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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/013,016	10/07/2013	7647633	382984-000006	9521
115222	7590	11/19/2013	EXAMINER	
Bey & Cotropia PLLC (Finjan Inc.) 213 Bayly Court Richmond, VA 23229			BASEHOAR, ADAM L	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			11/19/2013	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)

RYAN W. COBB, DLA PIPER LLP (US)

401 B STREET

SUITE 1700

SAN DIEGO, CA 92101

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/013,016.

PATENT NO. 7647633.

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. 90/013,016	Patent Under Reexamination 7647633	
	Examiner ADAM BASEHOAR	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 10/07/2013 and 10/22/2013.
 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 type="checkbox"/> Information Disclosure Statement, PTO/SB/08. | 4. <input type="checkbox"/> _____. |

Part II SUMMARY OF ACTION

- 1a. Claims 1-7 and 28-33 are subject to reexamination.
- 1b. Claims 8-27 and 34-41 are not subject to reexamination.
2. Claims _____ have been canceled in the present reexamination proceeding.
3. Claims _____ are patentable and/or confirmed.
4. Claims 1-7 and 28-33 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: _____

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The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

1. This Office action addresses claims 1-7 and 28-33 of United States Patent Number 7,647,633 B2 (Edery et al), for which it has been determined in the Order Granting Ex Parte Reexamination (hereafter the "Order") mailed concurrently with this Office Action, that a substantial new question of patentability was raised in the Request for *Ex Parte* reexamination filed on 10/07/2013 (hereafter the "Request"). Claims 8-27 and 34-41 of the Edery '633 patent are not subject to reexamination. This is a Non-Final Action.

Reexamination

2. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 7,647,633 B2 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

3. Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings

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"will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

4. In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced.

References Submitted by Requester

5. The following three references have been cited as establishing a substantial new question of patentability. See Order, mailed concurrently with this Non-Final Action.

- **Ji** – (U.S. Patent No. 5,983,348, filed 09/10/1997, published 11/09/1999)
- **Liu** – (U.S. Patent No. 6,058,482, filed 05/22/1998, published 05/02/2000)
- **Golan** – (U.S. Patent No. 5,974,549, filed 03/27/1997, published 10/26/1999)

Priority Determination

6. For purposes of this reexamination, as described in more detail in the Order (see: Order, pp. 6-8), claims 1-7 and 28-33 of the Edery '633 patent are considered to have the following effective filing dates:

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