

Jacobsen Declaration Exhibit U



Practitioner's Docket No. 7431.0080

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Matthew A. Katzer

Application No.: 10 / 989,815 Group No.: 3661

Filed: November 16, 2004

For: MODEL TRAIN CONTROL SYSTEM Examiner: Yonel Beaulieu

Date of mailing "Notice of Allowance and Base Issue Fee Due" December 8, 2005

Batch No. _____

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

WARNING: Correspondence to be filed in a patent application subject to a secrecy order under 37 CFR Sec. 5.1 through 5.5 and directly related to the secrecy order content of the application may NOT be transmitted via facsimile. See 37 CFR Sec. 1.6(d)(6).

REQUEST THAT OFFICE WITHDRAW APPLICATION FROM ISSUE FOR REASONS SET FORTH IN § 1.313(b)—ISSUE FEE PAID

NOTE: Although this is a request it should be noted that "Petitions to withdraw patent applications from issue after payment of the issue fee should be directed to the Office of Petitions." M.P.E.P. § 1308, 8th Edition.

NOTE: M.P.E.P. § 1306.03, 8th Edition, indicates that patents are issued within about 4 weeks after the issue fee is paid. The Notice of April 14, 2000, 1234 O.G. 39, indicates that this time table is not reached and its objective is changed to issue patents within about 12 weeks after satisfaction of all outstanding requirements, including issue fee payment and corrected drawings. In petitioning for withdrawal from issue the availability of the time to process the petition is accordingly restricted.

NOTE: Although this is a request it should be noted that any petitions to withdraw an application from issue after payment of the issue fee should be either submitted by facsimile or hand-carried to the Office of Petitions. M.P.E.P. § 1308, 8th Edition.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

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TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (571) 273-0025.

Date: April 3, 2006

Signature

Kevin L. Russell

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

EV732481387US

PETITION

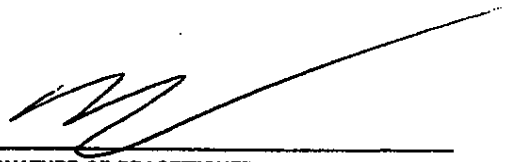
1. Applicant requests that the Office withdraw this application, on its own initiative, from issue for a reason set forth in § 1.313(b), as follows:
 - A mistake on the part of the Office (§ 1.313(b)(1)).
 - A violation of § 1.56 or illegality in the application (§ 1.313(b)(2)).
 - Unpatentability of one or more claims (§ 1.313(b)(3)).
 - For interference.
2. Further details as to the reason(s) for this withdrawal request are set forth on the attached 1 sheet(s).

The Commissioner is hereby authorized to charge any fees associated with the filing of this Request to Deposit Account No. 03-1550. A duplicate copy of the Request is submitted herewith.

Reg. No.: 38,292

Tel. No.: (503) 227-5631

Customer No.: 00152



SIGNATURE OF PRACTITIONER

Kevin L. Russell

(type or print name of practitioner)

Chernoff, Vilhauer, McClung & Stenzel
1600 ODS Tower

P.O. Address

601 SW Second Avenue
Portland, OR 97204

(Request That Office Withdraw Application From Issue for Reasons Set Forth in § 1.313(b) Issue Fee Paid)
[9-33.2]—page 2 of 2

**REQUEST THAT OFFICE WITHDRAW APPLICATION FROM ISSUE FOR
REASONS SET FORTH IN § 1.313(b)
ISSUE FEE PAID**

ADDED PAGE FOR REASON(S)

Applicant submits herewith a Request for Continued Examination,
together with an Information Disclosure Statement

(use additional pages, if necessary)

Added Page _____

(Request That Office Withdraw Application From Issue for Reasons Set Forth In § 1.313(b) Issue Fee Paid) —

Added Page [9-33.2]

<p style="text-align: center;">Request For Continued Examination (RCE) Transmittal</p> <p>Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>	Application Number	10/989,815
	Filing Date	November 16, 2004
	First Named Inventor	Matthew A. Katzer
	Art Unit	3661
	Examiner Name	Yonel Beaulieu
	Attorney Docket Number	7431.0080

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. Other _____

b. Enclosed

i. Amendment/Reply

ii. Affidavit(s)/Declaration(s)

iii. Information Disclosure Statement (IDS)

iv. Other _____

2. **Miscellaneous**

a. Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(f) required)

b. Other _____

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1550. I have enclosed a duplicate copy of this sheet.

i. RCE fee required under 37 C.F.R. 1.17(e)

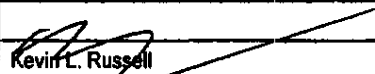
ii. Extension of time fee (37 C.F.R. 1.136 and 1.17)

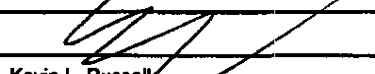
iii. Other _____

b. Check in the amount of \$ 395 enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature		Date	April 3, 2006
Name (Print /Type)	Kevin L. Russell	Registration No. (Attorney/Agent)	38,292

CERTIFICATE OF MAILING BY EXPRESS MAIL			
I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (Label No. EV732481387US) envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.			
Signature		Date	April 3, 2006
Name (Print /Type)	Kevin L. Russell	Date	April 3, 2006

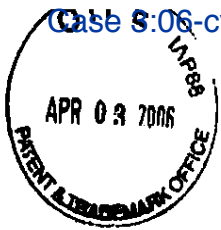
This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes 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: Mail Stop RCE, 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.

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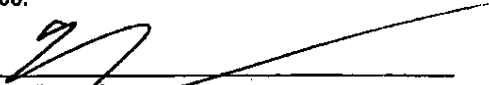
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CERTIFICATE OF MAILING BY EXPRESS MAIL

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Dated: April 3, 2006


Kevin L. Russell

Atty. Docket No.
7431.0080

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew A. Katzer

Group Art Unit: 3661

U.S. Pat. App. No.: 10/989,815

Examiner: Yonel Beaulieu

Filed: November 16, 2004

Title: MODEL TRAIN CONTROL SYSTEM

INFORMATION DISCLOSURE STATEMENT

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

Dear Sir:

Applicant submits herewith Form PTO-1449 listing the patents/publications of which he is aware and which he desires to have considered by the Patent Office in accordance with 37 CFR §1.97. This Information Disclosure Statement is being submitted together with the filing of a Request That Office Withdraw Application From Issue For Reasons Set Forth In § 1.313(b)—Issue Fee Paid, and a Request for Continued Examination.

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 combination of patents referred to herein is,

U.S. Pat. App. No.: 10/989,815

Atty. Docket No. 7431.0080

or is considered to be, material to patentability under 37 CFR §1.56(b) unless specifically designated as such.

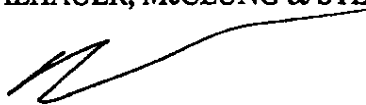
The person making this statement is the attorney who signs below on the basis of the information supplied by the inventor and the information in his file.

This Information Disclosure Statement is being submitted with the requisite fee of \$180. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Deposit Account No. 03-1550.

Respectfully submitted,

CHERNOFF, VILHAUER, McCLUNG & STENZEL

By



Kevin L. Russell, Reg. No. 38,292

1600 ODS Tower

601 SW Second Avenue

Portland, OR 97204

Tel: (503) 227-5631

Fax: (503) 228-4373

Dated: April 3, 2006

APR 03 2006
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 149A/PTO		Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	10/989,815	
		Filing Date	November 16, 2004	
		First Named Inventor	Matthew A. Katzer	
		Art Unit	3661	
		Examiner Name	Yonel Beaulieu	
Sheet		of	Attorney Docket Number	7431.0080

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
		Country Code ² - Number ⁴ - Kind Code ³ (if known)				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Summons, Complaint for Declaratory Judgment, for Violations of Antitrust Laws, California Business and Professions Code § 17200, and Lanham Act, and for Libel, <u>Robert Jacobsen v. Matthew Katzer, KAMIND Associates, Kevin Russell</u> , Civil Case Number C 06 1905, filed March 13, 2006 in the United States District Court for the Northern District of California.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. 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 120 minutes 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.

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