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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  
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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.

<b>ACTION CLOSING PROSECUTION (37 CFR 1.949)</b>	<b>Control No.</b>	<b>Patent Under Reexamination</b>	
	95/000,479	7161506	
	<b>Examiner</b>	<b>Art Unit</b>	
	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:**

1.  Notice of References Cited by Examiner, PTO-892
2.  Information Disclosure Citation, PTO/SB/08
3.  \_\_\_\_\_

**PART II. SUMMARY OF ACTION:**

- 1a.  Claims See Continuation Sheet are subject to reexamination.
- 1b.  Claims See Continuation Sheet are not subject to reexamination.
2.  Claims \_\_\_\_\_ have been canceled.
3.  Claims 6,7,16,41 and 42 are confirmed. [Unamended patent claims]
4.  Claims \_\_\_\_\_ are patentable. [Amended or new claims]
5.  Claims 1-5,8,9,11,17,20-23,27,39,43,69-73,79,81,82,84-90,96 and 98 are rejected.
6.  Claims \_\_\_\_\_ are objected to.
7.  The drawings filed on \_\_\_\_\_  are acceptable  are not acceptable.
8.  The drawing correction request filed on \_\_\_\_\_ is:  approved.  disapproved.
9.  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 \_\_\_\_\_
10.  Other \_\_\_\_\_

**Continuation Sheet (PTOL-2065)**

**Control No. 95/000,479**

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.

## 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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