

Jacobsen Declaration Exhibit R



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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 11/04/2002

Kevin L. Russell
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Portland, OR 97204-3157

EXAMINER

HERNANDEZ, OLGA

ART UNIT CLASS-SUBCLASS

3661 105-001500

DATE MAILED: 11/04/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/124,878	04/17/2002	Matthew A. Katzer	KLR7431.056	3644

TITLE OF INVENTION: MODEL TRAIN CONTROL SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$640	\$300	\$940	02/04/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Exhibit R page 1

(12) **United States Patent**
Katzer

(10) **Patent No.:** **US 6,530,329 B2**
(45) **Date of Patent:** ***Mar. 11, 2003**

(54) **MODEL TRAIN CONTROL SYSTEM**
(75) **Inventor:** **Matthew A. Katzer**, 1416 NW.
Benfield Dr., Portland, OR (US) 97229
(73) **Assignee:** **Matthew A. Katzer**, Hillsboro, OR
(US)
(*) **Notice:** Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.

5,475,818	A	*	12/1995	Molyneaux et al.	701/20
5,493,642	A		2/1996	Dunsmuir et al.	
5,638,522	A		6/1997	Dunsmuir et al.	
5,681,015	A	*	10/1997	Kull	246/167 R
5,696,689	A		12/1997	Okumura et al.	
5,787,371	A	*	7/1998	Balukin et al.	246/187 A
5,828,979	A		10/1998	Ploivka et al.	
5,896,017	A		4/1999	Severson et al.	
5,940,005	A		8/1999	Severson et al.	
5,952,797	A		9/1999	Rosler	
6,065,406	A	*	5/2000	Katzer	105/1.4
6,267,061	B1		7/2001	Katzer	
6,270,040	B1		8/2001	Katzer	

This patent is subject to a terminal disclaimer.

(21) **Appl. No.:** **10/124,878**
(22) **Filed:** **Apr. 17, 2002**
(65) **Prior Publication Data**
US 2002/0170458 A1 Nov. 21, 2002

Related U.S. Application Data

(63) Continuation of application No. 09/858,222, filed on Apr.
17, 2002, now Pat. No. 6,460,467.
(51) **Int. Cl.** **A63H 19/00**
(52) **U.S. Cl.** **105/1.5; 246/167 R; 246/197;**
246/62
(58) **Field of Search** **105/1.5, 1.4, 29.2;**
246/187 A, 167 R, 197, 62; 701/20

References Cited

U.S. PATENT DOCUMENTS

3,944,986	A	3/1976	Staples	
3,976,272	A	8/1976	Murray et al.	
4,307,302	A	12/1981	Russell	
4,853,883	A	* 8/1989	Nickles et al.	348/121
5,072,900	A	12/1991	Maion	

OTHER PUBLICATIONS

Chapell, David, Understanding ActiveX and OLE, 1996,
Microsoft Press, Redmond.

* cited by examiner

Primary Examiner—William A. Cuchlinski, Jr.
Assistant Examiner—Olga Hernandez
(74) *Attorney, Agent, or Firm*—Chernoff, Vilhauer,
McClung & Stenzel, LLP

(57) **ABSTRACT**

A system which operates a digitally controlled model rail-
road transmitting a first command from a first client program
to a resident external controlling interface through a first
communications transport. A second command is transmit-
ted from a second client program to the resident external
controlling interface through a second communications
transport. The first command and the second command are
received by the resident external controlling interface which
queues the first and second commands. The resident external
controlling interface sends third and fourth commands rep-
resentative of the first and second commands, respectively,
to a digital command station for execution on the digitally
controlled model railroad.

27 Claims, 3 Drawing Sheets

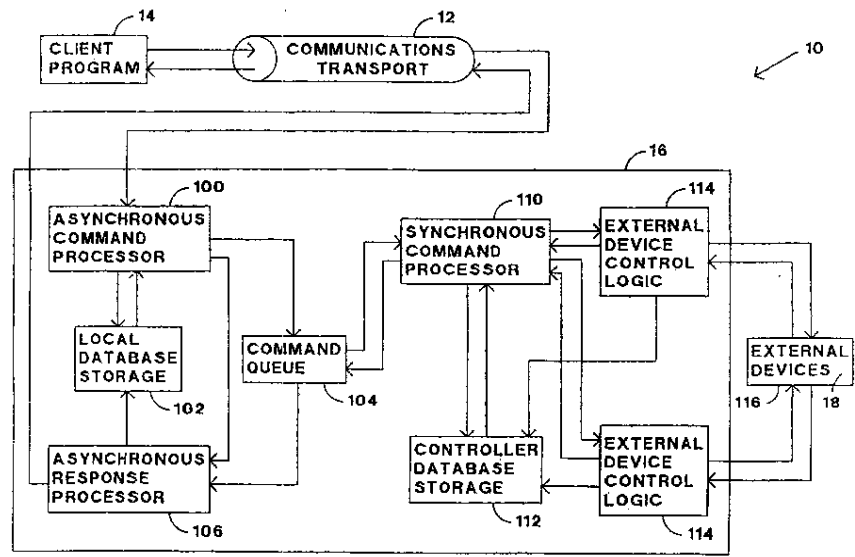


Exhibit R page 2



IDS # 5
E. Burns
09/24/02

Practitioner's Docket No.:KLR:7431.056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Katzer

Group Art Unit: 3661

Serial No.: 10/124,878

Examiner: Hernandez, Olga

Filed : 04/17/2002

Title : MODEL TRAIN CONTROL SYSTEM

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September 13, 2002

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING OF EITHER A FINAL ACTION
OR NOTICE OF ALLOWANCE (37 CFR § 1.97(c))

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

TIME OF TRANSMITTAL OF ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

- The information disclosure statement submitted herewith is being filed after three months of the filing date of this national application or the date of entry of the national stage, as set forth in § 1.491, of the international application or after the mailing date of a first office action on the merits, whichever event occurred last, but before the mailing date of either:
 - a final action under §1.113 or
 - a notice of allowance under § 1.311,
 whichever occurs first.

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-1-

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STATEMENT OR FEE

2. Accompanying this transmittal is:

A. a statement as specified in 37 CFR § 1.97(e).

OR

B. the fee set forth in 37 CFR § 1.17(p) for submission of an information disclosure statement under § 1.97(c).

METHOD OF PAYMENT OF FEE

3. Attached is a check money order in the amount of \$180.00

Authorization is hereby made to charge the amount of _____

to Deposit Account No. 03-1550

to credit card shown on the attached authorization form PTO-2038.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

This application relies upon on the earlier filing date of the prior application(s):

Serial No.	Filing date
09/858,222	05/15/2001

The following references were submitted to and/or cited by the Office in the prior application(s) and, therefore, copies are not required to be provided in this application:

References AA-AR
CA

In accordance 37 CFR § 1.97(h), the filing of this information disclosure statement will not be regarded as an admission that any reference or combination of references referred to herein is, or is considered to be, material to patentability under 37 CFR § 1.56(b) unless specifically designated as such.



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