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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/001,269	12/08/2009	6502135	3755-119	2038

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MCDERMOTT WILL & EMERY LLP  
28 STATE STREET  
BOSTON, MA 02109-1775

EXAMINER

NALVEN, ANDREW L

ART UNIT PAPER NUMBER

3992

MAIL DATE DELIVERY MODE

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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.



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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS  
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JAN 15 2010

CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester  
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95001269  
PATENT NO. : 6502135  
TECHNOLOGY CENTER : 3999  
ART UNIT : 3992

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.

PTOL-2070(Rev.07-04)

**OFFICE ACTION IN INTER PARTES  
REEXAMINATION**

Control No.	Patent Under Reexamination	
95/001,269	6502135	
Examiner	Art Unit	
ANDREW L. NALVEN	3992	

-- 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 \_\_\_\_\_

Third Party(ies) on 12/8/09

**RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:**

*For Patent Owner's Response:*

2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.

*For Third Party Requester's Comments on the Patent Owner Response:*

30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

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.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

**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 1-10 and 12 are subject to reexamination.
- 1b.  Claims \_\_\_\_\_ are not subject to reexamination.
2.  Claims \_\_\_\_\_ have been canceled.
3.  Claims \_\_\_\_\_ are confirmed. [Unamended patent claims]
4.  Claims \_\_\_\_\_ are patentable. [Amended or new claims]
5.  Claims 1,3,4,6-10 and 12 are rejected.
6.  Claims 2 and 5 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 95001269.
10.  Other \_\_\_\_\_

*Inter Partes Reexamination Office Action*

Third Party Requester (“Requester”) requested reexamination of claims 1-10 and 12 of US Patent No. 6,502,135 (hereafter “the ‘135 patent”) issued to Munger et al based upon the following prior art patents and publications:

1. Aventail Administrator’s Guide (hereafter “Aventail”) that was published between 1996 and 1999. Aventail was not considered in a prior examination and qualifies as prior art under §102(a).
2. Gauntlet Firewall for Windows NT, Administrator’s Guide (hereafter “Gauntlet”) that was published no later than 1999. Gauntlet was not considered in a prior examination and qualifies as prior art under §102(a).
3. “Building and Managing Virtual Private Networks” that was published by David Kosiur in 1998 (hereafter “Kosiur”). Kosiur was not considered in a prior examination and qualifies as prior art under §102(b).
4. Building a Microsoft VPN: A Comprehensive Collection of Microsoft Resources (hereafter “Microsoft VPN”) that was published on January 1, 2000. Microsoft VPN was not considered in a prior examination and qualifies as prior art under §102(a).
5. Microsoft Windows NT Server, Virtual Private Networking: An Overview (hereafter “VPN Overview”) that was published in 1998. VPN Overview was not considered in a prior examination and qualifies as prior art under §102(b).

6. RFC 1035 that was published in 1987. RFC 1035 was not considered in a prior examination and qualifies as prior art under §102(b).

The order granting reexamination mailed on April 30, 2009 found a substantial new question of patentability raised by the following proposed rejections:

**Issue 1** - Claims 1-10 and 12 are anticipated by Aventail under 35 U.S.C. §102(a).

**Issue 3** - Claims 1-10 and 12 are anticipated by Kosiur under 35 U.S.C. §102(b).

**Issue 7** - Claims 3, 6, and 8 are rendered obvious by VPN Overview in view of Aventail under 35 U.S.C. §103(a).

Issues 2 and 4-6 were not found to have raised a substantial new question of patentability and thus any discussion of those issues is omitted from this office action.

### *Claim Rejections - 35 USC § 102 and 103*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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