



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/011,010	05/24/2010	5544352	3905-102	2567

6449                      7590                      12/10/2010

ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
1425 K STREET, N.W.  
SUITE 800  
WASHINGTON, DC 20005

EXAMINER

ART UNIT                      PAPER NUMBER

DATE MAILED: 12/10/2010

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

**EXHIBIT 2007**

*Facebook, Inc. et al.*



UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patents and Trademark Office  
P.O.Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS  
FISH & RICHARDSON P.C.  
12390 EL CAMINO REAL  
SAN DIEGO, CA 92130

Date: **MAILED**  
**DEC 10 2010**  
CENTRAL REEXAMINATION UNIT

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. : 90011010  
PATENT NO. : 5544352  
ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

---

<b>Office Action in Ex Parte Reexamination</b>	<b>Control No.</b> 90/011,010	<b>Patent Under Reexamination</b> 5544352	
	<b>Examiner</b> JOSHUA D. CAMPBELL	<b>Art Unit</b> 3992	

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

- a  Responsive to the communication(s) filed on \_\_\_\_ .      b  This action is made FINAL.  
c  A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

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

1.  Notice of References Cited by Examiner, PTO-892.      3.  Interview Summary, PTO-474.  
2.  Information Disclosure Statement, PTO/SB/08.      4.  \_\_\_\_.

Part II SUMMARY OF ACTION

- 1a.  Claims 26-42,44 and 45 are subject to reexamination.  
1b.  Claims 1-25,43 and 46-52 are not subject to reexamination.  
2.  Claims \_\_\_\_ have been canceled in the present reexamination proceeding.  
3.  Claims \_\_\_\_ are patentable and/or confirmed.  
4.  Claims 26-42,44 and 45 are rejected.  
5.  Claims \_\_\_\_ are objected to.  
6.  The drawings, filed on \_\_\_\_ are acceptable.  
7.  The proposed drawing correction, filed on \_\_\_\_ has been (7a)  approved (7b)  disapproved.  
8.  Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None      of the certified copies have

- 1  been received.  
2  not been received.  
3  been filed in Application No. \_\_\_\_ .  
4  been filed in reexamination Control No. \_\_\_\_ .  
5  been received by the International Bureau in PCT application No. \_\_\_\_ .

\* See the attached detailed Office action for a list of the certified copies not received.

9.  Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.  
10.  Other: \_\_\_\_

**DETAILED ACTION**

1) This Office action addresses claims 26-42, 44, and 45 of United States Patent Number 5,544,352 (hereinafter "Egger"), for which it has been determined in the Order Granting Ex Parte Reexamination (hereafter the "Order") mailed 8/2/2010 that a substantial new question of patentability was raised in the Request for *Ex Parte* reexamination filed on 5/24/2010 (hereafter the "Request").

***Information Disclosure Statement***

2) Where the IDS citations are submitted but not described, the examiner is only responsible for cursorily reviewing the references. The initials of the examiner on the PTO-1449 indicate only that degree of review unless the reference is either applied against the claims, or discussed by the examiner as pertinent art of interest, in a subsequent office action. See Guidelines for Reexamination of Cases in View of *In re Portola Packaging, Inc.*, 110 F.3d 786, 42 USPQ2d 1295 (Fed. Cir. 1997), 64 FR at 15347, 1223 Off. Gaz. Pat. Office at 125 (response to comment 6).

Consideration by the examiner of the information submitted in an IDS means that the examiner will consider the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. The initials of the examiner placed adjacent to the citations on the PTO-1449 or PTO/SB/08A and 08B or its equivalent mean that the information has been considered by the examiner to the extent noted above.

Regarding IDS submissions MPEP 2256 recites the following: "Where patents, publications, and other such items of information are submitted by a party (patent owner or requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the information."

Accordingly, the IDS submissions have been considered by the Examiner only with the scope required by MPEP 2256, unless otherwise noted.

### *Rejections*

3) The following rejections are utilized by the examiner below, referencing the proposed prior art listed on pages 5 and 6 of the Request:

- Issue 1:* Claims 26-32, 36, 37, 39, 41, 42, 44, 45 in view of Fox
- Issue 2:* Claims 33 in view of Fox and Cleveland
- Issue 3:* Claims 34 and 35 in view of Fox and Salton 1990
- Issue 4:* Claims 38 and 40 in view of Fox and Can
- Issue 5:* Claims 26-32, 36, and 45 in view of Garner
- Issue 6:* Claims 33, 41, 42, and 44 in view of Garner and Cleveland
- Issue 7:* Claims 34 and 35 in view of Garner and Salton 1990
- Issue 8:* Claim 37 in view of Garner and Aversa
- Issue 9:* Claims 38-40 in view of Garner and Can

# 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.