

Defendants' Exhibit 1

Wetzler, Lauren

From: Wilson, Joseph D. [JWilson@KelleyDrye.com]
Sent: Monday, November 26, 2007 3:51 PM
To: Wetzler, Lauren
Cc: Nealon, James
Subject: FW: FW: Tafas v. Dudas, 1:07cv846 (Consolidated): Counsel for Tafas' request to show audio and visual clips at tomorrow's hearing

Lauren,

Please see the response from Magistrate Judge Jones. We are endeavoring to have these items transcribed in time for tomorrow's hearing and if we do that we will provide you copies of the transcriptions.

Joe

-----Original Message-----

From: Pat_Campbell@vaed.uscourts.gov [mailto:Pat_Campbell@vaed.uscourts.gov] **On Behalf Of** trj_chambers@vaed.uscourts.gov
Sent: Monday, November 26, 2007 3:28 PM
To: Wilson, Joseph D.
Cc: trj_chambers@vaed.uscourts.gov
Subject: Re: FW: Tafas v. Dudas, 1:07cv846 (Consolidated): Counsel for Tafas' request to show audio and visual clips at tomorrow's hearing

Dear Mr. Wilson,

In response to your inquiry to show video clips and play audio clips at tomorrow's hearing, Judge Jones has instructed that you offer a transcript instead and attach an affidavit certifying that the transcript is authentic.

Thank you.

Patricia Jordan-Campbell
Judicial Assistant

"Wilson, Joseph D." <JWilson@KelleyDrye.com>

To <trj_chambers@vaed.uscourts.gov>

cc

11/26/2007 02:54 PM

Subject FW: Tafas v. Dudas, 1:07cv846 (Consolidated): Counsel for Tafas' request to show audio and visual clips at tomorrow's hearing

Re-transmission

-----Original Message-----

From: Wilson, Joseph D.
Sent: Monday, November 26, 2007 2:12 PM
To: 'trj_chambers@vaed.uscourts.gov'
Cc: 'Wetzler, Lauren'; Moore, Steven J.; Nealon, James; 'Thomas J. O'Brien, Esq.'; 'Craig Crandall Reilly, Esq.'; 'Daniel Sean Trainor, Esq.'; 'Dawn-Marie Bey, Esq.'; 'Elizabeth Marie Locke, Esq.'; 'James Murphy Dowd, Esq.'; 'Lauren A. Wetzler, Esq.'; 'Randall Karl Miller, Esq.'; 'Rebecca M. Carr, Esq.'; 'Scott J. Pivnick, Esq.'

Subject: Tafas v. Dudas, 1:07cv846 (Consolidated): Counsel for Tafas' request to show audio and visual clips at tomorrow's hearing

Dear Magistrate Judge Jones,

Counsel for Dr. Tafas would like to show two video clips and play three audio clips at tomorrow's hearing, if helpful to the Court. In total, these clips are brief as they run for about three minutes. We wish to show these clips to demonstrate the PTO's bad faith promulgation of the rules that are the subject of the current litigation before the Court in this matter.

--the video clips we would show display the PTO's then-Deputy General Counsel commenting on the proposed rules that are the subject of this litigation. These clips provide evidence of the PTO's bad faith promulgation of the rules at issue by demonstrating the PTO promulgated the rules at issue to change the patent system, tried to get the rules promulgated in an expedited fashion and designed the rules to dissuade patent applicants from submitting patent claims to which they might be entitled. Dr. Tafas previously included these clips as exhibits to his opposition to Plaintiff's partial motion to dismiss, which was filed several weeks ago.

--the audio clips we would play consist of comments made by John Doll, Commissioner for Patents, on the subject rules taken from the American Intellectual Property Law Association's program, "Changes, changes and more changes," Apr. 7, 2006. These clips demonstrate the PTO's bad faith assertion that continuation applications are re-work.

Thank you, and we look forward to your response on this and, hopefully, permission to play these clips at tomorrow's hearing. If you give us your permission, we will make arrangements with Lance Bachman, the Court's Technology Administrator, to obtain the necessary approval memo to bring our computer into Court containing these clips and to have an audio-visual monitor in the courtroom.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Joe Wilson

Counsel for Dr. Tafas

Please Note My New Address as of May 7, 2007:

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