



09/01/05



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PTO/SB/57 (04-04)

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Also referred to as FORM PTO - 1465)**REQUEST FOR EX PARTE REEXAMINATION TRANSMITTAL FORM**Addressed to:
**Mail Stop Ex Parte Reexam
Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231**

Attorney Docket:

Date: September 1, 2005

1. This is a request for *ex parte* reexamination pursuant to 37 CFR 1.510 of patent number 5,826,259 issued October 20, 1998. The request is made by:
 - patent owner. third party requester.
2. The name and address of the person requesting reexamination is:
 - Oracle Corporation
 - 500 Oracle Parkway, 50P7
 - Redwood Shores, CA 94065
3. a. A check in the amount of \$__ is enclosed to cover the reexamination fee, 37 CFR 1.20(c);
 b. The Commissioner is hereby authorized to charge the fee as set forth in 37 CFR 1.20(c)(1) to Deposit Account No. 15-0665 (submit duplicate of this form for fee processing);
 or
 c. Payment by credit card. Form PTO-2038 is attached.
4. Any refund should be made by check or by credit to Deposit Account No. 15-0665. 37 CFR 1.26(c).
5. A copy of the patent to be reexamined having a double column format on one side of a separate paper is enclosed. 37 CFR 1.510(b)(4).
6. CD-ROM or CD-R in duplicate, Computer Program (appendix) or large table
7. Nucleotide and/or Amino Acid Sequence Submission
If applicable, all of the following are necessary
 - a. Computer Readable Form (CFR)
 - b. Specification Sequence Listing on:
 - i. CD-ROM (2 copies) or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies
8. A copy of any disclaimer, certificate of correction or reexamination certificate issued in the patent is included.
9. Reexamination of claim(s) 1-18 is requested.
10. A copy of every patent or printed publication relied upon is submitted herewith including a listing thereof on Form PTO-1449 or equivalent.
11. An English language translation of all necessary and pertinent non-English language patents and/or printed publications is included.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.510. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 1222 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comment on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.
DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Ex Parte Reexam, Commissioner for Patent, P.O. Box

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12. The attached detailed request includes at least the following items:
- a. A statement identifying each substantial new question of patentability based on prior patents and printed publication. 37 CFR 1.510(b)(1)
 - b. An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited prior art to every claim for which reexamination is requested. 37 CFR 1.510(b)(2)
13. A proposed amendment is included (only where the patent owner is the requester). 37 CFR 1.510(e).
14. a. It is certified that a copy of this request (if filed by other than the patent owner) has been served in its entirety on the patent owner as provided in 37 CFR 1.33(c).

The name and address of the party served and the date of service are:

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO FL 32802-3791

Date of Service: September 1, 2005

15. Correspondence Address: Direct all communication about the reexamination to:

Customer Number: 34313

OR

Firm or Individual Name	Orrick, Herrington & Sutcliffe LLP				
Address (line 1)	4 Park Plaza				
Address (line 2)	Suite 1600				
City	Irvine	State	CA	Zip	92614
Country	USA				
Telephone	(949) 567-6700	Fax	(949) 567-6710		

16. The patent is currently the subject of the following concurrent proceeding(s):

- a. Copending reissue application Serial No. 11/152,835
- b. Copending reexamination Control No. _____
- c. Copending Interference No. _____
- d. Copending litigation styled: _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Donald E. Daybell
 Authorized Signature

September 1, 2005
 Date

Donald E. Daybell
 Typed/Printed Name

50,877
 Registration No., if applicable

- For Patent Owner Requester
- For Third Party Requester

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Request for Reexamination of:

U.S. Patent No. 5,826,259

Inventor: Karol Doktor

Assignee: Financial Systems Technology
(Intellectual Property) Pty Ltd
Melbourne, Australia

Filed: May 22, 1997

Issued: October 20, 1998

For: Easily Expandable Data
Processing System and Method

REQUEST FOR *EX PARTE*
REEXAMINATION OF U.S. PATENT
NO. 5, 826,259

ATTACHMENT TO FORM 1465

Mail Stop Ex Parte Reexam
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P.O. Box 1450,
Alexandria, VA 22313-1450

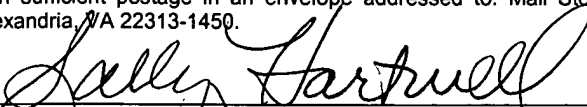
Dear Sir:

Pursuant to the provisions of 35 U.S.C. §§ 302 *et seq.* and 37 C.F.R. § 1.510, Oracle Corporation ("Oracle") hereby requests *ex parte* reexamination of U.S. Patent No. 5, 826,259 ("the '259 patent"). Attached as **Exhibit A** is a copy of the '259 patent, as required under 37 C.F.R. § 1.510(b)(4). The '259 patent was issued on October 20, 1998 to Karol Doktor. On its face, the '259 patent indicates that it was assigned to Financial Systems Technology Pty Ltd. Financial

CERTIFICATE OF MAILING
37 CFR §1.10

Date: **September 1, 2005**
Express Mailing Label No.: **EV 571664903 US**

I hereby certify that on the dated listed above, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service in accordance with 37 C.F.R. § 1.10 as "Express Mail Post Office to Addressee," with sufficient postage in an envelope addressed to: Mail Stop Ex Parte Reexam, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Systems Technology Pty Ltd. claims it has assigned the patent to Financial Systems Technology (Intellectual Property) Pty Ltd. For convenience, both entities will be referred to as “FST” in this request. FST has stated it believes the ‘259 patent is enforceable and there is no disclaimer, certificate of correction, or reexamination certificate.

The ‘259 patent is presently the subject of a re-issue application, Application Serial No. 11/152,835, filed on June 14, 2005. Additionally, the ‘259 patent was previously the subject of litigation proceedings in the District Court for the Eastern District of Texas, styled as Financial Systems Technology, et al. v. Oracle Corporation, Case No. 2:04-CV-358-TJW. During these proceedings, FST prepared and served on Oracle its Preliminary Infringement Contentions (“PICs”) as required under the Patent Local Rules of the Eastern District of Texas. This document is a court record that contains admissions of the patentee, and is therefore proper for consideration under MPEP §2217 for purposes including determining claim scope and the content of the prior art. A copy of these PICs is attached as **Exhibit B** to this request. This litigation was recently dismissed without prejudice to allow FST to pursue the above-noted reissue application. FST has stated that it intends to assert the ‘259 patent following the reissue proceedings.

I. CLAIMS FOR WHICH REEXAMINATION IS REQUESTED

Reexamination is requested of claims 1-18 of the ‘259 patent in view of the disclosure in LSL: A Link and Selector Language, Proceedings of the 1976 ACM SIGMOD International Conference on Management of Data, Washington, D.C. June 2-4, 1976, attached as **Exhibit C**.

Reexamination is also requested of claims 1-18 of the ‘259 patent in view of the disclosure in The Well System: A Multi-User Database System Based on Binary Relationships and Graph-Pattern-Matching, 3 Information Systems 99-115 (Pergamon Press 1978), attached as **Exhibit D**.

Reexamination is also requested of claims 1-18 of the ‘259 patent in view of the disclosure in Design of the Well System, in Entity-Relationship Approach to Systems Analysis and Design. Proc. 1st International Conference on the Entity-Relationship Approach, 505-522 (Peter Chen, ed. 1979), attached as **Exhibit E**.

Reexamination is also requested of claims 1-18 of the '259 patent in view of the disclosure in Implementing an Entity-Relationship Language on a Relational Data Base, IBM Research Report RC 12134 (#54499) (Aug. 27, 1986), attached as **Exhibit F**.

All of the claims cited above are anticipated under 35 U.S.C. § 102 and/or rendered obvious under 35 U.S.C. § 103 in view of the four prior art publications noted above.

II. STATEMENT OF SUBSTANTIAL NEW QUESTION OF PATENTABILITY PURSUANT TO 37 C.F.R. § 1.510(B)(1)

The prior art documents discussed herein were not of record in the file of the '259 patent. Since claims 1-18 in the '259 patent are not patentable over these prior art documents, a substantial new question of patentability is raised. Further, the prior art documents discussed herein are closer to the subject matter of the '259 patent than any prior art which was cited during the prosecution of the '259 patent, as demonstrated in detail below. These prior art documents provide teachings not provided during prosecution of the '259 patent.

A. The '259 Patent Disclosure

The '259 patent relates in relevant part to systems and methods of storing and retrieving data from a relational database using entity and relation type records, and entity and relation instance records. The '259 patent purports to teach a hybrid entity-relationship/relational model of data representation, storage and retrieval. The '259 patent purports to disclose a structure for a relational database which includes the following components:

1. An entity definition table (which contains the entity type records).
2. A relation definition table (which contains the relation type records).
3. A plurality of entity instance tables (which contain the entity instance records).
4. A plurality of relation instance tables (which contain the relation instance records).

The entity definition table contains records which each include the name of an entity type, and the name of a table that contains the actual data associated with that entity. The relation definition table contains records which each include the name of a relation type, the name of a table that contains the actual relation data, and information that identifies the two entity types which are

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