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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/001,270	12/08/2009	7188180	077580-0090	2128

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McDermott Will & Emery  
600 13th Street, NW  
Washington, DC 20005-3096

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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Date:

**MAILED**

**JUN 16 2010**

**CENTRAL REEXAMINATION UNIT**

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

REEXAMINATION CONTROL NO. : 95001270  
PATENT NO. : 7188180  
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)

<b>ACTION CLOSING PROSECUTION (37 CFR 1.949)</b>	Control No.	Patent Under Reexamination	
	95/001,270	7188180	
	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 19 April 2010  
 Third Party(ies) on 18 May 2010

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 1,4,10,12-15,17,20,26,28-31,33 and 35 are subject to reexamination.
- 1b.  Claims 2,3,5-9,11,16,18,19,21-25,27,32,34 and 36-41 are not subject to reexamination.
2.  Claims \_\_\_\_\_ have been canceled.
3.  Claims 1, 4, 10, 12-15, 17, 20, 26, 28-31, 33, and 35 are confirmed. [Unamended patent claims]
4.  Claims \_\_\_\_\_ are patentable. [Amended or new claims]
5.  Claims \_\_\_\_\_ 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 \_\_\_\_\_
10.  Other \_\_\_\_\_

### ACTION CLOSING PROSECUTION

This Action Closing Prosecution is responsive to the amendment and arguments filed by the patent owner on April 19, 2010 and the notice of non-participation filed by Third Party Requestor on May 18, 2010.

#### Receipt of Papers

1. On April 19, 2010, Patent Owner filed a response to the 1/19/2010 office action.
2. On May 18, 2010, Third Party Requestor ("Requestor") filed a notice of non-participation in the present *inter partes* reexamination. The notice indicated that no response to the 1/19/2010 office action would be submitted by the Requestor and that the Requestor will not be further participating in this proceeding.

#### Rejections Proposed by Requestor – Previously Adopted, Now Not Adopted

3. Requestor proposed that claims 1, 10, 12, 14, 17, 26, 28, 30, 31, and 33 be rejected under 35 US C 102(a) as being anticipated by Aventail. This proposed rejection was adopted in the first Office action mailed on 1/19/2010. However, upon consideration of the remarks submitted by Patent Owner, this proposed rejection is hereby withdrawn and not adopted for the following reasons.
4. Patent owner argues that the rejection of claims 1, 10, 12, 14, 17, 26, 28, 30, 31, and 33 as anticipated by Aventail should be withdrawn because Aventail is not prior art to the patent under reexamination, US Patent No. 7,188,180 ("the '180 patent"). Specifically, Patent Owner argued that the request and the 1/19/2010 office action did not show that Aventail was published

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prior to the priority date of the '180 patent. The request asserts that Aventail was published between 1996 and 1999. This assertion was based on the document's copyright date. The request did not set forth any further evidence of the date of publication.

5. A search was conducted to determine the publication date of the Aventail reference. However, no evidence was found that established the publication date. Accordingly, Aventail cannot be relied upon as prior art to the '180 patent and all rejections based upon Aventail are hereby withdrawn and not adopted.

6. Further, Patent Owner argues that the '180 patent clearly distinguishes the claimed "secure domain name" from a domain name that happens to correspond to a secure computer. Patent Owner's argument is persuasive. The Examiner agrees that the '180 patent distinguishes the claimed "secure domain name." For example, the '180 patent explains that a secure domain name is a non-standard domain name and that querying a convention domain name server using a secure domain name will result in a return message indicating that the URL is unknown (*'180 patent, column 51 lines 25-35*). Similarly, Patent Owner argues that the '180 patent clearly distinguishes the claimed "secure domain name service" from a conventional domain name service that can resolve domain names of computers that are used to establish secure connections. Patent Owner's argument is persuasive. The Examiner agrees that the '180 patent distinguishes the claimed "secure domain name service." For example, the '180 patent explains that a secure domain name service can resolve addresses for a secure domain name whereas a conventional domain name service cannot resolve addresses for a secure domain name (*'180 patent, column 51 lines 25-35*).

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