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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,396	09/23/2008	6516236	14983-131	1593
30662	7590	11/20/2008	EXAMINER	
SCHACHT LAW OFFICE, INC. SUITE 202 2801 MERIDIAN STREET BELLINGHAM, WA 98225-2412			KOSOWSKI, ALEXANDER J	
			ART UNIT	PAPER NUMBER
			3992	
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			11/20/2008	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

Date: 11-20-08

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**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95000396
PATENT NO. : 6516236
TECHNOLOGY CENTER : 3999
ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070(Rev.07-04)

ORDER GRANTING/DENYING REQUEST FOR INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination	
	95/000,396	6516236	
	Examiner	Art Unit	
	ALEXANDER J. KOSOWSKI	3992	

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

The request for *inter partes* reexamination has been considered. Identification of the claims, the references relied on, and the rationale supporting the determination are attached.

Attachment(s): PTO-892 PTO/SB/08 Other: Decision

1. The request for *inter partes* reexamination is GRANTED.

An Office action is attached with this order.

An Office action will follow in due course.

2. The request for *inter partes* reexamination is DENIED.

This decision is not appealable. 35 U.S.C. 312(c). Requester may seek review of a denial by petition to the Director of the USPTO within ONE MONTH from the mailing date hereof. 37 CFR 1.927. EXTENSIONS OF TIME ONLY UNDER 37 CFR 1.183. In due course, a refund under 37 CFR 1.26(c) will be made to requester.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Order.

DECISION

1) A substantial new question of patentability affecting claims 1-10 of United States Patent Number 6,516,236 (Brown et al) is raised by the request for *inter partes* reexamination filed 9/23/08.

References Cited in the Request

2) A total of 41 references have been asserted in the request as providing teachings relevant to the claims of the Brown patent. These references are listed on pages 3-7 of the request.

Identification of Every Claim for Which Reexamination is Requested

3) The 41 references cited above are separately discussed regarding claims 1-10 of the Brown patent. Pages 8-421 of the request detail out proposed substantial new questions of patentability in light of the 41 references cited above.

Prosecution History

4) The Brown patent was assigned serial number 10/021,669. During prosecution, the application was allowed with the following reasons for allowance:

The allowability of the claims resides, at least in part, in that the closest prior art of record Hirai (US 5,914,876) does not disclose or suggest, alone or in combination the step of a motion control component for generating the sequence of control commands for controlling the selected motion control device based on the component functions of the application program, the component code associated with the component functions, and the driver code associated with the selected software driver, in combination with the other elements and features of the claimed invention.

None of the 41 references in the currently filed request were previously discussed by the examiner or applied to claims 1-10 in the prosecution history of the Brown patent.

Substantial New Question of Patentability

5) Eleven possible combinations of the 41 references cited in the request have been proposed as reading on claims 1-10 of the Brown patent. Of these eleven possible combinations, examiner notes that the six combinations below raise a substantial new question of patentability.

For purposes of determination, independent claim 1 is a representative claim. The italicized sections of claim 1 below were cited by the examiner in the reasons for allowance discussed above and are utilized to show how specific teachings of the proposed references create a substantial new question of patentability.

Claim 1:

A system for generating a sequence of control commands for controlling a selected motion control device selected from a group of supported motion control devices, comprising:

a set of motion control operations, where each motion control operation is either a primitive operation the implementation of which is required to operate motion control devices and cannot be simulated using other motion control operations or a non-primitive operation that does not meet the definition of a primitive operation;

a core set of core driver functions, where each core driver function is associated with one of the primitive operations; an extended set of extended driver functions, where each extended driver function is associated with one of the non-primitive operations;

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