

2200 Benjamin Franklin Parkway
#W105
Philadelphia , Pennsylvania
19130
December 21 , 2010

Attention : Linda Horner , BPAI Rules
Mail Stop Interference
Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria , VA 22313-1450

Dear Administrative Patent Judge Horner ,

I am writing my comments regarding the proposed rule changes as announced in the **Federal Register**/Vol.75 No. 219/ Monday , November 15 , 2010 / Proposed Rules . I disagree with the proposed changes to the current rules – especially as the sum total and results of the proposed rule changes would result in the following :

41-54 Action Following Decision

After decision by the Board, jurisdiction over an application or patent under *ex parte* Reexamination proceeding passes to the Examiner , subject to appellant's right of appeal or other review , for such further action by appellant or by the examiner , as the condition of the application or patent under *ex parte* reexamination proceeding may require , to carry into effect the decision .

In my opinion these proposed rule changes would further encumber and bar applicants and appellants from obtaining favorable decisions on their appeals . In regards to my present patent application #11/003,123 ACCESSING ACCESSIBILITY PROCESS which has been held literally in abeyance by the USPTO for the past six (6) years and is still being deliberately held up by the Office of Petitions – these changes would constitute more burdensome and difficult tasks for true inventors who may be disadvantaged by financial hardship or other prejudices within the system for which the Appellant is not responsible .

Tying up the Appellant's application by remanding it back to the Examiner who as in the case of Application # 11/003,123 has violated the Appellant's constitutional rights by practicing malfeasance would lead to years of wrangling within the United States Patent and Trademark Office which would clog an already slowed down patent examining process and bar the awarding of patents of merit .

As an Appellant who is already encountering the Office of Petitions remanding Petitions back again and again to the Examiner against whom the Appellant has already complained in a Petition 1.181 filed July 13 , 2010 – this Appellant already is familiar with the delaying tactics of patent examinations within the patent office which are carried out with malfeasance and malpractice within the USPTO itself . These rule changes that you are proposing would not protect the Inventor but would give the USPTO additional cover in which to hide these violations and prevent the awarding of patents based on merit .

In spite of the fact that valid documentary evidence exists and has been presented to the USPTO in the form of original documents and affidavits that this Inventor/Appellant is the

true inventor of the business method ACCESSING ACCESSIBILITY PROCESS which is what transformed a fledgling telecommunications industry resulting in the ever evolving and expansive Internet and Web , the United States Patent and Trademark Office appears to be using all kinds of methods including rule changes and malfeasance to bar the awarding of a patent to its inventor . This is a total violation of the constitutional rights of the Inventor and changing the rules would result in the continued suppression of the application by the patent office . For these and other reasons , the Applicant/ Inventor Dorothy M. Hartman strenuously objects to the proposed rule changes as they would simply give the patent office more latitude to be discriminatory and political and prevent patents which it simply does not want to award .

Judge Horner as an Officer of the Court and therefore sworn to uphold the law and protect the constitutional rights of others – I would ask that the proposed rule changes not be adopted . I further request , Your Honor , that you review all Petitions which I have filed 11/18/2010 , 11/22/2010,11/23/2010,11/30/2010 , 12/02/2010 with the Office of Petitions seeking and invoking the Supervisory Authority of the Director of the USPTO .

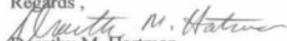
Although I have consistently acted in accordance with Petition(s) to invoke Supervisory Authority of the Director because my Petitions involve asking for a Review of the Technology Center Examiner as this is where errors to the patent examination process and malfeasance have occurred – the Office of Petitions has instead deliberately remanded my application again and again to the technology spree (view current image wrapper file) and no judge or supervisory authority has yet reviewed my petition .

This would create a forced unfavorable decision by the Appeal Board upon Hearing because the proper claims have not been submitted . These are matters of fairness and urgency . As a Judge of the Court , your honor I pray that you will not let these unjust matters proceed to an unjust decision that would then remand the application back to an unjust Examiner . This is what the proposed changes of your rulemaking imply . I pray that is not the case and that you will review or cause to be reviewed as soon as possible the Petitions which I have sent to the USPTO on 11/18/2010 , 11/22/2010 , 11/23/2010 , 11/30/2010 , 12/02/2010 .

Upon finding out that after a month that my Petitions had still failed to be examined by a Supervisory Authority within the USPTO – I attempted to contact Head of the Office of Petitions ,Mr. Greene – his phone message was that he would be out of his office for the remainder of the month of December up to and including January 5 , 2011 .

I pray , Your Honor , that you will consider my Petition(s) with the greatest expediency so that my Appeal No.2010-007620 will be subject to a fair hearing . Your consideration for my requests would be most gratefully appreciated .

Regards ,


Dorothy M. Hartman
Appellant / Inventor
Application #11/003,123

Encs. 2

United States Patent and Trademark Office

An Agency of the Department of Commerce

November 15, 2010

CONTACT: Peter Pappas or Jennifer Rankin Byrne

(571) 272-8400 or peter.pappas@uspto.gov;

jennifer.rankin_byrne@uspto.gov

Press Release, 10-56

USPTO Issues Notice of Proposed Rulemaking Regarding Ex Parte Appeals before the Board of Patent Appeals and Interferences

Proposed Changes Aim to Simplify the Process and Reduce the Burden on Appellants and Applicants

Washington – The United States Patent and Trademark Office (USPTO) today issued a Notice of Proposed Rulemaking that proposes changes to the rules governing *ex parte* patent appeals before the Board of Patent Appeals and Interferences. The notice requests public comment on the proposed changes, which include rescinding the stayed 2008 Final Rule. The proposal comes after careful consideration of comments USPTO received at a public roundtable held in January and in response to an Advance Notice of Proposed Rulemaking in December 2009.

"We hear often from stakeholders that the patent appellate process is too complicated and burdensome," said Under Secretary of Commerce for Intellectual Property and Director of the USPTO David Kappos. "The goal of this proposed rulemaking is to simplify the appellate process in a way that reduces the burden on appellants and examiners to present an appeal to the Board."

In particular, the USPTO proposes to amend the rules of practice in *ex parte* patent appeals to avoid undue burden on appellants or examiners to provide information from the record to the Board, to eliminate any gap in time from the end of briefing to the commencement of the Board's jurisdiction, to clarify and simplify petitions practice in appeals, and to reduce confusion as to which claims are on appeal.

Some of the proposed changes include:

Rescinding the stayed 2008 Final Rule.

- Eliminating a number of briefing requirements that ask for information that is readily available in the file history (e.g., statements of the status of claims, status of amendments, grounds of rejection to be reviewed on appeal, the claims appendix, evidence appendix, and related proceedings appendix).
- Providing that only those claim limitations in dispute will need to be identified in the statement of the summary of the claimed subject matter.
- Providing for a simplified examiner's answer that focuses on addressing the applicant's arguments rather than repeating the final rejection.
- Providing that any new evidence relied upon in a rejection set forth in an examiner's answer shall be designated as a new ground of rejection.

The USPTO's Notice of Proposed Rulemaking is available for review and public comment in today's Federal Register at <http://www.gpo.gov/fdsys/pkg/FR-2010-11-15/pdf/2010-28493.pdf>. Written comments should be sent via e-mail to BPAI_Rules@uspto.gov.

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Last Modified: 11/15/2010 10:36:16 AM



Office of Petitions | Petition to Invoke supervisory authority of the Director of the USPTO

Thursday, December 2, 2010 12:46 PM

From: "Dorothy Hartman" <seayouble@yahoo.com>

To: 15712738300@myfax.com

Re: Application No. 11003123 - Regarding Petition to Invoke Supervisory Authority of the Director of the USPTO under 37 CFR 1.181

These matters to be decided by the Office of the Deputy Commissioner For Patent Examination Policy [R-2]

Once again the USPTO has committed an **Error** in the prosecution of this patent application by remanding for a second time her petition to the Technology Center Director which is a violation of her Request . **The Applicant indicated clearly in her requests that her requests/petitions to remanded to the Director of the USPTO** The Applicant requested in her 11/23/2010 correspondence that her Request For Reconsideration of the Denial of her Petition 1.181 by the Technology Center Director and her Request For Reconsideration of the Denial of Suspension for Cause for Action by the Supervisor of the Technology Center be remanded to the DIRECTOR OF THE USPTO as the supervisory authority of that office is sought .

Applicant again objects to the constant errors being made within the USPTO in the constant and flagrant violations of civil procedures , patent examining procedures , and her civil rights . The Applicant objects strongly and requests once again that her Petition not be remanded to the Technology Center , Examiners and Directors who are in violation of proper patent examining procedures as stated in the Applicant's Petitions as it is a total waste of time and a continuation of malfeasance , unnecessary delays , and violations of Applicant's rights .

PLEASE REMAND ALL CORRESPONDENCE (PETITION) REGARDING THESE ISSUES INCLUDING THAT SUBMITTED 11/22 ; 11/23 ; 11/30 AND THAT DIRECTED TO JEFFREY SMITH ON NOVEMBER 18 , 2010 TO THE SUPERVISORY AUTHORITY OF THE DIRECTOR OF THE USPTO AS REQUESTED BY THE APPLICANT IN HER CORRESPONDENCE .

APPLICANT HAS ALSO SENT REQUEST BY MAIL TO :

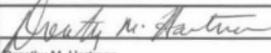
Mail Stop Petition
Commission For Patents
P.O. Box 1450
Alexandria ,Virginia 22313-1450

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM	Application Number	11/003,123	
	Filing Date	March 7, 2005	
	First Named Inventor	Dorothy M. Hartman	
	Art Unit		
	Examiner Name	Jason B. Dunham	
(to be used for all correspondence after initial filing)		Attorney Docket Number	
Total Number of Pages in This Submission	5		

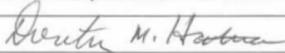
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	BPAI Rules comments to Judge Linda Horner; Petition for supervisory authority
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Re: FEDERAL REGISTER/vol .75 no.219/ Monday 11/15/2010 /Proposed Rules
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks _____	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Appellant is entering public comments regarding proposed rule changes by the United States Patent Office as placed in notice on Federal Register. Disagrees with proposed rule changes and requests that her Petitions be remanded immediately to Judge / Supervisory Authority as such changes burden.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	D.M. Hartman Industries, Inc.		
Signature			
Printed name	Dorothy M. Hartman		
Date	December 21, 2010	Reg. No.	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Dorothy M. Hartman	Date	12/21/2010

This collection of information is required by 37 CFR 1.5. 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 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 the burden should be sent to the Chief Information Officer, 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 this form, call 1-800-PTO-5122 and select option 2.