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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/013,301	07/21/2014	6549130		1082

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RAYMOND A. JOAO
122 BELLEVUE PLACE
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EXAMINER

NGUYEN, MINH T

ART UNIT	PAPER NUMBER
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3992

MAIL DATE	DELIVERY MODE
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01/20/2015

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.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/013,301.

PATENT NO. 6549130.

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)).

Office Action in Ex Parte Reexamination	Control No. 90/013,301	Patent Under Reexamination 6549130	
	Examiner MINH T. NGUYEN	Art Unit 3992	AIA (First Inventor to File) Status No

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

- a. Responsive to the communication(s) filed on 11/24/2014 .
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- b. This action is made FINAL.
- c. A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c)**. If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input checked="" type="checkbox"/> Information Disclosure Statement, PTO/SB/08. | 4. <input type="checkbox"/> _____. |

Part II SUMMARY OF ACTION

- 1a. Claims 48 are subject to reexamination.
- 1b. Claims 1-47,49-149 are not subject to reexamination.
2. Claims _____ have been canceled in the present reexamination proceeding.
3. Claims _____ are patentable and/or confirmed.
4. Claims 48 are rejected.
5. Claims _____ are objected to.
6. The drawings, filed on _____ are acceptable.
7. The proposed drawing correction, filed on _____ has been (7a) approved (7b) disapproved.
8. 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
1 been received.
2 not been received.
3 been filed in Application No. _____ .
4 been filed in reexamination Control No. _____ .
5 been received by the International Bureau in PCT application No. _____ .
- * See the attached detailed Office action for a list of the certified copies not received.
9. Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.
10. Other: _____

Art Unit: 3992

**EX PARTE REEXAMINATION
NON-FINAL OFFICE ACTION**

Pertinent Prosecution History

5 A request for *ex parte* reexamination of the patent number 6,549,130 ("130 Patent") was filed by a third party requester ("Requester") on July 21, 2014, assigned control number 90/013,301 ("301 Request").

 In response to the '301 Request, the Office mailed an "Order Granting Reexamination Request" on September 17, 2014 ("2014 '130 Order"). In the 2014 '130 Order, the Office
10 indicated that claim 48 was subject to the instant reexamination.

 As to date, the patent owner ("Patent Owner") has not filed a Patent Owner's statement under 35 USC 304.

 This non-final office action ("2015 Non-Final Office Action") follows the 2014 '130 Order after two-month waiting period for the patent owner's statement under 35 USC 304.

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Expired Patent

 The Patent Owner is reminded that because the '130 Patent which is being reexamined is expired, amendments to the claims, except cancellation of the claims, are not allowed.

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Status of the Claims

 Claim 48 is pending for consideration.

Information Disclosure Statement

 MPEP 2256 states in pertinent part,

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 Where patents, publications, and other such items of information are submitted by a party (Patent Owner or Requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the information. The initials of the examiner placed adjacent to the citations on the form
30 PTO/SB/08A and 08B or its equivalent, without an indication to the contrary in the record, do not signify that the information has been considered by the examiner any further than to the extent noted above. (emphasis added)

Art Unit: 3992

Information disclosure statements (IDSs) filed on November 05, 2014 and November 24, 2014 by the Patent Owner and/or Requester have been considered to the extent that the Patent Owner and/or Requester has “explained the content and relevance” as indicated above and signed copies have been included in this office action.

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Prior Art

Claim 48 of the '130 Patent is reexamined based on the following references:

U.S. Patent 5,070,320 to Ramono (“Ramono”).

U.S. Patent 6,072,402 to Kniffin (“Kniffin”).

10 U.S. Patent 5,113,427 to Ryoichi et al. (“Ryoichi”).

U.S. Patent 5,276,728 to Pagliaroli et al. (“Pagliaroli”).

U.S. Patent 5,081,667 to Drori et al. (“Drori”).

U.S. Patent 5,103,221 to Memmola. (“Memmola”).

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Statutes

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

20 (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in
25 the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the
30 applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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