



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

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 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER LEUNG, CHRISTINA Y	
			ART UNIT 3992	PAPER NUMBER
			MAIL DATE 11/27/2013	DELIVERY MODE 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.

<b>Transmittal of Communication to Third Party Requester <i>Inter Partes</i> Reexamination</b>	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  
FIFTY-THIRD FLOOR  
HOUSTON, TX 77002

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.

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

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.



**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.**

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.