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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,869	05/17/2013	8217902	09701.0016	2197

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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
2050 Main Street, Suite 1100
IRVINE, CA 92614

EXAMINER

HOTALING, JOHN M

ART UNIT	PAPER NUMBER
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3992

MAIL DATE	DELIVERY MODE
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11/15/2013

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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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/012,869.

PATENT NO. 8217902.

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)).

Office Action in Ex Parte Reexamination	Control No. 90/012,869	Patent Under Reexamination 8217902	
	Examiner JOHN HOTALING	Art Unit 3992	AIA (First Inventor to File) Status No

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

- a. Responsive to the communication(s) filed on 6/20/13.
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were 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. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input type="checkbox"/> Information Disclosure Statement, PTO/SB/08. | 4. <input type="checkbox"/> _____. |

Part II SUMMARY OF ACTION

- 1a. Claims 1-68 are subject to reexamination.
- 1b. Claims _____ are not subject to reexamination.
2. Claims _____ have been canceled in the present reexamination proceeding.
3. Claims _____ are patentable and/or confirmed.
4. Claims 1-68 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: _____

The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

1. The following is a brief summary of the prosecution to date in this *ex parte* reexamination proceeding:

- On May 17, 2013, a request for *ex parte* reexamination of claims 1-68 of the '913 patent was filed by the third party requestor.
- On June 20, 2013, the USPTO mailed a decision granting *ex parte* reexamination and ordering the reexamination of claims 1-68.

Patents and Printed Publication Cited in the Request

1. Japanese Published Patent Application No. 60-75927 ("Fujitsu") and corresponding English translation of the JP 75927 application (including Abstract)
2. U.S. Patent No. 6,137,427 to Ronald Binstead ("Binstead")
3. U.S. Patent Application Publication 2005/0030048 to Robert Bolender et al. ("Bolender")
4. Published UK Patent Application GB 2 168 816 A to Andrew Lambert ("Lambert")
5. Japanese Published Patent Application No. 61-84729 ("Honeywell") and corresponding English translation of the JP 84729 application (including Abstract)

Art Unit: 3992

6. U.S. Patent No. 5,374,787 to Robert Miller et al. ("Miller")

SNQs Raised in the Request

2. The order identified the following SNQs:

Fujitsu as Primary Reference

Issue 1. A substantial new question of patentability as to claims 1-15, 17-22, 24-29, 32, 34-40, 42-44, 46-58, and 60-68 is raised by Fujitsu.

Issue 2. A substantial new question of patentability as to claims 11-15, 17-22, 34, 43, 51, 60, and 67 is raised by Fujitsu in view of Binstead.

Issue 3. A substantial new question of patentability as to claims 16-23, 25-31, 35, 41, 44, 45, and 68 is raised by Fujitsu in view of Honeywell.

Issue 4. A substantial new question of patentability as to claims 33 and 59 is raised by Fujitsu in view of Bolender.

Issue 5. A substantial new question of patentability as to claims 17-22, 25-29, 35, 44, and 68 is raised by Fujitsu in view of Miller.

Binstead as Primary Reference

Issue 6. A substantial new question of patentability as to claims 1-3, 5-8, 10-13, 15, 17-19, 21, 22, 24-27, 29, 32, 34-37, 39, 40, 42-44, 46-48, 50-55, 57, 58, 60-62, and 64-68 is raised by Binstead.

Issue 7. A substantial new question of patentability as to claims 4, 9, 14, 16-23, 25-31, 35, 38, 41, 44, 45, 49, 56, 63, and 68 is raised by Binstead in view of Honeywell.

Issue 8. A substantial new question of patentability as to claims 33 and 59 are raised by Binstead in view of Bolender.

Issue 9. A substantial new question of patentability as to claims 17-19, 21, 25-27, 29, 35, 44, and 68 is raised by Binstead in view of Miller.

Lambert as Primary Reference

Issue 10. A substantial new question of patentability as to claims 1-4, 6-9, 11-14, 17-20, 22, 24-28, 32, 34-38, 40, 42-44, 46-49, 51-56, 58, 60-63, and 65-68 is raised by Lambert.

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