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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,985	03/24/2006	6404480	09325.0013	5389

31780 7590 09/03/2008

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/03/2008

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



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

HOWREY LLP

525 MARKET STREET

SAN FRANCISCO CA 94105-2708

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/007,985.

PATENT NO. 6404480.

ART UNIT 3991.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

**Notice of Intent to Issue  
Ex Parte Reexamination Certificate**

Control No.

90/007,985

Patent Under Reexamination

6404480

Examiner

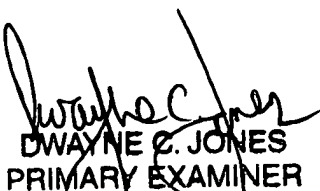
STEPHEN J. STEIN

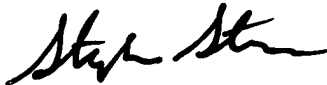
Art Unit

3991

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

1. ☒ Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
- (a) ☒ Patent owner's communication(s) filed: 13 September 2007 and 22 October 2008.
- (b) ☐ Patent owner's late response filed: \_\_\_\_\_.
- (c) ☐ Patent owner's failure to file an appropriate response to the Office action mailed: \_\_\_\_\_.
- (d) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
- (e) ☐ Other: \_\_\_\_\_.
- Status of *Ex Parte* Reexamination:
- (f) Change in the Specification: ☐ Yes ☒ No
- (g) Change in the Drawing(s): ☐ Yes ☒ No
- (h) Status of the Claim(s):
- (1) Patent claim(s) confirmed: 1-30.
- (2) Patent claim(s) amended (including dependent on amended claim(s)): \_\_\_\_\_.
- (3) Patent claim(s) cancelled: \_\_\_\_\_.
- (4) Newly presented claim(s) patentable: \_\_\_\_\_.
- (5) Newly presented cancelled claims: \_\_\_\_\_.
2. ☒ Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
3. ☒ Note attached NOTICE OF REFERENCES CITED (PTO-892). *compilation*
4. ☒ Note attached LIST OF REFERENCES CITED (PTO/SB/08). *see 13 Sept 2007*
5. ☐ The drawing correction request filed on \_\_\_\_\_ is: ☐ approved ☐ disapproved.
6. ☒ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the certified copies have
- ☐ been received.
- ☐ not been received.
- ☒ been filed in Application No. 09/046,685.
- ☐ been filed in reexamination Control No. \_\_\_\_\_.
- ☐ been received by the International Bureau in PCT Application No. \_\_\_\_\_.
- \* Certified copies not received: \_\_\_\_\_.
7. ☐ Note attached Examiner's Amendment.
8. ☐ Note attached Interview Summary (PTO-474).
9. ☐ Other: \_\_\_\_\_.

  
DWAYNE C. JONES  
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CRU - AU 3991

  
STEPHEN J. STEIN  
PRIMARY EXAMINER  
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DEBORAH D. JONES  
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cc: Requester (if third party requester)

## REEXAMINATION

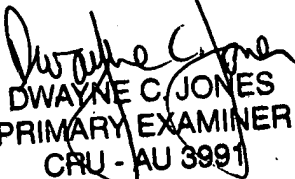
### REASONS FOR PATENTABILITY / CONFIRMATION

Reexamination Control No. 90/007,985

Attachment to Paper No. 20080716.

Art Unit 3991.

PTOL-476 (Rev. 03-98)

  
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(Examiner's Signature)

STEPHEN J. STEIN  
PRIMARY EXAMINER  
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***Reexamination***

***Notice of Intent to Issue Reexamination Certificate  
(NIRC)***

***Information Disclosure Statement***

1. Enclosed are copies of all PTO-1449/PTO-892 forms in this proceeding. Each and every document cited on above identified forms and submitted by Patent Owner has been considered by the Examiner. However, the citations on the above identified forms which relate to various litigation documents from accompanying litigation or documents from filed U.S. patent applications have had a line drawn through the citation since they are not prior art patents or printed publications and are not appropriate for printing on the face of the reexamination certificate.

***Allowed/Confirmed Claims***

2. Claims 1-30 are confirmed

**STATEMENT OF REASONS FOR PATENTABILITY AND/OR  
CONFIRMATION**

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

Regarding claims 6-10, the claims are confirmed for the reasons set forth in the Office Action mailed July 10, 2007.



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