

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

---

**State of Minnesota,**

**Respondent,**

**vs.**

**Matthew David Guertin,**

**Petitioner.**

District Court Case: 27-CR-23-1886

Court Order Date: April 12, 2024

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

---

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





## CUSTOMER'S RECEIPT

SEE BACK OF THIS RECEIPT FOR IMPORTANT CLAIM INFORMATION

**NOT NEGOTIABLE**

Pay to USPTO - Extension Request Fee

Address Application # 18/108,858

InfiniSet, Inc.

KEEP THIS RECEIPT FOR YOUR RECORDS


Serial Number **29206838711**

Year, Month, Day **2024-05-04**

Post Office **553180**

Amount **\$336.00**

Clerk **15**



## POSTAL MONEY ORDER

Serial Number **29206838711**

Year, Month, Day **2024-05-04**

Post Office **553180**

U.S. Dollars and Cents **\$336.00**

**Three Hundred Thirty Six Dollars and 00/100 \*\*\*\***

Pay to Director of the United States Patent and Trademark Office

Clerk **15**

Address Extension Request Fee

From

Application # 18/108,858

Address


Memo

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS


**000000800 21**

**29206838711**





### PRIORITY MAIL EXPRESS®



FROM: (PLEASE PRINT)

PHONE **(763) 221-4540**

Matthew D. Guertin

InfiniSet, Inc

4385 Trenton Ln N #202

Plymouth, MN 55442

TO: (PLEASE PRINT)

PHONE ( )

Commissioner for Patents

United States Patent and Trademark Office

P.O. Box 1450

Alexandria, VA

22313-1450

DELIVERY OPTIONS (Customer Use Only)

PAYMENT BY ACCOUNT (if applicable)

☐ SIGNATURE REQUIRED Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.

**Delivery Options**

☐ No Saturday Delivery (delivered next business day)

☐ Sunday/Holiday Delivery Required (additional fee, where available\*)

\*Refer to USPS.com® or local Post Office® for availability.

USPS® Corporate Acct. No.

Federal Agency Acct. No. or Postal Service™ Acct. No.

**ORIGIN (POSTAL SERVICE USE ONLY)**

☐ 1-Day ☐ 2-Day ☐ Military ☐ DPO

PO ZIP Code

Scheduled Delivery Date (MM/DD/YY)

Date Accepted (MM/DD/YY)

Scheduled Delivery Time ☐ 6:00 PM

Time Accepted ☐ AM ☐ PM

Special Handling/Fragile

Sunday/Holiday Premium Fee

Weight ☐ Flat Rate ☐ lbs. ☐ ozs.

Acceptance Employee Initials

Postage \$

Insurance Fee \$

COD Fee \$

Return Receipt Fee \$

Live Animal Transportation Fee \$

Total Postage & Fees \$

**DELIVERY (POSTAL SERVICE USE ONLY)**

Delivery Attempt (MM/DD/YY) Time ☐ AM ☐ PM

Employee Signature

Delivery Attempt (MM/DD/YY) Time ☐ AM ☐ PM

Employee Signature

For pickup or USPS Tracking™, visit USPS.com or call 800-222-1811.

\$100.00 Insurance included.

PEEL FROM THIS CORNER

LABEL 11-B, MAY 2021 PSN 7890-02-000-9996




EXHIBIT  
**B**

PTO/AIA/22 (11-23)

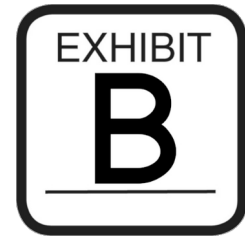
Approved for use through 05/31/2024. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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.

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		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>																															
<p>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.</p> <p>The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):</p> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th></th><th style="text-align: center;">Fee</th><th style="text-align: center;">Small Entity Fee</th><th style="text-align: center;">Micro Entity Fee</th><th></th></tr></thead><tbody><tr><td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td><td style="text-align: center;">\$220</td><td style="text-align: center;">\$88</td><td style="text-align: center;">\$44</td><td>\$ _____</td></tr><tr><td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td><td style="text-align: center;">\$640</td><td style="text-align: center;">\$256</td><td style="text-align: center;">\$128</td><td>\$ <u>previously paid</u></td></tr><tr><td><input type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td><td style="text-align: center;">\$1,480</td><td style="text-align: center;">\$592</td><td style="text-align: center;">\$296</td><td>\$ _____</td></tr><tr><td><input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td><td style="text-align: center;">\$2,320</td><td style="text-align: center;">\$928</td><td style="text-align: center;">\$464</td><td>\$ <u>336</u></td></tr><tr><td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td><td style="text-align: center;">\$3,160</td><td style="text-align: center;">\$1,264</td><td style="text-align: center;">\$632</td><td>\$ _____</td></tr></tbody></table> <p><input type="checkbox"/> Applicant asserts small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> 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.</p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____</p> <p><input type="checkbox"/> Payment made via USPTO patent electronic filing system.</p> <p><b>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.</b></p> <p>I am the</p> <p><input checked="" type="checkbox"/> applicant.</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number _____</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div style="text-align: center;"> _____ Signature</div><div style="text-align: center;"><u>May 4<sup>th</sup> 2024</u> _____ Date</div></div> <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div style="text-align: center;">Matthew D. Gartin, CEO - Intinset, Inc. _____ Typed or printed name</div><div style="text-align: center;"><u>763-221-4540</u> _____ Telephone Number</div></div> <p><b>NOTE:</b> This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.</p>				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	\$ _____
	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	\$ _____																												
<input checked="" type="checkbox"/> * Total of <u>1</u> forms are submitted.																																

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0031. Public burden for this form is estimated to average 6 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.** If filing this completed form by mail, send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

**Mail Stop AF**

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

**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

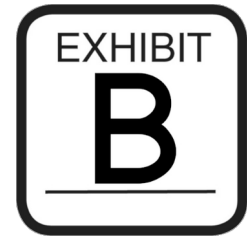
As the assignee and micro entity, we find it necessary to request additional time to adequately address the issue raised in the office action. Accordingly, we are requesting an additional two month extension under 37 CFR 1.136(a), which equates to a total of four months total, due to the two month extension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



- A money 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](mailto:MattGuertin@protonmail.com). Email communication is currently the most efficient and reliable communication method to reach me.

Sincerely,

Matthew D Guertin  
CEO, InfiniSet, Inc.



EXHIBIT  
D

**PRIORITY MAIL EXPRESS®**

UNITED STATES POSTAL SERVICE®

Matthew D. Gertin  
Infiniti, Inc.  
4585 Trenton Ln N #202  
Plymouth, MN 55442

22313-1450

PEEL FROM THIS CORNER

UNITED STATES POSTAL SERVICE®

EP13F October 2023  
OD: 12 1/2 x 9 1/2

**CUSTOMER'S RECEIPT**

UNITED STATES POSTAL SERVICE®

Pay to: USPTO - Extension Request Fee

Address: Application # 18/108,858

Amount: \$336.00

Post Office: 5531

Check: 15

NOT NEGOTIABLE

29206838711

**POSTAL MONEY ORDER**

UNITED STATES POSTAL SERVICE®

Amount: \$336.00

Three Hundred Thirty Six Dollars and 00/100

29206838711

Pay to: Director of the United States Patent and Trademark Office

Address: Extension Request Fee

Application # 18/108,858

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

29206838711

**PRIORITY MAIL EXPRESS®**

UNITED STATES POSTAL SERVICE®

Matthew D. Gertin  
Infiniti, Inc.  
4585 Trenton Ln N #202  
Plymouth, MN 55442

22313-1450

PEEL FROM THIS CORNER

UNITED STATES POSTAL SERVICE®

EP13F October 2023  
OD: 12 1/2 x 9 1/2

**CUSTOMER'S RECEIPT**

UNITED STATES POSTAL SERVICE®

Pay to: USPTO - Extension Request Fee

Address: Application # 18/108,858

Amount: \$336.00

Post Office: 5531

Check: 15

NOT NEGOTIABLE

29206838711

**POSTAL MONEY ORDER**

UNITED STATES POSTAL SERVICE®

Amount: \$336.00

Three Hundred Thirty Six Dollars and 00/100

29206838711

Pay to: Director of the United States Patent and Trademark Office

Address: Extension Request Fee

Application # 18/108,858

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

29206838711

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)**

Application Number: 18/108,858

Fee: 3711

Subject: MOTORIZED ROTATABLE TREADMILL AND SYSTEM FOR KIEN T NGUYEN

Applicant: Matthew D. Gertin, CEO, Infiniti, Inc.

Signature: Matthew D. Gertin

Date: May 4, 2024

Mail Stop AF  
Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22315-1450

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

Dear Commissioner for Patents,

I, Matthew Gertin, CEO of Infiniti, 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
- NEOA Mailing Date: 12/05/2023

As the assignee and micro entity, we find it necessary to request additional time to adequately address the issues 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.

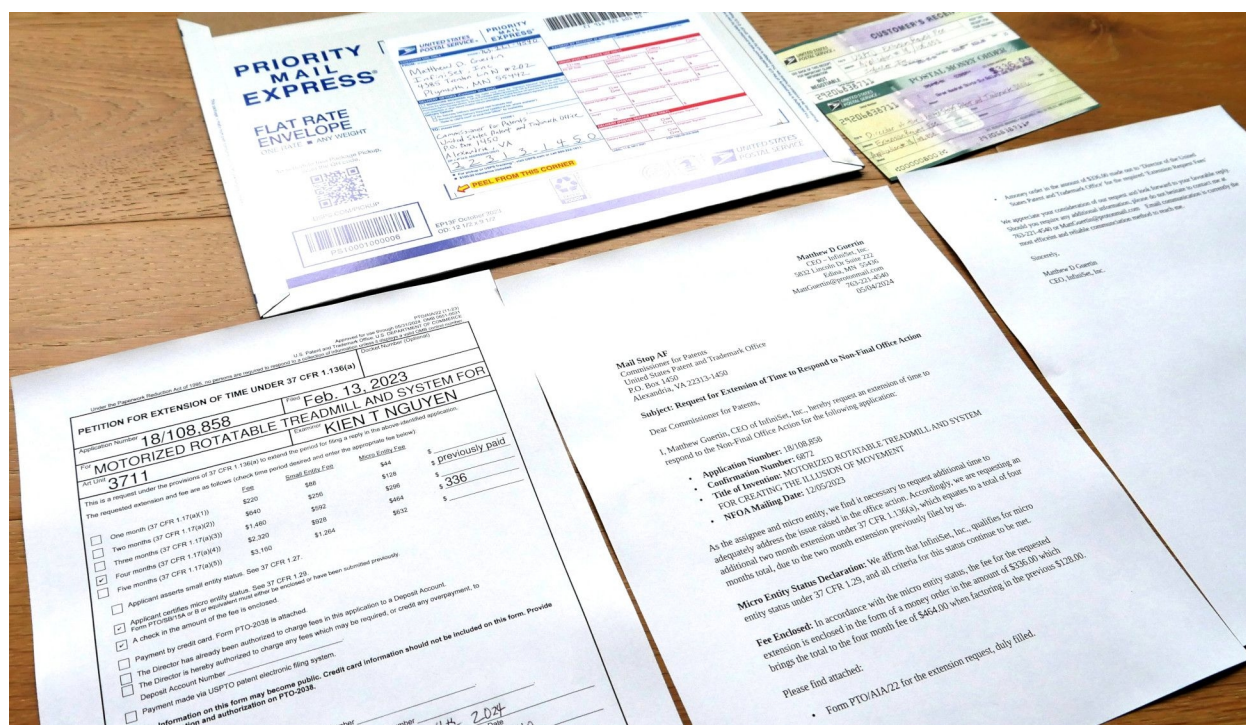
**Micro Entity Status Declaration:** We affirm that Infiniti, Inc., qualifies for micro entity status under 37 CFR 1.29, and all criteria for this status continue to be met.

**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 \$468.00 when factoring in the previous \$132.00.

Please find attached:

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







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

05/04/2024 12:47 PM

Product	Qty	Unit Price	Price
PM Express 2-Day Flat Rate Env	1		\$30.45
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			
Total			\$30.45

Grand Total: \$30.45

Credit Card Remit \$30.45

Card Name: VISA  
Account #: XXXXXXXXXX2099  
Approval #: 009436  
Transaction #: 174  
AID: A0000000980840 Chip  
AL: US DEBIT  
PIN: Not Required

Save this receipt as evidence of insurance. For information on filing an insurance claim go to <https://www.usps.com/help/claims.htm> or call 1-800-222-1811

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

Preview your Mail  
Track your Packages  
Sign up for FREE @  
<https://informedelivery.usps.com>

All sales final on stamps and postage.  
Refunds for guaranteed services only.  
Thank you for your business.

Tell us about your experience.  
Go to: <https://postalexperience.com/Pos>  
or scan this code with your mobile device.



or call 1-800-410-7420.

UFN: 261650-0318  
Receipt #: 840-55530294-2-5540866-2  
Clerk: 15

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
Total			\$338.10

Grand Total: \$338.10

Cash \$340.00  
Change -\$1.90

Preview your Mail  
Track your Packages  
Sign up for FREE @  
<https://informedelivery.usps.com>

All sales final on stamps and postage.  
Refunds for guaranteed services only.  
Thank you for your business.

Tell us about your experience.  
Go to: <https://postalexperience.com/Pos>  
or scan this code with your mobile device.



or call 1-800-410-7420.

UFN: 261650-0318  
Receipt #: 840-55530294-2-5540567-1  
Clerk: 15