

**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

**[PROPOSED] ORDER GRANTING
DR. TAFAS' MOTION FOR A PRELIMINARY INJUNCTION**

Having considered the Motion for a Preliminary Injunction submitted by Plaintiff Triantafyllos Tafas ("Dr. Tafas"), the Memorandum in support thereof and all exhibits thereto, all other submissions and arguments concerning that Motion, and the entire record before the Court, and

HAVING FOUND that Dr. Tafas will suffer irreparable harm if an order preliminary enjoining Defendant 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 ("Defendant" or "Secretary Dudas") and Defendant United States Patent and Trademark Office ("Defendant" or "PTO") is not issued for the pendency of this litigation in that Dr. Tafas will, and

HAVING FURTHER FOUND that it is manifest, based on the record before the Court, that such harm to Dr. Tafas will be irreparable in that it is likely to be significant, incalculable and not susceptible to monetary compensation, it is this _____ day of _____, 2007,

ORDERED that the aforesaid Motion is granted, and it is

FURTHER ORDERED that Defendant Jon Dudas, in his official capacity as Under-Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office and Defendant United States Patent and Trademark Office, and their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, are, for the pendency of the litigation of the above-captioned matter:

1. enjoined from implementing federal regulations titled “Changes to Practice for Continuing Examination Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications; Final Rule” (to be codified at 37 CFR Part 1), Sections 1.75 and 1.78 (the “Revised Rules”), to be codified at 37 C.F.R. § 1.75 and 178), which were published in the Federal Register, Vol. 72, No. 161, at 46716-46843, August 21, 2007 (the “Revised Rules”)
2. that until said preliminary injunction has been vacated, lifted or otherwise modified, Defendants are ordered to comply with the provisions of the prior rules and regulations previously in effect prior to the enactment of the Revised Rules. The foregoing injunction shall remain in effect pending further Order of this Court or any subsequent court acquiring jurisdiction over this matter; and it is

FURTHER ORDERED that this Order shall expire upon the entry of a final judgment in this matter, unless otherwise ordered by the Court, and it is

FURTHER ORDERED that any party or any person by the preliminary injunction ordered herein may move for modification or dissolution of that injunction.

United States District Court Judge