

# Exhibit 1

**From:** Levine, Paul M. [pmlevine@bakerlaw.com](mailto:pmlevine@bakerlaw.com)   
**Subject:** FOIA Request  
**Date:** November 6, 2017 at 5:33 PM  
**To:** FOIARequests@uspto.gov  
**Cc:** Grossman, Andrew M [agrossman@bakerlaw.com](mailto:agrossman@bakerlaw.com), DeLaquil, Mark [mdelaquil@bakerlaw.com](mailto:mdelaquil@bakerlaw.com)

PL

Dear U.S. Patent and Trademark FOIA Officer:

We represent Gilbert P. Hyatt. Pursuant to the Freedom of Information Act, we are requesting that the PTO produce the email sent by PTO examiner Cindy Khuu in response to a March 10, 2016 email sent by PTO examiner Walter Briney regarding Mr. Hyatt's 1993 divorce proceedings. A copy of Mr. Briney's email is attached hereto.

We had previously requested that the PTO produce Ms. Khuu's email voluntarily. A copy of our letter requesting that the PTO provide the document is also attached hereto.

Given the limited nature of this request and our prior attempts to obtain Ms. Khuu's email, we intend to enforce all statutory deadlines and seek attorney's fees authorized by statute if the PTO does not timely produce Ms. Khuu's email in response to this request.

We hereby authorize you to supply records responsive to this request without informing me of cost if the fees do not exceed \$250.00, which we agree to pay. Please be sure to contact me if the fees will exceed that amount and to arrange for record delivery.

Thank you for your consideration.

Paul

**Paul Levine**  
Partner

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**BakerHostetler**

Washington Square  
1050 Connecticut Ave, N.W. | Suite 1100  
Washington, DC 20036-5304  
T +1.202.861.1606

[pmlevine@bakerlaw.com](mailto:pmlevine@bakerlaw.com)  
[bakerlaw.com](http://bakerlaw.com)



**BakerHostetler**

Baker & Hostetler LLP

Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5403  
T 202.861.1500  
F 202.861.1783  
www.bakerlaw.com

October 30, 2017

Paul M. Levine  
direct dial: 202.861.1606  
pml Levine@bakerlaw.com

**VIA E-MAIL**

Philip Warrick  
U.S. Patent and Trademark Office  
Office of the Solicitor  
600 Dulany Street  
Alexandria, VA 22314

Re: *Hyatt v. Matal*

Dear Phil:

We hereby request that the PTO produce the email sent by PTO examiner Cindy Khuu in response to the March 10, 2016 email sent by PTO examiner Walter Briney regarding Mr. Hyatt's 1993 divorce proceedings (PTO16-0000740). This email should have been produced in discovery but the PTO refused to produce it despite promising to do so. We also believe that the PTO is obligated to produce this email pursuant to a Freedom of Information Act and/or Privacy Act request. We therefore request that the PTO now produce this email voluntarily; however, we will file a formal FOIA and/or Privacy Act request if the PTO does not do so by November 3, 2017.

Sincerely,



Paul M. Levine

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver  
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC

**Briney III, Walter**

**From:** Briney III, Walter  
**Sent:** Thursday, March 10, 2016 9:54 AM  
**To:** Morse, Gregory; Atala, Jamie J.; Colan, Giovanna B.; David, Matthew; Divecha, Nishant B.; Kackar, Ram; Khuu, Hien Dieu Thi; Lee, John W.; Lee, Philip; Neurauter, George; Pich, Ponnoreay; Rosen, Elizabeth H.; Roswell, Michael; Rutland-Wallis, Michael; Welch, David T.  
**Subject:** Hyatt Articles from the LA Times

I've been meaning to share these links for a while. The first points to a collection of articles about Hyatt. The second is one of those articles. I flagged the second one because it, more than anything else I've read, provides a unique glimpse into Hyatt's mind and the value he places on his patent applications.

<http://articles.latimes.com/keyword/gilbert-p-hyatt>

[http://articles.latimes.com/1993-06-02/business/fi-42447\\_1\\_divorce-settlement](http://articles.latimes.com/1993-06-02/business/fi-42447_1_divorce-settlement)

**PTX-115**

**PROTECTED**

**PTO16-0000740**

**PTX-115.00001**