

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

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TRIANTAFYLLOS TAFAS,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:07cv846 (JCC/TRJ)
	)	
JON W. DUDAS, et al.	)	
	)	
Defendants.	)	

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CONSOLIDATED WITH

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SMITHKLINE BEECHAM CORPORATION, et al.)	)	
	)	
Plaintiffs,	)	
	)	
v.	)	1:07cv1008 (JCC/TRJ)
	)	
JON W. DUDAS, et al.	)	
	)	
Defendants.	)	

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**MOTION OF MINNESOTA AMICI FOR LEAVE TO FILE A BRIEF IN SUPPORT  
OF PLAINTIFFS' ANTICIPATED MOTIONS FOR SUMMARY JUDGMENT**

The Valspar Corporation, General Mills, Inc., Donaldson Company, Inc., Ecolab Inc., and Anchor Wall Systems, Inc. (“Minnesota *Amici*”), by undersigned counsel, move for leave to file a brief as *amici curiae* in support of Plaintiffs in the above-captioned litigation. The five companies collectively submitting the proposed brief represent a cross-section of prominent innovative American companies that all rely heavily on the United States patent system to protect their investments in new technology and develop their businesses. As such, the Minnesota *Amici* possess a strong interest in the significant changes proposed by the PTO to the

rules governing the number of patent claims and continuations allowed, and the new procedures that will be put in place, if the PTO's proposed new rules are enforced. All five companies believe that the new rules will cause substantial harm to them both in terms of several forms of new costs of doing business, and ultimately in restricting their access to the patent system.

The proposed brief from the Minnesota *Amici* would contribute to the discussion before the Court an additional perspective on the practical impact of the PTO's proposed new rules on them and presumably hundreds of other leading companies in myriad fields that rely on patent protection as part of their business plans. As laid out more fully in the accompanying memorandum, by exceeding its authority and adding substantive restrictions to the existing legislative scheme for obtaining patents, the PTO would force each company to develop new docketing systems, hire additional in-house counsel, pay for additional time from outside counsel, and ultimately could require them to consolidate prosecution in a single law firm, to avoid the consequences of the new presumptions put in place by new 37 C.F.R. §§ 1.75 & 1.78.

Counsel for the GSK Plaintiffs and Mr. Tafas consented to this filing. As with the other motions for leave to file *amicus* briefs, the Minnesota *Amici* believe oral argument is not needed.

WHEREFORE, for the reasons stated herein and in the accompanying memorandum, the Minnesota *Amici* respectfully ask the Court to grant leave to file an *amicus* brief on December 27, 2007, when the Court has ordered that any such brief in this matter should be filed.

Date: December 21, 2007

Respectfully submitted,

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of December 2007, I caused a copy of the foregoing Minnesota *Amici* Motion of Minnesota *AMICI* For Leave To File A Brief In Support of Plaintiffs' Anticipated Motions for Summary Judgment and Proposed Order to be filed electronically with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to the following:

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