

**EXHIBIT A:
PROPOSED ORDER**

**UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

TRIANAFYLLOS TAFAS,

Plaintiff,

v.

JON W. DUDAS, in his official capacity as Under-Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, and the UNITED STATES PATENT AND TRADEMARK OFFICE,

Defendants.

**CIVIL ACTION: 1:07cv846 (JCC/TRJ)
and Consolidated Case (below)**

SMITHKLINE BEECHAM CORPORATION,

Plaintiff,

v.

JON W. DUDAS, in his official capacity as Under-Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, and the UNITED STATES PATENT AND TRADEMARK OFFICE,

Defendants.

**[PROPOSED] ORDER GRANTING PLAINTIFF TRIANAFYLLOS TAFAS'
MOTION FOR SUMMARY JUDGMENT**

Having considered Plaintiff Triantafyllos Tafas' Motion for Summary Judgment dated December 20, 2007, the Memorandum in support of the Motion and all exhibits thereto, all other submissions and arguments concerning the Motion, and the entire record before the Court, it is this _____ day of _____, 2008,

ORDERED that the aforesaid Motion for Summary Judgment is granted, and it is

FURTHER ORDERED that Defendants are permanently enjoined from implementing sections 1.75, 1.78, 1.104, 1.105, 1.110, 1.114, 1.142, 1.265 and 1.704 of certain

new federal regulations promulgated by the USPTO, with an effective date of November 1, 2007, which were published at 72 Fed. Reg. 46716, 46835-43 (Aug. 21, 2007) and are to be codified at 37 C.F.R. Part 1 (the “Revised Rules”); and it is

FURTHER ORDERED that the Revised Rules are, *in toto*, null, void and without legal effect, *inter alia*, as being beyond the rule making power of the USPTO and as inconsistent with various federal statutes and the United States Constitution, including Article I, Section 8, Cl. 8 and the Fifth Amendment; and it is

FURTHER ORDERED that the Revised Rules are vacated and remanded, and Defendants are required to comply with the requirements of the APA, 5 U.S.C. § 553, and the RFA, 5 U.S.C. § 601 *et seq.*, in promulgating any regulations in the future concerning the subject matter of the Revised Rules.

United States District Court Judge