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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,422	02/26/2009	6,009,469	2655-0185	6565

42624 7590 12/03/2010

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/03/2010

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



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Date:

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DEC 03 2010

CENTRAL REEXAMINATION UNIT

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. : 90010422  
PATENT NO. : 6009469  
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)).

**Notice of Intent to Issue  
Ex Parte Reexamination Certificate**

Control No.	Patent Under Reexamination	
90/010,422	6,009,469	
Examiner	Art Unit	
ALEXANDER J. KOSOWSKI	3992	

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

1.  Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
- (a)  Patent owner's communication(s) filed: 10 November 2010.
  - (b)  Patent owner's late response filed: \_\_\_\_\_
  - (c)  Patent owner's failure to file an appropriate response to the Office action mailed: \_\_\_\_\_
  - (d)  Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
  - (e)  Other: \_\_\_\_\_
- Status of *Ex Parte* Reexamination:
- (f) Change in the Specification:  Yes  No
  - (g) Change in the Drawing(s):  Yes  No
  - (h) Status of the Claim(s):
    - (1) Patent claim(s) confirmed: 2,3,5,6,15 and 18.
    - (2) Patent claim(s) amended (including dependent on amended claim(s)): 1,9,14,16 and 17
    - (3) Patent claim(s) canceled: 8.
    - (4) Newly presented claim(s) patentable: \_\_\_\_\_
    - (5) Newly presented canceled claims: \_\_\_\_\_
    - (6) Patent claim(s)  previously  currently disclaimed: \_\_\_\_\_
    - (7) Patent claim(s) not subject to reexamination: 4,7 and 10-13.
2.  Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
3.  Note attached NOTICE OF REFERENCES CITED (PTO-892).
4.  Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
5.  The drawing correction request filed on \_\_\_\_\_ is:  approved  disapproved.
6.  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  
 been received.  
 not been received.  
 been filed in Application No. \_\_\_\_\_  
 been filed in reexamination Control No. \_\_\_\_\_  
 been received by the International Bureau in PCT Application No. \_\_\_\_\_
- \* Certified copies not received: \_\_\_\_\_
7.  Note attached Examiner's Amendment.
8.  Note attached Interview Summary (PTO-474).
9.  Other: \_\_\_\_\_

cc: Requester (if third party requester)

### DETAILED ACTION

1) This Office action addresses claims 1-3, 5-6, 9, 14-18 of United States Patent Number 6,009,469 (Mattaway et al), for which it has been determined in the Order Granting Ex Parte Reexamination (hereafter the "Order") mailed 3/13/09 that a substantial new question of patentability was raised in the Request for *Ex Parte* reexamination filed on 2/26/09 (hereafter the "Request"). Claims 4, 7, 10-13 are not subject to reexamination. This is a response to the second after final amendment filed 11/10/10. Claims 1-3, 5-6, 9 and 14-18 are allowable and/or confirmed below. Claim 8 has been canceled.

Examiner notes that the after final amendment filed 11/10/10 has re-written claim 9 in independent form, thereby incorporating the limitation from claim 9 into canceled claim 8. The limitation of claim 9 was confirmed in related reexamination 90/010416 in view of the same proposed prior art. In addition, previously confirmed claim 16 has been rewritten into independent form. Therefore, claims 9 and 16 are now allowable as amended.

### STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

2) Claims 1-3, 5-6, 9 and 14-18 are allowable and/or confirmed.

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

Referring to claim 1, the claim is allowable over the prior art that was explained in the request and determined to raise a substantial new question of patentability in the order granting reexamination and over the prior art that was applied and discussed by the examiner in the present reexamination proceeding because that prior art does not explicitly teach a computer

Art Unit: 3992

program product for use with a computer system comprising program code for determining the currently assigned network protocol address of the first process upon connection to the computer network, in combination with the remaining elements or features of the claimed invention.

Referring to claim 5, the claim is allowable over the prior art that was explained in the request and determined to raise a substantial new question of patentability in the order granting reexamination and over the prior art that was applied and discussed by the examiner in the present reexamination proceeding because that prior art does not explicitly teach a method for establishing point-to-point communications with other processes comprising determining the currently assigned network protocol address of the first process upon connection to the computer network, in combination with the remaining elements or features of the claimed invention.

Referring to claim 9, the claim is allowable over the prior art that was explained in the request and determined to raise a substantial new question of patentability in the order granting reexamination and over the prior art that was applied and discussed by the examiner in the present reexamination proceeding because that prior art does not explicitly teach a method for establishing a point-to-point communication including querying the server process as to the on-line status of the first callee process and receiving a network protocol address of the first callee process over the computer network from the server process, in combination with the remaining elements or features of the claimed invention.

Referring to claim 16, the claim is allowable over the prior art that was explained in the request and determined to raise a substantial new question of patentability in the order granting reexamination and over the prior art that was applied and discussed by the examiner in the present reexamination proceeding because that prior art does not explicitly teach a method for

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