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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/001,270	12/08/2009	7188180	077580-0090	2128
23630	7590	12/03/2010		
McDermott Will & Emery 600 13th Street, NW Washington, DC 20005-3096			EXAMINER NALVEN, ANDREW L	
			ART UNIT 3992	PAPER NUMBER
			MAIL DATE 12/03/2010	DELIVERY MODE 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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Date:

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DEC 03 2010

CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95001270
PATENT NO. : 7188180
TECHNOLOGY CENTER : 3999
ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070(Rev.07-04)

**Right of Appeal Notice
(37 CFR 1.953)**

Control No.

95/001,270

Examiner

ANDREW L. NALVEN

Patent Under Reexamination

7188180

Art Unit

3992

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

Responsive to the communication(s) filed by:

Patent Owner on _____

Third Party(ies) on _____

Patent owner and/or third party requester(s) may file a notice of appeal with respect to any adverse decision with payment of the fee set forth in 37 CFR 41.20(b)(1) within **one-month or thirty-days (whichever is longer)**. See MPEP 2671. In addition, a party may file a notice of **cross** appeal and pay the 37 CFR 41.20(b)(1) fee **within fourteen days of service** of an opposing party's timely filed notice of appeal. See MPEP 2672.

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

If no party timely files a notice of appeal, prosecution on the merits of this reexamination proceeding will be concluded, and the Director of the USPTO will proceed to issue and publish a certificate under 37 CFR 1.997 in accordance with this Office action.

The proposed amendment filed _____ ☐ will be entered ☐ will not be entered*

*Reasons for non-entry are given in the body of this notice.

1a. ☒ Claims 1,4,10,12-15,17,20,26,28-31,33 and 35 are subject to reexamination.

1b. ☒ Claims 2,3,5-9,11,16,18,19,21-25,27,32,34 and 36-41 are not subject to reexamination.

2. ☐ Claims _____ have been cancelled.

3. ☒ Claims 1,4,10,12-15,17,20,26,28-31,33 and 35 are confirmed. [Unamended patent claims].

4. ☐ Claims _____ are patentable. [Amended or new claims].

5. ☐ Claims _____ are rejected.

6. ☐ Claims _____ are objected to.

7. ☐ The drawings filed on _____ ☐ are acceptable. ☐ are not acceptable.

8. ☐ The drawing correction request filed on _____ is ☐ approved. ☐ disapproved.

9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d) or (f). The certified copy has:

☐ been received. ☐ not been received. ☐ been filed in Application/Control No. _____.

10. ☐ Other _____

Attachments

1. ☐ Notice of References Cited by Examiner, PTO-892

2. ☐ Information Disclosure Citation, PTO/SB/08

3. ☐ _____

RIGHT OF APPEAL NOTICE

The following action addresses claims 1, 4, 10, 12-15, 17, 20, 26, 28-31, 33, and 35 of US Patent No. 7,188,180 ("the '180 patent").

An Action Closing Prosecution was issued on June 16, 2010.

No response to the Action Closing Prosecution was received.

Status of Claims

Original Claims 1, 4, 10, 12-15, 17, 20, 26, 28-31, 33, and 35 are confirmed.

Rejections Proposed by Requestor – Previously Adopted, Now Not Adopted

1. Requestor proposed that claims 1, 10, 12, 14, 17, 26, 28, 30, 31, and 33 be rejected under 35 US C 102(a) as being anticipated by Aventail. This proposed rejection was adopted in the first Office action mailed on 1/19/2010. However, upon consideration of the remarks submitted by Patent Owner, this proposed rejection is hereby withdrawn and not adopted for the following reasons.

2. Patent owner argues that the rejection of claims 1, 10, 12, 14, 17, 26, 28, 30, 31, and 33 as anticipated by Aventail should be withdrawn because Aventail is not prior art to the '180 patent. Specifically, Patent Owner argued that the request and the 1/19/2010 office action did not show that Aventail was published prior to the priority date of the '180 patent. The request asserts that Aventail was published between 1996 and 1999. This assertion was based on the document's copyright date. The request did not set forth any further evidence of the date of publication.

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3. A search was conducted to determine the publication date of the Aventail reference.

However, no evidence was found that established the publication date. Accordingly, Aventail cannot be relied upon as prior art to the '180 patent and all rejections based upon Aventail are hereby withdrawn and not adopted.

4. Further, Patent Owner argues that the '180 patent clearly distinguishes the claimed "secure domain name" from a domain name that happens to correspond to a secure computer. Patent Owner's argument is persuasive. The Examiner agrees that the '180 patent distinguishes the claimed "secure domain name." For example, the '180 patent explains that a secure domain name is a non-standard domain name and that querying a convention domain name server using a secure domain name will result in a return message indicating that the URL is unknown (*'180 patent, column 51 lines 25-35*). Similarly, Patent Owner argues that the '180 patent clearly distinguishes the claimed "secure domain name service" from a conventional domain name service that can resolve domain names of computers that are used to establish secure connections. Patent Owner's argument is persuasive. The Examiner agrees that the '180 patent distinguishes the claimed "secure domain name service." For example, the '180 patent explains that a secure domain name service can resolve addresses for a secure domain name whereas a conventional domain name service cannot resolve addresses for a secure domain name (*'180 patent, column 51 lines 25-35*).

5. Aventail does not teach the claimed "secure domain name" or "secure domain name service" as defined by the '180 patent. Aventail teaches the use of a DNS server and the creation of a secure tunnel to a secure remote site. However, Aventail does not teach the claimed secure domain name or secure domain name service as defined by the '180 patent as being a part of a

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