

Re-Examination of Patent No. 6,009,469
Control No.: 90/010,422
Filed: February 24, 2009
Second Declaration of Ketan Mayer-Patel under 37 C.F.R. 1.132

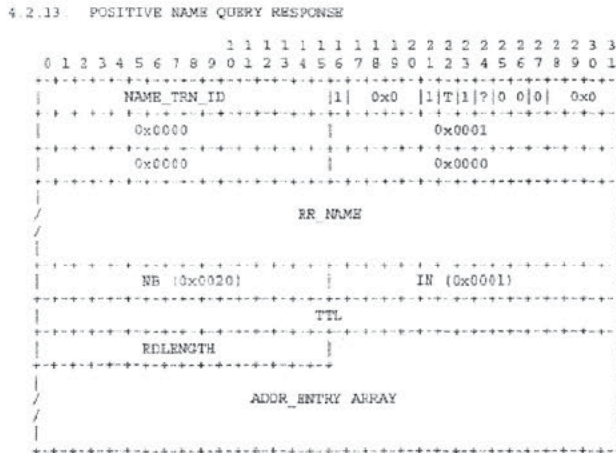
6. The dictionary definitions of “accessible” and “registered” show that they are not synonymous with each other. See Exhibit 1 attached hereto. According to the definitions, a system such as NetBIOS would indicate whether a name is “registered” (e.g., recorded or listed), but it would not indicate that a callee process is accessible (e.g., easy to reach or use or easily approached or entered).

7. Accordingly, I do not agree that “under a broadest reasonable interpretation, this [accessible] limitation could simply mean that a user is registered with the system.”

8. In fact, NetBIOS explicitly provides for permanent registration of names. As described in Section 15.1.3.2 of RFC 1001, “Names held by an NBNS are given a lifetime during name registration.” The same section further states “The lifetime period is established through a simple negotiation mechanism during name registration: In the name registration request, the end-node proposes a lifetime value or *requests an infinite lifetime*. The NBNS places an actual lifetime value into the name registration response. The NBNS is always allowed to respond with an infinite actual period.” (Emphasis added.) Thus, in any number of cases, the NBNS may demand an infinite lifetime for names registered by nodes, with the effect that the NBNS would deliberately preserve the name and address information registered by a node permanently on the NBNS even weeks, months or years after the node had stopped using the name or had gone off-line altogether. Therefore, the correspondence between a name and an IP address is not indicative that a first callee process is accessible.

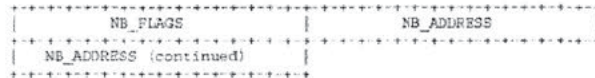
9. Moreover, the node requesting information on whether a name is registered does not receive an indication from the NBNS that the registered name corresponds to a name that has been given an infinite lifetime and could therefore be completely out-of-date. Section 4.2.13 of RFC 1002 describes the Positive Name Query Response (reproduced below) that is returned when a name has been registered, and there is no indication that the returned address is for a name associated with an identified lifetime, let alone an infinite lifetime.

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The ADDR_ENTRY ARRAY is a sequence of zero or more ADDR_ENTRY records. Each ADDR_ENTRY record represents an owner of a name. For group names there may be multiple entries. However, the list may be incomplete due to packet size limitations. Bit 22, "T", will be set to indicate truncated data.

Each ADDR_ENTRY has the following format:



10. In addition, there is no indication in the Positive Name Query Response disclosed by NetBIOS that the returned address necessarily corresponds with a computer or process that was ever accessible as asserted by the pending office action. For example, a first user could manually enter a dummy address in the NB_Address field associated with a claimed name that he wanted to register and still be compliant with the NetBIOS protocol standard since queries by other users for that name are “not necessarily a prelude to NetBIOS session establishment or NetBIOS datagram transmission.” Section 15.3.1.

11. Furthermore, RFC 1002 further shows that a name registration is not an indication of whether a first callee process is accessible since a NBNS can refuse to release registered names for policy reasons. As described in Section 4.2.9, a node may request that a name be released using a Name Release Request (reproduced below).

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