

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

David James Kappos

2. **Position:** State the position for which you have been nominated.

Undersecretary of Commerce and Director of United States Patent and Trademark Office

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: *1 North Castle Drive, Armonk NY, 10504*

Residence: [REDACTED]

4. **Birthplace:** State date and place of birth.

March 3, 1961; Palos Verdes, CA

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

George Washington University, School of Law; 8/89 – 5/90; no degree received

UC Berkeley, Boalt Hall School of Law; 8/87 – 5/89; Juris Doctor degree received 5/90

Syracuse University; 8/84 – 12/84, no degree received

UC Davis; 8/79 – 8/83; BS Electrical and Computer Engineering degree received 8/83

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

IBM Corporation, 12/90 to Present:

Vice President and Assistant General Counsel, Intellectual Property

Law and Strategy; 1 North Castle Drive, Armonk NY 10504; 5/2003-present

Corporate Counsel, Intellectual Property Law; 1 North Castle Drive, Armonk NY 10504; 8/2000-4/2003

Assistant General Counsel, Intellectual Property Law; Tokyo, Japan; 5/1998-7/2000

Counsel, Intellectual Property Law; San Jose, CA; 7/1995-5/1998

Attorney, Litigation; San Jose, CA; 7/1993-7/1995

Attorney, Intellectual Property Law; San Jose, CA; 12/1990-7/1993

Trainee, Intellectual Property Law; Arlington, VA; 5/1989-12/1990

Engineer; Endicott, NY; 10/1983-5/1989 (excluding leaves of absence during law school attendance)

Intellectual Property Owners Association, Washington DC, Vice President, 1/2008-present

Intellectual Property Owners Education Foundation, Washington DC, member Board of Directors, 3/2008-present

American Intellectual Property Law Association, Arlington VA, member Board of Directors, 10/2006-present

International Intellectual Property Society, Morristown, NJ, member Board of Directors, 1/2001-present

Alexander Tognino Foundation, Ardsley NY, member Board of Trustees, 5/2008-present

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have registered for the Selective Service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Tau Beta Pi Society

UC Berkeley academic scholarship

Graduation with highest honors, UC Davis

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Intellectual Property Owners, Vice President, 1/2008 – present

Intellectual Property Owners Education Foundation, member Board of Directors, 3/2008 - present

American Intellectual Property Law Association, member Board of Directors, 10/2006 – present

Alexander Tognino Foundation, member Board of Trustees, 5/2008 - present

International Intellectual Property Society, member Board of Directors, approximately 1/2001 – present

American Bar Association (no record of dates available)

American Chamber of Commerce Japan Intellectual Property Law Committee, 5/1998-7/2000

Peninsula Intellectual Property Law Association, 1990-1998 (approx)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

1990 - California

2002 - District of Columbia

2003 - New York

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

N/A

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

None

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

N/A

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

"Deferred Examination: A Solution Whose Time Has Come," Letter to the Editor, Managing Intellectual Property, April 2009

"Seeking a Balanced Approach to Inequitable Conduct Reform," publication pending 2009

"A Technological Contribution Requirement for Patentable Subject Matter: Supreme Court Precedent and Policy", Northwestern Journal of Technology and Intellectual Property, Vol. 6, No.2, Spring 2008

"It's Time for Patent Reform", BusinessWeek, March 28, 2007

"Point of View: We Must Stop the Race to the Bottom", IP Law and Business, April 1, 2007

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

“Opening Statement to Senate Judiciary Committee, Concerning S515,” 2009

“Testimony of David J. Kappos Before the United States Senate Committee on the Judiciary,” 2009

“Letter to The Honorable Dianne Feinstein,” 2009

“Appendix to Letter from David J. Kappos to Members of Senate Judiciary Committee,” 2009

“Working Together Toward A Sustainable Patent System,” speech to Trilateral Patent Offices, 2008

“Working Together Toward A Sustainable Patent System,” speaking notes for speech made to Trilateral Patent Offices, 2008

“Declaration of David J. Kappos, on Behalf of IBM, in Support of AIPLA Amicus Brief in Matter of GSK Preliminary Injunction Motion to Stay New PTO Rules,” 2007

Letter to Jon Dudas recommending PTO data transparency, 2007

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

“Generic Prior Art Citation Document,” speech to Industry Trilateral, 2008

“Working Together Toward A Sustainable Patent System,” speech to Trilateral Patent Offices, 2008

“Working Together Toward A Sustainable Patent System,” speaking notes for speech made to Trilateral Patent Offices, 2008

“Section 112 Issues in Computer Software Patents,” speech to AIPPI, 2009

“US Patent Reform: Is it Within Reach?” speech to Council on Foreign Relations, 2009

“The Eco-Patent Commons,” speech to AIPPI, 2008

“Intellectual Property and the Evolution of Innovation Models,” speech to Interpat, 2008

“Fordham IP Law Institute 16th Annual Conference,” speech at Fordham IP

Law Institute 16th Annual Conference, 2008
“Calling The Pitches: US Intellectual Property Laws in an Era of Legislative Deadlock and Supreme Court Activism,” speech to Licensing Executives Society, 2007

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

The following list represents all the interviews I have been able to identify through a search of my records and public databases.

2004

May 8, 2004 Neil Munro, The National Journal

2005

January 11, 2005 The Journal News, Julie Moran Alterio

2006

October 24, 2006 Business Daily Update

February 20, 2006 InformationWeek, Eric Chabrow

August 21, 2006 Fortune, Nicholas Varchaver

January 14, 2006 Chicago Tribune, Jon Van

October 30, 2006 InformationWeek, Paul McDougall

February 2, 2006 Business Week Online, Michael Orey

February 13, 2006 Business Week, Michael Orey

October 30, 2006 COMMWEB

January 17, 2006 Deseret Morning News, Bloomberg News, Susan Decker

May 12, 2006 Business Wire

October 2006 Intellectual Property Today

2007

September 2007 Inside Counsel

March 5, 2007 UPI

March 5, 2007 TechNews, Alan Sipress

March 5, 2007 The Washington Post, Alan Sipress

May 14, 2007 Business Week, Michael Orey, with Arlene Weintraub

May 7, 2007 InformationWeek, Chris Murphy

May 5, 2007 TechWeb

March 5, 2007	Technology Daily
April 30, 2007	AFX International Focus
April 30, 2007	The Associated Press, Christopher S. Rugaber
October 25, 2007	Patently-O: Patent Law Blog, Dennis Crouch
October 26, 2007	Patent Baristas, Stephen Albainy-Jenei
April 24, 2007	Deseret Morning News, Suzanne Struglinski
February 28, 2007	Investor's Business Daily, Sheila Riley
Feb. 2, 2007	Jim Finkle, Reuters
Feb. 6, 2007	Nick Varchaver, Fortune Magazine
Feb. 7, 2007	Jim Puzzanghera, Los Angeles Times Neil Munro, National Journal Jess Bravin, Wall Street Journal Alan Sipress, Washington Post
March, 2007	Investors' Business Daily
April 12, 2007	Wired magazine, Jeff Howe
April, 2007	CNET
July 11, 2007	Joff Wild, IAM Magazine
July 31, 2007	Richard Waters, Financial Times (no story) Robert Scooble, Scobelizers blog (video interview posted to Internet)
Aug. 17, 2007	NPR Interview - NPR's talk of the Nation - Science Friday (reporter Ira Flatow)
Dec. 12, 2007	Fortune - Nick Varchaver (no story)
Dec. 20, 2007	Dow Jones (Stuart Weinberg Re LG Quanta case)

2008

September 26, 2008	Business Wire
October 14, 2008	China Business Newsweekly
September 16, 2008	The New Zealand Herald
September 15, 2008	The Associated Press, Joelle Tessler
January 15, 2008	The Calgary Herald (Alberta)
January 15, 2008	Ottawa Citizen
November 2008	Intellectual Property Today, Joseph N. Hosteny
Jan. 13, 2008	William Bulkeley, Wall Street Journal Matthew Miller, Bloomberg

Tom Abate, San Francisco Chronicle
Martin LaMonica, CNET

Jan. 15, 2008	Diane Bartz, Reuters (Quanta)
Feb. 4, 2008	Stuart Weinberg, Dow Jones (re Patent Reform Legislation)
Feb. 5, 2008	Les Echos Interview
July 23, 2008	Joell Tessler, Associated Press (re Peer to Patent)
Dec. 18, 2008	Jeff Howe, Wired Magazine (re Peer to Patent)

2009

March 10, 2009	CQ Congressional Testimony
June 22, 2009	EWeek.com
May 4, 2009	Patently-O: Patent Law Blog, Dennis Crouch
February 16, 2009	Africa News
February 16, 2009	The Daily Trust (Nigeria) - AAGM, Hamisu Muhammad
June 21, 2009	Patently-O: Patent Law Blog, Dennis Crouch
April 2, 2009	Filewrapper.com
April 2009	Inside Counsel, Steven Seidenberg
March 10, 2009	National Journal's CongressDaily, Andrew Noyes
June 19, 2009	National Journal's CongressDaily, Andrew Noyes
January 14, 2009	Digital Journal
June 2, 2009	Business Week Online, Michael Orey
March 11, 2009	Consumer Electronics Daily
March 11, 2009	Washington Internet Daily
March 10, 2009	CongressNow, Jackie Hicken
January 2009 / February 2009	ABI Inform, Suzanne Bell
Jan. 7, 2009	Nick Varchaver/Roger Parloff, Fortune Magazine
Jan. 13, 2009	Justin Scheck, Wall Street Journal
Jan. 14, 2009	Ashlee Vance, New York Times
Jan. 30, 2009	Inside Counsel Magazine interview and coverage in April 2009 issue.
Feb. 11, 2009	Reuters quoted in story resulting from interview conducted in South Africa
March 18, 2009	Diane Bartz, Reuters
April 7, 2009	Corporate Counsel Magazine interview and coverage in June 2009 issue.

13. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I volunteered on the Obama primary and presidential campaigns by serving on the IP Law advisory team, calling voters, and travelling for a weekend to Pennsylvania to get out the vote.

14. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a clerk.

- ii. whether you practiced alone, and if so, the addresses and dates;

I did not practice alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

IBM Corporation, 12/90 to Present:

Vice President and Assistant General Counsel, Intellectual Property Law and Strategy; 1 North Castle Drive, Armonk NY 10504; 5/2003-present

Corporate Counsel, Intellectual Property Law; 1 North Castle Drive, Armonk, NY 10504; 8/2000-4/2003

Assistant General Counsel, Intellectual Property Law; Tokyo, Japan; 5/1998-7/2000

Counsel, Intellectual Property Law; San Jose, CA; 7/1995-5/1998

Attorney, Litigation; San Jose, CA; 7/1993-7/1995

Attorney, Intellectual Property Law; San Jose, CA; 12/1990-7/1993

Trainee, Intellectual Property Law; Arlington, VA; 5/1989-12/1990
Engineer; Endicott, NY; 10/1983-5/1989 (excluding leaves of absence during law school attendance)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

During my career, I have focused on all aspects of intellectual property law including patents, trademarks, copyrights, and trade secrets.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My clients include IBM inventors, technical management, and business management. As noted above, I have specialized in all aspects of intellectual property law.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

- i. Indicate the percentage of your practice in:

- 1. federal courts;
- 2. state courts of record;
- 3. other courts;
- 4. administrative agencies

0%. My practice does not involve appearing in court or administrative agencies. Litigation-related matters comprise about 10% of my practice (100% during assignment to Corporate Litigation function from 1993 to 1995). My litigation experience has involved advising on strategy, briefs, motion papers, discovery materials, and trial preparation, but always with outside counsel handling proceedings in court, deposition, etc.

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings;
- 2. criminal proceedings.

0%. My practice does not involve appearing in court or administrative agencies. All of the litigation matters I have been involved in have been civil proceedings involving intellectual property.

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

None

- i. What percentage of these trials were:
1. jury;
 2. non-jury.

N/A

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have filed several amicus briefs before the U.S. Supreme Court in intellectual property cases. Copies are enclosed.

15. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

I have not personally handled any litigation. My role in all litigation matters has been advisory in nature.

16. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

- I participated in leading Peer-to-Patent project working with the USPTO, JPO, and UK PO, to implement Internet-based systems enabling the public to submit prior art and commentary relating to published pending patent applications.

- I participated in leading Patent Quality Index project, an ongoing effort to create objective, computer-based means for rating the quality of issued patents and applications.

- I participated in leading Standards for Standards project, an ongoing effort to improve the interface between standard-setting and intellectual property.

- I participated in leading Eco-Patent-Commons project, an ongoing effort to enable holders of patents having ecologically beneficial uses to grant open licenses to those patents without sacrificing the non-ecological commercial value of those patents.

- I participated in leading IBM to 16 consecutive years as the leader in US patent issuances, and in many years of earning approximately \$1 billion in IP income.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I own vested IBM options valued at approximately \$147,000. As per an ethics agreement that I have entered into with the Department's designated agency ethics official, all of these vested options will be sold within 90 days of appointment.

I own unvested IBM options and restricted stock valued at approximately \$1.5 million,. However all of this deferred income will be cancelled upon resignation from IBM.

I have an investment in a spec. house in Tenants Harbor, Maine. Original amount of investment was \$100,000. Percentage share of profits (if any) is 38%. Current value of this investment is estimated as less than original amount invested.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

No

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

I am enclosing a copy of my SF278 submission.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

The completed net worth statement is included at the end of this submission.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Commerce's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official. I am not aware of any other conflicts of interest.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Commerce's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official. I am not aware of any other conflicts of interest.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

I participate extensively in major intellectual property law associations AIPLA and IPO. In this capacity I have devoted time and effort working to develop strong, balanced intellectual property laws that serve the public's interest in the availability of innovative products and services at competitive prices. Recent specific projects I have participated in include: development of model local patent rules for use by district courts; development of model patent jury instructions for use by district courts; submission of comments to EPO regarding its inquiry into software patents; submission of comments to SIPO regarding its implementing regulations for the third amendment to China's patent laws.

Additionally, in my role as IBM's chief IP lawyer I am leading a project in cooperation with New York Law School, in which IBM provides senior IP law attorneys to lead NYLS students in intellectual property-focused pro bono projects on behalf of disadvantaged people in New York City.

Finally, my wife is also an attorney. As of January 1, 2009, she left her practice at a major law firm to move into the pro bono sector full time, working for Pro Bono Partnership, a non-profit dedicated to providing free legal advice and education to other non-profits in the NY/CT/NJ area.

FINANCIAL STATEMENT

David Kappos

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks	\$50,000			Notes payable to banks-secured	\$50,000		
U.S. Government securities-add schedule	\$0			Notes payable to banks-unsecured	\$0		
Listed securities-add schedule	\$1,848,372			Notes payable to relatives	\$0		
Unlisted securities--add schedule	\$147,940			Notes payable to others	\$0		
Accounts and notes receivable:				Accounts and bills due	\$5,000		
Due from relatives and friends	\$50,000			Unpaid income tax	\$0		
Due from others	\$0			Other unpaid income and interest	\$0		
Doubtful	\$0			Real estate mortgages payable-add schedule	\$2,004,715		
Real estate owned-add schedule	\$4,860,000			Chattel mortgages and other liens payable	\$0		
Real estate mortgages receivable	\$0			Other debts-itemize:	\$0		
Autos and other personal property	\$150,000						
Cash value-life insurance	\$0						
Other assets itemize:	\$0						
				Total liabilities	\$2,121,659		
				Net Worth	\$5,212,188		
Total Assets	\$7,333,847			Total liabilities and net worth	\$7,333,847		
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor	\$0			Are any assets pledged? (Add schedule)	No		
On leases or contracts	\$0			Are you defendant in any suits or legal actions?	No		
Legal Claims	\$0			Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax	\$0						
Other special debt	None						

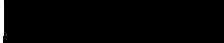
Schedule – Listed Securities

NB Kiminsky III	\$198,427
Baron Partners Fund	\$44,908
Rydex NASDAQ 100	\$54,917
Meridian Growth Fund	\$59,865
Dodge & Cox Intl. Stock Fund	\$15,774
Vanguard Prime Money Mkt	\$127,137
Vanguard GNMA	\$6,454
Vanguard Euro Stock Index	\$29,465
Vanguard Intl. Growth	\$21,255
Vanguard Total Stk Mkt Index	\$150,599
IBM Stock	\$49,830
Fidelity total Stock Mkt	\$528,387
Fidelity Small Cap Value Indx	\$178,061
Fidelity Aggresv Life Strategy	\$80,166
Fidelity Intl Stk Mkt Indx	\$107,771
Fidelity Small Midcap Indx	\$49,280
Fidelity Eur. Stk Indx	\$18,823
Fidelity Stable Value	\$127,253

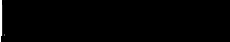
Schedule – Unlisted Securities

Vested IBM Stock Options \$147,940

Schedule – Real Estate Owned

	\$2,500,000
	\$1,260,000
	\$1,100,000

Schedule – Real Estate Mortgages Payable

	\$897,915
	\$689,800
	\$417,000

AFFIDAVIT

I, David J. Kappos, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

July 6, 2009
(DATE)

David J. Kappos
(NAME)

Kathleen Koblosch
(NOTARY)

KATHLEEN KOBLOSH NOTARY PUBLIC STATE OF NEW YORK WESTCHESTER COUNTY LIC. #01KO6198248 COMM. EXP. 12/15/2012
