

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

TRIANAFYLLOS TAFAS,
Plaintiff,
- against -
JON. W. DUDAS, *et al.*,
Defendants.

1:07-CV-846 (JCC)

CONSOLIDATED WITH

SMITHKLINE BEECHAM
CORPORATION, *et al.*,
Plaintiff,
- against -
JON. W. DUDAS, *et al.*,
Defendants.

1:07-CV-1008 (JCC)

**MOTION OF *AMICUS CURIAE* DR. RON D. KATZNELSON FOR LEAVE TO FILE
BRIEF IN SUPPORT OF PLAINTIFFS MOTIONS FOR SUMMARY JUDGMENT**

I, Ron D. Katznelson of Encinitas, California, *pro se*, hereby request leave to electronically file by December 27, 2007 a brief as *amicus curiae* in support of the Tafas and GSK plaintiffs' anticipated motions for summary judgment.

I am an engineer, an inventor, an independent entrepreneur and a user of the U.S. patent system for more than two decades. As an inventor and co-inventor of 25 U.S. patents and pending applications, I depend on patents and on the patent application process for protecting my inventions. I will be directly harmed by these rules, as will many other small entities. My technology based business prospects depend in large degree on the ability to compete and exploit my own innovations as provided by the patent system. My abilities to profit from my own

creations and ability to obtain investment capital to turn future inventions into useful products will be significantly compromised under these rules.

My brief will bring together research into the macro quantitative and statistical aspects of the patent system, analysis of the United States Patent and Trademark Office (“USPTO”) data produced to Plaintiffs and obtained elsewhere, and an understanding of real-world business consequences of the changes to the patent system that the USPTO seeks. I have also studied possible measures to reduce patent examination workload at the USPTO.

The USPTO certified under the Regulatory Flexibility Act (“RFA”) that its new rules under review in this case would have no significant economic impact on a substantial number of small entities. The USPTO also published a study in support of its certification under the RFA (“RFA Study”). Unfortunately, the RFA Study and the new rules were not subject to public comment. The RFA Study is replete with errors and flawed analysis that renders the USPTO’s certification invalid. Moreover, alternatives to reduce USPTO workload were proposed but silently rejected by the USPTO without a cogent discussion in the Notice of Final Rulemaking. My critical review of the RFA Study and alternatives would provide significant insight into the technical subject matter before this court.

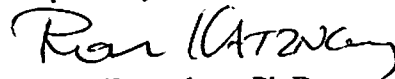
I also request that the court allow me to file my brief electronically, as I am already a PACER user. Under the current local rules, *pro-se* parties can only file briefs by paper. I understand that those submissions are later scanned by the clerk and inserted into the court’s EM/ECF electronic system for dissemination. My brief includes exhibits with graphics and charts that were produced with patterns and color keys that reproduce legibly when printed directly from a PDF file. However, based on my experience, they would lose much readability and clarity when printed, scanned in half-toned quantized pixels and printed again, as the case would be under paper submission. The resulting large file size inefficiencies may also cause them to be split into multiple exhibit parts, taxing further the court’s administrative resources. In the interest of avoiding graphic ambiguities and loss of information, the court and the parties in this case would benefit from the court permitting me to file my brief electronically, thereby

affording me the same advantages and opportunities available to all other parties represented by counsel.

I am authorized to state that counsel for the GSK Plaintiffs in C.A. No. 1:07cv 1008 and for Dr. Tafas in C.A. No. 1:07cv846 have consented to the filing of my *amicus* brief. Counsel for Defendants advised the undersigned that Defendants express no position on the instant motion and consents to not having oral argument on this motion. In light of the parties' views on this motion for leave, no hearing is requested on this motion for leave.

For the foregoing reasons, I, *amicus curiae* Ron D. Katznelson, request that the Court grant leave to file an *amicus* brief in support of Plaintiffs' motions for summary judgment.

Respectfully submitted,



Dec-20-07

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December 2007, I caused a copy of the foregoing Motion of *Amicus Curiae* Dr. Ron D. Katznelson for Leave to File a Brief in Support of the Plaintiffs' Anticipated Motions for Summary Judgment to be sent by electronic mail to the following:

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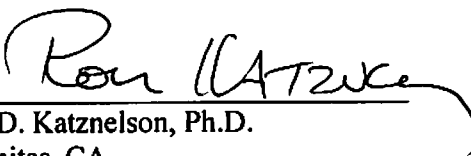
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