

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

MICHAEL I. KROLL,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 09-1484 (JR)
	:	
JOHN J. DOLL, Director, U.S.	:	
Patent and Trademark Office, <i>et</i>	:	
<i>al.</i> ,	:	
	:	
Defendants.	:	

**MEMORANDUM**

Neither party has added anything but argument to the record since my memorandum order of 1/29/10 [#12]. Plaintiff (a) argues that the question of what is a reasonable interpretation under Chevron always involves disputed questions of fact, and (b) invokes Fed. R. Civ. P. 56(f) to support his demand for discovery, but (a) the Ninth Circuit case on which he relies (which never was controlling law in this Circuit) was reversed, Saucier v. Katz, 533 U.S. 194 (2001), and (b) his Rule 56(f) motion is unsupported by the required affidavit or by any statement of what discovery is needed or what plaintiff (or the Court) might learn from it. For the reasons set forth in my memorandum order of 1/29/10, summary judgment will now be granted in favor of the PTO. An appropriate order accompanies this memorandum.

JAMES ROBERTSON  
United States District Judge