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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/011,014	05/26/2010	5,832,494	23373-0010RX1	6009

7590   08/06/2010

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EXAMINER

ART UNIT	PAPER NUMBER

DATE MAILED: 08/06/2010

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

UNITED STATES PATENT AND TRADEMARK OFFICE

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

FISH & RICHARDSON, PC

P.O. BOX 1022

MINNEAPOLIS, MN 55440-1022

Date:
MAILED

AUG 0 6 2010

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. : 90011014

PATENT NO. : 5832494

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)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No.	Patent Under Reexamination
	90/011,014	5,832,494
	Examiner	Art Unit	
	COLIN M. LAROSE	3992	

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

The request for *ex parte* reexamination filed *26 May 2010* has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a)☐ PTO-892,   b)☐ PTO/SB/08,   c)☒ Other: *PTO-1449*

1. ☒   The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. ☐   The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

   a) ☐ by Treasury check or,

   b) ☐ by credit to Deposit Account No. _____, or

   c) ☐ by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

ORDER GRANTING REEXAMINATION OF U.S. PATENT 5,832,494

Request for Reexamination

1.   A third-party Request for Reexamination of claims 1-3, 5, 7-16, 18-21, 23-25, and 31-33

was received on 5/26/2010 based on the following prior art patents and/or publications:

APPENDIX C	R.A. Botafogo and B. Shneiderman, "Identifying Aggregates in Hypertext Structures," Hypertext '91 Proceedings, December 1991, pp.63-74 ("*Botafogo 1991*").
APPENDIX D	R.A. Botafogo, "Cluster Analysis for Hypertext Systems," ACM-SIGIR'93, Vol. 6, pp. 116-125, 1993 ("*Botafogo 1993*")
APPENDIX E	H.P. Frei and D. Stieger, "Making Use of Hypertext Links when Retrieving Information," ACM, 1992 ("*Frei & Stieger 1992*")
APPENDIX F	S. Baase, Computer Algorithms: Introduction to Design and Analysis, 2nd Edition, Addison-Wesley Publishing Co., 1988 ("*Baase 1988*")
APPENDIX G	D. Lucarella, "A Model for Hypertext-Based Information Retrieval," Proceedings of the ECHT'90, Cambridge University Press, N. Streitz, A. Rizk and J. Andre, eds., pp. 81-94, November 1990 ("*Lucarella 1990*")
APPENDIX H	E. Fox, "Extending the Boolean and Vector Space Models of Information Retrieval with P-Norm Queries and Multiple Concept Types," Cornell University, 1983 ("*Fox 1983*")
APPENDIX I	B.R. Schatz and J.B. Hardin, "NCSA Mosaic and the World Wide Web: Global Hypermedia Protocols for the Internet," Science, Vol. 265, Aug. 12, 1994 ("*Schatz & Hardin 1994*")
APPENDIX J	U.S. Patent No. 5,838,906 to Michael D. Doyle, et al., Issued November 17, 1998 ("*Doyle*")

Priority and Effective Date of the '494 Patent

2.   The '494 patent has a U.S. non-provisional filing date of 5/17/1996 and is a continuation-in-part of application serial no. 08/076,658, filed 6/14/1993.

Upon issuing a Notice of Allowability for the '494 patent, the Examiner indicated that the claims were not entitled to benefit of the 6/14/1993 filing date:

> 3.   A word search of the parent, USP 5,544,352, reveals that the words link(s) and node(s) do not appear, and the term cluster appears once in passing. Therefore this group of claims is considered to have 5/17/96 as their priority date for purposes of examination in terms of prior art.

Independent claims 1, 12, 14, 23, and 33 each recite limitations related to link(s), node(s), and/or cluster(s). Accordingly, these claims and all claims that depend therefrom have an effective date of 5/17/1996.

Claims 18-21 do not recite such limitations and are assumed to be supported by the parent '658 application. Accordingly, claims 18-21 are given an effective date of 6/14/1993.

Prosecution History of the '494 Patent

3.   On 9/9/1997, the Examiner issued a Restriction Requirement that broke all pending claims 1-98 into five groups.

4.   On 1/9/1998, the Applicant elected Group I (claims 1-38), with traverse.

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