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EXAMINER

FOSTER, ROLAND G

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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.

Notice of Intent to Issue Ex Parte Reexamination Certificate	Control No. 90/013,802	Patent Under Reexamination 8902760	
	Examiner ROLAND FOSTER	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 --

1. Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
 - (a) Patent owner's communication(s) filed: 23 June 2017 and 10 May 2017.
 - (b) Patent owner's failure to file an appropriate timely response to the Office action mailed: _____.
 - (c) Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - (d) The decision on appeal by the Board of Patent Appeals and Interferences Court dated _____
 - (e) Other: _____.
2. The Reexamination Certificate will indicate the following:
 - (a) Change in the Specification: Yes No
 - (b) Change in the Drawing(s): Yes No
 - (c) Status of the Claim(s):
 - (1) Patent claim(s) confirmed: 1-72.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): 73-100,104-169 and 173-219
 - (3) Patent claim(s) canceled: 101-103, 170-172.
 - (4) Newly presented claim(s) patentable: _____.
 - (5) Newly presented canceled claims: _____.
 - (6) Patent claim(s) previously currently disclaimed: _____
 - (7) Patent claim(s) not subject to reexamination: _____.
3. A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
4. Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
5. Note attached NOTICE OF REFERENCES CITED (PTO-892).
6. Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
7. The drawing correction request filed on _____ is: approved 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
 - been received.
 - not been received.
 - been filed in Application No. _____.
 - been filed in reexamination Control No. _____.
 - been received by the International Bureau in PCT Application No. _____.

* Certified copies not received: _____.
9. Note attached Examiner's Amendment.
10. Note attached Interview Summary (PTO-474).
11. Other: _____.

All correspondence relating to this 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.

/Roland G. Foster/
Primary Examiner
Art Unit: 3992

cc: Requester (if third party requester)

NOTICE OF INTENT TO ISSUE REEXAMINATION CERTIFICATE

Summary

Claims 1-100, 104-169 and 173-219 of United States Patent No. 8,902,760 B2 (the "Austermann" patent) are currently under reexamination in this *ex parte* reexamination proceeding 90/013,746.

An Order Granting *Ex Parte* Reexamination (the "Order"), mailed November 18, 2016, found that a substantial new question of patentability ("SNQ") was raised in the request for *ex parte* reexamination, August 29, 2016 (the "Request") as to claims 1-219. A non-final Office action was mailed February 10, 2017 rejecting claims 1-219, to which the Patent Owner responded on May 10, 2017 (the "Response") and a Supplemental Amendment filed June 23, 2017 (the "Supplemental Response") cancelling claims 101-103 and 170-172 and amending other claims.¹ Both the Response and Supplemental Amendment were accompanied by declaration evidence. A personal interview was also conducted on May 10, 2017.

In view of the Response, Supplemental Amendment, and accompanying declaration evidence, the Patent Owner's arguments of record detailing how the claims distinguish over the prior art of record, the Examiner concludes all pending claims (i.e., claims 1-100, 104-169 and 173-219) are in condition for patentability over the prior art of record applied in this proceeding. See the Reasons for Patentability for further explanation.

¹ The Supplemental Amendment filed June 23, 2017 replaced the Supplemental Amendment filed June 20, 2017.

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Reasons for Patentability

Claims 1-100, 104-169 and 173-219 are patentable over the applied, prior art of record.

Of these, claims 1, 73 and 146 are independent. Limitations important to patentability have been emphasized.

1. A BaseT Ethernet system comprising: a piece of central BaseT Ethernet equipment; a piece of BaseT Ethernet terminal equipment; **data signaling pairs of conductors comprising first and second pairs used to carry BaseT Ethernet communication signals** between the piece of central BaseT Ethernet equipment and the piece of BaseT Ethernet terminal equipment, the first and second pairs physically connect between the piece of BaseT Ethernet terminal equipment and the piece of central BaseT Ethernet equipment, the piece of **central BaseT Ethernet equipment having at least one DC supply**, the piece of **BaseT Ethernet terminal equipment having at least one path** to draw different magnitudes of current flow **from the at least one DC supply through a loop formed over at least one of the conductors of the first pair and at least one of the conductors of the second pair**, the piece of central BaseT Ethernet equipment to detect at least two different magnitudes of the current flow through the loop and to control the application of at least one electrical condition to at least two of the conductors.

73. A BaseT Ethernet system comprising: Ethernet **cabling having at least first and second individual pairs of conductors used to carry BaseT Ethernet communication signals**, the at least first and second individual pairs of conductors physically connect between a piece of BaseT Ethernet terminal equipment and a piece of central network equipment; **the piece of central network equipment having at least one DC supply**, the piece of **BaseT Ethernet terminal equipment having at least one path** to draw different magnitudes of current flow **via the at least one DC supply through a loop formed over at least one of the conductors of the first pair of conductors and at least one of the conductors of the second pair of conductors**, the piece of central network equipment to detect at least two different magnitudes of current flow through the loop.

146. A BaseT Ethernet system comprising: Ethernet **cabling having at least first and second pairs of conductors used to carry BaseT Ethernet communication signals**, the at least first and second pairs of conductors physically connect between a piece of BaseT Ethernet terminal equipment and a piece of central

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network equipment, the piece of central network equipment is a BaseT Ethernet hub, the **piece of central network equipment having at least one DC supply to provide at least one DC condition across at least one of the conductors of the first pair of conductors and at least one of the conductors of the second pairs of conductors, the piece of BaseT Ethernet terminal equipment having at least one path to change impedance within a loop formed over the at least one of the conductors of the first pair of conductors and the at least one of the conductors of the second pair of conductors by changing impedance within the at least one path in response to the at least one DC condition across the at least one path.**

All independent claims thus recite using a cabling between central BaseT Ethernet equipment and BaseT Ethernet terminal equipment, where the cabling comprises a first and second pairs of conductors carrying BaseT Ethernet communication signals. The cabling comprises loop formed over at least one of the conductors of the first pair and at least one of the conductors of the second pair.

Claim Interpretation

"BaseT Ethernet" is a term of art in network communications and is interpreted as Baseband (Base) twisted pair (T) "Ethernet" signaling as is consistent with the specification. See, e.g., col. 5, ll. 20-38 and col. 12, ll. 22-30.

The Cummings Prior Art

The closest applied prior art of record is U.S. Patent 5,406,260 to Cummings ("Cummings"), as cited in the Request and applied in the last Office action as a base reference.

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