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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/013,802	08/29/2016	8902760	31AE-228691	1005

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EXAMINER
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FOSTER, ROLAND G

ART UNIT	PAPER NUMBER
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3992

MAIL DATE	DELIVERY MODE
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02/10/2017

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. 90/013,802.

PATENT NO. 8902760.

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)).

/Roland G. Foster/

Primary Examiner

Art Unit: 3992

<b>Office Action in Ex Parte Reexamination</b>	<b>Control No.</b> 90/013,802	<b>Patent Under Reexamination</b> 8902760	
	<b>Examiner</b> ROLAND FOSTER	<b>Art Unit</b> 3992	<b>AIA (First Inventor to File) Status</b> No

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

- a.  Responsive to the communication(s) filed on August 29, 2016.  
 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 1-219 are subject to reexamination.
- 1b.  Claims \_\_\_\_\_ are not subject to reexamination.
2.  Claims \_\_\_\_\_ have been canceled in the present reexamination proceeding.
3.  Claims \_\_\_\_\_ are patentable and/or confirmed.
4.  Claims 1-219 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: \_\_\_\_\_

### Introduction

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, filed August 29, 2016 (the "Request"), as to claims 1-219 of United States Patent No. 8,902,760 B2 (the "Austermann" patent). An Office action on the merits is set forth below.

### Issues Raised in the Request

In said Order, the following printed publication formed the basis for prior claim rejections, which are repeated in this Office action. Pages 19 and 20.

U.S. Patent 5,406,260 to Cummings et al. ("Cummings").

IEEE 802.3i-1990.

Federal Standard 1037C (August 7, 1996) ("Federal Standard 1037C").

U.S. Patent 5,148,144 to Sutterlin et al. ("Sutterlin").

U.S. patent 4,551,671 to Annunziata et al. ("Annunziata").

RFC 2284.

RFC 1661.

U.S. Patent 4,173,714 to Bloch et al. ("Bloch").

U.S. Patent 3,803,432 to Libby.

U.S. Patent 5,034,723 to Maman.

AM79C97 PCnet™-FAST Hardware User's Manual (July 1996) ("PCnet").

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As explained in said Order, the following independent claims are representative and are reproduced below, where those limitation found important to patentability are emphasized.

Clam 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.

Claim 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.**

Claim 146. A BaseT Ethernet system comprising:

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