

# Jacobsen Declaration Exhibit AD



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## NOTICE OF ALLOWANCE AND ISSUE FEE DUE

PM82/1123

KEVIN L RUSSELL  
CHERNOFF VILHAUER MCCLUNG & STENZEL  
ONE SW COLUMBIA  
SUITE 600  
PORTLAND OR 97258

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/104,461	06/24/98	054	HERNANDEZ, O	3661 11/23/99
First Named Applicant	KATZER,		35 USC 154(b) term ext. =	0 Days.

TITLE OF INVENTION MODEL TRAIN CONTROL SYSTEM

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2	KLR:7431.001	105-001.500	E71 UTILITY	YES	\$605.00	02/23/00

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE 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.**

### HOW TO RESPOND TO THIS NOTICE:

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- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

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**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 31, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No.	KLR:7431.001	Total Pages	85
	First Named Inventor or Application Identifier			
	Matthew A. Katzer			
Express Mail Label No.		EM571160295US		

<b>APPLICATION ELEMENTS</b> <small>See MPEP chapter 600 concerning utility patent application contents.</small>	<b>ADDRESS TO:</b> Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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1.  Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2.  Specification [Total Pages 77]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
3.  Drawing(s) (35 USC 113) [Total Sheets 3]
4. Oath or Declaration [Total Pages 2]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)  
[Note Box 5 below]
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6.  Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Copy
  - b.  Paper Copy (identical to computer copy)
  - c.  Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS	
8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	
9. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee)	<input checked="" type="checkbox"/> Power of Attorney
10. <input type="checkbox"/> English Translation Document (if applicable)	
11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449	<input type="checkbox"/> Copies of IDS Citations
12. <input type="checkbox"/> Preliminary Amendment	
13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)	
14. <input checked="" type="checkbox"/> Small Entity Statement filed in prior application, Status still proper and desired	<input type="checkbox"/>
15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)	
16. <input checked="" type="checkbox"/> Other: check for \$851	

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:  
 Continuation     Divisional     Continuation-in-part (CIP)    of prior application No: \_\_\_\_\_

18. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label: \_\_\_\_\_ or  Correspondence address below

(Insert Customer No. or Attach bar code label here)

NAME	Kevin L. Russell				
	Chernoff, Vilhauer, McClung & Stenzel, LLP				
ADDRESS	One SW Columbia, Suite 600				
CITY	Portland	STATE	OR	ZIP CODE	97258
COUNTRY	U.S.	TELEPHONE	503-227-5631	FAX	503-228-4373

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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Document 46

Filed 06/09/2006

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PTO/SB/122 (11-96)

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<p align="center"><b>CHANGE OF CORRESPONDENCE ADDRESS</b></p> <p align="center"><i>Application</i></p> <p>Address to: Assistant Commissioner for Patents Washington, D.C. 20231</p>	Application Number	09/104461
	Filing Date	June 24, 1998
	First Named Inventor	Katzer
	Group Art Unit	3661
	Examiner Name	Hernandez, O.
	Attorney Docket Number	KLR:7431.001

Please change the Correspondence Address for the above-identified application to:

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OR

<input checked="" type="checkbox"/> Firm or Individual Name	Kevin L. Russell Chernoff Vilhauer McClung & Stenzel		
Address	1600 ODS Tower		
Address	601 SE Second Avenue		
City	Portland	State	OR ZIP 97204-3157
Country	US		
Telephone	(503) 227-5631	Fax	(503) 228-4373

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I am the :

- Applicant.
- Assignee of record of the entire interest.  
Certificate under 37 CFR 3.73(b) is enclosed.
- Attorney or agent of record .

Typed or Printed Name	Kevin L. Russell
Signature	
Date	December 15, 1999

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DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to our name,

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MODEL TRAIN CONTROL SYSTEM

the specification of which

is attached hereto.

was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			<u>Priority Claimed</u>
(Number)	(Country)	(Day/Month/Year Filed)	[ ] Yes [ ] No
(Number)	(Country)	(Day/Month/Year Filed)	[ ] Yes [ ] No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

\_\_\_\_\_  
(Application Serial No.) (Filing Date)

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I hereby claim the benefit under Title 35, United States Code, § 120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Ser. No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

(Application Ser. No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby appoint Jacob E. Vilhauer, Jr., Reg. No. 24,885, Charles D. McClung, Reg. No. 26,568, Dennis E. Stenzel, Reg. No. 28,763, Donald B. Haslett, Reg. No. 28,855, William O. Geny, Reg. No. 27,444, J. Peter Staples, Reg. No. 30,690, Karen Fienberg Oster, Reg. No. 37,621, Kevin L. Russell, Reg. No. 38,292, Bruce W. DeKock, Reg. No. 40,585, Nancy J. Moriarty, Reg. No. 40,733, and Timothy E. Siegel, Reg. No. 37,442, all of the firm of Chernoff, Vilhauer, McClung & Stenzel, LLP, 600 Benj. Franklin Plaza, One S.W. Columbia, Portland, Oregon 97258, telephone number 503-227-5631, my attorneys, jointly and individually, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 6/13/98

Full name of inventor Matthew A. Katzer  
Residence 1416 NW Benfield Drive  
Portland, Oregon 97229  
Citizenship United States of America

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March 1997, and is incorporated herein by reference. While providing the ability to individually control different devices of the railroad set, the DCC system still fails to provide the capability for multiple operators to control the railroad devices, especially if the operators are remotely located from the railroad set and each other.

DigiToys Systems of Lawrenceville, Georgia has developed a software program for controlling a model railroad set from a remote location. The software includes an interface which allows the operator to select desired changes to devices of the railroad set that include a digital decoder, such as increasing the speed of a train or switching a switch. The software issues a command locally or through a network, such as the internet, to a digital command station at the railroad set which executes the command. The protocol used by the software is based on ~~Cobra~~ <sup>FA3</sup> from ~~Open Management Group~~ where the software issues a command to a communication interface and awaits confirmation that the command was executed by the digital command station. When the software receives confirmation that the command executed, the software program sends the next command through the communication interface to the digital command station. In other words, the technique used by the software to control the model railroad is analogous to an inexpensive printer where commands are sequentially issued to the printer after the previous command has been executed. Unfortunately, it has been observed that the response of the model railroad to the operator appears slow, especially over a distributed network such as the internet. One technique to decrease the response time is to use high-speed network connections but unfortunately such connections are expensive.

What is desired, therefore, is a system for controlling a model railroad that effectively provides a

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commands from the command stations and passes the  
 commands to the validation function 206. The validation  
 function 206 compares the received command against  
 potential commands that are in the queue of the command  
 sender 202 that could potentially provide such a result.  
 The validation function 206 determines one of four  
 potential results from the comparison. First, the  
 results could be simply bad data that is discarded.  
 Second, the results could be partially executed commands  
 which are likewise normally discarded. Third, the  
 results could be valid responses but not relevant to any  
 command sent. Such a case could result from the operator  
 manually changing the state of devices on the model  
 railroad or from another external device, assuming a  
 shared interface to the DCS. Accordingly, the results  
 are validated and passed to the result processor 210.  
 Fourth, the results could be valid responses relevant to  
 a command sent. The corresponding command is removed  
 from the command sender 202 and the results passed to the  
 result processor 210. The commands in the queue of the  
 command sender 202, as a result of the validation process  
 206, are retransmitted a predetermined number of times,  
 then if error still occurs the digital command station is  
 reset, which if the error still persists then the command  
 is removed and the operator is notified of the error.

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APPLICATION PROGRAMMING INTERFACE

Train Tools™ Interface Description  
 Building your own visual interface to a model railroad  
 Copyright 1992-1998 KAM Industries.  
 Computer Dispatcher, Engine Commander, The Conductor,  
 Train Server, and Train Tools are Trademarks of KAM  
 Industries, all Rights Reserved.  
 Questions concerning the product can be EMAILED to:  
 traintools@kam.rain.com  
 You can also mail questions to:  
 KAM Industries  
 2373 NW 185th Avenue Suite 416  
 Hillsboro, Oregon 97124  
 FAX - (503) 291-1221

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Else
  Command.Enabled = False
  Throttle.Enabled = False
End If
5   Else
    Connect.Enabled = True
    Disconnect.Enabled = False
    Command.Enabled = False
    ONCmd.Enabled = False
10   OffCmd.Enabled = False
    DCCAddr.Enabled = False
    UpDownAddress.Enabled = False
    Throttle.Enabled = False
    End If
15  End Sub
    '*****
    'Power Off function
    '*****
    Private Sub OffCmd_Click()
20     Dim iError As Integer
        iError = EngCmd.KamOprPutPowerOff(iLogicalPort)
        SetError (iError)
    End Sub
    '*****
25  'Power On function
    '*****
    Private Sub ONCmd_Click()
        Dim iError As Integer
        iError = EngCmd.KamOprPutPowerOn(iLogicalPort)
30     SetError (iError)
    End Sub

    '*****
    'Throttle slider control
    '*****
35  Private Sub Throttle_Click()
        If (lEngineObject) Then
            If (Throttle.Value > 0) Then
                Speed.Text = Throttle.Value
40             End If
            End If
        End Sub
50  End Sub

45  I. IDL COMMAND REFERENCE

    A. Introduction

        This document describes the IDL interface to
50  the KAM Industries Engine Commander Train Server. The
        Train Server DCOM server may reside locally or on a
        network node This server handles all the background
        details of controlling your railroad. You write simple,
        front end programs in a variety of languages such as
55  BASIC, Java, or C++ to provide the visual interface to

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