

**IN THE APPEALS COURT FOR THE FEDERAL CIRCUIT**

Dorothy M. Hartman  
Plaintiff Appellant

Case 21-1955

vs

The United States  
Defendant Appellee

On Appeal From The Federal Court of Claims Case No. 21-2214

From Judge Coster -Williams

Objection pursuant to FRAP Rule 46 , Appeals Ct. for the Federal Circuit continued use of an illegal and unnecessarily burdensome use of the Notice of Non-Compliance , Document 14 filed 09/16/2022 . The Appellant who represents herself Pro Se has submitted the necessary law memoranda , facts , and evidence to support her claims in the Brief and Appendices that she submitted on September 10 , 2022 and is listed at Document 12 . The Document is typed and legible according to court rules .However to continue its assault on the Appellant's case and constitutional rights to a fair trial by using means and acts that are **not in compliance with the Federal Rules of Appellate procedure** – the appeals court is using said document as it is loaded with 'coded' words such as in the **8b** and other 'symbols' to cause problems in the Appellant's use of the CM-ECF or electronic portal at Pacer.gov. This creates extreme difficulty to impossible for the Appellant to file her motions and therefore present her case . This is not only against the rules of the court but is illegal and indicative of criminal behavior . A completed 8b form was turned over to both courts . See Docs. 11 and 10 , pages 1 and 2 .

The Opinion of the case # 2013-1070 *In Re Dorothy M. Hartman* being challenged by Hartman as the one that actually finished and completed the theft begun by the federal government's illegal confiscation of her intellectual property , Accessing Accessibility

Process when she had submitted her ideas to the SBIR is badly flawed and was decided on wrong information furnished by the Patent Office . This may have been participated in by one or more members of the court . One important piece of critical evidence is that the Opinion is based on the Court's review of the wrong unedited claims . The claims reviewed by the Opinion are claims number 26-60 . The right claims were submitted but were not reviewed and they are attached here . **See Attachment [ Here identified as A 000180 ] . They are claims 61-75 and they are not indefinite . There are other gross errors but the Appeals Court is sitting on the evidence by preventing the filing of the Brief and Appendices . The Appellant vigorously objects !**

Respectfully Submitted ,

Dorothy M. Hartman Appellant Pro Se  
/ S / Dorothy M. Hartman  
Date: October 17 , 2022

Philadelphia , Pa.  
Phone 610-924-4014

To: William Allen Art Unit 3625 ; BPAI Page 12 of 17

2012-09-17 21:31:52 (GMT)

From: Dorothy Hartman

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Ex. 201

Claims

- 61. The Accessing Accessibility Process is an innovative business method which comprises using the computer as the medium for conducting business transactions . . These transactions include the exchange of data , goods , and services online .
- 62. It comprises logging on to a computer to access remote websites for the purpose of transacting goods , information , or services .
- 63. It comprises using cyberspace as a marketplace or area where goods , information , or services can be transacted or exchanged .
- 64. The invention comprises a computer user being able to access a single database herein referred to as a website or multiple websites .
- 65. The invention comprises a novel method whereby goods , data , or services may be downloaded and stored or transacted for profit .
- 66. The invention comprises a novel method whereby goods , services , data may be resold or delivered to a customer for a fee .
- 67. Comprises an innovation to use the computer to broker goods , services , and data .
- 68. This invention comprises users connecting with each other and / or databases to form an interconnected web like structure .
- 69. Single or multiple users may participate in similar or multiple transactions simultaneously as cyberspace allows multiple users which is transformative over prior art .
- 70. This invention comprises development of a inter connecting web like structure which is transformative over prior art leading to the development of an internet
- 71. This invention introduces doing business online in using computers to conduct business .
- 72. This invention is transformative over prior art in that it commercializes telecommunications.
- 73. This innovative business method increases commerce as accessibility to goods , services , and information is increased
- 74. This innovative business method is transformative over prior art in that it enables consumers and businesses to find each other more easily and therefore be more accessible .
- 75. The user having access to a computer , phone , modem , databases and a service provider can carry out the primary steps as follows :
  - a) user logs on to the computer
  - b) connects with remote databases or other users

PAGE 12/17 \* RCVD AT 09/17/2012 6:22:23 PM (Eastern Daylight Time) \* 09REWFPT0FAX0030 \* 0002:2732300 \* CSD: \* DURATION (min-sec):08-48

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NOTE: This disposition is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**IN RE DOROTHY M. HARTMAN**

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2013-1070  
(Serial No. 11/003,123)

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Appeal from the United States Patent and Trade-  
mark Office, Patent Trial and Appeal Board.

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Decided: March 8, 2013

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DOROTHY M. HARTMAN, of Philadelphia, Pennsylva-  
nia, pro se.

RAYMOND T. CHEN, Solicitor, Office of the Solicitor,  
United States Patent and Trademark Office, of Alexan-  
dria, Virginia, for appellee. With him on the brief were  
NATHAN K. KELLEY, Deputy Solicitor, BENJAMIN T.  
HICKMAN, Associate Solicitor and SYDNEY O. JOHNSON,  
JR., Associate Solicitor.

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Before NEWMAN, DYK, and PROST, *Circuit Judges*.

PER CURIAM.

Dorothy M. Hartman filed Patent Application No.

11/003,123 for a business method called the “Accessing Accessibility Process.” In essence, Hartman claimed to have invented the Internet. The examiner rejected all thirty-five claims of Hartman’s amended application as indefinite under 35 U.S.C. § 112, ¶ 2. The Board of Patent Appeals and Interferences (“Board”)<sup>1</sup> affirmed. We *affirm*.

#### BACKGROUND

Section 112 of title 35 requires that a patent “conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his [or her] invention.” 35 U.S.C. § 112, ¶ 2 (2006). “The statutory requirement of particularity and distinctness in claims is met only when [the claims] clearly distinguish what is claimed from what went before in the art and clearly circumscribe what is foreclosed from future enterprise.” *United Carbon Co. v. Binney & Smith Co.*, 317 U.S. 228, 236 (1942). Indefiniteness is a question of law, which we review *de novo*. *Exxon Research & Eng’g Co. v. United States*, 265 F.3d 1371, 1376 (Fed. Cir. 2001).

In December 2004, Hartman filed a patent application entitled “Accessing Accessibility Process.” The specification described the invention as “a new and revolutionary business process in which the computer by way of a modem is used to access, retrieve, and exchange goods, services, and information.” Supp’l App. 85. Hartman asserted that her “introduction of this invention in 1990 . . . led to the formation of the INTERNET [sic].” *Id.* at 91.

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<sup>1</sup> The Leahy-Smith America Invents Act renamed the Board the Patent Trial and Appeal Board. See Pub. L. No. 112-29, § 7(a)(1), 125 Stat. 284, 313 (2011). The Act also amended paragraph 2 of section 112 and redesignated it as subsection 112(b). See *id.* § 4(c)(a)(A), 125 Stat. at 296. No substantive changes were made of relevance to this appeal. For consistency with the decisions on review, we use the prior designations.

IN RE DOROTHY HARTMAN

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In May 2011, Hartman replaced the original claims with thirty-five new claims, of which the first (designated claim 26) is representative:

Claims a novel business method whereby the computer with its communicable devices is the focal point of the business and transactions occur online or in cyberspace. Herein cyberspace is referred to as that virtual space within which transactions and exchanges occur and that exists between the interconnection(s) of the communicable devices with remote websites. Cyberspace is infinite and thus an infinite number of transactions or interactions is possible. A website(W) is herein referred to as pages that are received from the host or recipient computer and that display on the monitor of the user's computer once the connection is established. See Figs[.] 1-6.

Supp'l App. 1818.

The examiner rejected all thirty-five claims in a June 2011 final action, concluding that each claim was indefinite under paragraph 2 of section 112. The examiner observed that the claims "fail[] to define the invention in the manner required by" the statute, "are narrative in form and replete with indefinite and functional or operational language," and are not limited to a single sentence per claim. Supp'l App. 1966.

Hartman appealed to the Board, which affirmed the examiner's indefiniteness rejection. The Board found that Hartman had failed to address the substance of the examiner's rejection in her brief on appeal, and therefore had not "contest[ed]" the rejection sufficiently to allow the Board to review it. See *Ex Parte Hartman*, No. 2012-8681, at \*5-6 (B.P.A.I. July 25, 2012).

#### DISCUSSION

Hartman makes no effort to distinguish between the

claims in her briefs on appeal, or to address individually the grounds on which the examiner rejected each of the claims. Nonetheless, we have reviewed each of the thirty-five claims, and we conclude that each one is indefinite.

The majority of the claims are denominated as method claims.<sup>2</sup> Many of these method claims (specifically, claims 26, 30, 33, 35, 37, 39, 43, 44, 48, 51, 52, and 57) fail to recite any specific steps, instead merely stating the existence of a “novel business method” (or an “innovative business method”) and describing the benefits that flow from its use. Supp’l App. 1818-28. Hartman’s failure to recite any required steps renders these claims indefinite, since it leaves the claims without any meaningful limitations. The remaining method claims (claims 27, 28, 29, 31, 32, 34, 40, 41, 42, 45, 46, 47, 49, 50, 53, 54, 56, 58, 59, and 60) fare no better. These claims recite what appear to be individual steps of a method, in various permutations. The specification discloses that these steps are similar to those taken by users of prior-art online databases. Because Hartman has not “clearly distinguish[ed] what is claimed from what went before in the art and clearly circumscribe[d] what is foreclosed from future enterprise,” see *Union Carbon Co.*, 317 U.S. at 236, the examiner properly rejected these claims as indefinite.

We have considered Hartman’s other arguments, in-

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<sup>2</sup> The few claims that defy classification as method claims appear to consist of nothing more than descriptions of benefits allegedly flowing from Hartman’s invention. These claims recite “a revolutionary way of doing business wherein the term cyberspace is used interchangeably as a ‘marketplace,’ ‘warehouse,’ [and] ‘clearinghouse,’” claim 36; “teaching the concept of the infinity of cyberspace as a tool to improve commerce and to grow the economy,” claim 38; and “aiding small businesses and entrepreneurs [by] mak[ing] startups easier and more affordable,” claim 55. See Supp’l App. 1821, 1826.

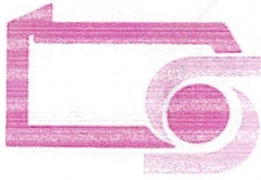
**IN RE DOROTHY HARTMAN**

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**cluding her allegations of misconduct by the Patent and  
Trademark Office, and find them to be without merit.**

**AFFIRMED**





## Ben Franklin Technology Center of Southeastern Pennsylvania®

University City Science Center • 3624 Market Street • Philadelphia, PA 19104  
(215) 895-3103 • FAX: (215) 387-6030

August 31, 1990

Dorthory Hartman  
Science Teacher  
7720 C. Stenton Avenue  
Apt. 101  
Philadelphia, PA 19118

Dear Ms. Hartman:

I want to thank you for your recent inquiry regarding Ben Franklin Partnership Programs. Enclosed for your review are materials outlining various funding opportunities through the Ben Franklin Technology Center of Southeastern Pennsylvania. Upcoming proposal submission deadlines for the Technology Center's funding programs are October 3 and December 5, 1990.

The submission deadline for the Pennsylvania Seed Grant, administered directly through the Commerce Department in Harrisburg, is due September 30. This program, similar to the Center's Innovation Grant Program, provides start-up funds to entrepreneurs and early stage companies, but is available only once a year. If you are interested in this program I can provide you with general information and assistance with proposal preparation.

Please feel free to call me at 895-3105 if you have any questions or need additional information.

Sincerely,

Shelley C. Fudge  
Special Assistant to the  
Executive Director

SCF/vbd

SUNNY  
STAMM



# Ben Franklin Technology Center of Southeastern Pennsylvania®

University City Science Center • 3624 Market Street • Philadelphia, PA 19104  
(215) 895-3103 • FAX: (215) 387-6050

Date April 15, 1991

TO: Principal Contact Person  
Innovation Award

FROM: Ruth Hill-Nesmith *Ruth Hill-Nesmith*  
Manager, Program Administration

RE: Project Number: 91S.3851P-1  
Company Name: Talk Shoppe

We have received your proposal for funding and have reviewed it for completeness. The following items apply:

[ ] Proposal Complete as Received

Missing

- Title Page and Authorized Signature [ ]
- Table of Contents [ ]
- Non-Confidential Company Summary [ ]
- Non-Confidential Follow-on Support Summary [ ]
- Non-Confidential Technical Summary [ ]
- Non-Confidential Market Summary [ ]
- Participating Company Information *-Please provide month & year of incorporation* [X]
- I. Scientific and Technological Aspects of the Project
  - A. Problem Statement/Background [ ]
  - B. Proposed Program of Work [ ]
  - C. Qualifications of Personnel [ ]
- II. Commercialization Aspects of the Project
  - A. Description of Market [ ]
  - B. Marketing, Sales, Distribution, and Customer Service [ ]
  - C. Protection and Timing of Proprietary Rights [ ]
  - D. Regulatory, Clinical, Underwriters Laboratories, or other Approvals [ ]
  - E. Rationale for Jobs [ ]
- III. Milestones [ ]
- IV. Budget Forms *-Please explain cost for page 18419 with percentages where applicable.* [X]

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