

EXHIBIT 10

DECLARATION OF MELODY DRUMMOND HANSEN IN SUPPORT OF DEFENDANT'S
RESPONSIVE CLAIM CONSTRUCTION BRIEF

Case No. 5:15-CV-02008-EJD



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/377,482	02/27/2003	Thomas R. Wolzien	4942.25	6473

7590 06/22/2005
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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/377,482	Applicant(s) WOLZIEN, THOMAS R.	
	Examiner Hunter B. Lonsberry	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 18-37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. <u>2/1/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/4/05 have been fully considered but they are not persuasive.

Applicant argues that Throckmorton fails to disclose allowing a "direct communication link" which is automatically established by a user command "so that the user has direct access to online information" from an online provider, as claimed by applicant. Specifically it is important that the user not have to access links, which are stored in a directory or access a series of links in a menu.... Therefore, in applicants invention, the user never has to leave the screen to access additional content because access is "direct" from the user to the content. (response page 2).

Regarding applicant's argument, Throckmorton does teach the use of a direct communications link, upon user instruction, with an online information source associated with the address, so that the user has direct access to the online information. In particular, Throckmorton teaches that a in response to user input via interface 88, a connection is automatically established with an online provider via a two way communications system 74, in order to access a website referenced from a received URL (column 8, line 25-column 9, line 15). As the user merely determines what content they wish to view, and the connections are preformed by the user's terminal without any additional input by the user, the

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user is provided with direct access to the content by an a communications link which is established automatically by users command, as required by claim 18 and 34.

Applicant argues that applicant's invention does not require a user to leave a screen to access additional content or choose amongst several links, and thus Throckmorton does not teach direct and automatic access to online information (response page 2).

Regarding applicants argument, the claims are silent regarding the navigation of menus or leaving the screen. As noted above, Throckmorton teaches automatic and direct access in that the user the user merely determines what content they wish to view, and the connections are preformed by the user's terminal without any additional input by the user, the user is provided with direct access to the content by an a communications link which is established automatically by users command, as required by claim 18 and 34 (column 8, line 25-column 9, line 15).

Applicant's failure to traverse the official notice taken in the previous office action is taken to be an admission of prior art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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