



LAW OFFICES
CHERNOFF, VILHAUER, McCLUNG & STENZEL, LLP

INTELLECTUAL PROPERTY LAW
INCLUDING PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION MATTERS

1600 ODS TOWER
601 S.W. SECOND AVENUE
PORTLAND, OREGON 97204-3157
TELEPHONE: 503-227-5631
FAX: 503-228-4373

* TIM A. LONG
* KURT ROHLFS
* BRENNAN K. LEGAARD
* SUSAN D. PITCHFORD
* J. DOUGLAS WELLS
* HOLLY L. BONAR

* REGISTERED PATENT ATTORNEY

DAVID S. FINE
SENIOR LAW CLERK

* JACOB E. VILHAUER, JR.
* DENNIS E. STENZEL
* CHARLES D. McCLUNG
* DONALD B. HASLETT
* J. PETER STAPLES
* WILLIAM O. GENY
* NANCY J. MORMARTY
* KEVIN L. RUSSELL

DANIEL P. CHERNOFF
(1935 1995)

October 27, 2005

NOV 08 2005 08

COMMERCIAL SEARCH, REVIEW & REPRODUCTION

FOIA Officer
Office of Science
US. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

**Re: Freedom of Information Act Request for all Documents
Related to Patent Infringement, Status, Funding, Distribution
of Contributions and Management Practices Associated with the
JMRI Project by Berkley Labs.
Our File No.: 7431.0081**

Dear FOIA Officer:

This request for documents is made pursuant to the Freedom of Information Act, 5 U.S.C. §§ 552 *et seq.* This request is made on behalf of KAMIND Associates, Inc. ("KAM") and relates to information gathered by the Physics Division Berkley Livermore Labs (LAB) regarding their duties for JMRI project. KAMIND Associates, Inc. is a small software vendor that has patents being infringed by the JMRI project sponsored by the LAB.

Please consider documents to include all writings, memoranda, letters, notes, working papers, minutes of meetings, photocopies, data, graphs, charts, photographs, inspection reports, compliance reports, records, e-mails (sent, received or drafts), digitized voice communications and any other format of information regarding the JMRI program project (hereafter referred to as COMMUNICATIONS).

request agreed to pay up to \$5000 by voicemail on 11/8. Please notify if it will exceed.
Acm F2005-00085
Burke



FOIA Officer
Office of Science
U.S. Department of Energy
October 27, 2005
Page 2

Specifically, KAM requests:

1. Funding information from the Department of Energy for the JMRI program at the LAB.
2. All COMMUNICATIONS about the JMRI program and proceedings from Robert Jacobsen (LBNL, 1 Cyclotron Rd, MS 50A2160, Berkley Ca, 94720 email address Bob.Jacobson@lbl.gov). [Exhibit 1, 2, 3]
3. Complete financial records and all COMMUNICATIONS from contributions (PAYPAL) to support the JMRI program. [Exhibit 4, 5]
4. Complete financial records verifying that the funds received for Government project JMRI were deposited in US Treasury.
5. Transcripts of communications (COMMUNICATIONS) to any JMRI team members regarding KAM. [Exhibit 6]
6. All COMMUNICATIONS regarding patent investigation of KAM. [Exhibit 6]
7. All draft COMMUNICATIONS to any member of the JMRI development community. There are 18 members as of 10/24,2005. [Exhibit 2]
8. All COMMUNICATIONS to any member of the JMRI_STRATEGY group. [Exhibit 7]
9. All COMMUNICATIONS regarding legal opinion on Department of Energy personal at any locations regarding the JMRI activities.
10. All COMMUNICATIONS from email archives (2000 to present) to any member on the Yahoo Groups: JMRI DEVELOPERS. [Exhibit 2]
11. All COMMUNICATIONS from email archives (2000 to present) to any member on the Yahoo Groups: JMRI STRATEGY. [Exhibit 7]
12. All COMMUNICATIONS from email archives (2000 to present) to any member on the Yahoo Groups: JMRI USERS. [Exhibit 8, 9]
13. All COMMUNICATIONS and logs from Skype ID: JacobsenRG related to JMRI activities.
14. Copies (and all drafts) of the welcome letter from the LAB by Bob Jacobson to JMRI members posted on Yahoo groups and or source forge.
15. All information related to the KAM legal action in federal court.
16. All travel activities that relate to the JMRI activities during July 2001, 2002, 2003 and 2004 period.



FOIA Officer
Office of Science
U.S. Department of Energy
October 27, 2005
Page 3

17. All COMMUNICATIONS between the following Allen Bryne, Ralph Kimball, Michael Woodman, Graham Plowman, and Jerry Britton. **[Exhibit 10, 11, 12]**
18. All COMMUNICATIONS about JMRI Royalty payment of \$203,000 for KAM Train Server licenses. **[Exhibit 13]**

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin L. Russell", is written over a horizontal line.

Kevin L. Russell

KLR:kk
Enclosures

cc: KAMIND Associates, Inc.
(w/enclosures)