Request for Judicial Notice
Exhibit E
CERTIFICATE 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: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1415, Washington, D.C. 20231, on June 23, 2006.

Dated: June 23, 2006

Kevin L. Russell

Att'y Docket No.
7431.0071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew Katzer

U.S. Pat. App. No.: 10/889,995

Filed: July 13, 2004

Group Art Unit: 2144

Examiner: TBD

Customer No.: 00152

Title: MODEL TRAIN CONTROL SYSTEM

INFORMATION DISCLOSURE STATEMENT
IN ACCORDANCE WITH 37 CFR §1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits herewith four sheets of Form PTO-1449 (Modified) listing the patents and non-patent publications of which Applicant is aware and which Applicant desires to have considered by the Patent Office in accordance with 37 CFR §1.97. In accordance with 37 CFR §1.97(c)(2), this Information Disclosure Statement is being submitted after the mailing date of a first Office Action on the merits of the above-identified application. Accordingly, enclosed is the required fee of $180.

In accordance with 37 CFR §1.97(h), the filing of this Information Disclosure Statement will not be regarded as an admission that any patent or publication or combination of patents and
publications referred to herein is, or is considered to be, material to patentability under 37 CFR §1.56(b) unless specifically designated as such.

The Examiner is requested to initial Form PTO-1449 and return an acknowledgment copy to the Applicant to confirm that the listed references were received and considered.

The person making this statement is the attorney who signs below on the basis of the information supplied by the inventor and the information in his file.

Respectfully submitted,

CHERNOFF, VILHAUER, McCLUNG & STENZEL

By: ____________________________

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Portland, OR 97204
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Fax: 503-228-4373

Dated: June 23, 2006
### U.S. Patent Documents

<table>
<thead>
<tr>
<th>Examiner Initials</th>
<th>Cite No.</th>
<th>Document Number</th>
<th>Publication Date</th>
<th>Name of Patentee or Applicant of Cited Document</th>
<th>Pages, Columns, Lines, Where Relevant Figures Appear</th>
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<tbody>
<tr>
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<td>US-6,530,329</td>
<td>03/11/2003</td>
<td>Katzer</td>
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### Foreign Patent Documents

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### Non Patent Literature Documents

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<td>JUERGEN FREIWALD, &quot;Railroad &amp; Co. + East DCC Join the Test Team,&quot; 1 page, at least one year prior to filing date, Railroad &amp; Co., Juergen Freiwald, Lerchenstrasse 63, 85635 Hoehenkirchen, Germany.</td>
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<td>LARRY PUCKETT, &quot;WinLok 1.5 Brings Your Computer Into the Train Room,&quot; March 1995 issue of Model Railroading, pp. 50-51.</td>
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<td>LARRY PUCKETT, &quot;WinLok 2.0 Brings New Functionality to DCC,&quot; December 1995 issue of Model Railroading, pp. 57.</td>
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<td>KAM INDUSTRIES v. DIGITOYS SYSTEMS, &quot;WinLok 2.0 Help Manual,&quot; at least one year prior to filing date.</td>
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<td>E-mail from Bob Jacobsen regarding &quot;A lesson on multiple lists,&quot; dated October 3, 2004</td>
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<td>DON FIEHMANN, &quot;Using Decoder Pro,&quot; September 1, 2003, pp. 73-75.</td>
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What's new at KAM Industries, December 18, 1996.

MATT KATZER, "How I am going to write my Train Program," July 1, 1997, 3 pages.


KEVIN HASSETT, "Prototype cTc dispatching with Track Driver professional or 1:1 Scale," Slides 1, 2, 4, 13 & 14 of 29, July 20, 1998, 6 pages.


E-mail from kam_loconet@kamind.com regarding "Loco buffer question," September 7, 2004.


"Letter dated February 7, 2006 from Kevin Russell to Mr. Bob Jacobsen."


"The Faculty Code of Conduct as Approved by the Assembly of the Academic Senate," July 24, 2003.

"Website search regarding plagiarism," July 1, 2005.


"Request that office withdraw application from issue....issue fee paid," April 3, 2006.


"Selected printouts from the website trainpriority.com," Either July 1993 or July 1994


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<th>KEVIN HASSETT, “Prototype cTc dispatching with Track Driver professional or 1:1 Scale,” July 17, 1999.</th>
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<th>Examiner Signature</th>
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
1 Applicant's unique citation designation number (optional).  
2 Applicant is to place a check mark here if English language Translation is attached.  
This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.