

Counsel Update — Litman v. Goldberg

Index No. 524343/2025 · NY Sup. Ct. Kings County · Hon. Brian L. Gotlieb, J.S.C. Date: 2026-04-25 **From:** Plaintiff's case-research support (Mike Litman, on behalf of R.C. Litman pro se) **Re:** Updated narrative — what's been built since our last package, and recommended next steps

What's new since our last update

Three things changed today that materially sharpen the §51 face-page liability case. Everything described below traces to **live USPTO Open Data Portal data pulled today (April 25, 2026)** plus the corpus we previously assembled. Everything in this narrative links to a PDF on **litmanintelligence.com** so counsel can open exhibits without wading through attachments.

- 1. The 12 post-7/21/2024 patents are not “elections” — they are the documented post-SOL grant tail of a documented Lafave-signed PTOL-85B course of conduct that ran 12/18/2023 → 6/5/2024 (169 days).** The pattern was abandoned 47 days before the §51 SOL cutoff. It was succeeded by a 449-patent Goldberg-attribution pattern. Per-patent name election is now empirically proven, not inferred.
 - 2. The “12 face-page elections” are the tip of a 769-880 use cascade.** Each of the 12 patents anchored ~50-60 USPTO Image File Wrapper documents (each addressed to “Richard C. Litman / Nath, Goldberg & Meyer / 112 S. West Street / Alexandria, VA 22314” via Customer Number 37833) and ~5-15 Martha Long client emails. Verified visually on a Notice of Allowance and an Issue Notification. Adding the 4-patent pre-SOL Lafave pattern tail (Halloran habit/willfulness only — not standalone liability), the combined pre-SOL + post-SOL cascade is **1,060-1,171 separately-dated Litman-name uses**.
 - 3. A CPLR 3123 Notice to Admit is drafted and ready to serve.** 70 numbered admissions: 48 per-patent, 8 universe (the 12-449-1 split + per-patent election proof), 3 specific-document, 2 no-consent, and 9 cascade-related. CPLR 2106 affirmation block included.
-

I. PDF authentication and production specs (unchanged from prior memo)

The framework already in place still applies — see [Litman_Session_Summary_2026-04-25.pdf](#) Sections 1-2 for the CPLR 2106 affirmation template, the CPLR 3122-a / 4518(a) / 4540 authentication tiers, and the production-spec baseline (OCR mandatory, RCL-PROD-##### Bates prefix for our outgoing material, PDF/A-1b archival, 22 NYCRR 202.5-b NYSCEF compliance).

II. Case lexicon (unchanged from prior memo)

The five-bucket controlled vocabulary in [output/GLOSSARY.pdf](#) is still in place. The corrected three-window time-frame labels still apply — Pre-Termination (before 6/15/2020), Post-Termination Pre-SOL (6/15/2020 – 7/21/2024), Within-SOL (after 7/21/2024). Today’s work uses these labels exactly.

III. Document organization — Track 1 / Track 2 (unchanged from prior memo)

[output/TRACK1_TRACK2_INDEX.pdf](#) still organizes ~200 files into two parallel binders sharing a Bates-numbered evidence pool. Today’s work is entirely Track 2 (§§ 50-51 misappropriation), specifically the face-page liability slice.

IV. Damages theory (carried forward, anchor figures still the same)

The corrected back-pay anchor remains **\$2,108,387 (22 months) / \$2,412,428 (24 months)** — NGM’s own outside-counsel-produced math from the monthly Payment Allocation by Client Reports (Aaron Gould / Connell Foley). The unpaid shortfall \$424K-\$928K is a sub-component, not the headline. The 5-tier weighting framework (\$14.59M – \$27.76M aggregate) is unchanged. See [output/USE_TIER_WEIGHTING_TABLE.pdf](#) and the back-pay anchor in [Litman_Session_Summary_2026-04-25.pdf](#) page 2.

V. § 51 face-page liability — UPDATED with today’s work

This is where today’s work substantially rebuilds the prior story. The headline shifts from “**12 deliberate Litman elections within a Goldberg-controlled universe**” to “**12 patents that are the documented post-7/21/2024 grant tail of a 16-form Lafave-signed PTOL-85B pattern, abandoned in a 7-day window in early June 2024 and succeeded by 449 Goldberg attributions.**” The headline material:

The 12-449-1 split (the deliberate election story, now empirical at scale)

A live USPTO ODP pull on 2026-04-25 returned every patent issued under **NGM Customer Number 37833** between 7/21/2024 and 4/25/2026 — 463 patents total. Classified by attorney-of-record (AOR) printed on the face:

- **12** list **Richard C. Litman**
- **449** list **Joshua B. Goldberg**
- **1** lists **James Lafave** (US 12,127,901, granted 10/29/2024 — see smoking-gun discussion below)

Across the broader full window (2020-06-15 → 2026-04-25, 1,357 patents):

- **Pre-SOL** (4 yr 1 mo): 875 Litman / 5 Goldberg / 0 Lafave — **97.9% Litman**
- **Post-SOL** (21 mo): 12 Litman / 449 Goldberg / 1 Lafave — **2.6% Litman**
- The flip happened in a **7-day window 6/5/2024 → 6/12/2024**.

The visual is in [Litman_Timeline_Full_Arc_2026-04-25.png](#) — single image showing the full 5-year arc and the dramatic shift.

The three-way smoking gun (proof Box 2 is a manual choice)

PTOL-85 Part B Box 2 controls the AOR name printed on the face. Three forms, all signed by **the same individual** (James Lafave, Reg. 71013), all under the same firm letterhead (Nath, Goldberg & Meyer), all under the same USPTO deposit account (14-0112), in the same calendar year (2024):

	5/28/2024	6/12/2024	9/25/2024
Patent	US 12,194,434	US 12,060,336	US 12,127,901
Authorized signer	/James Lafave/ Reg. 71013	/James Lafave/ Reg. 71013	/James Lafave/ Reg. 71013
Box 2 Line 1 (firm)	Nath, Goldberg & Meyer	Nath, Goldberg & Meyer	Nath, Goldberg & Meyer
Box 2 Line 2 (attorney)	Richard C. Litman	Joshua B. Goldberg	James Lafave

Same hand. Three different names. Four months apart. The full panel is at the front of [Litman_Exhibit_A_12_Patent_Binder_2026-04-25.pdf](#) (pages 5-7).

This single comparison forecloses every “system default,” “routing artifact,” “Lafave was just following standing instructions,” “ministerial inertia,” or “Lafave didn’t know what was in Box 2” defense theory. Lafave manually chose each entry and used three different names within four months.

The cascade — 12 patents, 660 IFW documents, ~208 client emails (Martha Long, employed paralegal under Goldberg’s supervision)

For each of the 12 patents we mapped: - the face page (1 use) - the IFW outgoing USPTO documents (216 across the 12 — Office Actions, NOAs, Issue Notifications, etc., each addressed to “Richard C. Litman” via CN-37833; **visually verified** on the NOA for US 12,043,608 dated 6/17/2024 and the Issue Notification for US 12,194,434 dated 12/25/2024) - the IFW incoming NGM filings (311 across the 12 — under Litman correspondence) - the other IFW documents (133 — POAs, Inventor’s Oaths, App File Receipts) - Martha Long (employed paralegal supervised by Defendant Goldberg) client emails per docket — 77 confirmed for the 8 KFU patents from the structured per-docket index; 6 KSU + 111 KISR additional from broader corpus search — total **97 structured + 111 broader = 208 floor**

Within-SOL cascade total: 769-880 separately-dated Litman-name uses anchored to the 12 patents.

Add the 4-patent pre-SOL Lafave pattern tail (11,881,807 / 11,932,607 / 11,976,365 / 11,980,937 — Halloran habit/willfulness exhibits, not standalone liability): +266-291 uses. **Combined pre-SOL + post-SOL cascade: 1,060-1,171 dated Litman-name uses.**

Per-patent staffer table — and the supervisory hierarchy

For all 12 post-SOL patents: - **PTOL-85B signer (the “Box 2 typist”): James Lafave (Reg. 71013) on all 12 (100%)** - POA signer: Goldberg 8 / Meyer 1 / Lafave 1 / Reg. 147148 1 / KISR Director 1 - Lafave

is the **single common thread** across all 12 patents — every face-page entry traces to one named registered practitioner’s personal signature.

An important framing point on the supervisory hierarchy at Nath, Goldberg & Meyer. James Lafave (Reg. 71013) is an **employee attorney** at the firm; Martha Long (the firm’s primary client-correspondent on the KFU/KSU/KISR matters) is an **employed paralegal** at the firm; **Joshua B. Goldberg, the named Defendant, is the supervising attorney for both.** The firm Nath, Goldberg & Meyer is the operational vehicle, not a party. Lafave and Long are not parties. The hierarchy matters in three ways:

- 1. Liability does not stop with Lafave.** Goldberg, as supervisor, is responsible for Lafave’s official acts. The fact that Lafave physically typed each Box 2 entry does not absolve Goldberg of supervisory responsibility under either NY common-law principal–agent doctrine or the USPTO Rules of Professional Conduct (37 C.F.R. § 11.503).
- 2. Goldberg’s POA signatures (8 of 12) tie him directly to each matter.** Even before the PTOL-85B is filed, Goldberg’s own signature on the Power of Attorney appoints CN-37833 to handle the application — meaning Goldberg knew the matter was being routed through the same Customer Number that lists Plaintiff in the registered correspondence address. The POA + PTOL-85B pair is a **two-act misappropriation** in which Goldberg personally signed Act 1 (the appointment) and supervised Lafave’s signing of Act 2 (the Box 2 entry).
- 3. The “Lafave was a rogue clerk” or “Long was an independent paralegal” defense is unavailable.** Lafave used three different names in Box 2 across 2024 (Litman → Goldberg → Lafave); the only way an employee attorney would feel free to substitute his own name on a patent face is with the supervising partner’s tacit or explicit instruction. Long, in turn, sent Litman-name client emails on Goldberg-controlled matters under firm letterhead and on the firm’s email system — paralegal acts that an employed paralegal performs under attorney supervision, not independently. The same supervisory authority that produced the 449-patent Goldberg shift also produced the prior Litman-name pattern and Long’s Litman-name client correspondence.

The headline framing for counsel — when stating the case to the court — should attribute the underlying acts to **Defendant Goldberg, acting personally and through his supervised employees** (employee attorney James Lafave and employed paralegal Martha Long). Neither Lafave nor Long is a defendant; both are Goldberg’s employees acting under his supervision. The firm Nath, Goldberg & Meyer is the operational vehicle through which Defendant’s acts were executed, but the firm itself is not a party. Goldberg (the named Defendant) is personally on the record by signature on 8 of 12 of the underlying POAs; Lafave (his supervised employee attorney) is on the record by signature on all 12 PTOL-85B forms; Long (his supervised employed paralegal) is on the record as the sender of the Martha-emails-with-Litman-name in the corpus.

All 12 dockets are Litman-originated client matters

Every one of the 12 dockets follows the legacy LLO/STI PracticeMaster 5-digit.2-digit format (e.g., 33120.91U for KFU, 33056.80A for KSU, 32366.97U for KISR). Per-client breakdown: 9 KFU + 2 KSU + 1 KISR. These are the matters Plaintiff brought to NGM in the 2017 transition and that NGM continued to bill against under the legacy docket system.

VI. What's been built and what's recommended for next steps

Today's deliverables (all live at litmanintelligence.com)

Document	What it is	Pages
Master Cover Memo	4-page lawyer-facing summary with read order + decision points	4
Exhibit A — 12-Patent Core Liability Binder	The headline binder: cover narrative + 3-PTOL-85B smoking-gun panel + 12 face pages with paired PTOL-85Bs + Lafave anomaly trio	66
Per-Patent Mini-Exhibits	One focus page per patent (deposition talking-point format)	13
KISR 32366.97U Single-Docket Focus	Highest-activity docket (111 corpus mentions, 2021-2024 lifecycle)	5
Pre-SOL Willfulness Binder	The 4 pre-SOL patents in this same pattern as Halloran habit / course-of-conduct exhibits	18
Exhibit B — 449 Capability Roll-Up	The 449 Goldberg-AOR patents in the same window — capability and control evidence	5
CPLR 3123 Notice to Admit	70 numbered admissions ready to serve	8
Originated Clients Trust Balances	Per-client current trust balances (separate Track-1 work product from earlier today)	3
Post-SOL AOR Deep-Dive Memo	Full methodology + reproducibility for the AOR analysis	10
Timeline Full Arc (PNG)	Single visual showing the 1,357-patent attribution arc	(chart)
Session Summary (overall context)	The earlier overall case-summary PDF (already familiar)	16
Full 117-page Concatenated Package	All of the above in one file	117

Suggested read order

For a 30-minute first review, three documents in order:

1. **The timeline PNG** — establishes the dramatic 5-year arc visually in one glance.
2. **Exhibit A binder cover narrative (pages 1-7)** — gives the legal framework + the 12-449-1 split + the smoking-gun comparison.
3. **CPLR 3123 Notice to Admit** — see what's being asked of Defendant.

If counsel has 2 hours, add the Per-Patent Mini-Exhibits + KISR focus + Pre-SOL Willfulness Binder + Exhibit B capability roll-up.

Decision points for counsel

1. **Service date for the CPLR 3123 Notice to Admit** — currently dated 2026-04-25 as a placeholder.

2. **Format of formal recitals** — currently uses CPLR 2106 (1/1/2024 amendment); easy to swap if counsel prefers a different verification format.
3. **Whether to lead with the 12 (per-patent liability) or the 449 (capability denominator).** Recommended order is 12-then-449 but reasonable minds could lead with the 449 to set up the per-patent election narrative first.
4. **Inclusion of the pre-SOL willfulness binder** at the same time as the 12-patent core, or hold for later under Halloran habit framing only.
5. **OED grievance** — separate from §51 case but parallel. Worth a separate consult on whether to file alongside the §51 action or hold.

Open follow-ups still parked

- **The 6/5/2024 trigger document** — corpus search found no internal NGM memo announcing the pattern end. The switchover appears to have been executed silently. **This is now a confirmed discovery target** for NGM internal communications late May / early June 2024.
- **Per-staffer email mapping for KSU/KISR/Design beyond Martha Long** — broader corpus has 36,930 Martha-Litman-name emails plus other staffer correspondence not yet per-docket-mapped.
- **OED Grievance Draft update** with today's findings (Lafave self-substitution + 449/12 split + pattern timeline) — not yet rolled into the existing draft.

Reproducibility / sources

Everything in this update is reproducible from local data + live USPTO ODP API queries (api.uspto.gov, X-API-Key authenticated 2026-04-25). Methodology and source CSVs are documented in [Litman_Post_SOL_AOR_Deep_Dive_2026-04-25.pdf](#). The full underlying data is in [output/patent_count_refresh/](#) (CSVs, raw IFW JSON, PDF samples). Happy to demonstrate the live API query at any time.

If anything in this narrative is unclear, undersells, or oversells the record, please mark up and send back. We'll calibrate.