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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 95/000,479 | 05/28/2009 | 7161506 | 080272-0012 | 2572 |

26111 7590 08/27/2010
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LEUNG, CHRISTINA Y

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3992 | |

| MAIL DATE | DELIVERY MODE |
|------------|---------------|
| 08/27/2010 | 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)

MCDERMOTT WILL & EMERY LLP
600 13th STREET NW
WASHINGTON, DC 20005-3096

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

REEXAMINATION CONTROL NUMBER 95/000,479.

PATENT NUMBER 7,161,506.

TECHNOLOGY CENTER 3900.

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.

**ACTION CLOSING PROSECUTION
(37 CFR 1.949)**

| | | |
|--------------------|----------------------------|--|
| Control No. | Patent Under Reexamination | |
| 95/000,479 | 7161506 | |
| Examiner | Art Unit | |
| Christina Y. Leung | 3992 | |

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

Responsive to the communication(s) filed by:

Patent Owner on 15 March 2010

Third Party(ies) on _____

Patent owner may once file a submission under 37 CFR 1.951(a) within 1 month(s) from the mailing date of this Office action. Where a submission is filed, third party requester may file responsive comments under 37 CFR 1.951(b) within 30-days (not extendable- 35 U.S.C. § 314(b)(2)) from the date of service of the initial submission on the requester. **Appeal cannot be taken from this action.** Appeal can only be taken from a Right of Appeal Notice under 37 CFR 1.953.

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.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- Notice of References Cited by Examiner, PTO-892
- Information Disclosure Citation, PTO/SB/08
- _____

PART II. SUMMARY OF ACTION:

- Claims See Continuation Sheet are subject to reexamination.
- Claims See Continuation Sheet are not subject to reexamination.
- Claims _____ have been canceled.
- Claims 6,7,16,41 and 42 are confirmed. [Unamended patent claims]
- Claims _____ are patentable. [Amended or new claims]
- Claims 1-5,8,9,11,17,20-23,27,39,43,69-73,79,81,82,84-90,96 and 98 are rejected.
- Claims _____ are objected to.
- The drawings filed on _____ are acceptable are not acceptable.
- The drawing correction request filed on _____ is: approved. disapproved.
- Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:
 been received. not been received. been filed in Application/Control No _____
- Other _____

Continuation of SUMMARY OF ACTION: 1a. Claims subject to reexamination are 1-9,11,16,17,20-23,27,39,41-43,69-73,79,81,82,84-90,96 and 98.

Continuation of SUMMARY OF ACTION: 1b. Claims not subject to reexamination are 10,12-15,18,19,24-26,28-38,40,44-68,74-78,80,83,91-95,97 and 99.

Art Unit: 3992

DETAILED ACTION

Reexamination

1. **Claims 1-9, 11, 16, 17, 20-23, 27, 39, 41-43, 69-73, 79, 81, 82, 84-90, 96, and 98 of Fallon (US 7,161,506 B2) are being reexamined. Claims 10, 12-15, 18, 19, 24-26, 28-38, 40, 44-68, 74-78, 80, 83, 91-95, 97, and 99 are not subject to reexamination.**

References and Documents Cited in this Action

Fallon (US 7,161,506 B2)

French (US 5,794,220 A)

Sebastian (US 6,253,264 B1)

Franaszek (US 5,870,036 A)

O'Brien (US 4,988,998 A)

Craft (US 5,627,534 A)

Reynar (US 5,951,623 A)

CCITT V.42 bis ("Data Compression Procedures for Data Circuit Terminating Equipment [DCE] Using Error Correction Procedures," CCITT Recommendation V.42 bis, 1990)

MacLean (US 5,167,034 A)

Kawashima (WO95/29437 A1; English-language equivalent document, US 5,805,932 A)

Aakre (US 4,956,808 A)

LBX (Converse et al., "Low Bandwidth X Extension, Protocol Version 1.0, X Consortium Standard," 21 December 1996)

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