

**A24-0780**  
**STATE OF MINNESOTA**  
**IN COURT OF APPEALS**

---

**State of Minnesota,**

District Court Case: 27-CR-23-1886

**Respondent,**

Court Order Date: April 12, 2024

**vs.**

**PETITIONER'S MOTION FOR  
JUDICIAL NOTICE: C**

**Matthew David Guertin,**

**Petitioner.**

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TO: THE COURT OF APPEALS OF THE STATE OF MINNESOTA

**INTRODUCTION**

Petitioner, Matthew David Guertin, respectfully moves this Court pursuant to Minn. R. Civ. App. P. 127 to take judicial notice of the attached facts, which are not subject to reasonable dispute and can be verified through publicly accessible and reliable sources. This motion is based on the grounds that these facts provide essential context and support for the case, specifically relating to the core issues involving the petitioner's patent and the related legal proceedings. Additionally, the thorough and precise filing of this motion by the petitioner demonstrates his clear competency in legal undertakings, further challenging any claims of incompetency.

## **FACTUAL BASIS FOR MOTION**

### **EXHIBIT A:**

- Scan of USPS Money Order for \$336.00 payable to ‘Director of the United States Patent and Trademark Office - Application 18/108,858’: An official USPS money order (No. 29206838711) verifying payment for patent-related services. This can be confirmed by USPS records.
- Scan of USPS Priority Mail Express Mail Shipping Label EI915725601US: Priority Mail Express Shipping Label with tracking (EI915725601US), which matches online tracking data. This can be confirmed by USPS records.

### **EXHIBIT B:**

- Scans of PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) & COVER PAGE - dated May 4, 2024: PDF scans of the petitioner’s request for an additional two-month extension of time submitted to the USPTO for Petitioner’s patent continuation application 18/108,858. The submission and receipt can be confirmed by USPTO records.

### **EXHIBIT C:**

- USPS Tracking Data: PDF prints of official USPS tracking data confirming the delivery of the extension request. This data is verifiable through the USPS tracking system (Tracking No. EI915725601US).

**EXHIBIT D:**

- Photographs of Priority Express Envelope and Documents: Camera photographs of the Priority Express envelope used for mailing the extension request, including the request itself and the USPS payment receipt. These photographs are supplementary to the facts verified by USPS records and are not themselves subject to judicial notice.

**EXHIBIT E:**

- Scan of USPS Payment Receipt: Scan of the USPS payment receipt for the Priority Express Mailing Costs. This receipt can be corroborated by USPS records.
- Scan of USPS Money Order Receipt: Scan of the USPS payment receipt for the money order. This receipt can be corroborated by USPS records.

**LEGAL ARGUMENT**

Taking judicial notice of the facts presented in Exhibit A through Exhibit E is appropriate because they consist of verifiable records from reliable sources such as the USPS and USPTO. Judicial notice of these facts will aid the Court in understanding the context and verifying the procedural actions taken by the Petitioner, thereby facilitating a more informed and thorough appellate review. The petitioner's ability to compile and present these facts clearly indicates his competency in legal matters, which is pertinent to the current proceedings.

**REQUEST FOR RELIEF**

For the foregoing reasons, Petitioner respectfully requests that this Court take judicial notice of the facts presented in Exhibit A through Exhibit E, while acknowledging that the supplementary photographs included in Exhibit D are meant only to illustrate these facts and are not themselves subject to judicial notice.

Dated: May 28, 2024

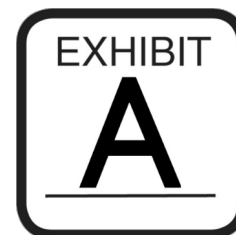
By: /s/ Matthew D Guertin  
Matthew David Guertin  
Petitioner Pro Se  
1075 Traditions Ct.  
Chaska, MN 55318  
Tel: (763) 221-4540  
Email: MattGuertin@ProtonMail.com



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Serial Number <b>29206838711</b>	Year, Month, Day <u>2024-05-04</u>	Post Office <u>553180</u>	Amount <u>\$336.00</u>
Clerk <b>15</b>			

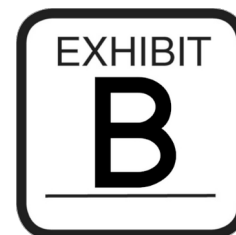
  

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Serial Number <b>29206838711</b>	Year, Month, Day <u>2024-05-04</u>	Post Office <u>553180</u>	U.S. Dollars and Cents <b>\$336.00</b>
Three Hundred Thirty Six Dollars and 00/100 ****			
Amount			
Pay to <u>Director of the United States Patent and Trademark Office</u>	From		Clerk <b>15</b>
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Approved for use through 05/31/2024. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)
Application Number <b>18/108,858</b>	Filed <b>Feb. 13, 2023</b>	
For <b>MOTORIZED ROTATABLE TREADMILL AND SYSTEM FOR</b>		
Art Unit <b>3711</b>	Examiner <b>KIEN T NGUYEN</b>	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	Micro Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$220	\$88	\$44	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$640	\$256	\$128	\$ <u>previously paid</u>
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1,480	\$592	\$296	\$ _____
<input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$2,320	\$928	\$464	\$ <u>336</u>
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$3,160	\$1,264	\$632	\$ _____

☐ Applicant asserts small entity status. See 37 CFR 1.27.

☒ Applicant certifies micro entity status. See 37 CFR 1.29.  
 Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to  
 Deposit Account Number \_\_\_\_\_

☐ Payment made via USPTO patent electronic filing system.


**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☒ applicant.

☐ attorney or agent of record. Registration number \_\_\_\_\_

☐ attorney or agent acting under 37 CFR 1.34. Registration number \_\_\_\_\_

  
 Signature

May 4<sup>th</sup> 2024  
 Date

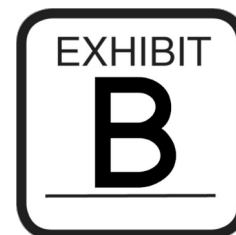
Matthew D. Gratin, CEO - InterSet, Inc.  
 Typed or printed name

763-221-4540  
 Telephone Number

☒ \* Total of 1 forms are submitted.

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*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

**Matthew D Guertin**

CEO – InfiniSet, Inc.  
5832 Lincoln Dr Suite 222  
Edina, MN 55436  
MattGuertin@protonmail.com  
763-221-4540  
05/04/2024

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**Subject: Request for Extension of Time to Respond to Non-Final Office Action**

Dear Commissioner for Patents,

I, Matthew Guertin, CEO of InfiniSet, Inc., hereby request an extension of time to respond to the Non-Final Office Action for the following application:

- **Application Number:** 18/108,858
- **Confirmation Number:** 6872
- **Title of Invention:** MOTORIZED ROTATABLE TREADMILL AND SYSTEM FOR CREATING THE ILLUSION OF MOVEMENT
- **NFOA Mailing Date:** 12/05/2023

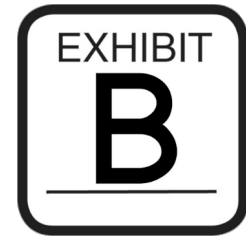
As the assignee and micro entity, we find it necessary to request additional time to adequately address the issue raised in the office action. Accordingly, we are requesting an additional two month extension under 37 CFR 1.136(a), which equates to a total of four months total, due to the two month extension previously filed by us.

**Micro Entity Status Declaration:** We affirm that InfiniSet, Inc., qualifies for micro entity status under 37 CFR 1.29, and all criteria for this status continue to be met.

**Fee Enclosed:** In accordance with the micro entity status, the fee for the requested extension is enclosed in the form of a money order in the amount of \$336.00 which brings the total to the four month fee of \$464.00 when factoring in the previous \$128.00.

Please find attached:

- Form PTO/AIA/22 for the extension request, duly filled.



- Amoney order in the amount of \$336.00 made out to 'Director of the United States Patent and Trademark Office' for the required 'Extension Request Fees'

We appreciate your consideration of our request and look forward to your favorable reply. Should you require any additional information, please do not hesitate to contact me at 763-221-4540 or MattGuertin@protonmail.com Email communication is currently the most efficeint and reliable communciation method to reach me.

Sincerely,

Matthew D Guertin  
CEO, InfiniSet, Inc.

MINNESOTA  
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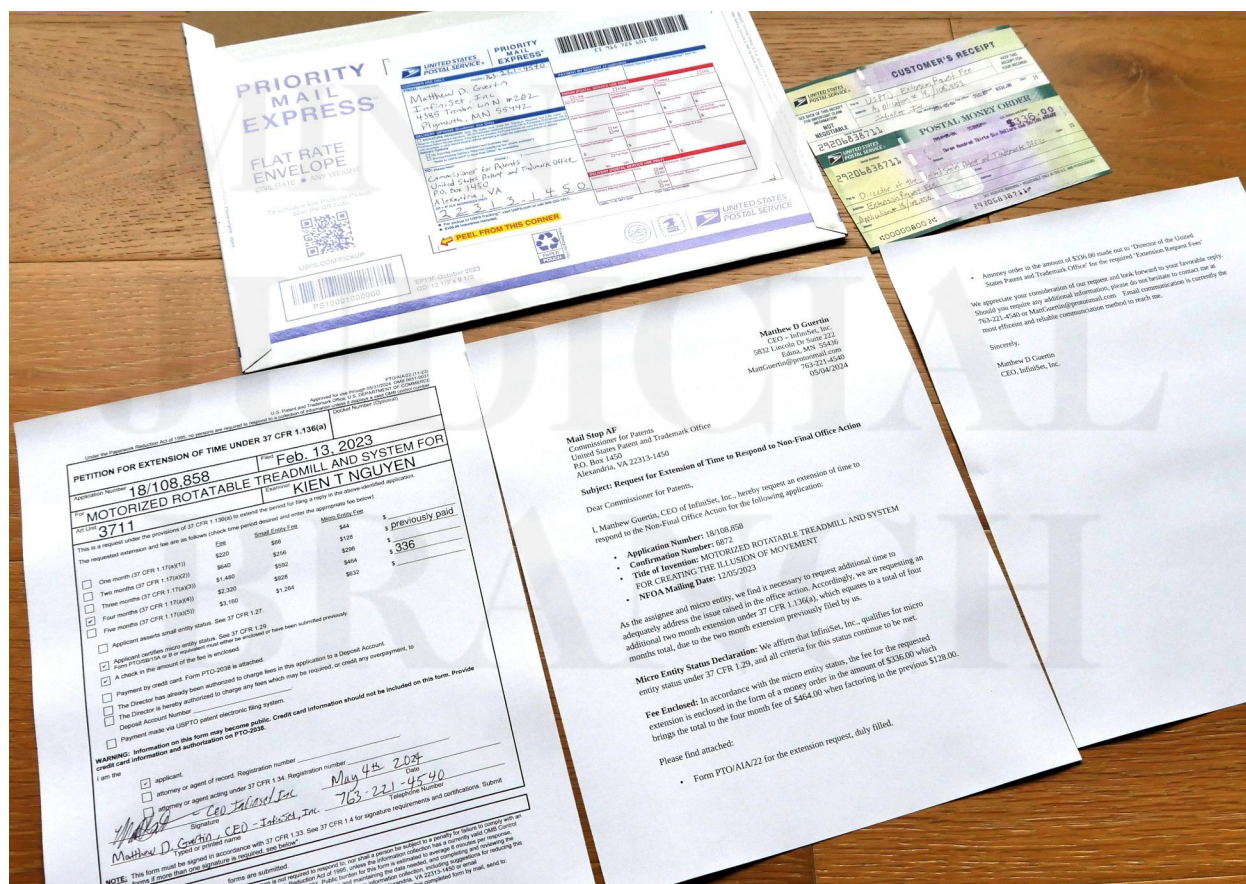
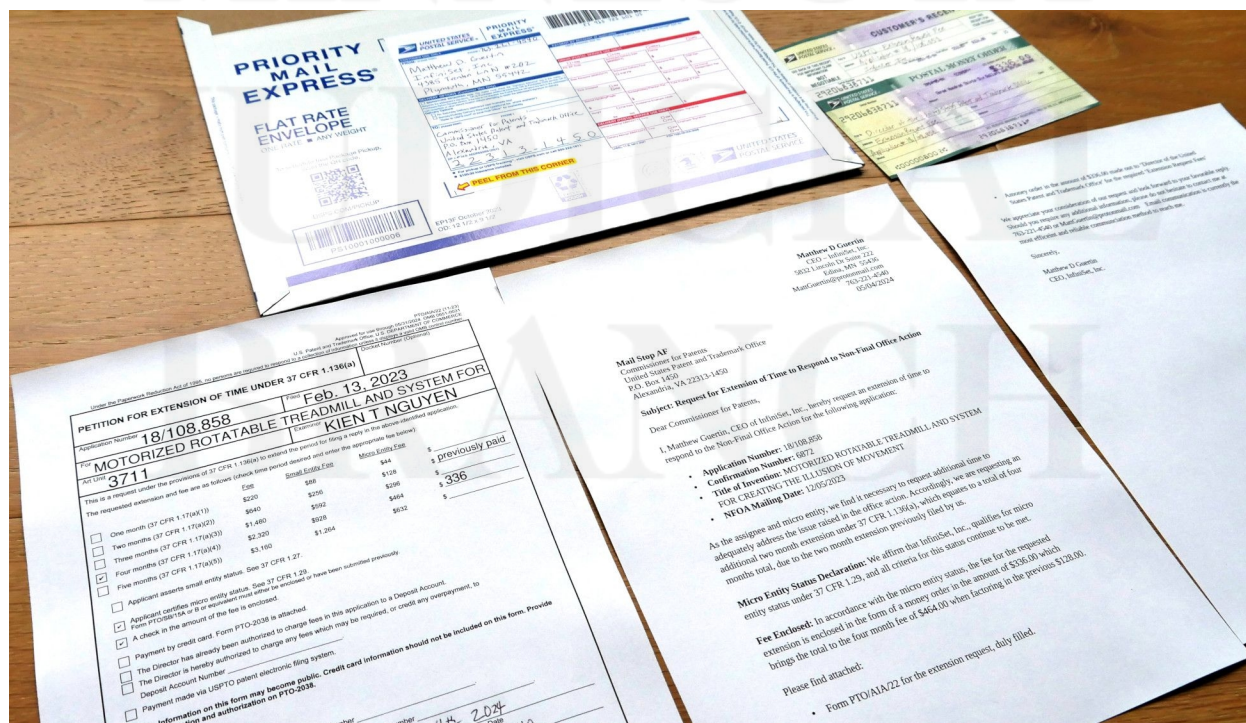




EXHIBIT  
D



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300 N PINE ST  
CHASKA, MN 55318-1941  
(800)275-8777

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Product	Qty	Unit Price	Price
PM Express 2-Day	1		\$30.45
Flat Rate Env			
Alexandria, VA 22313			
Flat Rate			
Signature Waiver			
Scheduled Delivery Date			
Mon 05/06/2024 06:00 PM			
Money Back Guarantee			
Tracking #:			
EI915725601US			
Insurance		\$0.00	
Up to \$100.00 included			
<b>Total</b>			<b>\$30.45</b>
<b>Grand Total:</b>			<b>\$30.45</b>
<b>Credit Card Remit</b>			<b>\$30.45</b>
Card Name: VISA			
Account #: XXXXXXXXXX02099			
Approval #: 009436			
Transaction #: 174			
AID: A0000000980840		Chip	
AL: US DEBIT			
PIN: Not Required			

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EXHIBIT

E



CHASKA  
300 N PINE ST  
CHASKA, MN 55318-1941  
(800)275-8777

05/04/2024 11:56 AM

Product	Qty	Unit Price	Price
Money Order			\$336.00
Serial#: 29206838711			
Money Order Fee			\$2.10
<b>Total</b>			<b>\$338.10</b>
<b>Grand Total:</b>			<b>\$338.10</b>
Cash			\$340.00
Change			-\$1.90

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