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Appendix A

The Supreme Court of Ohio

Carline Maria Curry

v.

Douglas Mackenzie

Case No. 2020-0727

ENTRY

This cause came on for further consideration upon the filing of appellant's motion for a new trial. It is ordered by the court that the motion is denied.

(Franklin County Court of Appeals; No. 20AP-34)

Maureen O'Connor
Chief Justice

A1

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Carline Maria Curry,	:	
Plaintiff-Appellant,	:	
v.	:	No. 20AP-34
Douglas MacKenzie,	:	(REGULAR CALENDAR)
Defendant-Appellee.	:	

JOURNAL ENTRY OF DISMISSAL

Appellant having failed to file a brief within the time required by App.R. 18(C), and having failed to respond to notification from the Court that the time for filing the brief has expired, this appeal is *sua sponte* dismissed for failure of appellant to file a brief. Any outstanding appellate court costs shall be paid by appellant.

Judge

Judge

Judge

cc: Clerk, Court of Appeals

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TENTH DISTRICT COURT OF APPEALS

Case No: 20 AP 34

Carline Curry vs. Douglas Mackenzie: Motion Leave of Court to file
: Document objection to Case
: being closed the Brief was submitted
: on February 10, 2020. Motion for
: reconsideration and my case
: reinstated. Motion for Extension
: of time to pay court fee: if Iforma Pauperis
: status was denied

I object to my case being closed a brief was submitted on February 10-2020. I Resubmitted the brief on March 11-2020. It was the same brief where did my Brief go why was it not docketed. I looked at the docket and see that my motion To file informa Pauperis status was denied. I am also motioning the court for a Stay if my Informa Pauperis Status was denied to allow me time to pay the fee.

Thank you your time and consideration.

Sincerely,

Carline Curry 4-8-2020
Carline Curry

Carline Curry
606 Bowman Street
Mansfield, Ohio 44903
567-274-9130

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TENTH DISTRICT COURT OF APPEALS

CARLINE CURRY VS. DOUGLAS MACKENZIE:

RE: RESUBMITTAL OF BRIEF FROM 2-10-2020

CASE NO: 20 AP34

Respectfully Submitted
Carline Curry 3-11-2020
Carline Curry

The brief had 25 pages of Exhibits

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TENTH DISTRICT COURT OF APPEALS

Carline Curry vs. Douglas Mackenzie : Motion
: Re Leave of Court to
: File Brief and be
: accepted if it is late

Case No: 18 CV 00156 Franklin County Court of Common Pleas
Case No: 20 AP34

Plaintiff Curry should be granted Default Judgement as prayed for in the complaint because Mr. Mackenzie failed to defend and awarding Default Judgement is according to law.

Rule 55 Default Judgment

(A) Entry of Judgement when a party against whom a Judgement for Affirmative relief is sought have failed to plead or otherwise defend as by the rules, the party entitled to a judgement by default shall apply in writing or orally to the court.

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Rule 54 Judgement Cost: Demand for Judgement:

A judgement by default shall not be different in kind from or exceed in amount prayed for in the demand for Judgement except as to a party against whom a judgement is entered by default, every final judgement shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded the relief in the pleadings.

Cost

Except when express provision therefore is made either in a stature or in the rules. Cost shall be allowed to the prevailing party unless the court otherwise directs.

Plaintiff Curry is entitled to relief as per Judge Brownings decision due to default by Mr. Mackenzie for failing to appear and Plaintiff Curry should be granted the amount prayed for in The initial complaint. I don't feel the principal amount

AL

suggested by Magistrate Browning was fair because Mr. Mackenzie abandoned my patent (Legal Mal Practice: Negligence / Breach of Contract): 11, 761 dollars it did not cover the cost I had to pay lawyers to file and revive the patent, and cover for loss opportunity at profits, mental anguish, stress, pain and suffering imposed on me and my family, financial hardship, and the time I had to spend on preparing documents to try to obtain justice. Magistrate Browning said plaintiff sustained actual damages in the amount of 11,761. which was 9000 to Invent help, and she miss understood me in the amount of 2,761 dollars to an attorney to revive the patent it was a total of 5,784.00 dollars. The Balance on the account was 2,761 plus interest on September 3, 2019. Thank you for your time and consideration. The Total spent was 14, 784.00 dollars.

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However, that was not the amount I prayed for in my complaint.

I would like to also motion the court for attorney fees, if I do not receive the amount prayed for in the initial complaint.

Respectfully
Submitted Carline Curry 2-10-2020

Carline Curry

cc: Douglas Mackenzie 17 Redwood Road, Fair Fax, California 94930

Bank of America vs. William Chad Sullivan Trial Court CV20140743

Thomas v. State Farm Fire & Casualty Company No 2002 CA-00656-COA

Brandon Apparel Group Vs. Kirkland Ellis No. 1-06-1432

Fitzgerald v. Harris (County Sheriff) Department U.S.D. C (S.D Tx) No. 4:14 CV-01330

Joyce vs. Pepsi Inc. May 25, 2012 813 N.w. 2d 247 Wis.

eFlex

Franklin [redacted]

eFile

Submission Confirmation

user: CARLINE MARIA CURRY

Your Filing has been submitted

Case Type: H-Other Civil - BRIEF OF

Note: This filing is now being processed and added to the Clerk of Court document repository. Once the documents associated with your filing have been stored, a receipt will be issued to you. You may view the status of this filing, and access your receipt for 90 days, after which it will be purged from this system. The documents will be retained and available long term through the Clerk of Court.

Proof Brief was Filed

Filed 2-10-2020

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
GENERAL DIVISION

Carline Curry,	]	**Case No. 18CV-01560**
Plaintiff,	]	**Judge Jeffrey M. Brown**
vs.	]	**Magistrate Pamela Broer Browning**
Douglas MacKenzie,	]	
Defendant.	]	

Magistrate's Decision

Browning, M.

Pursuant to the Court's July 25, 2019 "Order of Reference and Notice of Damages Hearing," the undersigned Magistrate conducted a damages hearing in this civil action on September 3, 2019, the Court having entered a default judgment in favor of Plaintiff and against Defendant on the issue of liability only. Plaintiff appeared at the damages hearing, was sworn, and testified in support of her claimed damages. Plaintiff's Exhibits 1 through 22 were admitted into evidence and have been separately filed with the Franklin County Clerk of Courts. Defendant did not appear at the damages hearing.

"Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading." Civ. R. 8(D). The averments in Plaintiff's complaint, filed on February 21, 2018, other than those as to the amount of damage, are deemed admitted by Defendant, and those averments are hereby incorporated by reference as if they were fully restated herein.

In addition, the Magistrate renders the following specific findings of fact:

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Plaintiff paid $9,000 to Invention Submission Company (ISC), an invention-development company, to assist her in obtaining a patent for her invention, a battery-operated portable heater. ISC then hired Defendant, a patent attorney, to prepare and prosecute Plaintiff's patent application before the United States Patent and Trademark Office.

Defendant prepared and filed Plaintiff's patent application with the United States Patent and Trademark Office. Defendant, however, was negligent in his prosecution of Plaintiff's patent application. As a proximate result of Defendant's negligence, Plaintiff's patent application became abandoned by operation of law.

Plaintiff then retained the Columbus, Ohio law firm of Hahn Loeser & Parks LLP (Hahn Loeser) to revive and prosecute Plaintiff's patent application. Hahn Loeser succeeded in its efforts and Plaintiff received her patent. Plaintiff paid attorney's fees in the amount of $2,761 to Hahn Loeser for its services.

Having considered the admitted averments and Plaintiff's testimony, the Magistrate hereby finds and concludes that, as a direct and proximate result of Defendant's negligence, as described in Plaintiff's complaint and the factual findings above, Plaintiff has sustained actual damages in the amount of $11,761.

Accordingly, Plaintiff, Carline Curry, is entitled to a default judgment against Defendant, Douglas MacKenzie, in the principal amount of $11,761, plus interest on that amount at the legal rate from the date of judgment, and costs in accordance with Civ. R. 54(D).

A PARTY SHALL NOT ASSIGN AS ERROR ON APPEAL THE COURT'S ADOPTION OF ANY FACTUAL FINDING OR LEGAL CONCLUSION IN THE FOREGOING MAGISTRATE'S DECISION, WHETHER OR NOT SPECIFICALLY DESIGNATED AS A FINDING OF FACT OR CONCLUSION OF LAW UNDER CIV. R. 53(D)(3)(a)(ii), UNLESS THE PARTY TIMELY AND SPECIFICALLY OBJECTS TO THAT FACTUAL FINDING OR LEGAL CONCLUSION AS REQUIRED BY CIV. R. 53(D)(3)(b).

Copies electronically transmitted to all parties and counsel of record.

INSTRUCTIONS TO CLERK: Please serve the following individuals by ordinary mail:

Carline Curry, 606 Bowman St., Mansfield, OH 44903

Douglas MacKenzie, 17 Redwood Rd., Fairfax, CA 94930

All

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
APR 08 2013
OFFICE OF PETITIONS

Carline Curry
606 Bowman St
Mansfield OH 44903

In re Application of
Curry
Application No. 10/678,032
Filed: October 1, 2003
Attorney Docket No.

ON PETITION

This is regarding the communication filed March 7, 2013, which is being treated as a petition to withdraw the holding of abandonment filed March 7, 2013.

The petition is **DISMISSED**.

The above-identified application became abandoned on July 12, 2007, for failure to file timely and proper response to the non-final Office action mailed April 12, 2007. The notice set a shortened statutory period for reply of three-months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on November 29, 2007.

Petitioner states that the attorney petitioner retained to prosecute the application apparently failed to respond to the Office action and to inform petitioner that a response was due. A petition to withdraw the holding of abandonment is only proper when there is some question as to whether the application is actually abandoned. The petition to withdraw the holding of abandonment is normally filed when applicant, or applicant's attorney if one is retained, has either not received the Office action in question or has filed a timely response to an Office action that the USPTO indicates was not received. In this case, petitioner has no idea whether the Office action was received by the attorney or whether the attorney filed a response. The record does not demonstrate that a response to the non-final Office action was filed. As such, there is no dispute as to whether the application was properly abandoned. The petition to withdraw the holding of abandonment is dismissed, accordingly.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by: 1) the required reply, 2) the required petition fee ($1,900 for an undiscounted fee (large entity), $950.00 for a verified small entity, or $475.00 for a micro-entity pursuant to 37 CFR 1.29[1], and 3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. A copy of the non-final Office action is enclosed as is Form PTO/SB/64 that petitioner can use to revive the application.

Further correspondence with respect to this matter should be addressed as follows:

[1] In order for the USPTO to accept the petition fee at the mirco-entity rate, a certification under 37 CFR be filed. The form is enclosed for petitioner's convenience.

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Notice of Public Reprimand and Probation

Douglas E. Mackenzie of Auberry, California, registered patent agent (Registration Number 38,955). The United States Patent and Trademark Office ("USPTO" or "Office") has publicly reprimanded Mr. Mackenzie and placed him on probation for sixty (60) months. Mr. Mackenzie is permitted to practice before the Office during his probation unless he is subsequently suspended by order of the USPTO Director.

Mr. Mackenzie violated 37 C.F.R. §10.23(b)(6) (engaging in conduct that adversely reflects on his fitness to practice law) by violating 37 C.F.R. § 10.23(c)(14) by knowingly failing to notify the Director in writing of his change in his professional licensure status that would preclude continued registration as a patent attorney under 37 C.F.R. § 11.6; violated 37 C.F.R. § 10.31(d) by continuing to hold himself out as authorized to represent clients in trademark matters before the Office while not licensed to practice law by the State Bar of California; violated 37 C.F.R. § 10.40(b)(4) by not timely withdrawing from representing a client after the client brought suit against Respondent; violated 37 C.F.R. § 10.62(a), in connection with the referral from an invention development company, by accepting employment without the consent of the client after full disclosure, where the exercise of the practitioner's professional judgment on behalf of the client will be or reasonably may be affected by the practitioner's own financial, business, property, or personal interests; violated 37 C.F.R. § 10.66(a), in connection with the referral from an invention development company, by not declining proffered employment where the exercise of the practitioner's independent professional judgment on behalf of a client will be or is likely to be adversely affected by the acceptance of the proffered employment, or if it would be likely to involve the practitioner in representing differing interests; violated 37 C.F.R. § 10.66(b), in connection with the referral from an invention development company, by representing multiple clients where it is obvious that the practitioner cannot adequately represent the interest of each; and/or by representing multiple clients, where it is obvious that the practitioner can adequately represent the interest of each, without first obtaining the consent of each client to the representation after full disclosure of the possible effect of such representation on the exercise of the practitioner's independent professional judgment on behalf of each; and violated 37 C.F.R. § 10.68(a)(1), in connection with the referral from an invention development company, by accepting compensation from one other than the practitioner's client for the practitioner's legal services to or for the client without the consent of the client after full disclosure.

This action is the result of a settlement agreement between Mr. Mackenzie and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.20, 11.26, and 11.59. Disciplinary decisions involving practitioners are posted at the Office of Enrollment and Discipline's Reading Room located at: http://des.uspto.gov/Foia/OEDReadingRoom.jsp.

[signature page follows]

NB

OCT 12 2011
Date

A. WADE NORMAN
Acting Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

David M. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

NKP

CERTIFICATE OF COUNCEL

Counsel for Defendants

There is no Counsel for Douglas Mackenzie because he failed to defend The Writ will be sent to his home address

Mr. Douglas Mackenzie

19 Saucito Ave. Montery, CA 93940

Counsel for Plaintiff Pro Se

Carline Curry; 606 Bowman Street; Mansfield, Ohio 44903; Phone Number: 567-274-9130

The Petition and Certification of counsel is presented in good faith and not for delay.

Carline Curry Pro Se

Date 3-1-2021