

Jed Margolin

From: "Carlo, Pennie L Civ USAF AFMC AFRL/RIOI" <Pennie.Carlo@rl.af.mil>
To: <jm@jmargolin.com>
Sent: Monday, May 03, 2010 12:24 PM
Subject: FOIA REQUEST 2010-04190-F

Good Afternoon Mr. Margolin,

I have reviewed the request you sent regarding the information below:

I would like all documents relating to the use of Synthetic Vision in the project being reported as the X-37B and/or the X-40A

I have been unable to find records responsive to your request. I have sent the request forward to legal, contracting and the mission divisions for evaluation. Unless you can send me a contract #, the name of a program manager, or some other defining information, we will be forced to close this request as no records found.

Please advise.

Thank you for your assistance.

Pennie

Pennie Carlo, AFRL/RIOI
Pubs & Forms Manager
(315) 330-7786; DSN 587-7786

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: "Carlo, Pennie L Civ USAF AFMC AFRL/RIOI" <Pennie.Carlo@rl.af.mil>
Sent: Monday, May 03, 2010 3:30 PM
Attach: jm_ris_dod.pdf; jm_ris_summary_ris.pdf
Subject: Re: FOIA REQUEST 2010-04190-F

> **I have been unable to find records responsive to your request. I have sent the request forward to legal, contracting and the mission divisions for evaluation. Unless you can send me a contract #, the name of a program manager, or some other defining information, we will be forced to close this request as no records found.**

Dear Pennie Carlo AFRL/RIOI,

The company *Rapid Imaging Software* produced the Synthetic Vision software for the X-38 when it was a NASA project. It is likely that Rapid Imaging Software would have also done Synthetic Vision for the X-37 / X37B / X-40.

The database at <http://www.fedspending.org> produces a number of results for the company "Rapid Imaging Software."

One is for a DOD project in FY2004. See attached file *jm_ris_dod.pdf*

I do not know which number is the contract number.

Since the X-37B was a black project the contracting may have been done through NASA or maybe even the Department of Transportation. See attached file ***jm_ris_summary.pdf***.

Or, since it was a black project, you may not have access to the information.

The existence of the project is not a secret anymore (<http://latimesblogs.latimes.com/technology/robots/>), only its purpose.

Synthetic Vision is not a secret. Synthetic Vision is already used on UAVs like the Shadow 200, as well as on commercial aircraft with the pilot onboard. See <https://buy.garmin.com/shop/shop.do?pID=37630>.

Mike Abernathy of Rapid Imaging Software has collaborated with AFRL on several papers relating to Synthetic Vision. For example, from the paper **Synthetic vision system for improving unmanned aerial vehicle operator situation awareness**, page 3:

<http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA436272&Location=U2&doc=GetTRDoc.pdf>):

2. COLLABORATION ON CANDIDATE UAV SYNTHETIC VISION SYSTEM

The Air Force Research Laboratory's Warfighter Interface Division has engaged in an undertaking to design

and evaluate the military utility of conformal interactive synthetic vision overlay concepts tailored to UAV operations.

Using detailed knowledge of current Air Force UAV operations along with established human factors design practices,

several initial interface concepts have been generated and supporting hardware architecture developed. In parallel,

Rapid Imaging Software, Inc., under a NASA research contract, has developed a synthetic vision product called the

SmartCam3D System (SCS) to improve the situation awareness of NASA UAV operators. The SCS has been

engineered to be tested in operational UAV environments and has been evaluated by operators during multiple flights of

the NASA X-38 UAV and the Army Shadow UAV. The present collaboration brings these two resources together to

design and evaluate tailored synthetic visual overlays for various Air Force UAV and C2 applications, including those

involving teleoperated and small UAV applications.

Did he do that for free?

Regards,

Jed Margolin

=====

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

From: [Carlo, Pennie L Civ USAF AFMC AFRL/RIOI](#)

To: jm@jmargolin.com

Sent: Monday, May 03, 2010 12:24 PM

Subject: FOIA REQUEST 2010-04190-F

Good Afternoon Mr. Margolin,

I have reviewed the request you sent regarding the information below:

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Please advise.

Thank you for your assistance.

Pennie

Pennie Carlo, AFRL/RIOI

Pubs & Forms Manager
(315) 330-7786; DSN 587-7786

SUPER SEARCH

Advanced Search for Contracts

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Search by Name: [GO](#)

[Top 100 Contractors \(2009\)](#) [GO](#)

Awards by Contractor State

Awards by Cong. District of contractor

BY PLACE OF PERFORMANCE

[Overview Congressional Districts](#) [GO](#)

[Overview by State](#) [GO](#)

BY CONTRACTING AGENCY

[Overview by Major Agency](#) [GO](#)

BY COMPETITION TYPE

By Competition Type

BY PRODUCT OR SERVICE

By Product or Service Provided

[Competition and Service, 2009](#) [GO](#)

The contracts database is compiled from government data last released on 05/28/2009



[PRINTER-FRIENDLY](#)

Contract Transaction #4703423 (FY 2000-2009)



Search Criteria Used (More)	
Federal Fiscal Year	ALL GO
Level of Detail	Extensive (detailed info) GO
Output	HTML GO

Expanded Detail on Individual Transactions for FY 2004

Award #1

Amounts (Award) ?

Dollars Obligated	\$88,141
Current Contract Value	\$0
Ultimate Contract Value	\$0

Purchaser Information (Award) ?

Major Agency	Dept. of Defense
Modified Contracting Agency	5700: AIR FORCE, Department of the (Headquarters, USAF)
Contracting Agency	AIR FORCE, Department of the (Headquarters, USAF)
Contracting Office	GR16
Program / Funding Agency	AIR FORCE, Department of the (Headquarters, USAF)
Funded by Foreign Government or International Org.	No

Contract Information (Award) ?

Date Signed	09/10/2004
Effective Date	09/10/2004
Current Completion Date	03/10/2005
Award Type	Purchase Order
Type of Contract Pricing	Fixed Price
Letter Contract	No
Multi-Year Contract	No
Performance-Based Service Contract	Yes
Cost or Pricing Data DoD	No
Contract Financing	Not Applicable
Cost Accounting Standards Clause	No
Contract Description	200412!000350!5700!GR16 !AFRL/MLKH Human Effectiveness Br!FA865004M6553 !A!N! !Y! ! ! 20040910!20050310!147266894!147266894!147266894!N!RAPID IMAGING SOFTWARE, INC !1318 RIDGECREST PLACE SE !ALBUQUERQUE !NM!87108!02000!001!35!Albuquerque !Bernalillo !New
Purchase Card As Payment Method	No
Number of Actions	1
National Interest Action	None

Contractor Information (Award) ? (Award #1)

Vendor Name	RAPID IMAGING SOFTWARE, INC
Vendor Name from Contract	RAPID IMAGING SOFTWARE, INC
Best Vendor Name	RAPID IMAGING SOFTWARE, INC
Vendor Enabled	0
Vendor Location Disable Flag	0
Vendor Address Line 1	1318 RIDGECREST PLACE SE
Vendor Address City	ALBUQUERQUE
Vendor Address State	NM: New Mexico
Vendor Zip Code	87108
Vendor Congressional District (Modified)	NM01: New Mexico 1
Vendor DUNS Number	1472668940000
Parent ID	286355
Parent Company Name	RAPID IMAGING SOFTWARE IN

Principal Place of Performance (Award) ?

Place Congressional District (Modified)	NM90: New Mexico unknown districts
Place of Performance Code	02000
Place of Performance State	NM: New Mexico
Place of Performance Country	United States

Product or Service Information (Award) ? (Award #1)

Major Product or Service Code	A: Research and development
Product or Service Code	AZ11: Other Research and Development -- Basic Research (R&D)
DoD Program, System, or Equipment Code	000

DoD Claimant Program Code	C9E
Principal NAICS Code	541710: Research and Development in the Physical, Engineering, and Life Sciences
Govt. Furnished Equipment or Property	No
Use of EPA Designated Products	Not Required
Sea Transportation	No
Contract Bundling Reason	Not a bundled requirement
Consolidated Contract	No

Record Information (Award) ?

Identifying Agency ID	9700: DEFENSE, Department of
Procurement Instrument ID	FA865004M6553
Modification Number	0
Transaction Number	0
Fiscal Year	2004
XML Schema Version	1.2.1

Competition Information (Award) ? (Award #1)

Competition Category	Not competed
Extent Competed	C: Not Competed
Number of Offers Received	1
Pre-award Synopsis Requirement	Yes
Synopsis Waiver Exception	No
Alternative Advertising	No
Commercial Item Acquisition Procedures	No
Commercial Item Test Program	No
Small Business Compet. Demonstration Program	No
A-76 (FAIR Act) Action	No
Solicitation Procedures	SP1: Simplified Acquisition
Type of Set Aside	NONE: No set aside used.

Contract Marketing Data (Award) ?

Fee Paid For Use of IDV \$0

Contractor Characteristics (Award) ?

Number of Employees	0
Annual Revenue	\$0
Small Business	Yes
8A Firm	No
Hist. Underutilized Business Zone (HUBZone) Firm	No
Small Disadvantaged Business	No
Sheltered Workshop (JWOD Provider)	No
Historically Black College or University	No
Educational Institution	No
Woman Owned Business	Yes
Veteran Owned Business	No
Service Disabled Veteran Owned Firm	No
Local Government	No
Minority Institution	No
American Indian Owned Business	No
State Government	No
Federal Government	No
Minority Owned Business	No
Asian-Pacific American Owned Business	No
Tribal Government	No
Black American Owned Business	No
Native American Owned Business	No
Subcontinent Asian (Asian-Indian) American Owned Business	No
Nonprofit Organization	No
Hispanic American Owned Business	No
Emerging Small Business	No
Hospital	No

Legislative Mandates (Award) ? (Award #1)

Walsh-Healy Act	No
Service Contract Act	No
Davis-Bacon Act	No
Clinger-Cohen Act	No

Preference Programs (Award) ?

Business Size Determination	Small Business
Subcontracting Plan	Plan Not Required
Price Evaluation Percent Difference	0
Reason Not Awarded to Small Disadvantaged Business	Other Reason

Total transactions for fiscal year 2004: 1

Total funding (within this search) for the year: **\$88,141**

Competition summary for entire search for fiscal year 2004:



Full and open competition	\$0
Full and open competition, but only one bid	\$0
Competition after exclusion of sources	\$0
Follow-on contract	\$0
Not available for competition	\$0
Not competed	\$88,141
Unknown	\$0

END OF REPORT

This search was done on May 3, 2010.

The contracts database is compiled from government data last released on 05/28/2009



This search result was produced as a project of **OMB Watch**. The data was obtained from the **Federal Procurement Data System (FPDS)** - Next Generation and other federal government sources through **Eagle Eye Publishers, Inc.** Eagle Eye also provided identification of parent companies and other data improvements.

Search Criteria Used	
Federal Fiscal Year	ALL <input type="button" value="GO"/>
Assigned Record ID	4703423
Sort By	No sort (individual transaction record)
Number of records	Only the first 500 for each year
Level of Detail	Extensive (detailed info) <input type="button" value="GO"/>
Output	HTML <input type="button" value="GO"/>

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BY COMPETITION TYPE

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By Product or Service Provided

[Competition and Service, 2009](#) **GO**

The contracts database is compiled from government data last released on 05/28/2009



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Contracts to RAPID IMAGING SOFTWARE IN (FY 2000-2009)



Search Criteria Used (More)	
Federal Fiscal Year	ALL GO
Level of Detail	High (list of transactions) GO
Output	HTML GO

List of Individual Transaction for FY 2009 3Q * [?](#)

You can click on the column headers below to re-sort the search.

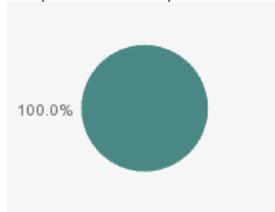
Amount	Parent Company Name	Major Agency	Product or Service	Date
\$1,761,886	RAPID IMAGING SOFTWARE IN	Dept. of Transportation	Miscellaneous	2009-03-20
\$150,000	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2009-01-28

*Note: FY 2009 only includes data up through part of third quarter.

Total transactions for fiscal year 2009: **2**

Total funding (within this search) for the year: **\$1,911,886**

Competition summary for entire search for fiscal year 2009:



Full and open competition	\$0
Full and open competition, but only one bid	\$0
Competition after exclusion of sources	\$150,000
Follow-on contract	\$1,761,886
Not available for competition	\$0
Not competed	\$0
Unknown	\$0

List of Individual Transaction for FY 2008

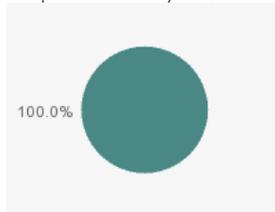
You can click on the column headers below to re-sort the search.

Amount	Parent Company Name	Major Agency	Product or Service	Date
\$207,500	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2007-12-19
\$100,000	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2008-02-01
\$18,000	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2008-04-28
\$12,000	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2008-09-23

Total transactions for fiscal year 2008: **4**

Total funding (within this search) for the year: **\$337,500**

Competition summary for entire search for fiscal year 2008:



Full and open competition	\$0
Full and open competition, but only one bid	\$0
Competition after exclusion of sources	\$337,500
Follow-on contract	\$0
Not available for competition	\$0
Not competed	\$0
Unknown	\$0

List of Individual Transaction for FY 2007

You can click on the column headers below to re-sort the search.

Amount	Parent Company Name	Major Agency	Product or Service	Date
\$0	RAPID IMAGING SOFTWARE IN NASA		Research and development	2007-01-19
\$0	RAPID IMAGING SOFTWARE IN NASA		Research and development	2006-11-28

Total transactions for fiscal year 2007: **2**

Total funding (within this search) for the year: **\$0**

Competition summary for entire search for fiscal year 2007:

Full and open competition	\$0
Full and open competition, but only one bid	\$0
Competition after exclusion of sources	\$0
Follow-on contract	\$0
Not available for competition	\$0
Not competed	\$0
Unknown	\$0

List of Individual Transaction for FY 2006

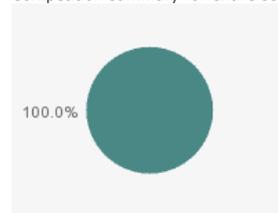
You can click on the column headers below to re-sort the search.

Amount	Parent Company Name	Major Agency	Product or Service	Date
\$248,000	RAPID IMAGING SOFTWARE IN NASA		Research and development	2006-03-09

Total transactions for fiscal year 2006: **1**

Total funding (within this search) for the year: **\$248,000**

Competition summary for entire search for fiscal year 2006:



Full and open competition	\$0
Full and open competition, but only one bid	\$0
Competition after exclusion of sources	\$248,000
Follow-on contract	\$0
Not available for competition	\$0
Not competed	\$0
Unknown	\$0

List of Individual Transaction for FY 2005

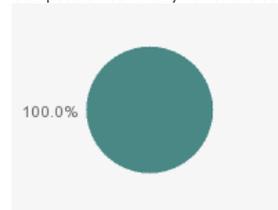
You can click on the column headers below to re-sort the search.

Amount	Parent Company Name	Major Agency	Product or Service	Date
\$117,000	RAPID IMAGING SOFTWARE IN NASA		Research and development	2005-07-26
\$75,000	RAPID IMAGING SOFTWARE IN NASA		Research and development	2004-12-16
\$0	RAPID IMAGING SOFTWARE IN NASA		Research and development	2005-05-06
\$0	RAPID IMAGING SOFTWARE IN NASA		Research and development	2005-02-11

Total transactions for fiscal year 2005: **4**

Total funding (within this search) for the year: **\$192,000**

Competition summary for entire search for fiscal year 2005:



Full and open competition	\$0
Full and open competition, but only one bid	\$0
Competition after exclusion of sources	\$192,000
Follow-on contract	\$0

Not available for competition	\$0
Not competed	\$0
Unknown	\$0

List of Individual Transaction for FY 2004

You can click on the column headers below to re-sort the search.

Amount	Parent Company Name	Major Agency	Product or Service	Date
\$105,000	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2003-10-01
\$88,141	RAPID IMAGING SOFTWARE IN	Dept. of Defense	Research and development	2004-09-10
\$70,000	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2004-01-14
\$60,000	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2003-10-01
\$60,000	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2003-10-01

Total transactions for fiscal year 2004: **5**

Total funding (within this search) for the year: **\$383,141**

Competition summary for entire search for fiscal year 2004:



Full and open competition	\$0
Full and open competition, but only one bid	\$0
Competition after exclusion of sources	\$295,000
Follow-on contract	\$0
Not available for competition	\$0
Not competed	\$88,141
Unknown	\$0

List of Individual Transaction for FY 2003

You can click on the column headers below to re-sort the search.

Amount	Parent Company Name	Major Agency	Product or Service	Date
\$100,000	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2003-02-15
\$100,000	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2003-04-15
\$95,000	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2003-08-15

Total transactions for fiscal year 2003: **3**

Total funding (within this search) for the year: **\$295,000**

Competition summary for entire search for fiscal year 2003:



Full and open competition	\$0
Full and open competition, but only one bid	\$0
Competition after exclusion of sources	\$295,000
Follow-on contract	\$0
Not available for competition	\$0
Not competed	\$0
Unknown	\$0

List of Individual Transaction for FY 2002

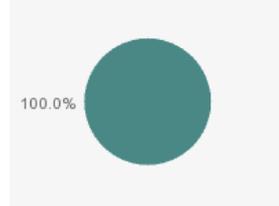
You can click on the column headers below to re-sort the search.

Amount	Parent Company Name	Major Agency	Product or Service	Date
\$80,000	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2002-09-15
\$70,000	RAPID IMAGING SOFTWARE IN	NASA	Research and development	2001-12-15

Total transactions for fiscal year 2002: **2**

Total funding (within this search) for the year: **\$150,000**

Competition summary for entire search for fiscal year 2002:



Full and open competition	\$0
Full and open competition, but only one bid	\$0
Competition after exclusion of sources	\$150,000
Follow-on contract	\$0
Not available for competition	\$0
Not competed	\$0
Unknown	\$0

List of Individual Transaction for FY 2001

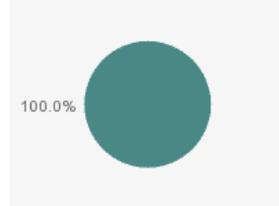
You can click on the column headers below to re-sort the search.

Amount	Parent Company Name	Major Agency	Product or Service	Date
\$215,000	RAPID IMAGING SOFTWARE IN NASA		Research and development	2000-11-15
\$129,000	RAPID IMAGING SOFTWARE IN NASA		Research and development	2001-01-15
\$53,000	RAPID IMAGING SOFTWARE IN NASA		Research and development	2001-09-15

Total transactions for fiscal year 2001: **3**

Total funding (within this search) for the year: **\$397,000**

Competition summary for entire search for fiscal year 2001:



Full and open competition	\$0
Full and open competition, but only one bid	\$0
Competition after exclusion of sources	\$397,000
Follow-on contract	\$0
Not available for competition	\$0
Not competed	\$0
Unknown	\$0

List of Individual Transaction for FY 2000

You can click on the column headers below to re-sort the search.

Amount	Parent Company Name	Major Agency	Product or Service	Date
\$155,000	RAPID IMAGING SOFTWARE IN NASA		Research and development	2000-02-15
\$101,000	RAPID IMAGING SOFTWARE IN NASA		Research and development	1999-11-15

Total transactions for fiscal year 2000: **2**

Total funding (within this search) for the year: **\$256,000**

Competition summary for entire search for fiscal year 2000:



Full and open competition	\$0
Full and open competition, but only one bid	\$0
Competition after exclusion of sources	\$256,000
Follow-on contract	\$0
Not available for competition	\$0
Not competed	\$0
Unknown	\$0

END OF REPORT

This search was done on May 3, 2010.



The contracts database is compiled from government data last released on 05/28/2009

This search result was produced as a project of **OMB Watch**. The data was obtained from the **Federal Procurement Data System** (FPDS) - Next Generation and other federal government sources through **Eagle Eye Publishers, Inc.** Eagle Eye also provided identification of parent companies and other data improvements.

Search Criteria Used	
Federal Fiscal Year	ALL <input type="button" value="GO"/>
Assigned Parent Company ID	286355
Sort By	Dollar Amount of Transaction
Number of records	Only the first 500 for each year
Level of Detail	High (list of transactions) <input type="button" value="GO"/>
Output	HTML <input type="button" value="GO"/>

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Jed Margolin

From: "Carlo, Pennie L Civ USAF AFMC AFRL/RIOI" <Pennie.Carlo@rl.af.mil>
To: <jm@jmargolin.com>
Sent: Monday, May 24, 2010 11:40 AM
Subject: FOIA Request

Good Afternoon Jed,

Thank you for taking the time to clarify your request. Could you please forward the documents we discussed, so that I can properly forward your request to the 711th at Wright-Patterson AFB. If instead you decide to specify your request into smaller more succinct pieces, please let me know as soon as possible that you would like to withdraw this request at this time.

Thank you for your patience.

v/r

Pennie

Pennie Carlo, AFRL/RIOI
Pubs & Forms Manager
(315) 330-7786; DSN 587-7786

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: "Carlo, Pennie L Civ USAF AFMC AFRL/RIOI" <Pennie.Carlo@rl.af.mil>
Sent: Monday, May 24, 2010 12:04 PM
Attach: jm_patrickafb.pdf; jm_uspto_lr.pdf; jm_wpafb_booher1.pdf; jm_wpafb_booher2.pdf;
jm_wpafb_booher3.pdf; jm_ris_attorneys.pdf
Subject: Re: FOIA REQUEST 2010-04190-F

Dear Ms. Carlo,

It was a pleasure talking to you today.

I have attached the following emails for your files.

1. *jm_patrickafb.pdf*

Email from Shell Valliere, Patrick AFB, explaining that since the SAF FOIA office will be responding to my FOIA request she has closed the case at Patrick AFB.

2. *jm_uspto_lr.pdf*

The USPTO letter from the Department of Licensing and Review showing that patent application Serial Number 11726356 (Publication Number 20080033604) **System and Method For Safely Flying Unmanned Aerial Vehicles in Civilian Airspace** was sent to several agencies for a Security Review.

One of them was J.B. Schroeder at AFRL/VA.

3. *jm_wpafb_booher1.pdf*

Insulting email from Darrin Booher ((Booher, Darrin L Civ USAF AFMC 88 CG/SCOKI Darrin.Booher@WPAFB.AF.MIL) where he stated:

"There is no contribution to an understanding of the subject by the general public, but rather a small segment of interested persons. Requestor doesn't appear to have the capability to, or intention to, disseminate this information to the general public. Furthermore, there is no significant contribution to the public if it were widely released. Therefore, the request for a waiver of fees is denied."

4. *jm_wpafb_booher2.pdf*

My response to Mr. Booher.

5. *jm_wpafb_booher3.pdf*

Although Mr. Booher read my email he did not respond to it and closed my FOIA case at WPAFB.

6. I have brought a legal action against NASA for their refusal to comply with the Freedom of Information Act. My Second Amended Complaint may be instructive because it shows Mike Abernathy's (Rapid Imaging Software) involvement with NASA.

see [doc016.pdf](#) Motion For Leave to File Amended Complaint

see [doc016-1.pdf](#) Second Amended Complaint

see [doc016-2.pdf](#) Appendix Volume 1

see [doc016-3.pdf](#) Appendix Volume 2_1

see [doc016-4.pdf](#) Appendix Volume 2_2

see [doc016-5.pdf](#) Appendix Volume 3

For the past several years Mr. Abernathy has also been involved with AFRL. He listed AFRL researchers Mark Draper and Gloria Calhoun as coauthors in the article **Synthetic Vision Technology for Unmanned Systems: Looking Back and Looking Forward** which appeared in the December 2008 issue of AUVSI's Unmanned Systems magazine. The article is a spurious history of Synthetic Vision.

The AUVSI article and my response are available at http://www.jmargolin.com/svr/auvsi_response_index.htm

7. *jm_ris_attorneys.pdf*

AFRL may be interested in a letter that Mr. Abernathy's attorneys sent to Optima Technology Group in October 2006.

In it he says:

As you know, RIS refuses to allow its products to be used as a pilot aid, and RIS product licenses specifically prohibit use for piloting. None of RIS's customers use its software for piloting, for very good reason. Serious military regulations control placement of anything - synthetic vision included in a pilot workstation. Before anything can be placed on the display in front of a pilot, it has to have met stringent criteria (MIL-STD 1787C, DO-178B, etc.), it must have been thoroughly ground tested, and it must have been fully flight tested. RIS software has never been through this process, and thus is prohibited. from use for piloting. Accordingly, UAV manufacturers have purchased RIS products for use on the sensor operator console, but none for the pilot console. This is a matter of Army doctrine and applies to Shadow, Warrior and Hunter.

If AF is using Mr. Abernathy's software you might want to ask him if he has rewritten it to meet the standards mentioned in the letter.

Sincerely yours,

Jed Margolin
1981 Empire Rd.
Reno, NV

775-847-7845

Jed Margolin

From: "Valliere, Shelly L Civ USAF AFSPC 45 SCS/SCX" <Shelly.Valliere@patrick.af.mil>
To: <jm@jmargolin.com>
Sent: Wednesday, May 12, 2010 8:20 AM
Subject: Closure of FOIA Request 2010-04191-F
Dear Mr. Margolin,

The SAF FOIA office at the Pentagon will respond to your FOIA request (reference: Case No. 2010-04186-F). Therefore, we have closed Case No. 2010-04191-F here at Patrick AFB. All future inquiries/correspondence concerning Case No. 2010-04186-F should come from that office.

The FOIA Manager can be reached at (703)696-4929. There are no fees associated with Case No. 2010-04191-F.

If you have any questions, please call me at (321)494-2341.

v/r

Shelly Valliere
Wing FOIA/PA Manager
45 SCS/SCX
COMM: (321)494-2341

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

From: Valliere, Shelly L Civ USAF AFSPC 45 SCS/SCX
Sent: Wednesday, April 28, 2010 7:29 AM
To: 'jm@jmargolin.com'
Subject: FOIA Request - Case No. 2010-04191-F

Dear Mr. Margolin,

This memo is acknowledgement of receipt of your FOIA request (see attached memo).

Your request was received on 27 Apr 10. Your case has been assigned No 2010-04191-F. We will respond to your request by 24 May 10. Your fee waiver has been granted.

If you have any questions concerning your request, you may contact me at (321)494-2341. Please reference your assigned case number when making inquiries.

v/r

Shelly Valliere
Wing FOIA/PA Manager
45 SCS/SCX
(321)494-2341

DEPARTMENT OF DEFENSE
ACCESS ACKNOWLEDGEMENT / SECRECY ORDER RECOMMENDATION
FOR PATENT APPLICATION

Application Serial No: DP11736356

Filing Date:

Date Referred: 05/02/2007

I hereby acknowledge that the Department of Defense reviewers has inspected this application in administration of 35 USC 181 on behalf of the Agencies/Commands specified below. DoD reviewers will not divulge any information from this application for any purpose other than administration of 35 USC 181.

Defense Agency	Recommendation	Reviewer Name	Date Reviewed
Army	Secrecy Not Recommended	Alan Klein	09/04/2007
Air Force	Secrecy Not Recommended	Richard Lambert	10/10/2007
AFRL/VA		J.B. Schroeder	
Navy	Secrecy Not Recommended	Lawana Brady	08/24/2007

<p style="text-align: center;"><i>Type of Recommendations:</i> <i>SNR: Secrecy Not Recommended</i> <i>SR: Secrecy Recommended</i> <i>NC: No Comment</i></p>

Instructions to Reviewers:

1. All DoD personnel reviewing this application will be listed on this form regardless of whether they are making a secrecy order recommendation.
2. This form will be forwarded to USPTO once all assigned DoD entities have provided their secrecy order recommendation.

Time for Completion of Review:

Pursuant to 35 USC 184, the subject matter of this applicaiton may be filed in a foreign country for the purposed of filing a patent application without a license anytime after the expriation of six (6) months from filing date unless the application becomes the subject of a secrecy order.

<p><i>The USPTO publishes patent application at 18 months from the earliest claimed filing date. The USPTO will delay the publication of a patent application made available to a defense agency under 35 USC 181 until no earlier than 6 months from the filing date or 90 days from the date of referral to that agency. This application will be cleared for publication 6 months from the filing date or 90 days from the above Date Referred, whichever is later, unless a response is is provided to the USPTO regarding the necessary recommendations as to the imposition of a secrecy order.</i></p>

<p>DoD Completion of Review: Final</p>

<p>Forwarded to USPTO: 10/11/2007 By: Luis Marrero</p>

Jed Margolin

From: "Booher, Darrin L Civ USAF AFMC 88 CG/SCOKI" <Darrin.Booher@WPAFB.AF.MIL>
To: <jm@jmargolin.com>
Sent: Tuesday, April 27, 2010 4:44 AM
Subject: Ref: FOIA request 2010-04185-F ST3
Mr. Margolin,

We received you FOIA request, dated 26 Apr 10, in our office at Wright-Patterson AFB, OH on 26 Apr 10. The control number assigned to your request is 2010-04185-F ST3. I am the analyst assigned to your request, please contact me if you have any questions. In your request you had requested a Fee Waiver, after consideration from our FOIA Manager, the following information is supplied:

"There is no contribution to an understanding of the subject by the general public, but rather a small segment of interested persons. Requestor doesn't appear to have the capability to, or intention to, disseminate this information to the general public. Furthermore, there is no significant contribution to the public if it were widely released. Therefore, the request for a waiver of fees is denied."

With that, DOD 5400.7/AF Supplement 1, states that a willingness to pay statement must be included:

Fee Issue: Request must indicate a willingness to pay fees associated with the processing of your request. As described in DoD Regulation 5400.7/Air Force Supplement, Paragraph C1.4.2. DoD FOIA Program, "Requestors should indicate a willingness to pay fees associated with the processing of their request or, in the alternative, why a waiver of fees may be appropriate." You will be contacted if the cost to provide the requested document(s) exceeds the amount authorized by you.

There are three fee categories:

1. Commercial: Search and review time is chargeable at \$44.00 per hour and reproduction is chargeable at fifteen cents per page.
2. Educational or Noncommercial Scientific Institution or News Media, or Union: The first 100 copies are free, additional copies are fifteen cents per page. No charge for search or review. News media must be able to justify that they are actively gathering news for an entity that is organized and operated to publish or broadcast news to the public, such as a publication contract.
3. All Others: The first 2 hours of search and review time are free. The remaining search and review time beyond 2 hours is chargeable at \$44.00 per hour. The first 100 pages are free. Reproduction beyond 100 pages is chargeable at fifteen cents per page.

Please respond to this correspondence indicating which fee category is appropriate for you and the dollar amount that you are willing to pay by 30 Apr 10, if you do not respond by this date, we will consider your request closed. In some instances (cost to provide requested documents

exceed \$250.00 or the requester has no prior payment history), payment may be requested before any documents are released to you.

DARRIN BOOHER, CIV, DAF
FOIA Analyst
88 CS/SCOKIF
3810 Communications Blvd.
Wright-Patterson AFB OH 45433
(937) 257-2719
FAX:(937) 522-3096
DSN: 787-2719

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: "Booher, Darrin L Civ USAF AFMC 88 CG/SCOKI" <Darrin.Booher@WPAFB.AF.MIL>
Cc: <chris.kennerly@pentagon.af.mil>
Sent: Monday, May 03, 2010 7:50 AM
Subject: Re: Read: FOIA request 2010-04185-F ST3

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

From: "Booher, Darrin L Civ USAF AFMC 88 CG/SCOKI" <Darrin.Booher@WPAFB.AF.MIL>
To: "Jed Margolin" <margolin@jmargolin.com>
Sent: Monday, May 03, 2010 3:58 AM
Subject: RE: Read: FOIA request 2010-04185-F ST3

- > Mr. Margolin,
- > Please consider this request closed.
- >
- >
- > DARRIN BOOHER, CIV, DAF
- > FOIA Analyst
- > 88 CS/SCOKIF
- > 3810 Communications Blvd.
- > Wright-Patterson AFB OH 45433
- > (937) 257-2719
- > FAX:(937) 522-3096
- > DSN: 787-2719
- >

Dear Mr. Booher.

I suggest you ask TSgt Kennerly if you really want to close my FOIA Request.

Jed Margolin

P.S. - Considering the amount of coverage the national media gave to the X-37B launch your statement that the subject appeals only to a "small segment of interested persons" is obviously wrong. See this article in the LA Times. The article was published even before the X-37B was launched.
<http://articles.latimes.com/2010/apr/21/business/la-fi-0422-space-plane-20100421>

=====

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

From: Jed Margolin
To: chris.kennerly@pentagon.af.mil
Sent: Tuesday, April 27, 2010 12:06 PM
Subject: Fw: Mr. Booher's email

Dear Tech Sergeant Kennerly,

Thank you for the very nice conversation we had yesterday.

I received an email this morning from Mr. Darrin L. Booher at Wright Patterson this morning.

It was not so nice.

He wrote:

"There is no contribution to an understanding of the subject by the general public, but rather a small segment of interested persons. Requestor doesn't appear to have the capability to, or intention to, disseminate this information to the general public. Furthermore, there is no significant contribution to the public if it were widely released. Therefore, the request for a waiver of fees is denied."

He hasn't seen my article "How the United States Air Force Treats Independent Inventors." I have only now started writing it.

His statement, "Requestor doesn't appear to have the capability to, or intention to, disseminate this information to the general public[,]" suggests he hasn't seen my web site (www.jmargolin.com), and in particular, my article on NASA (How NASA Treats Independent Inventors).

Either that or he has decided to deliberately insult me.

I recommend he also visit my other Web sites: www.cordevistahoa.org and www.storeycountywindfarms.org

I set up these Web sites to address issues that are important to my County (Storey County, NV).

www.cordevistahoa.org documents how a Developer came into my County (population 4,600) and proposed to build housing for 50,000 people.

One of the issues was water. Water is always an issue here in the West, especially in Nevada. We don't have much. The Developer refused to say where he was going to get water for 50,000 people. He also was not honest about the issue of soil contamination from the site's previous owners, which included Curtis Wright and Aerojet.

The Storey County Planning Commission publicly thanked me for putting up the Web site, saying it had helped them make their decision. (A grassroots movement against the project also helped.)

The Planning Commission turned down the Developer's application. The Storey County Commissioners accepted the Planning Commission's recommendations. The Developer sued Storey County. The Developer lost. The Developer appealed to the Nevada Supreme Court. Before the case was heard the Developer settled with the County. The Developer agreed to follow the existing zoning and the County agreed to allow for green energy development.

www.storeycountywindfarms.org contains the documents for a BLM project with Great Basin Wind to put up a wind farm of 69 enormous wind turbines. Some of them would be less than 1 mile from Virginia City. (The entire town of Virginia City is a National Historic Landmark.)

Some of the towers would be less than 1 mile from my neighborhood, which Great Basin Wind left off their map.

The project appears to be stalled:

http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_programs/planning/new_comstock_wind.html

Part of the reason for this may be because I showed that Great Basin Wind lied on their project application.

For Mr. Booher to question my abilities, my intentions, or my resolve is a mistake.

Mr. Booher's email follows.

Regards,

Jed Margolin

=====

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

From: "Booher, Darrin L Civ USAF AFMC 88 CG/SCOKI" <Darrin.Booher@WPAFB.AF.MIL>

To: <jm@margolin.com>

Sent: Tuesday, April 27, 2010 4:44 AM

Subject: Ref: FOIA request 2010-04185-F ST3

Mr. Margolin,

We received your FOIA request, dated 26 Apr 10, in our office at Wright-Patterson AFB, OH on 26 Apr 10. The control number assigned to your request is 2010-04185-F ST3. I am the analyst assigned to your request, please contact me if you have any questions. In your request you had requested a Fee Waiver, after consideration from our FOIA Manager, the following information is supplied:

"There is no contribution to an understanding of the subject by the general public, but rather a small segment of interested persons. Requestor doesn't appear to have the capability to, or intention to, disseminate this information to the general public. Furthermore, there is no significant contribution to the public if it were widely released. Therefore, the request for a waiver of fees is denied."

With that, DOD 5400.7/AF Supplement 1, states that a willingness to pay statement must be included:

Fee Issue: Request must indicate a willingness to pay fees associated with the processing of your request. As described in DoD Regulation 5400.7/Air Force Supplement, Paragraph C1.4.2. DoD FOIA Program, "Requestors should indicate a willingness to pay fees associated with the processing of their request or, in the alternative, why a waiver of fees may be appropriate." You will be contacted if the cost to provide the requested document(s) exceeds the amount authorized by you.

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2. Educational or Noncommercial Scientific Institution or News Media, or Union: The first 100 copies are free, additional copies are fifteen cents per page. No charge for search or review. News media must be able to justify that they are actively gathering news for an entity that is organized and operated to publish or broadcast news to the public, such as a publication contract.
3. All Others: The first 2 hours of search and review time are free. The remaining search and review time beyond 2 hours is chargeable at \$44.00 per hour. The first 100 pages are free. Reproduction beyond 100 pages is chargeable at fifteen cents per page.

Please respond to this correspondence indicating which fee category is appropriate for you and the dollar amount that you are willing to pay by 30 Apr 10, if you do not respond by this date, we will consider your request closed. In some instances (cost to provide requested documents exceed \$250.00 or the requester has no prior payment history), payment

may be requested before any documents are released to you.

DARRIN BOOHER, CIV, DAF
FOIA Analyst
88 CS/SCOKIF
3810 Communications Blvd.
Wright-Patterson AFB OH 45433
(937) 257-2719
FAX:(937) 522-3096
DSN: 787-2719

=====

Jed Margolin

From: "Booher, Darrin L Civ USAF AFMC 88 CG/SCOKI" <Darrin.Booher@WPAFB.AF.MIL>
Sent: Monday, May 03, 2010 7:53 AM
Attach: ATT14220.txt
Subject: Read: Read: FOIA request 2010-04185-F ST3
Your message

To: Booher, Darrin L Civ USAF AFMC 88 CG/SCOKI
Cc: Kennerly, Chris TSgt HAF/IMIO
Subject: Re: Read: FOIA request 2010-04185-F ST3
Sent: Mon, 3 May 2010 10:50:01 -0400

was read on Mon, 3 May 2010 10:53:32 -0400

SUTIN THAYER & BROWNE

A PROFESSIONAL CORPORATION
LAWYERS

IRWIN S. MOISE (1906-1984)
LEWIS R. SUTIN (1908-1992)
FRANKLIN JONES (1919-1994)
RAYMOND W. SCHOWERS (1948-1995)
GRAHAM BROWNE (1935-2003)
BENJAMIN ALLISON
C. SHANNON BACON
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NORMAN S. THAYER
BENJAMIN E. THOMAS
ROBERT J. WERNER
CHRISTINA S. WEST

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SANTA FE, NEW MEXICO 87504
505-988-5521
FAX 505-982-5297

WWW.SUTINFIRM.COM

October 13, 2006

Robert Adams, CEO
Optima Technology Group
2222-1830 Michelson Dr.
Irvine, CA 92612

Margolin Patent Nos. 5,566,073 and
5,904,724

Dear Mr. Adams:

We represent Rapid Imaging Software, Inc. (RIS), which has referred to us your letter of September 19, 2006. At the outset, we are unable to discern that Optima has an interest in the patents it attempts to assert. Assuming that it does, however, and has merely neglected to record its interests, RIS does not infringe the Margolin patents.

As you know, RIS creates computer software, and does not use or manufacture UAV systems or ground control stations. RIS software is used in UAVs to provide situation awareness for sensor operators. It is not used for piloting air vehicles. The sensor operator does not pilot the aircraft, and instead sits at a separate workstation operating a payload containing one or more cameras, which may be controlled using a joystick to point the camera package during search or tracking operations.

As you know, RIS refuses to allow its products to be used as a pilot aid, and RIS product licenses specifically prohibit use for piloting. None of RIS's customers use its software for piloting, for very good reason. Serious military regulations control placement of anything—synthetic vision included—on a pilot workstation. Before anything can be placed on the display in front of a pilot, it has to have met stringent criteria (MIL-STD 1787C, DO-178B, etc.), it must have been thoroughly ground tested, and it must have been fully flight tested. RIS software has never been through this process, and thus is prohibited from use for piloting. Accordingly, UAV manufacturers have purchased RIS products for use on the sensor operator console, but none for the pilot console. This is a matter of Army doctrine and applies to Shadow, Warrior and Hunter.

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LAWYERS

Robert Adams, CEO
October 13, 2006
Page 2

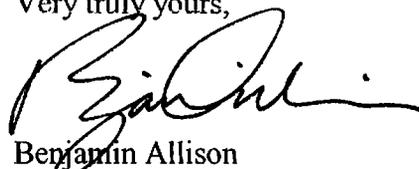
Nor does RIS have its software in a form that would make it marketable for piloting. RIS software products are all based on the Microsoft Windows operating system. This offers many advantages, but is inappropriate to piloting aircraft because it is not a POSIX compliant real-time operating system. POSIX compliance is required by flight safety regulations. To create such a version would entail a one- to two-year conversion program in which RIS has not invested.

It is important to realize that the market for RIS products is quite different from the relaxed civilian world. If a military pilot chose to use synthetic vision in spite of military regulations or in defiance of a software license agreement, his career would be damaged or destroyed. Military pilots cherish their wings and would not consider risking them on something like synthetic version.

Finally, it appears from your correspondence that you regard research activities like NASA's X-38 prototypes (before the program was cancelled in 2002) as infringing the Margolin patents. This was not the case because of the claim limitations of the Margolin patents. However all RIS work for government agencies, including NASA, was authorized and consented to by the U.S. Government, and is protected under 28 U.S.C. § 1498(a). As you are aware, any remedies you may have are against the government and are circumscribed by that statute and related law.

Although we need not discuss the invalidity of the Margolin patents given the above circumstances, you should be aware that both patents were anticipated by profound prior art dating back to 1977. If it should ever become necessary, we are confident that both would be held invalid.

Very truly yours,



Benjamin Allison
Santa Fe Office

BA:gmr
Enclosures
841473

cc: Mike Abernathy

Jed Margolin

From: "Jed Margolin" <jm@jmargolin.com>
To: "Carlo, Pennie L Civ USAF AFMC AFRL/RIOI" <Pennie.Carlo@rl.af.mil>
Sent: Tuesday, May 25, 2010 8:54 AM
Subject: Re: FOIA Request
Dear Pennie.

> If instead you decide to specify your request into smaller more succinct pieces, please let me know as soon as possible that you would like to withdraw this request at this time.

I would like to keep it as is. Breaking it in smaller pieces would only make more work for everyone.

Sincerely yours,

Jed

=====

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

From: [Carlo, Pennie L Civ USAF AFMC AFRL/RIOI](mailto:Carlo.Pennie.L.Civ.USAF.AFMC.AFRL.RIOI)
To: jm@jmargolin.com
Sent: Monday, May 24, 2010 11:40 AM
Subject: FOIA Request

Good Afternoon Jed,
Thank you for taking the time to clarify your request. Could you please forward the documents we discussed, so that I can properly forward your request to the 711th at Wright-Patterson AFB. If instead you decide to specify your request into smaller more succinct pieces, please let me know as soon as possible that you would like to withdraw this request at this time.

Thank you for your patience.
v/r
Pennie

Pennie Carlo, AFRL/RIOI
Pubs & Forms Manager
(315) 330-7786; DSN 587-7786

Jed Margolin

From: "Carlo, Pennie L Civ USAF AFMC AFRL/RIOI" <Pennie.Carlo@rl.af.mil>
To: <jm@jmargolin.com>
Sent: Friday, May 28, 2010 9:05 AM
Subject: FOIA case 2010-01490-F CLOSURE

Dear Mr. Margolin:

Upon transfer of your case #2010-04190-F, we were informed that this is a duplicate of case #2010-04842-F which is already being handled by HAF/IMIO. For this reason we will close case #2010-04190-F at the Rome FOIA office.

If you have any questions concerning this matter, call this office at (315) 330-7786 or e-mail us at the above address. Reference FOIA number 2010-04190-F when making inquiries.

Sincerely,

Pennie L. Carlo
Freedom of Information Act Manager
AFRL/RIOI

FOIA Case No: 2010-04190-F

Pennie Carlo, AFRL/RIOI
Pubs & Forms Manager
(315) 330-7786; DSN 587-7786