gilbert P. Hyatt
Registration No. 27,647
P.O. Box 81230
Las Vegas, NV 89180
Phone (702) 871-9899

Exhibit 16. PTO decision on petition in Docket No. 428

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 27

Gilbert P. Hyatt
P.O. Box 81230
Las Vegas, NV 89180

MAIL

MAY 22 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Gilbert P. Hyatt
Application No.: 08/423,234
Filed: 4/17/95

DECISION ON PETITION

This is a decision on the petition for an Examiner's Answer Under 37 CFR 1.181 (A)(3) filed January 22, 2001.

Petitioner urges that the Commissioner exercise his supervisor authority to direct the examiner to immediately prepare an Examiner's Answer in the instant application or, alternatively, to pass the application to issue.

37 CFR 1.193(a)(1) states in part:

"The primary examiner ***may***, within such time as may be directed by the Comissioner, furnish a written statement in answer to appellant's brief..." (Emphasis added.)

MPEP 1208 States in part:

"The examiner ***should*** furnish the appellant with a written statement in answer to the appellant's brief within two months after the receipt of the brief by the examiner." (Emphasis added.)

There is no requirement under statute or rule compelling the examiner to issue an Examiner's Answer in response to an Appeal Brief. Alternatively, the examiner may dismiss the appeal and process the application for issuance or reopen prosecution if other more appropriate grounds of rejection/objection are contemplated. See MPEP 1208.02.

Therefore, the petition is without merit.

The petition is **DENIED**.

However, in view of the lengthy prosecution in the instant application, the file is being forwarded to the examiner for immediate action as appropriate. Any delay caused petitoner in the treatment of the petition and the Appeal Brief is regretted.

for Joe Rolla

Joseph J. Rolla. Jr. Director
Technology Center 2600
Communications

Exhibit 17. Chronology of selected petitions in appealed cases and PTO's responses thereto

Case Index	Family	Docket No.	Application Ser. No.	Application filing date	Appeal Brief filing date	Mr. Hyatt's relevant petition date	Decision on Petition and PTO representation Date	PTO Representation	Subsequent Suspension Date	Period A: Time Between Appeal Brief and Suspension (Years)	Period B: Time Between PTO Representation and Suspension (Years)	Examiner Name; Art Unit	Number of patents issued by this Examiner (Note 1)		
													Total in Period A	In Period A with app. date post Hyatt's app. date	In Period B with app. date post Hyatt's app date
1	370	**379**	08/456,130	05/31/95	07/05/02	01/21/05	02/25/05	Petition dismissed. Because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is ***moot***. ... The examiner will be notified that this application should be considered as 'special' and appropriate for expedited action."	4/25/07	**4.8** yrs	**2.2** yrs	Dennis D. Chow; AU2675	295	291	129
11	410	**428**	08/423,234	04/17/95	08/11/97	01/19/01	05/22/01	Petition Denied. "However, in view of the lengthy prosecution in the instant application, the file is being forwarded to the examiner for immediate action as appropriate. Any delay caused petitoner in the treatment of the petition and the Appeal Brief is regretted."	7/31/02	**5.0** yrs	**1.2** yrs	Anh H. Do; AU2606	241	211	55
15	450	**465**	08/434,449	05/03/95	05/13/04	12/21/04	06/07/05	SPE stated that "the application file was located in IFW processing and that an Answer would be generated immediately upon its availability." 08/434,449 at A1991; "[T]he application has now been converted into image format" and petition "is ***Dismissed as Moot*** inasmuch as the file has been forwarded to the examiner for appropriate action in due course."	5/11/07	**3.0** yrs	**1.9** yrs	Phu Nguyen; AU2671	227	227	161
16		**467**	08/435,938	05/05/95	06/24/04	12/21/04	06/07/05	SPE stated that "the application file was located in IFW processing and that an Answer would be generated immediately upon its availability." 08/435,938 at A1697; "[T]he application has now been converted into image format" and petition "is ***Dismissed as Moot*** inasmuch as the file has been forwarded to the examiner for appropriate action in due course."	4/24/07	**2.8** yrs	**1.9** yrs	Phu Nguyen; AU2671	215	215	156
79	850	**856**	08/472,041	06/06/95	05/23/00	01/20/05	03/03/05	Petition dismissed. Because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is ***moot***. ... The examiner will be notified that this application should be considered as 'special' and appropriate for expedited action."	4/25/07	**6.9** yrs	**2.1** yrs	David D. Knepper; AU2741	268	264	98
80		**865**	08/472,032	06/06/95	05/23/00	01/20/05	02/24/05	Petition dismissed. Because the "application by virtue of its prolonged pendency is already special in accordance with PTO policy, Petitioner's request is ***moot***. ... The examiner will be notified that this application should be considered as 'special' and appropriate for expedited action."	4/25/07	**6.9** yrs	**2.2** yrs	Michael Opsasnick; AU2741	285	282	98

1. Public record on PTO website at http://patft.uspto.gov/netahtml/PTO/search-adv.htm, with specific parameters entered. An example of query entry yielding the 291 issued patents in Period A for the examiner listed in first row is (*EXP/"Chow; Dennis" OR EXA/"Chow; Dennis"*) *AND ISD/Jul-5-2002->Apr-25-2007 AND APD/May-31-1995->Apr-25-2007*

Exhibit 18. PTO “Recycling” applications

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
	)	
GILBERT P. HYATT	)	Group Art Unit: 3621
	)	
Serial No.: 07/289,355	)	Examiner: Brian Werner
	)	
Filed: December 22, 1988	)	
	)	
Docket No.: 321	)	
	)	
For: IMPROVED IMAGE PROCESSING ARCHITECTURE	)	
	)	

MEETING CONFERENCE RECORD

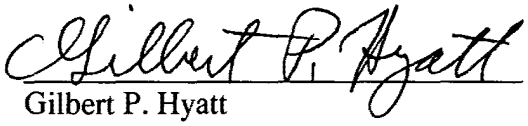
Hon. Commissioner For Patents
P.O. Box 1450, Alexandria, VA 22313-1450

The Applicant had a conference on November 16, 2006 with the Director of T.C. 2600, Andrew Christensen, who had responsibility for some of his applications. The Applicant described the issue of the PTO "recycling" of his patent applications that have rejections reversed by the Board and particularly described the history of two patent applications that were in T.C. 2600; including the instant application. The Applicant pointed out "the scenario of applications going round and round from the examining groups to the Board and then back to the examining groups and then back to the Board." The Director confirmed that this was the policy that the PTO was following.

CERTIFICATION OF MAILING: I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 11, 2007.

Respectfully submitted,

Dated: October 11, 2007



Gilbert P. Hyatt
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Las Vegas, NV 89180
Phone (702) 871-9899

Exhibit 19. The 40-year-long saga of Case Docket No.146

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	)
GILBERT P. HYATT	)
Serial No.: 05/860,277	)
Appeal No.: 2012-011643	)
Filed: December 13, 1977	)
Docket No.: 146	)
For: HIGH INTENSITY ILLUMINATION CONTROL SYSTEM	)

CONFIRMATION OF ORAL HEARING AND PETITION FOR DECISIONS ON THREE PENDING PETITIONS PRIOR TO THE ORAL HEARING

Hon. Commissioner For Patents
P.O. Box 1450, Alexandria, VA 22313-1450
ATTENTION: Board of Patent Appeals and Interferences

May It Please The Honorable Board:

Introduction.

The Oral Hearing in the above application is currently set for February 4, 2013. The appellant provisionally confirms this date of oral hearing but respectfully petitions for decisions on three pending petitions[1] prior to the oral hearing. A copy of the Notice of Hearing is transmitted herewith. Furthermore, the appellant requests extra time for the hearing -- the

[1] The three outstanding petitions include (1) the Petition to Reopen Prosecution dated December 12, 1990, (2) the Supplemental Petition to Expunge dated December 17, 1990, and (3) the Petition to enter an amendment dated October 6, 1994.

appellant requests 45 minutes for the hearing. Good and sufficient reasons for granting of the petition is set forth below.

First, the appellant provisionally confirms the February 4, 2013, date of oral hearing. The appellant confirms his request to have an oral hearing in this appeal. This provisional confirmation is related to the instant petition for decisions on three pending petitions prior to the oral hearing as set forth below.

Second, the appellant hereby petitions the Board to obtain decisions on the three pending petitions prior to holding the oral hearing. In particular, the appellant desires to have a hearing in the instant case but the appellant submits that the instant appeal is not yet ready for oral hearing because three important petitions[2] have not yet been decided.

Third, the hearing on this appeal is premature

1. because the appellant had a right to amend the claims in response to explicit new grounds of rejection in the Examiner's Answer,
2. because the examiner did not consider the amendment on the merits,
3. because a petition directed to this amendment has not yet been decided, and
4. because two other petitions in this case have not yet been decided.[3]

Fourth, the examiner confirmed that, "if a responding paper was filed, the case would have to be remanded by the Board to the Examiner for consideration of the responding paper."[4] This action is respectfully requested for the three undecided petitions.[5]

---

[2] The three outstanding petitions include (1) the Petition to Reopen Prosecution dated December 12, 1990, (2) the Supplemental Petition to Expunge dated December 17, 1990, and (3) the Petition to enter an amendment dated October 6, 1994.
[3] The three outstanding petitions include (1) the Petition to Reopen Prosecution dated December 12, 1990, (2) the Supplemental Petition to Expunge dated December 17, 1990, and (3) the Petition to enter an amendment dated October 6, 1994.
[4] Examiner Interview Record dated November 20, 1994.

The Chronology In-Part In The Appealed Patent Application.

In order to assist the Board in understanding the tortured record created by the PTO in the instant appeal. a chronology is provided in tabular form in this section and a text description thereof is provided in the section below entitled "The Tortured Record In The Appealed Patent Application".

DATE OF EVENT	MEMORIALIZED IN DOCUMENT	DESCRIPTION OF DOCUMENT OR EVENT
August 1, 1989	August 1, 1989 Notice of appeal	Notice of appeal
December 4, 1989	December 4, 1989 Appeal Brief	Appeal Brief
March 12, 1990	April 3, 1990 Telephone Conference Record	The examiner informed the appellant that he was trying to locate the file.
April 3, 1990	April 3, 1990 Telephone Conference Record	The examiner informed the appellant that the file had been lost and that an official search for the file had been initiated. The examiner said that this is the second time that this file had been lost and that it took six years to find the file the first time.
April 3, 1990	April 3, 1990 Request for Status	Request for Status.
August 10, 1990	August 10, 1990 Examiner's Answer	Examiner's Answer having express new grounds of rejection.
August 16, 1990	August 16, 1990 Request	The appellant requested the examiner to reopen prosecution because of the new grounds of rejection.
September 10, 1990	September 10, 1990 Response to the request to reopen prosecution	The examiner denied the appellant's request to reopen prosecution
September 24, 1990	September 24, 1990 Petition to Reopen Prosecution	The appellant petitioned to reopen prosecution because of the new grounds of rejection.

[5] The three outstanding petitions include (1) the Petition to Reopen Prosecution dated December 12, 1990, (2) the Supplemental Petition to Expunge dated December 17, 1990, and (3) the Petition to enter an amendment dated October 6, 1994.

September 24, 1990	September 24, 1990 Petition to Expunge	The appellant petitioned to expunge the record because of improper remarks made by the examiner.
October 23, 1990	October 23, 1990 Request for Relief	The appellant pointed out the PTO delays and the expense of extensions of time and requested relieve relative there to.
October 23, 1990	October 23, 1990 Telephone Conference Record	The PTO lost the Examiner's Answer and the supervisor requested that the applicant provide a copy of it.
October 24, 1990	PTO Request October 24, 1990	The PTO lost the Examiner's Answer and the supervisor requested that the applicant provide a copy of it.
November 27, 1990	November 27, 1990 Decision on Petition to Reopen Prosecution	The director denied the Petition to Reopen Prosecution, but the Director stated that "any amendment or argument in response to the new grounds of rejection would be considered upon filing a Reply Brief."
November 27, 1990	November 27, 1990 Decision on Petition to Expunge	The Director elaborated on the denial and dismissed the Petition To Expunge and gave the appellant leave to submit additional evidence because "[t]here appears to be merit in applicant [sic] arguments that the examiner's statements were in error."
December 12, 1990	December 12, 1990 Petition to the Commissioner	The appellant petitioned to invoke the supervisory authority of the Commissioner regarding the decision on Petition to Reopen Prosecution. **The PTO has not yet decided this petition.**
December 17, 1990	December 17, 1990 Supplemental Petition to Expunge	The Supplemental Petition to Expunge addressed the Director's comments in the Decision on Petition to Expunge dated November 27, 1990.
January 31, 1991	January 31, 1991 Decision on Petition	The Administrator expressly postponed the decision on the Supplemental Petition to Expunge ("The supplemental petition to expunge filed December 20, 1990 will be decided in due course.") **The PTO has not yet decided this petition.**
February 11, 1991	February 11, 1991 Amendment [filed with Reply Brief]	The appellant filed an amendment directed to the new ground of rejection with the Reply Brief in response to the statement in the decision on petition that "any amendment or argument in response to the new grounds of rejection would be considered upon filing a Reply Brief".
October 21, 1991	October 21, 1991 Office Action	The examiner refused to consider the amendment, claiming that it was non-responsive.
November 25,	November 25, 1992	The appellant filed a second amendment in

1992	Amendment	response to the examiner's comments.
August 25, 1992	August 25, 1992 Office Action	The Examiner refused to consider this second amendment claiming that it was non-responsive.
May 16, 1994	May 16, 1994 Telephone Conference Record	The appellant telephoned the examiner regarding status. The examiner said that the file history was at the Board of Appeals and that he would get it back and generate a Supplemental Examiner's Answer.
September 6, 1994	September 6, 1994 Supplemental Examiner's Answer	The examiner filed a Supplemental Examiner's Answer again refusing to consider the amendment as non-responsive
October 6, 1994	October 6, 1994 Petition to Enter the Amendment	The appellant filed a petition to enter the two amendments. **The PTO has not yet decided this petition.**
About early November 1994	November 20, 1994 Examiner Interview Record	The appellant telephoned the examiner about the status of the petition and the examiner told the appellant that the application file had been sent to the Board and that, "if a responding paper was filed, the case would have to be remanded by the Board to the Examiner for consideration of the responding paper.
November 17, 1994	November 20, 1994 Examiner Interview Record	The appellant checked with the Board, but the clerk at the Board said that the application was in the abandoned files and that the applicant should check with the examiner.
On or about November 16, 1994	November 20, 1994 Examiner Interview Record	The appellant met with the examiner and the examiner told the appellant that the application was not abandoned and that he would order the application from the abandoned files.
February 14, 1995	March 7, 1995 Telephone Conference Record	The appellant telephoned the examiner concerning status and was told to telephone the petitions examiner in the Commissioner's office concerning status.
On or about February 15, 1995	March 7, 1995 Telephone Conference Record	The appellant telephoned the Commissioner's office and was told by the Commissioner's office that they would check into the matter.
March 1, 1995	March 7, 1995 Telephone Conference Record	The appellant telephoned the Commissioner's office and was told by the Commissioner's office that the case was lost and that he would check into it.
March 1, 1995	March 7, 1995 Telephone Conference Record	The appellant telephoned the Commissioner's office and was told by the Commissioner's office that the case was lost and that it was being searched for.
March 7, 1995	March 7, 1995 Telephone	The appellant telephoned the examiner who stated that he thought that the case may have been

	Conference Record	sent to the abandoned files the same as the last time that it had been lost and that he would coordinate the search for it
August 31, 1995	August 31, 1995	The appellant again telephoned the examiner for status and was again told that the application was in the Commissioner's office.
August 31, 1995	August 31, 1995 Telephone Conference Record	The appellant again telephoned the Commissioner's office and was told that the application had been found and was sent back to the Director's office.
August 31, 1995	August 31, 1995 Telephone Conference Record	The appellant telephoned the Director's office and was told that the Director's office did not have the application file and that the applicant should telephone the examiner to initiate another search.
August 31, 1995	August 31, 1995 Telephone Conference Record	The appellant telephoned the examiner and was told that the examiner would initiate another search.
November 9, 2004	November 9, 2004 Request for Status	The appellant then again requested status
January 20, 2005	January 20, 2005 Petition for Action on the Merits	The appellant petitioned for an action on the merits.
March 28, 2007	March 28, 2007 Petition for Action on the Merits	After receiving no decisions on the various outstanding petitions, he appellant again petitioned for an action on the merits.
January 9, 2009	Suspension of Action	The PTO did not respond to the two petitions for actions on the merits, but instead suspended action for six months.
March 30, 2009	March 30, 2009 Petition for Status	The appellant Petitioned for Status
September 24, 2009	September 24, 2009 Suspension of Action	The PTO dismissed the two petitions for actions on the merits and again suspended action for six months.
August 2, 2010	August 2, 2010 Suspension of Action	After another delay of almost a year, the PTO again dismissed the two petitions for actions on the merits that had previously been dismissed and again suspended action for six months.
March 23, 2011	March 23, 2011	The PTO then acknowledged that the file history was permanently lost, so the PTO requested that the appellant reconstruct the file for the PTO.
June 23, 2011	June 23, 2011 Reconstruction of the record	The appellant reconstructed the record with a complete and accurate copy of the applicant's record.
November 28, 2012	November 28, 2012 Notice of hearing	The Board scheduled an oral hearing for February 4, 2013, but with three outstanding petitions. The three outstanding petitions include (1) the Petition

		to Reopen Prosecution dated December 12, 1990, (2) the Supplemental Petition to Expunge dated December 17, 1990, and (3) the Petition to enter an amendment dated October 6, 1994.

The Tortured Record In The Appealed Patent Application.

The record of this patent application has been tortured by the PTO examining group by losing and finding the file numerous times, permanently losing the file and requiring the appellant to reconstruct it, entering significant new grounds of rejection in the Examiner's Answer and then denying the appellant his right to amend the claims in the Reply Brief, and failing to decide petitions so that this case can be heard by the Board. The most prominent issues are summarized below, but the Board needs to review the record from the notice of appeal in 1989 to the present to get the full impact of what has happened during this appeal.

The appellant filed a notice of appeal[6] and an Appeal Brief.[7] more than 23 years ago. The examiner then generated an Examiner's Answer which expressly stated significant new grounds of rejection.[8] The file was then lost and eventually found by the examining group.[9] The examiner told the applicant that this is the second time that the file has been lost and that the first time the file was lost it took six years to find it.[10] The appellant requested the examiner to reopen prosecution because of the new grounds of rejection,[11] but the examiner denied the request to reopen prosecution.[12] The appellant petitioned to reopen prosecution and to expunge

---

[6] Notice of Appeal dated August 1, 1989.
[7] Appeal Brief dated December 4, 1989.
[8] Examiner's Answer dated August 10, 1990 (Paper No. 54).
[9] Telephone Conference Record dated April 3, 1990.
[10] Telephone Conference Record dated April 3, 1990.
[11] Request to Reopen Prosecution dated August 16, 1990.
[12] Response to the request to reopen prosecution dated September 10, 1990 (Paper No. 57).

the record[13] but the Director denied the Petition To Reopen Prosecution and the Director elaborated on the denial and dismissed the Petition To Expunge.[14] The appellant petitioned to invoke the supervisory authority of the Commissioner regarding the decision on Petition to Reopen Prosecution[15] but the PTO has not yet decided this Petition to Reopen Prosecution. The appellant filed a Supplemental Petition to Expunge addressing the Director's comments.[16] The Administrator expressly postponed the decision on the Supplemental Petition to Expunge[17] and the PTO has not yet decided this Supplemental Petition to Expunge.

The decision on petition stated "any amendment or argument in response to the new grounds of rejection would be considered upon filing a Reply Brief."[18] In response thereto, the appellant filed an amendment directed to the new ground of rejection with the Reply Brief.[19] The amendment was presumably entered, but the examiner refused to consider the amendment, claiming that it was non-responsive.[20] The appellant filed a second amendment in response to the examiner's comments[21] and the examiner filed a Supplemental Examiner's Answer again refusing to consider the amendment as non-responsive.[22]

The Examiner refused to consider this second amendment claiming that it was non-responsive.[23] The appellant filed a petition to enter the first and second amendments[24] but the PTO has not yet decided this petition to enter these amendments. The appellant telephoned

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[13] Petition To Reopen Prosecution and Petition to Expunge dated September 24, 1990.
[14] Decision on petitions dated November 27, 1990 (Paper No. 60).
[15] Petition to Reopen Prosecution dated December 12, 1990.
[16] Supplemental Petition To Expunge dated December 17, 1990.
[17] Postponed decision on the Supplemental Petition To Expunge dated January 31, 1991.
[18] Decision on Petition dated January 31, 1991 (Paper No. 61).
[19] Amendment filed with the Reply Brief dated February 11, 1991.
[20] Paper No. 69 dated October 21, 1991.
[21] Amendment dated November 25, 1992.
[22] Supplemental Examiner's Answer dated September 6, 1994 (Paper No. 75).
[23] Paper No. 71 dated August 25, 1992.

the examiner about the status of the petition and the examiner told the appellant that the application file had been sent to the Board and that, "if a responding paper was filed, the case would have to be remanded by the Board to the Examiner for consideration of the responding paper."[25] The appellant checked with the Board, but the clerk at the Board said that the application was in the abandoned files.[26] The appellant met with the examiner and the examiner told the appellant that the application was not abandoned and that he would order the application from the abandoned files.[27] The appellant telephoned the examiner concerning status and was told to telephone the petitions examiner in the Commissioner's office concerning status.[28] The appellant telephoned the Commissioner's office and was told by the Commissioner's office that the case was lost and that it was being searched for.[29] The examiner stated that he thought that the case may have been sent to the abandoned files the same as the last time that it had been lost and that he would coordinate the search for it [30]

The appellant again telephoned the examiner for status and was again told that the application was in the Commissioner's office.[31] The appellant again telephoned the Commissioner's office and was told that the application had been found and was sent to the Director's office, but the Director's office told the applicant that it did not have the application file and that the applicant should telephone the examiner.[32] The appellant again telephoned the

---

[24] Petition dated October 6, 1994.
[25] Examiner Interview Record dated November 20, 1994.
[26] Examiner Interview Record dated November 20, 1994.
[27] Examiner Interview Record dated November 20, 1994.
[28] Telephone Conference Record dated March 7, 1995.
[29] Telephone Conference Record dated March 7, 1995.
[30] Telephone Conference Record dated March 7, 1995.
[31] Telephone Conference Record dated August 31, 1995.
[32] Telephone Conference Record dated August 31, 1995.

examiner who told the appellant that he would initiate another search.[33] The appellant then again requested status,[34] petitioned for an action on the merits,[35] and, after waiting two more years, again petitioned for an action on the merits.[36] The PTO did not respond to the two petitions for actions on the merits, nor did it decided the other three outstanding petitions, but instead the PTO suspended action for six months.[37] The appellant Petitioned for Status[38] and, after another delay by the PTO of almost six months from the Petition for Status, the PTO dismissed the two petitions for actions on the merits and again suspended action for six months..[39] After another delay of almost a year, the PTO again dismissed the two petitions for actions on the merits and again suspended action for six months.[40] The PTO then acknowledged that the file history was permanently lost, so the PTO requested that the appellant reconstruct the file for the PTO.[41] The appellant reconstructed the record with a complete and accurate copy of the applicant's record.[42] The Board then scheduled an oral hearing for February 4, 2013,[43] but with three outstanding petitions.[44]

The long tortured scenario of the file history includes being lost by the PTO, being abandoned by the PTO, the examiner significantly changing his position on appeal with new grounds of rejection in the Examiner's Answer, the Examiner attempting to deprive the applicant

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[33] Telephone Conference Record dated August 31, 1995.
[34] Request for Status dated November 9, 2004.
[35] Petition for an Action on the Merits dated January 20, 2005.
[36] Petition for an Action on the Merits dated March 28, 2007.
[37] Suspension of Action dated January 9, 2009.
[38] Petition for Status dated March 30, 2009.
[39] Suspension of Action dated September 24, 2009.
[40] Suspension of Action dated August 2, 2010.
[41] Request to reconstruct the record dated March 23, 2011 .
[42] Reconstruction of the record dated June 23, 2011 .
[43] Notice of hearing dated November 28, 2012.

of his right to respond to the new grounds of rejection in the Examiner's Answer, the examining group loosing the file history time and again, and then after a permanent loss requesting reconstruction of the file history by the appellant.

The hearing on this appeal is premature because the appellant had a right to amend the claims in response to explicit new grounds of rejection in the Examiner's Answer, because the examiner did not consider this amendment on the merits, because a petition directed to this amendment has not yet been decided, and because two other petitions have not yet been decided.[45]

As stated by the examiner, because the application file was at the Board, "if a responding paper was filed, the case would have to be remanded by the Board to the Examiner for consideration of the responding paper."[46] This action is respectfully requested for the three undecided petitions.[47]

As an alternative to a decision on petition challenging the refusal of the examiner to reopen prosecution or to consider the amendments in response to new grounds of rejection in the Examiner's Answer, the appellant requests that the Board remand the application to the examiner to expeditiously address the amendments on the merits.

---

[44] The three outstanding petitions include (1) the Petition to Reopen Prosecution dated December 12, 1990, (2) the Supplemental Petition to Expunge dated December 17, 1990, and (3) the Petition to enter an amendment dated October 6, 1994.

[45] The three outstanding petitions include (1) the Petition to Reopen Prosecution dated December 12, 1990, (2) the Supplemental Petition to Expunge dated December 17, 1990, and (3) the Petition to enter an amendment dated October 6, 1994.

[46] Examiner Interview Record dated November 20, 1994.

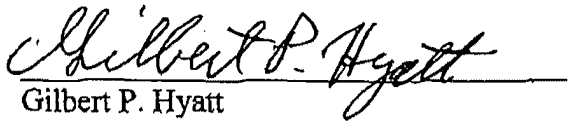
[47] The three outstanding petitions include (1) the Petition to Reopen Prosecution dated December 12, 1990, (2) the Supplemental Petition to Expunge dated December 17, 1990, and (3) the Petition to enter an amendment dated October 6, 1994.

Please charge any fees associated with the papers transmitted herewith to Deposit Account No. 08-3626. A Declaration claiming small entity status has been filed herein.

CERTIFICATION OF TRANSMISSION:: I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (FAX NO. 571-273-0299 and FAX NO. 571-273-8300) on December 19, 2012.

Respectfully submitted,

Dated: December 19, 2012



Gilbert P. Hyatt
Registration No. 27,647
P.O. Box 81230
Las Vegas, NV 89180
Phone (702) 871-9899

Exhibit 20. Issue Notice of Pat. No. 5,625,761

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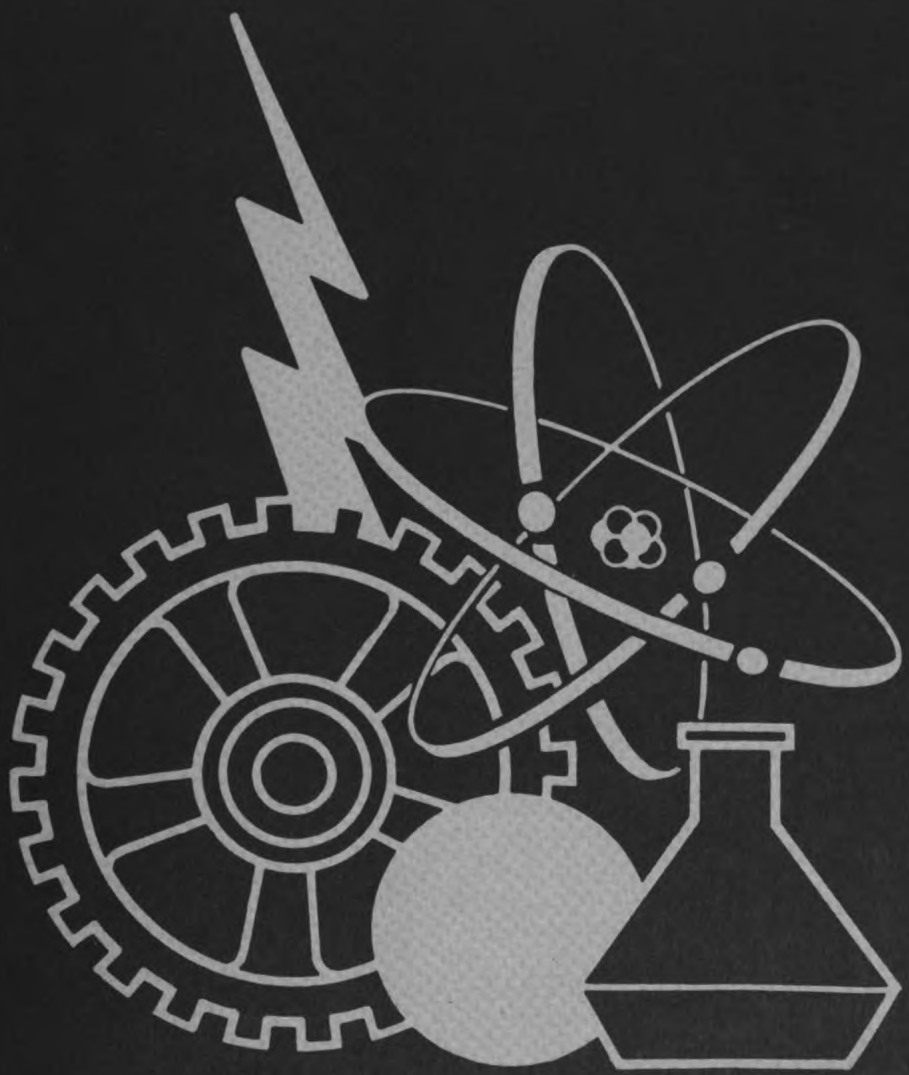
PATENTS

April 29, 1997



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OFFICIAL GAZETTE of the
UNITED STATES PATENT AND TRADEMARK OFFICE

April 29, 1997 Volume 1197 Number 5

CONTENTS

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a plurality of three-dimensional address generators for generating addresses to read out the data from said three-dimensional memory; and

a plurality of pixel calculators for processing the read-out data from said three-dimensional memory by the depth queuing method.

5,625,761

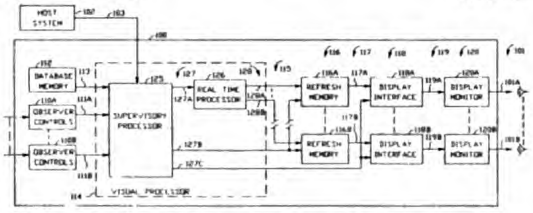
TRANSFORM PROCESSOR SYSTEM HAVING A LOWER RESOLUTION HIGHER SPEED TRANSFORM PROCESSOR IN COMBINATION WITH A HIGHER RESOLUTION LOWER SPEED TRANSFORM PROCESSOR

Gilbert P. Hyatt, P.O. Box 81230, Las Vegas, Nev. 89180

Continuation of Ser. No. 504,691, Jun. 15, 1983, Pat. No. 5,487,172, which is a continuation-in-part of Ser. No. 879,293, Nov. 24, 1969, abandoned, Ser. No. 101,881, Dec. 28, 1970, abandoned, Ser. No. 134,958, Apr. 19, 1971, abandoned, Ser. No. 135,040, Apr. 19, 1971, Ser. No. 230,872, Mar. 1, 1972, Pat. No. 4,531,182, Ser. No. 232,459, Mar. 7, 1972, Pat. No. 4,370,720, Ser. No. 246,867, Apr. 24, 1972, Pat. No. 4,310,878, Ser. No. 288,247, Sep. 11, 1972, Pat. No. 4,121,284, Ser. No. 291,394, Sep. 22, 1972, Pat. No. 4,396,976, Ser. No. 302,771, Nov. 1, 1972, Ser. No. 325,941, Jan. 22, 1973, Pat. No. 4,060,848, Ser. No. 366,714, Jun. 4, 1973, Pat. No. 3,986,022, Ser. No. 339,817, Mar. 9, 1973, Pat. No. 4,034,276, Ser. No. 490,816, Jul. 22, 1974, Pat. No. 4,209,853, Ser. No. 476,743, Jun. 5, 1974, Pat. No. 4,364,110, Ser. No. 522,559, Nov. 11, 1974, Pat. No. 4,209,852, Ser. No. 550,231, Feb. 14, 1975, Pat. No. 4,209,843, Ser. No. 727,330, Sep. 27, 1976, abandoned, Ser. No. 730,756, Oct. 7, 1976, abandoned, Ser. No. 752,240, Dec. 20, 1976, abandoned, Ser. No. 754,660, Dec. 27, 1976, Pat. No. 4,486,850, Ser. No. 801,879, May 31, 1977, Pat. No. 4,144,583, Ser. No. 812,285, Jul. 1, 1977, Pat. No. 4,371,953, Ser. No. 844,765, Oct. 25, 1977, Pat. No. 4,523,290, Ser. No. 849,733, Nov. 9, 1977, abandoned, Ser. No. 849,812, Nov. 9, 1977, Ser. No. 860,277, Dec. 13, 1977, Ser. No. 860,278, Dec. 13, 1977, Pat. No. 4,471,385, Ser. No. 860,253, Dec. 14, 1977, abandoned, Ser. No. 860,252, Dec. 14, 1977, abandoned, Ser. No. 860,257, Dec. 14, 1977, Pat. No. 4,371,923, Ser. No. 874,446, Feb. 2, 1978, Pat. No. 4,342,906, Ser. No. 889,301, Mar. 23, 1978, Pat. No. 4,322,819, Ser. No. 948,378, Oct. 4, 1978, abandoned, Ser. No. 160,871, Jun. 19, 1980, Pat. No. 4,445,189, Ser. No. 160,872, Jun. 19, 1980, Pat. No. 4,491,930, Ser. No. 169,257, Jul. 16, 1980, Pat. No. 4,435,732, Ser. No. 223,959, Jan. 12, 1981, abandoned, Ser. No. 332,501, Jan. 22, 1981, abandoned, Ser. No. 425,136, Sep. 27, 1982, Pat. No. 4,739,396, Ser. No. 425,135, Sep. 27, 1982, Pat. No. 4,551,816, and Ser. No. 425,131, Sep. 27, 1982, Pat. No. 4,686,655. This application Sep. 20, 1991, Ser. No. 763,395

Int. Cl.[6] G06F *15/00*

U.S. Cl. 395—128 **69 Claims**



1. A transform processor system comprising:

a first transform processor generating first transforms having a first resolution;

a second transform processor generating second transforms having a second resolution that is better than the first resolution; and

a third processor coupled to the first transform processor and to the second transform processor and improving the resolution of the first transforms in response to the second transforms.

5,625,762

METHOD FOR EXTRACTING THREE-DIMENSIONAL COLOR VECTOR

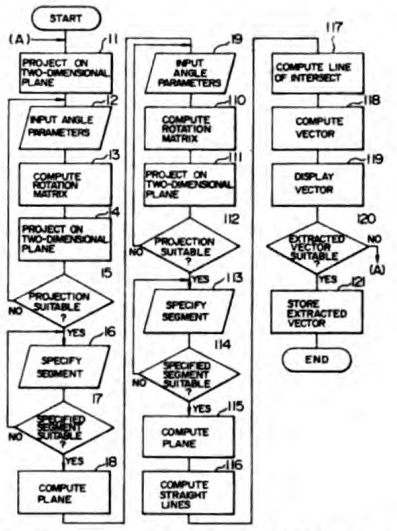
Yuri Takizawa, Machida; Shinichiro Miyaoka, Kawasaki; Makoto Kato, Yokohama, and Makoto Nohmi, Kawasaki, all of Japan, assignors to Hitachi, Ltd., Tokyo, Japan

Filed May 10, 1991, Ser. No. 698,122

Claims priority, application Japan, May 11, 1990, 2-119827

Int. Cl.[6] G06T *7/00*

U.S. Cl. 395—131 **9 Claims**



1. A method for extracting a three-dimensional color vector approximately representing a cluster of plotted points in a three-dimensional RGB primary color space, said plotted points indicating the distribution of the R, G, B components of color pixels of a specific object in a color image, the method comprising the steps of:

designating a direction of a first projection plane;

in response to said step of designating the direction of said first projection plane, projecting said plotted points in said three-dimensional RGB color space on said first projection plane;

displaying a first projection image of said first projection plane on a display;

designating a first line segment on said display, said first line segment expressing the feature of a distribution of said plotted points projected on said first projection image;

in response to said step of designating a first line segment on said display, determining a first equation expressing a first designated plane in said three-dimensional RGB primary color space, said first designated plane being perpendicular to said first projection plane, wherein the projection of said first designated plane on said first projection plane is said first line segment;

designating the direction of a second projection plane;

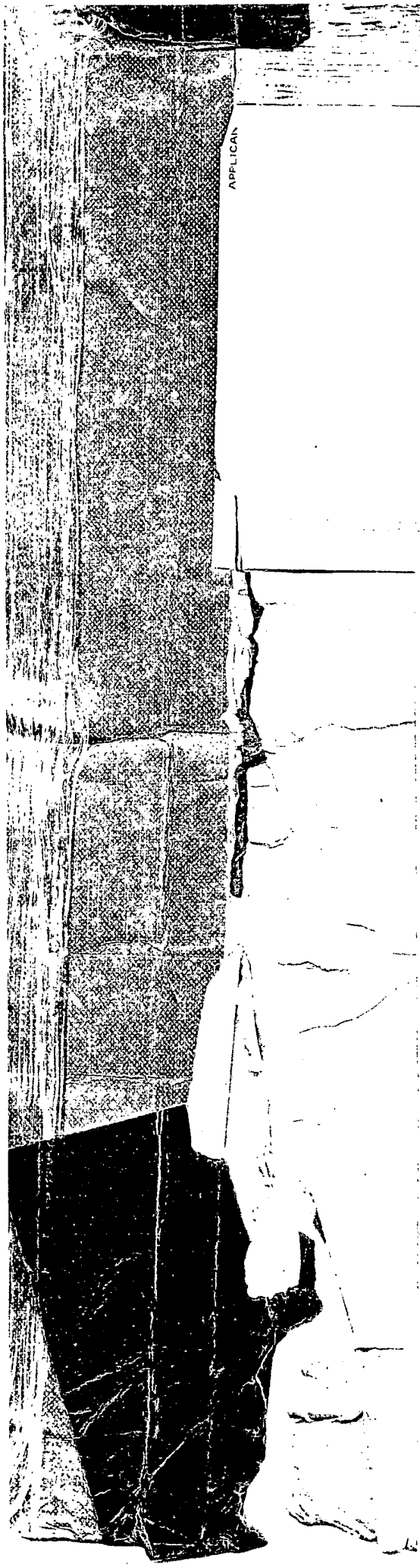
in response to said step of designating the direction of a second projection plane, projecting said plotted points in said three-dimensional RGB primary color space onto said second projection plane;

displaying a second projection image of said second projection plane on said display;

designating a second line segment on said display, said second line segment expressing the feature of the distribution of said plotted points projected on said second projection image;

in response to said step of designating a second line segment on said display, calculating a second equation expressing a second designated plane in said three-dimensional RGB primary color space, said second designated plane being perpendicular to said second projection plane, wherein the projection of said second designated plane on said second projection plane is said second line segment; and

extracting said three-dimensional color vector by extracting a line of intersection of said first designated plane and said second designated plane from said first equation and said



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4/29/97

PTO UTILITY GRANT
Paper Number 43

The United States of America

The Commissioner of Patents and Trademarks

Has received an application for a patent for a new and useful invention. The title and description of the invention are enclosed. The requirements of law have been complied with, and it has been determined that a patent on the invention shall be granted under the law.

Therefore, this

United States Patent

Grants to the person(s) having title to this patent the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States of America or importing the invention into the United States of America for the term set forth below, subject to the payment of maintenance fees as provided by law.

If this application was filed prior to June 8, 1995, the term of this patent is the longer of seventeen years from the date of grant of this patent or twenty years from the earliest effective U.S. filing date of the application, subject to any statutory extension.

If this application was filed on or after June 8, 1995, the term of this patent is twenty years from the earliest effective U.S. filing date of the application, subject to any statutory extension.

Bruce Lehman

Commissioner of Patents and Trademarks

Melvinia Gary

Attest

Form PTO-1584 (Rev. 5/87)

Exhibit 21. Withdrawal from issue

UNITED STATES DEPARTMENT OF COMMERCE
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OFFICE OF PATENT PUBLICATION

GILBERT P. HYATT
P.O. BOX 81230
LAS VEGAS, NV. 89180

In re Application of
Gilbert P. Hyatt
Application No. 07/763,395
Filed: Sept 20, 1991
Attorney Docket No. 342

NOTICE

The purpose of this communication is to inform you that the above - identified application, which has received a patent number or an issue date, is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn for the following purpose: to reopen prosecution. This withdrawal was requested by the Group Director. Any questions concerning this withdrawal should be addressed to the Group Director at (703) 305-9700..

This application is being returned to the Office of the Director of Group 2300.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-8594.

Karna Cooper
Paralegal Specialist
Office of the Director
Office Patent Publication

Exhibit 22. Petitions for action in the Docket No. 342 application

136

AF/2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
GILBERT P. HYATT)
)
Serial No. 07/763,395)
)
Docket No. 342)
)
Filed: September 20, 1991)
)
For: A TRANSFORM PROCESSOR SYSTEM HAVING A)
LOWER RESOLUTION HIGHER SPEED TRANSFORM)
PROCESSOR IN COMBINATION WITH A HIGHER)
RESOLUTION LOWER SPEED TRANSFORM PROCESSOR)
)

PETITION FOR AN ACTION ON THE MERITS UNDER 37 CFR 1.181(A)(3)

Hon. Assistant Commissioner
For Patents
Washington, D.C. 20231

Sir:

The Applicant respectfully petitions the Commissioner for his intervention to direct the Examiner to expeditiously provide the Applicant with an Action on the merits.

The PTO requires an expeditious response to amendments (MPEP 708, last paragraph):

> All amendments before final rejection should be responded to within two months of receipt.

Further, the PTO requires that the instant application be advanced out of turn for examination for the following reasons (MPEP 708.01, item I):

> Applications pending more than 5 years, including those which, by relation to a prior United States application, have an effective pendency of more than 5 years.

The instant application meets both of these criterion, it has been pending more that 5 years and it has an effective pendency of more than 5 years.

No action has been received in the instant application in more than a year.

The Applicant filed a Request For Status in the instant application dated November 9, 2004 but the Examiner has not responded thereto.

In view of the above, the Commissioner is hereby petitioned to direct the Examiner to immediately prepare an action in the instant application or, alternatively, to pass the instant application to issue.

Because this petition seeks to invoke the Supervisory Authority of the Commissioner under 37 CFR 1.181(a)(3), a petition fee is not required and thus a fee authorization is not needed.

Respectfully submitted,

Dated: January 20, 2005

Gilbert P. Hyatt
Registration No. 27,647
P.O. Box 81230
Las Vegas, NV 89180
Phone (702) 871-9899

08-29-07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
GILBERT P. HYATT)
)
Serial No. 07/763,395)
)
Docket No. 342)
)
Filed: September 20, 1991)
)
For: A TRANSFORM PROCESSOR SYSTEM HAVING A)
LOWER RESOLUTION HIGHER SPEED TRANSFORM)
PROCESSOR IN COMBINATION WITH A HIGHER)
RESOLUTION LOWER SPEED TRANSFORM PROCESSOR)
)

PETITION FOR AN ACTION ON THE MERITS UNDER 37 CFR 1.181(A)(3)

Hon. Commissioner For Patents
P.O. Box 1450, Alexandria, VA 22313-1450
Sir:

The Applicant respectfully petitions the Commissioner for his intervention to direct the Examiner to expeditiously provide the Applicant with an Action on the merits.

The PTO requires an expeditious response to amendments (MPEP 708, last paragraph):

> All amendments before final rejection should be responded to within two months of receipt.

Further, the PTO requires that the instant application be advanced out of turn for examination for the following reasons (MPEP 708.01, item I):

> Applications pending more than 5 years, including those which, by relation to a prior United States application, have an effective pendency of more than 5 years.

The instant application meets both of these criterions, it has been pending more than 5 years and it has an effective pendency of more than 5 years.

In view of the above, the Commissioner is hereby petitioned to direct the Examiner to immediately prepare an action in the instant application or, alternatively, to pass the instant application to issue.

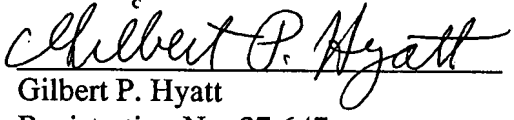
The Applicant makes note that a decision has been rendered by the Federal Circuit in *Hyatt v. Dudas*, Appeal No. 2006-1171, on June 28, 2007 reversing the decision of the District Court.

Because this petition seeks to invoke the Supervisory authority of the Commissioner under 37 CFR 1.181(a)(3), a petition fee is not required and thus a fee authorization is not needed.

CERTIFICATION OF MAILING BY EXPRESS MAIL: I hereby certify that this correspondence is being deposited with the United States Postal Service with Express Mail post office to addressee service under 37 CFR 1.10, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with the express mail label number EV 339845925 on August 28, 2007.

Dated: August 28, 2007

Respectfully submitted,



Gilbert P. Hyatt
Registration No. 27,647
P.O. Box 81230
Las Vegas, NV 89180
Phone (702) 871-9899

03-31-09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

GILBERT P. HYATT

Serial No. 07/763,395

Docket No. 342

Filed: September 20, 1991

For: A TRANSFORM PROCESSOR SYSTEM HAVING A LOWER RESOLUTION HIGHER SPEED TRANSFORM PROCESSOR IN COMBINATION WITH A HIGHER RESOLUTION LOWER SPEED TRANSFORM PROCESSOR

PETITION FOR AN ACTION ON THE MERITS UNDER 37 CFR 1.181(A)(3)

Mail Stop Petition
Hon. Commissioner For Patents
P.O. Box 1450, Alexandria, VA 22313-1450
Sir:

The Applicant respectfully petitions the Commissioner for his intervention to direct the Examiner to expeditiously provide the Applicant with an Action on the merits.

The PTO requires an expeditious response to amendments (MPEP 708, last paragraph):

> All amendments before final rejection should be responded to within two months of receipt.

Further, the PTO requires that the instant application be advanced out of turn for examination for the following reasons (MPEP 708.01, item I):

> Applications pending more than 5 years, including those which, by relation to a prior United States application, have an effective pendency of more than 5 years.

The instant application meets both of these criterions, it has been pending more than 5 years and it has an effective pendency of more than 5 years.

In view of the above, the Commissioner is hereby petitioned to direct the Examiner to immediately prepare an action on the merits in the instant application or, alternatively, to pass the instant application to issue.

The Applicant makes note that the Federal Circuit has affirmed the district court with a decision dated December 23, 2008 in appeals 2007-1050, -1051, -1052, -1053.

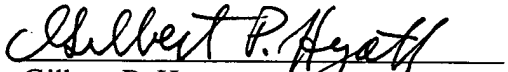
The Applicant further requests status of the instant application.

Because this petition seeks to invoke the Supervisory authority of the Commissioner under 37 CFR 1.181(a)(3), a petition fee is not required and thus a fee authorization is not needed.

CERTIFICATION OF MAILING BY EXPRESS MAIL: I hereby certify that this correspondence is being deposited with the United States Postal Service with Express Mail post office to addressee service under 37 CFR 1.10, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with the express mail label number EV 323877664 on March 30, 2009.

Dated: March 30, 2009

Respectfully submitted,



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