

PATENT ASSIGNMENT COVER SHEET

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CONVEYING PARTY DATA		
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	Property Type	Number
	Patent Number:	7185551
	Patent Number:	6805015
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SIGNATURE:	/H Donald Schwartz/	
DATE SIGNED:	07/18/2017	
Total Attachments: 4		
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AFFIDAVIT OF DONALD SCHWARTZ

July 11, 2017

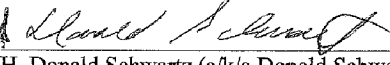
That I signed the document below while standing in the court holding dock where this judge placed me under arrest when I refused to sign it and told me I would be transferred to the Middleton Correctional Facility for 10 days if I did not sign, conditions under which I deem my assignment signature below to be invalid.

ASSIGNMENT OF PATENTS RIGHTS

H. Donald Schwartz, a/k/a Donald Schwartz ("Assignor") is owner of U.S. Patents Numbers: 6,805,015 and 7,185,551 dated October 19, 2004 and March 6, 2007, respectively, and titled Dual resolution syringe and Pipetting module, respectively, (the "Patents"). Jennifer Ackerman ("Assignee") desires to acquire rights in and to the Patents.

Therefore, for valuable consideration, the receipt of which is acknowledged, Assignor assigns to Assignee 100% of his or her right, title and interest in the invention and Patents to Assignee for the entire term of the Patents and any reissues or extensions and for the entire terms of any Patents, reissues, or extensions that may issue from foreign applications, divisions, continuations in whole or part, or substitute applications filed claiming the benefit of the Patents. The right, title, and interest conveyed in this Assignment is to be held and enjoyed by Assignee and Assignee's successors as fully and exclusively as it would have been held and enjoyed by Assignor had this assignment not been made.

Assignor further agrees to: (a) cooperate with Assignee in the protection of the Patents rights and prosecution and protection of foreign counterparts; (b) execute, verify, acknowledge and deliver all such further papers, including Patents applications and instruments of transfer; and (c) perform such other acts as Assignee lawfully may request to obtain or maintain the Patents and any and all applications and registrations for the invention in any and all countries.

Signature of Assignor: 

H. Donald Schwartz (a/k/a Donald Schwartz)

Date: 5.23.17


INITIAL

PERSONALLY
AND ON BEHALF OF
CURRENT ASSIGNEE OF
PATENTS; DIFFERENTIAL pipetting

1. In May, 2017 I was served with a 2009 Judgment based on a Massachusetts Commission Against Discrimination's decision that I fired Jennifer Ackerman in December 1996 because she was pregnant. The 2009 Judgment of \$245,569 had grown with interest to some \$400,000. I had heard nothing from Ackerman in some 10 years.

2. I went to court on May 23 to testify on ability to pay and work towards a settlement. I testified that my patents, whose rights were assigned to the company, were critical to protecting the company and my sole source of livelihood. But the judge ordered me to sign the Assignment that Ackerman's attorney had brought in exactly as it was without my even getting any legal review on it.

3. My transcription of the court tape sections dealing with the forced document signing is below:

End of 1st session:

2:44:59 Judge Mori: I think we're at the point now where you're going to request contempt if he doesn't sign it?

Attorney Perl: Yes, your honor.

2:45:11 Judge Mori: And in the dock and up to the jail?

Attorney Perl: Yes, your honor.

Judge Mori: So, that's your choice.

Dr. Schwartz: Judge....

Judge Mori: I have contempt powers. And I don't use them lightly.

Dr. Schwartz: I'm certain you do, judge. I need to sleep on this overnight. Please...

Judge Mori: I think you have about 5 minutes to sign.

2nd session:

3:11:27 Judge Mori: All right. Right over here in the prisoner dock, okay, we're going to remand Dr. Schwartz into custody. He's refusing to sign the...

.....
3:11:59 Judge Mori: You're either going to sign the paper or going to Middleton jail. One of those 2 things are going to happen this afternoon.

3rd session:

Dr. Schwartz: I want to tell you that I'm in...

3:26:59 Judge Mori: I don't want to hear a word other than yes, I will sign or no, I will not. Okay? That's what I want to hear. Yes or no.

3:27:10 Dr. Schwartz: That's unreasonable judge. I'm in no state of mind....

Court officer: Listen to the judge.

Judge Mori: Hearing on contempt. How long do you want him to go to Middleton?

Attorney Perl: Until he signs the document, your honor.

Judge Mori: Okay. Well, I'm not gonna....you know, I'll find he's in contempt of court for not..

Dr. Schwartz: Judge, what I asked him for is I'm going to speak to one or two people tonight to try to get some money.

3:27:44 Judge Mori: I'm not interested in that. so if you wish to sign, great, if you don't 10 days in the house of correction on contempt for failure to

3:27:51 Dr. Schwartz: I'll sign, judge.

.....{after I sign }

3:28:48 Judge Mori: All right. Dr. Schwartz may be released from custody.

4. After the 2nd session ended I was left standing alone in the prisoner dock, with no access to my briefcase let alone a phone or attorney, while a court officer guarded the entrance. During the next 15 minutes, I had thoughts of heroic souls who withstood physical torture and the rack rather than betray their values or friends. I wondered if signing the assignment would be anything but cowardly and a betrayal of people who had placed trust in me and my company. But it occurred to me that I might actually be in the clutches of some modern version of the hanging judge in an old Western classic I recently saw - right here on our North Shore. He certainly appeared to relish asserting his power, like a swaggering bully (but with a black robe). I thought about how glibly he used "contempt" to abruptly put me in this state of arrest, and that if after 10 days in prison I still refused to sign he would probably leave me there longer. Never having experienced anything like this, and cut off from communication with a lawyer or the outside world, the prospect of being isolated in a black hole was terrifying. I also thought that if I allowed myself to be isolated in prison that critical business activities and obligations to others could collapse and everything be destroyed. It occurred to me that letting myself be buried alive might not be the better part of either wisdom or valor.

5. When the 3rd session began 15 minutes later, I made a second plea to give me one night to catch my breath on this. When I listen to my voice on the tape at 3:27:10 saying "That's unreasonable judge. I'm in no state of mind...." I hear my voice quivering and vividly recall my fear. The judge's retort made clear that I was on my way to an unknown dark hole in prison and I felt like I was about to be buried alive. Foremost in my mind in the next 7 seconds was not to let this ghoul bury me alive and to "die another day". Thus it was that I signed - though my scrawl bears little resemblance to my usual signature -- and he pronounced "All right. Dr. Schwartz may be released from custody".

6. At the beginning there was a deft sequence in which the judge prompted the attorney so that he could declare me in "contempt", an apparent coordinated model that would let just about anything he wanted navigate to issue from the lips of the attorney and turned into a "contempt". This may be legal in the narrowest context, but it was slick and redolent here. Several other things made this overall proceeding and its outcome egregious on its face and something that should not happen in this country. He took away my livelihood and ordered me to do the impossible. He refused to give me even one night to have a lawyer review a legal document I had never seen that he demanded I sign. My patents were seized by what was titled an "assignment" but was really a forced seizure that was a drastic transfer of vital assets that made the stated purpose impossible. The conjecture of an attorney and the whim of one judge held sway over evidence and truth. No wonder the Founders so enshrined jury trial rights in our Constitution! Those jury trial rights were stolen from me in the disgraceful retroactive Stonehill College vs MCAD case over a decade ago, trampling the Constitution and due process and creating this whole Judgment, and they should not be stolen again. An appropriately cynical exposition of the cosmetic cover of this atrocity is that the "...valuable consideration" in the "Assignment" was nothing other than my being spared a minimum of 10 days in the Middleton Correctional Facility. A little like being marched to the gallows being forced to chant "the truth will make you free"-- and then ordered to smile.

7. Although this judge did succeed in forcing me to sign, he did so with no evidentiary hearing on how critical it is that the patents not be separated from the intellectual owner and/or the parent company, and at this point proper evidentiary adjudication, and the jury trial, are required.

8. I consider that the patents I developed remain my intellectual property.

Signed under the pains and penalties of perjury that is true to the best of my knowledge and belief.

H. Donald Schwartz
H. Donald Schwartz, M.D.

7/11/2017
Date

(978) 879-7898

Donald Schwartz AFFIDAVIT 7/11/2017

- 3-

ADDENDUM: In 1996 I fired Jennifer Ackerman for not doing the job I had hired her to do, extremely late and irregular work schedule (having hidden from me in the interview that she lived an impossible commute away in Sebago Maine and lying that she lived an easy drive just over the Maine border), and for gross insubordination. About a week after she began work she had informed me that she had just found out that she was pregnant and could not do any of the lifting of the small products called for so I changed her to doing simple assembly tasks. Her extreme lateness and falling asleep during the day led me to change her to hourly for whenever she wanted to work, but she wouldn't accept that and I fired her. She went to the Mass Commission Against Discrimination (MCAD) claiming that the reason I fired her was that she was pregnant. The July 7, 2009 Judgment for \$245,569 against me came from a lay hearing officer at MCAD who awarded close to \$100,000 in total damages, a \$10,000 statutory penalty, attorney fees, and interest at 10% on all back pay retroactive to 1996, a ten year period. That hearing officer would not let most of my witnesses testify and it was a completely unfair proceeding that was not based on fact or truth. It was generally understood in the Boston area that that is what went on at the MCAD at that time (Kangaroo Court was a term some used for it) and common legal advice was to be sure to reserve rights to and rely on the Supreme Judicial Court's right to a jury trial which was granted in *Lavelle v. Massachusetts Commission Against Discrimination*, 426 Mass. 332 (1997). Lavelle's later reversal in *Stonehill College v. Massachusetts Commission Against Discrimination*, 441 Mass. 549 (2004), took away the jury trial rights, and did so retroactively for anyone who had relied on it. The huge Judgment against me therefore came, not from one dollar owed to Ackerman before the MCAD intervention, but rather from a rare and unholy alliance of a totally non-judicial type MCAD proceeding and a bizarre retroactive termination of jury trial rights that caught everyone by surprise and left no further appeal route. I next heard from Ackerman 9 years later, the end of April 2017, by which time the interest had grown the total judgment to some \$400,000.

N. Donald Schwartz 6/8/17