IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent: 8,587,720 B1

Date of Issue: Nov. 19, 2013

Name of Patentee: John Christopher Harvey and James William Cuddihy

Title of Invention: SIGNAL PROCESSING APPARATUS AND METHODS

August 28, 2018

Mail Stop *Ex parte* REEXAM
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STREAMLINED *EX PARTE* REEXAMINATION REQUEST

Dear Sir:

Reexamination under 35 U.S.C. §§ 302-307 and 37 C.F.R. § 1.510 is requested of United States Patent number 8,587,720 B1, which issued on Nov. 19, 2013, to John Christopher Harvey and James William Cuddihy. U.S. Patent 8,587,720 B1 is still enforceable.

Identification of Claims for Which Reexamination Is Requested

In accordance with 37 C.F.R. § 1.510, reexamination of claims 1, 4, 7, and 27 of U.S. Patent 8,587,720 B1 is requested, in view of the following references:

> Lockwood *et al.*, U.S. Patent 4,359,631. ("Lockwood")
>
> Hartung *et al.*, U.S. Patent 4,019,201. ("Hartung")
>
> Campbell *et al.*, PCT/US81/00414 (Pub. No. WO 81/02961). ("Campbell")
>
> Metcalfe *et al.*, "Ethernet: Distributed Packet Switching for Local Computer Networks", Communications of the ACM, July 1976, Vol. 19, No. 7, pp. 395-404. ("Metcalfe")

Form PTO-SB-08A is attached with the above references listed.

Statement Pointing Out Each Substantial New Question of Patentability

Lockwood and Metcalfe were not of record in the file of U.S. Patent 8,587,720 B1. Hartung is on the face of U.S. Patent 8,587,720 B1; however, neither Hartung nor any family members of Hartung were directly discussed during prosecution. U.S. Patent 4,536,791 to Campbell *et al.* was raised during prosecution in combination with different references than used in the instant reexamination request, and has a § 102(e) date of November 27, 1981. Issued claims 1, 4, 7, and 27 of U.S. Patent 8,587,720 B1 have a priority of November 3, 1981; therefore, U.S. Patent 4,536,791 to Campbell *et al.* is not prior art to U.S. Patent 8,587,720 B1. However, U.S. Patent 4,536,791 to Campbell *et al.* relies on PCT Application No. PCT/US81/00414, which has a publication date of October 15, 1981. Accordingly, the PCT Application No. PCT/US81/00414 (Publication No. WO 81/02961) predates the priority of U.S. Patent 8,587,720 B1. Both U.S. Patent 4,536,791 and Campbell are on the face of U.S. Patent 8,587,720 B1. Lockwood, Metcalfe, Hartung, and Campbell all describe a system and apparatus for communication of information between nodes in a network. The teachings of Lockwood could be considered to raise a substantial new question of patentability for claims 1 and 7. The teachings of Metcalfe could be considered to raise a substantial new question of patentability for claim 4. The teachings of Hartung in view of Campbell could raise a substantial new question of patentability for claim 27.

Detailed Explanation Under 37 C.F.R. § 1.510(b)

1. Claim 1 of U.S. Patent 8,587,720 B1 may be unpatentable under 35 U.S.C § 102(a) as being anticipated by Lockwood, as shown by the following claim chart:

U.S. 8,587,720 B1	Lockwood
1. A method for collecting and reporting information in a data network at a receiver station from a plurality of sources, said receiver station having a data network connection, a processor, an input device, and a data storage device, said method comprising the steps of:	Fig. 7 shows a block diagram of a receiver station with a processor 30, keyboard 20 (input device), and data sources 26 (data storage device). The receiver station is connected to a network through audio com 24. The receiver station may access a plurality of data sources through audio com 24 and from stored information, such as data sources 26 including video playback disk 27 and on-line mass storage 28 shown in Fig. 8 and described in the related text. For example, "[t]he present embodiment of the invention is designed to provide travel-related information and services. The first component of the data source 26 is a video storage and playback unit 27 which holds recordings of various travel documentaries promoting tours, cruises, special events, resort facilities and other vacation opportunities. Each documentary is indexed and can be recalled on demand and played on the cathode ray tube 10. A second source of data is provided by a mass storage unit 28 which contains information of a more transitory nature such as flight schedules to various destinations, ticket prices, weather information, snow conditions at various skiing resorts, hotel occupancy status and other information useful in the planning of a business trip or vacation. This information is periodically updated via a communication link 24 with a remote control center." (3:10-25). Furthermore, Fig. 10 shows "SYSTEM REQUESTS INFO FROM REMOTE COMPUTER" as an example of a real time request for schedule information from a "source". (See "BEGIN SCHEDULE" in Fig. 10).

receiving at said input device a set of information collection parameters;	Fig. 10 shows a flow diagram for "BEGIN SCHEDULE". The second step requires "CUSTOMER "FILLS" IN BLANK IN MASK". As shown in Fig. 7, a keyboard 20 allows a user data entry. "The flight schedule program begins by the display on the CRT of a schedule mask through which the customer is invited to fill in the form*(sic)* and to locations of the flights." (7:41-44).
generating a query at said receiver station from said set of information collection parameters;	"The flight schedule program begins by the display on the CRT of a schedule mask through which the customer is invited to fill in the form and to locations of the flights. When the customer enters the departure point and the destination on the keyboard, <u>two codes are generated</u> which are used to seek the appropriate information in the mass storage or, alternately, are sent via the audio communication system to a remote reservation computer." (7:41-49, emphasis added).
promulgating said query from said step of generating a query from said receiver station to said data network through said data network connection;	Fig. 10 shows a flow diagram for "BEGIN SCHEDULE". The third step requires "SYSTEM REQUESTS INFO FROM REMOTE COMPUTER". "The flight schedule program begins by the display on the CRT of a schedule mask through which the customer is invited to fill in the form and to locations of the flights. When the customer enters the departure point and the destination on the keyboard, two codes are generated which are used to seek the appropriate information in the mass storage or, alternately, <u>are sent via the audio communication system to a remote reservation computer</u>." (7:41-49, emphasis added).
recording in a first data record at said	Fig. 10 shows a flow diagram for "BEGIN SCHEDULE". The fourth step requires "REMOTE COMPUTER RESPONDS WITH

storage device a datum evidencing one of said step of promulgating and a response to said step of promulgating;	SCHEDULE". "When the list of available flights has been gathered from the mass storage or received back from the remote computer center, it is displayed on the CRT with an inquiry as to whether the customer wants a hard copy of the schedule." (7:49-53). If there is concern the datum is not stored in "said storage device" (data sources 26 including on-line mass storage 28), then read/write memory 29, shown in Fig. 8, is included in "said storage device". The displayed data may be stored in one or more of these memories. "Intermediate results, variables, etc., required by the operating program, will reside in the read/write memory 29." (4:52-54). Fig. 10 shows a flow diagram for "BEGIN SCHEDULE". The fifth step questions whether "CUSTOMER WANTS HARDCOPY". A POSITA would understand that an offer to print a hard copy of the schedule could not occur until the complete schedule was received. As such, a datum must exist "evidencing one of said step of promulgating and a response to said step of promulgating". The display of the schedule is evidence, in and of itself, that the request was sent and a response was received.
generating, under control of said processor, output information based on said data record; and	Fig. 10 shows a flow diagram for "BEGIN SCHEDULE". The fourth step requires "REMOTE COMPUTER RESPONDS WITH SCHEDULE". Once the unit has received the requested schedule data, the processor displays the schedule and creates a prompt to inquire whether the user desires a hard copy. "When the list of available flights has been gathered from the mass storage or received back from the remote computer center, it is displayed on the CRT with an inquiry as to whether the customer wants a hard copy of the schedule." (7:49-53).

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