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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/001,926	03/02/2012	7161506 .	20132.0005.RX506	5983
26111	7590	11/27/2013	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			LEUNG, CHRISTINA Y	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			11/27/2013	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.

Transmittal of Communication to Third Party Requester Inter Partes Reexamination	Control No.	Patent Under Reexamination	
	95/001,926	. ET AL.	
	Examiner	Art Unit	
	Christina Y. Leung	3992	

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

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

NOVAK DRUCE + QUIGG LLP 2ND REEXAM GROUP
1000 LOUISIANA STREET
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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.

NOTICE OF INTENT TO ISSUE INTER PARTES REEXAMINATION CERTIFICATE	Control No. 95/001,926	Patent Under Reexamination . ET AL.
	Examiner Christina Y. Leung	Art Unit 3992

-- 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 *inter partes* 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. The communication filed on _____ by _____.
 - b. Patent owner's failure to file an appropriate timely response to the Office action dated _____.
 - c. The failure to timely file an Appeal with fee by all parties to the reexamination proceeding entitled to do so. 37 CFR 1.959 and 41.61.
 - d. The failure to timely file an Appellant's Brief with fee by all parties to the reexamination proceeding entitled to do so. 37 CFR 41.66(a).
 - e. The decision on appeal by the Board of Patent Appeals and Interferences Court dated _____.
 - f. Other: _____.

2. The Reexamination Certificate will indicate the following:
 - a. Change in the Specification: Yes No
 - b. Change in the Drawings: Yes No
 - c. Status of the Claims:
 - (1) Patent claim(s) confirmed: _____.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): 91,97 and 99
 - (3) Patent claim(s) cancelled: _____.
 - (4) Newly presented claim(s) patentable: 100-105.
 - (5) Newly presented cancelled claims: _____.
 - (6) Patent claim(s) previously currently disclaimed:
 - (7) Patent claim(s) not subject to reexamination: See Continuation Sheet.

3. 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."

4. Note attached NOTICE OF REFERENCE CITED, (PTO-892).

5. Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).

6. The drawings filed on _____ is: approved disapproved.

7. Acknowledgment is made of the claim for priority 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: _____.

8. Note Examiner's Amendment.

9. Other: _____.

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 Office action.

	/Christina Y. Leung/ Primary Examiner, Art Unit 3992
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Continuation of (7) New claim(s) patentable: 10,12-15,18,19,24-26,28-38,40,44-68,74-78,80,83 and 92-95.

Art Unit: 3992

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

Claims 91, 97, and 99-105 of **Fallon** (US 7,161,506 B2) are being reexamined. Claims 1-5, 8, 9, 11, 17, 20-23, 27, 39, 43, 69-73, 79, 81, 82, 84-90, 96, and 98 were canceled at the conclusion of previous reexamination 95/000,479. Claims 10, 12-15, 18, 19, 24-26, 28-38, 40, 44-68, 74-78, 80, 83, and 92-95 are not subject to reexamination.

The Information Disclosure Statement (IDS) filed 05 September 2013 by Patent Owner is has been considered by the examiner. Examiner has considered the cited documents to the extent that the party filing the IDS has explained the content and relevance of the information provided. Information that complies with information disclosure requirements of 37 C.F.R. §1.98 but is in a non-English language will be considered in view of the concise explanation submitted (see MPEP §609.04(a), subsection III) and insofar as it is understood on its face (e.g., drawings and chemical formulas) in the same manner that non-English language information in Office search files is considered by examiners in conducting searches. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08A and 08B or its equivalent, without any indication to the contrary in the record, means that the information has been considered by the examiner to the extent noted above. See MPEP §§609.05(b), 2256, and 2656. Information that does not appear to be “patents or printed publications” as identified in 35 U.S.C. 301 have been considered to the same extent (unless otherwise noted), but their citations have been lined through and will not be printed on any resulting examination certificate.

No party has timely filed a notice of appeal in response to the Right of Appeal Notice (RAN) mailed 16 August 2013. As first noted in the RAN, **claims 91, 97, and 99-105 are patentable.**

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