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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,246	03/22/2007	6756258		9526

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EXAMINER

DIAMOND, ALAN D

ART UNIT PAPER NUMBER

3991

MAIL DATE DELIVERY MODE

05/14/2008

PAPER

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

The time period for reply, if any, is set in the attached communication.

**ACTION CLOSING PROSECUTION
(37 CFR 1.949)**

Control No.	Patent Under Reexamination	
95/000,246	6756258	
Examiner	Art Unit	
ALAN DIAMOND	3991	

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

Responsive to the communication(s) filed by:

Patent Owner on 17 October 2007

Third Party(ies) on _____

Patent owner may once file a submission under 37 CFR 1.951(a) within 1 month(s) from the mailing date of this Office action. Where a submission is filed, third party requester may file responsive comments under 37 CFR 1.951(b) within 30-days (not extendable- 35 U.S.C. § 314(b)(2)) from the date of service of the initial submission on the requester. **Appeal cannot be taken from this action.** Appeal can only be taken from a Right of Appeal Notice under 37 CFR 1.953.

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892
2. Information Disclosure Citation, PTO/SB/08
3. _____

PART II. SUMMARY OF ACTION:

- 1a. Claims 3-8,10-15 and 18-31 are subject to reexamination.
- 1b. Claims 1,2,9,16,17 and 32 are not subject to reexamination.
2. Claims _____ have been canceled.
3. Claims 24-31 are confirmed. [Unamended patent claims]
4. Claims _____ are patentable. [Amended or new claims]
5. Claims 3-8,10-15 and 18-23 are rejected.
6. Claims _____ are objected to.
7. The drawings filed on _____ are acceptable are not acceptable.
8. The drawing correction request filed on _____ is: approved. disapproved.
9. Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:
 been received. not been received. been filed in Application/Control No 07/895,029
10. Other _____

Transmittal of Communication to Third Party Requester Inter Partes Reexamination	Control No.	Patent Under Reexamination	
	95/000,246	6756258	
	Examiner	Art Unit	
	ALAN DIAMOND	3991	

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Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

INTER PARTES REEXAMINATION COMMUNICATION	Control No.	Patent Under Reexamination	
	95/000,246	6756258	
	Examiner	Art Unit	
	ALAN DIAMOND	3991	

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BELOW/ATTACHED YOU WILL FIND A COMMUNICATION FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE OFFICIAL(S) IN CHARGE OF THE PRESENT REEXAMINATION PROCEEDING.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this communication.

Art Unit: 3991

Status of Proceedings

1. A Request pursuant to 37 CFR 1.913 for inter partes reexamination of claims 1-32 of U.S. Patent 6,756,258 (hereinafter "the '258 patent") was filed March 22, 2007 by Third Party Requester. An Order granting inter partes reexamination of claims 1-32 of the '258 patent was mailed June 5, 2007. A Statutory Disclaimer filed April 9, 2007 was approved for the '258 patent, and notification of such approval was published on July 17, 2007 in the Official Gazette. Said Statutory Disclaimer disclaims claims 1, 2, 9, 16, 17 and 32 of the '258 patent. Since claims 1, 2, 9, 16, 17 and 32 were statutorily disclaimed, they are not subject to reexamination. A non-final Office action rejecting claims 3-8, 10-15 and 18-31 was mailed August 13, 2007. A Patent Owner's response to the non-final Office action was filed October 17, 2007. Third Party Comments have not been received.

Information Disclosure Statement (IDS)

2. All of the references cited on the PTO-1449 form filed August 10, 2007 have been considered by the Examiner but have been crossed out because they are not appropriate for printing on the face of the reexamination certificate. Likewise, the references that have been crossed out on the PTO-1449 form filed November 21, 2007 have been considered but are not appropriate for printing on the face of the reexamination certificate. In the IDS filed January 25, 2008, U.S. Patent 5,270,567 has been crossed out to avoid duplication since this patent is already of record. See the IDS filed March 22, 2007.

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