

Art Unit: 3992

requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

#### **Amendment in Reexamination Proceedings**

Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c). See MPEP § 2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

#### **Submissions**

In order to insure full consideration of any amendments, affidavits or declarations or other documents as evidence of patentability, such documents must be submitted in response to the first Office action on the merits (which does not result in a close of prosecution). Submissions after the second Office action on the merits, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, after final rejection and by 37 CFR 41.33 after appeal, which will be strictly enforced.

#### **IDS Submissions**

Regarding IDS submissions MPEP 2256 recites the following: "Where patents, publications, and other such items of information are submitted by a party (patent owner or

Art Unit: 3992

requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the information."

Accordingly, the IDS submissions have been considered by the Examiner only with the scope required by MPEP 2256.

In certain instances, the examiner has "lined through" references because they do not meet the requirements of being a Patent or Printed Publication (e.g. court papers and other evidence that is not NPL). However, these references have been made of record in the proceeding and are given due consideration. In certain instances, the examiner has "lined through" through the second citation citations of single reference or

#### **Service of Papers**

After filing of a request for *ex parte* reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. The document must reflect service or the document may be refused consideration by the Office. See 37 CFR 1.550(f).

Art Unit: 3992

**Correspondence**

14. All correspondence relating to this ex parte reexamination proceeding should be directed:

By Mail to: Mail Stop *Ex Parte* Reexam  
Central Reexamination Unit  
Commissioner for Patents  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900  
Central Reexamination Unit

By hand: Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at <https://portal.uspto.gov/authenticate/authenticateuserlocalepf.html>. EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Application/Control Number: 90/011,252

Page 218

Art Unit: 3992

Any inquiry concerning this communication should be directed to the Central Reexamination Unit at telephone number 571-272-7705.

Other useful telephone numbers:

Reexamination Practice (571) 272-7703

Reexamination Facsimile Transmission No. (571) 273-9900

/Karin M. Reichle/  
Examiner, CRU  
Art Unit 3992

Conferees:



JESSICA HARRISON  
SUPERVISORY PATENT EXAMINER

FORM PTO-1449	SERIAL NO. 90/011,252	CASE NO. 12741-32
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE September 22, 2010	GROUP ART UNIT 3992
(use several sheets if necessary)	APPLICANT(S): Robert John McMillan et al.	CONFIRMATION NO. 4116

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	US 3,388,404	06/11/1968	E. S. Bush	
	A2	US 3,716,679	02/13/1973	Graesslin et al.	
	A3	US 3,781,824	12/25/1973	Caiati et al.	
	A4	US 3,792,445	02/12/1974	Bucks et al.	
	A5	US 3,938,092	02/10/1976	Callahan	
	A6	US 4,013,875	03/22/1977	McGlynn	
	A7	US 4,072,850	02/07/1978	McGlynn	
	A8	US 4,212,195	07/15/1980	Young	
	A9	US 4,258,430	03/24/1981	Tyburski	
	A10	US 4,271,402	06/02/1981	Kastura et al.	
	A11	US 4,387,587	06/14/1983	Faulconer	
	A12	US 4,395,624	07/26/1983	Wartski	
	A13	US 4,638,289	01/20/1987	Zottnik	
	A14	US 4,667,336	05/19/1987	Best	
	A15	US 4,671,111	06/09/1987	Lemelson	
	A16	US 4,685,061	08/04/1987	Whitaker	
	A17	US 4,692,882	09/08/1987	Skovgaard et al.	
	A18	US 4,706,083	11/10/1987	Baatz et al.	
	A19	US 4,831,526	05/16/1989	Luchs et al.	
	A20	US 4,836,024	06/06/1989	Woehri et al.	
	A21	US 4,845,630	07/04/1989	Stephens	
	A22	US 4,926,331	05/15/1990	Windle et al.	
	A23	US 4,939,652	07/03/1990	Steiner	
	A24	US 4,944,401	07/31/1990	Groenewegen	
	A25	US 4,987,541	01/22/1991	Levente et al.	
	A26	US 4,992,943	02/12/1991	McCracken	
	A27	US 5,017,916	05/21/1991	Londt et al.	
	A28	US 5,046,007	09/03/1991	McCrery et al.	
	A29	US 5,055,851	10/08/1991	Sheffer	
	A30	US 5,111,289	05/05/1992	Lucas et al.	
	A31	US 5,189,621	02/23/1993	Onari et al.	
	A32	US 5,223,844	06/29/1993	Mansell et al.	
	A33	US 5,249,127	09/28/1993	Komatsu	
	A34	US 5,303,163	04/12/1994	Ebaugh et al.	
	A35	US 5,319,374	06/07/1994	Desai et al.	
	A36	US 5,325,082	06/28/1994	Rodriguez	
	A37	US 5,355,855	10/18/1994	Saikalis	
	A38	US 5,359,528	10/25/1994	Haendel et al.	
	A39	US 5,365,451	11/15/1994	Wang et al.	

EXAMINER /Karin Reichle/	DATE CONSIDERED 03/01/2011
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /KR

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