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12/182,048	07/29/2008	Atle Hedloy	3324/102	3034
2101	7590	10/28/2010	EXAMINER	
Sunstein Kann Murphy & Timbers LLP 125 SUMMER STREET BOSTON, MA 02110-1618			TRAN, QUOC A	
			ART UNIT	PAPER NUMBER
			2176	
			NOTIFICATION DATE	DELIVERY MODE
			10/28/2010	ELECTRONIC

**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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### **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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