

ORIGINAL

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

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JAMES D. HATTEN, Clerk
By: *[Signature]*
Deputy Clerk

Eula B. Winfrey
Plaintiff Petitioner

Case No. _____
Date Filed: _____

and vs.

1:09-CV-2597

Kimberly-Clark Corporation
United States Patent and Trademark Office (USPTO)
Jon Dudas, Director of Patents; John Weiss, Supervisory Examiner
Defendants Respondents

TWT

PETITIONS

URGENT PETITION TO RECOVER ALL RIGHTS TO CONFIRMED USPTO PATENT APPLICATION # 9422542 AND CONFIRMATION # 5679 AN APPLICATION INTERFERED AND UNLAWFULLY GRANTED TO HUGGIES™ KIMBERLY-CLARK.

THE INVENTOR REQUESTED AN INTERNAL INVESTIGATION OF THE USPTO CONCERNING THIS MATTER. SUCH ATTEMPTS WERE REPUDIATED. SUIT PETITIONS THEREFORE SEEK PERTINENT JUDGMENTS.

A PETITION TO OBTAIN JUST TRIAL/FULL SETTLEMENT OF ALL PIRATED KIMBERLY-CLARK PATENTS STEMMING FROM CONFIRMED PATENT APPLICATION #9422542.

URGENT PETITION TO UNCOVER ANY CONFLICT OF INTEREST HELD BETWEEN THE USPTO, KIMBERLY-CLARK/ HUGGIES™ WHICH VIOLATED AND THE INTERCEPTED CONDITIONS NEEDED TO MEET PROCESSES REQUIRED TO PROCURE CONFIRMED PATENT APPLICATION #9422542. THAT ALL PETITIONS STATED ARE REQUISITED AND EXECUTED.

I, EULA B. WINFREY, certify that the following statements are verified and proven:

SECTION 1 CHRONOLOGY

In the year 1998, an invention was conceived by the above named to solve the on-going problematic issues associated with many customarily designed disposable articles. Although some of these articles seemed to portray two-fold use in some capacity, previous articles continued to leave difficulties unaddressed and unresolved. The Inventor sought, therefore, to completely solve all of these issues by creating a three-in-one article. This article was titled in a sweeping general term, "STEP-UP". The "STEP-UP" would solve all of the following perplexing difficulties by offering the following characteristics within a new absorbent article's utility design. "STEP-UP" Diapers, trainers, and adult incontinence items would be convenient, secure, and multi-purpose in all three capacities in one. The "STEP-UP" diaper sizes would now incorporate in a new broad extensive stretch panel traversing the entire back of this of this new absorbent article. Furthermore, this article has an all around elastic stretch waistband. No other diaper item had ever held such continuous stretch coupled with pull-on or off utility. The item would be more secure in utility closure because, as never before in any previous disposable garment, the "STEP-UP" article would have a full or consummate wrap design element. Its enclosures would adhere with strong, extra large, longer velcro-type fasteners or a strip of velcro-like material. The diaper size garments would be curved to fit the body. Adult incontinent products would also entail a curved or a straighter cut. Extensive elastic characteristics give security against leaks never before achieved. The Inventor also thought of a brand new inventive idea to include more than one leakage protector within the inner core of the "STEP-UP" would also contain two (2) additional leakage protection embodiments. The Inventor thought of two (2) possibilities of such a system. The first gives two (2) barrier beam type guards running from front to back with in the articles inner face. The second possibility was to have in addition to these outer legs elastic two (2) double indented guards molded into the fabric of the soft inner core. This idea has never existed before in writing or in any application anywhere. The "STEP-UP" was original. Elastics, gathered, smoothed, webbed, strings or bands are all acceptable for use within this innovative utility design. Elastics and the full-wrap system are the secrets of the effectiveness of this new disposable garment. All "STEP-UP" sizes, diaper, trainers, and adult incontinence items can be pulled onto the body or fastened and adjusted on to the body as a diaper. The article, however, must be pre-closed to pull on the legs and torso and fore opened respectively in order to the fastened onto the hip/torso as a diaper.

After the conception of this invention, the applicant then filed for a patent in October 1999, after a sworn statement was notarized in the presence of three witnesses in Decatur, Georgia proving its conception as sworn by the Inventor since 1998. After filing the application Ms. Kidwell replied to the Inventor to "fine tune" her application causing the applicant to be more specific in her specification and in her drawings. Ms. Kidwell asked the Inventor to show all the entities for the garment explicitly. To **show** the leakage protectors, to address the word "cellulosic" and to show the elastic gathers plainly. The applicant, who is a writer as well as an artist, complied with the examiner. When the applicant wrote that the "STEP-UP" was "tab-less" with near invisible enclosures, Ms. Kidwell pointed out that "STEP-UP" **would** have tabs though these specialized enclosures may be LARGER and MORE EXTENSIVE. Therefore, the closures would thereafter be addressed as NON-TRADITIONAL enclosures. The applicant agreed that the "STEP-UP" did possess enlarge, tab-like elements and removed this error from the application. She agreed with Ms. Kidwell to state the fasteners or strip as "non-diaper style" or "non-traditional." However, jumbo or widely spaced stronger velcro (tab-like elements) must be specified as still being present upon the invention. All requests to "define" were also completed in a timely manner.

As time passed, the application suddenly began to stalemate. The Inventor suffered delay after delay, lost records (all blamed upon Ms. Kidwell by Supervisor Weiss), unanswered phone calls, ignored requested for help or assistance, with an unexplained return of funds in 2001. Non-coincidentally, the Inventor

happened to see a coupon promotion ad, her own **full-wrap** diaper/pant adult article renamed, "*Depends Refastenable Undergarments*" with the caption, "**NEW, NOTHING ELSE LIKE IT.**"

This ad was found in a Georgia based newspaper. Being deeply troubled, the Inventor remembered that Kimberly-Clark had replied to her filing in 1999, admitting having her application their possession and "thanking her." They went further as to tell her that their review of her patent application be so in depth that they would review it for several months. As the years passed, the Inventor compiled ads of the company's former inconvenient and unsanitary tear away trainers. These ads ran even until 2001. (It is interesting to note that the rippable, **tear away element is NOT a new idea**. However, the full-wrap element is beneficial; and the refastenable fully stretchable design convenient and securely folding to discard waste sanitarily. These features attest to its originality. The ad soon evolved from old tear away trainers to "new trainers" with easy open sides).

When the Inventor discovered the first plagiarism of her invention found with the Depends Adult Refastenable garment, she immediately went to purchase a package to seek out the infringed patent numbering. After searching the Internet using each patent number that was found on the packaging, no such match to her invention application was found. At the time the appellant still lived in Georgia. The applicant had formerly been involved with the NAACP in the years 1997-1998 to help improve a faulty elementary educational system in Stone Mountain, Georgia. The plight brought fantastic success. Therefore, after no correct patent numbering could be found on the Depends packaging to PROVE the infringement, the applicant turned to the NAACP local president. A total of seven attorneys were sent to oversee the case and help move the "STEP-UP" application forward. However, the attorneys were unable to move forward in Georgia because patent numbers were being concealed and falsified. The Inventor moved to Alabama where she purchased the **same** item hoping the real, true numbering would be found. Another search was conducted in Alabama after the numbers were compared upon the two bags finding inconsistent patent numbering. After an unknown librarian unlocked the PTO system, the FULL-WRAP utility design was revealed. The patent infringing the Inventor's rights was plainly exposed. "Their" artistic rendition of the full-wrapping flap-like configuration was the same as her original invention detailed.

The Inventor wrote to John Weiss who began to claim rejections of "new matter" and "prior art"; but the Inventor was calmly unmoved. At once, the Inventor moved as high up as possible within the NAACP and brought the matter before President and CEO Kweisi Mfume who immediately responded with wisdom, help and support. **He moved to advise the Inventor that the application be removed from the abandonment state and to request and seek an urgent appeal to uncover all infringement matter.** Early this year the "STEP-UP" application was revived and a Notice of Appeal was granted. False numberings to be compared between the packaging purchased in Georgia and the actual numbers found in Alabama must be seriously analyzed. Why? Because without the correct patent number being finally found, **no appeal could have been possible.** Be it recognized that logically in any life matter, attempts to conceal or deceive is an indicator of wrong. For one's tracks were meant to be covered. Therefore, the actual correct numbers found over across state lines, mirroring the consummate or full-wrap element of the "STEP-UP" is as follows. (Application #20020042600 AL)

After contacting NAACP President Kweisi Mfume, Ms. Winfrey took the matter of infringement and interference to Petitions Attorney Charles Steven Brantley in Washington. Mr. Brantley advised Ms. Winfrey to continue her case, revive the application, and set an Appeals Case in motion. The patent application was revived in 2004 and placed on Appeal. Ms. Winfrey paid thousands in required fees since the patent's beginning in 1999 only to have it again listed as "Abandoned," 2007, once again. The case was sitting, ignored, subterfuged for three years. Responses and Appeal Briefs were signed for as received by the PTO only to write to Ms. Winfrey and announce, "... to this date -- **no response,**" no appeal Brief had ever been filed, and placed her ingenious inventions again in abandonment. But Ms.

Winfrey's diligence has been unfaltering and unwavering. The PTO has claimed missing and non-receipt of paperwork since 1999. This is not surprising seeing that Ms. Winfrey's initial examiner, John Weiss, actually held interest as a patent attorney for Kimberly-Clark. This 'conflict of interest' was held hostage from Ms. Winfrey's knowledge while she worked for two years alongside John Weiss revealing all aspects of her invention to him only to have him disappear from her case in 2001. This is the same year Kimberly-Clark filed for Ms. Winfrey's work and had its publication filed. This stratagem must unfold and come to light.

It is glaring proof to note that Kimberly-Clark applied for the full-wrap-dual purposed garment two years after Ms. Winfrey had already begun her case. Still her patent was denied her and issued to the Huggies™, Kimberly-Clark Corporation who admitted in writing of having her patent application in their possession in 1999 (see following transcript).

This communication, in written missive conveyed to Ms. Winfrey the **fact** that a purposeful in business response would take several months and to review her patent application. In this time the ideas of her patent application were to be considered, and if so, permission given from Ms. Winfrey to use her ideas legally and with royalty. **The Kimberly-Clark Corporation is in legal jeopardy and on the edge of their immoral exposure.** Not only did Kimberly-Clark not follow through on the specifications of this letter, they circumvented Ms. Winfrey's legal justice and moved to intercept her patent for their own gain, denying her right as the sole Inventor of the "STEP-UP". The Kimberly-Clark Corporation has even had the unintelligent audacity to name the diapers Step One and Step Two, etc., further plagiarize the name and very purpose Ms. Winfrey has given her own invention. (See Parenting Magazine ad, August 2007 attached)

The Parenting Magazine ad is only the last example of a **LONG LINE OF INFRINGEMENTS**. The **Plaintiff** became aware of these separate acts of **pirating** during the following years:

- 2008 & 2004 "Convertibles" Diaper
- 2008 & 2004 All New Broad Stretch Panel (incorporated over the waist and posterior to aid pull on/off function and the angular cut).
- 2008 – 2004 Easy Open Side Pull-Up
- 2008 All-Around Stretch Entities
- 2005 Easy Open Side Pull-Up (see the ISC papers attached)
- 2005 Baby-Shaped (curved to fit cut) Diaper,
- 2004 Three Leak Guard Protection (see the Inventor's specifications and claims)

At the time of Ms. Winfrey's filing a worldwide patent search produced "NOTHING" else like it patented, or anything like it existed on the market, "NOTHING" (see ISC summary).

Furthermore, after seeing the ad in Parenting Magazine, Ms. Winfrey saw the **exact illustration** of her specification and invention in 2007. Determined to publicize the matter, she contacted influential figures to OUT the theft of this audacious, tactless corporation. Not only has Ms. Winfrey contacted Government officials, newsworthy figures, and the NAACP she has contacted the legal defense team of renown, former NAACP President who has moved to STAND.

And so she stands, never wavering, full of faith and obedience to God, her Savior and full of clenching binding tenacity. She has already spoken directly to the Kimberly-Clark Huggies™ Company that she will indeed present the matter with EVIDENCE.

We aim to bring this matter (beginning with Kimberly-Clark's official letter to Ms. Eula Winfrey) to the forefront. We are moving stoically, staunchly for the complete rights of this individual. We will cry out publicly against you. The public outcry will be DEAFENING.

As Ms. Winfrey wrote in her own words in January 2007, "Many corporations and corrupt individuals will be exposed and destroyed." This will be the greatest story and scandal the U.S. public has ever seen concerning our Patent Offices. The sympathies of all Americans will cry out. American mothers with their babies in their arms will stand with me.... **What a sad disgrace for our country.**"

In the month of January 2008 after Operation LEAD contacted the CEO of Kimberly-Clark and denied the charges of the Inventor, **other evidences began to surface as well.** It became obvious to the Inventor that private notes given to John Weiss that were never a part of the Inventor's specification or claims, but were simple notes given to John Weiss concerning divergences of other patents in comparison to her own patent application. The Inventor found another advertisement which quotes, "New Huggies™ Supreme Natural Fit Diapers, unlike Pampers Cruisers, Huggies™ is the only diaper with a little thing called "hugflex" – a brand new hourglass shape, so it fits and feels more natural to your baby." Kimberly-Clark states that this is the **only** diaper with this particular feature. These private notes to John Weiss that were never published or sent to Kimberly-Clark alarm the Inventor. For the wording that she used in these notes to John Weiss is the exact plagiarism of Kimberly-Clark. In these notes at the Patent and Trademark Office, the Inventor stated that her disposable garments were cut in an angular or curved fashion. Even though the Inventor stated that these garments were not hourglass shaped, the Patent Office informed the Inventor that because the garments are slimmer in the crotch area to curve and fit the form of the body, the "STEP-UP" garment therefore has the form of the hourglass. Because of this the notes were never placed into the specification itself or incorporated in any of her claims. The "STEP-UP" has always, therefore, had a curved to fit feature as is illustrated in the Huggies™ advertisements.

The Inventor has realized that the terminology she used in her former notes was somehow given unlawfully as information to Kimberly-Clark. Somehow they were able to retrieve these notes and try to use them to gain access to her ideas and her revolutionary invention. Justice is in order. The "curved to fit diapers" as well and the "easy open side Pull-ups" infringe the claims of the Inventor (see esp. Claims 2, 13, 14).

The Inventor further recognizes the claims of her invention being pirated by Kimberly-Clark concerning the new Pull-Ups with Easy-Open Sides. For the Inventor swore in DeKalb County, Georgia, in June of 1999, before court officials, Francine L. McClain and Blaria Tucker, signed by Don Bryan, attorney for the Invention Submission Corporation, as follows:

- "A "STEP-UP" is a pull-up and a diaper all-in-one. Its invention was necessary for this reason. When a toddler is just beginning to potty train, numerous accidents can be expected. When an accident occurs with the little ones, the mother must completely undress the lower half of the toddler (or even completely undress them) to return a fresh Pull-Up.
- Not only is it very time-consuming and inconvenient to the parents, it is an unnecessary discomfort to the toddler. A "STEP-UP" in contrast is two-fold. It has wide stretchy sides and leak panels with velcro-like attachments. The toddler is still able to pull his or her "STEP-UP" up and down and continue progressive training. This gives the toddler a continued sense of independence by not having to switch back and forth to diapers. But if and when an accident does occur, the "STEP-UP" can be easily removed (**without having to tear**) and a new one can be replaced in seconds without undressing the toddler.
- The Invention Submission Corporation also lauds the ingenuity of this brand new idea featuring its angular or curved cut – a wide variation of sizes and styles – from newborns to the elderly, and an elasticized waist of big kid underwear.

- The “STEP-UP” specifies that it opens easily at the sides when it needs to be changed, using velcro, elongated closures.”

The “STEP-UP” while opening at the sides with the elongated strips remains adjustable. The Inventor chose the utility of the velcro entity because of its ability to attach and reattach to surfaces easily moving and adjusting to a perfect fit. The “STEP-UP” unlike any other garment has no sewn side seam as in a washable garment. A seam must meet only at a designated edge (abutted) and is not adjustable.

In investigating the infringed statement of the invention, specification and claims of the Inventor, Kimberly-Clark’s new Pull-Ups Easy-Open Sides also have taken Ms. Winfrey’s elongated velcro strip that adjust and opens easily at the sides, having no side sewn seam. This idea is clearly pirated from Ms. Winfrey, the originator of this revolutionary garment.

The Inventor contests the infringed patent, absorbent article with refastenable sides (US patent #6817994) application filed on 7/26/2002, patent issued on 11/16/2004. Kimberly-Clark unfortunately believes that by mere slight of hand, twist of words and deceitful vocabulary, that they would be able to specify the claims of the “STEP-UP” and not be held accountable for their infringement. As it is stated, in Patent # 6817994 by Kimberly-Clark, the item wraps fully at the sides in flap-like, elongated enclosure using velcro-like strips as the “STEP-UP” patent application originally stated. The article has all around stretch, opens easily at the sides and closes in adjacent form (see Evidence Book, pg. 50).

It is stated in the ISC publication, that the “STEP-UP” could be produced in many styles, shapes and forms. It may be cut in a curved or a more angular configuration. And when closed, it would appear more pant-like to aid a sense of independence in the child when beginning to potty train (see Evidence Book, pg. 9). It is stated clearly in Ms. Winfrey’s ISC publication that the “STEP-UP” would be offered in many ranges, sizes and designs. But specifically, trainers would still retain the look of big kid underwear by its elongated easy-open side enclosures. Although Kimberly-Clark claims in this patent application that there article contains side seams, there is no abutted edge. A seam closes at a designated edge and is not adjustable. As we will present in court the Easy-Open Side Pull-Up has no landing components at all, but it’s adjustable in adjacent form as claimed with the “STEP-UP”. We will show the deceptiveness in wording and in the production of Ms. Winfrey’s products by their using slight of hand and slight of word. The original Pull-Up ads also profess to have side seams that were torn away at the sides. This use of the word seam is correct, for it is joined at a designated point and it’s not adjustable. It is fully and permanently closed as a sewn seam in clothing until that seam is torn. Kimberly-Clark has used the word side seam that Ms. Winfrey has used in her private notes to John Weiss. She stated that “the “STEP-UP” would use adjustable velcro, non-traditional side enclosures and have no sewn (or bonded) side seam. Because these private notes were shared with Kimberly-Clark through the assistance of John Weiss, Kimberly-Clark believed that they would be able to use these words concerning side seams to plagiarize Ms. Winfrey’s patent application. Kimberly-Clark has infringed the “STEP-UP” invention patent application by using “STEP-UP” Claims 2, 4, 8, 9, 12, 13 and 15 (see Evidence Book, pgs. 19-21).

Kimberly-Clark has shown their instability by their use of words concerning the ads that they first used stating the hourglass-shape. When the Inventor presented their Evidence Book to Kimberly-Clark, their ad soon changed again from the hourglass to “contoured.” (see Evidence Book, pages 42-43). To remove themselves from liability, the new ads even highlights the word “contoured.” Kimberly-Clark has sought to remove the words full-wrapping from their website to avoid liability. Kimberly-Clark has used the word *tabs* to justify, plagiarizing the application of the “STEP-UP”. For it was clearly seen in their Depends Refastenable Underwear with their “new, nothing else like it” caption was clearly the “STEP-UP”. Because Ms. Kidwell stated that the “STEP-UP” must be specified as having tabs Ms. Winfrey was compelled to retain her advice and expertise in her application. Therefore, the “STEP-UP” closes with

velcro or velcro-like appendages upon wing-like portions causing a non-traditional closure. Therefore, there is no distinction between the Easy-Open Sides Pull-Ups and the Depends Refastenable Underwear. The Inventor will prove that Kimberly-Clark has used slight of words, twist of language to produce convertible diapers which are not sold in Georgia or Alabama. Kimberly-Clark has taken off the shelf, the diapers having the Three Leak Guard Protection which also belongs to Ms. Winfrey. There diapers which were advertised and sold, having Three Leak Guard Protection are no longer sold in Alabama or Georgia. Because Ms. Winfrey felt that the items would be sold, produce a great profit, but then would be snatched from the market, she took great strides in preserving evidence of their infringement. She saved ads, coupons, and actually bought the diapers and trainers which would someday prove her case. Not only is she an intelligent Inventor, she is a wise one. Be it known that Kimberly-Clark, though they avoid responsibility, avoid phone calls and avoid response to Operation LEAD.

Let it be understood that Kimberly-Clark's infringed Patent #6817994 plagiarizes Ms. Winfrey's "STEP-UP". It is written in claim two that the "STEP-UP" is "an absorbent article whereby each said elastomeric wing has consummate, full-wrapping characteristic, utility." Her sworn statement also denotes that the "STEP-UP" has "wide stretchy sides with velcro-like attachments." It is stated in claim 8 of the "STEP-UP" application that "the article according to claims 1-7 has a wide variation in utilic size, style and cut." The "STEP-UP" styles are therefore limitless and cannot be infringed upon without retribution. The key of the "STEP-UP" is unique in that the absorbent article, as a trainer, is used in all capacities simultaneously as a pant, diaper and trainer in one article. Ms. Winfrey is the clear and only Inventor of the easy-open side trainer. No slight on words or change in any simple cut (which is clearly obvious) will be admissible. Patent Law states that no patent is to be granted when the changes are so simple and inconclusive that they are seen as OBVIOUS.

Operation LEAD asked the following questions to Jon Dudas, Director of the USPTO:

1. Was Mr. Weiss a former employee of Kimberly-Clark before he came to the patent office?
2. Did Mr. Weiss serve as a consultant or advisor with Kimberly-Clark?
3. Did Mr. Weiss personally know the person at Kimberly-Clark who was working with Ms. Winfrey's case?
4. How soon after Kimberly-Clark and the patent office were working Ms. Winfrey's invention did Kimberly-Clark receive its patent for the same product?

John Weiss, though being transferred to another department within the USPTO, now works in the Business Processing dept. The transfer comes too late. For while Ms. Winfrey shared the ideas of her revolutionary invention, the "STEP-UP", Mr. Weiss AT THE SAME TIME, WAS WORKING FOR KIMBERLY-CLARK AND ISSUING THEIR PATENTS. This conflict of interest was always believed to be the pivotal point of how and why Ms. Winfrey's ideas where being **STOLEN OVER AND OVER** again being produced and her ideas were twisted with similar wording for their own use and illegal gain. Remember it is Kimberly-Clark who wrote to Ms. Winfrey on their own letterhead that their corporation was holding her own original **CONFIRMED PATENT APPLICATION** (see Evidence Book). **WHEN KIMBERLY-CLARK APPLIED FOR PATENT #6817994 ON 7/26/2002, ABSORBENT ARTICLE WITH REFASTENABLE SIDES, MS. WINFREY'S PATENT APPLICATION FOR THE "STEP-UP", THOUGH PASSING SUCCESSFULLY ITS CONFIRMATION, JOHN WEISS ATTEMPTED TO CLOSE MS. WINFREY'S USPTO ACCOUNT ONLY TWO MONTHS AFTER KIMBERLY-CLARK FILED THEIR PATENT APPLICATION. MR. WEISS SUDDENLY ATTEMPTED TO CLOSE MS. WINFREY'S CASE AND USPTO ACCOUNT ON 9/25/2002. THIS OCCURRED ONLY TWO MONTHS AFTER KIMBERLY CLARK FILED FOR HER PATENT, THE NEW "STEP-UP" TRAINER, ELASTICIZED WITH EASY-OPEN SIDES. MS. WINFREY WAS THE FIRST TO APPLY FOR ANY SUCH PATENT AND SHOULD HAVE HAD HER PATENT LAWFULLY ISSUED TO HER.**

In the remainder of this presentation of evidence, you will see the pirated nature of Kimberly-Clark. View the specification, claims, and art of this Inventor. View the ads of Kimberly-Clark as they have struggled over the years to continue to pirate idea upon idea from Patent Application #9422542 TC 3761. View Kimberly-Clark's weak attempts to file for Ms. Winfrey's claims of the full-wrapping utility, fit and function of her garments.

Addition to the chronology, the Inventor has worked tirelessly to come to a complete settlement concerning the issues of this case. For example, the Inventor contacted Kimberly-Clark/Huggies™, December 5, 2007 to uncover the conflict of interest between their corporation and the United States Patent and Trademark Office. Thomas Falk, CEO of Kimberly-Clark, responded negatively to a representative of the Inventor, refusing to acknowledge that his corporation has indeed pirated Ms. Winfrey's invention. The fact remains that Kimberly-Clark reapplied for Ms. Winfrey's patent under another patent numbering system. The wrap-around or consummate pant is the same as Ms. Winfrey's claim entails within her application which they held in their offices. The Inventor then contacted Jon W. Dudas, Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO), to request that an internal investigation be granted to uncover the primary reason for this invention not being fully approved. Ms. Winfrey on April 22, 2008 contacted the support team at the USPTO and spoke to a contact center representative. In this telephone conference, Ms. Winfrey inquired about the confirmation assignment number which was issued to her in December 2000 and signed by Michelle Kidwell. Ms. Winfrey was informed that "the confirmation process occurs when an application has been processed successfully and set for website publication. This process takes up to 18 months for issuance." The reference number given to Ms. Winfrey for this telephone interview is 1114806189. When Ms. Winfrey had initially received her confirmation assignment, she immediately contacted John Weiss at the USPTO and asked him to apply funds that she had placed previously in her USPTO account to cover any fees needed to publicized her application on the USPTO. Instead of having the "STEP-UP" application placed into publication, Mr. Weiss went into Ms. Winfrey's USPTO account, attempted to withdraw her money and return it to her, so that there will be no funds available to pay for her publication. Ms. Winfrey has proof of this check which he sent to her within this lawsuit. She voided the check, sent it to Attorney Steve Brantley to make sure that the money remained available in her account. Ms. Winfrey never authorized any return of funds from her account. To the contrary, Ms. Winfrey contacted Mr. Weiss by fax which is proven within the evidence book provided that it was her desire to have her application publicly viewed and placed on the USPTO website. In spite of all of her diligence, her patent application was ignored, pirated, and never published. Also, the Inventor placed these funds within an USPTO account to cover any additional fees needed and to provide payment for the issuance fee of the "STEP-UP" patent. This unexplained return of funds to Ms. Winfrey shows full the blatant scheme to avoid, at any cost, a patent as ingenious and creative as the "STEP-UP". The Invention Submission Corporation (ISC) who published a book to prove the origin of the "STEP-UP" patent predicted that the ideas Ms. Winfrey claimed and specified were so revolutionary they could replace all customary disposables and take over the paper market as we so knew it. Having such a prediction in print was a sure threat to a company, Kimberly-Clark, who was holding her patent application and portending to review it for several months and returned a favorable response to Ms. Winfrey. Instead, they never responded to her after they promised to do so, but moved to intercept her work and apply it to their gain. Because of these developments, and the outcry that is needed publicly to expose this case, the Inventor now files this lawsuit in full expectation of justice. We thank the honorable judges for hearing and responding to this case.

SECTION 2 SUMMARIZED PETITIONS

- I. Therefore, we ask the court to grant petitions as presented:
 - A. To recover all rights to Patent Application #9422542

- B. To seek pertinent judgments of such suit after the interference and infringement and refusal for an internal investigation of Patent Application #9422542
- C. To obtain just trial/full settlement of all pirated Kimberly-Clark patents stemming from Patent Application #9422542
- D. To uncover any conflict of interest, conspiracy held between the USPTO, Kimberly-Clark/Huggies™ which opposed the granting of Patent Application #9422542

SECTION 3 PATENT LAW

1. These petitions for Patent Application #9422542 are provided in guidelines of patent law in the United States for these following reasons:
 - A. Any legally documented invention sworn and witnessed by two officials and notarized is considered preliminary proof of sole-ownership of such invention.
 - B. This grants the Inventor exclusive right to his invention
 - C. To be eligible for a patent, an invention must be new and useful. The pirated products placed on the market by Kimberly-Clark/Huggies™, continuously note that their items are "*new, nothing else like them.*" Ironically, their "*new nothing else like it products,*" are taken exclusively from Ms. Winfrey's patent application.
 - D. Ms. Winfrey created improvements on customarily designed trainers for children called the "STEP-UP" having Easy-Open Sides. This is only one of her utility designs; there were many others. The United States Patent law clearly states that improvements on all inventions can also be patented.
 - E. The USPTO recognizes all original inventions. The idea must be original. And the first one to apply for such invention holds sole ownership. Ms. Winfrey applied for the "STEP-UP" patent in October 1999. Kimberly-Clark filed for the same patent application on May 31, 2001, and **they were granted in 2004 and 2005**. This is after Ms. Winfrey's patent application had **already been confirmed** and set for public application. This is the point where her case stalled, funds were returned, the application was never published and the patent never granted.
 - F. The waiting period for a pending application to receive its confirmation assignment is 18 months. The USPTO takes an average of two years to issue a patent. According to patent law, Ms. Winfrey has long over-waited her time.
 - G. Copying an invention without the owner's permission is called infringement and the owner may sue for damages, according to patent law. Upon payment of the issue fee, the Inventor receives a patent. If the application is rejected, he may amend his claims. If again rejected, he may appeal to the Patent and Trademark Office Board of Appeals. If this fails, he can challenge his decision in court; it is the process of law she now trust to bring closure and restitution.
 - H. Ms. Winfrey being meticulous and professional in nature, sought to protect herself in two preliminary ways BEFORE even applying for a patent application. Patent law states that an Inventor should record the date in which the invention took shape in his or her mind. He should draw a sketch and a description of the idea. Both documents should be dated and signed in the presence of two witnesses and kept in a safe place. Ms. Winfrey entered the DeKalb County, Georgia courthouse and carried out such process. She then carried a prototype of her invention to Attorney Don Bryan at the Invention Submission Corporation (ISC). At ISC, the "STEP-UP" publication book itself was printed. It belongs solely to Ms. Winfrey. The invention by all means is hers.

SECTION 4 THE PETITIONER'S REQUESTS

1. That all rights to her patent are recovered, returned and retained
2. That the infringement, interference, and subsequent production and sale of her product ideas, be lawfully compensated in full with punitive damages
3. That the matters of this case be exposed
4. That such pirating by such corporations as these be exposed so that other Americans/Inventors are able to create^b and have their inventions granted, patented, and lawfully honored and compensated. She prays that the creative minds and ideas of our great nation be protected.

SECTION 5 ADDENDUM/CLOSING DENOUNCEMENT

Within this lawsuit, the Inventor solidly includes individuals who may be involved in the infringement of the "STEP-UP" patent. We only seek to uncover who was involved, who held the opportunity and the power to **pirate** such a revolutionary patent, and what processes were involved to stall and have this application denied (Application #9422542).

We **ONLY** cite John Weiss **because** he was the **assigned** Supervisory Examiner over the "STEP-UP" application. We cite the USPTO as a **WHOLE**, and Director Jon Dudas, who failed to respond or grant the internal investigation of the USPTO as requested by the Inventor.

The Inventor recognizes that the pirating involved in this case is intricate and may include many other unknown individuals. The Inventor also recognizes that many involved with the infringement of this case may have been ignorant of the part they were playing.

Essentially, the **Inventor** clearly cites the pirating of her patent by Kimberly-Clark. **Kimberly-Clark must be exposed**, brought to the forefront publicly, and answer for their fleecing of Ms. Winfrey's ingenious ideas: the Three Leak Guard Protection, curved design, angular designs, easy open side trainers with pant, trainer, and diaper simultaneous utility. Infringed patents granted to Kimberly-Clark Patent #4,798,603 and #6817994 steal Ms. Winfrey's full-wrapping, vertical overlapping (adjacent) flap-like elongated enclosures.

One is Ms. Winfrey's curved utility design (full-wrapping pant), #20020042600 AL, Patent # 4,798,603. The other, Ms. Winfrey's **ANGULAR cut** utility design as plagiarized within Patent # 6817994. Notice that one is simply Ms. Winfrey's '**curved cut**' utility design shown in flap like configuration, and the other, Ms. Winfrey's **ANGULAR cut entity** as specified by the Invention Submission Corporation publication, "STEP-UP" claims, and specification. Overlapping, elongated closures at the sides, to lend dual utility of the garment as pant, diaper, and trainer in **ONE entity all** belong to Ms. Winfrey.

The **Inventor highly protests the production of the Easy Open Side Pull-Up**. The Easy Open Side Pull-Up is adjustable, having no designated landing component. But as Ms. Winfrey specified, her entity closes in flap like configuration and flexibly adjusts. The Easy Open Side Pull-Up is adjustable, having no designated landing component. But as Ms. Winfrey specified, her entity closes in flap like configuration and flexibly adjusts. The Easy Open Side Pull-Up resembles exclusively one of the very designs illustrated by Ms. Winfrey (see Exhibit A, pg. 43 of the Inventor's Evidence Book).

Although Ms. Winfrey focused mainly on the curved form of the "STEP-UP", it has **always** been specified that the entity would **also be produced in a more angular cut** (see pg. 7 of Evidence Book).

Ms. Winfrey states that the each wing portion is elasticized as in the Easy Open Side Pull-Up (see "STEP-UP" claim #2, page 19 Evidence Book). Therefore, the patents granted to Kimberly-Clark are DIRECT infringements. They show no improvement on Ms. Winfrey's ideas, no new entity, just directed pirating! Patent Law states that "no idea is patentable which has "OBVIOUS" limitations.

Ms. Winfrey was the first to ever apply for a disposable non-traditional easy open side TRAINER and incontinent item such as the infringed Depends refastenable. The **Inventor requests full damages and all patent rights granted.**

"PATENT LAW and OBVIOUS INFRINGEMENT"

What Kimberly-Clark has attempted to patent is a new UTILITY item. However, what they have unlawfully patented is the exact utility specified by Ms. Winfrey. They have attempted to twist wording to accomplish their means. They have added insignificant placement of materials to claim they have a "new patent." Such antics are called "OBVIOUS" **plagiarism** and by LAW are NOT patentable.

Such examples of OBVIOUS infringement would be to merely change **the** hand or add a hand to a clock that does not increase or improve the function of the clock itself. The added hand therefore is insignificant. OBVIOUS. Infringed. It is not a true patent.

This is what Kimberly-Clark has done to plagiarize Ms. Winfrey's constitutional patent. They have taken a minute strip of Velcro and placed it on the OUTSIDE of the wing rather than within the inside of the wing, as Ms. Winfrey's art entails. Or they have moved the strip of Velcro to the front edge rather than the back edge; flip-flopping the fastening wing.

If that was not enough, they took the side elastic wings, cut them asunder to claim they have a "new invention." In the Inventor's handbook of Evidence (pg. 43), Ms. Winfrey shows elastics throughout the front panel as well, and specifies such freedom of design in Claims 8 and 15 (see Evidence pages 20 and 21). Claim 8 states "the article according to Claims 1-7 with wide variation in utilic size, STYLE and CUT. An absorbent article of use in all capacities simultaneously, pant, diaper, and trainer in one article." Claim 15, "elastics may be incorporated, **THROUGHOUT** the full-wrap multi-purposed article. These, therefore, are clearly OBVIOUS infringements and CANNOT be patented. The rights to Ms. Winfrey's invention muts be rightfully granted to her, and the pirating through Kimberly-Clark/HuggiesTM/ Pull-UpsTM **REVOKED**.

"KIMBERLY-CLARK'S WRITTEN POLICY FOR REVIEWING PATENT APPLICATION DOES NOT INCLUDE THEIR RIGHT TO STEAL THE IDEAS AND INVENTIONS OF OTHERS."

Review the Inventor's "Evidence Book" included in this lawsuit.

It is understood that we are swearing or affirming under oath to the truthfulness of the claims made in this petition.

Dated: _____

Eula B. Wintrey
Signature of Plaintiff

Eula B. Wintrey
Printed Name

4122 Belvedere Square # F
Address

Decatur, GA. 30035
City, State, Zip

404-286-3450
Telephone Number

Fax Number

Email Address

STATE OF GEORGIA
COUNTY OF DEKALB

Sworn to or affirmed and signed before me on _____ by _____

NOTARY PUBLIC or DEPUTY CLERK

[Print, type or stamp commissioned name of notary or deputy clerk]

My commission expires

Produced identification

Type of identification produced _____

September 29, 1999

Dear Mrs. Winfrey

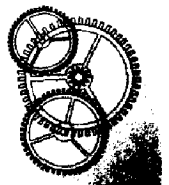
Enclosed is the *Basic Information Package* report, which you have requested for your invention, the "STEP-UP". In this report, we have provided the service of "packaging" your invention; that is, we have assembled basic information relevant to the "STEP-UP" in an organized report format that can serve as a handy reference tool.

Primarily, the *Basic Information Package* report is a resume of the "STEP-UP" summarizing its positive and most appealing features, just as a resume assembles the assets of an individual seeking a job. As you will recall from our *Services and Fees Flow Chart*, ISC also performs a submission service under a separate contract. If you decide to proceed with our submission program, the *Basic Information Package* report will serve as the basis for the preparation of descriptive materials which will be presented to industry in the hopes of obtaining a good faith review of the "STEP-UP". If you decide to promote your invention on your own, the *Basic Information Package* report can be a useful reference, and it can also be used by you to stimulate interest among potential investors.

Our submission agreement will permit us to present the "STEP-UP" to industry and review any interest that may be expressed. We look forward to working with you.

Research Department
Invention Submission Corporation

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Exmr: Kidwell, Michelle M.

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U24685 4610
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3047 DESTIN CIRCLE
SNELLVILLE, GA
30078

NOTICE OF CONFIRMATION NUMBER ASSIGNMENT

(Confirmation Number Required For Electronic Filing System Submissions)

Starting November 29, 2000, newly filed utility and plant applications for patents become subject to publication, and pending utility and plant applications may be published on the request of applicants. See 35 USC 122(b) and Changes to Implement Eighteen-Month Publication of Patent Applications, 65 Fed. Reg. 57023 (September 20, 2000), 1239 Off. Gaz. Pat. Office 63 (October 10, 2000). See <http://www.uspto.gov/web/offices/dcom/olia/aipw/rulechgs.htm>. For applications filed before, but pending on, November 29, 2000, an applicant may request voluntary publication pursuant to 37 CFR 1.221. The request must include a copy of the application in compliance with the Office's Electronic Filing System (EFS) requirements and be accompanied by the publication fee (37 CFR 1.18(d)) and the processing fee (37 CFR 1.17(i)). See <http://www.uspto.gov/ebs/efs/index.html> for a discussion of the EFS requirements.

The EFS requirements include the use of a "confirmation number" in addition to the application number when submitting a specification for publication in order to ensure that the electronic submission is associated with the correct application number assigned to the application. This confirmation number is used in conjunction with the application number to identify a pending application. This procedure is necessary because many applications will have identical filing dates and similar application numbers and therefore a typographical error in the application number could result in the specification submitted via the EFS being placed in the wrong application if only the filing date and application number were used as the confirmation mechanism.

If an electronic copy of the data contained in this notice is desired, or if there are questions concerning this notice, contact the EBC Customer Support Center at (703) 305-3028.

Serial No.	Confm No.	Filing Date	Attorney Dkt
09/422,542	5679	18-OCT-99	DON-148

Correspondence to Supervisor John H. Weiss,

Earlier this week I received the above notice that the patent application submitted unto you could be "published on the request of the applicant." I am therefore voluntarily requesting that my application be published pursuant to 37 CFR 1.221; Serial Number 09/422,542 / Given Confirmation Number 5679, Filing Date 18 Oct. 99 / Attorney Dkt. Don-148.

Thankfully and
Sincerely,
Eula Crimes

12/13/2000



December 6, 1999

21-A Chatfield Drive
Stone Mountain, GA 30083

Thank you for submitting your patent application for our consideration.

Your material is being reviewed, and the review process could take several months. We will notify you of the outcome.

Thank you again for your interest in Kimberly-Clark Corporation. We appreciate your taking the time to contact us.

Sincerely,

Lisa Laux Robak
Coordinator, Outside Suggestions

LS/cl

4798776E

STEP-UP design of an INCONTINENCE type
utility illustration . Eula Winfrey

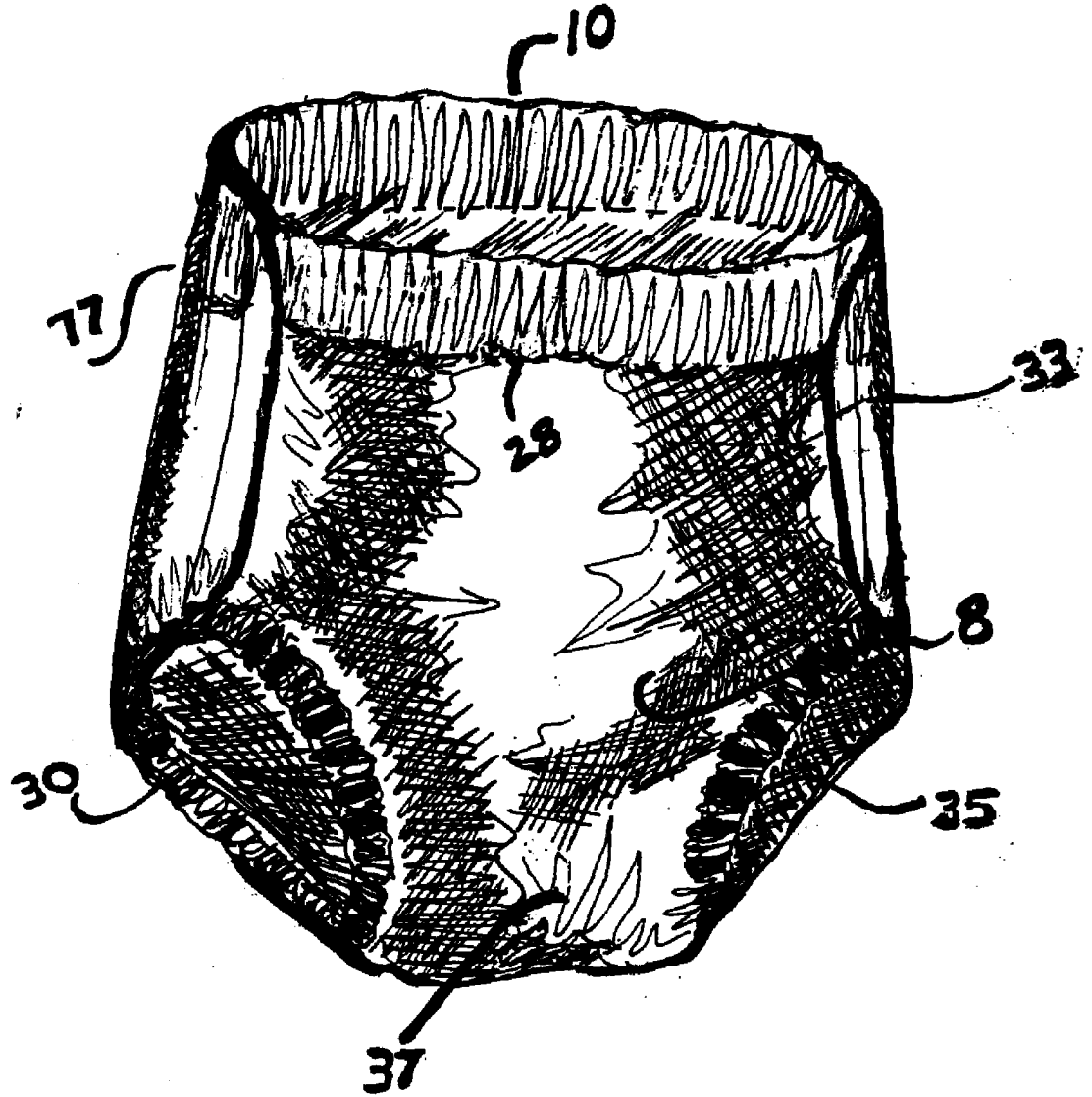
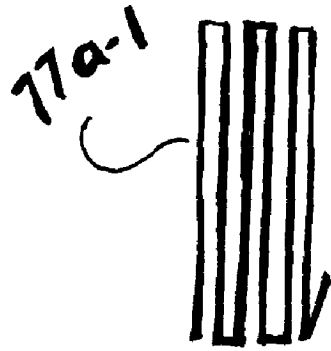


Fig. 1

Illustrates the EXTREME ELASTICITY incorporated into each and every utility style STEP-UP garment. Elasticity includes ALL ENCOMPASSING full waistband , elastic paneled wings, back to front as well as leg openings.



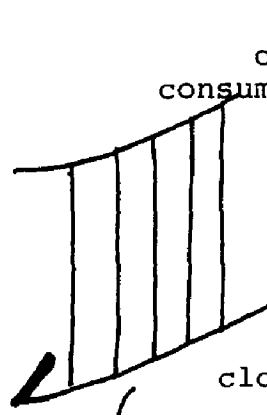
77a-2

Fig.(s) 5



77b

Fig. 6



77c

Fig. 7

The original STEP UP consummate/ complete full wrap flap-like utility quality having non-traditional type elongated tab-like closures.

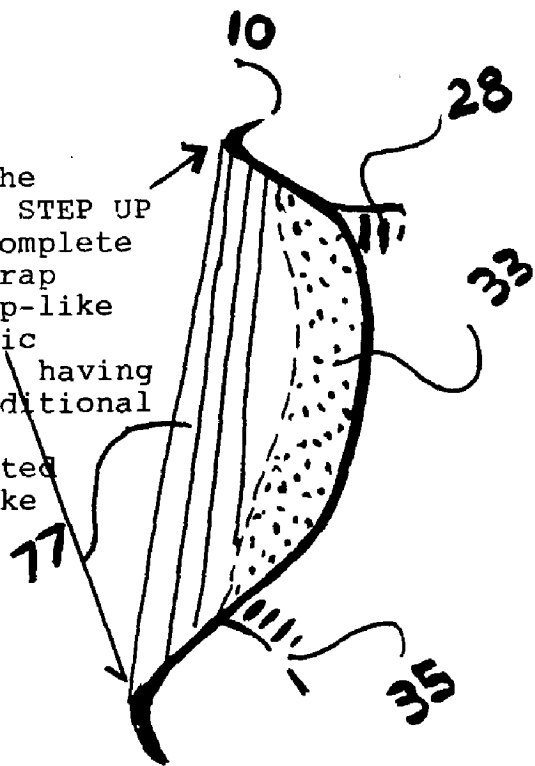


Fig. 8

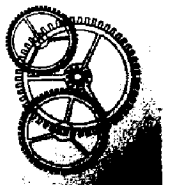
is a cumbersome and awkward task with toddlers can be absolutely exhausting and humiliating for disabled/elderly adults and their caregivers. The "STEP-UP" design could be applied to adult incontinence products, as well, providing ease of use, flexibility, and convenience.

Function and Appealing Features

"STEP-UP" is being suggested by Mrs. Winfrey because she believes it would fulfill the need for a new design for disposable training pants that would open easily when it needs to be changed.

The appealing features of "STEP-UP" would be its utility and appeal for toilet training children, babies, and incontinent adults combined with its ease of use for parents and care providers. The "STEP-UP" would function like standard disposable training pants for young children. They would enjoy the look of "big kid" underwear and the ability to pull the trainers up and down, combined with the protection of disposable diapers. This desire to be more like a big kid, or more like Dad or Mom, is one of the most important facets of successful toilet teaching. Training pants help the child feel that he is making an important step, which could help motivate him to use the potty more successfully.

The "STEP-UP" would be more convenient for parents and caregivers than standard disposable training pants. Without having the appearance of a diaper



The Step-Up was invented on September 5, 1998 by Youth Pastor and Christian Academy Director, Teacher and Owner Eula Crimes.

A Step-Up is a Pull-Up and a Diaper all in one. It's invention was necessary for this reason! When a toddler is just beginning to potty-train numerous accidents can be expected. When an accident occurs with the little ones, the mother must completely undress the lower half of the toddler (or even completely undress them) to return a fresh Pull-Up.

Not only is this very time consuming and inconvenient to the parents, it is an unnecessary discomfort to the toddler.

A Step-Up in contrast is two-fold. It has wide stretchy sides and leak panels with velcro like attachments. The toddler is still able to pull his or her Step-Up up and down and continue progressive training. And it gives the toddler a continued sense of independence!

But if and when an accident does occur, the Step-Up can be easily removed (without having to TEAR) and a new one can be replaced in seconds without undressing the toddler. A Step-Up would absolutely be ideal for the daycares which must handle a large volume of little ones. It is also ideal for we busy mothers at home.

Signed [Signature] DON BRYAN
Signed _____
Signed _____

The Step-Up is an idea from Heaven. I praise God for ideas that help all of us to function more efficiently and peacefully. We love our babies.

Inventor's Signature Mrs. Eula Crimes

Date: 6-25-99

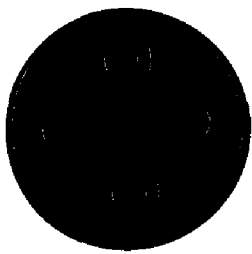
Patent Pending

SS: June 25, 1999

[Signature]

Notary Public, DeKalb County, Georgia
My Commission Expires July 20, 2001

Witness * Francine L. McClain



Smooth Elastics/wide elastics paneled STEP-UP. Possible utility design of the adjacently joined TRAINER TYPE style STEP-UP.

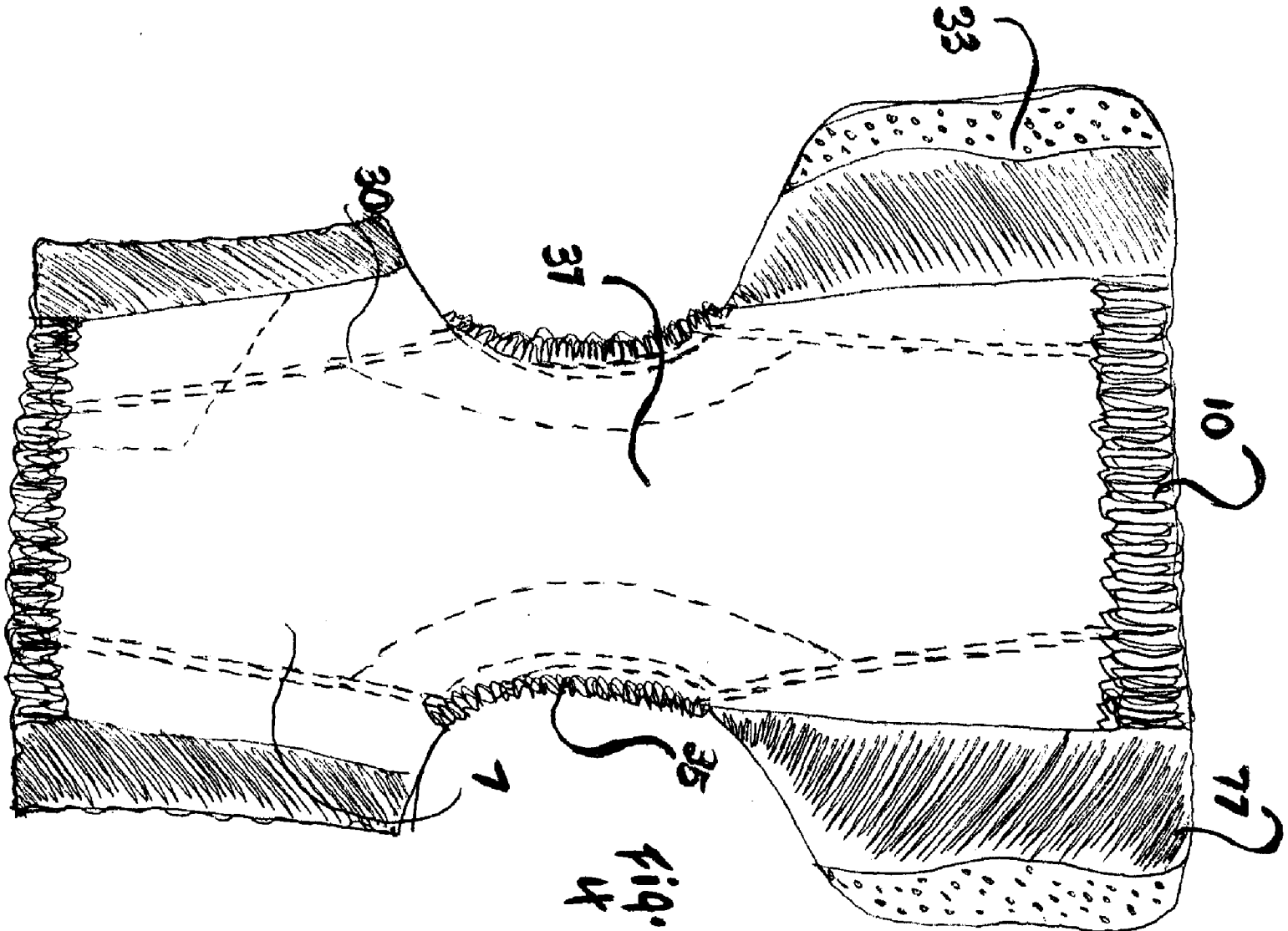
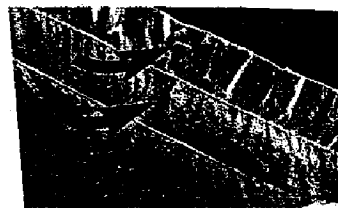


FIG 4. The leakage guard mechanism (30) may be developed by simple formations within the garment or may be configured from bent strips as described in U.S. Patent Ser. No. 08/476,742 of Gryskiewicz entitled ABSORBENT ARTICLE INCLUDING LIQUID CONTAINMENT BEAMS AND LEAKAGE BARRIERS

Illustration showing "Triple-Leak Protection"

HOW TO **HUG** A SPONGE

Feeling thirsty as a
sponge? Come get three
HUGS from HUGGIES®
UltraTrim diapers.

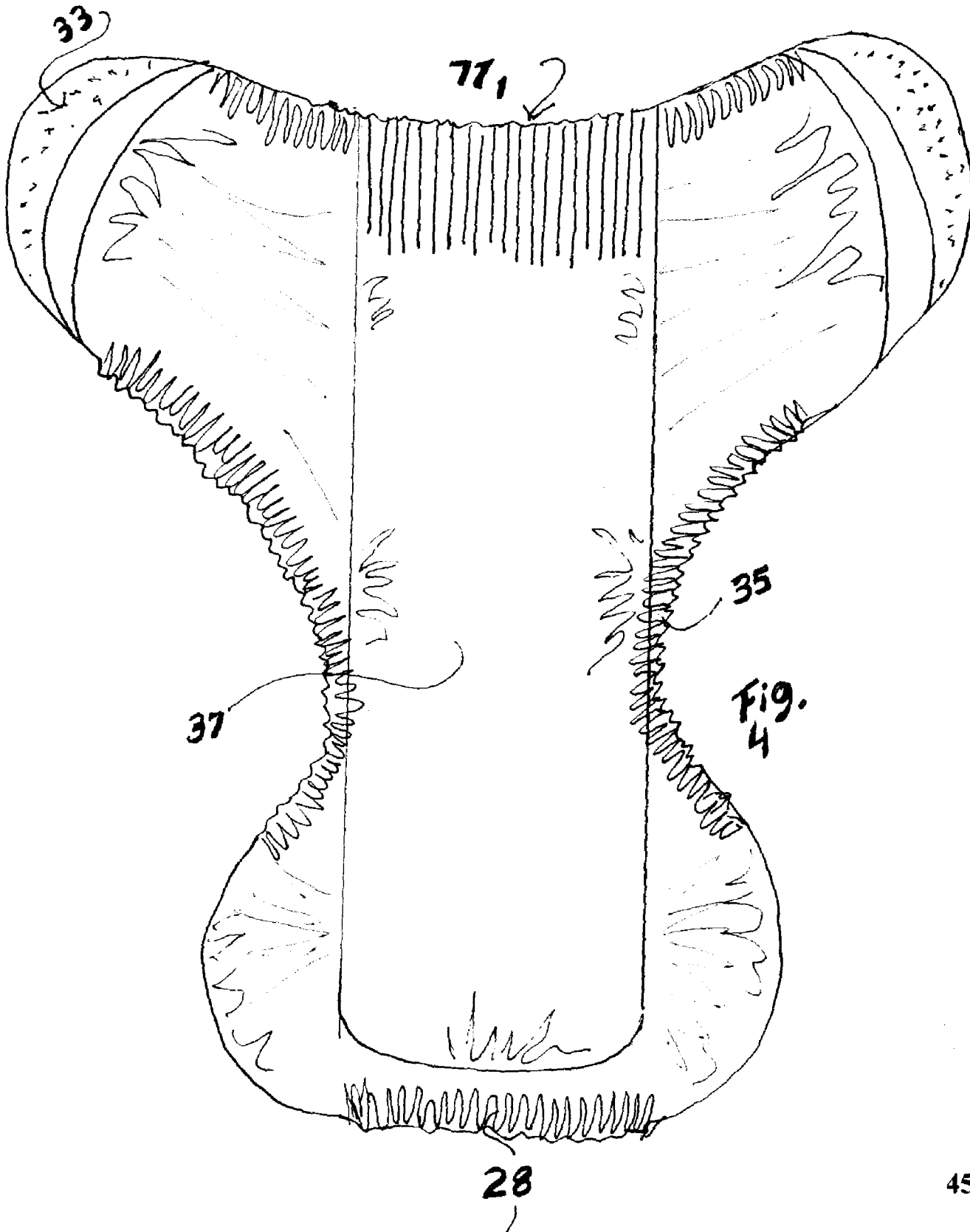


We're Baby-Shaped
diapers, curved like
you are - and now
improved to HUG
your body with three
leak-guards at each
leg. You get triple
leak protection and
a fit that's all your
own. So drink up!
Then come get
HUG - or two or three.

NOTHING **HUGS** LIKE **HUGGIES**



Possible utility design/style of a diaper type adjacent and continuous stretch STEP-up.



See specification pages 27/line 17. Page 38/ line 24

Diapres/ trainers/ pants MAY also comprise double indentive or doubled beam type guards to serve as added leak protection in addition to the standard elastic leg gathers.

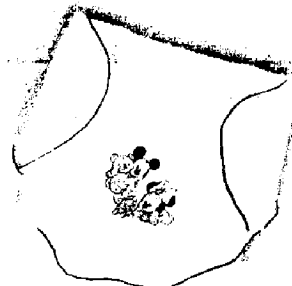
We're proud to announce a new size of HUGGIES® diapers available exclusively at Sam's Club®!

HUGGIES® Snug & Dry Diapers Step 1-2 are sized just right for babies 8 to 15 pounds.

Find them today only at Sam's Club – where great value makes us the place to shop for your baby needs.



- All-around stretch for super-snug fit
- With LeakLock® that quickly captures moisture and locks it away
- Mickey & Friends all-over printed graphics, just for fun!



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YOUR ONE-DAY GUEST PASS TO SHOP*

(10% Service Fee applies)

Good through September 3, 2007.

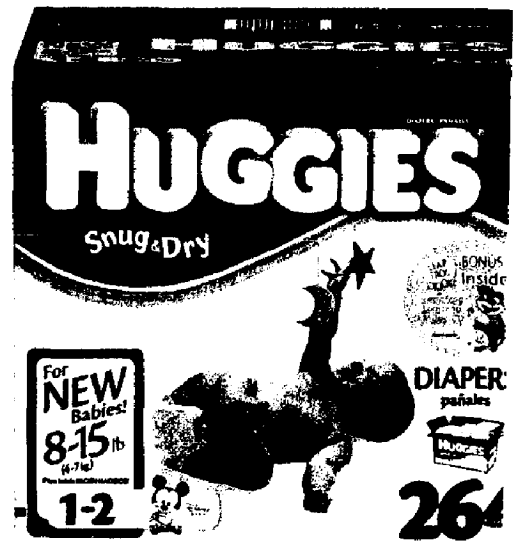


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*A 10% service fee applies on all non-Member purchases when shopping with this one-day guest pass (not applicable in CA, SC or Elmsford, NY). The Sam's Club® one-day guest pass is good for one day only. Only original certificates will be accepted. You must pay for your purchases with cash, debit card (see Club for qualifying networks) Wal-Mart® Credit, MasterCard® or Discover® card only (no checks). You may apply for Membership, subject to qualifications, while visiting any Sam's Club location or online at samsclub.com. Guest pass not valid on samsclub.com.

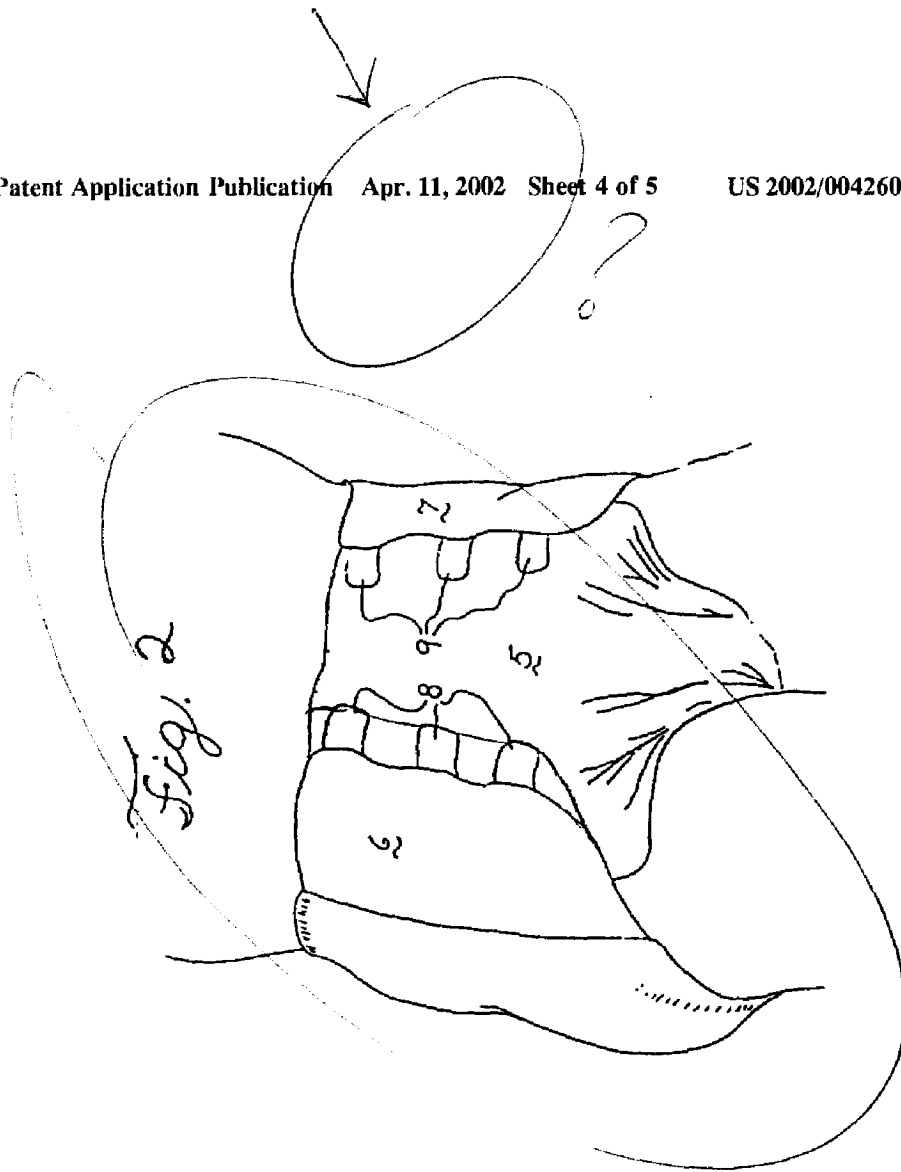


46



Get a LeapFrog CD inside specially marked packages!

Patent Application Publication Apr. 11, 2002 Sheet 4 of 5 US 2002/0042600 A.



You know what they say: "Small feet, small bladder."



Somewhere around the age of 2 1/2, "I gotta go!" becomes a toddler's three favorite words. When it's that time to begin toilet training at your house, here's a tip that may help move things along. Always be consistent. Once you've made

the switch from diapers to Pull-Ups® Training Pants, it's important

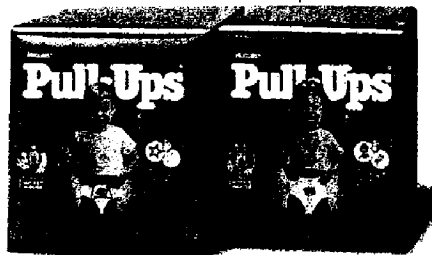
DON'T GO BACK AND FORTH TO DIAPERS NO MATTER HOW OFTEN YOU GO BACK AND FORTH TO THE BATHROOM.

not to backslide. (That's right, even if it means **432**)

Wha...??

trips to the bathroom a day.) The fact is, switching back and forth to diapers can confuse your child and actually slow down potty training progress. So whether

it's naptime, a trip to the mall, or that long car ride to Grandma's house, don't be tempted by diapers. Stick with Pull-Ups® all the time, and you'll have a big kid in no time.



Pull-Ups® I'm a Big Kid Now.®
TRAINING PANTS

Visit Parentstages.com – the best of the web for every parenting stage. Powered by Pull-Ups.com

Really, his favorite
thing to wear
is nothing at all.

New **Huggies Supreme[®] Natural
Fit** diapers. Unlike Pampers[®]
Cruisers, Huggies[®] is the
only diaper with a little thing
called Hugflex – a brand new
hourglass shape so it fits and
feels more natural to your baby.



The little things are everything.

HUGGIES



Step-Up

NOT SINCE THE SINGING, GLOW-IN-THE-DARK, VIBRATING STROLLER THAT DOUBLES AS A FAX MACHINE

HAS THERE BEEN SOMETHING FOR PARENTS TO GET THIS EXCITED ABOUT.

INTRODUCING PULL-UPS® TRAINING PANTS WITH EASY OPEN SIDES.

They're the best thing to happen to moms since the epidural. New Pull-Ups® training pants still go on and off like Big Kid® underwear, but now they have easy open sides for easy removal when you need it. Until they invent a self cleaning, heated potty with leather seats, Pull-Ups® training pants help make potty training easier. For more potty training tools and tips visit www.Pull-Ups.com



How long should toilet training take?

There are as many answers to that question as there are children. Some will train in a week. Some take months. Each child will learn at his or her own pace.

Forcing a child to train faster may actually slow things down. But there is one sure way to make things go smoother and easier.

Always be consistent.

When you're teaching your toddler how to be a Big Kid—be consistent. Have a set time for naps. A set time for meals. A set way to wash, even a set way to tie shoes. It's especially important to be consistent during toilet training.

Confusion...

When you make the big switch from diapers to training pants, don't switch back and forth to diapers. Keep your child in training pants. Success may not be instant—but it will be easier in the long run.

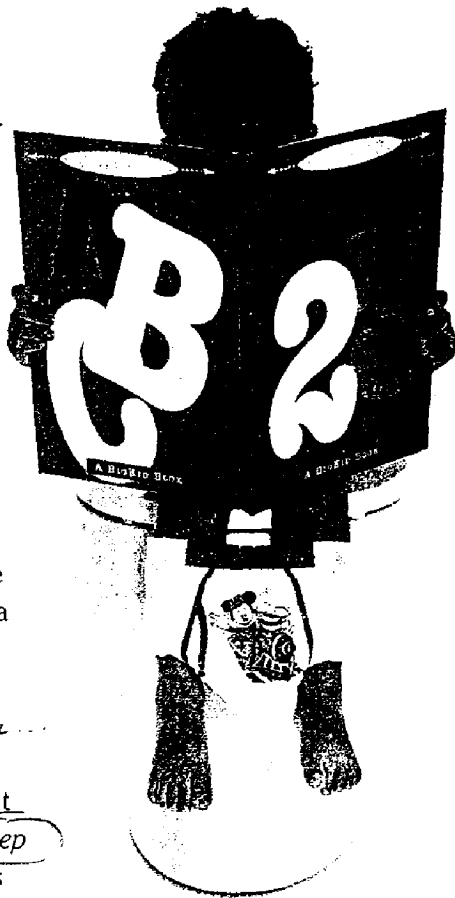
Pull-Ups® say,

"You're getting bigger."

Being able to put on and take off your own underwear may not seem like much to you—but it's a huge step forward for a toddler. Your child is no longer a baby, dependent on you for diapering. They're a Big Kid, proud to be independent, taking care

*Two year olds diapering themselves when accidentally soiled?
No...*

Tear Away? Sides?



of themselves. And when they feel like a Big Kid, they're more apt to act like one. Keep reinforcing those Big Kid habits with Pull-Ups, and training is bound to go more smoothly.

And Pull-Ups still give you unsurpassed protection—plus tear-away sides in case of accidents.

New Big Kid™ look:

Mickey and Minnie designs

With their new designs—Mickey Mouse for boys, Minnie Mouse for girls—Pull-Ups training pants look like the underwear a Big Kid wears. Children can't resist them.

Just wearing them will give your kid a Big Kid feeling.

*Come visit us at www.pull-ups.com *Regression?**

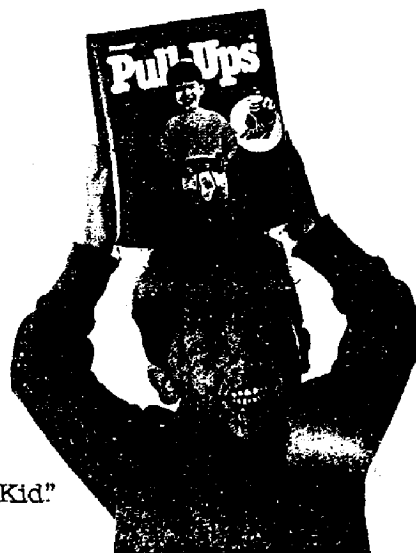
What if they train—then backtrack?

What if they'll train for urine but not for BMs? How can you be sure they're ready to start in the first place? If you've got questions, we'd be glad to help. Come visit us on the Web anytime.

Then relax, don't worry—and keep encouraging those Big Kid habits with Pull-Ups.

We're sure you and your Big Kid will do just fine.

® Registered trademark and ™ trademark of Kimberly-Clark Corporation.





Start
toilet training
on the

Presenting Pull-Ups' disposable training pants from Huggies.

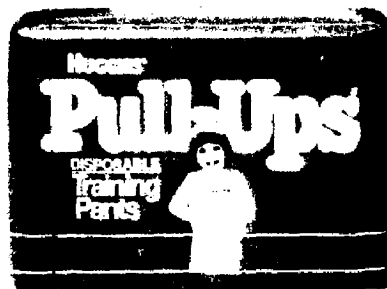


Pull-Ups have tear-away side seams for easy removal, in case of messy accidents.

Toilet training may be as important as your child's first step. That's why we created Pull-Ups training pants. They go on like underwear, and protect like a diaper. And that's what makes them unique. They look and feel like "big kid" pants, yet offer the protection your child needs.

Pull-Ups training pants have a super absorbent pad that soaks up wetness, and a special moisture-proof layer to help protect against leaks.

Even overnight. Pull-Ups disposable training pants. When your child is there's nothing like Pull-Ups.



Go on like underwear.
Protect like a diaper.

For children 19-59 pounds. Available in limited areas.

US PATENT & TRADEMARK OFFICE

PATENT APPLICATION FULL TEXT AND IMAGE DATABASE



(1 of 1)

United States Patent Application

Kind Code

Datta, Paul Joseph ; et al

20020042600

AI
April 11, 2002 ?

Full wrapping disposable refastenable and adjustable pant

Abstract

A disposable pant for adults, toddlers and infants is provided. The pant has elastic side panels of sufficient width to be able to wrap around the pant when loaded with bodily wastes so as to form an elastic pouch for disposal. In an embodiment of the pant there is provided a pant having a body having a front end, a back end, and a crotch area. The body was a chassis, a front fastening panel, and two elastic side panels.

Inventors: Datta, Paul Joseph; (*Appleton, WI*) ; Schmeker, Suzanne Marie; (*Oshkosh, WI*)

Correspondence **BRINKS HOFER GILSON & LIONE**

Name and **P.O. BOX 10395**

Address: **CHICAGO**

IL

60610

US

Serial No.: **872976**

Series Code: **09**

Filed: **May 31, 2001**

U.S. Current Class: **604/385.13; 604/385.01; 604/385.3; 604/392**

U.S. Class at Publication: **604/385.13; 604/385.01; 604/385.3; 604/392**

Intern'l Class: **A61F 013/15; A61F 013/20**

Claims

1. A pant comprising a chassis and a pair of elastic panels; the pant having a front and back end; the



US 20020042600A1

(19) **United States**

(12) **Patent Application Publication** (10) Pub. No.: **US 2002/0042600 A1**

Datta et al.

(43) Pub. Date:

Apr. 11, 2002

(54) **FULL WRAPPING DISPOSABLE
REFASTENABLE AND ADJUSTABLE PANT**

Publication Classification

(76) Inventors: Paul Joseph Datta, Appleton, WI (US);
Suzanne Marie Schmoeker, Oshkosh,
WI (US)

(51) Int. Cl.⁷ A61F 13/15; A61F 13/20
(52) U.S. Cl. 604/385.13; 604/385.01; 604/385.3;
604/392

Correspondence Address:
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610 (US)

(57) **ABSTRACT**

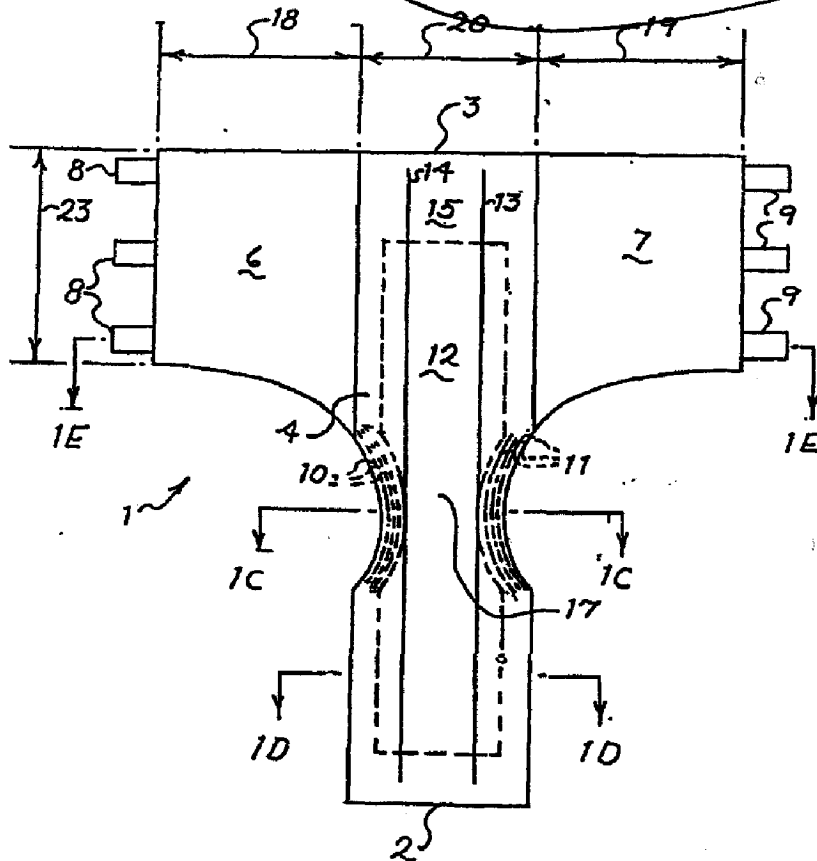
(21) Appl. No.: 09/872,976

(22) Filed: **May 31, 2001**

Related U.S. Application Data

(63) Continuation of application No. 09/215,865, filed on
Dec. 18, 1998, now abandoned.

A disposable pant for adults, toddlers and infants is provided. The pant has elastic side panels of sufficient width to be able to wrap around the pant when loaded with bodily wastes so as to form an elastic pouch for disposal. In an embodiment of the pant there is provided a pant having a body having a front end, a back end, and a crotch area. The body was a chassis, a front fastening panel, and two elastic side panels.



*My
consummate - underwear
overlapping - wrap around
enclosure.*

*The Full-wrapping
Quality of the Step-up
is what they
were
patenting.*

?

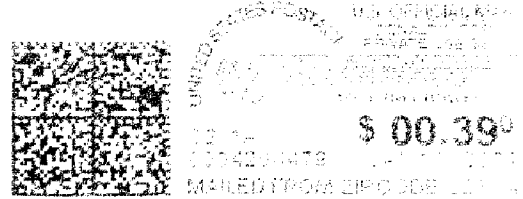
Organization TG8700 RANDOLPH
107.8 R-111 Bldg./Room

UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
Alexandria, VA. 22313-1450
If Undeliverable Return In Ten Days

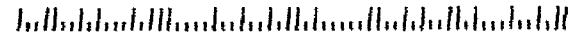
AN EQUAL OPPORTUNITY EMPLOYER

Official Business
Penalty For Private Use, \$300

*4.18.09
Jovanston*



3520482512 0050



1037 – 6th Place West
Birmingham, AL 35204
September 8, 2008

The Honorable Judge Thrash
United States District Court
Northern District Of Georgia
Atlanta Division

RE: NON-RECEIPT OF ORDER

The Inventor filed suit against the United States Patent & Trademark Office (USPTO) employees, Jon Dudas, Director of Patents and John Weiss, Supervisory Examiner of Patent Application #9422542.

The Inventor extends heart felt apologies to the honorable Judge Thrash concerning his order to the U. S. Attorney General. Peculiarly, this order was neither received by Eula Winfrey or John Evans of Operation LEAD. The Plaintiff requests that reasoning of this matter should be studied. Surely, if Ms. Winfrey had known of the order, she would have immediately complied with the wisdom of Judge Thrash. The lawsuit, on this date, is filed with all matters of timing resolved, the serving of the U.S. Attorney General and the proper serving of the USPTO and Kimberly-Clark Corporation. At the answer or motion of these defendants according to Rule 26(f) within 16-30 days, the Inventor requests an immediate Conference at that time. Ms. Winfrey also adds to this lawsuit a document from the USPTO CD-Rom showing tampering of records indicating “Abandonment.” Apparent liquid paper markings are noted and no dating of such “Abandonment” was discovered. The confirmation number assigned to Ms. Winfrey was SIGNED and validated by Patent Examiner, Michelle Kidwell (see CD-Rom document). Also, after such signing the “STEP-UP” application was not published for unexplained causes (AN INFRINGEMENT OR INTERFERENCE OCCURS WHEN AN INVENTOR OR CORPORATION TRIES TO PATENT OR USE AN IDEA ALREADY FILED FOR BY ANOTHER INVENTOR. MS. WINFREY FILED FOR THE PATENT YEARS BEFORE THE SAME WERE GRANTED TO KIMBERLY-CLARK CORPORATION.)

Ms. Winfrey also has proof of the interception of her Appeal Brief taken by the Supervisory Examiner at the USPTO tracking center #1-124531608.

Ms. Winfrey prays for vindication in the filing of this lawsuit. She thanks the court for receiving this case and all the proof that goes before it.

Respectively,

Eula B. Winfrey
Inventor

Operation Lead

Leadership To End All Discrimination

6382 Isle of Palms • Lithonia, Georgia 30058

Phone 678-526-9026 • Fax 678-526-0895

johnhevens1@yahoo.com

February 7, 2008

John W. Dudas
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Customer Service Window, Mail Stop Document Services
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Subject: Patent Application # 09-422, 542

Dear Director Dudas:

We are investigating the alleged pirating of Mrs. Eula Winfrey's attempt to patent her invention (patent #09-0422, 542). Mrs. Winfrey further alleged that a relationship (conflict of interest) between Kimberly Clark/Huggies and the United States Patent and Trademark office was the primary reason for her invention not being approved. As we understand it, Mrs. Michele Kidwell was the last Primary Examiner of record (Art Unit #3761) for the Patent Office.

Please answer the following questions:

- 1) Was Mr. Weiss a former employee of Kimberly Clark before he came to the patent office?
- 2) Did Mr. Weiss serve as a consultant or advisor with Kimberly Clark?
- 3) Did Mr. Weiss personally know the person at Kimberly Clark who was working with Mrs. Winfrey's case?
- 4) How soon after Kimberly Clark and the patent office was working Mrs. Winfrey's invention did Kimberly Clark receive it's patent for the same product?
- 5) We think when you read the chronological and pattern of infringement the facts will come out. Director Dudas, we hope you will give us the courtesy of having an internal investigation of this matter.

By the way, Operation Lead is a National Legal, Civil and Human Rights organization located in Dekalb County, Georgia.

I look forward to hearing from you in ten working days from the receipt of this letter.

Sincerely,



John Evans, President
Operation LEAD

CC: Mrs. Eula Winfrey, 1037 Sixth Place West, Birmingham Alabama 35204
Mr. Thomas Falk, CEO, Kimberly Clark, 351 Phelps Drive, Irvin Texas 75038
Oprah Winfrey Show
U.S. Attorney General

09/422542
10/18/95
Joseph U.S. PTO

ISSUE CLASSIFICATION	
Class	Subclass

Best Available Copy

PATENT NUMBER

72?

U.S. UTILITY PATENT APPLICATION

PATENT DATE

OLP.E
 11/10/95
 11/10/95
 O.A.

SECTOR	CLASS	SUBCLASS	ART UNIT	EXAMINER
		3-5-1		

FILED WITH: DISK (CRF) FICHE
(insert in proper file jacket)

ABANDONED

PREPARED AND APPROVED FOR ISSUE

ORIGINAL		CROSS REFERENCES	
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)
INTERNATIONAL CLASSIFICATION			

Continued on Issue Slip inside File Jacket

<input type="checkbox"/> TERMINAL DISCLAIMER	DRAWINGS		CLAIMS ALLOWED	
	Sheets Draw.	Figs. Draw.	Print Fig.	Total Claims
<input type="checkbox"/> a) The term of this patent subsequent to _____ (date) has been disclaimed.	_____ (date)		Print Claims for O.G.	
<input type="checkbox"/> b) The term of this patent shall not extend beyond the expiration date of U.S. Patent No. _____.	_____ (date)		NOTICE OF ALLOWANCE MAILED	
<input type="checkbox"/> c) The terminal _____ months of this patent have been disclaimed.	_____ (date)		Amount Due	
WARNING: The information disclosed herein may be restricted. Use other than _____ may be prohibited by the United States Code Title 35, Sections 122, 161 and 366. Penalties outside the U.S. Patent & Trademark Office is up to \$100,000 and/or imprisonment and confinement only.			Date Paid	
Post PTO-C20A (Rev. 10/87)			ISSUE BATCH NUMBER	

(LABEL AREA)

(FACE)



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/422,542	10/18/1999	EULA BELLE WINFREY		5679

7590 01/17/2007
EULA WINFREY
1037 SIXTH PLACE WEST
BIRMINGHAM, AL 35204

EXAMINER

KIDWELL, MICHELE M

ART UNIT	PAPER NUMBER
3761	

MAIL DATE	DELIVERY MODE
01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.


Notice of Abandonment	Application No.	Applicant(s)	
	09/422,542	WINFREY, EULA BELLE	
	Examiner	Art Unit	
	Michele Kidwell	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(e) and 1.114. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

The applicant's notice of appeal was filed on May 31, 2006. To date, no corresponding appeal brief has been filed. Likewise, the current and previous responses filed do not appear to be a bona fide attempt to advance prosecution and therefore do not toll the period for reply.


 Michele Kidwell
 Primary Examiner
 Art Unit: 3761

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

COMPLETE THIS SECTION ON DELIVERY

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature Agent Addressee
Lawrence H. Rubin

B. Received by Express Mail Return Receipt for Merchandise
 C. Date of Delivery **SEP 16 2008**

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

1. Article Addressed to:
*The Honorable Michael
 O. Mukasey
 U.S. Attorney General
 U.S. Department of Justice
 950 Pennsylvania Ave. NW,
 Washington, D.C.
 20530-0001*

Service Type
 Certified Mail
 Registered
 Insured Mail
 Express Mail
 Return Receipt for Merchandise
 C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

2. Article Number (Transfer from service label) **7007 2680 0000 2669 1882**

PS Form 3811, February 2004 Domestic Return Receipt 102895-02-M-1540

TURN OF SERVICE	
DATE	<i>Sept. 16, 2008</i> <i>9/16/08</i>
TITLE	<i>Plaintiff</i>
Service	
Where served:	
<p>FILED IN CLERK'S OFFICE U.S.D.C. Atlanta SEP 22 2008</p>	
<p>Use or usual place of abode with a person of suitable age and complaint were left:</p> <p>JAMES N. HATTEN, Clerk By: <i>[Signature]</i> Deputy Clerk</p>	
STATEMENT OF SERVICE FEES	
TOTAL	\$0.00
DECLARATION OF SERVER	
<p>Under the laws of the United States of America that the foregoing information of Service Fees is true and correct.</p> <p><i>[Signature]</i> Signature of Server</p> <p><i>1039 Sixth Place West, Bham AL 35204</i> Address of Server</p>	

*The Honorable Michael
 Mukasey
 U.S. Attorney General
 U.S. Department of Justice
 950 Pennsylvania Ave. NW.
 Washington D.C.
 20530-0001*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

RETURN OF SERVICE

DATE 9-11-08

TITLE Plaintiff
of service ff

here served:

house or usual place of abode with a permitted clerk's office
signature and

plaintiff were left:

SEP 2 2 2008

JAMES N. HARTEN, Clerk
By: [Signature] Deputy Clerk

AMOUNT OF SERVICE FEES

TOTAL \$0.00

IDENTIFICATION OF SERVER

Laws of the United States of America that the foregoing information
and service fees is true and correct.

[Signature]
Signature of Server

1034 Sixth Floor D. Blum
Address of Server 35207

Kimberly Clark Corporation / Reg. agent
251 Phelps Drive
Irving, Texas 75038

9-11-08
Date

Executed on

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete
item 4 if Restricted Delivery is desired.
Print your name and address on the reverse
so that we can return the card to you.
Attach this card to the back of the mailpiece,
or on the front if space permits.

Article Addressed to:
KIMBERLY CLARK
CORPORATION Reg. Agent
251 PHELPS DRIVE FALK
IRVING, TX. 75038

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] Agent Addressee
B. Received by (Printed Name) G. AKIN C. Date of Delivery 9/11/08
D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

Article Number
(Transfer from service label) 7007 2680 0000 2669 1899

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

DATE OF SERVICE

9-11-08

Blunkoff

At
Addressed to:

usual place of abode with a person of suitable age and
it were left:

FILED IN THE CLERK'S OFFICE
U.S. DISTRICT COURT
ALEXANDRIA

SEP 2 2 2008

JAMES H. PATTERSON, Clerk
BY: *[Signature]* Deputy Clerk

DATE OF SERVICE FILED

AMOUNT OF SERVICE FEES TOTAL \$0.00

The United States of America that the foregoing information
is true and correct.

[Signature]
Signature of Server

[Signature]
Address of Server
USPTO (United States Patent + Trademark Offices)
Jonathan W DUDAS
Randolph Bldg.
401 Dulany Street
ALEXANDRIA, VA. 22314

Executed on 9-11-08
Date

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

JOHNATHAN (JON) W DUDAS
US PATENT + TRADEMARK OFFICE
CUSTOMER SERVICE WINDOW
MAIL STOP DOCUMENT SERVICES
RANDOLPH BUILDING
401 DULANY STREET
ALEXANDRIA, VA. 22314

Article Number

(Transfer from service label)

7007 2680 0000 2669 1936

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent Addressee

B. Received by (Printed Name) C. Date of Delivery
4-11-08

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

DATE OF SERVICE	9-11-08
TO	Plaintiff
PLACE OF SERVICE	
NAME OF PERSON SERVED	
ADDRESS OR USUAL PLACE OF ABODE WITH A PERSON OF SUITABLE AGE AND	
DATE WHEN SERVED	SEP 2 2008
NAME OF CLERK	JAMES J. WALTERS, Clerk BNE [Signature]
AMOUNT OF SERVICE FEES	TOTAL \$0.00
STATE OF SERVICE	
STATE OF THE UNITED STATES OF AMERICA THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT.	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Weiss
U.S. PATENT & TRADEMARK OFFICE
RANDOLPH BUILDING
401 DULANY STREET
ALEXANDRIA, VA. 22314

2. Article Number (Transfer from service label) 7007 2680 0000 2669 1912

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
[Signature]

B. Received by (Printed Name) C. Date of Delivery
 [Blank] 9-11-08

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

John Weiss
 Signature of Server

1037 Sixth Pl W. Bldg 3204
 Address of Server

USPTO
 John Weiss (United States Patent & Trademark Office)
 RANDOLPH Bldg.
 401 Dulany Street
 ALEXANDRIA, VA. 22314

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

COMPLETE THIS SECTION ON DELIVERY

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*The Honorable David Nahmias
 Georgia State Attorney General
 600 US Courthouse
 75 Spring Street SW,
 Atlanta, Ga. 30303*

Executed on

9-10-08
 Date

2. Article Number

7007 2680 0000 2669 1905
 (transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-0271-1541

Signature of Server

Paul S. Wampler

Address of Server

*1037 Sixth Pl. W. Bhamptll.
 35204*

*The Honorable David Nahmias
 Georgia State Att. General
 600 US Courthouse
 75 Spring Street SW,
 Atlanta, Ga. 30303*

RETURN OF SERVICE

DATE *9/10/2008*
 TITLE *Plaintiff*

Place of service where served:
 house or usual place of abode with a person of suitable age and capacity
 complaint were left:
 NO

FILED IN CLERK'S OFFICE
 SEP 22 2008
 JAMES H. HATTEN, Clerk
 By: *[Signature]* Deputy Clerk

STATEMENT OF SERVICE FEES

TOTAL \$0.00

DECLARATION OF SERVER

I declare under the laws of the United States of America that the foregoing information and the Statement of Service Fees is true and correct.

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.