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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/182,048	07/29/2008	Atle Hedloy	3324/102	3034
2101 7590 10/28/2010 Sunstein Kann Murphy & Timbers LLP			EXAMINER	
125 SUMMER	STREET		TRAN, QUOC A	
BOSTON, MA 02110-1618			ART UNIT	PAPER NUMBER
			2176	
			NOTIFICATION DATE	DELINEDY MODE
			NOTIFICATION DATE	DELIVERY MODE
			10/28/2010	ELECTRONIC

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

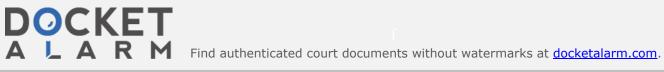
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	Application No.	Applicant(s)				
	12/182,048	HEDLOY, ATLE				
Office Action Summary	Examiner	Art Unit				
	QUOC A. TRAN	2176				
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on 29.	<u>luly 2008</u> .					
2a) This action is <b>FINAL</b> . 2b) Thi						
3) Since this application is in condition for allowed	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
<ul> <li>4)  Claim(s) 1-20 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdrawn from consideration.</li> <li>5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) 1-20 is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or election requirement.</li> </ul>						
Application Papers						
<ul> <li>9) The specification is objected to by the Examiner.</li> <li>10) The drawing(s) filed on 29 July 2008 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</li> <li>11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</li> </ul>						
Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No. 12/182,048.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 01/26/2009 4) Interview Summary (PTO-413) Paper No(s)/Mail Date  5) Notice of Informal Patent Application Other:						



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**DETAILED ACTION** 

This is a Non Final Office Action in responses to Patent Application filed 07/29/2008. This Application claims foreign priority to 9844066, filed 09/13/1998 (See PALM).

Claims 1-20 are pending.

Claims 1 and 18 are independent claims.

Claim Objections

Claims 16-17 are objected to because of the following informalities:

➤ The claim 16 is a duplicate of claim 17 and both depending upon independent claim 1 (see claims 16 and 17 @ page 22 for details).

Appropriate correction is required.

Information Disclosure Statement

At least one of the information disclosure statements filed on 01/26/2009; does not fully comply with the requirements of 37 CFR 1.98(b) because the at least one of the listed publications identified as "non-patent literature documents" fails to identify at least one of the following, as required in 37 CFR 1.98(b)(5):

1. publisher;

2. author (if any);

3. title;



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4. relevant pages of the publication;

5. publication date; and

6. place of publication.

The information disclosure statements have been placed in the application file, but those portions that do not comply with 37 CFR have not been considered.

Additionally, at least one of the listed publications in at least one of the information disclosure statements attempts to list **multiple** references in a **single** listing. This is not proper under 37 CFR. Each publication must be listed separately.

Applicant is advised that the date of any re-submission of any item of information contained in this Information Disclosure Statement or the submission of any missing elements will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### **Double Patenting**

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct



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from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-79 of U.S. Patent 6,323,853 (hereinafter, "patent '853" issued 11/27/2001). Although the conflicting claims *are not identical*, but *they are not patentably distinct from each other* because they are both exhibiting similar method for providing an input device configured to enter an execute command which analyzing the document to determine if the first information is



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