Docket No.: 341142US91RX

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Control No.: 90/008,648
    Applicants: Karol DOKTOR
    Filing Date: June 11, 2007
    For: EASILY EXPANDABLE DATA PROCESSING SYSTEM AND
         METHOD
    Group Art Unit: 3992
    Examiner: Alexander J. Kosowski

SIR:

Attached hereto for filing are the following papers:
STATEMENT UNDER 37 C.F.R. § 1.560 W/EXHIBITS A-C
RESPONSE IN *EX PARTE* REEXAMINATION OF U.S. PATENT NO. 5,826,259 (RE 40,520)
RELATED CASE STATEMENT
CERTIFICATE OF SERVICE

Credit card payment is being made online (if electronically filed), or is attached hereto (if paper filed), in the amount of **$0.00** to cover any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, please charge or credit the difference to Deposit Account No. **15-0030**.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Scott A. McKeown
Registration No. 42,866

Customer Number
22850
(703) 413-3000 (phone)
(703) 413-2220 (fax)
(OSMMN 02/09)

IBM Ex. 1025

DOCKET NO: 341142USRX

<u>IN THE UNITED STATES PATENT & TRADEMARK OFFICE</u>

IN RE *EX PARTE* REEXAMINATION OF

 U.S. PATENT 5,826,259 (RE 40,520)

KAROL DOKTOR   EXAMINER: ALEXANDER J. KOSOWSKI

SERIAL NO: 90/008,648

FILED: JUNE 11, 2007

FOR: EASILY EXPANDABLE DATA   : GROUP ART UNIT: 3992
PROCESSING SYSTEM & METHOD

<u>STATEMENT UNDER 37 C.F.R. § 1.560</u>

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

An interview was conducted on May 14, 2009 with reference to the above-
identified *ex parte* reexamination. Patent Holder's representative Scott McKeown
attended the interview along with Mr. Robert Foster, a software/technical consultant
to Financial Systems Technology (FST) (Patent Holder). For the Office, Examiner
Kosowski participated along with two conferees of the Central Reexamination Unit
(Examiners Ferris and Keasel). Next, a summary in accordance with 37 C.F.R. §
1.560 follows in conformance with MPEP § 713.04.

(A) A brief description of the nature of any exhibit shown or any
demonstration conducted;

-Figures of the '259 Patent[1] were enlarged and presented on poster boards for ease of presentation. Copies of the specific drawings exist in the file as exhibits to the Examiner Interview Summary of May 14, 2009.

(B) Identification of the claims discussed;

-Reissued claims 1 and 10 were discussed.

(C) Identification of specific prior art discussed;

- The conceptual design described by the Teorey reference, and the static dictionary table of Kumpati were discussed relative to the restructurable and updatable tables of query processing claim 1, and physical database claim 10.

(D) Identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary form completed by the examiner;

-No specific amendments were discussed or contemplated.

(E) The general thrust of the principal arguments of the applicant and the examiner should also be identified, even where the interview is initiated by the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner;

- Mr. Foster discussed the background of the invention as described in Fig 1A of the '259 Patent, and the inability of prior art systems to dynamically restructure either the data storage organization and/or database schema. Fig 8 was contrasted to this prior art illustration.

Next, Mr. Foster described the operation of the *entity definition table* and *relation definition table* as claimed and as described by the accompanying specification of the '259 Patent. Mr. Foster noted the meaning of these terms as one

---

[1] "'259 Patent" is used herein to refer to Reissued Patent (40,520), the subject to this *ex parte* reexamination (originally U.S. Patent 5,826,259).

skilled in the art, in view of the specification (including exhibit Figures 4A, 5, 7-1, 7-2, 9-1 and 9-2) and distinguished their operation from static tables of the general design process described by Teorey. Finally, Mr. Foster noted the *entity type* and *entity instance table* attributes of the claims, explaining their meaning as one skilled in the art, in view of the specification, noting their absence (as claimed) from all art of record.

Mr. McKeown then discussed that the broadest reasonable interpretation of certain claim terms such as *entity definition table* and *relation definition table*, when viewed from the perspective of one skilled in the art, in light of the specification, required different interpretation than that accorded these terms by the Office. Additionally, the *entity type* and specified *entity instance table* attributes of the claims were discussed and it was noted that none of the art of record describe these features, alone, or in combination.

Mr. McKeown then distributed two declarations to be submitted under 37 C.F.R. §1.132, together with a formal response. The first declaration (Exhibit A, submitted herewith) provides the understanding of Dr. Ramez A. Elmasri, Ph.D, one skilled in the art, with respect to the generic, conceptual and logical design features of the Teorey reference. Exhibit A notes that the tables identified by the Office as corresponding to the physical implementation of the '259 Patent claims, are in fact, transitory design tools. The second declaration (Exhibit B, submitted herewith) provides the broadest reasonable interpretation of the claimed *entity definition table* and *relation definition table* in view of the specification, as determined by Dr. Elmasri. Finally, it was noted that a third declaration (Exhibit C, submitted herewith) was being prepared with Dr. Elmasri on the broadest reasonable interpretation of the claimed *entity type* and specified *entity instance table* attributes of the claims.

(F) a general indication of any other pertinent matters discussed;

-The interview commenced with a discussion of the business of FST, provided by Mr. Foster. Mr. Foster briefly explained the history of FST to date.

(G) if appropriate, the general results or outcome of the interview.

- The Examiners indicated that the presented discussion was helpful in focusing the outstanding issues and indicated that the formal response would be considered in this light upon filing. Mr. McKeown and Mr. Foster thanked the examiners for their time and efforts, concluding the interview.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Scott A. McKeown
Attorney of Record
Registration No. 42,866

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.

fastcase®
Smarter legal research.