

## **Preliminary Exhibits.**

### Exhibit 101-1

Court: Federal Rules of Civil Procedure, Rule 8(f).

### Exhibit 101-2,3

Internet: [www.paperadvantage.org/ProSeLaw.html](http://www.paperadvantage.org/ProSeLaw.html)

### Exhibit 102

Case Law: United States v. Olmstead, 277 U.S. 438 (1928).

### Exhibit 103

Congress: House Concurrent Resolution 175, 85th Congress, 2nd Session.

### Exhibit 104

Statute: Code of Federal Regulations - extract.

### Exhibit 105-1 to 105-4

Internet: Government Accounting Office mission statement.

### Exhibit 105-5

Internet: Government Accounting Office FraudNET document.

### Exhibit 106

Dept of Justice: "FOIA Guide & Privacy Act Overview" - page 39.

### Exhibit 107

Docket: Amended Complaint, Docket 8, lines 35, 48, 56, 146, 153.

### Exhibit 108

Publication: Journal of Law and Tech: Commentary - Volume 30, page 95.

### Exhibit 109

Dept of Justice: "FOIA Guide & Privacy Act Overview" - page 39.

### Exhibit 110

Statute: Administrative Procedure Act - extract.

Lane v. Pena - extract.

Exhibit 111

Court: Chaser Civil Docket Report for this litigation - page 1.

Exhibit 112

Docket: Amended Complaint - page 20.

Cast of Characters for Counts 1-6.

## **Count 1 - Falsifying the date on an official document.**

Exhibit 113

Statute: 5 USC 552 (a)(6)(A)(I)

Statute: 37 CFR 102.10(a)

Exhibit 114

FOIA: request 01-105.

Exhibit 115-1,2

FOIA: response 01-105.

Exhibit 115-3,4

FOIA: response 01-105 envelope.

Exhibit 115-5

USPTO: Examples of addressing to plaintiff.

Exhibit 116

U.S. Postal Service: guidelines on envelope addressing.

Exhibit 117

Dept of Justice: "FOIA: Guide & Privacy Act Overview" - page 58.

Exhibit 118-1,2,3

Plaintiff: USPTO's FOIA processing - timeline charts.

Exhibit 118-4

Docket: Docket 26, pages 10 & 11.

Exhibit 119

FOIA: request 01-151.

Exhibit 119-4

FOIA: response 01-151 - letter.

Exhibit 120

FOIA: response 01-151 - documents.

Exhibit 121-1

Docket: Docket 26, page 6 - defendants' view of U.S. v. Singleton.

Exhibit 121-2

Case Law: U.S. v. Singleton - extracts.

Exhibit 122

Statute: 18 USC 201©)(2), 18 USC 1622.

Exhibit 123

Statute: 18 USC 1001, 18 USC 1018, 18 USC 1341.

Exhibit 124

Case Law: U.S. v. Singleton - full decision

Exhibit 125

Docket: Docket 40, page 1 - statements by defendant Galaxy.

Exhibit 126

Statute: Recital of statutes.

**Count 2 - FOIA documents withheld.**

Exhibit 127

Docket: Docket 26, Government's Motion to Dismiss - overall image.

Exhibit 128

FOIA: request 03-247.

Exhibit 129

FOIA: response 03-247.

Exhibit 130

FOIA: appeal 03-247.

Exhibit 131

FOIA: appeal response 03-247.

Exhibit 132

Internet: Server statistics - hits for [www.PatentOfficeLawsuit.com](http://www.PatentOfficeLawsuit.com)

Exhibit 133

Internet: Server statistics - visitors to [www.PatentOfficeLawsuit.com](http://www.PatentOfficeLawsuit.com)

Exhibit 134

Internet: Server stats - search strings for [www.PatentOfficeLawsuit.com](http://www.PatentOfficeLawsuit.com)

Exhibit 135

Dept of Justice: analysis of court findings.

Exhibit 136

Dept of Justice: "FOIA: Guide & Privacy Act Overview" - page 39.

Exhibit 137

Dept of Justice: "FOIA: Guide & Privacy Act Overview" - page 845.

Exhibit 138

Plaintiff: List of Defendants' Positions and Individuals.

Exhibit 139

Plaintiff: correspondence about USPTO's FOIA: withholding - examples.

Exhibit 140

Internet: U.S. Attorney's statement about lying.

Exhibit 141

Docket: Docket 26, A.I.M. v. National Park Service - defendants' view.  
Case Law: A.I.M. v. National Park Service - extract.

Exhibit 142

Case Law: A.I.M. v. National Park Service - full decision.

Exhibit 143

Dept of Justice: analysis of court findings.

Exhibit 144

Dept of Justice: analysis of court findings.

Exhibit 145

Statute: Recital of statutes.

## **Count 3 - No response to over 100 phone calls.**

Exhibit 146

Congress: House Concurrent Resolution 175, 85th Congress, 2nd Session.

Statute: Code of Federal Regulations - extract.

Exhibit 147

Case Law: U.S. v. Singleton - extract.

Exhibit 148-1

Plaintiff: script for phone calls to USPTO.

Exhibit 148-2

Statute: U.S. Constitution, Amendment 5.

Exhibit 149

Plaintiff: phone bills.

Exhibit 150

Plaintiff: audio tapes of phone calls to Naval Observatory and USPTO.

Exhibit 151

USPTO: Publication - "A New Organization for a New Millennium".

USPTO: Publication - USPTO "The 21st Century Strategic Plan".

Exhibit 152

Statute: Recital of statutes.

**Count 4 - No FOIA response for over three years.**

Exhibit 153

FOIA: response - 00-207.

Exhibit 154

FOIA: response - 01-194.

Exhibit 155

Dept of Justice: guidelines.

Exhibit 156

Plaintiff: reminders to USPTO sent over the past three years - sample.

Exhibit 157

Dept of Commerce: Annual FOIA reports for 2001, 2002 and 2003.

Exhibit 158

Statute: Recital of statutes.

**Count 5 - Out-of-date citations.**

Exhibit 159

Case Law: Larson v. CIA - extract.

Exhibit 160

FOIA: responses and other letters.

Exhibit 161

Dept of Justice: analysis of court findings.

Exhibit 162

Publication: Federal Register - Vol. 67, No. 205, 10/23/2002, Pg. 65093.

Exhibit 163

Statute: Recital of statutes.

## **Count 6 - FOIA withholding claiming Exemption 5.**

Exhibit 164

FOIA: request 02-307.

Exhibit 165

FOIA: response 02-307 of 90 pgs to be paid for.

Exhibit 166

Plaintiff: payment of \$62.70 (under protest) for the 90 pgs.

Exhibit 167

FOIA: appeal 02-307.

Exhibit 168

FOIA: appeal response 02-307.

Exhibit 169

FOIA: request 04-175.

Exhibit 170

Statute: Recital of statutes.

## **Galaxy's Motion to Dismiss.**

Exhibit 1-1

Case Law: Norman v. U.S. v. Elwyn Industries - extract and full decision.

Exhibit 2-1

Plaintiff: Galaxy email address.

Internet: [www.galaxyscientific.com/corpprofile/news.html](http://www.galaxyscientific.com/corpprofile/news.html) email address.

Exhibit 2-2

FOIA: response - Galaxy's email addresses.

Exhibit 2-3,4

USPTO: email server - Email one Galaxy employee to another.

Exhibit 2-5,6

USPTO: email server - Email R. Flax (Galaxy) to J. Clark (USPTO).

Exhibit 2-7

USPTO: email server - Email Engelmeier (Commerce) to Sandberg (Galaxy).

Exhibit 3

Internet: [www.luralee.com/projects/Galaxy/default.htm](http://www.luralee.com/projects/Galaxy/default.htm)

Exhibit 4-1

Internet: [www.gcn.com/archives/gcn/1999/April12/12b.htm](http://www.gcn.com/archives/gcn/1999/April12/12b.htm)

Exhibit 4-2

Docket: Docket 40, page 1 - statements by defendant Galaxy.

## **Preliminary Exhibits for Counts 7 - 14.**

Exhibit 5-1 to 5-16

Case Law: United States v. Olmstead, 277 U.S. 438 (1928).

Exhibits 5-17 and 5-18

Congress: House Concurrent Resolution 175, 85th Congress, 2nd Session.

Statute: Code of Federal Regulations - extract.

Exhibit 6-1

Docket: Docket 26, page 6 - defendants' view of U.S. v. Singleton.

Exhibit 6-2

Case Law: U.S. v. Singleton - extracts.

Exhibit 6-3

Statute: 18 USC 201©)(2), 18 USC 1622.



Exhibit 6-4

Statute: 18 USC 1001.

Exhibit 6-5

Statute: 18 USC 1018, 18 USC 1341.

Exhibit 6-6

Case Law: U.S. v. Singleton - full decision.

Exhibits 7-1 to 7-3

Statute: Administrative Procedure Act - extract.

Exhibit 7-4

Docket: Amended Complaint - page 20.

Exhibit 8

Statute: Paperwork Reduction Act - Public Protection clause.

Definition of “otherwise.”

Cast of Characters for Counts 7 to 14.

**Count 7 - USPTO/OMB/Galaxy ignored Fed Reg comments.**

Exhibit 9

Internet: [www.whitehouse.gov/omb/inforeg/cio\\_memo053003.pdf](http://www.whitehouse.gov/omb/inforeg/cio_memo053003.pdf)

Exhibit 10

FOIA: response 01-133.

FOIA: response 4/9/2001.

Exhibit 11

USPTO: Form PTO/SB/65 used from 1996 onward.

Exhibit 12

USPTO: Form PTO/SB/65 used from 1999 onward.

Exhibit 13

USPTO: Form PTO/SB/65 used from 2003 onward.

Exhibit 14

Statute: Paperwork Reduction Act - extract.

Exhibit 15

Publication: Federal Register - Vol. 67, No. 158, 8/15/2002, Pg. 53342.

Exhibit 16

Plaintiff: Short list of some matters raised in the Fed Register comments.

Exhibit 17

OMB: Desk Officer David Rostker's statement - extract.

Exhibit 18

Plaintiff: Federal Register comment summary.

Exhibit 19

USPTO: Federal Register comments.

Exhibit 20

USPTO: PTO/SB/65's 2003 Approval Request - extract.

Exhibit 21-1,2

USPTO: email server - R. Flax (Galaxy) email to J. Clark (USPTO).

Exhibit 21-3

Internet: [www.gcn.com/archives/gcn/1999/April12/12b.htm](http://www.gcn.com/archives/gcn/1999/April12/12b.htm)

Exhibit 22

Statute: Recital of statutes.

## **Count 8 - Lack of Practical Utility.**

Exhibit 23

Statute: Paperwork Reduction Act - extract.

Exhibit 24

USPTO: PTO/SB/65's 1996 Approval Request - extract.

Exhibit 25

USPTO: PTO/SB/65's 1999 Approval Request - extract.

Exhibit 26

USPTO: PTO/SB/65's 2003 Approval Request - extract.

Exhibit 27

Plaintiff: Summary of Exhibits 24, 25 & 26 extracts.

Exhibit 28

USPTO: Patent "wrappers" - extract.

Exhibit 29

USPTO: Job Description for Petitions Examiner GM-1220-15.

Exhibit 30

USPTO: email server - Email R. Flax (Galaxy) to J. Clark (USPTO).

Exhibit 31

Internet: [www.gcn.com/archives/gcn/1999/April12/12b.htm](http://www.gcn.com/archives/gcn/1999/April12/12b.htm)

## **Count 9 - Invalid Time Burden.**

Exhibit 33

USPTO: Form PTO/SB/65 used from 1996 onward.

Exhibit 34

USPTO: Form PTO/SB/65 used from 1999 onward.

Exhibit 35

USPTO: Form PTO/SB/65 used from 2003 onward.

Exhibit 36

Plaintiff: Letter to USPTO's Chief Information Officer.

Exhibit 37

FOIA: response 01-001 based on Exhibit 36.

Exhibit 38

Publication: Federal Register comments - extract.

Exhibit 39

FOIA: response 01-025.

Exhibit 40

FOIA: response 02-286.

Exhibit 40-4

Internet: [www.gcn.com/archives/gcn/1999/April12/12b.htm](http://www.gcn.com/archives/gcn/1999/April12/12b.htm)

Exhibit 41

Plaintiff: cover letter and analysis.

Exhibit 42-1,2,3

Plaintiff: analysis.

Exhibit 42-4

IRS: Form 1040 Instructions - extract.

Exhibit 43

Statute: Recital of statutes.

## **Count 10 - Invalid Showing Requirement.**

Exhibit 44

Statute: Paperwork Reduction Act - extract.

Exhibit 45

IRS: Form "2003-1040 Instructions."

Exhibit 46

USPTO: Form PTO/SB/65 - extract.

Exhibit 47

USPTO: Three letters from USPTO personnel.

Exhibit 48

USPTO: Patent "wrappers" - extract.

Exhibit 49

USPTO: PTO/SB/65's 2003 Approval Request - extract.

Exhibits 50 & 51

USPTO: Patent "wrappers" - extract.

Exhibit 52-1,2

USPTO: email server - Email R. Flax (Galaxy) to J. Clark (USPTO).

Exhibit 52-3

Internet: [www.gcn.com/archives/gcn/1999/April12/12b.htm](http://www.gcn.com/archives/gcn/1999/April12/12b.htm)

Exhibit 53

Statute: Recital of statutes.

## **Count 11 - Decision as a "collection of Information".**

Exhibit 54

USPTO: Patent "wrappers" - plaintiff's petition decision.

Exhibit 55

USPTO: Patent "wrappers" - extract of sentences from Exhibit 56.

Exhibit 56

USPTO: Patent "wrappers" - extract.

Exhibit 57

Statute: Paperwork Reduction Act - Public Protection clause.

Exhibit 58-1,2

USPTO: email server - Email R. Flax (Galaxy) to J. Clark (USPTO).

Exhibit 58-3

Internet: [www.gcn.com/archives/gcn/1999/April12/12b.htm](http://www.gcn.com/archives/gcn/1999/April12/12b.htm)

Exhibit 59

Statute: Recital of statutes.

## **Count 12 - No Privacy Act Statement.**

Exhibit 60

Statute: 5 USC 552a (e)(3), 5 USC 552a Section 7(b) (not codified).

Exhibit 61-4

IRS Form 4868.

Exhibit 62

USPTO: Forms PTO/SB/65 from 1995 until 2006.

Exhibit 63

USPTO: Packet of info when a copy of PTO/SB/65 was requested.

Exhibit 64

USPTO: Federal Register comment.

Exhibit 65-1,2

USPTO: email server - Email R. Flax (Galaxy) to J. Clark (USPTO).

Exhibit 65-3

Internet: [www.gcn.com/archives/gcn/1999/April12/12b.htm](http://www.gcn.com/archives/gcn/1999/April12/12b.htm)

Exhibit 66

Statute: Recital of statutes.

## **Count 13 - Release of Private Information.**

Exhibit 67

"Report On Privacy And Public Access To Electronic Case Files"

Exhibit 68

Dept of Justice: "FOIA: Guide & Privacy Act Overview" - pages 899 & 900.  
Dept of Justice: analysis of court findings.  
IRS: audit guidelines.

Exhibit 69

Statute: 26 USC 6103, 26 USC 7431

Exhibit 70

Publication: Federal Register comments - extract.

Exhibit 71

Docket: Amended Complaint - page 20 extract.

Exhibit 72

USPTO: Patent "wrappers" - extract.

Exhibit 73

Plaintiff: two letters to USPTO.

Exhibit 74

Plaintiff: letter to USPTO.

Exhibit 75-1,2

USPTO: email server - Email R. Flax (Galaxy) to J. Clark (USPTO).

Exhibit 75-3

Internet: [www.gcn.com/archives/gcn/1999/April12/12b.htm](http://www.gcn.com/archives/gcn/1999/April12/12b.htm)

Exhibit 75.5

Statute: Recital of statutes.

## **Count 14 - David Rostker's Audio Tape Statement.**

Exhibit 76

OMB: Desk Officer David Rostker's audio taped statement.

Exhibit 77

USPTO: Form PTO/SB/65 used from 1996 onwards.

Exhibit 78

USPTO: Form PTO/SB/65 used from 1999 onwards.

Exhibit 79

USPTO: Form PTO/SB/65 used from 2003 onwards.

Exhibit 80-1,2

USPTO: email server - Email R. Flax (Galaxy) to J. Clark (USPTO).

Exhibit 80-3

Internet: [www.gcn.com/archives/gcn/1999/April12/12b.htm](http://www.gcn.com/archives/gcn/1999/April12/12b.htm)

Exhibit 81

Statute: Recital of statutes.

Exhibit 90

Florida Bar: "Guidelines for Professional Conduct"

Exhibits 91 to 99

Florida Bar: "Rules of Profession Conduct".

Cast of Characters for Counts 15 - 17.

**Counts 15, 16, 17 - Dept of Commerce wrongdoing.**

Exhibit 201

Plaintiff: Four-year timeline of Commerce documents sent and received.

Exhibit 202

Plaintiff: letter (8/11/2000) to IG.

Exhibit 203

Plaintiff: letter (4/23/2001) to IG.



Exhibit 204

Plaintiff: letter (5/1/2001) to IG.

Exhibit 205

Plaintiff: letter (1/5/2002) to Sen. Nelson.

Exhibit 206

Dept of Commerce: IG's letter (5/3/2002) back to Sen. Nelson.

Exhibit 207

FOIA: requests (6/19/2002)

Exhibit 208

Dept of Commerce: Admin documents for Hearn's (\$) non-investigation.

Exhibit 209

Dept of Commerce: Admin docs for Hearn's (PRA) non-investigation.

Exhibit 210

Dept of Commerce: Admin documents for Slutter's non-investigation.

Exhibit 211

FOIA: response (2/28/2003)

Exhibit 212

FOIA: request (10/14/2003)

Exhibit 213

FOIA: response (10/17/2003) ?.

Exhibit 214

FOIA: appeal (10/24/2003).

Exhibit 215

FOIA: response (10/28/2003) from Sophia Kil.

Exhibit 216

Plaintiff: response letter to Sophia Kil.

Exhibit 217-1 to 217-8

FOIA: request (10/6/2003) for records sent to the Attorney General.

Exhibit 217-9

Dept of Commerce: Response from E. Barlow about I.G.'s inaction.

Exhibit 218

Dept of Justice: "FOIA: Guide & Privacy Act Overview" - pgs 42 to 46.

Exhibit 219-1,2,3

Dept of Justice: guidelines.

Exhibit 219-4,5

Dept of Justice: guidelines.

Exhibit 219-6

Dept of Justice: Presidential memo.

Exhibit 219-7

Dept of Justice: guidelines.

Exhibit 220-1,2

FOIA: response.

Exhibit 220-3

Dept of Justice: "FOIA: Guide & Privacy Act Overview" - page 850.

Exhibit 220-4

Dept of Commerce: "System of records" documents.

Exhibit 221

Dept of Commerce: Annual FOIA: reports for 2001, 2002 and 2003.

Exhibit 222

Statute: Recital of statutes.