



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P. O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/001,679	07/08/2011	6502135	43614.92	9786
22852	7590	09/15/2015	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			PEIKARI, BEHZAD	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			09/15/2015	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.

PTOL-90A (Rev. 04/07)

<b>Transmittal of Communication to Third Party Requester <i>Inter Partes</i> Reexamination</b>	Control No.	Patent Under Reexamination	
	95/001,679	6502135	
	Examiner	Art Unit	
	B. JAMES PEIKARI	3992	

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

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Haynes and Boone, LLP  
IP Section  
2323 Victory Avenue, Suite 700  
Dallas, TX 75219

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.

<b>Right of Appeal Notice (37 CFR 1.953)</b>	Control No.	Patent Under Reexamination
	95/001,679	6502135
	Examiner	Art Unit
	B. JAMES PEIKARI	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 03 June, 2015

Third Party(ies) on 02 July, 2015

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 1-9 and 13-18 are subject to reexamination.
- 1b.  Claims 10-12 are not subject to reexamination.
2.  Claims \_\_\_\_\_ have been cancelled.
3.  Claims \_\_\_\_\_ are confirmed. [Unamended patent claims].
4.  Claims \_\_\_\_\_ are patentable. [Amended or new claims].
5.  Claims 1-9 and 13-18 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.  \_\_\_\_\_

## DETAILED ACTION

### *Inter Partes Reexamination*

1. This is an *inter partes* reexamination of U.S. Patent Number 6,502,135 (the '135 patent), issued December 31, 2002.

Claims 1-9 and 13-18 are subject to reexamination.

### *Prosecution Summary*

2. The following is a brief summary of the prosecution to date in this merged reexamination proceeding:

- On July 8, 2011, a request for *inter partes* reexamination of claims 1-18 of the '135 patent, assigned control no. 95/001,679 (“the '679 proceeding”), was filed by a third party requester (“requester” or “the '679 requester”).
- On October 3, 2011, the USPTO mailed a decision granting *inter partes* reexamination and ordering the reexamination of claims 1-18 in the '679 proceeding.
- On February 15, 2012, the USPTO mailed a non-final Office action in the '679 proceeding. Claims 1-18 were rejected.
- On May 15, 2012, patent owner filed a response to the February 15, 2012 Office action. No claims were amended or canceled.
- On June 14, 2012, in the '679 proceeding, requester filed comments.

Art Unit: 3992

- On March 11, 2013, the USPTO mailed a non-final Office action. Claims 1-18 were rejected.
- On June 11, 2013, patent owner filed a response to the March 11, 2013 Office action. No claims were amended or canceled.
- On July 9, 2013, requester filed comments.
- On January 10, 2014, the USPTO mailed an action closing prosecution (ACP), which will be treated as a second non-final Office action. Claims 1-18 were rejected.
- On March 10, 2014, patent owner filed a response to the January 10, 2014 Office action.
- On April 9, 2014, requester filed comments.
- On April 3, 2015, the USPTO mailed an action closing prosecution (ACP). Claims 10-12 were withdrawn from consideration. Claims 1-9 and 13-18 were rejected.
- On June 3, 2015, patent owner filed a response to the ACP.
- On July 2, 2015, requester filed comments.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.