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EXAMINER	
ALLEN, WILLIAM J	

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RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex Parte DOROTHY HARTMAN

Appeal 2012-008681
Application 11/003,123
Technology Center 3600

Oral Hearing Held: July 24, 2012

Before ANTON W. FETTING, BIBHU R. MOHANTY, and MEREDITH C. PETRAVICK, *Administrative Patent Judges.*

ON BEHALF OF THE APPELLANT:

DOROTHY M. HARTMAN, pro se
2200 Benjamin Franklin Parkway
Philadelphia, PA 19130-3830

The above-entitled matter came on for hearing on Tuesday, July 24, 2012, commencing at 9:00 a.m. at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia, before Chad Jackson, Notary Public.

PROCEEDINGS

JUDGE FETTING: -- in attendance. I am Judge Fetting. With me on the bench are Judges Mohanty and Petravick. We have agreed to allow you 30 minutes to tell us about your case. You may begin.

MS. HARTMAN: Thank you, Your Honors. I am grateful to be here after nine years of patent application prosecution. My name is Dorothy M. Hartman. I am the inventor of the Accessing Accessibility process, a business method which has changed the world and the way we do business. I am under two handicaps. I have to speak over the phone but I will speak as clearly and distinctly as I can. I may pause to actually spell some names for the court reporter. I will present my argument for 25 minutes, at which time I will pause for you judges to ask any questions or any comments that you might have, since it is at your discretion to use additional time if you need to.

So with your permission, I will begin. In March of 1990, I presented to the Small Business Innovation Research Program a proposal entitled "The Feasibility of Accessing Accessibility," seeking funding from my own small business called Talk Shoppe Incorporated Telecommunications Services.

What was in this proposal was a new and unique method of using telecommunications to carry out business. The method itself consists of the computer being used as the primary tool, the cyberspace which is without bounds being used as marketplace, or the area where transactions occur. These transactions can be the exchange of goods, services, or information. And to make this available to consumers so that consumers and business could find each other more conveniently. And to have databases and websites built out so that these consumers could access those databases.

The first offense by the federal government to me the inventor

was the publication of my ideas apparently in the quarterly publication of *New Ideas* by the FDA without my permission. This happened within weeks after my first contact with an FDA employee.

The second offense by the federal government to this inventor, after denying her all forms of funding, was the illegal confiscation of her proprietary information or intellectual property by the National Science Foundation which is the monitoring or ruling body over these funding programs. It does the evaluation of the proposals and distributes funding.

The offense was characterized by the direct violation of the confidential and privacy rights of the inventor without declaration of any kind, such as eminent domain for the public good. The inventor was simply ignored and dismissed from any opportunity of funding while the NSF which has been commissioned to save the preexisting telecommunications network which was failing, a network that was based on what were referred to as internetting projects, a series of MININETS called the INSTANET, BITNET, CSNET and so on were adjunct to a backbone called the ARPANET. This system was indeed failing. Probably one of the reasons is because it could not sustain itself financially. So the NSSNET was sort of a holding place and the National Science Foundation was commissioned to actually try to get the telecom industry on its feet. And actually Ms. Hartman sort of wandered into a valley of titans without even being aware of it but her ideas were right on time because evidence and the history of the internet will show that commercialization, which is what she proposed in her writings to the government would actually the telecom network, transform them completely to a system that did work and worked very well. And that system today is basically called the internet by only name and is known all over the world.

The patent application is the third offense by the U.S.

government in reference to this inventor. The illegal prosecution of this application continues the suppression, oppression, and discrimination, which has been utilized by government agencies ever since they got their hands on the intellectual property of this inventor.

The Accessing Accessibility Method or commercialization of the telecom network is basically what changed the industry into the success that it is today, so successful that it has its own stock market called the NSDAQ.

Hartman's proposals were reviewed by all of the following but not necessarily limited to the following government employees: at Small Business Administration Mr. Frank Campo, Don Lonergan, James P. McAnulty, Severiano Alonzo and that is spelled S-E-V-E-R-I-A-N-O; Benjamin Franklin Technology Center was William H. Harrington, Phillip A. Singerman, Shelly Fudge, Ruth Hill Nesmith, spelled N-E-S-M-I-T-H; at the Pennsylvania Department of Commerce, William Cooke, Cooke spelled with an E at the end.

The National Science Foundation and other government employees are in violation of the following constitutional rights of this inventor. Under Article 1, Section 8, the Congress shall have the right to promote the progress of science and useful arts by, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

The inventor never got a chance. Within weeks of her talk with Mr. Monaghan, her ideas were published. Within months of asking for loans and grants and every other kind of funding that might be available, they had already distributed her rights to other agencies and companies that were already in the telecom industry. And while they were getting the research

and development done on the right hand, they were pushing her out the door on the left.

They are in violation of Amendment 13, which abolishes slavery. The inventor has been treated without proper respect, her property illegally seized, and the credit and ownership arbitrarily assigned to others at the whim of the government.

Amendment 14, Section 1: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Amendment IV, the right of the people to be secure in their persons, houses, papers, and effects, including property, against unreasonable seizure.

Amendment VII, in suits at common law, where the law, value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.

Title 35 U.S.C. 296, Patents, Liability of States, Instruments of States, and State Officials for Infringement of Patents. In general, any state of instrumentality or any office or employee acting in official capacity shall not be immune, under the eleventh amendment of the Constitution of the United States or under any other doctrine of sovereign immunity, from suit in federal court by any person, including any government or nongovernment entity for infringement of patent under Section 271, or for any other violation under this title.

Also under Title 35 of applications for patents or patents or interests thereof shall be assignable in law by an instrument in writing. The applicant, patentee, or his assigns or legal representatives may in like manner grant and convey an exclusive right under his application for patent or patents.

Besides the egregious theft of the intellectual property or proprietary information by the National Science Foundation in 1990, this Patent Office is continuing through its deceit and malpractice in this patent application filed originally in December 2004 continued to deny the inventor what is rightfully hers; and that a patent for the Accessing Accessibility Method, which is unique even today, and is the greatest invention of the 20th and even the 21st century, so far nothing has rivaled it, and yet the inventor has been treated with total disrespect, is left suffering while others have gone on to be quite successful and prosperous.

The USPTO -- are you there, gentlemen? I heard a tap on my phone.

JUDGE FETTING: We're here. I'm not aware of any tapping. Sorry.

MS. HARTMAN: Oh, okay. I'm sorry. I was disrupted.

The USPTO, by committing fraud and deceit in its practices involving the illegal prosecution of this patent application is guilty of violations of all disciplinary rules of 37 C.F.R. Chapter 1, 10.23(b)(4), a practitioner shall not engage in illegal conduct involving dishonesty, fraud, deceit or misrepresentation; 10.23(b)(5) engage in conduct that is prejudicial to the administration of justice; 10.238 a practitioner shall not knowingly give false or misleading information or knowingly participate in a material way in giving false or misleading information; 10.23(c)(3), failure to timely remit funds received to pay a fee which is required by law to pay the office; 10.23(4)

direct or indirect improper influence on official actions of any employees in the office; 10.23(c)(2) knowing practice by a government employee contrary to applicable federal conflicts of interest laws or regulations to the department, agency, or commission employing said individual; 10.23(d) a practitioner who acts with reckless indifference to whether a representation is true or false is chargeable with knowledge of its falsity. Deceitful statements, half-truths, or concealment of material facts shall be deemed actual fraud within the meaning of this part.

There have been five different examiners assigned to this case, which is probably some kind of record in itself; Matthew Garth, Kalyan K. Deshpande, D-E-S-H-P-A-N-D-E, Jason Burnham, William Allen, who is the current examiner, and their supervisor Jeffrey Smith. I'm disappointed that they are not here but I am not surprised. I wouldn't want to stand here either and answer for violating all of these laws.

The hiding from the public and the lack of consideration by the examiners for the evidence filed with the patent application that Hartman was, indeed, the inventor of this process and that the federal government employees -- and now I'm considering the actual answer by the examiner which was mailed the May first, 2012 and if you will go to page 50, he lists there for the very first time in the nine years, he lists for the very first time the names of some of the government employees that Hartman was involved with, even though she filed with her application on computer disc original letters, documents, portions of her proposals. And actually these can serve as affidavits because she always told the patent office that she has the original documents. They are locked away in a depository and are available for inspection. Many of these letters she still has on the original stationary from the agency with the original signatures of the federal government employees

that she talked to and shared her intellectual property with.

And yet, in nine years of prosecuting this application, this is the first time that the examiner even shows to the public that these people were involved with this inventor, that the inventor's claims are true and valid, and they had this evidence from the very beginning but have continued to practice deceit and dishonesty because of conflicts of interest the United States Patent Office having as its parent the Commerce Department and having as its parent, the federal government which is heavily invested in the internet, which is now worth trillions of dollars and is still continuing its same suppressions, discrimination, oppression, and illegal confiscation of the rights of this inventor.

On page 40 also of the Examiner's answer at the bottom on the paragraph where he talks about pages of the brief which I filed on February 6, 2012, which addresses every single one of the examiners' rejections and objections and his comments. But in this answer here, where it says not entered with the filing of the brief, he lists pages and pages of the brief which refer to exhibit which he claims were not admitted. And that, gentlemen, is just not the case.

Every single exhibit, every single affidavit, every single piece of evidence is admitted under opposition and replies under the 37 C.F.R. Chapter 1, paragraph 41, 1.22. I filed a petition 1.181 in July 13th of 2010. I filed that petition because there has been a history of whole chunks of exhibits disappearing. There have been a history of mixing things up, the examiner claiming that he did not receive drawings which indeed he did. One examiner snatching away the initial four claims that I filed claiming for some reason that he only saw the word withdrawn, he didn't see amended and so he snatched the claims. And this particular application has been snatched from

appeal not once, not twice, and this is actually the third -- I'm sorry it was twice. This is the third go around, gentlemen. And nine years the Patent Office has kept this fraud, this charade running that it is prosecuting this under the proper rules and procedures and it's just that I'm too dumb to know how to write claims. And that is the reason. And because I am representing myself, that is the reason why I'm barred from the patent.

But that's not the truth. The reason why its fraud, the reason why it is deceit, the reason why is because the Patent Office under these conflicts of interest have been acting contrarily to deny and bar a patent and to thwart justice in this case.

I filed the petition 181 because they were trying to keep from the record the following evidence. And each one of these exhibits that I list will have a P on them because of they were the fact that I filed them with the Petition. It is not that these were not entered into the record before, they certainly were. There were two prior appeals briefs filed, one in March of 2009 and the other one in September of 2009 where whole trunks of stuff went missing and supposedly the drawings had not been entered.

But what they basically were trying to keep from the public are these records, which further support that I am the true inventor of this process. And I must say at this point that inventions, sirs, can only be invented one time and after that, they are replicated. And it can be replicated billions of times and billions of people may use some portions of this method every day of the week, 355 days a year, but the idea began with me. I am this inventor. And although the government might have supplied the money and the funding and the technicians may have supplied the building out of the actual equipment, the internet came to be because of my, I called them God-given counts.

Now, these are the records they tried to keep out: GG1P, GG2P, GG3P. These are all entire proposals showing exactly what I submitted to each of the agencies, the SBA first, the Benjamin Franklin Technology Center, and the Pennsylvania Department of Commerce.

And you might ask well why did you do three. Well, the SBA, as they were the ones who betrayed me, they are the ones I spent the longest time with. And once the cat was out of the bag, so to speak, after they referred me to these other groups, I said why not. Maybe I can get some help but of course I did not.

And this is something else they tried to keep from the record, the letters between Frank Campo and myself. November the 7th, Campo wrote to Hartman that she essentially would not receive any funding. November 9th, Hartman wrote to Campo well if I am not getting any funding, I don't want my proprietary information divulged to others for their enrichment. And low and behold, November 1990 is the same time that the National Science Foundation actually makes a public statement through ANS, which was a group that they had put together consisting of MCIMAIL which I had mentioned in my proposals as a service that I use who knew nothing about the Accessing Accessibility process, by the way. IBM, who knew nothing about the Accessing Accessibility process and married networks. These were three that were formed the advanced network services by the NSF and supposedly on the November in 1990 someone stood up in a Harvard workshop, someone without a name, and said ha, we are privatized. We will be -- the assumption is we are not going to go commercial. And that is exactly what they did and the rest is history. And now it is a trillion dollar industry. And Hartman? Ha! Well, I was pushed out the door, given the heave ho; well try them, try them. And absolutely no one gave me funding to give me an opportunity to

participate in prosperity or even to have credit for my own invention.

And other things that they tried to keep from the record: CCP, DDP, EEP, FFP, also P6, P10, P11, P12, P13, P14, P15, P16, P17. All of those are exhibits that are taken from the literature out there. That is, those are not my writings. Those are not my documents. They come from different sources that describe the history of the INTERNET. And every single one shows that there was no growth, there was no change until after 1990. And along about 1994, you will see the curve start to go up and in 2004 just shot right up. Even in 2004 there were only thousands of people participating in the INTERNET. And today God only knows how many there are. But they wanted to hide this. The Patent Office wanted to hide this so they would not give me -- they would not grant what I call the Petition 1.181.

One other thing I would like to say before leaving that point, the other exhibits CDP, DDP, EEP, FFP, these are all taken from the minutes from a hearing meeting with the Subcommittee on Science or the House of Representatives. This too is a public document. But it will show, these exhibits show from their actual minutes Decision D and Decision C, both having to do with the privatization or the commercialization of the telecom network. And those particular documents, too, are part of the petition, which I have filed.

Now what happened with that petition? Well, I filed that petition on July 13, 2010. First of all, they erred in the electronic board. The electronic board has about five or six different entries of so-called miscellaneous incoming letters. They were not miscellaneous incoming letters. They were exhibits that were submitted with the Petition 1.181. The Petition 1.181, unless you are very, very good, you won't find because that is

listed under July 14th, 2010 which is another little rinky-dink wick that they did there because everything was mailed at the same time and was received by confirmation.

So therefore, that was something else and you will have to click on it because it says petition for review. It was not a petition for review. It was the Petition 1.181. You will have to click on it, open the document to really see what it was.

The Petition 1.181, well that one I had to chase around because the technology center, which has been the hell hole where all the stuff has been going on, first of all didn't even want to admit the petition because they didn't want it known. And the petition dates for review that I asked were 11/23, 11/30, 12/08, 1/14, 2/14.

To move on to page eight of the examiner's answer, there appears to be two things blocking this patent at this point and let me review those because they are both invalid reasons. As far as being in use for more than one year, it has been in use for 22 years and I'm still hopeful of justice and that I will receive a patent because this government can do whatever it wants. It is huge. It is the greatest -- government of the greatest country in the world, the most powerful country in the world. They published -- they attributed the credit to who they wanted to have it. And so I believe that should be waived and in the interests of justice, I should receive my patent.

The other part is the references cited. Here again, the examiner is committing fraud. You don't cite references at the end of a patent application. You cite them at the beginning of the prosecution, not at the end.

So *Arora*, *Johnston*, *Kolls*, *Schiff*, *Katz*, anything he mentions about that is illegal and so therefore, I won't even comment on it. *Jafri, et al.*

was the one that they used most consistently and even *Jafri*, I told them before that one was pretty kind of funny, too, in that you get bad documents and some of everything when you do searches. *Jafri* was not awarded a patent and *Jafri* is to the Accessing Accessibility model as a bucket of water is to the ocean. And I am talking about all of the ocean.

And so therefore, *Jafri* cannot bar this patent. I talks only about the one thing and that is basically airline fares and travel, fortunately for those who can do it. That's a personal joke. But the point being it only covers a sliver of the other transactions, which can be reservations of any kind and all kinds; transactions involving products; transactions involving research or downloading of data; transactions involving researches of services. So *Jafri* is nowhere in the ballpark.

So the bottom line, gentlemen, and I should be awarded a patent and I should be awarded a patent under the old and existing law, which is the one that is still in existence right now. My understanding was that the law was to change on September 13, 2012. I received a letter from the Officer of the Commissioner telling me that that was not so. The new law changing from first to invent to first to file will take place on March 15, 2013. I certainly hope that that is the case.

I am asking that you reverse completely and totally the examination and prosecution of this patent by the Group Art Unit 3625 because all they have done is broke the law, gentlemen to the extent that it might even be considered acts of felony.

But I am interested in just receiving a patent that I should have had years ago and I am asking for three million dollars because of the damages that have been done to me. I have suffered not only financially, I have suffered in all manner of defamation, slander, dehumanizing, having my

rights violated by a whole government.

And so these are just intolerable, intolerable abuses. And so, therefore, so that I can -- and that doesn't begin to cover the damages because the damages to me are incalculable. I am inventor. I have another patent which I can't even sue for infringement, even though people are out there talking all over the place.

I have an online presence website that are run on a budget of $5 a day. The people I have made rich, the search engines don't even inject my pages, thank you very much. And so I suffer terrible. I'm on the brink of losing my home. And it is just utterly ridiculous and I'm hoping that the Commerce Department or whoever is in charge will issue not only a patent but a check for three million dollars, which will help me to begin to try to get whole. At least I can have an immediate injection of cash into my business and finally get it off the ground after two years. I can finally hire help, which I deserve. And I also desire to help my country. Don't ask me why I still love my country and I really do not want to see us in a situation that I see starting to spread all over the world descending into financial chaos. I do believe that I have methods, which I will not disclose, that will help get the economy rolling again but I would need to hire help in order to do that.

Basically that is it for me. If you have any questions or any comments at this point, I will accept your questions.

JUDGE FETTING: I do not have any questions. Judge Petravick, do you have any questions?

JUDGE PETRAVICK: No, I do not.

JUDGE FETTING: Judge Mohanty, do you have any questions?

JUDGE MOHANTY: I don't have any questions.

JUDGE FETTING: No?

JUDGE MOHANTY: No, thanks.

JUDGE FETTING: We do not have any questions. Thank you for your comments. We will certainly take them under advisement. We will be looking at the examiner's rejections and determining whether they were proper or not.

MS. HARTMAN: All right, thank you very much, sir.

JUDGE FETTING: Certainly. Good-bye.

MS. HARTMAN: Bye-bye.

(Whereupon, the above-entitled matter went off the record at 9:35 a.m.)

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Request for Rehearing

Appeal No. 2012-008681

Application #11003123
Title – Accessing Accessibility Process
Oral Hearing – July 24 , 2012
Inventor/Appellant – Dorothy M. Hartman

With all due respect to the Administrative Law Judges , the Appellant objects to the ruling under the Board of Patent Appeals and Interferences as in her humble opinion Errors were made in the Ruling and resultant Decisions by the BPAI to affirm the Examiners' Answer.

Before Anton W. Fetting , Bibhu R. Mohanty , and Meredith C. Petravick , Administrative Patent Judges

Under 37CFR 41.50 , Appellant is submitting the following as NEW EVIDENCE which illustrates a divergence from Patent Laws by the Board in its decisions and offers up the following CLAIM AMENDMENTS for consideration as to submit the claims in an acceptable format for allowance .

Points of Law under Federal Codes and the Manual of Patent Examining Procedures already entered in the testimony before the board during the Oral Hearing , the Appellant hopes will be considered in addressing a Request for Rehearing on the DECISION by the BPAI :

Original claims of the invention filed 03/07/2005 were illegally removed from the Application by the Art Unit 3625 Examiner(s) without just cause . The Appellant sought through the **Petition 1.181** to restore the original 4 (1-4) claims of the invention which were filed March 7, 2005 . **The Pending Claims 1-11** as they were at the time of her **Petition 1.181 are** submitted to show that new matter is not being introduced into the accompanying Claim Amendments . Appellant claims that **Claims 26-60** on which the BPAI has ruled were submitted under duress after Patent Office had essentially "gutted" the original patent application by removal of the original 4 claims and 8 additional claims which had been added during prosecution . The Appellant who is not a patent attorney was deliberately confused and disadvantaged by the Patent Office with the use of 5 different examiners and failures of the Patent Office to rule appropriately on her motions to have her **original** claims and other urgent information regarding the validity of her claims included with her application . The Appellant contends that the Patent Office imposed undue hardship , and burdened her with confusion of how she should write her claims while they ignored other forms of evidence in exhibits and affidavits that her original writings to federal government employees in 1990 did indeed constitute the "invention"and were indeed valid.

The earlier priority date of March 1990 is claimed as the date of the invention . THE INVENTOR/ APPELLANT IS THE FIRST TO INVENT AND THE FIRST TO FILE APPLICATION FOR THIS INVENTION , THE ACCESSING ACCESSIBILITY PROCESS . The cited art preferences should be moot in this prosecution because none of the references cited antedate the date of the invention – as none of them was the FIRST TO INVENT . **First to Invent is still the prevailing law .** There are no other inventors , and if there are they have not come forth . Therefore a patent should be granted .

Although the filing date for the Appellant is 12/2004 later filed as 03/07/2005 , the other references cited are still not adequate in barring the awarding of a patent to the inventor , Dorothy M. Hartman . The Inventors cited by the Judges in their decision to bar have been according to the understanding of this humble appellant **illegally cited . Aurora , Johnston , Kolls , Schiff , Katz have been illegally cited by the Examiners** and thus decisions based on this information should be in Error . The scope of **Jafri** which may also be an invalid reference is too narrow to bar the Accessing Accessibility Process from being awarded a patent . Any Decision(s) based on barring claims to patent due to these cited references should be reconsidered .

The United States Patent and Trademark Office continues to ignore evidence and a preponderance of evidence which proves Ms. Hartman is the inventor . The method is straightforward and was at the time of its invention a new method as computers had previously been used primarily for storage , calculation , and while there was some limited communication with the prior telecom network – it was not designed to use the computer as a primary tool to do business and therefore was not commercialized . This process **transformed** the industry into the success that it is today and therefore deserves patenting Due to conflicts of interest within the Commerce Department and politics within the Patent Office itself malfeasance and errors are still being made by the Patent Office to deny a patent . Therefore the Appellant in the interest of Justice requests a Rehearing .

The transcript of the Hearing [which has not yet been received by the Appellant] although the Decision of the BPAI was received almost instantaneously should reveal the Appellant's testimony in regards to the events regarding the Petition 1.181 .

The following Amendments are submitted in the hope that the BPAI reconsider the Appellants Claims and that they be recommended to be placed in form for allowance as all evidence supports her claims and refutes the Board's findings .

A copy of the original application with the filing date of March 7 , 2005 and a copy of the pending #1-11 claims that were submitted with the Petition 1.181 have been enclosed to show that there is no new matter with the current amendments .

The current and rewritten amendments should also eliminate any **indefiniteness** to which the judges have referred .

CLAIM AMENDMENTS -Claims are amended as follows to comply with the written description requirement and eliminate indefiniteness :

CLAIM AMENDMENTS

The Accessing Accessibility Process is

1. 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 .

2.It comprises logging on to a computer to access remote websites for the purpose of transacting goods , information , or services .

3.It comprises using cyberspace as a marketplace or store in which goods , information , or services can be transacted or exchanged .

4.The invention comprises a computer user being able to access a single website or multiple websites .

5.The invention comprises a novel method whereby goods , data , or services may be downloaded and stored or transacted for profit .

6.The invention comprises a novel method whereby goods , services , data may be resold or delivered to a customer for a fee .

7.This is an innovation to use the computer to broker goods , services , and data .

8.This invention comprises users connecting with each other and databases to form an interconnected web like structure .

9.This invention comprises development of a inter connecting web like structure which is transformative over prior art leading to the development of an internet

10.This invention introduces doing business online in using computers to conduct business .

11.This invention is transformative over prior art in that it commercializes telecommunications.

12.This innovative business method increases commerce as accessibility to goods , services , and information is increased

13.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 .

14.The steps of the process consists of the user having access to a computer , phone , modem , and a service provider .

a) **user logs on to the computer**
b) **visits remote websites or other users**
c) **transacts information , goods , or services**
d) **logs off**

NEW EVIDENCE

NEW EVIDENCE – suggests the USPTO is still using malfeasance and violations of laws and canon of ethics in its prosecution of this patent application . Appellant submits the following as evidence of error and malfeasance by the Patent Office .

Errors committed by the BPAI in its decision rendered July 26 , 2012 include the following : *The BPAI's decision is based on continued malfeasance and corruption of laws within the Patent Office . The BPAI based its decisions on improper documentation submitted by the Examiners . The Inventor illustrates in the documents listed below – the errors in the case . Below you will see 3 documents . They are References Cited for a Patent under Re-Examination , Citations for Prior Art Rules regarding References Cited , and References Cited for a Patent Application .*

The first shows References cited in this prosecution which were improperly entered by the Patent Office Examiner as Prior Art references barring the patent as these are references of prior art cited for a PATENT UNDER RE-EXAMINATION . You will see that listed on the upper right hand corner of the page . These are prior art references cited on 07/12/2011 at the same time as his Final Rejection .

This is clearly improper as the Rules under 35 U.S.C. 301 (see document below) clearly indicate that this should not be done ***in pending applications. 2202 The Citation of Prior Art[R-2]*** *rules clearly indicate* ***that this can be done with a patent under examination or re-examination but not with patent applications .***

If you view the other document also listed below which is a true Notice of References Cited which is for patent applications (this particular one from one of my previous patent applications). You will see ***Application No.*** *and* ***Applicants .***

Notice of References Cited are the results of searches done to identify similar type inventions or prior art that may bar yours from being patented . According to the Rules , this search should be done within a reasonable time right after the filing of the application and at the beginning of a prosecution so that each reference may be rebutted by the applicant .

In this case which is a bending of the rules , unfortunately not the only one to be bent or broken during this particular patent application , the references cited are being done 8 years after the filing of the patent application and at the end of the prosecution in a last ditch effort to deny the patent .The Examiner cited references before in December 2007 . How often are Examiners supposed to cite references during the prosecution of a patent applications . Some of the references even show questionable search results. This is illegal and unjust .

References.Cited.Prior.Art.Patent.Re Examination.doc

References.Cited.Prior.Art.PatentRules.under.35.USC301.doc

References Re. Patent Applications

References Cited by Examiner in December 2007

Notice of References Cited	Application/Control No. [illegible]	Applicant(s)/Patent Under Reexamination HARTMAN, DOROTHY M.	
	Examiner [illegible]	Art Unit [illegible]	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-[illegible] A1	[illegible]	[illegible] et al.	[illegible]
*	B	US-[illegible] A1	[illegible]	Johnson, [illegible]	[illegible]
*	C	US-[illegible] A1	[illegible]	[illegible]	[illegible]
*	D	US-[illegible] A1	[illegible]	[illegible] et al.	[illegible]
*	E	US-[illegible] A1	[illegible]	[illegible] et al.	[illegible]
*	F	US-[illegible] A1	[illegible]	[illegible] et al.	[illegible]
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
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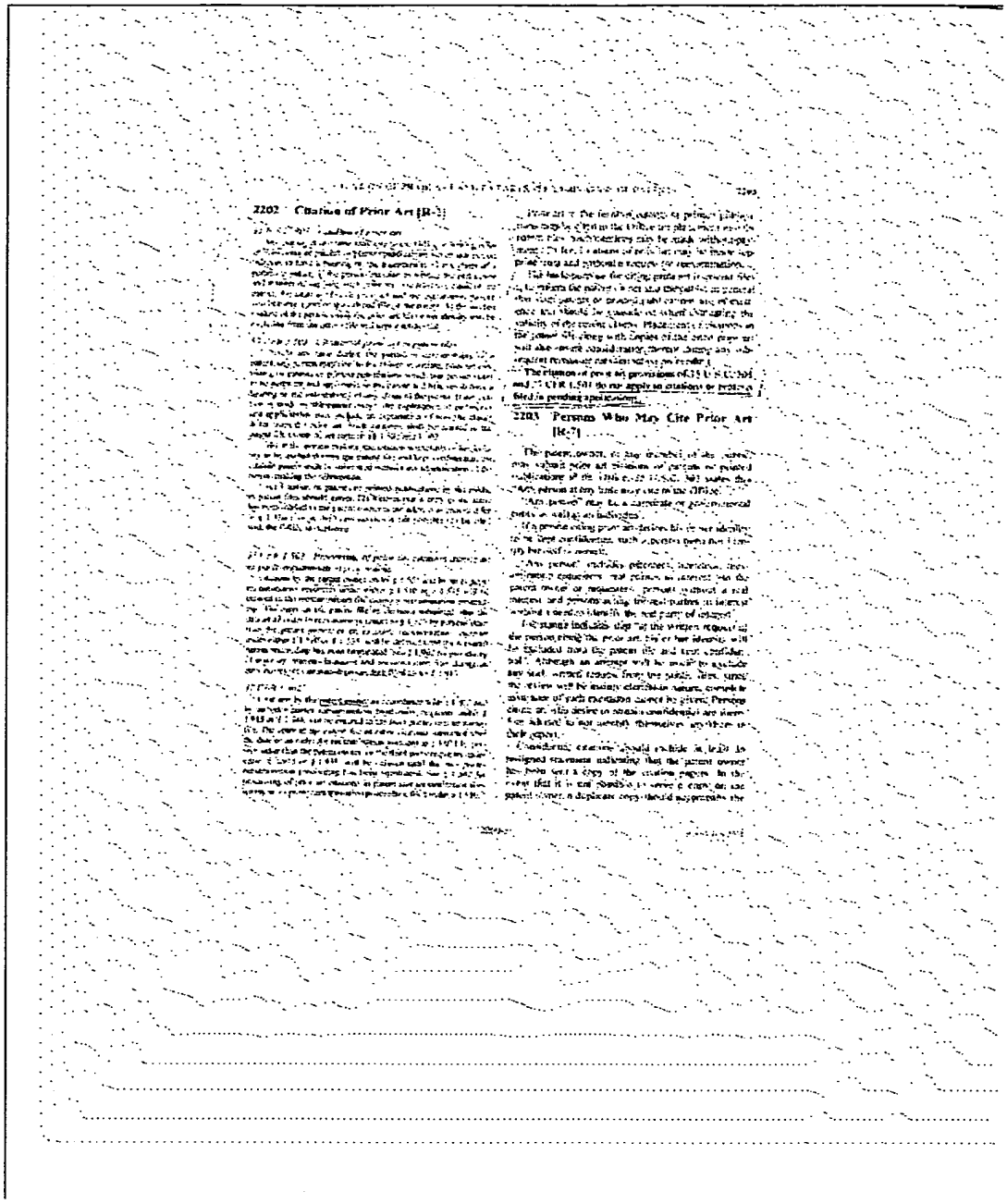

2202 Citation of Prior Art [R-3]

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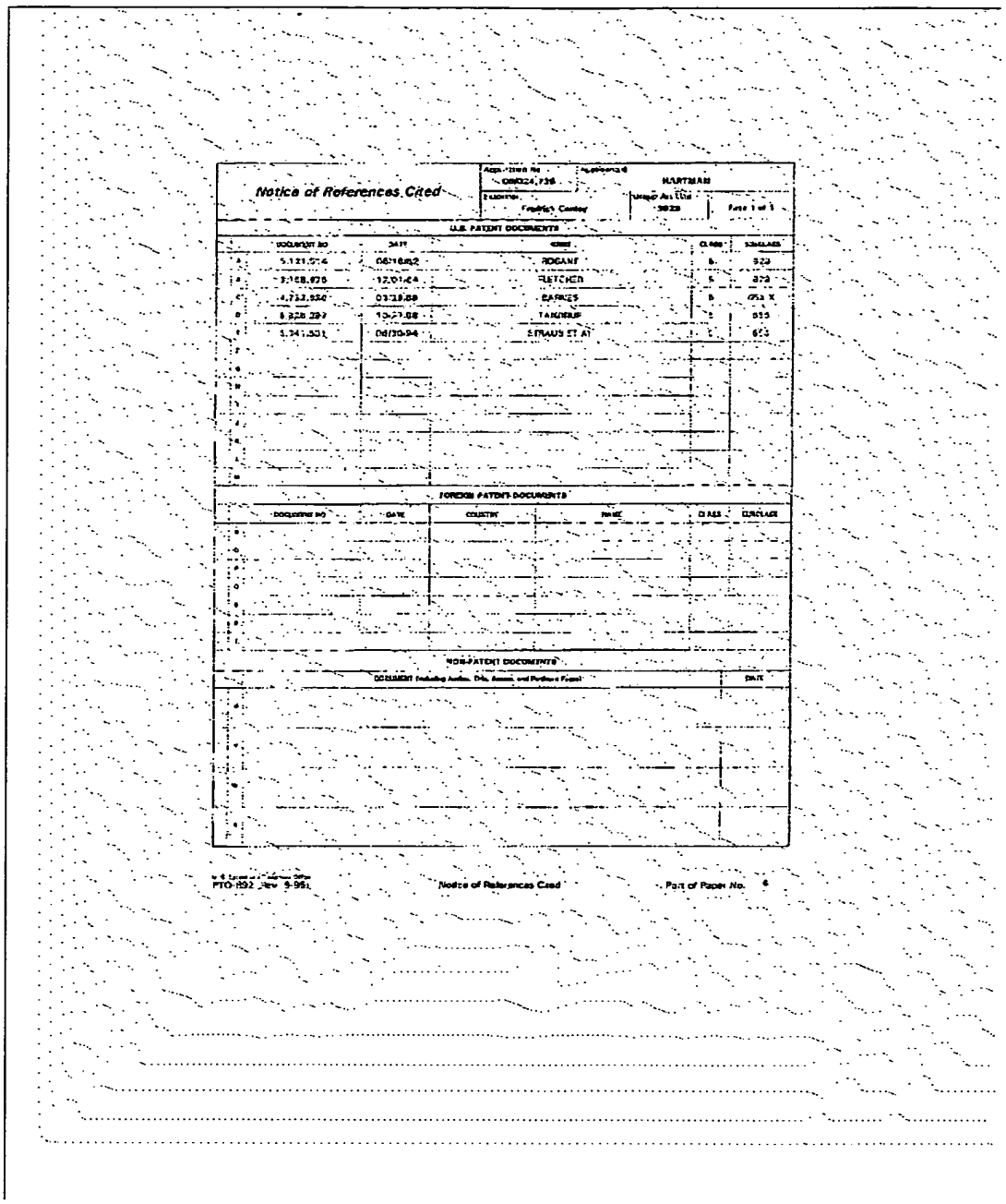

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	Examiner Matthew S. Gart	Art Unit 3626	Page 1 of 1

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Application Number	11/003,123
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First Named Inventor	XXXXXXXXXXXXXXXX
Art Unit	XXXX
Examiner Name	W. Allen
Attorney Docket Number	

ENCLOSURES (Check all that apply)

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