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United States Patent
Ikudome et al.

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(54) **USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM**

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Reexamination Request:
No. 90/009,301, Dec. 17, 2008

Reexamination Certificate for:
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Filed: **Apr. 21, 1999**

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(60) Provisional application No. 60/084,014, filed on May 4, 1998.

(51) **Int. Cl.**
H04L 29106 (2006.01)
H04L 29/00 (2006.01)

(52) **U.S. Cl.** **726/7;** 726/14
(58) **Field of Classification Search** 726/8
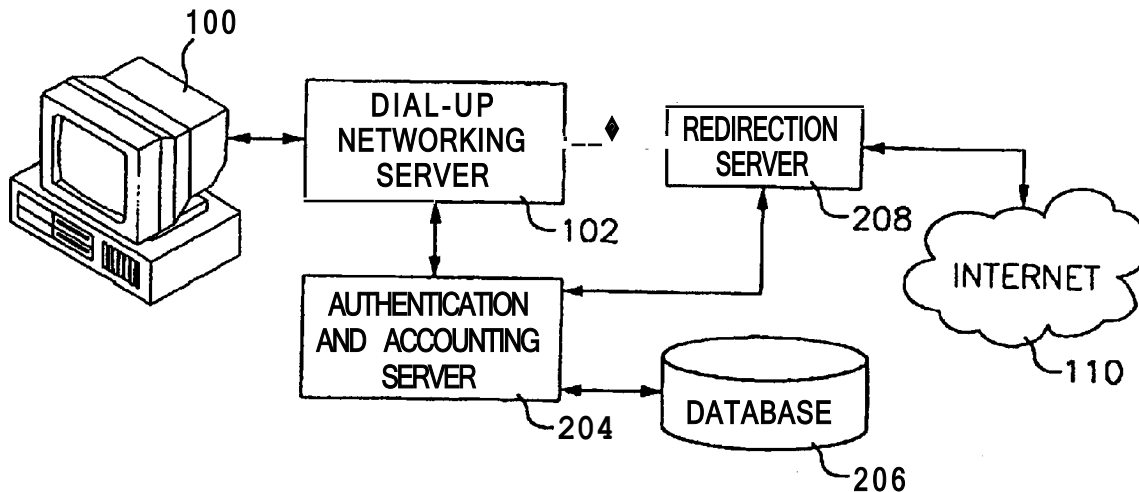See application file for complete search history.

(56) **References Cited**

To view the complete listing of prior art documents cited during the proceeding for Reexamination Control Number 90/009,301, please refer to the USPTO's public Patent Application Information Retrieval (PAIR) system under the Display References tab.

Primary Examiner-Samuel Rimell

(57) **ABSTRACT**

A data redirection system for redirecting user's data based on a stored rule set. The redirection of data is performed by a redirection server, which receives the redirection rule sets for each user from an authenication and accounting server, and a database. Prior to using the system, users authenticate with the authenication and accounting server, and receive a network address. The authentication and accounting server retrieves the proper rule set for the user, and communicates the rule set and the user's address to the redirection server. The redirection server then implements the redirection rule set for the user's address. Rule sets are removed from the redirection server either when the user disconnects, or based on some predetermined event. New rule sets are added to the redirection server either when a user connects, or based on some predetermined event.

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EXPARTE
REEXAMINATION CERTIFICATE
ISSUED UNDER 35 U.S.C. 307

THE PATENT IS HEREBY AMENDED AS
INDICATED BELOW.

**Matter enclosed in heavy brackets [ ] appeared in the
patent, but has been deleted and is no longer a part of the
patent; matter printed in italics indicates additions made
to the patent.**

AS A RESULT OF REEXAMINATION, IT HAS BEEN
DETERMINED THAT:

The patentability of claims **2-7** and **9-14** is confirmed.

Claims **1, 8, 15** and **25** are cancelled.

Claims **16-23** and **26-27** are determined to be patentable
as amended.

Claim **24,** dependent on an amended claim, is determined
to be patentable.

New claims **28-90** are added and determined to be patentable.

16. [**The** system of claim **15,**] *A system comprising:*
*a redirection server programmed with a user's rule set
correlated to a temporarily assigned network address;
wherein the rule set contains at least one of a plurality
of functions used to control data passing between the
user and a public network;*
*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set
correlated to the temporarily assigned network
address;*
*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set
as a function of some combination of time, data transmitted to or from the user, or location the user accesses;
and*
wherein the redirection server is configured to allow
modification of at least a portion of the rule set as a
function of time.

17. [**The** system of claim **15,**] *A system comprising:*
*a redirection server programmed with a user's rule set
correlated to a temporarily assigned network address;
wherein the rule set contains at least one of a plurality
of functions used to control data passing between the
user and a public network;*
*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set
correlated to the temporarily assigned network
address;*
*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set
as a function of some combination of time, data transmitted to or from the user, or location the user accesses;
and*
wherein the redirection server is configured to allow
modification of at least a portion of the rule set as a
function of the data transmitted to or from the user.

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18. [The system of claim **15,**] *A system comprising:*
*a redirection server programmed with a user's rule set
correlated to a temporarily assigned network address;
wherein the rule set contains at least one of a plurality
of functions used to control data passing between the
user and a public network;*
*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set
correlated to the temporarily assigned network
address;*
*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set
as a function of some combination of time, data transmitted to or from the user, or location the user accesses;
and*
wherein the redirection server is configured to allow
modification of at least a portion of the rule set as a
function of the location or locations the user [access]
accesses.

19. [The system of claim **15,**] *A system comprising:*
*a redirection server programmed with a user's rule set
correlated to a temporarily assigned network address;
wherein the rule set contains at least one of a plurality
of functions used to control data passing between the
user and a public network;*
*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set
correlated to the temporarily assigned network
address;*
*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set
as a function of some combination of time, data transmitted to or from the user, or location the user accesses;
and*
wherein the redirection server is configured to allow the
removal or reinstatement of at least a portion of the rule
set as a function of time.

20. [The system of claim **15,**] *A system comprising:*
*a redirection server programmed with a user's rule set
correlated to a temporarily assigned network address;
wherein the rule set contains at least one of a plurality
of functions used to control data passing between the
user and a public network;*
*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set
correlated to the temporarily assigned network
address;*
*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set
as a function of some combination of time, data transmitted to or from the user, or location the user accesses;
and*
wherein the redirection server is configured to allow the
removal or reinstatement of at least a portion of the rule
set as a function of the data transmitted to or from the
user.

21. [The system of claim **15,**] *A system comprising:*
*a redirection server programmed with a user's rule set
correlated to a temporarily assigned network address;
wherein the rule set contains at least one of a plurality
of functions used to control data passing between the
user and a public network;*
*wherein the redirection server is configured to allow automated modification of at least a portion of the rule set
correlated to the temporarily assigned network
address;*

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the redirection server is config$_{u}$red to allow the removal or reinstatment of at least a portion of the rule set as a function of the location or locations the user [access] *accesses.*

22. [The system of claim **15,**] *A system comprising:*

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the redirection server is config$_{u}$red to allow the removal or reinstatement of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location or locations the user [access] *accesses.*

23. [The system of claim **15,**] *A system comprising:*

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the redirection server has a user side that is connected to a computer using the temporarily assi$_{gn}$ed network address and a network side connected to a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server.

26. The method of claim **25,** further including the step of modifying at least a portion of the user's rule set as a function of one or more of: time, data transmitted to or from the user, and location or locations the user [access] *accesses.*

27. The method of claim **25,** further including the step of removing or reinstating at least a portion of the user's rule set as a function of one or more of: time, the data transmitted to or from the user and [the] *a* location or locations the user [access] *accesses.*

28. The system of claim 1, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

29. The system of claim 1, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

30. The system of claim 1, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

31. The system of claim 1, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

32. The method of claim 8, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

33. The method of claim 8, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

34. The method of claim 8, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

35. The method of claim 8, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

36. A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

37. A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

38. A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

39. A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

40. The method of claim 25, wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

41. The method of claim 25, wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

42. The method of claim 25, wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

43. The method of claim 25, wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

44. A system comprising:

a database with entries correlating each of a plurality of user IDs with an individualized rule set;

a dial-up network server that receives user IDs from users' computers;

a redirection server connected between the dial-up network server and a public network, and

an authentication accounting server connected to the database, the dial-up network server and the redirection server;

wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server;

wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server; and

wherein data directed toward the public network from the one of the users' computers are processed by the redirection server according to the individualized rule set.

45. The system of claim 44, wherein the redirection server further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.

46. The system of claim 44, wherein the redirection server further blocks the data to and from the users' computers as a function of the individualized rule set.

47. The system of claim 44, wherein the redirection server further allows the data to and from the users' computers as a function of the individualized rule set.

48. The system of claim 44, wherein the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set.

49. The system of claim 44, wherein the redirection server further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

50. The system of claim 44, wherein the database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.

51. The system of claim 44, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

52. The system of claim 44, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

53. The system of claim 44, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

54. The system of claim 44, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

55. The system of claim 44, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

56. In a system comprising a database with entries correlating each of a plurality of user IDs with an individualized rule set; a dial-up network server that receives user IDs from users' computers; a redirection server connected between the dial-up network server and a public network, and an authentication accounting server connected to the database, the dial-up network server and the redirection servers, a method comprising the steps of

communicating a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID from the dial-up network server to the authentication accounting server;

communicating the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server from the authentication accounting server;

and processing data directed toward the public network from the one of the users' computers according to the individualized rule set.

57. The method of claim 56, further including the step of controlling a plurality of data to and from the users' computers as a function of the individualized rule set.

58. The method of claim 56, further including the step of blocking the data to and from the users' computers as a function of the individualized rule set.

59. The method of claim 56, further including the step of allowing the data to and from the users' computers as a function of the individualized rule set.

60. The method of claim 56, further including the step of redirecting the data to and from the users' computers as a function of the individualized rule set.

61. The method of claim 56, further including the step of redirecting the data from the users' computers to multiple destinations a function of the individualized rule set.

62. The method of claim 56, further including the step of creating database entries for a plurality of the plurality of users' IDs, the plurality of users' ID further being correlated with a common individualized rule set.

63. The method of claim 56, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

64. The method of claim 56, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an intial period of time and to thereafter utilize the standard rule set.

65. The method of claim 56, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

66. The method of claim 56, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

67. The method of claim 56, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

68. A system comprising:

a redirection server connected between a user computer and a public network, the redirection server programmed with a users' rule set correlated to a temporarity assigned network address;

wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address; and

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses.

69. The system of claim 68, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of time.

70. The system of claim 68, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user.

71. The system of claim 68, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the location or locations the user accesses.

72. The system of claim 68, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of time.

73. The system of claim 68, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the data transmitted to or from the user.

74. The system of claim 68, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the location or locations the user accesses.

75. The system of claim 68, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location or locations the user accesses.

76. The system of claim 68, wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network side connected to a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server.

77. The system of claim 68 wherein instructions to the redirection server to modify the rule set are received by one or more of the user side of the redirection server and the network side of the redirection server.

78. The system of claim 68, wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

79. The system of claim 68, wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

80. The system of claim 68, wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

81. The system of claim 68, wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

82. The system of claim 68, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the modified rule set.

83. In a system comprising a redirection server connected between a user computer and a public network, the redirection server containing a user's rule set correlated to a temporarily assigned network address wherein the user's rule set contains at least one of a plurality of functions used to control data passing between the user and a public network; a method comprising the step of

modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address in the redirection server; and

wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network address and a network side connected to a computer network and

wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server and the method further includes the step of receiving instructions by the redirection server to modify at least a portion of the user's rule set through one or more of the user side of the redirection server and the network side of the redirection server.

84. The method of claim 83, further including the step of modifying at least a portion of the user's rule set as a function of one or more of time, data transmitted to or from the user, and location or locations the user accesses.

85. The method of claim 83, further including the step of removing or reinstating at least a portion of the user's rule set as a function of one or more of time, the data transmitted to or from the user and a location or locations the user accesses.

86. The method of claim 83, wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

87. The method of claim 83, wherein the modified rule set includes an initial temporary rule set and a standard rule

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set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

88. The method of claim 83, wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

89. The method of claim 83, wherein the modified rule set includes at least one rule redirecting the data to a new desti-

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nation address based on a request type and an attempted destination address.

90. The method of claim 83, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet Protocol) packet header by a second destination address as a function of the individualized rule set.

* * * * *

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Re: *ex parte* **Reexamination Proceeding No. 90/009,301
based on USP 6,779,118; Our Ref. R1341006**

Dear Commissioner:

Please see the attached papers for immediate entry and processing in the above-id_♦ntifiE;!Q nJatter.

Respectfully submitted,

HERSHKOVITZ & ASSOCIATES, LLC

♦1341006.A23; AH/pD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Koichiro Ikudome et al.   Art Unit: 3992

Reexamination Proceeding: 90/009,301   Examiner: Sam Rimell
(based on U.S. Patent No. 6,779,118)

                                                      ·Confirmation No.: 6609
Reexamination Filed: December 17, 2008

For: **USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM·**

REQUEST FOR FOR EXPEDITED ISSUANCE OF REEXAMINATION CERTIFICATE

Attn.: Ms. Kimbeny Terrell, Mail Stop Publications
Commissioner for Patents
PCB 1450
Alexandria, Virginia 23313-1450

Dear Commissioner:

    A Notice of Intent to Issue a Reexamination Certificate (NIRC) was mailed from the
USPTO on January 6, 2012 for the above-identified Proceeding, and a corrected NIRC was
issued on February 22, 2012.   Patent Owner notes that this Proceeding is terminated as of
February 27, 2012, and is presently indicated as being in Publications for issue of the
Reexamination Certificate.   It is respectfully requested that the Office expedite issuance of the
Reexamination Certificate US 6,779,118 C1 because the patent i$ pre$ently involved in
litigation, and the litigation counsel cannot submit amendments to the cl ims in litigation_ until the
Reexamination Certificate issues.

    No fee is required for entry and rocessing of this Request..- If any fees are actually
proper, or are required to maintain the Proceeding in force, please charge such fees to Deposit·
Account No. 05-2929, referencing 0kt. No. R1341006.

    Evidence of service of this Request is attached.   The Office is invited to direct any
questions regarding this attar t -th - d· igned   t the · , :listed·.   umbers·a d addresses.

                                          Respectfully submitted,
                                          Koichiro Ikudome et al.

                                          _J4Jk,,.·_____
Date:__March 1· 2012_____   Abe H hkovitz,   Reg. No. 45,294

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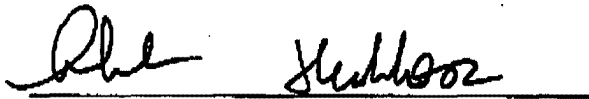E"Mail patent@hershkovitz.net

R1341006.A23; AH/pjj

CERTIFICATE OF SERVICE

It is hereby certified that the attached **REQUEST FOR EXPEDITED ISSUANCE OF REEXAMINATION CERTIFICATE**, along with this Certificate, for ex 1'Stte Proceeding **No. 90/009,301**, are being served by **first** class mail **on** March 1,-2012 on third **party** requester at thlrd party requester's address of record identified by the USPTO:

Jerry Turner Sewell
P.O. Box 10999
Newport Beach, CA 92658-5015

As a courlesy, thti c:1ttached papers, along with this Certificate, also are being served on third party **requester at an address identified to** Patent **Owner as the current mailing address:**

Jerry Turner Sewell
1803 Broadway, #301
Nashville, Iennessee 37203-2761

Abe Hershkovitz

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,301	12/17/2008	6,779,118 B1	R1341006	6609

			EXAMINER
40401	7590	02/22/2012	

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ART UNIT	PAPER NUMBER

DATE MAILED: 02/22/2012

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Commissloner for Patents
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CENTRAEEEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/009,301.*

PATENT NO. *6,779118 81 ET.*

ART UNIT *3992.*

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535; or the time for filing a reply has passed, no submission on behatf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(9)).

PTOL-465 (Rev.07-04)

	Control No.	Patent Under Reexamination
Notice of Intent to Issue Ex Parle Reexamination Certificate	90/009,301	6,779,118B1 ET
	Examiner	Art Unit
	SAMUEL RIMELL	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 *ex parte* 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)   Patent owner's communication(s) filed: *10121/11: 11/27/11.*
   (b) D Patent owner's late response filed: __ .
   (c) D Patent owner's failure to file an appropriate response to the Office action mailed: __ .
   (d) D . Patent owner's failure to timely file an Appeal Brief (37 CFR 41. 31).
   (e) D Other: __ :

   Status of *Ex Parle* Reexamination:
   (f) Change in the Specification: D Yes   No
   (g) Change in the Drawing(s):   D Yes   No
   (h) Status of the Claim(s):
       (1) Patent claim(s) confirmed: *2-7 and 9-14.*
       (2) Patent claim(s) amended (including dependent on amended claim(s)): *16-24,26 and 27*
       (3) Patent claim(s) canceled: *1,8, 15 and 25.*
       (4) Newly presented claim(s) patentable: *28-31,33-36,38-41,43-46 and 48-94.*
       (5) Newly presented canceled claims: *32,37,42 and 47.*

       (6) Patent claim(s) D previously D currently disclaimed: __

       (7) Patent claim(s) not subject to reexamination: __ .

2. D 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."

3. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).

4. ☐ Note attached LIST OF REFERENCES CITED (PTO/SB/08 or **PTO/S8/08** substitute).

5. D The drawing correction request filed on __ is: D approved   · D disapproved.

6. D Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
   a)D All b)D Some*   c)D None   of the certified copies have
       D been received.
       D not been received.
       D been filed in Application No. __ .
       D been filed in reexamination Control No. _____.
       D been received by the International Bureau in PCT Application No. __ .

   * Certified copies not received: __ .

7. D Note attached Examiner's Amendment.

8. D Note attached Interview Summary (PTO-474).

9. Other: *Reasons for Revised NIRC Action .*

Sam Rimell
;Primary Examiner
I\rt Unit: 3992

cc: Reauester *(if* third party reauester)

Reasons For Revised NIRC Action

This is a revised NIRC Action, submitted to correct minor informalities in the NIRC

Action of January 6, 2012.

The NIRC action of January 6, 2012 is hereby incorporated by reference, with the

following minor corrections:

• Claims 26-27 are hereby indicated as "patentable as amended" rather than "affirmed".

This is due to the fact that claims 26-27 were amended during the reexamination proceeding.

•Claim 81 has been re-numbered as claim 77, with dependency on re-numbered claim 76.

Patent Owner's Supplemental Reply of February 17, 2012 is not approved for entry, as

the reexamination proceeding is terminated.

/Sam Rimell/

_____

Sam Rimell
Primary Patent Examiner
Central Reexamination Unit 3992

/Jeffrey D. Carlson/
Primary Examiner, Art Unit 3992

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Supervisory Patent Examiner, Art Unit 3992

R1341006.A22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Koichiro Ikudome, et al.

Art Unit: 3992

Reexamfnation Proceeding: 90/009,301
(based on U.S. Patent No. 6,779,118)

Examiner: Sam Rimell

Confirmation No.: 6609

Reexamination Filed: December 17, 2008

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

REQUEST FOR CORRECTED NOTICE OF INTENT
TO ISSUE A REEXAMINATION CERTIFICATE, AND
COMMENTS ON THE
NOTICE OF INTENT TO ISSUE A REEXAMINATION CERTIFICATE

Mail Stop "*ex parte* Reexam"
Attention: CRU
Commissioner for Patents
POB 1450
Alexandria, Virginia 23313-1450

Dear Commissioner:

A Notice of Intent to Issue a Reexamination Certificate (NIRC) was mailed from
the USPTO on January 6, 2012 for the above-identified Proceeding. Upon review of
the NIRC, it was noted that there is a minor identification error in the claims listed in the
NIRC Summary Form PTOL-469, and an error in the dependency of claim 77 in the
Examiner's Amendment included with the NIR'C. Accordingly, Patent Owner requests
a corrected Supplemental NIRC be promptly issued for these errors, as follows.

It is noted that original claims 26 and 27 were never amended during the present
Reexamination Proceeding but claims 26 and 27 depend from original claim 24, which
was amended. Claims 26 and 27 are listed in the NIRC Summary Form PTOL-469 in
the section "1.(h)(1) Status of the Claim(s): Patent claim(s) confirmed." However, it
appears from the section description that claims 26 and 27 should instead be listed with
parent claim 24 in "1.(h)(2) Patent claim(s) amended (including dependent on amended
claim(s))."

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STATUS OF CLAIMS

Claims 1-47 are subject to reexamination.   According to the Decision:

* the Examiner's rejection of claims 32, 37, 42, and 47 is affirmed;

* claims 1, 8, 15, and 25 are rejected under a new grounds of rejection; and

* the rejection of all other claims (2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43A6) is reversed.

In response to the Decision, the following amendments are made, resulting in pending claims 2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43-46, and 48-94.

APPROVED FOR
ENTRY

12/6/11

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AMENDMENTS TO THE CLAIMS

Per 37 CFR 1.530(i) and MPEP 2250, these amendments are mude relative to the patelll as of the date of filing the request for examination. This Amendment does not introduce new matter. Accordingly, entry of this Amendment is appropriate and is urged.

Rejected claims 1i 8, 15, 25, 32i 37, 42, and 47 are canceled. Claims 16-23 and 38-41 are placed in independent form.

Additionally, a new set of claims is provided (48-94) which corresponds to the claim set that was appealed, and which further clarfi.es the location of the redirection server. Specifically, new independent claims 48, 60, 72, and 87 co"espond to independent claims 1, 8, 15, and 25 respectively, with additional terms to clarify the "between" location of the redirection server. These clarifications were discussed with the Examiners at the Personal Interview held on October 3, 2011, and follow-up telephone interviews with the Examiner and the Examiner slated that such clarifications would overcome the applied art and make these claims patentable.

Similarly, new dependent claims 49-59, 61-71, 73-86, and 88-94 depend from allowable independent claims 48, 60, 72, and 87, respectively, and generally correspond respectively, to dependent claims 2-7, 28-32, 9-14, 33-37, 16-24, 38-42, 26-27 and 43-47, depending from independent claims 1, 8, 15, and 25.

Claims 2-7, 9-14, 16-24, 26-31, 33-36, 38-41 and 43-46, as to which the Board overturned all prior rejections, as well as new claims 48-94 are pending.

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1.   (Canceled)

2-7.   (Original)

8.   (Canceled)

9-14.   (Original)

15.   (Cancel�d)

16.   (Amended) · [The system of claim 15,]   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses: and

wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of time.

17.   (Amended)   [The system of claim 15,]   . A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:

wherein the redirection server is configured to allow autornalec.l modification of at least a portion of the rule set correlated to the temporarily assigned network ad�ress:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the

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user, or location the user accesses: and

wtierein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user.

18.   (Thrice Amended)   [The system of claim 15,]   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wh'erein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address:

wherein the redirection server is configured to allow automated modification of al least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the location or locations the user accesses.   [access.]

19.   (Amended)   IThe system of claim 15,)   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address: wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses: and,

wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of time.

20.   (Amended)   [The system of claim 15,]   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporaril)! assigned network address: wherein lhe rule set contains at least one of a plurality of functions

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used to control data passing between the user and a public network; _

        wherein the redirection server is configured to allow automated modification of al least a portion of the rule set correlated to the ◆◆mporarily assigned network address: _

        wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

        wherein the redirection server is configured to allow the removal or reinstatement- of at least a portion of the rule set as a function of lhe data transmitted lo or from the user.

21.   (Thrice Amended)   [The system of claim 15,]   A system comprising: _

        a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control ·data passing between the user and a public network; _

        wherein the redirection server is configured to allow automated modification of at least a portion Of the rule set correlated to the temporarily assigned network address: _

        wherein the redirection server is configured to allow automated modification of al least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

        wherein the redirection server is configured to ·allow the removal or reinstatement of at least a portion of the rule set as a function of the location or locations the user accesses. [access.]

22:    (Amended)   [The system of claim 15,]   A system comprising: _

        a redirection server programmed with a user's rule set correlated to a temporarily assigned network address·. wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network; _

        wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address: _

        wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

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wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location or locations the user accesses.   [access.)

23.   (Amended)   [The system of claim 15,]   A system oomprising:

a redirection server programmed with a user's rule set c.orrelated to a temporarily assigned network address: wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated lo the temporarily assigned network address:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses: and

wherein the redirection server has a user side that is connected to a computer using the· temporarily assigned network address and a network side connected to a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server.

24.   (Original),

25.   (Canceled)

26.   (Twice Amended)   The method of claim 25, further including the step of modifying at least a portion of the user's rule set as a function of one or more of: time, data transmitted to or from the user, and location or locations the user accesses.   [access.]

27.   (Twice Amended)   The method of claim 25, further including the step of removing or reinstating al least a portion of the user's rule set as a function of one or more of: time, the data transmitted to or from the user and [the]◊ location or locations the user accesses.   [access.]

28.   (New)   The system of claim 1, wherein the individualized rule set includes al least one

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rule as a function of a type of IP (Internet Protocol) service.

29. <New) The system of claim 1, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

30. <New) The system of claim 1, wherein the individualized ruie set includes at least one rule allowing access based on a request type and a destination address.

31. <New) The system of claim 1, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

32. (Canceled)

.32", ♦   (New) The method of claim 8, wherein the individualized rule set includes at least one rule as a function of a type of IP Onternet Protocol) service.

:JJ -air. (New) The method of claim 8, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

.J4–   (New) The method of claim 8, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

, S- -36:" (New) The method of claim 8, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

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37. (Canceled)

Jl, {New) A system comprising:

   a redirection server programmed with a user's rule set correlated to a temporarily assigned network address: wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:

   wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

   wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time. data transmitted to or from the user, or location the user accesses: and

   wherein the modified rule set includes at least one rule as a function of a txpe of IP (Internet Protocol) service.

3 7 ◆ .{New) A system comprising:

   a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

   wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

   wherein the redjrecLion server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

   wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

*J*8 ...At((New) A system comprising:

   a redirection server programmed with a user's rule set correlated to a temporarily assigned network address: wherejn the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:

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wherein the redirection server is configured to allow automated modification o f at least a portion of the rule set correlated to the temporarily assigned network address:

wherein the redirection server is configured to allow automated modification o f at least a portion of the rule set **as** a function o f some combination of time. data transmitted to or **from** the user. or location the user accesses; and

wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

3◊ .-41': (New)   A system comprising:

a redirection server programmed with **a** user's **rule** set correlated to **a** temporarily assigned network address; wherein the rule set contains at least one o f a plurality o f functions used to control data passing between the user and a public network:

wherein the redirection server is configured to allow automated modification o f at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification o f at least a portion o f the rule set as a function o f some combination of time. data transmitted to or from the user. or location the user accesses; and

wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

42.   (Canceled)

fO 4-" (New)   The method o f claim 25. wherein the modified rule set includes at least one rule as a function of a type o f **IP** (Internet Protocol) service.

4 (◊   (New)   The method of claim 25, wherein the modified rule set includes an initial temporary rule set and a standard rule set. and wherein the redirection server is configured to utilize the temporary rule set for an **initial** period **of** time and to thereafter utilize the standard rule set.

1L   ....,.::::(New)   The method o f claim 25, wherein the modified rule set includes al least one rule

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allowing acces!i based on a request type and a destination address.

'f} –   (New)   The. method of claim 25, wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and ·an attempted destination address.

47.   (Canceled)

4+   4.SC(New}   A system comprising:

a database with entries correlating each·of a plurality of user IDs with an individualized rule set;

a dial-up network server that receives user IDs from users' computers:

a redirection server connected between the dial-up network server and a public network, and

an authentication accounting server connected to the database. the dial-up network server and the redirection server:

wherein the dial-up network server communicates a first user JD for one of the users' computers and a temporarily assiiPJed network address for the first user ID to the authentication accounting server:

wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the firsl user ID and the temporarily assigned network address to the redirection server: and

wherein data directed toward the public network from the one of the users' computers are • processed by the redirection server according to the individualized rule set.

4.,–   …4'1:" (New)   The system of claim 4fi(wherein the redirection server further provides control over a plurality of data to and from the users' computers as a function of the individualized rule ◊

46   _____ (New)   The system of claim «:wherein the redirection server further blocks the data to and from the users' computers as a function of the individualized rule set.

47   (New)   The system of claim 48:"wherein the redirection server further allows the data to and from the users' computers as a runction of the individunlized rule set.

48   J.n: (New)   The system of claim-48'; wherein the redirection server further redirects the data to and from the users' computers as n function of the individualized rule set.

41   ◊   (New)   The system of claim 48::'wherein the redirection server further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

Sb ¥"   (New}   The system of claim 48"."wherein the database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.

S I   ◊   (New)   The system of claim 46:' wherein the individualized rule set includes at least one rule as a function of a type of IP Qnternet Protocol) service.

52 ¥   (New)   The system of claim -48:' wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utiliz e the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

S'J -1?r.   (New}   The system of clairn..A:Kwherein the individualized rule set includes at least one rule allowing access based on a request type and a dcsiination address.

.5"r   {New)   The system of claim ◊ wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

S:f'''   (New)   The system of claim 48:'''wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination addres..; as a function of the individualized rule

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set.

5,6 .(6'" (New)   In a system comprising a database with entries correlating each of a plurality of user ros wilh an individuaUzed rule set: a dial-up network server that receives user IDs from users' computers: a redirection server connected between the dial-up network server and a publjc network, and an authentication accounting server connected to the database, the dial-up network server and the redirection server,   a method comprising the steps of:

communicating a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID from the dial-up network server to the authentication accounting server:

communicating the individualized rule seL that correlates with the first user ID and the temporarily assigned network address to the redirection server from the authentication accounting server:

and processing data directed toward the public network from the one of the users' computers according to the individualized rule set.

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.S-7 •-it (New)   The method of claim.-6ft. further including the step of controlling a plurality of data to and from the users' computers as a function of the individualized rule set.

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5g ◊   (New)   The method of claim -6tf." further including the step of blocking the data to and from the users' computers as a function of the individualized rule set.

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SI ...-0: (New)   The method of claim-66: further including the step of allowing the data to and from the users' computers as a function of the individualized rule set.

S'6

60 ...M: (New)   The method of claim '6tr. further including the step of redirecting the data to and from the users' computers as a function of the individualized rule set.

S"

6(§&:'. (New)   The method of claim ◊ further including the step of redirecting the data from the users' c:omputers to multiple destinations a function of the individualized rule set.

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6}_   (New)   The method of claim 60; further including the step of creating database entries for a plurality of the plurality of users' IDs. the plurality of users' ID further being correlated with a common individualized rule set._

S-6

3   .fir. (New)   The method of claim-:«(wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol} service.

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64--   –   (New)   The method of claim wherein   the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set,

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6$' _@ , (New)   The method of claim--66. wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

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66   (New)   The method of claim $: wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

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,-,   (New)   The method of claim-66ᵢ wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

68 ....:n-'."(New)   A system comprising:_

          a redirection server connected between a user computer and a public network,_the redirection server programmed with a user's rule set correlated to a temporarily assigned network address;_

          wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:_

          wherein the redirection server is confibrured to allow automated modification of at least a

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portion of the rule set correlated to the temporarily assigned network address; and

    wherein the redirection server is configul'ed to allow automated modification of ·at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses.

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{, **4.** **(New)** The system of claim 7, wherein the redirection server is configured to allow modification of at least a portion of the rule sel as a function of time•

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7 0   (New) The system of claim =ft, wherein the redirection server is configured_ to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user.

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7 / **K** (New} The system of claim-=n: wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the location or locations the user accesses.

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7 2-◆   [New) The system of claim :n:""wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as·a function of time.

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7 3   (New) The system of claim-:n: wherein the redirection serv◆r is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the data transmitted to or from the user.

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◆◆ (N e w)   The system **of** claim .: rt; wherein lhe redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the location or locations the user accesses.

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7 -5' (New) The system of claim 7T."wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as **a** function of some combination of time, data transmitted to or from the m,.er, or location or locations the user accesses.

7 6 ...-86." (New} The system of claim ..*If*.wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network side connected to a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server.

7 7 -M". (New) The system or claim.8(1' wherein instructions to the redirection server to modify the rule set are received by one or more of the user side of the redirection server and the network side of the redirection server.

18 ..e.-- (New) The system of claim :71; wherein tlie modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

7, ..&.:- (New) The system of claim -fl:: wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the teml.)Orary rule set for an initial.period of time and to thereafter utilize the standard rule sel.

8 0 -84-; (New) The system of claim 1% wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

or -ffl:CNew) The system of claim :;It:; wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a reqyest type and an attempted destination addr-ess.

82..--8tt; (New) The system of claim **Kwherein** the redirection server is configured to redirect data from the users' computers by replacing a firi:t destination address in an IP {Internet protocol) packet header by a second destination adc.lress as a function of the modified rule set.

8J -Wr.' (New) In a system comprising a redirection server connected between a user computer and a public network, the redirection server containing a user's rule set correlated to a tempor.nily assigned network 11ddress wherein the user's rule set contains at least one of a

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plurality of functions used to control data passing between lhe user and a public network; a method comprising the step of:

modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address in the redirection server:. and

wherein the redirection server has a user side that is connected to a computer using the temporarily assigned netwqrk address and a network address and a network side connected to a computer network and

wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection se1ver and the method further includes the step of receiving instructions by the redirection server to modify at least a portion of the user's rule set through one or more of the user side of the redirection server and the network side of the redirection server.

Bt -88: (New)   The method of claim 8 ' *83*; further including the step of modifyin& at least a portion of the user's rule set as a function of one or more of: time, data transmitted to or from the user, and location or locations the user accesses.

8J   (New)   The method of claim -8'1' *8.3*: further including the step of removing or reinstating at least a portion of the user's rule set as a function of one or more of: time, the data transmitted to or from the user and a location or locations the user accesses.

86 -96:' (New)   The method of claim-87:'" *83* wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

e **7** ....Rt: (New)   The method of claim @:h *8*: wherein the modified rule set includes an initial temporary rule set and a standard rule scl. and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set,
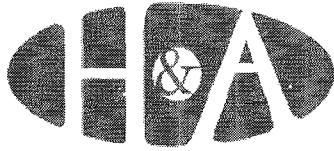
8 6   (New)   The method of claim :8:f:::'5yhereinJhLlnodified *e* rule set includes at]east one rule allowing access based on a reguest type and a destination address.

17

83

81 --93." (New)   The method of claim -Br. wherein the modifitd rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

8)

If.∴, --9t {New)   The method of claim -s:r. wherein the redirection server is configured to redirecl data from the users' computers by replacing a first destination address in an IP (Internet Protocol) packet header by a second destination address as a function of the individualized rule set.

18

Inventor: Koichiro Ikudome, et al.

Art Unit: 3992

Reexamination Proceeding: 90/009,301
(Based on U.S. Patent No. 6,779,118)

Confirmation No.: 6609

Examiner: Sam Rimell

Reexamination Filed: December 17, 2008

For: USER SPECIFIC AUTOMATIC
DATA REDIRECTION SYSTEM

Mail Stop *ex parte* Reexam
Attention Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

Transmitted herewith are **REQUEST FOR CORRECTED NOTICE OF INTENT TO ISSUE A REEXAMINATION CERTIFICATE, AND COMMENTS ON THE NOTICE OF INTENT TO ISSUE A REEXAMINATION CERTIFICATE and a Certificate of Service,** in connection with the above-captioned matter.

The fee has been calculated as shown below:

Claims After Amendment	No. of Claims Previously Paid	Present Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
*Total Claims:			X 30=	$	X 60=	$
**Indep. Claims:			X 125=	$	x250=	$
Extension Fee for Months				$		$
Other:				$		$
		Total:		$	Total:	$

___ Fee Payment made through EFS.
___ Payment is made herewith by Credit Card (see attached Form PTO-2038).
tL The Director is hereby authorized to charge all fees under 37 CFR §§ 1.16 and 1.17 which may be required to maintain pendency of this application to Deposit Account No. 50-2929.
___ The Director is hereby authorized to charge all fees under 37 CFR § 1.18 which may be required to complete issuance of this application to Deposit Account No. 50-2929.

Respectfully submitted,

Date: ___February 17, 2012___

Abraham Hershkovitz
Registration No. 45,294

R1341006.A22; AH/pjj

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Koichiro Ikudome, et al.

Art Unit: 3992

Reexamination Proceeding: 90/009,301
(based on U.S. Patent No. 6,779,118)

Examiner: Sam Rimell

Confirmation No.: 6609

Reexamination Filed: December 17, 2008

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

REQUEST FOR CORRECTED NOTICE OF INTENT TO ISSUE A REEXAMINATION CERTIFICATE, AND COMMENTS ON THE NOTICE OF INTENT TO ISSUE A REEXAMINATION CERTIFICATE

Mail Stop *"ex parte* Reexam"
Attention: CRU
Commissioner for Patents
POB 1450
Alexandria, Virginia   23313-1450

Dear Commissioner:

     A Notice of Intent to Issue a Reexamination Certificate (NIRC) was mailed from the USPTO on January 6, 2012 for the above-identified Proceeding.   Upon review of the NIRC, it was noted that there is a minor identification error in the claims listed in the NIRC Summary Form PTOL-469, and an error in the dependency of claim 77 in the Examiner's Amendment included with the NIRC.   Accordingly, Patent Owner requests a corrected Supplemental NIRC be promptly issued for these errors, as follows.

     It is noted that original claims 26 and 27 were never amended during the present Reexamination Proceeding but claims 26 and 27 depend from original claim 24, which was amended.   Claims 26 and 27 are listed in the NIRC Summary Form PTOL-469 in the section "1.(h)(1) Status of the Claim(s): Patent claim(s) confirmed."   However, it appears from the section description that claims 26 and 27 should instead be listed with parent claim 24 in "1.(h)(2) Patent claim(s) amended (including dependent on amended claim(s))."

1

It also is noted that, in the Examiner's Amendment to the Reexamination Proceeding as detailed on page 2 of the NIRC and as indicated in the hand-annotated copy of the claims signed "APPROVED FOR ENTRY" by the Examiner which is attached to the NIRC, claims 72-86 have been correctly renumbered as 68-82, respectively, with each of renumbered claims 69-82 indicated as depending from renumbered claim 68. Accordingly, claims 80 and 81 have been renumbered as claims 76 and 77, respectively. However, original claim 81 was dependent on original claim 80, not on original claim 72 (renumbered claim 68). Therefore, since original claim 81 was dependent on original claim 80, renumbered claim 77 is dependent on renumbered claim 76, and not on renumbered claim 68.

Patent Owner courteously requests that a supplemental NIRC be promptly issued to correct the record with regard to the misidentification of claims 26 and 27 in the NIRC Summary Form PTOL-469, and to correct the dependency of renumbered claim 77 from renumbered claim 76, instead of renumbered claim 77 depending from renumbered claim 68 as incorrectly shown on pages 2 and 16 of the NIRC.

Moreover, in response to the reasons for patentability and/or confirmation included in the NIRC, Patent Owner wishes to make the following comments with respect to the basis for the reasons for patentability and/or confirmation of claims in the present Reexamination Proceeding.

In particular, Patent Owner notes that the majority of claims are indicated as patentable based on the Decision of the Board of Patent Appeals in reversing the Examiner's rejection of such claims. However, on page 4 of the NIRC, individual limitations of claims 48-94 (renumbered as claims 44-90), and more specifically, independent claims 48, 60, 72 and 87 (renumbered as claims 44, 56, 68 and 83, respectively), are discussed with reference to He et al. In this regard, Patent Owner does not disagree with the Examirier's indication throughout the NIRC that certain identified features of these and other claims are not disclosed by this or other references of record. However, Patent Owner further wishes to clarify for the record that the claims in the present Reexamination Proceeding recite a combination of features, and the basis for patentability and/or confirmation of these claims is based upon the totality of the features recited therein.

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Additionally, it appears that the section on page 5 of the NIRC is directed to Patent Owner's Supplemental Response filed November 27, 2011. However, page 5 of the NIRC states that, "[s]ince all claims indicated as rejected in the Decision ... are now cancelled, any arguments pertaining to such cancelled claims are now rendered moot, and would accordingly not raise any grounds for re-hearing." As best understood, Patent Owner courteously points out that there were no arguments directed to cancelled claims nor any grounds for rehearing in the November 27, 2011 Supplemental Response. The Supplemental Response was specifically submitted for and directed to (1) making the record completely clear that no request for rehearing had been filed or was intended, and (2) obtaining entry of the Response and Proposed Amendment filed October 21 , 2011.

Patent Owner initially submitted the October 21, 2011 Response and Proposed Amendment to complete the holdings of the Decision by cancelling all claims affirmed as rejected or rejected upon new grounds in the Decision, and presenting amended and new claims that Patent Owner believed to be patentable. The comments regarding the Decision which were made in the Response and Proposed Amendment merely made Patent Owner's response of record to the Decision. While it is obvious such comments were never intended to be taken as a request for rehearing or for reconsideration by the Board, Patent Owner received two Interview Summaries mailed by the Office on November 8, 2011, more than two weeks after submission of the October 21, 2011 Response and Proposed Amendment. Neither Interview Summary acknowledged entry or treatment of the October 21, 2011 Response and Proposed Amendment. Accordingly, it appeared that it would be necessary to address any outstanding issues still being misinterpreted or misunderstood by the Office in a Supplemental Response. That the November 27, 2011 Supplemental Response, which makes it absolutely clear to the Office that no request for rehearing had been made or was intended, appeared to be required in order to explicitly request entry of the October 21, 2011 Response and Proposed Amendment is clearly indicated by Patent Owner's statement in the Supplemental Response that, "Patent Owner respectfully requests the Examiner to retain the file for this Proceeding so as to reopen prosecution in order to enter the claim amendments in the October 21, 2011 Response and Proposed Amendment."
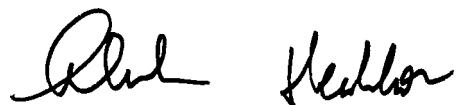
3

Therefore, Patent Owner is unaware of any "…arguments pertaining to…cancelled claims…" in the November 27, 2011 Supplemental Response, unless such comments are still being misinterpreted by the Office.   Thus, it appears that <u>no portion of the November 27, 2011 Supplemental Response could properly be rendered moot or removed from the record.</u>

It is believed that no fees are required with this submission.   However, should any actual fee be necessary for consideration of this paper or to maintain this Proceeding in force, please charge any such fee to Deposit Account No. 50-2929, referencing Docket No. R132592.

Evidence of Service of this Response on third party requesters is found after the last page of this paper.

The Office is invited to direct any questions regarding this matter to the undersigned at the below-listed numbers and addresses.

Respectfully submitted,
Koichiro Ikudome et al.

Abe Hershkovitz
Registration No. 45,294

Date: February 17, 2012

HERSHKOVITZ & ASSOCIATES, LLC
2845 Duke Street
Alexandria, VA 22314
Telephone 703-370-4800
Facsimile 703-370-4809
E-Mail patent@hershkovitz.net

R1341006.A22; AH/pjj

4

CERTIFICATE OF SERVICE

It is hereby certified that the attached REQUEST FOR CORRECTED NOTICE OF INTENT TO ISSUE A REEXAMINATION CERTIFICATE, AND COMMENTS ON THE NOTICE OF INTENT TO ISSUE A REEXAMINATION CERTIFICATE, along with this Certificate, for *ex parte* Proceeding No. 90/009,301, are **being served by first class mail on February 17, 2012** on third party requester at third party requester's address of record identified by the USPTO:

Jerry Turner Sewell
P.O. Box 10999
Newport Beach, CA   92658-5015

As a courtesy, the attached papers, along with this Certificate, also are being served on third party requester at an address identified to Patent Owner as the current mailing address:

Jerry Turner Sewell
1803 Broadway, #301
Nashville, Tennessee   37203-2761

Abe Hershkov,tz

5

Electronic Acknowledgement Receipt

EFSID:	12107393
Application Number:	90009301
International Application Number:	
Confirmation Number:	6609
Title of Invention:	USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM
First Named Inventor/Applicant Name:	6,779,118B1
Customer Number:	40401
Filer:	Abraham Hershkovitz
Filer Authorized By:	
Attorney Docket Number:	R1341006
Receipt Date:	17-FEB-2012
Filing Date:	17-DEC-2008
Time Stamp:	19:04:18
Application Type:	Reexam (Third Party)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		R341006-A22_Submission_and_ Cert-of-Srvc.pdf	265707 2af890daa0d2b03ea9f198a825611 e41 be4 7e82d	yes	6

Multipart Description/PDF files in .zip description		
Document Description	Start	End
Trans Letter filing of a response in a reexam	1	1
Reexam Miscellaneous Incoming Letter	2	5
Reexam Certificate of Service	6	6

Warnings:

Information:

Total Files Size (in bytes):	265707

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New A��lications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International A��lication under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International A��lication Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

HERSHKOVITZ & ASSOCIATES, LLC

PATENT AGENCY

2845 DUKE STREET, ALEXANDRIA, V A 22314
TEL. 703-370-4800- FACSIMILE 703-370-4809
patent@hershkovitz.net - www.hershkovitz.net

Inventor: Koichiro Ikudome, et al.

Reexamination Proceeding: 90/009,301
(Based on U.S. Patent No. 6,779,118)

Reexamination Filed: December 17, 2008

For: USER SPECIFIC AUTOMATIC
        DATA REDIRECTION SYSTEM

Art Unit: 3992

Confirmation No.: 6609

Examiner: Sam Rimell

Mail Stop *ex parte* Reexam
Attention Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

Transmitted herewith are **STATEMENT OF SUBSTANCE OF INTERVIEW and a Certificate of Service,** in connection with the above-captioned matter.

The fee has been calculated as shown below:

Claims After Amendment	No. of Claims Previously Paid	Present Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
*Total Claims: I	I		X 30=	$	X 60=	$
**Indep. Claims: I	I		X 125=	$	x250=	$
Extension Fee for Months				$		$
Other:				$		$
		Total:		$	Total:	$

_   Fee Payment made through EFS.

_   Payment is made herewith by Credit Card (see attached Form PTO-2038).

IL The Director is hereby authorized to charfle all fees under 37 CFR §§ 1.16 and 1.17 which may be required to maintain pendency of this application to Deposit Account No. 50-2929.

_   The Director is hereby authorized to charoe all fees under 37 CFR § 1.18 which may be required to complete issuance of this application to Deposit Account No. 50-2929.

Respectfully submitted,

Date: January 27, 2012

yv

Abraham Hershkovitz
Registration No. 45,294

R1341006.A21; AH/pjj

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Koichiro Ikudome, et al.

Art Unit: 3992

Reexamination Proceeding: 90/009,301
(based on U.S. Patent No. 6,779,118)

Examiner: Sam Rimell

Confirmation No.: 6609

Reexamination Filed: December 17, 2008

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

STATEMENT OF SUBSTANCE OF INTERVIEW

Mail Stop *"ex parte* Reexam"
Attn.:   CRU
Commissioner for Patents
POB 1450
Alexandria, Virginia   23313-1450

Dear Commissioner:

This Statement of Substance of Interview is being submitted as a follow-up to the telephonic Interview held on December 27, 2011 regarding the above-identified Proceeding.

A Decision on appeal was mailed by the Office on August 23, 2011, and a Response and Proposed Amendment was filed by Patent Owner on October 21, 2011. A Supplemental Response was submitted on November 17, 2011 to clarify the record regarding the Response and Proposed Amendment filed October 21, 2011.

On December 27, 2011, the Examiner and Patent Owner's representative held a telephone discussion regarding the subject Proceeding.   The Examiner indicated that a panel review had been conducted, and that the Response and Proposed Amendment filed October 21, 2011 and the Supplemental Response filed November 17, 2011 were approved and made of record in the Proce,eding.   Further, the Examiner indicated that the panel agreed that, in view of the October 21 and November 17 correspondences, all non-cancelled claims were held patentable, and agreed to proceed with a Notice of Intent to Issue a Reexamination Certificatei (NIRC).   An Interview Summary was received from the Office on December 28, 2011 which reiterated this discussion.

R1341006.A21

It is believed that no fees are required. However, should any fee or fees be necessary for consideration of the papers filed herein, please charge any such fee or fees and refund any excess payments to Deposit Account No. 50-2929, referencing Docket No. R1341006.

The Office is invited to direct any questions regarding this matter to the undersigned at the below-listed numbers and addresses.

Respectfully submitted,
Koichiro Ikudome et al.

Abe Hershkovitz
Registration No. 45,294

Date: January 27, 2012

HERSHKOVITZ & ASSOCIATES, LLC
2845 Duke Street
Alexandria, VA 22314
Telephone 703-370-4800
Facsimile 703-370-4809
E-Mail patent@hershkovitz.net

R1341006.A21; AH/pjj

2
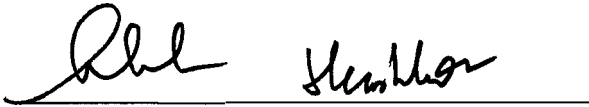
CERTIFICA7iE OF SERVICE

It is hereby certified that the attached TRANSMITTAL and STATEMENT OF SUBSTANCE OF INTERVIEW, along with this Certificate, for *ex parte* Proceeding No. 90/009,301, are being **served** by **first claiss mail on January 27, 2012** on third party requester at third party requester's address of record identified by the USPTO:

Jerry Turner Sewell
P.O. Box 10999
Newport Beach, CA   92658-5015

As a courtesy, the attached papers, along with this Certificate, also are being served on third party requester at an address identified to Patent Owner as a new address:

Jerry Turner Sewell
1803 Broadway, #301
Nashville, Tennessee   37203-2761

_____ _____
Abe Hershkovitz

Electronic Acknowledgement Receipt

EFSID:	11943949
Application Number:	90009301
International Application Number:	
Confirmation Number:	6609
Title of Invention:	USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM
First Named Inventor/Applicant Name:	6,779,118B1
Customer Number:	40401
Filer:	Abraham Hershkovitz
Filer Authorized By:	
Attorney Docket Number:	R1341006
Receipt Date:	27-JAN-2012
Filing Date:	17-DEC-2008
Time Stamp:	19:14:22
Application Type:	Reexam (Third Party)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		Rl 341006_A21_Stmt-of-Sub-of-Intv.pdf	131966 fl445e072f04a4bfcaaae8a 10e3 df03ab922 d 2bf	yes	4

Multipart Description/PDF files in .zip description		
Document Description	Start	End
Trans Letter filing of a response in a reexam	1	1
Reexam Miscellaneous Incoming Letter	2	3
Reexam Certificate of Service	4	4

Warnings:

Information:

Total Files Size (in bytes):	131966

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New A��lications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International A��lication under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International A��lication Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 181 0), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/1 05) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,301	12/17/2008	6,779,118B1	R1341006	6609

40401   7590   01/06/2012

Hershkovitz & Associates, LLC
2845 Duke Street
Alexandria, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER

DATE MAILED: 01/06/2012

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Jerry Turner Sewell
P.O. Box 10999
Newport Beach, CA 92658-5015

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/009,301.*

PATENT NO. 6₁*779, 118 B 1 ET.*

ART UNIT *3992.*

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(9)).

PTOL-465 (Rev.07-04)

<table>
<tr><td rowspan="3">Notice of Intent to Issue
Ex Parle Reexamination Certificate</td><td>Control No.</td><td>Patent Under Reexamination</td></tr>
<tr><td>90/009,301</td><td></td></tr>
<tr><td>Examiner</td><td>Art Unit</td></tr>
</table>

	SAMUEL RIMELL	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 *ex parte* 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) ☒ Patent owner's communication(s) filed: *10/21111: 11127111.*
   (b) ☐ Patent owner's late response filed: __ .
   (c) ☐ Patent owner's failure to file an appropriate response to the Office action mailed: __ .
   (d) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
   (e) ☐ Other: __ .
   Status of *Ex Parle* Reexamination:
   (f) Change in the Specification: ☐ Yes ☒ No
   (g) Change in the Drawing(s):   ☐ Yes ☒ No
   (h) Status of the Claim(s):
   · (1) Patent claim(s) confirmed: *2-7. 9-14. 26 and 27.*
   (2) Patent claim(s) amended (including dependent on amended claim(s)): *16-24*
   (3) Patent claim(s) canceled: *1,8.15 and 25.*
   (4) Newly presented claim(s) patentable: 28-31,33-36,38-41,43-46 and 48-94.
   (5) Newly presented canceled claims: 32,37,42 and 47.

   (6) Patent claim(s) ☐ previously ☐ currently disclaimed: __

   (7) Patent claim(s) not subject to reexamination: __ .

2. ☒ 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."

3. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).

4. ☒ Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute). (p 3.

5. ☐ The drawing correction request filed on __ is: ☐ approved   ☐ disapproved.

6. ☐ Acknowledgment is made of the priority claim 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: __ .

7. ☒ Note attached Examiner's Amendment.

8. ☐ Note attached Interview Summary (PTO-474).

9. ☒ Other: *Examiner's Amendment is for claim re-numbering onlv.*

/Jeffrey D. Carlson/, Primary Examiner, Art Unit 3992 Alexander Kalinowski/SPE, Art Unit 3992	Sam Rimell Primary Examiner Art Unit: 3992

cc: Requester (if third party requester)

Examiner's Amendment (For Purposes of Claim Re-Numbering Only)

Patent owner's response of October 21, 2011 includes an approved for entry amendment which adds claims 28-94. Since claims 32, 37, 42 and 47 have been cancelled, the remaining claims subsequent to claim 32 must be re-numbered. The re-numbering is described below and a copy of the claim set with the re-numbered claims is provided as an attachment to this action:

Claims 33-36, 38-41 and 43-46 re-numbered as 32-35, 36-39 and 40-43 respectively.

Claims 48-59 re-numbered as 44-55, with each claim depending on claim 44.

Claims 60-71 re-numbered as 56-67, with each claim depending on claim 56.

Claims 72-86 re-numbered as 68-82, with each claim depending on claim 68.

Claims 87-94 re-numbered as 83-90, with each claim depending on claim 83.

Reasons for Confirmation or Patentability

Patent owner's response of October 21, 2011 cancels claims 1, 8, 15, 25, 32, 37, 42, 47. These cancelled claims correspond to new grounds of rejection of claims 1, 8, 15 and 25 and the affirmed rejection of claims 32, 37, 42 and 47 in the Board of Patent Appeals and Interferences Decision of August 23, 2011 (p. 10). Accordingly, these claims are no longer pending for consideration.

Claims 2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43-46 and 48-94 remain of record. Claims beginning with claim 33 have been re-numbered in accordance with the arrangement above.

Claims 2-7 and 9-14: Claims 2-7 and 9-14 are original patent claims and not amended. The Board of Patent Appeals and Interferences Decision of August 23, 2011 indicate the proposed rejection of these claims has been reversed (decision at page 10). No proposed new grounds of rejection are indicated. The remaining prior art of record has been considered and not

found to. raise further issues beyond those issues already addressed by the Board of Patent Appeals and Interferences. Accordingly, claims 2-7 and 9-14 are affirmed.

Claims 16-23: Claims 16-23 are amended claims, based on the text of claims 16-23 as they appeared at the time of appeal. The Board of Patent Appeals and Interferences Decision of August 23, 2011 indicate the proposed rejection of these claims has been reversed (decision at page 10). No proposed new grounds of rejection are indicated. The remaining prior art of record has been considered and not found to raise further issues beyond those issues already addressed by the Board of Patent Appeals and Interferences. Accordingly, claims 16-23 are patentable.

Claim 24: Claim 24 is an original patent claim and not amended. The Board of Patent Appeals and Interferences Decision of August 23, 2011 indicate the proposed rejection of this claim has been reversed (decision at page 10). No proposed new grounds of rejection are indicated. The remaining prior art of record has been considered and not found to raise further issues beyond those issues already addressed by the Board of Patent Appeals and Interferences. Accordingly, claim 24 is affirmed.

Claims 26-27: Claims 26-27 are amended claims, based on the text of claims 26-27 as they appeared at the time of appeal. The Board of Patent Appeals and Interferences Decision of August 23, 2011 indicate the proposed rejection of these claims has been reversed (decision at page 10). No proposed new grounds of rejection are indicated. The remaining prior art of record has been considered and not found to raise further issues beyond those issues already addressed by the Board of Patent Appeals andInterference . Accordingly, claims 26-27 are patentable.

Claims 28-31, 33-36 (re-numbered as 32-35), 38-41 (re-numbered as 36-39) and 43-46 (re-numbered as 40-43): This claim set defines new claims, based on the text of these claims as

they appeared at the time of appeal. The Board of Patent Appeals and Interferences Decision of

August 23, 2011 indicate the proposed rejection of these claims has been reversed (decision at

page 10). No proposed new grounds of rejection are indicated. The remaining prior art of record

has been considered and not found to raise further issues beyond those issues already addressed

by the Board of Patent Appeals and Interferences. Accordingly, Claims 28-31, 33-36 (re-

numbered as 32-35), 38-41 (re-numbered as 36-39) and 43-46 (re-numbered as 40-43) are

patentable.

Claims 48-94 (re-numbered as 44-90): These claims are new claims, not present at the

time of appeal. These claims are submitted in response to the Board of Patent Appeals and

Interferences Decision of August 23, 2011, in response to the particular findings in that decision.

From this claim set, claims 48 (re-numbered as 44), 60 (re-numbered as 56), 72 (re-numbered as

68) and 87 (re-numbered as 83) are independent. These claims include the original language of

claims 1, 8, 15 and 25 respectively, except that the redirection server is defined as being between

the dial up network server and the public network (claims 48 and 60), or between the user

computer and the public network (claims 72 and 87). This distinguishes from the network

topology of He et al, applied as the primary prior art reference at the time of appeal. In view of

the facts and evidence of record, including the decision of the Board of Patent Appeals and

Interferences Decision of August 23, 2011, independent claims 48 (re-numbered as 44), 60 (re-

numbered as 56), 72 (re-numbered as 68) and 87 (re-numbered as 83) are patentable as

presented. Claims 49-59 (re-numbered as 45-55), 61-71 (re-numbered as 57-67), 73-86 (re-

numbered as 69-82) and 88-94 (re-numbered as 84-90) are dependent on independent claims

found patentable, and thus also patentable.

Patent Owner's Supplemental Reply of November 27. 2011

Patent owner's supplemental reply of November 27, 2011 has been considered and duly noted. Since all the claims indicated as rejected in the Decision of the Board of Patent Appeals and Interferences are now cancelled, any arguments pertaining to such cancelled claims are now rendered moot, and would accordingly not raise any grounds for re-hearing. Patent owner's indication that the response is not to be construed as a request for re-hearing is noted, and no re-hearing is requested.

STATUS OF CLAIMS

Claims 1A 7 are subject to reexamination.   According to the Decision:

- the Examiner's rejection of claims 32, 37, 42, and 47 is affirmed;
- claims 1, 8, 15, and 25 are rejected under a new grounds of rejection; and
- the rejection of all other claims (2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43-46) is reversed.

In response to the Decision, the following amendments are made, resulting in pending claims 2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43-46, and 48-94.

APPROVED FOR ENTRY

11-/6;0

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AMENDMENTS TO THE CIAIMS

Per 37 CFR 1.530(i) and MPEP 2250, these amendments are made relative to the patent as of the date of filing the request for examination.   This Amendment does not introduce new matter.   Accordingly, entry of this Amendment is appropriate and is urged.

Rejected claims 1, 8, 15, 25, 32, 37, 42, and 47 are canceled.   Claims 16-23 and 38-41 are placed in independent form.

Additionally, a new set of claims is provided (48-94) which corresponds to the claim set that was appealed, and which further clarifies the location of the redirection server. Specifically, new independent claims 48, 60, 72, and 87 correspond to independent claims 1, 8, 15, and 25 respectively, with additional terms to clarify the "between" location of the redirection server.   These clarifications were discussed with the Examiners at the Personal Interview held on October 3, 2011, and follow-up telephone interviews with the Examiner and the Examiner stated that such clarifications would overcome the applied art and make these claims patentable.

Similarly, new dependent claims 49-59, 61-71, 73-86, and 88-94 depend from allowable independent claims 48, 60, 72, and 87, respectively, and generally correspond respectively, to dependent claims 2-7, 28-32, 9-14, 33-37, 16-24, 38-42, 26-27 and 43-47, depending from independent claims 1, 8, 15, and 25.

Claims 2-7, 9-14, 16-24, 26-31, 33-36, 38-41 and 43-46, as to which the Board overturned all prior rejections, as well as new claims 48-94 are pending.

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1.   (Canceled)

2-7.   (Original)

8.   (Canceled)

9-14.   (Original)

15.   (Canceled)

16.   (Amended)   [The system of claim 15,]   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address: wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of time.

17.   (Amended)   [The system of daim 15,]   . A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data tran�mittcd to or from the

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user. or location the user accesses: and

      wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user.

18.   (Thrice Amended)   [The system of claim 15,]   A system comprising:

      a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:

      wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address:

      wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time. data transmitted to or from the user, or location the user accesses: and

      wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the location or locations the user accesses.   [access.]

19.   (Amended)   [The system of claim 15,]   A system comprising:

      a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:

      wherein the redirection server is configured Lo allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address:

      wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user. or location the user accesses: and

      wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of time.

20.   (Amended)   [The system of claim 15,]   A system comprising:

      a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein lhe rule set contains at least one of a plurality of functions

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used to control data passing between the user and a public network: _

    wherein the redirection server is configured to allow automated modification of al least a portion of the rule set correlated to the emporarily assigned network address: _

    wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time. data transmitted to or from the user, or location the user accesses: and

    wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the data transmitted lo or from the user.

21.   (Thrice Amended)   [The system of claim 15,]   A system comprising: _

    a redirection server programmed with a user's rule set correlated to a temporarily assigned network address: wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network: _

    wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address: _

    wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user. or location the user accesses: and

    wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the location or locations the user accesses. [access.]

22.   (Amended)   [The system of claim 15,]   A system comprising: _

    a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a gublic network; _

    wherein the redirection server is configured lo allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address: _

    wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses: and

wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location or locations the user accesses.   [access.]

23.   (Amended)   [The system of claim 15,]   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address: wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time. data transmitted to or from the user. or location the user accesses: and

wherein the redirection server has a user side that is connected to a computer using the· temporarily assigned network address and a network side connected to a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server.

24.   (Original)·

25.   (Canceled)

26.   (Twice Amended)   The method of claim 25, further including the step of modifying at least a portion of the user's rule set as a function of one or more of: time, data transmitted to or from the user, and location or locations the user accesses.   [access.]

27.   (Twice Amended)   The method of claim 25, further including the step of removing or reinstating at least a portion of the user's rule set as a function of one or more of: time, the data transmitted to or from the user and [the]!! location or locations the user accesses.   [access.]   ﹨

28.   (New)   The system of claim 1. wherein the individualized rule set includes at least one

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rule as a function of a type of IP (Internet Protocol) service.

29.   (New)   The system of claim 1, wherein the individualized rule set includes an initial temporary rule set and a standard rule set. and wherein the redirection server is configured to utilize the temporary rule set for an initial period of lime and lo thereafter utilize the standard rule set.

30.   (New)   The system of claim 1, wherein the individualized ruie set includes at least one rule allowing access based on a request type and a destination address.

31.   (New)   The system of claim 1. wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

32.   (Canceled)

.32.,   (New)   The method of claim 8, wherein lhe individualized rule set includes at least one rule as a function of IP (Internet Protocol) s7rvice.

3.}   ...a-4'." (New)   The method of claim 8, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

Jï   (New)   The method of claim 8, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

-3tt   (New)   The method of claim 8, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request tYPe and an attempted destination address.

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37.   (Canceled)

36   (New)   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes at least one rule as a function of. a type of IP (Internet Protocol) service.

37   (New)   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address: wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

J8   ....-4-tY.(New)   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address: wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted Lo or from the user. or location the user accesses: and

wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

3   .41". (New)   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address: wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address:

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user. or location the user accesses: and

wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

42.   (Canceled)

'fl)   (New)   The method of claim 25, wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

4 ((New)   The method of claim 25, wherein the modified rule set includes an initial temporary rule set and a standard rule set. and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

1L   (New)   The method of claim 25, wherein the modified rule set includes at least one rule

allowing access based on a request type and a destination address.

tfJ —   (New)   The method of claim 25, wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

47.   (Canceled)

4+   (New)   A system comprising:

    a database with entries correlating each of a plurality of user TDs with an individualized rule set:

    a dial-up network server that receives user IDs from users' computers;

    a redirection server connected between the dial-up network server and a public network, and

    an authentication accounting server connected to the database, the dial-up network server and the redirection server:

    wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server:

    wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server: and

    wherein data directed toward the public network from the one of the users' computers are processed by the redirection server according to the individualized rule set.

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4:,' 47.''' (New)   The system of claim ___ wherein the redirection server further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.

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46   _____ (New)   The system of claim <:wherein the redirection server further blocks the data to and from the users' computers as a function of the individualized rule set.

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47   (New)   The system of claim 46:'"wherein the redirection server further allows the data to and from the users' computers as a function of the individualized rule set.

48 ◊ (New)   The system of claim-48:" wherein the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set.

41 ◊ (New)   The system of claim 48-:"wherein the redirection server further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

Sb   (New)   The system of claim Mr.wherein the database entries for a r.lurality of the plurality of users' IDs are correlated with a common individualized rule set.

5/   (New)   The system of claim Mt" wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

52 .).;.(r,' (New)   The system of claim 48:' wherein the individualized rule set includes an initial temporary rule set and a standard rule set. and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

.f**3** J.lr: (New}   The system of claiin....48:"wherein Lhe individualized rule set includes at least one rule allowing access based on a request type and a destination address.

st'   (New)   The system of claim -48; wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

.**.Y.:;."**   (New)   The system of claim 48":"wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule

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set.

5-6 60:'" (New) In a system comprising a database with entries correlating each of a plurality of user IDs with an individualized rule set: a dial-up network server that receives user IDs from users' computers; a redireclion server connected between the dial-up network server and a public network, and an authentication accounting server connected to the database. the dial-up network server and the redirection server, a method comprising the steps of:

communicating a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID from the dial-up network server to the authentication accounting server:

communicating the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server from the authentication accounting server:

and processing data directed toward the public network from the one of the users' computers according to the individualized rule set.

.S-7 4½. (New) The method of claim.-60-. further including the step of controlling a plurality of data to and from the users' computers as a function of the individualized rule set.

5 8 kJl::" (New) The method of claim -6((:" further including the step of blocking the data to and from the users' computers as a function of the individualized rule set.

51 -0: (New) The method of claim–6ft: further including the step of allowing the data to and from the users' computers as a function of the individualized rule set.

60 ____ (New) The method of claim -66" further including the step of redirecting the data to and from the users' computers as a function of the individualized rule set.

6(§5::'" (New) The method of claim ◆ further including the step of redirecting the data from the users' computers to multiple destinations a function of the individualized rule set.

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6z, ...f.(r,   (New)   The method of claim 60; further including the step of creating database entries for a plurality of the plurality of users' IDs, the plurality of users' ID further being correlated with a common individualized rule set.

63   .fir.   (New)   The method of claim 61:f. wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

64-- ..-68.   (New)   The method of claim '6fr.'"wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

65''' .@.   (New)   The method of claim«), wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

66   ...:ft"   (New)   The method of claim   wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

6I   :M-'   (New)   The method of claim--66. wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second deslinalion address as a function of the individualized rule set.

68   ____   (New)   A system comprising:

a redirection server connected between a user computer and a public network. the redirection server programmed with a user's rule set correlated to a temporarily assigned network address:

wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network:

wherein the redirection server is configured to allow automated modification of at least a

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portion of the rule set correlated to the temporarily assigned network address: and

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses.

b .*68* (New) The system of claim ◊ wherein the redirection server is configured to allow modification of at least a portion of the rule sel as a function of time.

70 .*G8* (New) The system of claim ◊ wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user.

7/ ..::Jk (New) The system of claim *,ℓ* 72'. wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the location or locations the user accesses.

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7 2.,.◊ (New) The system of claim :n:""wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of time.

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7 *3* ..::...::-:(New) The system of claim-:n: wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the data transmitted to or from the user.

6S
7*4*—78. (New) The system of claim .:ft: wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the location or locations the user accesses.

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7 :*f*..:llr. (New) The system of claim -9r."wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user. or location or locations the user accesses.

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7 6 -61:r. (New) The system of claim *7z* wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network side connected lo a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server.

7 7 -8-t. (New) The system of clai1 wherein instructions to the redirection server to modify the rule set are received by one or more of the user side of the redirection server and the network side of the redirection server.

7 8 -Sr.- (New) The system of claim *77* wherein the modified rule set includes al least one rule as a function of a type of IP (Internet Protocol) service.

7? (New) The system of claim *rt.* wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule seL

8 -24: (New) The system of claim:+"!:: wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

b'(-BS."(New) The system of claim :n-, wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a reguest type and an attempted destination address.

8 2- ...a&- (New) The system of claim -92:"wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an lP (Internet protocol) packet header by a second destination address as a Junction of the modified rule set.

83 ..M: (New) ln a system comprising a redirection server connected between a user computer and a public network, the redirection server containing a user's rule set correlated to a temporarily assigned network address wherein the user's rule set contains at least one of a

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plurality of functions used to control data passing between the user and a public network; a method comprising the step of:

modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address in the redirection server: and

wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network address and a network side connected to a computer network and

wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection se1ver and the method further includes the step of receiving instructions by the redirection server to modify at least a portion of the user's rule set through one or more of the user side of the redirection server and the network side of the redirection server.

et ·fflr (New) The method of c l a i m 83 further including the step of modifying at least a portion of the user's rule set as a function of one or more of: time, data transmitted to or from the user. and location or locations the user accesses.

85''' (New) The method of claim -8"r 63 further including the step of removing or reinstating at least a portion of the user's rule set as a function of one or more of: time, the data transmitted to or from the user and a location or locations the user accesses.

86 –96'' (New) The melhod of claim-897 83 wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

U7 A±:: (New) The method of claim g'.k- 8J wherein the modified rule set includes an initial temporary rule set and a standard rule scL and wherein the redirection server is configured to utiJize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

8 6 (New) The method of claim ◆h e r e i n ◆9 d i f i e d *e* rul◆ set includes at least one rule allowing access based on a request type and a destination address.

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B<t -9:;.' (New)   The method of claim -87, wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

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<fi –9it.- (New)   The method of claim -89, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet Protocol) packet header by a second destination address as a function of the individualized rule set.

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INFORMATION DISCLOSURE STATEMENT BY PATENT OWNER

fUss as many shssts as neceSBarvi.

	Complete if Known
Reexamination Number	90/009.301
Filing Date	December 17. 2008
First Named Inventor	Koichiro IKUDOME
Art Unit	3992
Examiner Name	Sam RIMELL

Sheet	1	I 01	12	Attorney Docket Number	R1341006

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.1	Document Number Number-Kind Code[2] (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Unes, Where Relevant Passages or Relevant Figures Appear
	A4	US-5,987,523	11-16-1999	HIND ET AL.	

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Examiner Initials•	Cite No.1	Foreign Patent Document Country Code[3] -Number • - Kind Code[5] V, known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Annؤar	T"

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.'	Include name of the author Cn CAPITAL LETTERS), lltle of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), dale, page(s), volume-Issue number(s), oublisher , city and/or country where oublished.	r

Examiner Signature		Date Considered	

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BIB DATA SHEET

CONFIRMATION NO. 6609

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
90/009,301	12/17/2008	713	3992	R1341006
	RULE			

APPLICANTS
    6,779,118 B1, Residence Not Provided;
    LINKSMART WIRELESS TECHNOLOGY, LLC (OWNER), PASADENA, CA;
    JERRY TURNER SEWELL (3RD.PTY.REQ.), NEWPORT BEACH, CA;
    JERRY TURNER SEWELL, NEWPORT BEACH, CA

** CONTINUING DATA ....-....,.....
    This application is a REX of 09/295,966 04/21/1999 PAT 6,779,118   ...5.t Yc.5
        which claims benefit of 60/084,014 05/04/1998_ ,1 ,i,lo♦
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** FOREIGN APPLICATIONS..,..,...., ..._,.., ...,..

** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ••

Foreign Priority claimed O Yes ♦ 35 use 11e(ed conditions met ♦ Y e s ♦ Verffied and Acknowledged 4/ =rmners ;igna:..u	o t Tnlls	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
				27	4

ADDRESS

    Hershkovitz & Associates, LLC
    2845 Duke Street
    Alexandria, VA 22314
    UNITED STATES

TITLE
    USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

FILING FEE RECEIVED 2520	FEES: Authority has been given in Paper No._ _ _ _ to charge/credit DEPOSIT ACCOUNT No._ _ _ _ _ for following:	IDAII Fees
		ID 1.16 Fees (Filing)
		IO 1.17 Fees (Processing Ext. of time)
		I☐ 1.18 Fees (Issue)
		ID Other _ _ _ _ _
		IO Credit

BIB (Rev. 05/07).

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	90009301	6,779,118 81 ET AL.
	Examiner	**Art Unit**
	Sam Rimell	3992

SEARCHED

Class		Subclass		Date		Examiner
726	18			9/1/09		SR

SEARCH NOTES

Search Notes		Date		Examiner
Reviewed prosecution history of US Patent 6779118		12/11/11		SR

INTERFERENCE SEARCH

Class		Subclass		Date		Examiner
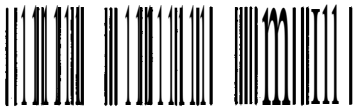
Issue Classification

Application/Control No.	Applicant(s)/Patent Under Reexamination
90009301	6,779,118 B1 ET AL.
Examiner	Art Unit
SAMUEL RIMELL	3992

ORIGINAL		INTERNATIONAL CLASSIFICATION										
CLASS	SUBCLASS	CLAIMED					NON-CLAIMED					
726	7	H	0	4	I	29 / 06 (2006.01.01)	H	0	4	I	291 00 (2006.01.01)

CROSS REFERENCE(S)

CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
726	14				

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
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6	6	22	22	38		54		70		B/-					
7	7	23	23	39		55		71		87-					
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16	16	32		48		64		80							

NONE

(Assistant Examiner)   (Date)

/SAMUEL RIMELL/
Primary Examiner.Art Unit 3992   12/5/11

(Primary Examiner)   (Date)

Total Claims Allowed:

86

O.G. Print Claim(s)	O.G. Print Figure
4 S	2

US. Patent and Trademark Office   Part of Paper No. 20111206

Reexamination	Application/Control No.	Applicant(s)/Patent Under Reexamination
‖‖‖‖‖‖‖‖‖‖‖‖‖‖‖‖	90009301	6,779,118 81 ET AL.
	Certificate Date	**Certificate Number**
		C1

Requester Correspondence Address:	D Patent Owner	&J Third Party

Jerry Turner Sewell
P.O. Box 10999
Newport Beach, CA 92658-5015

LITIGATION REVIEW &J	/SR/ (examiner initials)	01/05/2012 (date)
Case Name		Director Initials
Linksmart Wireless Technology v SBC Internet Services Inc,		lY\ ,<1
Linksmark Wireless Technology, LLC v Cisco Systems Inc et al		
Linksmart Wireless Technology Inc v T-Mobile USA Inc et al		
Linksmart Wireless Technology Inc v Six Continents Hotels, In		

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1. None	

Litigation Search Report CRU 3999

TO: Sam Rimell Location: CRU Art Unit: 3992 Date: 12/07/2011	From: Patricia Volpe Location: CRU 3999 MDE 5D30 Phone: (571) 272-6825 Patricia.volpe@uspto.gov

Search Notes

Litigation search for U.S. Patent Number: **6,779,118**

Status **(STAYED)** 2:08cv264 *Linksmart Wireless Technology, Llc v. T-Mobile USA, Inc. et al*
- 10/27/2010 #576 ORDER granting 546 Motion to Stay Pending the Reexamination of the Patent-In-Suit

Status **(OPEN)** 2:09cv26 *Linksmart Wireless Technology, Llc v. Six Continents Hotels et A*
Status **(OPEN)** 2:08cv385 *Linksmart Wireless Technology, Llc v. Sbc Internet Services, Inc*

Status **(CLOSED)** 2:10cv277 *Linksmart Wireless Technology, Llc v. VS TJ Hospitality Ltd et al*

Status **(CLOSED)** 2:08cv304 *Linksmart Wireless Technology, Llc v. Cisco Systems, Inc et A*

1) I performed a KeyCite Search in Westlaw, which retrieves all history on the patent including any litigation.

2) I performed a search on the patent in Lexis CourtLink for any open dockets or closed cases.

3) I performed a search in Lexis in the Federal Courts and Administrative Materials databases for any cases found.

4) I performed a search in Lexis in the IP Journal and Periodicals database for any articles on the patent.

5) I performed a search in Lexis in the news databases for any articles about the patent or any articles about litigation on this patent.

Westlaw.

KEYCITE

H US PAT 6779118 USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM, Assignee: Auriq Systems, Inc. (Aug 17, 2004)

History

Direct History

⇒   1 **USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM,** US PAT 6779118, 2004 WL 1841593 (U.S. PTO Utility Aug 17, 2004) (NO. 09/295966)
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Report and Recommendation Adopted by

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Trial Court Documents (U.S.A.)

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27 LINKSMART WIRELESS TECHNOLOGIES, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 3711476 (Expert Report and Affidavit) (E.D.Tex. Apr. 14, 2010) **Declaration of Kevin Jeffay, Ph.D.** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

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33 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2009 WL 714069 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Feb. 27, 2009) **Plaintiff Linksmart Wireless Technology, LLC's Motion for Default Judgment Against Hot Point Wireless, Inc. and Second Rule LLC** (NO. 208-CV-00264-DF-CE)

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NETWORKS, INC. and Nomadix, Inc., Third-Party Defendants., 2010 WL 2155256 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 31, 2010) **Best Western International's Opposition to Nomadix's Motion to Strike or Dismiss Third Party Complaint** (NO. 208CV00264)

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41 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 2155261 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 30, 2010) **Plaintiff Linksmart Wireless Technology, LLC's Reply Claim Construction Brief** (NO. 208CV00264)

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44 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 3050764 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 17, 2010) **Defendants' Motion for Partial Summary Judgment of Invalidity for Indefiniteness under 35 U.S.C.** ، **112, ï'2** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-003 85-D F-CE, 209-CV-00026-DF-CE)

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46 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al, Defendants. And Related Counterclaims., 2010 WL 3050766 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 23, 2010) **PlaintiffLinksmart Wireless Technology, LLC's Response to Defendants' Motion for Partial Summary Judgment of Invalidity for Indefiniteness under 35 U.S.C.1112,** i 2 (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

47 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al, Defendants., 2010 WL 3050767 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 2, 2010) Defendants' Reply in Support of Their Motion for Partial Summary Judgment of Invalidity for Indefiniteness under 35 U.S.c.1112, i2 (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

48 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants. And Related Counterclaims., 2010 WL 4927709 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 15, 2010) **Defendants' Motion for a Stay Pending the Reexamination of the Patent in Suit** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-003 85-DF-CE, 209-CV-00026-DF-CE)

49 LINKSMART WIRELESS TECHNOLOGY, LLC, Linksmart, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 4927710 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Oct. 7, 2010) **Defendant Choice Hotels International, Inc.'s Reply in Support of Its Motion for Summary Judgment of Non-Infringement** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

E.D. Tex. Exhibits

50 LINKSMART WIRELESS TECHNOLOGY, LLC, v. T-MOBILE USA, INC. et al., 2010 WL 4024689 (Exhibit) (E.D.Tex. Mar. 31, 2010) **Direct Sales Agreement** (NO. 208CV00264)

51 LINKSMART WIRELESS TECHNOLOGY, LLC, v. T-MOBILE USA, INC. et al., 2010 WL 4024690 (Exhibit) (E.D.Tex. Mar. 31, 2010) **Nomadix, Inc. Reseller Agreement** (NO. 208CV00264)

E.D.Tex. Expert Resumes

52 Kevin Jeffay, curriculum vitae filed in Linksmart Wireless Technology, LLC V. T-Mobile USA, Inc. et al, 2010 WL 5779215 (Court-filed Expert Resume) (E.D.Tex. Jan. 18, 2010) **Expert Resume of Kevin Jeffay** (NO. 208CV00264)

53 Tai Lavian, Ph.D., curriculum vitae filed in Linksmart Wireless Technology, LLC v. T-Mobile USA, Inc., et al, 2010 WL 3515006 (Court-filed Expert Resume) (E.D.Tex. May 23, 2010) **Expert Resume of Tai Lavian** (NO. 208CV00264)

E.D.Tex. Trial Filings

54 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. Cisco Systems, Inc., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. SBC Internet Services, Inc. D/B/A AT&T Internet Services, Defendants;, 2009 WL 3147057 (Trial Filing) (E.D.Tex. Jun. 1, 2009)

Joint Case Management Report (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

55 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. Cisco Systems, Inc., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. SBC Internet Services, Inc. D/8/A AT&T Internet Services, Defendants;, 2009 WL 3147069 (Trial Filing) (E.D.Tex. Jun. 1, 2009) **Joint Case Management Report** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

56 LINKSMART WIRELESS TECHNOLOGY, LLC·, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. Cisco Systems, Inc., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. SBC Internet Services, Inc. D/B/A AT&T Internet Services, Defendants;, 2009 WL 3147139 (Trial Filing) (E.D.Tex. Jun. 1, 2009) **Joint Case Management Report** (NO. 2p8-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

57 LINKSMART WIRELESS TECHNOLOGY, LLC, v. T-MOBILE USA, INC. et al., 2010 WL 1733529 (Trial Filing) (E.D.Tex. Feb. 19, 2010) **Claim Construction Chart** (NO. 208CV00264)

58 LINKSMART WIRELESS TECHNOLOGY, LLC, v. T-MOBILE USA, INC., et al., 2010 WL 3053062 (Trial Filing) (E.D.Tex. May 14, 2010) **Agreed Constructions** (NO. 08CV00264)

E.D.Tex. Verdicts, Agreements and Settlements

59 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC.; Wayport, Inc.; AT&T, Inc.; AT&T Mobility, LLC; Lodgenet Interactive Corp.; Ibahn General Holdings Corp.; Ethostream, LLC; Hot Point Wireless, Inc.; Netnearu Corp.; Pronto Networks, Inc.; Freefi Networks, Inc.; Merakl, Inc. Second, 2008 WL 5533263 (Verdict, Agreement and Settlement) (E.D.Tex. Dec. 9, 2008) **Jury** (NO. 208CV00264)

60 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. Cisco Systems, Inc., et al., Defendants; Linksmart Wireless Technology, LLC, Plaintiff, v. SBC Internet Services, Inc. d/b/a AT&T Internet Services, Defendants;, 2009 WL 3147112 (Verdict, Agreement and Settlement) (E.D.Tex. Jun. 1, 2009) **Joint Case Management Report** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-003 85-DF-CE, 209-CV-00026-DF-CE)

Dockets (U.S.A.)

E.D.Tex.

61 LINKSMART WIRELESS TECHNOLOGY, LLC v. T-MOBILE USA, INC. ET AL, NO. 2:08cv00264 (Docket) (E.D.Tex. Jul. 1, 2008)

Expert Court Documents (U.S.A.)

E.D.Tex. Expert Testimony

62 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al.,

Defendants. And Related Counterclaims., 2008 WL 8039590 (Expert Report and Affidavit) (E.D.Tex. 2008) **Declaration of Tai Lavian, Ph.D. in Support of Plaintiff Linksmart Wireless Technology, LLC's Response to Defendants' Motion for Partial Summary Judgment of Invalidity for Indefiniteness Under 35 U.S.** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-003 85-DF-CE, 209-CV-00026-DF-CE)

63 LINKSMART WIRELESS TECHNOLOGIES, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 3711476 (Expert Report and Affidavit) (E.D.Tex. Apr. 14, 2010) **Declaration of Kevin Jeffay, Ph.D.** (NO. 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

64 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., Wayport, Inc., At&t, Inc., At&t Mobility, LLC, Lodgenet Interactive Corporation, lbahn General Holdings Corp., Ethostream, LLC, Hot Point Wireless Inc., Netnearu Corp., Pronto Networks, le., Aptilo Networks, Inc., Freefi Networks,, 2010 WL 3842257 (Expert Deposition) (E.D.Tex. Apr. 22, 2010) **(Deposition of Kevin Jeffay, Ph.D.)** (NO. 208-CV-00264-TJW-CE)

65 LINKSMART WIRELESS TECHNOLOGY LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendant., 2010 WL 3711477 (Expert Report and Affidavit) (E.D.Tex. Apr. 30, 2010) **Declaration Of Tai Lavian, Ph.D. in Support of Plaintiff Linksmart Wireless Technology, LLC'S Reply Claim Construction Brief(NO.** 208-CV-00264-DF-CE, 208-CV-00304-DF-CE, 208-CV-00385-DF-CE, 209-CV-00026-DF-CE)

E.D.Tex. Trial Motions, Memoranda And Affidavits

66 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 2155260 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 29, 2010) **Defendants' Motion to Exclude the Expert Declaration of Dr. Tai Lavian in Support of Plaintifrs Claim Construction Reply Brief(NO.** 208CV00264)

67 LINKSMART WIRELESS TECHNOLOGY, LLC, Plaintiff, v. T-MOBILE USA, INC., et al., Defendants., 2010 WL 2155261 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 30, 2010) **PlaintiffLinksmart Wireless Technology, LLC's Reply Claim Construction Brief** (NO. 208CV00264)

E.D.Tex. Expert Resumes

68 Kevin Jeffay, curriculum vitae filed in Linksmart Wireless Technology, LLC V. T-Mobile USA, Inc. et al, 2010 WL 5779215 (Court-filed Expert Resume) (E.D.Tex. Jan. 18, 2010) **Expert Resume of Kevin Jeffay** (NO. 208CV00264)

69 Tai Lavian, Ph.D., curriculum vitae filed in Linksmart Wireless Technology, LLC v. T-Mobile USA, Inc., et al, 2010 WL 3515006 (Court-filed Expert Resume) (E.D.Tex. May 23, 2010) **Expert Resume of Tai Lavian** (NO. 208CV00264)

E.D.Tex.

70 LINKSMART WIRELESS TECHNOLOGY, LLC v. T-MOBILE USA, INC. ET AL, NO. 2:08cv00264 (Docket) (E.D.Tex. Jul. 1, 2008)

Patent Family

71 AUTOMATIC DATA REDIRECTION SYSTEM FOR INTERNET COMMUNICATION,
Derwent World Patents Legal 2000-072306

Assignments

72 Action: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Number of Pages: 012, (DATE RECORDED: Jul 02, 2008)
73 ACTION: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
NUMBER OF PAGES: 003, (DATE RECORDED: Jun 29, 1999)

Patent Status Files

.. Patent Suit(See LitAlert Entries),
.. Patent Suit(See LitAlert Entries),
.. Patent Suit(See LitAlert Entries),
.. Request for Re-Examination, (OG DATE: Dec 02, 2008)
.. Patent Suit(See LitAlert Entries),

Docket Summaries

79 LINKSMART WIRELESS TECHNOLOGY LLC v. TJ HOSPITALITY LTD ET AL, (E.D.TEX.
Jul 29, 2010) (NO. 2:10CV00277), (15 USC 1126 PATENT INFRINGEMENT)
80 LINKSMART WIRELESS TECHNOLOGY LLC v. SIX CONTINENTS HOTELS INC ET AL,
(E.D.TEX. Jan 21, 2009) (NO. 2:09CV00026), (28 USC 1338 PATENT INFRINGEMENT)
81 LINKSMART WIRELESS TECHNOLOGY, LLC v. SBC INTERNET SERVICES, INC.,
(E.D.TEX. Oct 09, 2008) (NO. 2:08CV00385), (15 USC 1126 PATENT INFRINGEMENT)
82 LINKSMART WIRELESS TECHNOLOGY, LLC v. CISCO SYSTEMS, INC. ET AL,
(E.D.TEX. Aug 04, 2008) (NO. 2:08CV00304), (35 USC 271 PATENT INFRINGEMENT)
83 LINKSMART WIRELESS TECHNOLOGY, LLC v. T-MOBILE USA, INC. ET AL, (E.D.TEX.
Jul 01, 2008) (NO. 2:08CV00264), (15 USe 1126 PATENT INFRINGEMENT)

Litigation Alert

84 Derwent LitAlert P2010-36-12 (Jul 29, 2010) Action Taken: 15 USC 1126 - COMPLAINT FOR
PATENT INFRINGEMENT
85 Derwent LitAlert P2009-07-58 (Jan 21, 2009) Action Taken: Complaint
86 Derwent LitAlert P2009-06-09 (Aug 04, 2008) Action Taken: Complaint
87 Derwent.LitAlert P2008-47-12 (Jul 01, 2008) Action Taken: Complaint

Prior Art (Coverage Begins 1976)

C 88 METHOD OF PROVIDING TEMPORARY ACCESS OF A CALLING UNIT TO AN AN-
ONYMOUS UNIT, US PAT 6157829Assignee: Motorola, Inc., (U.S. PTO Utility 2000)

C   89 SECURITY SYSTEM FOR INTERNET PROVIDER TRANSACTION, US PAT 5845070Assignee: Auric Web Systems, Inc., (U.S. PTO Utility 1998)

C   90 SYSTEM AND METHOD FOR DATABASE ACCESS CONTROL, US PAT 5696898Assignee: Lucent Technologies Inc., (U.S. PTO Utility 1997)

C   91 SYSTEM AND METHOD FOR PROVIDING PEER LEVEL ACCESS CONTROL ON A NET-WORK, US PAT 6233686Assignee: AT & T Corp., (U.S. PTO Utility 2001)

US District Court Civil Docket

U.S. District - Texas Eastern
{Marshall)

2:08cv264

Linksmart Wireless Technology, Lie v. T-Mobile USA, Inc. et al

This case was retrieved from the court' on Tuesday, November 29, 2011

Date Filed: 07/01/2008		**Class Code:** CASREF, DISCMAG, JURY, LEAD, PATENT/TRADEMARK, PROTECTIVE-ORDER, STAYED	
Assigned To: Judge David Folsom			
Referred To:		**Closed:** No	
Nature of suit: Patent (830)		**Statute:** 15:1126	
Cause: Patent Infringement		**Jury Demand:** Both	
Lead Docket: None		**Demand Amount:** $$0	
Other Docket: Member case: 2:08-cv-00304-DF ·CE		**NOS Description:** Patent	
	Member case: 2:08-cv-00385-DF -CE		
	Member case: 2:09-cv-00026-DF -CE		
	Related case: 2:09-cv-00026-DF -CE		
	Related case: 2:08-cv-00385-DF -CE		
	Related case: 2:0S-cv-00304-DF -CE		
Jurisdiction: Federal Question			

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Date	#	Proceeding Text	Source
07/01/2008	1	COMPLAINT against all defendants (Filing fee$ 350 receipt number .05400000000001601022.), filed by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Additional attachment(s) added on 7/2/2008: # 1 Civil Cover Sheet) (mpv,). (Entered: 07/01/2008)	
07/01/2008	2	***FILED IN ERROR; PLEASE IGNORE*** NOTICE of Disclosure by Linksmart Wireless Technology, LLC (Fenster, Marc) Modified on 7/2/2008 (mpv,). (Entered: 07/01/2008)	
07/01/2008	3	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Fenster, Marc) (Entered: 07/01/2008)	
07/01/2008	4	***FILED IN ERROR; PLEASE IGNORE*** Additional Attachments to Main Document: 1 Complaint.. (Fenster, Marc) Modified on 7/2/2008 (mpv,). (Entered: 07/01/2008)	
07/02/2008	--	E-GOV SEALED SUMMONS Issued as to NetNearU Corp., Pronto Networks, Inc., Aptilo Networks, Inc., FreeFi Networks, Inc., Meraki, Inc., Second Rule LLC, Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Ramada Worldwide, Inc., Marriott International, Inc., Intercontinental Hotels Group PLC, Choice Hotels International Inc., Best Western International, Inc., T-Mobile USA, Inc., Wayport, Inc., AT&T, Inc., AT&T Mobility, LLC, LodgeNet Interactive Corporation, iBAHN General Holdings Corp., EthoStream, LLC, Hot Point Wireless, Inc.. (ch,) (Entered: 07/02/2008)	
07/02/2008	--	***FILED IN ERROR. Document # 4, Additional attachments to main document. PLEASE IGNORE. Civil Cover Sheet now attached as an attachment to #1 Complaint by clerk*** (mpv,) (Entered: 07/02/2008)	
07/02/2008	--	NOTICE of Deficiency regarding #2 the NOTICE of Disclosure submitted Docketed incorrectly, attorney to refile as Corporate Disclosure Statement. Correction should be made by one business day (mpv,) (Entered: 07/02/2008)	
07/02/2008	--	Case Assigned to Judge T. John Ward. (ch,) (Entered: 07/02/2008)	
07/02/2008	5	ORDER REFERRING CASE to Magistrate Judge Charles Everingham. Signed by Judge T. John Ward on 7/2/08. (ch,) (Entered: 07/02/2008)	
07/02/2008	6	Magistrate Consent Form Mailed to Linksmart Wireless Technology, LLC (ch,) (Entered: 07/02/2008)	
07/02/2008	7	CORPORATE DISCLOSURE STATEMENT filed by Linksmart Wireless Technology, LLC (Fenster, Marc) (Entered: 07/02/2008)	
07/09/2008	8	**APPLICATION** to Appear Pro Hac Vice by Attorney Larry C Russ for Linksmart Wireless Technology, LLC. (FEE PAID) 2-1-3936 (ehs,) (Entered: 07/09/2008)	
07/09/2008	9	APPLICATION to Appear Pro Hac Vice by Attorney Stanley H Thompson, Jr for Linksmart Wireless Technology, LLC. (FEE PAID) 2-1-3936 (ehs,) (Entered: 07/09/2008)	
07/09/2008	10	APPLICATION to Appear Pro Hac Vice by Attorney Stephen M Lobbin for Linksmart Wireless Technplogy, LLC. (FEE PAID) 2-1-3936 (ehs,) (Entered: 07/09/2008)	
07/18/2008	11	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Ramada Worldwide, Inc. served on 7/10/2008, answer due 7/30/2008. (ehs,) (Entered: 07/18/2008)	
07/18/2008	12	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. AT&T Mobility, LLC served on 7/10/2008, answer due 7/30/2008. (ehs,) (Entered: 07/18/2008)	
07/18/2008	13	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Barnes & Noble Booksellers, Inc. served on 7/11/2008, answer due 7/31/2008. (ehs,) (Entered: 07/18/2008)	
07/18/2008	14	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Best Western International, Inc. served on 7/10/2008, answer due 7/30/2008. (ehs,) (Entered: 07/18/2008)	
07/18/2008	15	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Choice Hotels International Inc. served on 7/14/2008, answer due 8/4/2008. (ehs,) (Entered: 07/18/2008)	
07/18/2008	16	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. EthoStream, LLC served on 7/14/2008, answer due 8/4/2008. (ehs,) (Entered: 07/18/2008)	
07/18/2008	17	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC.	

iBAHN General Holdings Corp. served on 7/10/2008, answer due 7/30/2008. (ehs,) (Entered: 07/18/2008)

07/18/2008	18	NOTICE of Attorney Appearance by David M Stein on behalf of Ramada Worldwide, Inc. (Stein, David) (Entered: 07/18/2008)
07/18/2008	19	NOTICE of Attorney Appearance by Fay E Morisseau on behalf of Ramada Worldwide, Inc. (Morisseau, Fay) (Entered: 07/18/2008)
07/18/2008	20	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Intercontinental Hotels Group PLC served on 7/11/2008, answer due 7/31/2008. (ehs,) (Entered: 07/18/2008)
07/18/2008	21	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. LodgeNet Interactive Corporation served on 7/11/2008, answer due 7/31/2008. (ehs,) (Entered: 07/18/2008)
07/18/2008	22	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. McDonalds Corp. served on 7/11/2008, answer due 7/31/2008. (ehs,) (Entered: 07/18/2008)
07/18/2008	23	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Mail Boxes Etc., Inc. served on 7/10/2008, answer due 7/30/2008. (ehs,) (Entered: 07/18/2008)
07/18/2008	24	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Marriott International, Inc. served on 7/11/2008, answer due 7/31/2008. (ehs,) (Entered: 07/18/2008)
07/18/2008	25	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. second Rule LLC served on 7/10/2008, answer due 7/30/2008. (ehs,) (Entered: 07/18/2008)
07/18/2008	26	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. T-Mobile USA, Inc. served on 7/10/2008, answer due 7/30/2008. (ehs,) (Entered: 07/18/2008)
07/18/2008	27	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Wayport, Inc. served on 7/10/2008, answer due 7/30/2008. (ehs,) (Entered: 07/18/2008)
07/22/2008	28	NOTICE of Attorney Appearance by J Thad Heartfield on behalf of Ramada Worldwide, Inc. (Heartfield, J) (Entered: 07/22/2008)
07/24/2008	29	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Ramada Worldwide, Inc.. (Heartfield, J) (Entered: 07/24/2008)
07/24/2008	30	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Pronto Networks, Inc. served on 7/11/2008, answer due 7/31/2008. (ch,) (Entered: 07/24/2008)
07/24/2008	31	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Aptilo Networks, Inc. served on 7/15/2008, answer due 8/4/2008. (ch,).(Entered: 07/24/2008)
07/24/2008	32	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. AT&T, Inc. served on 7/14/2008, answer due 8/4/2008. (ch,) (Entered: 07/24/2008)
07/24/2008	33	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Meraki, Inc. served on 7/16/2008, answer due 8/5/2008. (ch,) (Entered: 07/24/2008)
07/24/2008	34	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. NetNearU Corp. served on 7/14/2008, answer due 8/4/2008. (ch,) (Entered: 07/24/2008)
07/24/2008	--	Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Ramada Worldwide, Inc. to 8/29/2008. 30 Days Granted for Deadline Extension.(ljw,) (Entered: 07/24/2008)
07/24/2008	35	Defendant T-MOBILE USA, INC.'s Unopposed First Application for Extension of Time to Answer Complaint (Fenster, Marc, counsel for Plaintiff Linksmart Wireless Technology, LLC) (Entered: 07/24/2008)
07/24/2008	36	Defendant LodgeNet Interactive Corp.'s Unopposed First Application for Extension of Time to Answer Complaint(Fenster, Marc) (Entered: 07/24/2008)
07/24/2008	37	Defendant NetNearU Corp.'s Unopposed First Application for Extension of Time to Answer

Complaint (Fenster, Marc) (Entered: 07/24/2008)

07/24/2008   38   Defendant Best Western International, Inc.'s Unopposed First Application for Extension of Time to Answer Complaint (Fenster, Marc) (Entered: 07/24/2008)

07/24/2008   39   Defendant Intercontinental Hotels Groups PLC's Unopposed First Application for Extension of Time to Answer Complaint (Fenster, Marc) (Entered: 07/24/2008)

07/25/2008   40   Defendant's Unopposed First Application for Extension of Time to Answer Complaint re iBAHN General Holdings Corp.. (Jones, Michael) (Entered: 07/25/2008)

07/25/2008   --   Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for NetNearU Corp. to 8/29/2008; Intercontinental Hotels Group PLC to 8/29/2008; Best Western International, Inc. to 8/29/2008; T-Mobile USA, Inc. to 8/29/2008; LodgeNet Interactive Corporation to 8/29/2008. 30 Days Granted for Deadline Extension.(ch,) (Entered: 07/25/2008)

07/25/2008   --   Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for iBAHN General Holdings Corp. to 8/29/2008. 30 Days Granted for Deadline Extension.(ch,) (Entered: 07/25/2008)

07/25/2008   41   NOTICE of Attorney Appearance by Richard Alan Sayles on behalf of AT&T, Inc., AT&T Mobility, LLC (Sayles, Richard) (Entered: 07/25/2008)

07/25/2008   42   Defendant's Unopposed First Application for Extension of Time to Answer Complaint re AT&T, Inc., AT&T Mobility, LLC.(Sayles, Richard) (Entered: 07/25/2008)

07/25/2008   43   Defendant Barnes & Noble Booksellers, Inc.'s Unopposed First Application for Extension of Time to Answer Complaint (Fenster, Marc) (Entered: 07/25/2008)

07/28/2008   --   Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for AT&T, Inc. to 8/29/2008; AT&T Mobility, LLC to 8/29/2008. 30 Days Granted for Deadline Extension.(ch,) (Entered: 07/28/2008)

07/28/2008   --   Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Barnes & Noble Booksellers, Inc. to 8/29/2008. 30 Days Granted for Deadline Extension.(ch,) (Entered: 07/28/2008)

07/28/2008   44   APPLICATION to Appear Pro Hac Vice by Attorney Jennifer L Yokoyama for Ramada Worldwide, Inc. (APPROVED)(FEE PAID)2-1-3983. (ch,) (Entered: 07/28/2008)

07/29/2008   45   Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Wayport, Inc.. (Tyler, Marvin) (Entered: 07/29/2008)

07/29/2008   46   Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Meraki, Inc.. (Tyler, Marvin) (Entered: 07/29/2008)

07/30/2008   --   Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Wayport, Inc. to 8/29/2008. 30 Days Granted for Deadline Extension.(ch,) (Entered: 07/30/2008)

07/30/2008   --   Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Meraki, Inc. to 9/4/2008. 30 Days Granted for Deadline Extension.(ch,) (Entered: 07/30/2008}

07/30/2008   47   Defendant's Unopposed First Application for Extension of Time to Answer Complaint re McDonalds Corp.. (Tyler, Marvin) (Entered: 07/30/2008)

07/30/2008   --   Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for McDonalds Corp. to 8/29/2008. 29 Days Granted for Deadline Extension.(ch,) (Entered: 07/30/2008)

07/30/2008   48   Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Marriott International, Inc.. (Guaragna, John) (Entered: 07/30/2008)

07/30/2008   --   Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Marriott International, Inc. to 8/29/2008. 30 Days Granted for Deadline Extension.(ch,) (Entered: 07/30/2008)

07/30/2008   49   Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Mail Boxes Etc., Inc.(Smith, Michael) (Entered: 07/30/2008}

07/30/2008   --   Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Mail Boxes Etc., Inc. to 8/29/2008. 30 Days Granted for Deadline Extension.(ch,) (Entered: 07/30/2008)

07/31/2008   SO   Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Pronto Networks, Inc.. (Lobbin, Stephen) (Entered: 07/31/2008)

07/31/2008	--	Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Pronto Networks, Inc. to 8/29/2008. 29 Days Granted for Deadline Extension.(ch,) (Entered: 07/31/2008)
08/01/2008	51	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Hot Point Wireless, Inc. served on 7/17/2008, answer due 8/6/2008. (ehs,) (Entered: 08/01/2008)
08/01/2008	52	ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by EthoStream, LLC.(Hunt, Dean) (Entered: 08/01/2008)
08/01/2008	53	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Choice Hotels International Inc.. (Lobbin, Stephen) (Entered: 08/01/2008)
08/01/2008	--	Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Choice Hotels International Inc. to 9/2/2008. 30 Days Granted for Deadline Extension.(ch,) (Entered: 08/01/2008)
08/01/2008	54	NOTICE of Attorney Appearance by Clyde Moody Siebman on behalf of Aptilo Networks, Inc. (Siebman, Clyde) (Entered: 08/01/2008)
08/01/2008	55	NOTICE of Attorney Appearance by Lawrence Augustine Phillips on behalf of Aptilo Networks, Inc. {Phillips, Lawrence) (Entered: 08/01/2008)
08/01/2008	56	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Aptilo Networks, Inc .. (Phillips, Lawrence) (Entered: 08/01/2008)
08/04/2008	--	Defendant's Unopposed First Application for Extension of Time·to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Aptilo Networks, Inc. to 9/3/2008. 30 Days Granted for Deadline Extension.(sm,) (Entered: 08/04/2008)
08/04/2008	57	APPLICATION to Appear Pro Hae Vice by Attorney Michael T Herbst for Aptilo Networks, Inc. (APPROVED)(FEE PAID) 4-2-2335. (ch,) (Additional attachment(s) added on 8/5/2008: # 1 Confidential Information) (ch,). (Entered: 08/05/2008)
08/04/2008	58	APPLICATION to Appear Pro Hae Vice by Attorney Steven L Wiser for Aptilo Networks, Inc. (APPROVED)(FEE PAID) 4-2-2335. (ch,) (Entered: 08/05/2008)
08/06/2008	59	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re FreeFi Networks, Inc .. (Lobbin, Stephen) (Entered: 08/06/2008)
08/06/2008	--	Defendant's Unopposed First Application for Extension of Time to Answer Complaint is granted pursuant to Local Rule CV-12 for FreeFi Networks, Inc. to 8/29/2008. 29 Days Granted for Deadline Extension.(mpv,) (Entered: 08/06/2008)
08/06/2008	60	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. FreeFi Networks, Inc. served on 8/1/2008, answer due 8/29/2008. (ehs,) (Entered: 08/06/2008)
08/06/2008	62	APPLICATION to Appear Pro Hae Vice by Attorney Steven T Snyder for Mail Boxes Etc., Inc. (APPROVED)(FEE PAID) 2-1-4001. (ch,) (Entered: 08/07/2008)
08/07/2008	61	APPLICATION to Appear Pro Hae Vice by Attorney Holmes J Hawkins, III for Mail Boxes Etc., Inc. (APPROVED)(FEE PAID) 2-1-4001. (ch,) (Entered: 08/07/2008)
08/15/2008	63	NOTICE of Attorney Appearance by Michael Edwin Jones on behalf of AT&T, Inc., AT&T Mobility, LLC (Jones, Michael) (Entered: 08/15/2008)
08/21/2008	64	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re T-Mobile USA, Inc .. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	65	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Wayport, Inc .. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	66	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re AT&T, Inc .. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	67	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re AT&T Mobility, LLC.(Heartfield, J) (Entered: 08/21/2008)
08/21/2008	68	Defendant's Unopposed Second Application for Extension of Time to Ans'!Yer Complaint re LodgeNet Interactive Corporation.(Heartfield, J) (Entered: 08/21/2008)
08/21/2008	69	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re iBAHN General Holdings Corp .. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	70	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re NetNearU Corp .. (Heartfield, J) (Entered: 08/21/2008)

08/21/2008	71	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Pronto Networks, Inc.. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	72	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Aptilo Networks, Inc.. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	73	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re FreeFi Networks, Inc.. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	74	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Meraki, Inc.. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	75	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Mail Boxes Etc., Inc.. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	76	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re McDonalds Corp.. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	77	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Barnes & Noble Booksellers, Inc.. (Heartfield, J) (E_ntered: 08/21/2008)
08/21/2008	78	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Ramada Worldwide, Inc.. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	79	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Marriott International, Inc.. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	80	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Intercontinental Hotels Group PLC.(Heartfield, J) (Entered: 08/21/2008)
08/21/2008	81	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Choice Hotels International Inc.. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	82	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint re Best Western International, Inc.. (Heartfield, J) (Entered: 08/21/2008)
08/21/2008	83	Linksmart REPLY to EthoStream's COUNTERCLAIM ANSWER to 52 Answer to Complaint, Counterclaim, filed by Ethostream (Fenster, Marc) Modified on 8/22/2008 (sm,). (Entered: 08/21/2008)
08/22/2008	--	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for NetNearU Corp. to 9/15/2008; Pronto Networks, Inc. to 9/15/2008; Aptilo Networks, Inc. to 9/15/2008; FreeFi Networks, Inc. to 9/15/2008; T-Mobile USA, Inc. to 9/15/2008; Wayport, Inc. to 9/15/2008; AT&T, Inc. to 9/15/2008; AT&T Mobility, LLC to 9/15/2008; LodgeNet Interactive Corporation to 9/15/2008; iBAHN General Holdings Corp. to 9/15/2008. 15 Days Granted for Deadline Extension.(sm,) (Entered: 08/22/2008)
08/22/2008	--	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Meraki, Inc. to 9/15/2008; Mail Boxes Etc., Inc. to 9/15/2008; McDonalds Corp. to 9/15/2008; Barnes & Noble Booksellers, Inc. to 9/15/2008; Ramada Worldwide, Inc. to 9/15/2008; Marriott International, Inc. to 9/15/2008; Intercontinental Hotels Group PLC to 9/15/2008; Choice Hotels International Inc. to 9/15/2008; Best Western International, Inc. to 9/15/2008. 15 Days Granted for Deadline Extension.(sm,) (Entered: 08/22/2008)
08/29/2008	84	ANSWER to 1 Complaint and, COUNTERCLAIM against Linksmart Wireless Technology, LLC by LodgeNet Interactive Corporation.(Socks, Harold) (Entered: 08/29/2008)
09/02/2008	85	ANSWER to 1 Complaint by Choice Hotels International Inc.. (Smith, Michael) (Entered: 09/02/2008)
09/11/2008	86	Defendant's Unopposed Third Application for Extension of Time to Answer Complaint re AT&T, Inc.. (Sayles, Richard) (Entered: 09/11/2008)
09/11/2008	87	Defendant's Unopposed Third .Application for Extension of Time to Answer Complaint re AT&T Mobility, LLC.(Sayles, Richard) (Entered: 09/11/2008)
09/12/2008	--	Defendant's Unopposed Third Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for AT&T, Inc. to 9/22/2008; AT&T Mobility, LLC to 9/22/2008. 7 Days Granted for Deadline Extension.(sm,) (Entered: 09/12/2008)
09/12/2008	88	ANSWER to 1 Complaint and, COUNTERCLAIM against Linksmart Wireless Technology, LLC by iBAHN General Holdings Corp.. (Jones, Michael) (Entered: 09/12/2008)
09/12/2008	89	CORPORATE DISCLOSURE STATEMENT filed by iBAHN General Holdings Corp. identifying Corporate Parent None for iBAHN General Holdings Corp.. (Jones, Michael) (Entered:

09/12/2008)

09/12/2008	90	Defendant Aptilo Networks, Inc.'s ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Aptilo Networks, Inc.. (Siebman, Clyde) (Entered: 09/12/2008)
09/15/2008	91	ANSWER to 1 Complaint: T-Mobile USA, Inc.'s Answer and, COUNTERCLAIM against Linksmart Wireless Technology, LLC by T-Mobile USA, Inc.. (Richardson, Michael) (Entered: 09/15/2008)
09/15/2008	92	NOTICE of Attorney Appearance by Roy William Hardin on behalf of FreeFi Networks, Inc. (Hardin, Roy) (Entered: 09/15/2008)
09/15/2008	93	NOTICE of Attorney Appearance by John W MacPete on behalf of FreeFi Networks, Inc. (MacPete, John) (Entered: 09/15/2008)
09/15/2008	94	NOTICE of Attorney Appearance by Michael Scott Fuller on behalf of FreeFi Networks, Inc. (Fuller, Michael) (Entered: 09/15/2008)
09/15/2008	95	Defendant FreeFi Networks, Inc.'s Second Unopposed Application for Extension of Time to Answer Complaint.(Fuller, Michael) (Entered: 09/15/2008)
09/15/2008	96	Defendant's Unopposed Third Application for Extension of Time to Answer Complaint re Ramada Worldwide, -Inc.(Stein, David) (Entered: 09/15/2008)
09/15/2008	97	ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Mail Boxes Etc., Inc.. (Sayles, Richard) (Entered: 09/15/2008)
09/15/2008	98	NOTICE of Attorney Appearance by Cynthia Lopez Beverage on behalf of LodgeNet Interactive Corporation (Beverage, Cynthia) (Entered: 09/15/2008)
09/15/2008	99	CORPORATE DISCLOSURE STATEMENT filed by Mail Boxes Etc., Inc. identifying Corporate Parent United Parcel Service of America, Inc. for Mail Boxes Etc., Inc.. (Sayles, Richard) (Entered: 09/15/2008)
09/15/2008	100	NOTICE of Attorney Appearance by Eve L Henson on behalf of Mail Boxes Etc., Inc. (Henson, Eve) (Entered: 09/15/2008)
09/15/2008	101	ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Marriott International, Inc.. (Guaragna, John) (Entered: 09/15/2008)
09/15/2008	--	Defendant's Unopposed Second Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for FreeFi Networks, Inc. to 9/22/2008. 7 Days Granted for Deadline Extension.(sm,) (Entered: 09/15/2008)
09/15/2008	102	CORPORATE DISCLOSURE STATEMENT filed by Marriott International, Inc. (Guaragna, John) (Entered: 09/15/2008)
09/15/2008	--	Defendant's Unopposed Third Application for Extension of Time to Answer Complaint is GRANTED. pursuant to Local Rule CV-12 for Ramada Worldwide, Inc. to 9/19/2008. 4 Days Granted for Deadline Extension.(sm,) (Entered: 09/15/2008)
09/15/2008	103	ANSWER to 1 Complaint by Intercontinental Hotels Group PLC.(Guaragna, John) (Entered: 09/15/2008)
09/15/2008	104	Wayport, Inc.'s ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Wayport, Inc.. (Villarreal, Jose) (Entered: 09/15/2008)
09/15/2008	105	CORPORATE DISCLOSURE STATEMENT filed by Intercontinental Hotels Group PLC (Guaragna, John) (Entered: 09/15/2008)
09/15/2008	106	ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Barnes & Noble Booksellers, Inc.. (Sayles, Richard) (Entered: 09/15/2008)
09/15/2008	107	CORPORATE DISCLOSURE STATEMENT filed by Barnes & Noble Booksellers, Inc. identifying Corporate Parent Barnes & Noble, Inc. for Barnes & Noble Booksellers, Inc.. (Sayles, Richard) (Entered: 09/15/2008)
09/15/2008	108	McDonald's Corp.'s **ANSWER** to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by McDonalds Corp.. (Villarreal, Jose) (Entered: 09/15/2008)
09/15/2008	109	NOTICE of Attorney Appearance by Eve L Henson on behalf of Barnes & Noble Booksellers, Inc. (Henson, Eve) (Entered: 09/15/2008)
09/15/2008	110	Meraki, Inc.'s ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Meraki, Inc.. (Villarreal, Jose) (Entered: 09/15/2008)
09/15/2008	111	Best Western International, Inc.'s Answer to Plaintiff's Complaint and Counterclaims - ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by

Best Western International, Inc.. (Joe, Christopher) (Entered: 09/15/2008)

09/15/2008 112 CORPORATE DISCLOSURE STATEMENT filed by Best Western International, Inc. (Joe, Christopher) (Entered: 09/15/2008)

09/15/2008 113 CORPORATE DISCLOSURE STATEMENT filed by McDonalds Corp. (Villarreal, Jose) (Entered: 09/15/2008)

09/15/2008 114 Defendant's Unopposed Third Application for Extension of Time to Answer Complaint re Pronto Networks, Inc.. (Villarreal, Jose) (Entered: 09/15/2008)

09/16/2008 •• Defendant's Unopposed Third Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Pronto Networks, Inc. to 9/19/2008. 4 Days Granted for Deadline Extension.(sm,) (Entered: 09/16/2008)

09/16/2008 115 CORPORATE DISCLOSURE STATEMENT filed by Aptilo Networks, Inc. identifying Corporate Parent Aptilo Networks AB for Aptilo Networks, Inc.. (Siebman, Clyde) (Entered: 09/16/2008)

09/16/2008 116 CORPORATE DISCLOSURE STATEMENT filed by Meraki, Inc. (Tyler, Marvin) (Entered: 09/16/2008)

09/17/2008 117 CORPORATE DISCLOSURE STATEMENT (Deutsche Telecom AG is parent corporation) filed by T-Mobile USA, Inc. (Beck, David) Modified on 9/19/2008 (sm,). (Entered: 09/.17/2008)

09/17/2008 118 CORPORATE DISCLOSURE STATEMENT filed by Wayport, Inc. (Villarreal, Jose) (Entered: 09/17/2008)

09/17/2008 134 APPLICATION to Appear Pro Hae Vice by Attorney Mark E Ungerman for LodgeNet Interactive Corporation. (APPROVED}(FEE PAID} 2-1-4088 (ch,) (Entered: 09/24/2008}

09/18/2008 119 Linksmart's REPLY to LodgeNet's COUNTERCLAIM ANSWER to 84 Answer to Complaint, Counterclaim of LodgeNet Interactive Corp. by Linksmart Wireless Technology, LLC. (Fenster, Marc) (Entered: 09/18/2008)

09/18/2008 127 APPLICATION to Appear Pro Hae Vice by Attorney Michael D Broaddus for iBAHN General Holdings Corp., David J Burman for iBAHN General Holdings Corp., Kameron Parvin for iBAHN General Holdings Corp. RECEIPT 6-1-15221. (Attachments: # 1 PHV David Burman, # 2 PHV Kameron Parvin)(rml,) (Entered: 09/22/2008)

09/19/2008 120 Ramada Worldwide, Inc.'s ANSWER to 1 Complaint filed by Linksmart Wireless Technology, LLC, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Ramada Worldwide, Inc.. (Hunt, Dean) (Entered: 09/19/2008)

09/19/2008 121 CORPORATE DISCLOSURE STATEMENT filed by Ramada Worldwide, Inc. (Hunt, Dean) (Entered: 09/19/2008)

09/19/2008 122 Pronto Networks, Inc.'s ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Pronto Networks, Inc.. (Villarreal, Jose) (Entered: 09/19/2008)

09/22/2008 123 ANSWER to 1 Complaint, COUNTERCLAIM against all plaintiffs by FreeFi Networks, Inc.. (Fuller, Michael) (Entered: 09/22/2008)

09/22/2008 124 MOTION to Dismiss by AT&T Mobility, LLC. (Attachments: # 1 Text of Proposed Order) (Sayles, Richard) Modified on 9/25/2008 (rml,). (Entered: 09/22/2008)

09/22/2008 125 CORPORATE DISCLOSURE STATEMENT filed by AT&T Mobility, LLC Identifying Corporate Parent AT&T Inc. for AT&T Mobility, LLC. (Sayles, Richard) (Entered: 09/22/2008)

09/22/2008 126 NOTICE of Attorney Appearance by Eve L Henson on behalf of AT&T Mobility, LLC (Henson, Eve) (Entered: 09/22/2008)

09/22/2008 128 NOTICE of Voluntary Dismissal by LInksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Fenster, Marc) (Entered: 09/22/2008)

09/23/2008 129 CORPORATE DISCLOSURE STATEMENT filed by AT&T Mobility, LLC identifying Other Affiliate AT&T Mobility Corporation, Other Affiliate SBC Long Distance, LLC, Other Affiliate SBC Alloy Holdings, Inc., Other Affiliate BLS Cingular Holdings, LLC, Other Affiliate BellSouth Mobile Data, Inc. for AT&T Mobility, LLC. (Sayles, Richard) (Entered: 09/23/2008)

09/23/2008 130 CORPORATE DISCLOSURE STATEMENT filed by Pronto Networks, Inc. (Tyler, Marvin) (Entered: 09/23/2008)

09/23/2008 132 APPLICATION to Appear Pro Hae Vice by Attorney John D Kinton for Marriott International, Inc. and Intercontinental Hotels Group PLC. (APPROVED)(FEE PAID) 2-1-

4098 (ch,) (Entered: 09/24/2008)

09/23/2008 133 APPLICATION to Appear Pro Hac Vice by Attorney Erin Penning for Marriott International, Inc. and Intercontinental Hotels Group PLC. (APPROVED){FEE PAID) 2-1-4098 (ch,) (Entered: 09/24/2008)

09/24/2008 131 ORDER granting 128 Dismissal of Claims against AT&T, Mobility Inc. are hereby DISMISSED WITHOUT PREJUDICE. Signed by Judge T. John Ward on 9/24/08. (ch,) Modified on 9/25/2008 (rml,). (Entered: 09/24/2008)

09/24/2008 135 APPLICATION to Appear Pro Hac Vice by Attorney David T Pritikin for Mail Boxes Etc., Inc. and Barnes & Noble Booksellers, Inc. (APPROVED)(FEE PAID) 2-1-4107. (ch,) (Entered: 09/24/2008)

09/24/2008 136 APPLICATION to Appear Pro Hac Vice by Attorney Rachel D Sher for Mail Boxes Etc., Inc. and Barnes & Noble Booksellers, Inc. (APPROVED)(FEE **PAID)** 2-1-4107. (ch,) (Entered: 09/24/2008)

09/25/2008 -- ***Document# 131, Order Dismissing AT&T Inc. was linked to Doc 124 MOTION to Dismiss by AT&T Mobility, LLC. rather than doc 128, dismissal of AT&T Inc; AT&T Inc has now been dismissed; AT&T Mobility LLC remains pending .. *** (rml,) (Entered: 09/25/2008)

10/02/2008 137 Linksmart's REPLY to iBahn's Counterclaim ANSWER to 88 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/02/2008)

10/02/2008 138 Linksmart's REPLY to Aptilo's Counterclaim ANSWER to 90 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/02/2008)

10/03/2008 139 CORPORATE DISCLOSURE STATEMENT filed by LodgeNet Interactive Corporation (Beverage, Cynthia) (Entered: 10/03/2008)

10/06/2008 140 Linksmart REPLY to T-Mobile Counterclaim ANSWER to 91 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)

10/06/2008 141 Linksmart REPLY to Wayport Counterclaim ANSWER to 104 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)

10/06/2008 142 Linksmart REPLY to Meraki Counterclaim ANSWER to 110 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)

10/06/2008 143 Linksmart REPLY to Mail Boxes Etc Counterclaim ANSWER to 97 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)

10/06/2008 144 Linksmart REPLY to McDonalds Counterclaim ANSWER to 108 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)

10/06/2008 145 Linksmart REPLY to BarnesNoble Counterclaim ANSWER to 106 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)

10/06/2008 146 Linksmart REPLY to Best Westrn Counterclaim ANSWER to 111 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)

10/06/2008 147 Linksmart REPLY to Marriott International Counterclaim ANSWER to 101 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/06/2008)

10/07/2008 148 Joint MOTION to Dismiss AT&T Mobility, LLC Without Prejudice by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order re Joint Motion for Voluntary Dismissal of AT&T Mobility, LLC Without Prejudice)(Fenster, Marc) (Entered: 10/07/2008)

10/08/2008 149 ORDER granting 148 Motion to Dismiss. AT&T Mobility LLC Is DISMISSED WITHOUT PREJUDICE. And the Motion to Dismiss filed on 9/22/08 124 is taken off calendar. Signed by Judge T. John Ward on 10/8/08. (ch,) Modified on 10/8/2008 to correct text to read dismissed without prejudice (ehs,). (Entered: 10/08/2008)

10/09/2008 150 Linksmart's REPLY to Ramada's Counterclaim ANSWER to 120 Answer to Complaint,

Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/09/2008)

10/09/2008 151 Linksmart's REPLY to Pronto's Counterclaim ANSWER to 122 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/09/2008)

10/14/2008 152 Linksmart's REPLY to Freefi Networks' Counterclaim ANSWER to 123 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 10/14/2008)

10/16/2008 153 E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Second Rule LLC served on 10/8/2008, answer due 10/28/2008. (ehs,) (Entered: 10/16/2008)

10/30/2008 154 APPLICATION to Appear Pro Hae Vice by Attorney Noah A Levine for T-Mobile USA, Inc. (APPROVED)(FEE PAID) 2-1-4198. (ch,) (Entered: 10/30/2008)

10/30/2008 155 APPLICATION to Appear Pro Hae Vice by Attorney David B Bassett for T-Mobile USA, Inc. (APPROVED)(FEE **PAID**) 2-1-4197. (ch,) (Entered: 10/30/2008)

10/30/2008 156 APPLICATION to Appear Pro Hae Vice by Attorney James P Barabas for T-Mobile USA, Inc. (APPROVED)(FEE PAID) 2-1-4196. (ch,) (Entered: 10/30/2008)

11/03/2008 157 APPLICATION to Appear Pro Hae Vice by Attorney William F Lee for T-Mobile USA, Inc.APPROVED (Rec# 2-1-4208 (poa,) (Entered: 11/05/2008)

11/17/2008 158 APPLICATION to Appear Pro Hae Vice by Attorney Christina J Moser for EthoStream, LLC, Ramada Worldwide, Inc. and EthoStream, LLC. (APPROVED FEE PAID 2-1-4227) (ehs,) (Entered: 11/17/2008)

11/21/2008 159 APPLICATION to Appear Pro Hae Vice by Attorney Kirk R Ruthenberg for T-Mobile USA, ,Inc. (APPROVED)(FEE PAID) 2-1-4252. (ch,) (Entered: 11/21/2008)

11/21/2008 160 APPLICATION to Appear Pro Hae Vice by Attorney Kirk R Ruthenberg for T-Mobile USA, Inc.. (APPROVED FEE PAID 2-1-4252) (ehs,) (Entered: 11/21/2008)

12/09/2008 161 STIPULATION of Dismissal of Intercontinental Hotels Group PLC by Linksmart Wireless Technology, LLC, InterContinental Hotels Group PLC. (Attachments: # 1 Text of Proposed Order)(Guaragna, John) (Entered: 12/09/2008)

12/12/2008 162 ORDER - granting 161 Stipulation of Dismissal. Intercontinental Hotels Group PLC is dismissed without prejudice. Signed by Judge T. John Ward on 12/12/08. (ch,) (Entered: 12/12/2008)

12/22/2008 163 NOTICE of Attorney Appearance by Andrew Wesley Spangler on behalf of Linksmart Wireless Technology, LLC (Spangler, Andrew) (Entereq: 12/22/2008)

01/14/2009 164 NOTICE of Attorney Appearance by Andrew D Weiss on behalf of Linksmart Wireless Technology, LLC (Weiss, Andrew) (Entered: 01/14/2009)

01/23/2009 165 Joint MOTION to Consolidate Cases by T-Mobile USA, Inc.. (Attachments: # 1 Text of Proposed Order)(Beck, David) (Entered: 01/23/2009)

01/23/2009 166 NOTICE of Attorney Appearance by Rachel D Sher on behalf of Wayport, Inc. (Sher, Rachel) (Entered: 01/23/2009)

01/26/2009 167 NOTICE of Attorney Appearance by Richard T Mccaulley, Jr on behalf of Wayport, Inc. (Mccaulley, Richard) (Entered: 01/26/2009)

01/27/2009 168 NOTICE of Attorney Appearance by David T Pritikin on behalf of Wayport, Inc. (Pritikin, David) (Entered: 01/27/2009)

01/27/2009 169 Unopposed MOTION to Withdraw as Attorney by Wayport, Inc.. (Attachments: # 1 Text of Proposed Order Proposed Order)(Tyler, Marvin) (Entered: 01/27/2009)

01/28/2009 170 ORDER granting 169 Motion to Withdraw as Attorney. Attorney Marvin Craig Tyler and Jose Carlos Villarreal terminated as counsel for deft Wayport Inc. Signed by Magistrate Judge Charles Everingham on 1/28/09. (ehs,) (Entered: 01/28/2009)

01/29/2009 171 NOTICE of Attorney Appearance by Michael Ernest Richardson on behalf of T-Mobile USA, Inc. (Richardson, Michael) (Entered: 01/29/2009)

01/29/2009 172 NOTICE of Attorney Appearance by Richard Alan Sayles on behalf of Wayport, Inc. (Sayles, Richard) (Entered: 01/29/2009)

01/29/2009 173 NOTICE of Attorney Appearance by Eve L Henson on behalf of Wayport, Inc. (Henson, Eve) (Entered: 01/29/2009)

01/30/2009 175 APPLICATION to Appear Pro Hac Vice by Attorney Brian C Bianco for Mail Boxes Etc., Inc., Barnes & Noble Booksellers, Inc., Mail Boxes Etc., Inc., Wayport, Inc. and Barnes & Noble Booksellers, Inc.. (APPROVED FEE PAID) 2-1-4459 (ch,) (Entered: 02/05/2009)

02/03/2009 174 ORDER REASSIGNING CASE. Case reassigned to Judge David Folsom for all further proceedings. Judge T. John Ward no longer assigned to case. Signed by Judge T. John Ward on 2/2/09. (ch,) (Entered: 02/03/2009)

02/09/2009 176 Unopposed MOTION to Withdraw as Attorney by Mail Boxes Etc., Inc.. (Attachments: # 1 Text of Proposed Order)(Smith, Michael) (Entered: 02/09/2009)

02/11/2009 177 ORDER granting 176 Motion to Withdraw as Attorney. Attorney Michael Charles Smith terminated as counsel for Mail Boxes, Etc. Signed by Magistrate Judge Charles Everingham on 2/11/09. (ch,) (Entered: 02/11/2009)

02/13/2009 178 APPLICATION to Appear Pro Hac Vice by Attorney Peter M Dichiara for T-Mobile USA, Inc. (APPROVED FEE PAID) 2-1-4493. (ch,) (Entered: 02/13/2009)

02/18/2009 179 Request by Linksmart Wireless Technology, LLC for Clerk's Entry of Default against Second Rule LLC, Hot Point Wireless, Inc.. (Weiss, Andrew) (Additional attachment(s) added on 2/19/2009: # 1 Clerks Entry of Default) (sm,). (Entered: 02/18/2009)

02/18/2009 180 Additional Attachments to Main Document: 179 Request for Entry of Default by Clerk.. (Attachments: # 1 Exhibit A)(Weiss, Andrew) (Entered: 02/18/2009)

02/19/2009 181 NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Weiss, Andrew) (Additional attachment(s) added on 2/19/2009: # 1 Text of Proposed Order) (sm,). (Entered: 02/19/2009)

02/23/2009 182 ***FILED IN ERROR. CASE IS NO LONGER JUDGE WARD'S PER ORDER #174 REASSIGNING CASE TO JUDGE FOLSOM*** Order - granting 181 Notice of Voluntary Notice of Dismissal. All claims asserted between Linksmart and NetNearU Corp are hereby DISMISSED WITHOUT PREJUDICE. All attorney's fees and costs are to be borne by the party that incurred them. Signed by Judge T. John Ward on 2/23/09. (ch,) Modified on 2/24/2009 (ch,). (Entered: 02/23/2009)

02/23/2009 183 Clerk's ENTRY OF DEFAULT as to Hot Point Wireless, Inc. (ehs,) (Entered: 02/23/2009)

02/24/2009 184 ORDER OF DISMISSAL WITHOUT PREJUDICE re 181 Notice of Voluntary Dismissal filed by Linksmart Wireless Technology, LLC, ORDERED, ADJUDGED and DECREED that all claims asserted in this suit between Linksmart and Netnearu are hereby dismissed without prejudice.. Signed by Judge David Folsom on 2/23/09. (mrm,) (Entered: 02/24/2009)

02/27/2009 185 MOTION for Default Judgment as to Hot Point Wireless, Inc. and Second Rule, LLC by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 02/27/2009)

04/10/2009 186 NOTICE of Attorney Appearance by David T Pritikin on behalf of McDonalds Corp. (Pritikin, David) (Entered: 04/10/2009)

04/10/2009 187 NOTICE of Attorney Appearance by Richard T Mccaulley, Jr on behalf of McDonalds Corp. (Mccaulley, Richard) (Entered: 04/10/2009)

04/10/2009 188 NOTICE of Attorney Appearance by Rachel D Sher on behalf of McDonalds Corp. (Sher, Rachel) (Entered: 04/10/2009)

04/10/2009 189 NOTICE of Attorney Appearance by Brian C Bianco on behalf of McDonalds Corp. (Bianco, Brian) (Entered: 04/10/2009)

04/22/2009 190 NOTICE of Change of Address by John M Guaragna (Guaragna, John) (Entered: 04/22/2009)

04/23/2009 191 Unopposed MOTION to Withdraw as Attorney by McDonalds Corp.. (Attachments: # 1 Text of Proposed Order Proposed Order)(Tyler, Marvin) (Entered: 04/23/2009)

04/24/2009 192 ORDER granting 191 Motion to Withdraw as Attorney. Attorney Marvin Craig Tyler and Jose Carlos Villarreal terminated as counsel for McDonald's Corp. Signed by Magistrate Judge Charles Everingham on 4/24/09. (ehs,) (Entered: 04/24/2009)

05/01/2009 193 ORDER granting 165 Motion to Consolidate Cases. ORDERED that the above- captioned actions are consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42 (a) and Local Rule CV-42(b) and (c).. Signed by Magistrate Judge Charles Everingham on 5/1/09. (ch,) (Entered: 05/01/2009)

05/04/2009 194 NOTICE of Hearing: Scheduling Conference set for 6/3/2009 10:00 AM in Mag Ctrm (Marshall) before Magistrate Judge Charles Everingham. (jrnl,) (Entered: 05/04/2009)

05/06/2009   195   Notice of Scheduling Conference, Proposed Deadlines for Docket Control Order, and Discovery Order. Scheduling Conference set for 6/3/2009 10:00 AM before Magistrate Judge Charles Everingham. The parties are directed to meet and confer in accordance with Fed. R. Civ. P. 26(f) no later than May 27, 2009. Signed by Magistrate Judge Charles Everingham on 5/5/09. (ch,) (Entered: 05/06/2009)

05/06/2009   196   NOTICE of Attorney Appearance by Richard Alan Sayles on behalf of McDonalds Corp. (Sayles, Richard) (Entered: 05/06/2009)

05/06/2009   197   NOTICE of Attorney Appearance by Eve L Henson on behalf of McDonalds Corp. (Henson, Eve) (Entered: 05/06/2009)

05/06/2009   198   NOTICE of Attorney Appearance by Mark Daniel Strachan on behalf of McDonalds Corp. (Strachan, Mark) (Entered: 05/06/2009)

05/06/2009   199   NOTICE of Attorney Appearance by Mark Daniel Strachan on behalf of Mail Boxes Etc., Inc. (Strachan, Mark) (Entered: 05/06/2009)

05/06/2009   200   NOTICE of Attorney Appearance by Mark Daniel Strachan on behalf of Barnes & Noble Booksellers, Inc. (Strachan, Mark) (Entered: 05/06/2009)

05/06/2009   201   NOTICE of Attorney Appearance by Mark Daniel Strachan on behalf of Wayport, Inc. (Strachan, Mark) (Entered: 05/06/2009)

05/29/2009   202   NOTICE of Attorney Appearance by Jennifer Parker Ainsworth on behalf of LodgeNet Interactive Corporation (Ainsworth, Jennifer) (Entered: 05/29/2009)

05/29/2009   203   Unopposed MOTION to Withdraw as Attorney by Locke Lord Bissell & Liddell LLP by FreeFi Networks, Inc.. (Attachments: # 1 Exhibit Proposed Order)(Fuller, Michael) (Entered: 05/29/2009)

06/01/2009   204   REPORT of Rule 26(f) Planning Meeting. (Attachments: # 1 Exhibit A - Proposed Docket Control Order)(Weiss, Andrew) (Additional attachment(s) added on 6/1/2009: # 2 Revised Scheduling Order) (sm,). (Entered: 06/01/2009)

06/03/2009   205   Minute Entry for proceedings held before Magistrate Judge Charles Everingham: Scheduling Conference held on 6/3/2009. (Court Reporter Susan Simmons, CSR.) (jml,) (Entered: 06/04/2009)

06/05/2009   206   APPLICATION to Appear Pro Hac Vice by Attorney Gregory Lyons for Choice Hotels International Inc. (APPROVED FEE PAID) 2-1-4733. (ch,) (Entered: 06/05/2009)

06/05/2009   207   APPLICATION to Appear Pro Hac Vice by Attorney Kevin P Anderson for Choice Hotels International Inc. (APPROVED FEE PAID) 2-1-4733. (ch,) (Entered: 06/05/2009)

06/08/2009   208   ORDER granting 203 Motion to Withdraw as Attorney. Attorney John W MacPete; Michael Scott Fuller and Roy William Hardin terminated as counsel for FreeFi. Accordingly, the court, sua sponte, provides FreeFi thirty days in which to retain counsel in the above matter. Should FreeFi not retain counsel by that date, the plaintiff is ordered to notify the court. Signed by Magistrate Judge Charles Everingham on 6/8/09. (ch,) (Entered: **06/08/2009)**

06/17/2009   209   MOTION for Extension of Time to File Joint Motion to Extend Deadline for Submission of Proposed Protective Order by T-Mobile USA, Inc., Cisco Systems, Inc.. (Attachments: # 1 Text of Proposed Order)(Richardson, Michael) (Entered: 06/17/2009)

06/24/2009   210   ORDER granting 209 Motion for Extension of Time for Submission of ProposedProtective Order. Deadline extended to 6/24/09. Signed by Magistrate Judge Charles Everingham on 6/24/09. (ehs,) (Entered: 06/24/2009)

06/24/2009   211   Joint MOTION for Extension of Time to File Joint Motion to Extend Deadline for Submission of Proposed Protective Order by T-Mobile USA, Inc., Cisco Systems, Inc.. (Attachments: # 1 Text of Proposed Order)(Richardson, Michael) (Entered: 06/24/2009)

06/26/2009   212   JOINT GENERAL DISCOVERY ORDER. Signed by Magistrate Judge Charles Everingham On 6/26/09. (ehs,) (Entered: 06/26/2009)

06/26/2009   213   DOCKET CONTROL ORDER - Joinder of Parties due by 11/13/2009., Markman Hearing set for 5/25/2010 09:00 AM before Magistrate Judge Charles Everingham., Motions due by 11/19/2010., Pretrial Order due by 2/18/2011., Scheduling Conference set for 6/3/2009 10:00 AM before Judge David Folsom. Signed by Magistrate Judge Charles Everingham on 6/26/09. (ehs,) (Entered: 06/26/2009)

06/26/2009   214   ORDER granting 211 Motion for Extension of Time to File. Deadline for submission of a proposed protective order is extended until July 1,2009. Signed by Magistrate Judge Charles Everingham on 6/26/09. (ehs,) (Ente.red: 06/26/2009}

07/01/2009 215 Joint MOTION for Extension ofTime to File and to Extend Deadline for Submission of the Name of an Agreed Mediator by T-Mobile USA, Inc.. (Attachments: # 1 Text of Proposed Order Order Granting Joint Motion to Extend Deadline for Submission of the Name of an Agreed Mediator)(Richardson, Michael) Modified on 7/1/2009 (sm,). (Entered: 07/01/2009)

07/01/2009 216 ***FILED IN ERROR. ORDERS ARE NOT FILED SEPARATELY. PLEASE IGNORE.*** Submission of Proposed Agreed Protective order by Linksmart Wireless Technology, LLC. (Weiss, Andrew) Modified on 7/2/2009 (ch,). (Entered: 07/01/2009)

07/02/2009 217 ORDER granting 215 Motion for Extension of Time to File. Deadline for submission of the name of an agreed mediator is extended until July 27,2009. Signed by Magistrate Judge Charles Everingham on 7/2/09. (ch,) (Entered: 07/02/2009)

07/02/2009 -- NOTICE of Deficiency regarding the 216 submitted by Linksmart Wireless Technology, LLC. Order not filed as separate document. Correction should be made by one business day (ch,) (Entered: 07/02/2009)

07/02/2009 218 NOTICE of Disclosure by Linksmart Wireless Technology, LLC of Compliance re PR 3-1 and 3-2 Disclosures (Weiss, Andrew) (Entered: 07/02/2009)

07/02/2009 219 ***DEFICIENT DOCUMENT. USED WRONG EVENT. PLEASE IGNORE. Submission of Proposed Agreed Protective order by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) Modified on 7/6/2009 (ch,). (Entered: 07/02/2009)

07/06/2009 -- NOTICE of Deficiency regarding the 219 submitted by Linksmart Wireless Technology, LLC. Joint Motion filed under wrong event.. Correction should be made by one business day (ch,) (Entered: 07/06/2009)

07/06/2009 220 ***REPLACES# 219 *** Agreed MOTION for Protective Order for Entry of Protective Order by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order [Proposed] Agreed Protective Order)(Weiss, Andrew) Modified on 7/6/2009 (ch,). (Entered: 07/06/2009)

07/08/2009 221 Unopposed MOTION for Extension of Time to File - Extending Time Allowed for Freefi to Retain Counsel by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 07/08/2009)

07/13/2009 222 AGREED PROTECTIVE ORDER 220 Motion for Protective Order. Signed by Magistrate Judge Charles Everingham on July 13, 2009. Uml) (Entered: 07/13/2009)

07/13/2009 223 ORDER granting 221 Motion for Extension of Time to File. Signed by Magistrate Judge Charles Everingham on July 13, 2009. Uml) (Entered: 07/13/2009)

07/21/2009 224 APPLICATION to Appear Pro Hac Vice by Attorney Joyce Chen for T-Mobile USA, Inc. and Cisco Systems, Inc.. **(APPROVED,** FEE PAID 2-1-4827) (ehs,) (Entered: 07/21/2009)

07/27/2009 225 Joint MOTION Appointment of Mediator by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order}(Weiss, Andrew) (Entered: 07/27/2009)

07/27/2009 226 NOTICE of Attorney Appearance by Aden Martin Allen on behalf of Pronto Networks, Inc., Meraki, Inc. (Allen, Aden) (Entered: 07/27/2009)

07/28/2009 227 ORDER REFERRING CASE to Mediator. James w Knowles added as Mediator. Signed by Magistrate Judge Charles Everingham on July 28, 2009. (jml} (Entered: 07/28/2009)

08/06/2009 228 Unopposed MOTION to Withdraw as Attorney by McDonalds Corp., Wayport, Inc., SBC Internet Services, Inc.. (Attachments: # 1 Text of Proposed Order)(Henson, Eve) (Entered: 08/06/2009)

08/06/2009 229 Unopposed MOTION for Extension of Time to File Allowed for Freefi to Retain Counsel by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 08/06/2009)

08/07/2009 230 ORDER granting 229 Motion for Extension of Time Allowed for Freefi to Retain Counsel. Signed by Magistrate Judge Charles Everingham on August 7, 2009. Uml) (Entered: 08/07/2009)

08/07/2009 231 ***DEFICIENT DOCUMENT. NOT IN PDF SEARCHABLE FORMAT. PLEASE IGNORE.*** Unopposed MOTION to Withdraw as Attorney by LodgeNet Interactive Corporation. (Socks, Harold) Modified on 8/7/2009 (ch,). (Entered: 08/07/2009)

08/07/2009 -- NOTICE of Deficiency ,regarding the 231 submitted by LodgeNet Interactive Corporation. NOT IN PDF SEARCHABLE FORMAT. Correction should be made by 8/7/09 (ch,) (Entered: 08/07/2009)

08/07/2009	232	***REPLACES# 231 *** Unopposed MOTION to Withdraw as Attorney by LodgeNet Interactive Corporation. (Attachments: # 1 Text of Proposed Order Order Granting Unopposed Motion for Withdrawal)(Socks, Harold) Modified on 8/11/2009 (ch,). (Entered: 08/07/2009)
08/10/2009	233	ORDER granting 228 Motion to Withdraw as Attorney. Attorney Richard T Mccaulley, Jr terminated as counsel for Dft's SBC Internet Services, Inc., McDonalds Corp., and Wayport, Inc. Signed by Magistrate Judge Charles Everingham on 8/7/09. (ch,) (Entered: 08/10/2009)
08/14/2009	234	APPLICATION to Appear Pro Hae Vice by Attorney Lisa A Schneider for Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc. and SBC Internet Services, Inc. (APPROVED FEE **PAID)** 2-1-4865. (ch,) (Entered: 08/14/2009)
08/18/2009	235	APPLICATION to Appear Pro Hae Vice by Attorney Robin Lynn Brewer for Meraki, Inc. (APPROVED FEE PAID) 2-1-4871. (ch,) (Entered: 08/19/2009)
08/19/2009	236	NOTICE of Attorney Appearance by Robert David Daniel on behalf of T-Mobile USA, Inc. (Daniel, Robert) (Entered: 08/19/2009)
08/28/2009	237	NOTICE of Disclosure by Pronto Networks, Inc. (Allen, Aden) (Entered: 08/28/2009)
08/28/2009	238	NOTICE of Disclosure by Choice Hotels International Inc. of Rule 26 Initial Disclosures (Smith, Michael) (Entered: 08/28/2009)
08/28/2009	239	Unopposed MOTION for Extension of Time to Complete Discovery , to Serve Initial Dislosures by Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc., SBC Internet Services, Inc.. (Attachments: # 1 Text of Proposed Order) (Sayles, Richard) (Entered: 08/28/2009)
08/28/2009	240	NOTICE of Disclosure by EthoStream, LLC (Hunt, Dean) (Entered: 08/28/2009)
08/28/2009	241	NOTICE of Disclosure by Ramada Worldwide, Inc. (Hunt, Dean) {Entered: 08/28/2009)
08/28/2009	242	NOTICE of Disclosure by LodgeNet Interactive Corporation (Beverage, Cynthia) (Entered: 08/28/2009)
08/28/2009	243	NOTICE of Disclosure by iBAHN General Holdings Corp. regarding Initial Disclosures (Jones, Michael) (Entered: 08/28/2009}
08/28/2009	244	NOTICE of Disclosure by Meraki, Inc. (Brewer, Robin) (Entered: 08/28/2009)
08/28/2009	245	NOTICE by Marriott International, Inc. of Compliance re Initial Disclosures (Guaragna, John) (Entered: 08/28/2009)
08/28/2009	246	NOTICE by Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc of Compliance re Initial Disclosures (Guaragna, John) (Entered: 08/28/2009)
08/28/2009	247	NOTICE of Disclosure by Linksmart Wireless Technology, LLC of Rule 26 Initial Disclosure (Weiss, Andrew) (Entered: 08/28/2009)
08/28/2009	248	Consent MOTION for Extension of Time to File Initial Disclosures by Aptilo Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Siebman, Clyde) (Entered: 08/28/2009)
08/31/2009	249	NOTICE of Disclosure by T-Mobile USA, Inc., Cisco Systems, Inc. (Notice of Filing Rule 26 Initial Disclosures) (Daniel, Robert) (Entered: 08/31/2009)
08/31/2009	250	ORDER granting 239 Motion for Extension of Time to Complete Discovery. Defendants serve their Initial Disclosures on or before September 11, 2009.. Signed by Magistrate Judge Charles Everingham on 8/31/09. (ehs,) (Entered: 08/31/2009)
08/31/2009	251	ORDER granting 248 Motion for Extension of Time to File Defendants Initial Disclosures on or before September 11, 2009.. Signed by Magistrate Judge Charles Everingham on 8/31/09. (ehs,) (Entered: 08/31/2009)
09/01/2009	252	NOTICE of Disclosure by Best Western International, Inc. Notice of Compliance With Rule 26 by Best Western International, Inc. (Joe, Christopher) (Entered: 09/01/2009)
09/04/2009	253	MOTION to Dismiss Defendant Freefi Networks, Inc. by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 09/04/2009)
09/09/2009	254	ORDER granting 253 Motion to Dismiss Dft Freefi Networks, Inc.. Signed by Judge David Folsom on 9/9/2009. (sm,) (Entered: 09/09/2009)
09/09/2009	255	REPORT AND RECOMMENDATIONS recommending 185 MOTION for Default Judgment as to Hot Point Wireless, Inc. and Second Rule, LLC filed by Linksmart Wireless Technology, LLC be granted. Signed by Magistrate Judge Charles Everingham on 9/9/09. (ehs,) (Entered: 09/09/2009)

09/09/2009 256 ORDER granting 185 Motion for Default Judgment. Because the sum of damages is not certain, Linksmart is entitled to take discovery from Hot Point Wireless, Inc. (Hot Point) and Second Rule LLC (Second Rule) to determine the appropriate amount of compensatory damages as a result of their infringement of the 118 patent. The Court will determine a schedule to allow Linksmart to conduct such discovery. The Court will then hold a hearing to determine the exact amount of damages, pre- and post-judgment interest, attorneys fees and costs, and expenses to which Linksmart is entitled as a result of Hot Points and Second Rules infringement of the 118 patent. Signed by Magistrate Judge Charles Everingham on 9/9/09. (ehs,) (Entered: 09/09/2009)

09/11/2009 257 NOTICE by Wayport, Inc., SBC Internet Services, Inc. of Filing Rule 26 Initial Disclosures (Bianco, Brian) (Entered: 09/11/2009)

09/11/2009 258 NOTICE by Barnes & Noble Booksellers, Inc. of Filing Rule 26 Initial Disclosures (Bianco, Brian) (Entered: 09/11/2009)

09/11/2009 259 NOTICE by Mail Boxes Etc., Inc. of Filing Rule 26 Initial Disclosures (Bianco, Brian) (Entered: 09/11/2009)

09/11/2009 260 NOTICE by McDonalds Corp. of Filing Rule 26 Initial Disclosures (Bianco, Brian) {Entered: 09/11/2009)

09/14/2009 261 NOTICE of Disclosure by Aptilo Networks, Inc. (Initial Disclosures) (Siebman, Clyde) (Entered: 09/14/2009)

09/18/2009 262 Unopposed MOTION for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production by Marriott International, Inc., Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc. (Attachments: # 1 Text of Proposed Order}(Guaragna, John) (Entered: 09/18/2009)

09/21/2009 263 Unopposed MOTION for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production by Choice Hotels International Inc.. (Attachments: # 1 Text of Proposed Order)(Smith, Michael) (Entered: 09/21/2009)

09/22/2009 264 ORDER granting 262 Motion Unopposed Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production. Deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/22/09. (ch,) (Entered: 09/22/2009)

09/22/2009 265 Unopposed MOTION for Extension of Time to File Best Western International, Inc.'s Unopposed Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production by Best Western International, Inc.. (Attachments: # 1 Text of Proposed Order)(Joe, Christopher) (Entered: 09/22/2009)

09/22/2009 266 Unopposed MOTION Extension of Time to Serve Invalidity Contentions and Accompanying Document Production by Pronto Networks, Inc.. (Attachments: # 1 Text bf Proposed Order)(Allen, Aden) (Entered: 09/22/2009)

09/22/2009 267 ***FILED IN ERROR. NOT IN PDF SEARCHABLE FORMAT AND NO ORDER ATTACHED. PLEASE IGNORE.*** MOTION for Extension of Time to Complete Discovery Unopposed Motion for Extension of Time to Serve Invalidity Contentions by iBAHN General Holdings Corp.. (Broaddus, Michael} Modified on 9/23/2009 (ch,). (Entered: 09/22/2009)

09/22/2009 268 Unopposed MOTION for Extension of Time to File Invalidity Contentions and Accompanying Document Production by Ramada Worldwide, Inc.. (Attachments: # 1 Text of Proposed Order)(Hunt, Dean) (Additional attachment(s) added on 9/23/2009: # 2 REVISED ORDER) (ch,). (Entered: 09/22/2009)

09/22/2009 269 Unopposed MOTION for Extension of Time to File Invalidity Contentions and Accompanying Document Production by EthoStream, LLC. (Attachments: # 1 Text of Proposed Order)(Hunt, Dean) (Additional attachment(s) added on 9/23/2009: # 2 REVISED ORDER) (ch,). (Entered: 09/22/2009)

09/22/2009 270 Unopposed MOTION Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production by Meraki, Inc.. (Attachments: # 1 Text of Proposed Order)(Brewer, Robin) (Entered: 09/22/2009)

09/23/2009 -- ***FILED IN ERROR. NOT IN PDF SEARCHABLE FORMAT AND NO ORDER ATTACHED Document# 267, Motion for Extension of Time. PLEASE IGNORE.*** (ch,) (Entered: 09/23/2009)

09/23/2009 271 Unopposed MOTION For Extension of Time to Serve Invalidity Contentions and Accompanying Document Production by Aptilo Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Siebman, Clyde) (Entered: 09/23/2009)

09/23/2009 272 Unopposed MOTION for Extension of Time to File /Serve Invalidity Contentions and

Accompanying Document Production by T-Mobile USA, Inc., LodgeNet Interactive Corporation, Cisco Systems, Inc.. (Attachments: # 1 Text of Proposed Order)(Daniel, Robert) (Entered: 09/23/2009)

09/23/2009	273	Unopposed MOTION for Extension of Time to Complete Discovery to Serve Invalidity Contentions and Accompanying Document Production by Mail Boxes Etc., Inc., McDonalds Corp., Barnet & Noble Booksellers, Inc., Wayport, Inc., SBC Internet Services, Inc.. (Attachments: # 1 Text of Proposed Order)(Sayles, Richard) (Entered: 09/23/2009)
09/23/2009	274	***REPLACES # 267 *** Unopposed MOTION for Extension of Time to Complete Discovery with regarding to Invalidity Contentions by iBAHN General Holdings Corp.. (Attachments: # 1 Text of Proposed Order)(Jones, Michael) Modified on 9/24/2009 (ch,). (Entered: 09/23/2009)
09/24/2009	275	ORDER granting 266 Unopposed Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production. Deadline is extended to 10/15/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch,) (Entered: **09/24/2009)**
09/24/2009	276	ORDER granting 265 Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production. Best Western International Inc deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch,) (Entered: 09/24/2009)
09/24/2009	277	ORDER granting 263 Unopposed Motion for extension of time to Serve Invalidity Contentions and Accompanying Document Production. Choice Hotels International Inc. deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch,) (Entered: 09/24/2009)
09/24/2009	278	ORDER granting 232 Motion to Withdraw as Attorney. Attorney Harold L Socks terminated as counsel for LodgeNet Interactive Corp.. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch,) (Entered: 09/24/2009}
09/24/2009	279	ORDER granting 274 Motion for Extension of Time to Complete Discovery. Deadline is 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch,) (Entered: **09/24/2009)**
09/24/2009	280	ORDER granting 273 Motion for Extension of Time to Complete Discovery. Deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch,) {Entered: 09/24/2009}
09/24/2009	281	ORDER granting 272 Motion for Extension of Time to Serve Invalidity Contentions. Deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch,) (Entered: 09/24/2009)
09/24/2009	282	ORDER granting 271 Unopl)osed Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production. Deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch,) (Entered: **09/24/2009)**
09/24/2009	283	ORDER granting 270 Motion Unopposed Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production. Deadline extended to 10/8/09. Signed by Magistrate Judge Charles Everlngham on 9/24/09. (ch,) (Entered: 09/24/2009)
09/24/2009	284	ORDER granting 269 Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production. Deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch,) (Entered: 09/24/2009}
09/24/2009	285	ORDER granting 268 Motion for Extension of Time to Serve Invalidity Contentions and Accompanying Document Production. Deadline is extended to 10/8/09. Signed by Magistrate Judge Charles Everingham on 9/24/09. (ch,) (Entered: 09/24/2009)
10/06/2009	286	Unopposed MOTION for Extension of Time to Complete Discovery to Serve Invalidity Contentions and Accompanying Document Production by Meraki, Inc.. (Attachments: # 1 Text of Proposed Order)(Brewer, Robin) (Entered: 10/06/2009)
10/08/2009	287	ORDER granting 286 Motion for Extension of Time to Complete Discovery. Meraki, Inc. will have through 10/22/09, to serve its invalidity contentions and accompanying document production in accordance with Patent Rules 3-3 and 3-4. Signed by Magistrate Judge Charles Everingham on 10/8/09. (ch,) (Entered: 10/08/2009)
10/08/2009	288	NOTICE of Disclosure by Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc., SBC Internet Services, Inc. of Invalidity Contentions (Sayles, Richard) (Entered: 10/08/2009)

10/08/2009   289   NOTICE by Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc of Compliance (Invalidity Contentions and Accompanying Document Production) (Guaragna, John) (Entered: 10/08/2009)

10/08/2009   290   NOTICE by Marriott International, Inc. of Compliance (Invalidity Contentions and Accompanying Document Production) (Guaragna, John) (Entered: 10/08/2009)

10/08/2009   291   NOTICE by EthoStream, LLC of Disclosure of Invalidity Contentions (Hunt, Dean) (Entered: 10/08/2009)

10/08/2009   292   NOTICE by Ramada Worldwide, Inc. of Disclosure of Invalidity Contentions (Hunt, Dean) (Entered: 10/08/2009)

10/09/2009   293   NOTICE by T-Mobile USA, Inc., Cisco Systems, Inc. (of Service of Patent Rules 3-3 and 3-4 Disclosures) (Daniel, Robert) (Entered: 10/09/2009)

10/09/2009   294   NOTICE of Disclosure by iBAHN General Holdings Corp. regarding PR 3-3 and 3-4 (Jones, Michael) (Entered: 10/09/2009)

10/09/2009   295   NOTICE of Disclosure by LodgeNet Interactive Corporation under Patent Rules 3-3 and 3-4 (Ungerman, Mark) (Entered: 10/09/2009)

10/12/2009   296   NOTICE of Disclosure by Pronto Networks, Inc. (Allen, Aden) (Entered: 10/12/2009)

10/12/2009   297   Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 10/12/2009)

10/12/2009   298   NOTICE of Disclosure by Best Western International, Inc. Defendant Best Western International, Inc.'s Notice of Compliance Regarding P.R. 3-3 and 3-4 Disclosures (Carpenter, Brian) (Entered: 10/12/2009)

10/12/2009   299   NOTICE by Aptilo Networks, Inc. NOTICE OF COMPLIANCE REGARDING P.R. 3-3 AND 3-4 DISCLOSURES (Siebman, Clyde) (Entered: 10/12/2009)

10/13/2009   300   NOTICE of Disclosure by Choice Hotels International Inc. Pursuant to PR 3-3 and 3-4 (Smith, Michael) (Entered: 10/13/2009)

10/13/2009   301   APPLICATION to Appear Pro Hae Vice by Attorney Elizabeth L Maxeiner for Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc. and SBC Internet Services, Inc. (APPROVED FEE **PAID)** 2-1-4961. (ch,) (Entered: 10/14/2009)

10/14/2009   302   ORDER granting 297 Motion for Extension of Time to Complete Discovery. Pronto Networks, Inc. will have through October 21, 2009 to serve itsaccompanying document production to the invalidity contentions in accordance with Patent Rule3-4. Signed by Magistrate Judge Charles Everingham on 10/14/09. (ehs,) (Entered: 10/14/2009)

10/20/2009   303   Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 10/20/2009)

10/21/2009   304   Unopposed MOTION for Extension of Time to Complete Discovery to Serve Invalidity Contentions and Accompanying Document Production by Meraki, Inc.. (Attachments: # 1 Text of Proposed Order)(Brewer, Robin) (Entered: 10/21/2009)

10/21/2009   305   AMENDED CORPORATE DISCLOSURE STATEMENT filed by T-Mobile USA, Inc. (Richardson, Michael) Modified on 10/21/2009 (sm,). (Entered: 10/21/2009)

10/21/2009   306   ORDER granting 303 Motion for Extension of Time to Complete Discovery. Deadline extended to 10/30/09. Signed by Magistrate Judge Charles Everingham on 10/21/09. (ehs,) (Entered: 10/21/2009)

10/23/2009   307   ORDER granting 304 Motion for Extension of Time to Complete Discovery. Meraki, Inc. deadline is 11/5/09 to serve its invalidity contentions and accompanying document production in accordance with Patent Rules 3-3 and 3-4. Signed by Magistrate Judge Charles Everingham on 10/23/09. (ch,) (Entered: 10/23/2009)

10/30/2009   308   Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 10/30/2009)

11/03/2009   309   NOTICE of Disclosure by Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc., SBC Internet Services, Inc. (Sayles, Richard) (Entered: 11/03/2009)

11/04/2009   310   ORDER granting 308 Motion for Extension of Time to Complete Discovery. Pronto Networks, Inc. will have through November 20, 2009 to serve itsaccompanying

		document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 11/4/09. (ehs,) (Entered: 11/04/2009)
11/04/2009	311	Joint MOTION to Dismiss Meraki, Inc. with Prejudice by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 11/04/2009)
11/05/2009	312	ORDER granting 311 Motion to Dismiss Defendant Meraki of all claims and counterclaims between plaintiff and Meraki. Signed by Judge David Folsom on 11/5/2009. (sm,) (Entered: 11/05/2009)
11/13/2009	313	THIRD PARTY COMPLAINT against BestComm Networks, Inc., Nomadix, Inc., filed by Best Western International, Inc.. (Attachments: # 1 Civil Cover Sheet)(Joe, Christopher) (Entered: 11/13/2009)
11/16/2009	314	E-GOV SEALED SUMMONS Issued as to BestComm Networks, Inc., (Attachments: # 1 Nomadix Inc.)(ch,) (Entered: 11/16/2009)
11/17/2009	315	E-GOV SEALED SUMMONS REISSUED as to BestComm Networks, Inc., (Attachments: # 1 Nomadix Inc)(ch,) (Entered: 11/17/2009)
11/19/2009	316	Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 11/19/2009)
11/20/2009	317	AMENDED ANSWER to 1 Complaint and, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Ramada Worldwide, Inc.. (Hunt, Dean) (Entered: 11/20/2009)
11/20/2009	318	AMENDED ANSWER to 1 Complaint and, COUNTERCLAIM against Linksmart Wireless Technology, LLC by EthoStream, LLC. (Hunt, Dean) (Entered: 11/20/2009)
11/24/2009	319	ORDER granting 316 Motion for Extension of Time to Complete Discovery. Pronto Networks, Inc. will have through December 11, 2009 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 11/24/09. (ehs,) (Entered: 11/24/2009)
11/24/2009	320	NOTICE of Attorney Appearance by Brian Andrew Carpenter on behalf of Best Western International, Inc. (Carpenter, Brian) (Entered: 11/24/2009)
11/25/2009	321	NOTICE of Disclosure by Linksmart Wireless Technology, LLC re Local Rule 4.1 (Weiss, Andrew) (Entered: 11/25/2009)
11/30/2009	322	NOTICE of Disclosure by T-Mobile USA, Inc., Cisco Systems, Inc. (Daniel, Robert) (Entered: 11/30/2009)
11/30/2009	323	NOTICE by Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc of Compliance with Local Patent Rule 4-1 (Guaragna, John) (Entered: 11/30/2009)
11/30/2009	324	NOTICE by Marriott International, Inc. of Compliance with Local Patent Rule 4-1 (Guaragna, John) (Entered: 11/30/2009)
11/30/2009	325	NOTICE of Disclosure by Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble Booksellers, Inc., Wayport, Inc., SBC Internet Services, Inc. re: Compliance with Patent Rule 4-1 (Sayles, Richard) (Entered: 11/30/2009)
11/30/2009	326	NOTICE by Pronto Networks, Inc. of Compliance with Local Patent Rule 4-1 (Allen, Aden) (Entered: 11/30/2009)
11/30/2009	327	NOTICE of Disclosure by Choice Hotels International Inc. Pursuant to PR 4-1 (Smith, Michael) (Entered: 11/30/2009)
12/01/2009	328	NOTICE of Disclosure by iBAHN General Holdings Corp. regarding PR 4-1 Compliance (Jones, Michael) (Entered: 12/01/2009}
12/01/2009	329	E-GOV SEALED SUMMONS Returned Executed by Best Western International, Inc.. Nomadix, Inc. served on 11/18/2009, answer due 12/9/2009. (ehs,) (Entered: 12/01/2009)
12/01/2009	330	E-GOV SEALED SUMMONS Returned Executed by Best Western International, Inc.. BestComm Networks, Inc. served on 11/18/2009, answer due 12/9/2009. (ehs,) (Entered: 12/01/2009)
12/01/2009	331	NOTICE by Ramada Worldwide, Inc. of Compliance Regarding Local Patent Rule 4-1 (Hunt, Dean) (Entered: 12/01/2009)
12/01/2009	332	NOTICE of Disclosure by EthoStream, LLC of Invalidity Contentions (Hunt, Dean) (Entered: 12/01/2009)

12/01/2009	333	Unopposed MOTION to Withdraw as Attorney (Withdrawal of Attorney Michael Herbst) by Aptilo Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Phillips, Lawrence) (Entered: 12/01/2009)
12/01/2009	334	NOTICE by Best Western International, Inc. of Compliance Regarding Local Patent Rule 4-1 (Carpenter, Brian) (Entered: 12/01/2009)
12/01/2009	335	NOTICE of Disclosure by Aptilo Networks, Inc. (Phillips, Lawrence) (Entered: 12/01/2009)
12/01/2009	336	NOTICE by LodgeNet Interactive Corporation of Compliance with Local Patent Rule 4-1 (Ungerman, Mark) (Entered: 12/01/2009)
12/03/2009	337	ORDER granting 333 Motion to Withdraw as Attorney. Attorney Michael T Herbst terminated as counsel for Dft Aptilo Networks, Inc. Signed by Magistrate Judge Charles Everingham on 12/3/09. (ch,) (Entered: 12/03/2009)
12/04/2009	338	APPLICATION to Appear Pro Hae Vice by Attorney Theodore J Koerth for Aptilo Networks, Inc. (APPROVED FEE PAID) 2-1-5066. (ch,) (Entered: 12/04/2009)
12/10/2009	339	ANSWER to 317 Amended Answer to Complaint, Counterclaim of Ramada Worldwide, Inc. by Linksmart Wireless Technology, LLC.(Weiss, Andrew) (Entered: 12/10/2009)
12/10/2009	340	ANSWER to 318 Amended Answer to Complaint, Counterclaim of Ethnostream, LLC by Linksmart Wireless Technology, LLC.(Weiss, Andrew) (Entered: 12/10/2009)
12/10/2009	341	Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 12/10/2009)
12/11/2009	342	ORDER granting 341 Motion for Extension of Time to Complete Discovery Pronto Networks, Inc. will have through 12/31/09 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 12/11/09. (ch,) (Entered: 12/11/2009)
12/11/2009	343	NOTICE of Attorney Appearance by Elizabeth L DeRieux on behalf of Nomadix, Inc. (DeRieux, Elizabeth) (Entered: 12/11/2009)
12/11/2009	344	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Nomadix, Inc..(DeRieux, Elizabeth) (Entered: 12/11/2009)
12/11/2009	--	Defendant's Unopposed First Application for Extension of Time to Answer Complaint is GRANTED pursuant to Local Rule CV-12 for Nomadix, Inc. to 1/25/2010. 45 Days Granted for Deadline Extension.(ch,) (Entered: 12/11/2009)
12/11/2009	345	NOTICE by Linksmart Wireless Technology, LLC of Ten Asserted Claims (Weiss, Andrew) (Entered: 12/11/2009)
12/17/2009	346	Defendant's Unopposed first Application for Extension of Time to Answer Complaint re BestComm Networks, Inc..(Carrington, Morris) (Entered: 12/17/2009)
12/17/2009	--	Defendant's Unopposed First Application for Extension of Time to Answer TP Complaint is GRANTED pursuant to Local Rule CV-12 for BestComm Networks, Inc. to 1/22/2010. 45 Days Granted for Deadline Extension.(sm,) (Entered: 12/17/2009)
12/18/2009	347	NOTICE of Attorney Appearance by Sidney Calvin Capshaw, III on behalf of Nomadix, Inc. (Capshaw, Sidney) (Entered: 12/18/2009)
12/18/2009	348	Unopposed MOTION to Continue Extend Docket Control Order by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 12/18/2009)
12/21/2009	349	NOTICE of Attorney Appearance by Alexander Chester Giza on behalf of Linksmart Wireless Technology, LLC (Giza, Alexander) (Entered: 12/21/2009)
12/22/2009	350	ORDER granting 348 Motion To Extend Docket Control Order. The deadline for early mediation at Parties' request is changed to February 26, 2010. Signed by Magistrate Judge Charles Everingham on 12/22/09. (ehs,) (Entered: 12/22/2009)
12/31/2009	351	Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 12/31/2009)
01/05/2010	352	ORDER granting 351 Motion for Extension of Time to Complete Discovery. Pronto Networks, Inc. will have through January 15, 2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 1/5/10. (ehs,) (Entered: 01/05/2010)

01/08/2010 353 APPLICATION to Appear Pro Hae Vice by Attorney David J Leonard for BestComm
              ·Networks, Inc. (APPROVED FEE PAID) 2-1-5124. (ch,) (Entered: 01/08/2010)

01/13/2010 354 APPLICATION to Appear Pro Hae Vice by Attorney Alexandra B McTague for T-Mobile
              USA, Inc. and Cisco Systems, Inc. (APPROVED FEE PAID) 2-1-5131. (ch,) (Entered:
              01/13/2010)

01/13/2010 355 APPLICATION to Appear Pro Hae Vice by Attorney Jonathan Andron for T-Mobile USA,
              Inc.. (APPROVED, FEE PAID 2-1-5131) (ehs,) (Additional attachment(s) added on
              1/27/2010: # 1 Confidential Information) (ch,). (Entered: 01/13/2010)

01/15/2010 356 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying
              Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1
              Text of Proposed Order)(Allen, Aden) (Entered: 01/15/2010)

01/21/2010 357 ORDER granting 356 Motion for Extension of Time to Complete Discovery. Defendant
              Pronto Networks, Inc.s Seventh Unopposed Motion for Extension of Time to Serve
              Accompanying Document Production Pursuant to P.R. 3-4 is GRANTED. ·Pronto Networks,
              Inc. will have through January 29, 2010 to serve its accompanying document production
              to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate
              Judge Charles Everingham on 1/21/10. (ehs,) (Entered: 01/21/2010)

01/22/2010 358 NOTICE by EthoStream, LLC of Joinder and Notice of Compliance Regarding Local Patent
              Rule 4-2 (Hunt, Dean) (Entered: 01/22/2010)

01/22/2010 359 NOTICE by Ramada Worldwide, Inc. of Joinder and Notice of Compliance With Local
              Patent Rule 4-2 (Hunt, Dean) (Entered: 01/22/2010)

01/22/2010 360 ***FILED IN ERROR, PLEASE IGNORE.*** NOTICE by Ramada Worldwide, Inc.,
              EthoStream, LLC of Appearance (Hunt, Dean) Modified on 1/25/2010 (sm,). (Entered:
              01/22/2010)

01/22/2010 361 NOTICE by Pronto Networks, Inc. of Compliance with Local Patent Rule 4-2 (Allen, Aden)
              (Entered: 01/22/2010)

01/22/2010 362 NOTICE by T-Mobile USA, Inc., Cisco Systems, Inc. (of Service of Patent Rule 4-2
              Disclosure) (Daniel, Robert) (Entered: 01/22/2010)

01/22/2010 363 NOTICE of Disclosure by Linksmart Wireless Technology, LLC of Preliminary Claim
              Constructions and Extrinsic Evidence Under P.R. 4-2 (Weiss, Andrew) (Entered:
              01/22/2010)

01/25/2010 364 NOTICE of Disclosure by Mail Boxes Etc., Inc., McDonalds Corp., Barnes & Noble
              Booksellers, Inc., Wayport, Inc., SBC Internet Services, Inc. re: P.R. 4-2 (Sayles,
              Richard) (Entered: 01/25/2010)

01/25/2010 365 NOTICE of Disclosure by Best Western International, Inc. Notice of Compliance Regarding
              P.R. 4-2 Disclosures (Joe, Christopher) (Entered: 01/25/2010)

01/25/2010 366 NOTICE of Disclosure by iBAHN General Holdings Corp. regarding Compliance of PR 4-2
              Disclosures (Jones, Michael) (Entered: 01/25/2010)

01/25/2010 367 NOTICE by Marriott International, Inc., Six Continents Hotels Inc, Intercontinental Hotels
              Group Resources Inc of Compliance with Local Patent Rule 4-2 (Guaragna, John)
              (Entered: 01/25/2010)

01/25/2010 --   ***FILED IN ERROR, WRONG EVENT USED AND ATTY WANTING TO APPEAR MUST
              LOGIN AND FILE. Document# 360, Notice. PLEASE IGNORE.*** (sm,) (Entered:
              01/25/2010)

01/25/2010 368 NOTICE of Disclosure by Choice Hotels International Inc. Regarding PR 4-2 Disclosures
              (Smith, Michael) (Entered: 01/25/2010)

01/25/2010 369 NOTICE by LodgeNet Interactive Corporation of Compliance Regarding P.R. 4-2
              (Ungerman, Mark) (Entered: 01/25/2010)

01/25/2010 370 Unopposed MOTION for Extension of Time to File Answer re 313 Third Party Complaint by
              Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Capshaw, Sidney) (Entered:
              01/25/2010)

01/25/2010 371 Unopposed MOTION for Extension of Time to File Answer re 313 Third Party Complaint of
              Best Western International Inc. by BestComin Networks, Inc.. (Attachments: # 1 Text of
              Proposed Order Proposed Order)(Carrington, Morris) (Entered: 01/25/2010)

01/26/2010 372 ORDER granting 371 Motion for Extension of Time to Answer. BestComm Networks, Inc.
              deadline is extended to 2/27/2010. Signed by Magistrate Judge Charles Everingham on
              1/26/2010. (ch,) (Entered: 01/26/2010)

01/26/2010   --   Answer Due Deadline Updated for BestComm Networks, Inc. to 2/27/2010. (ch,)
                    (Entered: 01/26/2010)

01/26/2010   373   ORDER granting 370 Motion for Extension of Time to Answer. Nomadix Inc deadline is
                    extended to 2/25/2010. Signed by Magistrate Judge Charles Everingham on 1/26/2010.
                    (ch,) (Entered: 01/26/2010)

01/i6/2010   --   Answer Due Deadline Updated for Nomadix, Inc. to 2/25/2010. (ch,) (Entered:
                    01/26/2010)

01/28/2010   374   Unopposed MOTION for Extension of Time to Complete Discovery Eighth Unopposed
                    Motion for Extension of Time to Serve Accompanying Document Production Pursuant to
                    P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen,
                    Aden) (Entered: 01/28/2010)

01/29/2010   375   ORDER granting 374 Motion for Extension of Time to Complete Discovery. Defendant
                    Pronto Networks, Inc.s Eighth Unopposed Motion for Extension of Time to Serve
                    Accompanying Document Production Pursuant to P.R. 3-4 is GRANTED. Pronto Networks,
                    Inc. will have through February 19, 2010 to serve its accompanying document production
                    to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate
                    Judge Charles Everingham on 1/29/10. (ehs,) (Entered: 01/29/2010)

01/29/2010   376   ORDER that the parties, including BestComm and Nomadix, are ordered to meet and
                    confer on an amended docket control order that allows the third party defendants to
                    meet their obligations. The parties shall jointly file the amended docket control order
                    within 7 days after BestComm and Nomadix answer the third-party complaint. Signed by
                    Magistrate Judge Charles Everingham on 1/29/10. (ehs,) (Entered: 01/29/2010)

02/17/2010   377   BestComm Networks, Inc.'s ANSWER to 313 Third Party Complaint of Best Western
                    International, Inc., CROSSCLAIM against Nomadix, Inc. by BestComm Networks, Inc..
                    (Carrington, Morris) (Entered: 02/17/2010)

02/18/2010   378   Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying
                    Document Production Pursuant to **P.R.** 3-4 by Pronto Networks, Inc.. (Attachments: # 1
                    Text of Proposed Order)(Allen, Aden) (Entered: 02/18/2010)

02/18/2010   379   NOTICE of Change of Address by Christopher Michael Joe (Joe, Christopher) (Entered:
                    02/18/2010)

02/19/2010   380   JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT filed by Linksmart Wireless
                    Technology, LLC. (Attachments: # 1 Exhibit A)(Weiss, Andrew) (Entered: 02/19/2010)

02/22/2010   381   ORDER granting 378 Motion for Extension of Time to Complete Discovery. ORDERED that
                    Defendant Pronto Networks, Inc.s Ninth Unopposed Motion for Extension of Time to
                    Serve Accompanying Document Production Pursuant to P.R. 3-4 is GRANTED. Pronto
                    Networks, Inc. will have through 3/5/2010 to serve its accompanying document
                    production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by
                    Magistrate Judge Charles Everingham on 2/22/2010. (ch,) (Entered: 02/22/2010)

02/25/2010   382   MOTION to Strike 313 Third Party Complaint or Dismiss by Nomadix, Inc.. (Attachments:
                    # 1 Affidavit Muehlhauser Declaration, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Text of Proposed
                    Order)(Capshaw, Sidney) (Entered: 02/25/2010)

03/04/2010   383   Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying
                    Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1
                    Text of Proposed Order)(Allen, Aden) (Entered: 03/04/2010)

03/04/2010   384   Unopposed MOTION for Extension of Time to File Response/Reply as to 382 MOTION to
                    Strike 313 Third Party Complaint or Dismiss Best Western International, Inc.'s
                    Unopposed Motion For Extension of Time to Respond to Third-Party Defendant Nomadix,
                    Inc.'s Motion to Strike or Dismiss by Best Western International, Inc.. (Attachments: # 1
                    Text of Proposed Order)(Joe, Christopher) (Entered: 03/04/2010)

03/04/2010   385   APPLICATION to Appear Pro Hae Vice by Attorney Donald A Wall for Best Western
                    International, Inc. **(APPROVED FEE PAID)** 2-1-5235. (ch,) (Entered: 03/05/2010)

03/04/2010   386   APPLICATION to Appear Pro Hae Vice by Attorney David E Rogers for Best Western
                    International, Inc. (APPROVED FEE PAID} 2-1-5235. (ch,) (Entered: 03/05/2010)

03/04/2010   387   APPLICATION to Appear Pro Hae Vice by Attorney Andrea L Marconi for Best Western
                    International, Inc. (APPROVED FEE PAID) 2-1-5235. (ch,) (Entered: 03/05/2010)

03/05/2010   388   ORDER granting 383 Motion for Extension of.Time to Complete Discovery. Pronto
                    Networks, Inc. will have through 3/19/2010, to serve its accompanying document
                    production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by
                    Magistrate Judge Charles Everingham on 3/5/2010. (ch,) (Entered: 03/05/2010)

03/05/2010 389 ORDER granting 384 Motion for Extension of Time to File Response/Reply re 382 MOTION to Strike 313 Third Party Complaint or Dismiss Responses due by 3/24/2010. Signed by Magistrate Judge Charles Everingham on 3/5/2010. (ch,) (Entered: 03/05/2010)

03/12/2010 390 Unopposed MOTION for Extension of Time to File Response/Reply as to 377 Answer to Third Party Complaint, Crossclaim by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Capshaw, Sidney) (Entered: 03/12/2010)

03/15/2010 391 NOTICE of Attorney Appearance by Christopher Michael Joe on behalf of Best Western International, Inc. (Joe, Christopher) (Entered: 03/15/2010)

03/16/2010 392 ORDER granting 390 Motion for Extension of Time to File Response/Reply. Nomadix Inc deadline to respond to the Cross-Claim of BestComm Networks Inc Responses due by 4/2/2010. Signed by Magistrate Judge Charles Everingham on 3/16/2010. (ch,) (Entered: 03/16/2010)

03/18/2010 393 NOTICE of Attorney Appearance by Allen Franklin Gardner on behalf of iBAHN General Holdings Corp. (Gardner, Allen) (Entered: 03/18/2010)

03/19/2010 394 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to .P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 03/19/2010)

03/19/2010 395 CLAIM CONSTRUCTION BRIEF (Supplemental Claim Construction and Prehearing Statement) filed by Best Western International, Inc.. (Attachments: # 1 Exhibit A to Best Western's Supplemental Claim Construction and Prehearing Statement)(Rogers, David) Modified on 3/22/2010 (sm,). (Entered: 03/19/2010)

03/19/2010 396 **CLAIM CONSTRUCTION** BRIEF filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Affidavit Declaration of Andrew Weiss, # 2 Exhibit Exhibit A, # 3 Exhibit Exhibit B, # 4 Exhibit Exhibit C, # 5 Exhibit Exhibit D, # 6 Exhibit Exhibit E, # 7 Exhibit Exhibit F, # 8 Exhibit Exhibit G, # 9 Exhibit Exhibit H, # 10 Exhibit Exhibit I, # 11 Exhibit Exhibit J, # 12 Exhibit Exhibit K, # 13 Exhibit Exhibit L, # 14 Exhibit Exhibit M) (Weiss, Andrew) (Entered: 03/19/2010)

03/22/2010 -- NOTICE FROM CLERK re 395 Claim Construction Brief. Clerk has modified to show that it is a supplemental claim contruction and prehearing statement. (sm,) (Entered: 03/22/2010)

03/22/2010 397 ORDER granting .394 Motion for Extension of Time to Complete Discovery. Defendant Pronto Networks, Inc.s Eleventh Unopposed Motion for Extension of Time to Serve Accompanying Document Production Pursuant to P.R. 3-4 is GRANTED. Pronto Networks, Inc. will have through April 2, 2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 3/22/10. (ehs,) (Entered: 03/22/2010)

03/23/2010 398 Second MOTION for Extension of Time to File Response/Reply as to 382 MOTION to Strike 313 Third Party Complaint or Dismiss Best Western's Unopposed Second Motion For Extension of Time to Respond to Third-Party Defendant Nomadix, Inc.'s Motion to Strike or Dismiss by Best Western International, Inc.. (Attachments: # 1 Text of Proposed Order)(Joe, Christopher) (Entered: 03/23/2010)

03/24/2010 399 ORDER granting 398 Motion for Extension of Time to File Response/Reply re 382 MOTION to Strike 313 Third Party Complaint or Dismiss Responses due by 3/31/2010. Signed by Magistrate Judge Charles Everingham on 3/24/2010. (ch,) (Entered: 03/24/2010)

03/30/2010 400 Unopposed SEALED PATENT MOTION for Leave to Amend Invalidity Contentions by Barnes & Noble Booksellers, Inc., Mail Boxes Etc., Inc., McDonalds Corp., SBC Internet Services, Inc., Wayport, Inc.. (Attachments: # 1 Exhibit A, # 2 Text of Proposed Order) (Sayles, Richard) (Entered: 03/30/2010)

03/31/2010 401 ORDER granting 400 AT&T/Wayports Unopposed Sealed Patent Motion for Leave to Amend Invalidity Contentions. Signed by Magistrate Judge Charles Everingham on 3/31/2010. (ch,) (Entered: 03/31/2010)

03/31/2010 402 RESPONSE in Opposition re 382 MOTION to Strike 313 Third Party Complaint or Dismiss filed by Best Western International, Inc.. (Attachments: # 1 Affidavit Declaration of Sara V. Ransom in Support of Third Party Plaintiff Best Western International, Inc.'s Opposition to Motion to Strike or Dismiss Third-Party Complaint, # 2 Exhibit A, February 26, 2004 Direct Sales Contract, # 3 Exhibit B, March 15, 2002 Reseller Agreement, # 4 Exhibit C, July 20, 2004 Nomadix press release, # 5 Exhibit D, Purchase Order, # 6 Text of Proposed Order [Proposed] Order on Third-Party Defendant Nomadix, Inc.'s Motion to Strike or Dismiss Third-Party Complaint of Best Western International, Inc.)(Rogers, David) (Entered: 03/31/2010)

04/02/2010 403 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 04/02/2010}

04/02/2010 404 Unopposed MOTION for Extension of Time to File Response/Reply as to 377 Answer to Third Party Complaint, Crossclaim by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Capshaw, Sidney) (Entered: 04/02/2010)

04/05/2010 405 ORDER granting 403 Motion for Extension of Time to Complete Discovery. Pronto Networks, Inc. will have through 4/16/2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 4/5/2010. (ch,) (Entered: 04/05/2010)

04/05/2010 406 ORDER granting 404 Motion for Extension of Time to File Response/Reply Nomadix, Inc. be given to and including 4/16/2010 to respond to the Cross-Claim of BestComm Networks, Inc. Responses due by 4/16/2010. Signed by Magistrate Judge Charles Everingham on 4/5/2010. (ch,) (Entered: 04/05/2010)

04/07/2010 407 APPLICATION to Appear Pro Hae Vice by Attorney Douglas G Muehlhauser for Nomadix, Inc.,Douglas G Muehlhauser for Nomadix, Inc.(RECEIPT 2-1-5289). (rml,) (Entered: 04/07/2010)

04/12/2010 408 Unopposed MOTION for Extension of Time to File Response/Reply as to 382 MOTION to Strike 313 Third Party Complaint or Dismiss by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Capshaw, Sidney) (Entered: 04/12/2010)

04/13/2010 409 ORDER granting 408 Motion for Extension of Time to File Response/Reply re 382 MOTION to Strike 313 Third Party Complaint or Dismiss Responses due by 4/26/2010. Signed by Magistrate Judge Charles Everingham on 4/13/2010. (ch,) (Entered: 04/13/2010)

04/13/2010 410 NOTICE of Designation of Attorney in Charge to Andrew Wesley Spangler on behalf of Linksmart Wireless Technology, LLC (Spangler, Andrew) (Entered: 04/13/2010)

04/15/2010 411 Unopposed **MOTION** for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 04/15/2010)

04/16/2010 412 ORDER granting 411 Motion for Extension of Time to Complete Discovery. Pronto Networks, Inc. will have through April 30, 2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 4/16/10. (ehs,) (Entered: 04/16/2010)

04/16/2010 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by Nomadix, Inc.. (Attachments: # 1 Affidavit Muehlhauser Declaration, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Text of Proposed Order)(Capshaw, Sidney) (Entered: 04/16/2010)

04/16/2010 41-l CLAIM CONSTRUCTION BRIEF filed by Cisco Systems, Irie., T-Mobile USA, Inc., SBC Internet Svcs, Wayport, Inc, LodgeNet Interactive Corp, EthoStream LLC, Pronto Networks, Aptilo Networks, Mail Boxes Etc, McDonalds Corp, Barnes and r;Jobles Booksellers, Ramada worldwide, Mariott Intl, Choice Hotels Intl, Best Western Intl, Six Continents Hotels, Intercontinental Hotels Group (Attachments: # 1 Affidavit Declaration of Noah Levine in Support of Claim Construction Brief of Defendants with exhibits 1 to 5, # 2 Exhibit Exhibits 6 to 9 of Declaration of Noah Levine in Support of Claim Construction Brief of Defendants, # 3 Affidavit Declaration of Kevin Jaffay, Ph.D. with exhibits a through c)(Daniel, Robert) Modified on 4/19/2010 (sm,). (Entered: 04/16/2010)

04/16/2010 415 ***FILED IN ERROR, PLEASE IGNORE.*** RESPONSE in Support re 411 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 filed by Best Western International, Inc.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Rogers, David) Modified on 4/19/2010 (sm,). (Entered: 04/16/2010)

04/16/2010 416 ***FILED IN ERROR, PLEASE IGNORE.*** NOTICE by Best Western International, Inc. Claim Construction Brief (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Rogers, David) Modified on 4/19/2010 (sm,). (Entered: 04/16/2010)

04/16/2010 417 ***DEFICIENT DOCUMENT, PELASE IGNORE.*** MOTION for Leave to File motion for partial summary judgment of invalidity for indefiniteness by Cisco Systems, Inc., T-Mobile USA, Inc.. (Levine, Noah) Modified on 4/19/2010 (sm,). (Entered: 04/16/2010)

04/19/2010 -- ***FILED IN ERROR, WRONG EVENT USED, AITY MUST REFILE USING CORRECT EVENT. Document# 415 and #416, Response in Support and Notice. PLEASE IGNORE.*** (sm,) (Entered: 04/19/2010)

04/19/2010 -- NOTICE of DEFICIENCY regarding the #417 Motion for leave submitted by Cisco

Systems, Inc., T-Mobile USA, Inc.. Not in proper pleading format which includes certificate of conference etc.. Correction should be made by 1 business day and refiled in proper motion format or as a notice, attaching the letter. (sm,) (Entered: 04/19/2010)

04/19/2010 418 SUPPLEMENTAL CLAIM CONSTRUCTION BRIEF filed by Best Western International, Inc.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Rogers, David) (Entered: 04/19/2010)

04/19/2010 419 NOTICE by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., Marriott International, Inc., McDonalds Corp., Pronto Networks, Inc., Ramada Worldwide, Inc., SBC Internet Services, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., Wayport, Inc. of Letter Requesting Leave to File Summary Judgment Motion (Attachments: # 1 Exhibit A){Daniel, Robert) (Entered: 04/19/2010)

04/19/2010 420 Additional Attachments to Main Document (Certificate of Service): 414 Claim Construction Brief, .. (Daniel, Robert) Modified on 4/19/2010 (sm,). (Entered: 04/19/2010)

04/19/2010 -- NOTICE FROM CLERK re 414 Claim Construction Brief. Clerk modified entry to all all the defendant filers that were previously not entered when filed. (sm,) (Entered: 04/19/2010)

04/22/2010 421 Unopposed MOTION for Leave to File Amended First Answers and Counterclaims by Barnes & Noble Booksellers, Inc., Mail Boxes Etc., Inc., McDonalds Corp., SBC Internet Services, Inc., Wayport, Inc.. (Attachments: # 1 Text of Proposed Order)(Sayles, Richard) (Entered: 04/22/2010)

04/22/2010 422 First Amended ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by SBC Internet Services, Inc.. (Sayles, Richard) (Entered: 04/22/2010)

04/22/2010 423 First Amended ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Wayport, Inc.. (Sayles, Richard) (Entered: 04/22/2010)

04/22/2010 424 First Amended ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by McDonalds Corp.. (Sayles, Richard) (Entered: 04/22/2010)

04/22/2010 425 First Amended ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Barnes & Noble Booksellers, Inc.. (Sayles, Richard) (Entered: 04/22/2010)

04/22/2010 426 First Amended ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Mail Boxes Etc., Inc.. (Sayles, Richard) (Entered: 04/22/2010}

04/22/2010 427 NOTICE of Attorney Appearance by Adam S Hoffman on behalf of Linksmart Wireless Technology, LLC (Hoffman, Adam) (Entered: 04/22/2010)

04/23/2010 428 ORDER granting 421 Motion for Leave to Amend Their Respective First Answers And Counterclaims. Signed by Magistrate Judge Charles Everingham on 4/23/10. (ehs,) (Entered: 04/23/2010)

04/23/2010 429 MOTION for Extension of Time to File Response/Reply as to 402 Response in Opposition to Motion,, 382 MOTION to Strike 313 Third Party Complaint or Dismiss by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas) (Entered: 04/23/2010)

04/27/2010 430 ORDER granting 429 Motion for Extension of Time to File Response/Reply. Nomadix shall have to 5/10/2010 to reply to the Opposition of Best Western International Inc Responses due by 5/10/2010. Signed by Magistrate Judge Charles Everingham on 4/27/2010. (ch,) (Entered: 04/27/2010)

04/29/2010 431 ORDER - granting 419 Dfts notice to request permission to file for partial summary judgment of invalidity. Signed by Magistrate Judge Charles Everingham on 4/29/2010. (ch,) (Entered: 04/29/2010)

04/29/2010 432 MOTION to Strike 396 Claim Construction Brief, Defendants' Motion to Exclude the Expert Declaration of Dr. Tai Lavian in Support of Plaintiff's Claim Construction Reply Brief by Aptilo Networks, Inc.; Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., McDonalds Corp., Ramada Worldwide, Inc., SBC Internet Services, Inc., T-Mobile USA, Inc.. (Attachments: # 1 Affidavit Declaration of Alexandra McTague, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Text of Proposed Order)(Richardson, Michael) (Entered: 04/29/2010)

04/29/2010 433 Unopposed MOTION for Leave to File Excess Pages by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered:

04/29/2010)

04/30/2010	434	Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 04/30/2010)
04/30/2010	435	Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 04/30/2010)
04/30/2010	436	REPLY to 418 Claim Construction Brief, 414 Claim Construction Brief,, filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Affidavit of Andrew D. Weiss, # 2 Exhibit A to Weiss Deel., # 3 Affidavit of Tai Lavian, PH.D)(Weiss, Andrew) (Entered: 04/30/2010)
05/03/2010	439	ORDER granting 435 Unopposed Motion for Extension of Time to File Response to Nomandix Inc Mo to Dismiss BestComm Networks Crossclaims and Besti::omm is hereby given an extension of time up to and including Monday, May 24, 2010 to respond to Nomadix Inc's Motion to Dismisss BestComm Networks Crossclaims. Signed by Magistrate Judge Charles Everingham on 5/3/10. (poa,) (Entered: 05/04/2010)
05/04/2010	437	ORDER granting 433 Unopposed Motion for Leave to File Excess Pages. Order that the Plaintiff is granted leave to exceed the page limits for its Reply Brief required by P.R.4-5 (c) by 5 pages. Signed by Magistrate Judge Charles Everingham on 5/3/10. (poa,) (Entered: 05/04/2010)
05/04/2010	438	ORDER granting 434 Fourteenth Unopposed Motion for Extension of Time to Serve Accompanying Document Production Pursuant to PR 3-4. Pronto Networks Inc will have through May 14, 2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 5/3/10. (poa,) (Entered: 05/04/2010)
05/05/2010	440	NOTICE of Attorney Appearance by Todd Y Brandt on behalf of Linksmart Wireless Technology, LLC (Brandt, Todd) (Entered: 05/05/2010)
05/07/2010	441	Unopposed MOTION for Extension of Time to File Response/Reply to the Opposition of Best Western International, Inc. to Nomadix, Inc.'s Motion to Dismiss by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas) (Entered: 05/07/2010)
05/07/2010	442	Unopposed MOTION for Leave to File Claim Construction Sur-Reply by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, Intercontinental Hotels Group PLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., Marriott International, Inc., McDonalds Corp., Pronto Networks, Inc., Ramada Worldwide, Inc., SBC Internet Services, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., Wayport, Inc., iBAHN General Holdings Corp.. (Attachments: # 1 Text of Proposed Order granting defendants' unopposed motion for leave to file sur-reply, # 2 Exhibit Defendants' claim construction sur-reply, # 3 Affidavit of Noah Levine in support of defendants' claim construction sur-reply)(Levine, Noah) (Entered: 05/07/2010)
05/07/2010	443	Unopposed MOTION for Leave to File Claim Construction Surreply Brief by Aptilo Networks, Inc., iBAHN General Holdings Corp.. (Attachments: # 1 Text of Proposed Order)(Gardner, Allen) (Entered: 05/07/2010)
05/07/2010	444	CLAIM CONSTRUCTION SUR-REPLY BRIEF filed by Aptilo Networks, Inc., iBAHN General Holdings Corp.. (Gardner, Allen) (Entered: 05/07/2010)
05/07/2010	445	Unopposed MOTION for Leave to File Best Western's International, Inc.'s Unopposed Motion For Leave to Amend Its Answer and Counterclaims by Best Western International, Inc.. (Attachr:nents: # 1 Text of Proposed Order)(Joe, Christopher) (Entered: 05/07/2010)
05/07/2010	446	First Amended ANSWER to 1 Complaint Best Western International, Inc.'s First Amended Answer, Defenses and Counterclaims, COUNTERCLAIM against Linksmart Wireless Technology, LLC by Best Western International, Inc.. (Joe, Christopher) (Entered: 05/07/2010)
05/07/2010	447	Unopposed MOTION for Leave to File Claim Construction Sur-Reply by Best Western International, Inc.. (Attachments: # 1 Text of Proposed Order, # 2 Claim Construction Brief, # 3 Exhibit Exhibit 3, # 4 Exhibit Exhibit 4)(Rogers, David) (Entered: 05/07/2010) ·
05/10/2010	448	Linksmart Wireless Technology, LLC's Reply ANSWER to 423 Answer to Complaint, Counterclaim Wayport's Amended Counterclaim by Linksmart Wireless Technology, LLC. (Weiss, Andrew) (Entered: 05/10/2010)

05/10/2010 449 Unksmart Wireless Technology LLC's Reply ANSWER to 422 Answer to Complaint, Counterclaim SBC Internet Services dba ATT Internet Services Amended Counterclaim by Linksmart Wireless Technology, LLC.(Weiss, Andrew) (Entered: 05/10/2010)

05/10/2010 450 Linksmart Wireless Technology LLC's Reply ANSWER to 424 Answer to Complaint, Counterclaim McDonald's Amended Counterclaims by Linksmart Wireless Technology, LLC.(Weiss, Andrew) (Entered: 05/10/2010)

05/10/2010 451 Linksmart Wireless Technology LLC's Reply ANSWER to 426 Answer to Complaint, Counterclaim Mail Boxes Etc. Amended Counterclaims by Linksmart Wireless Technology, LLC.(Weiss, Andrew) (Entered: 05/10/2010)

05/10/2010 452 Linksmart Wireless Technology LLC's Reply ANSWER to 446 Answer to Complaint, Counterclaim,, Best Western Internatiional, Inc's Amended Counterclaims by Linksmart Wireless Technology, LLC.(Weiss, Andrew) (Entered: 05/10/2010)

05/10/2010 453 Linksmart Wireless Technology LLC's Reply ANSWER to 425 Answer to Complaint, Counterclaim Barnes & Noble Booksellers Inc.'s Amended Counterclaims by Linksmart Wireless Technology, LLC.(Welss, Andrew) (Entered: 05/10/2010)

05/11/2010 454 ORDER granting 441 Motion for Extension of Time to File Response/Reply to the Opposition of Best Western International Inc Responses due by 6/1/2010. Signed by Magistrate Judge Charles Everingham on 5/11/2010. (ch,) (Entered: 05/11/2010)

05/11/2010 455 ORDER granting 442 Motion for Leave to File Claim Construction SurReply. Signed by Magistrate Judge Charles Everingham on 5/11/2010. (ch,) (Entered: 05/11/2010)

05/11/2010 456 ORDER granting 443 Motion for Leave to File a Claim Construction Sur-reply Brief. Defendant iBAHN General Holdings Corp., joined by Aptilo Networks, Inc., may file its Claim Construction Sur-reply Brief. Signed by Magistrate Judge Charles Everingham on 5/11/10. (ehs,) (Entered: 05/11/2010)

05/11/2010 457 ORDER granting 445 Motion for Leave to File Amend Answer and Counteclaims. Signed by Magistrate Judge Charles Everingham on 5/11/2010. (ch,) (Entered: 05/11/2010)

05/11/2010 458 ORDER granting 447 Motion for Leave to File Claim Construction Sur-Reply. Signed by Magistrate Judge Charles Everingham on 5/11/10. (ehs,) (Entered: 05/11/2010)

05/11/2010 459 RESPONSE to 436 Reply to Claim Construction Brief, Claim Construction Sur-Reply Brief of Defendants by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, InterContinental Hotels Group PLC, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., Marriott International, Inc., McDonalds Corp., Pronto Networks, Inc., Ramada Worldwide, Inc., SBC Internet Services, Inc., Six Continents Hotels Inc, T-Moblle USA, Inc., Wayport, Inc.. (Attachments: # 1 Affidavit Declaration of Noah A. Levine, # 2 Exhibit l)(Richardson, Michael) (Entered: 05/11/2010)

05/12/2010 460 Unopposed MOTION for Leave to File Amended Answer by Choice Hotels International Inc.. (Attachments: # 1 Text of Proposed Order)(Smith, Michael) (Entered: 05/12/2010)

05/12/2010 461 First Amended ANSWER to 1 Complaint by Choice Hotels International Inc.. (Smith, Michael) (Entered: 05/12/2010)

05/13/2010 462 NOTICE of Disclosure by SBC Internet Services, Inc., Wayport, Inc. of Second Supplemental Rule 26(a) Disclosures (Sayles, Richard) (Entered: 05/13/2010)

05/14/2010 463 ORDER granting 460 Motion for Leave to File amended it answer. Signed by Magistrate Judge Charles Everingham on 5/14/10. (ehs,) (Entered: 05/14/2010)

05/14/2010 464 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying Document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 05/14/2010)

05/14/2010 465 CLAIM CONSTRUCTION CHART filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Exhibit Exhibit A)(Weiss, Andrew) (Entered: 05/14/2010)

05/14/2010 466 NOTICE by Linksmart Wireless Technology, LLC Notice of Submission of Tutorial (Attachments: # 1 Exhibit Ex. A - Tutorial)(Giza, Alexander) (Entered: 05/14/2010)

05/14/2010 469 APPLICATION to Appear Pro Hae Vice by Attorney Erin P Gibson,John D Kinton for Intercontinental Hotels Group Resources Inc,Erin P Gibson,John D Kinton for Intercontinental Hotels Group Resources Inc,Erin P Gibson,John D Kinton for Six Continents Hotels Inc,Erin P Gibson,John D Kinton for Six Continents Hotels Inc. (Attachments: # 1 PHV Kinton RECEIPT 2-1-5362)(rml,) (Entered: 05/17/2010)

05/17/2010 467 Unopposed SEALED PATENT MOTION for Leave to File First Supplemental Invalidity

Contentions by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., Marriott International, Inc., McDonalds Corp., Pronto Networks, Inc., Ramada Worldwide, Inc., SBC Internet Services, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., Wayport, Inc.. (Attachments: # 1 Exhibit A, # 2 Text of Proposed Order) (Richardson, Michael) (Entered: 05/17/2010)

05/17/2010 468 MOTION for Summary Judgment of Invalidity for Indefiniteness Under 35 U.S.C. Section 112, 2 by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, InterContinental Hotels Group PLC, LodgeNet Interactive Corporation, Marriott International, Inc., McDonalds Corp., Pronto Networks, Inc., Ramada Worldwide, Inc., SBC Internet Services, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., Wayport, Inc.. (Attachments: # 1 Affidavit (Part 1 of 2) Declaration of Noah A. Levine, # 2 Affidavit (Part 2 of 2) Delcaration of Noah A. Levine, # 3 Text of Proposed Order)(Richardson, Michael) (Entered: 05/17/2010)

05/17/2010 470 RESPONSE in Opposition re 432 MOTION to Strike 396 Claim Construction Brief, Defendants' Motion to Exclude the Expert Declaration of Dr. Tai Lavian in Support of Plaintiff's Claim Construction Reply Brief MOTION to Strike 396 Claim Construction Brief, Defendants' Motion to Exclude the Expert Declaration of Dr. Tai Lavian in Support of Plaintiff's Claim Construction Reply Brief MOTION to Strike 396 Claim Construction Brief, Defendants' Motion to Exclude the Expert Declaration of Dr. Tai Lavian in Support of Plaintiff's Claim Construction Reply Brief filed by Linksmart Wireless Technology, LLC. (Weiss, Andrew) (Entered: 05/17/2010)

05/18/2010 471 ORDER granting 464 Motion for Extension of Time to Complete Discovery. ORDERED that Defendant Pronto Networks, Inc.s Fifteenth Unopposed Motion for Extension of Time to Serve Accompanying Document Production Pursuant to P.R. 3-4 is GRANTED. Pronto Networks, Inc. will have through 5/28/2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4. Signed by Magistrate Judge Charles Everingham on 5/18/2010. (ch,) (Entered: 05/18/2010)

05/18/2010 472 ORDER granting 467 Sealed Patent Motion for leave to file First Supplemental Invalidity Contentions . Signed by Magistrate Judge Charles Everingham on 5/18/2010. (ch,) (Entered: 05/18/2010)

05/20/2010 473 APPLICATION to Appear Pro Hae Vice by Attorney Richard A Cederoth for Barnes & Noble Booksellers, Inc.,Richard A Cederoth for Mail Boxes Etc., Inc.,Richard A Cederoth for McDonalds Corp.,Richard A Cederoth for SBC Internet Services, Inc.,Richard A Cederoth for SBC Internet Services, Inc.,Richard A Cederoth for SBC Internet Services, Inc.,Richard A Cederoth for Wayport, Inc. (APPROVED FEE PAID) 2-1-5371. (ch,) (Entered: 05/20/2010)

05/21/2010 474 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 05/21/2010)

05/23/2010 475 RESPONSE in Opposition re 468 MOTION for Summary Judgment of Invalidity for Indefiniteness Under 35 U.S.C. Section 112, 2 filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Affidavit of Tai Lavian, Ph.D.)(Weiss, Andrew) (Entered: 05/23/2010)

05/25/2010 476 ORDER granting 474 Motion for Extension of Time to File Response to Nomadix, Inc.s Motion to Dismiss BestComm Networks, Inc.s Crossclaims. Responses due by 6/14/2010. Signed by Magistrate Judge Charles Everingham on 5/25/10. (ehs,) (Entered: 05/25/2010)

05/25/2010 477 Minute Entry for proceedings held before Magistrate Judge Charles Everingham: Markman Hearing held on 5/25/2010. (Court Reporter Shelly Holmes, CSR.) (Attachments: # 1 Attorney sign-in sheet) (jml) (Entered: 05/25/2010)

05/28/2010 478 Unopposed MOTION for Extension of Time to Complete Discovery to Serve Accompanying document Production Pursuant to P.R. 3-4 by Pronto Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Allen, Aden) (Entered: 05/28/2010)

06/01/2010 479 ORDER granting 478 Motion for Extension of Time to to Serve Accompanying Document Production Pursuant to P.R. 3-4. Defendant Pronto Networks, Inc.s Sixteenth Unopposed Motion for Extension of Time to Serve Accompanying Document Production Pursuant to P.R. 3-4 is GRANTED. Pronto Networks, Inc. will have through June 11, 2010 to serve its accompanying document production to the invalidity contentions in accordance with Patent Rule 3-4.. Signed by Magistrate Judge Charles Everingham on 6/1/10. (ehs,)

(Entered: 06/01/2010)

06/01/2010 480 Unopposed MOTION for Extension of Time to File Response/Reply to 402 Opposition of Best Western International, Inc. to Nomadix, Inc.'s Motion to Dismiss by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas) (Entered: 06/01/2010)

06/02/2010 481 ORDER granting 480 Motion for Extension of Time to File Response/Reply - reply to the Opposition of Best Western International Inc Responses due by 6/22/2010. Signed by Magistrate Judge Charles Everingham on 6/2/2010. (ch,) (Entered: 06/02/2010)

06/02/2010 482 REPLY TO RESPONSE in Support re 468 MOTION for Summary Judgment of Invalidity for Indefiniteness Under 35 U.S.C. Section 112, 2 Defendants' Reply in Support of Their Motion for Partial Summary Judgment of Invalidity for Indefiniteness Under 35 U.S.C. 112.2 filed by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., Marriott International, Inc., McDonalds Corp., Ramada Worldwide, Inc., SBC Internet Services, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., Wayport, Inc., iBAHN General Holdings Corp.. (Richardson, Michael) Modified on 6/2/2010 (sm,). (Entered: 06/02/2010)

06/02/2010 •• NOTICE FROM CLERK re 482 Response in Support of Motion. Entry was modified by clerk to show that it is a reply to response. (sm,) (Entered: 06/02/2010)

06/03/2010 483 Unopposed MOTION to Withdraw as Attorney by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Brandt, Todd) (Entered: 06/03/2010)

06/04/2010 484 ORDER granting 483 Motion to Withdraw as Attorney. Attorney Todd Y Brandt terminated Linksmart Wireless Technology LLC. Signed by Magistrate Judge Charles Everingham on 6/4/2010. (ch,) (Entered: 06/04/2010)

06/07/2010 485 Joint MOTION to Dismiss Pronto Networks, Inc. with Prejudice by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order Proposed Order)(Weiss, Andrew) (Entered: 06/07/2010)

06/09/2010 486 ORDER, granting 485 Joint MOTION to Dismiss Pronto Networks, Inc. with Prejudice filed by Linksmart Wireless Technology, LLC., Pronto Networks, Inc. terminated.. Signed by Judge David Folsom on 6/9/10. (mrm,) (Entered: 06/09/2010)

06/11/2010 487 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 06/11/2010)

06/15/2010 488 ORDER granting 487 Motion for Extension of Time to File Response/Reply re 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims Responses due by 7/6/2010. Signed by Magistrate Judge Charles Everingham on 6/15/2010. (ch,) (Entered: 06/15/2010)

06/18/2010 489 APPLICATION to Appear Pro Hac Vice by Attorney Eric Charles Flagel for Linksmart Wireless Technology, LLC. (APPROVED, FEE PAID 2-1-5415) (ehs,) (Entered: 06/18/2010)

06/22/2010 490 Unopposed MOTION for Extension of Time to File Response/Reply to 402 Opposition of Best Western International, Inc. to Nomadix, Inc.'s Motion to Strike or Dismiss Third-Party Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas) (Entered: 06/22/2010)

06/23/2010 491 ORDER granting 490 Motion for Extension of Time to File Response/Reply re: to Best Western International Inc Opposition to Nomadix's Motion to Strike or Dismiss Third-Party complaint Responses due by 7/6/2010. Signed by Magistrate Judge Charles Everingham on 6/23/2010. (ch,) (Entered: 06/23/2010)

06/30/2010 492 MEMORANDUM OPINION AND ORDER - the court issues the following order concerning the claim construction issues. Signed by Magistrate Judge Charles Everingham on 6/30/2010. (ch,) (Entered: 06/30/2010)

06/30/2010 493 NOTICE of Attorney Appearance by Irene Y Lee on behalf of Linksmart Wireless Technology, LLC (Lee, Irene) (Entered: 06/30/2010)

07/01/2010 494 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 07/01/2010)

07/01/2010 495 REPORT AND RECOMMENDATIONS re 468 MOTION for Summary Judgment of Invalidity for Indefiniteness Under 35 U.S.C. Section 112, recommending granting in part deft's motion. Signed by Magistrate Judge Charles Everingham on 7/1/10. (ehs,) (Entered:

07/01/2010)

07/01/2010   496   Unopposed MOTION to Withdraw as Attorney by Best Western International, Inc..
(Attachments: # 1 Text of Proposed Order)(Rogers, David) (Entered: 07/01/2010)

07/02/2010   497   ORDER granting 494 Motion for Extension of Time to File Response to Nomad ix, Inc.s
Motion to Dismiss BestComm Networks, Inc.s Crossclaims. Responses due by 8/20/2010.
Signed by Magistrate Judge Charles Everingham on 7/2/10. (ehs,) (Entered:
07/02/2010)

07/02/2010   498   ORDER granting 496 Motion to Withdraw as Attorney. Attorney Andrea L Marconi
terminated. Signed by Magistrate Judge Charles Everingham on 7/2/10. (ehs,) (Entered:
07/02/2010)

07/06/2010   499   NOTICE OF FILING OF OFFICIAL TRANSCRIPT of CLAIM CONSTRUCTION HEARING held
on 5/25/10 before Judge Chad Everingham. Court Reporter/Transcriber: Shelly Holmes,
CSR,Telephone number: (903) 663-5082. (116 Pages) NOTICE RE REDACTION OF
TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice
of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript
will be made remotely electronically available to the public without redaction after 90
calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript
may be viewed at the court public terminal or purchased through the Court
Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that
date it may be obtained through PACER. Redaction Request due 7/30/2010. Redacted
Transcript Deadline set for 8/9/2010. Release of Transcript Restriction set for 10/7/2010.
(tja,) (Entered: 07/06/2010)

07/06/2010   500   MOTION for Extension of Time to File Response/Reply to 402 Opposition of Best Western
International, Inc. to 382 Nomadix, Inc.'s Motion to Strike or Dismiss Third-Party
Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser,
Douglas) (Entered: 07/06/2010)

07/07/2010   501   ORDER granting 500 Motion for Extension of Time to File Response/Reply re: 402
Opposition of Best Western International Inc. Signed by Magistrate Judge Charles
Everingham on 7/7/2010. (ch,) (Entered: 07/07/2010)

07/14/2010   502   RESPONSE to 492 Memorandum & Opinion by Aptilo Networks, Inc., Barnes & Noble
Booksellers, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco
Systems, Inc., EthoStream, LLC, Mail Boxes Etc., Inc., McDonalds Corp., Ramada
Worldwide, Inc., SBC Internet Services, Inc., T-Mobile USA, Inc., Wayport, Inc., iBAHN
General Holdings Corp.. (Attachments: # 1 Text of Proposed Order)(Richardson, Michael)
(Entered: 07/14/2010)

07/14/2010   503   RESPONSE OBJECTIONS to 492 Memorandum Opinion and Order by Linksmart Wireless
Technology, LLC. (Weiss, Andrew) Modified on 7/28/2010 (sm,). (Entered: 07/14/2010)

07/15/2010   504   OBJECTION to 495 Report and Recommendations by Linksmart Wireless Technology,
LLC. (Weiss, Andrew) (Entered: 07/15/2010)

07/15/2010   505   Response to 492 Order filed by Best Western International, Inc.. (Attachments: # 1 Text
of Proposed Order Order)(Rogers, David) Modified on 7/16/2010 (sm,). (Entered:
07/15/2010)

07/16/2010   --   NOTICE FROM CLERK re 505 . Clerk has modified this entry, per atty, to add the link and
entry to show it is a response to #492 Memorandum Order. (sm,) (Entered:
07/16/2010)

07/22/2010   506   NOTICE of Attorney Appearance by Robert F Gookin on behalf of Linksmart Wireless
Technology, LLC (Gookin, Robert) (Entered: 07/22/2010)

07/26/2010   507   Unopposed MOTION for Extension of Time to File Response/Reply to 402 Opposition of
Best Western International, Inc. to 382 Nomadix, Inc.'s Motion to Dismiss Third-Party
Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser,
Douglas) (Entered: 07/26/2010)

07/27/2010   508   ORDER granting 507 Motion for Extension of Time to File Reply to Best Western
International, Inc.s Opposition to Nomadixs Motion to Strike or Dismiss Third-Party
Complaint. Responses due by 8/10/2010. Signed by Magistrate Judge Charles
Everingham on 7/27/10. (ehs,) (Entered: 07/27/2010)

07/28/2010   509   RESPONSE to 492 Memorandum & Opinion Defendants' Opposition to Plaintiff's
Objections to June 30, 2010 Memorandum and Order Regarding Claim Construction by
Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc.,
Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, Intercontinental
Hotels Group Resources Inc, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc.,

Marriott International, Inc., McDonalds Corp., Ramada Worldwide, Inc., SBC Internet Services, Inc., T-Mobile **USA**, Inc., Wayport, Inc., **iBAHN** General Holdings Corp.. (Richardson, Michael) (Entered: 07/28/2010)

07/28/2010 510 RESPONSE to 504 Pia objections to Report and Recommendation by Aptilo Networks, Inc., Barnes & Noble Booksellers, Inc., Best Western International, Inc., Choice Ho tels International Inc., Cisco Systems, Inc., EthoStream, LLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Mail Boxes Etc., Inc., Marriott International, Inc., McDonalds Corp., Ramada Worldwide, Inc., SBC Internet S ervices, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., Wayport, Inc., iBAHN General Holdings Corp.. (Richardson, Michael) (Richardson, Michael) Modified on 7/28/2010 (sm,). (Entered: 07/28/2010)

07/28/2010 -- NOTICE FROM CLERK of modifications to entries 503 Objection to Report and Recommendations - Changed the event to response to non-motion, 510 Response to Non-Motion - Changed link from 492 to 504. (sm,) (Entered: 07/28/2010)

08/10/2010 511 Unopposed MOTION for Extension ofTime to File Response/Reply to 402 Opposition of Best Western International, Inc. to 382 Nomadix, Inc.'s Motion to Dismiss Third-Party Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas) (Entered: 08/10/2010)

08/11/2010 512 ORDER granting 511 Motion for Extension of Time to File Reply to Best Western International, Inc.s Opposition to Nomadixs Motion to Strike or Dismiss Third-Party Complaint. Nomadix Responses due by 8/24/2010. Signed by Magistrate Judge Charles Everingham on 8/11/10. (ehs,) (Entered: 08/11/2010)

08/12/2010 513 NOTICE by Choice Hotels International Inc. of Letter Brief Requesting Permission to file Motion for Summary Judgment (Attachments: # 1 Exhibit 1 - Letter Brief)(Smith, Michael) (Entered: 08/12/2010)

08/13/2010 514 ***FILED IN ERROR. PER ATTORNEY. PLEASE IGNORE.*** NOTICE by LodgeNet Interactive Corporation of Unenforceability Contentions (Beverage, Cynthia) Modified on 8/16/2010 (ch,). (Entered: 08/13/2010)

08/16/2010 -- ***FILED IN ERROR. PER ATTORNEY Document # 514, Notice. PLEASE IGNORE.*** (ch,) (Entered: 08/16/2010)

08/16/2010 515 NOTICE by LodgeNet Interactive Corporation of Compliance Regarding Preliminary Unenforceability Contentions (Beverage, Cynthia) (Entered: 08/16/2010)

08/17/2010 516 ORDER grants 513 Notice for leave to file motion for summary judgment filed by Choice Hotels International Inc.. Signed by Magistrate Judge Charles Everingham on 8/17/10. (ehs,) (Entered: 08/17/2010)

08/19/2010 517 SEALED MOTION Unopposed Motion for Leave to Serve First Supplemental Invalidity Contentions by Aptilo Networks, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, InterContinental Hotels Group PLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Marriott International, Inc., Ramada Worldwide, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., iBAHN General Holdings Corp.. (Attachments: # 1 Exhibit A, # 2 Text of Proposed Order)(Richardson, Michael) (Entered: 08/19/2010)

08/20/2010 518 NOTICE of Disclosure by Barnes & Noble Booksellers, Inc., Mail Boxes Etc., Inc., McDonalds Corp., SBC Internet Services, Inc., Wayport, Inc. of Amended Invalidity Contentions (Sayles, Richard) (Entered: 08/20/2010)

08/20/2010 519 NOTICE of Disclosure by Intercontinental Hotels Group Resources Inc, Marriott International, 'Inc., Six Continents Hotels Inc of Amended Invalidity Contentions (Guaragna, John) (Entered: 08/20/2010)

08/20/2010 520 ORDER granting 517 Sealed Motion to Serve First Supplemental Invalidity Contentions. Signed by Magistrate Judge Charles Everingham on 8/20/2010. (ch,) (Entered: 08/20/2010)

08/20/2010 521 NOTICE of Disclosure by iBAHN General Holdings Corp. regarding Amended Invalidity Contentions (Jones, Michael) (Entered: 08/20/2010)

08/20/2010 522 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 08/20/2010)

08/23/2010 523 ORDER granting 522 Motion for Extension of Time to File Response to Nomadix, Inc.s Motion to Dismiss BestComm Networks, Inc.s Crossclaims. Responses due by 9/3/2010. Signed by Magistrate Judge Charles Everingham on 8/23/10. (ehs,) (Entered:

08/23/2010)

08/24/2010 524 Unopposed MOTION for Extension of Time to File Response/Reply to 402 Opposition of Best Western International, Inc. to 382 Nomadix, Inc.'s Motion to Dismiss Third-Party Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas) (Entered: 08/24/2010)

08/25/2010 525 ORDER granting 524 Motion for Extension of Time to File Reply to Best Western International, Inc.s Opposition to Nomadixs Motion to Strike or Dismiss Third-Party Complaint. Nomadix shall file Response by 9/7/2010. Signed by Magistrate Judge Charles Everingham on 8/25/10. (ehs,) (Entered: 08/25/2010)

08/25/2010 526 NOTICE of Disclosure by Choice Hotels International Inc. (Notice of Joinder Regarding Disclosure of Amended and Supplemental Invalidity Contentions) (Smith, Michael) (Entered: 08/25/2010)

08/27/2010 527 Joint MOTION to Stay Pending Finalization of Settlement by Barnes & Noble Booksellers, Inc., Linksmart Wireless Technology, LLC, Mail Boxes Etc., Inc., McDonalds Corp., SBC Internet Services, Inc., Wayport, Inc.. (Attachments: # 1 Text of Proposed Order) (Sayles, Richard) (Entered: 08/27/2010)

08/27/2010 528 NOTICE by Best Western International, Inc. of Letter Brief Requesting Permission to file Motion for Summary Judgment (Attachments: # 1 Exhibit Letter Brief)(Rogers, David) (Entered: 08/27/2010)

08/27/2010 529 Joint MOTION to Stay Deadlines Pending Finalization of Aptilo Settlement Agreement by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 08/27/2010)

08/27/2010 530 MOTION for Summary Judgment of Non-Infringement by Choice Hotels International Inc.. (Attachments: # 1 Affidavit Declaration of G. Lyons, # 2 Exhibit 2, # 3 Exhibit 4, # 4 Exhibit 5, # 5 Exhibit 6, # 6 Text of Proposed Order)(Smith, Michael) (Entered: 08/27/2010)

08/27/2010 531 SEALED ADDITIONAL ATTACHMENTS to Main Document: 530 MOTION for Summary Judgment of Non-Infringement. (Attachments: # 1 Exhibit 1, # 2 Exhibit 3, # 3 Exhibit 7, # 4 Exhibit 8, # 5 Exhibit 9, # 6 Exhibit 10, # 7 Exhibit 11)(Smith, Michael) (Entered: 08/27/2010)

08/27/2010 532 APPLICATION to Appear Pro Hac Vice by Attorney Brian F McMahon for LodgeNet Interactive Corporation. (APPROVED FEE PAID)2-1-5593(ch,) (Entered: 08/27/2010)

08/30/2010 533 NOTICE by LodgeNet Interactive Corporation of Compliance Regarding Amended Invalidty Contentions (Beverage, Cynthia) (Entered: 08/30/2010)

08/30/2010 542 APPLICATION to Appear Pro Hac Vice by Attorney Paul W Kletzly for LodgeNet Interactive Corporation. (APPROVED FEE **PAID)** 2-1-5597 (ch,) (Entered: 09/01/2010)

08/31/2010 534 ORDER granting 528 request ti file a motion for summary judgment filed by Best Western International, Inc.. Signed by Magistrate Judge Charles Everingham on 8/1/10. (ehs,) (Entered: 08/31/2010)

08/31/2010 535 ORDER granting 527 Motion to Stay. all proceedings in the above-captioned consolidated matter between plaintiff Linksmart Wireless LLC and defendants SBC Internet Services, Inc., d/b/a AT&T Internet Services, McDonald's Corp., Barnes & Noble Booksellers, Inc., Mail Boxes Etc., Inc., and Wayport, Inc. ("the AT&T/Wayport defendants") are stayed for sixty (60) days. All currently pending deadlines, as they apply to proceedings brought against the AT&T/Wayport defendants, are vacated.. Signed by Magistrate Judge Charles Everingham on 8/31/10. (ehs,) (Entered: 08/31/2010)

08/31/2010 536 ORDER granting 529 Motion to Stay. All deadlines in the present case with respect to Aptilo and all deadlines of Linksmart with respect to Aptilo are stayed for 45 days, pending a motion to dismiss. All attorneys fees, costs of court and expenses shall be borne by each party incurring the same. Signed by Magistrate Judge Charles Everingham on 8/31/10. (ehs,) (Entered: 08/31/2010)

08/31/2010 537 Unopposed MOTION to Amend/Correct Docket Control Order for a Temporary Extension to Facilitate Settlement Completion and Negotiations by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 08/31/2010)

08/31/2010 538 REPORT of Mediation by James W Knowles. Mediation result: Partial Settlement(Knowles, James) (Entered: 08/31/2010)

09/01/2010 539 ORDER granting 537 Motion to Amend docket control order. All deadlines in the Docket Control Order are continued by 60 days.. Signed by Magistrate Judge Charles Everingham on 9/1/10. (ehs,) (Entered: 09/01/2010)

09/01/2010 540 *PLEASE IGNORE. DUPLICATE ORDER* ORDER STAYING CASE. Signed by Judge David Folsom on 9/1/10. (mrm,) Modified on 9/1/2010 (mrm,). (Entered: 09/01/2010)

09/01/2010 --   ***DUPLICATE ORDER. Document# 540, Order. PLEASE IGNORE.*** (mrm,) (Entered: 09/01/2010)

09/01/2010 541 APPLICATION to Appear Pro Hae Vice by Attorney Paul E Veith for Barnes & Noble Booksellers, Inc.,Paul E Veith for Mail Boxes Etc., Inc.,Paul E Veith for McDonalds Corp.,Paul E Veith for SBC Internet Services, Inc.,Paul E Veith for SBC Internet Services, Inc.,Paul E Veith for SBC Internet Services, Inc.,Paul E Veith for Wayport, Inc.. (APPROVED, FEE PAID 2-1-560) (ehs,) (Entered: 09/01/2010)

09/02/2010 543 REPORT AND RECOMMENDATIONS re 382 MOTION to Strike 313 Third Party Complaint or Dismiss filed by Nomadix, Inc. For the reasons stated herein, the undersigned recommends DENYING the motion to strike and GRANTING in part and DENYING in part the motion to dismiss. A party has 14 days to file written objections after being served a copy of this order. Signed by Magistrate Judge Charles Everingham on 9/1/2010. (ch,) (Entered: 09/02/2010)

09/10/2010 544 Unopposed MOTION for Extension of Time to File Response/Reply as to 530 MOTION for Summary Judgment of Non-Infringement by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 09/10/2010)

09/13/2010 545 ORDER granting 544 Motion for Extension of Time to File Resr,onse to Choice Hotels International, Inc.s Motion for summary Judgment of Non-Inringement. Responses due by 9/20/2010. The deadline for Choice Hotels International, Inc. to file its reply to Choice Hotels International, Inc.s Motion for Summary Judgment of Non-Infringement [Dkt. No. 530]. Replies due by 10/7/2010.. Signed by Magistrate Judge Charles Everingham on 9/13/10. (ehs,) (Entered: 09/13/2010)

09/15/2010 546 MOTION to Stay Pending the Reexamination of the Patent in Suit by Aptilo Networks, Inc., Best Western International, Inc., Choice Hotels International Inc., Cisco Systems, Inc., EthoStream, LLC, Intercontinental Hotels Group PLC, Intercontinental Hotels Group Resources Inc, LodgeNet Interactive Corporation, Marriott International, Inc., Ramada Worldwide, Inc., Six Continents Hotels Inc, T-Mobile USA, Inc., iBAHN General Holdings Corp.. (Attachments: # 1 Affidavit Declaration of Noah Levine, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Text of Proposed Order)(Beck, David) (Entered: 09/15/2010)

09/16/2010 547 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 09/16/2010)

09/16/2010 548 Unopposed MOTION to Withdraw as Attorney by Cisco Systems, Inc., T-Mobile USA, Inc.. (Attachments: # 1 Text of Proposed Order)(Chen, Joyce) (Additional attachment(s) added on 9/20/2010: # 2 REVISED ORDER) (sm,). (Entered: 09/16/2010)

09/20/2010 549 ORDER granting 547 Motion for Extension of Time to File Response to Nomadix, Inc.s Motion to Dismiss BestComm Networks, Inc.s Crossclaims. Responses due by 9/29/2010. Signed by Magistrate Judge Charles Everingham on 9/20/10. (ehs,) {Entered: 09/20/2010)

09/20/2010 550 ORDER, granting 548 Unopposed MOTION to Withdraw as Attorney filed by Cisco Systems, Inc., T-Mobile USA, Inc.., Attorney Joyce Chen terminated. Signed by Judge David Folsom on 9/20/10. (mrm,) (Entered: 09/20/2010)

09/20/2010 551 SEALED RESPONSE to Motion re 530 MOTION for Summary Judgment of Non-Infringement filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Affidavit Declaration of Robert Gookin in Support of Linksmart Wireless Technology, LLC's Response to Defendant Choice Hotels International, Inc.'s Motion for Summary Judgment of Non-Infringement, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K (part 1), # 13 Exhibit K (part 2), # 14 Exhibit K (part 3), # 15 Exhibit L, # 16 Exhibit M, # 17 Exhibit N, # 18 Exhibit O, # 19 Exhibit P, # 20 Exhibit Q, # 21 Exhibit R, # 22 Exhibit S, # 23 Exhibit T, # 24 Exhibit U, # 25 Exhibit V, # 26 Exhibit W, # 27 Exhibit X, # 28 Exhibit Y)(Gookin, Robert) (Entered: 09/20/2010)

09/21/2010 552 Additional Attachments to Main Document (Amended Cert of Service): 551 Sealed Response to Motion,,,.. (Gookin, Robert) Modified on 9/21/2010 (sm,). (Entered: 09/21/2010)

09/24/2010 553 CORPORATE DISCLOSURE STATEMENT filed by Choice Hotels International Inc. identifying Corporate Parent None for Choice Hotels International Inc.. (Smith, Michael)

(Entered: 09/24/2010)

09/27/2010 554 ORDER adopting 543 Report and Recommendations, granting in part and denying in part 382 MOTION to Strike 313 Third Party Complaint or Dismiss filed by Nomadix, Inc. Signed by Judge David Folsom on 9/27/10. (mrm,) (Entered: 09/27/2010)

09/29/2010 555 Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 09/29/2010)

09/30/2010 556 ORDER granting 555 Motion for Extension of Time to File Response to Nomadix, Inc.s Motion to Dismiss BestComm Networks, Inc.s Crossclaims. Responses due by 10/29/2010. Signed by Magistrate Judge Charles Everingham on 9/30/10. (ehs,) (Entered: 09/30/2010)

10/04/2010 557 Unopposed **MOTION** for Extension of Time to File Response/Reply as to 546 **MOTION** to Stay Pending the Reexamination of the Patent in Suit by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order GRANTING UNOPPOSED MOTION FOR **EXTENSION FOR PLAINTIFF LINKSMART WIRELESS TECHNOLOGY, LLC TO RESPOND TO DEFENDANTS' MOTION FOR A STAY PENDING THE REEXAMINATION OF THE PATENT IN** SUIT)(Weiss, Andrew) (Entered: 10/04/2010)

10/05/2010 558 ORDER granting 557 Motion for Extension of Time to File Response to Defendants' Motion for a Stay Pending the Reexamination of the Patent in Suit (Motion). Responses due by 10/8/2010. Signed by Magistrate Judge Charles Everingham on 10/5/10. (ehs,) (Entered: 10/05/2010)

10/05/2010 559 NOTICE of Attorney Appearance by Bruce D. Kuyper on behalf of Linksmart Wireless Technology, LLC (Kuyper, Bruce) (Entered: 10/05/2010)

10/07/2010 560 REPLY to Response to Motion re 530 MOTION for Summary Judgment of Non-Infringement filed by Choice Hotels International Inc.. (Attachments: # 1 Exhibit Declaration of G. Lyons)(Smith, Michael) (Entered: 10/07/2010)

10/07/2010 561 SEALED ADDITIONAL ATTACHMENTS to Main Document: 560 Choice Hotels International, Inc.'s Reply to Response to Motion for Summary Judgement of Noninfringement. (Attachments: # 1 Exhibit 12, # 2 Exhibit 13, # 3 Exhibit 14, # 4 Exhibit 15)(Smith, Michael) (Entered: 10/07/2010)

10/07/2010 562 Amended THIRD PARTY COMPLAINT of Best Western International, Inc. against BestComm Networks, Inc., Nomadix, Inc., filed by Best Western International, Inc.. (Rogers, David) (Entered: 10/07/2010)

10/08/2010 563 Joint MOTION Entry of Amended Protective Order by Linksmart Wireless Technology, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Weiss, Andrew) (Additional attachment(s) added on 10/8/2010: # 3 REVISED ORDER) (sm,). (Entered: 10/08/2010)

10/08/2010 564 RESPONSE to Motion re 546 MOTION to Stay Pending the Reexamination of the Patent in Suit NOTICE OF NON-OPPOSITION filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order Granting Defendants' Motion for Stay Pending the Reexamination of the Patent In Suit)(Weiss, Andrew) (Entered: 10/08/2010)

10/11/2010 565 Unopposed MOTION to Withdraw as Attorney Alexandra McTague by Cisco Systems, Inc., T-Mobile USA, Inc.. (Attachments: # 1 Text of Proposed Order)(Richardson, Michael) (Entered: 10/11/2010)

10/12/2010 566 ORDER granting 565 Motion to Withdraw as Attorney. Attorney Alexandra B McTague terminated for Defendants Cisco Systems, Inc. and T-Mobile USA. Signed by Magistrate Judge Charles Everingham on 10/12/10. (ehs,) (Entered: 10/12/2010)

10/12/2010 567 NOTICE by T-Mobile USA, Inc. of Firm Name Change (Ruthenberg, Kirk) (Entered: 10/12/2010)

10/12/2010 568 AMENDED AGREED PROTECTIVE ORDER. Signed by Magistrate Judge Charles Everingham on 10/12/10. (ehs,) (Entered: 10/12/2010)

10/13/2010 569 REPORT of Mediation by James W Knowles. Mediation result: Suspended(Knowles, James) (Entered: 10/13/2010)

10/13/2010 570 unopposed MOTION in Response to First Amended Third Party Complaint of Best Western International, Inc. re 562 Third Party Complaint by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Additional attachment(s) added on 10/22/2010: # 2 REVISED ORDER) (sm,). (Entered: 10/13/2010)

10/14/2010 571 unopposed MOTION for Extension of Time to File Answer re 562 Third Party Complaint by Nomadix, Inc.. (Attachments: # 1 Text of Proposed Order)(Muehlhauser, Douglas)

(Entered: 10/14/2010)

10/15/2010	572	ORDER granting 571 Motion for Extension of Time to Answer. Third-Party Oft Nomadix Inc deadline to respond to Best Western International Ins First Amended Third - Party Complaint is extended to 11/12/2010. Signed by Magistrate Judge Charles Everingham on 10/15/2010. (ch,) (Entered: 10/15/2010)
10/18/2010	573	SEALED LINKSMART WIRELESS TECHNOLOGY, LLCS SURREPLY TO DEFENDANT CHOICE HOTELS INTERNATIONAL, INC.S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT 530 MOTION for Summary Judgment of Non-Infringement filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 SECOND DECLARATION OF ROBERT GOOKIN IN SUPPORT OF LINKSMART WIRELESS TECHNOLOGY, LLC'S SURREPLY TO DEFENDANT CHOICE HOTELS INTERNATIONAL, INC.'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT, # 2 Exhibit A)(Gookin, Robert) (Entered: 10/18/2010)
10/19/2010	574	SEALED ADDITIONAL ATTACHMENTS to Main Document: 573 Attachment to Exhibit A. (Attachments: # 1 Exhibit A)(Gookin, Robert) (Entered: 10/19/2010)
10/26/2010	575	Unopposed MOTION for Extension of Time to File Response/Reply as to 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims by BestComm Networks, Inc.. (Attachments: # 1 Text of Proposed Order)(Carrington, Morris) (Entered: 10/26/2010)
10/27/2010	576	ORDER granting 546 Motion to Stay Pending the Reexamination of the Patent-In-Suit (D.I. 546) and Linksmart's Notice of Non-Opposition, including the conditions set forth in Linksmart's Notice, findings set forth herein. This stay will not affect the briefing schedule for Choice's currently pending motion for summary judgment. Signed by Magistrate Judge Charles Everingham on 10/26/10. (ehs,) (Entered: 10/27/2010)
10/27/2010	577	ORDER granting 575 Motion for Extension of Time to File Response/Reply re 413 MOTION to Dismiss BestComm Networks, Inc.'s Crossclaims Responses due by 11/29/2010. Signed by Magistrate Judge Charles Everingham on 10/27/2010. (ch,) (Entered: 10/27/2010)
10/29/2010	578	ORDER granting 570 Motion Response to First Amended Third Party Complaint of Best Western International, Inc. The parties have agreed that BestComm hereby reserves the right to file a motion under Rule 12(b) of the Federal Rules of Civil Procedure and/or an amended answer to plead further and assert additional defenses in response to the First Amended Third Party Complaint of Best Western International, Inc.. Signed by Magistrate Judge Charles Everingham on 10/29/10. (ehs,) (Entered: 10/29/2010)
11/10/2010	579	Joint MOTION to Dismiss SBC Internet Services, Inc. d/b/a AT&T Internet Services, Wayport, Inc., McDonald's Corp., Barnes & Noble Booksellers, Inc., and Mail Boxes Etc. With Prejudice by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order Order Dismissing SBC Internet Services, Inc. d/b/a AT&T Internet Services, Wayport, Inc., McDonald's Corp., Barnes & Noble Booksellers, Inc., and Mail Boxes Etc. With Prejudice)(Weiss, Andrew) (Entered: 11/10/2010)
11/12/2010	580	ORDER, granting 579 Joint MOTION to Dismiss SBC Internet Services, Inc. d/b/a AT&T Internet Services, Wayport, Inc., McDonald's Corp., Barnes & Noble Booksellers, Inc., and Mail Boxes Etc. With Prejudice filed by Linksmart Wireless Technology, LLC., Mail Boxes Etc., Inc., McDonalds Corp., SBC Internet Services, Inc., Wayport, Inc., and Barnes & Noble Booksellers, Inc. terminated. Signed by Judge David Folsom on 11/12/10. (mrm,) (Entered: 11/12/2010)
11/19/2010	581	Joint MOTION to Dismiss Aptilo Networks, Inc. With Prejudice by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order Dismissal With Prejudice)(Weiss, Andrew) (Entered: 11/19/2010)
11/24/2010	582	ORDER OF DISMISSAL WITH PREJUDICE, granting 581 Joint MOTION to Dismiss Aptllo Networks, Inc. With Prejudice filed by Linksmart Wireless Technology, LLC., Aptilo Networks, Inc. terminated. Signed by Judge David Folsom on 11/24/10. (mrm,) (Entered: 11/24/2010)
01/12/2011	583	NOTICE by Best Western International, Inc. Notice of Change of Address for David E. Rogers, Counsel for Best Western International, Inc. (Joe, Christopher) (Entered: 01/12/2011)
04/25/2011	584	***DEFICIENT DOCUMENT, PLEASE IGNORE.*** NOTICE by LodgeNet Interactive Corporation of Withdrawal of attorney Cynthia Lopez Beverage (Ungerman, Mark) Modified on 4/25/2011 (sm,). (Entered: 04/25/2011)
04/25/2011	--	NOTICE of DEFICIENCY regarding the #584 Notice of withdrawal submitted by LodgeNet Interactive Corporation. No certificate of service was included and a motion is required to

withdraw atty of record. Correction should be made by 1 business day and refiled as a motion. (sm,) (Entered: 04/25/2011)

10/19/2011 585 NOTICE by Ramada Worldwide, Inc. Notice of Compliance (Stein, David) (Entered: 10/19/2011)

US District Court Civil Docket

U.S. District - Texas Eastern
(Marshall)

2:09cv26

Linksmart Wireless Technology Lie v. Six Continents Hotels Inc et A

This case was retrieved from the court on Monday, February 14, 2011

Date Filed: 01/21/2009	**Class Code:**
Assigned To: Judge David Folsom	**Closed: No**
Referred To: Magistrate Judge Charles Everingham	**Statute: 28:1338**
Nature of suit: Patent (830}	**Jury Demand: Defendant**
Cause: Patent Infringement	**Demand Amount: $0**
Lead Docket: 2:08-cv-00264-DF -CE	**NOS Description: Patent**
Other Docket: 2:08-cv-00264-DF -CE	
2:08-cv-00304-DF -CE	
2:08-cv-00385-D	
Jurisdiction: Federal Question	

Litigants	**Attorneys**
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Date	#	Proceeding Text	Source
01/21/2009	1	COMPLAINT against Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc (Filing fee$ 350 receipt number 05400000000001843024.), filed by Linksmart Wireless Technology LLC. (Attachments: # 1 Exhibit A, # 2 Civil *Cover* Sheet)(Fenster, Marc) (Entered: 01/21/2009)	
01/21/2009	2	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Fenster, Marc) (Entered: 01/21/2009)	
01/21/2009	3	CORPORATE DISCLOSURE STATEMENT filed by Linksmart Wireless Technology LLC (Fenster, Marc) (Entered: 01/21/2009)	
01/21/2009	4	NOTICE by Linksmart Wireless Technology LLC of Related Cases (Fenster, Marc) (Entered: 01/21/2009)	
01/21/2009	5	E-GOV SEALED SUMMONS Issued as to Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc. (Attachments: # 1 summons Intercontinental Hotels)(ehs,) (Entered: 01/21/2009)	
01/21/2009	6	ORDER REFERRING CASE for Pretrial proceedings to Magistrate Judge Charles Everingham. Signed by Judge T. John Ward on 1/21/09. (ehs,) (Entered: 01/21/2009)	
01/21/2009	7	Magistrate Consent Form Mailed to Linksmart Wireless Technology LLC (ehs,) (Entered: 01/21/2009)	
01/22/2009	8	NOTICE of Attorney Appearance by Andrew D Weiss on behalf of Linksmart Wireless Technology LLC (Weiss, Andrew) (Entered: 01/22/2009)	
01/22/2009	9	NOTICE of Attorney Appearance by Andrew Wesley Spangler on behalf of Linksmart Wireless Technology LLC (Spangler, Andrew) (Entered: 01/22/2009)	
01/23/2009	10	Joint MOTION to Consolidate cases by Linksmart Wireless Technology LLC. (Attachments: # 1 Text of Proposed Order)(Weiss, Andrew) (Entered: 01/23/2009)	
02/03/2009	11	ORDER REASSIGNING CASE. Case reassigned to Judge David Folsom for all further proceedings. Judge T. John Ward no longer assigned to case. Signed by Judge T. John Ward on 2/2/09. (ch,) (Entered: 02/03/2009)	
02/06/2009	12	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology LLC. Intercontinental Hotels Group Resources Inc served on 1/21/2009 to John Guaragna DLA Piper by CM RRR, answer due 2/10/2009. (ehs,) (Entered: 02/06/2009)	
02/06/2009	13	E-GOV SEALED SUMMONS Returned Executed by LInksmart Wireless Technology LLC. Six Continents Hotels Inc served on 1/21/2009 to John Guaragna, DLA Piper by CM RRR, answer due 2/10/2009. (ehs,) (Entered: 02/06/2009)	
02/10/2009	14	ANSWER to 1 Complaint,, COUNTERCLAIM against Linksmart Wireless Technology LLC by Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc.(Guaragna, John) (Entered: 02/10/2009)	
02/10/2009	15	CORPORATE DISCLOSURE STATEMENT filed by Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc identifying Corporate Parent Intercontinental Hotels Group PLC for Intercontinental Hotels Group Resources Inc, Six Continents Hotels Inc. (Guaragna, John) (Entered: 02/10/2009)	
02/27/2009	16	ANSWER to 14 Answer to Complaint, Counterclaim by Linksmart Wireless Technology	

LLC.(Weiss, Andrew) (Entered: 02/27/2009)

04/22/2009   17   NOTICE of Change of Address by John MGuaragna (Guaragna, John) (Entered: **04/22/2009)**

05/01/2009   18   ORDER granting 10 Motion to Consolidate Cases. ORDERED that the above- captioned actions are consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42 (a) and Local Rule CV-42(b) and (c).. Signed by Magistrate Judge Charles Everingham on 5/1/09. (ch,) (Entered: 05/01/2009)

05/01/2009   --   NOTICE OF FILING DOCUMENTS IN CONSOLIDATED CASES re 18 Order on Motion to Consolidate Cases. ALL FUTURE FILINGS TO BE FILED IN LEAD CASE 2:08cv264 ONLY (ehs,) (Entered: 09/03/2009)

05/04/2009   19   NOTICE of Hearing: Scheduling Conference set for 6/3/2009 10:00 AM in Mag Ctrm (Marshall) before Magistrate Judge Charles Everingham. (jml,) (Entered: 05/04/2009)

05/06/2009   20   Notice of Scheduling Conference, Proposed Deadlines for Docket Control Order and Discovery Order. Scheduling Conference set for 6/3/2009 10:00 AM before Magistrate Judge Charles Everingham. The parties are directed to meet and confer in accordance with Fed. R. Civ. P. 26(f) no later than 5/27/09. Signed by Magistrate Judge Charles Everingham on 5/5/09. (ch,) (Entered: 05/06/2009)

06/01/2009   21   REPORT of Rule 26(f) Planning Meeting. (Attachments: # 1 Exhibit A - Proposed Docket Control Order)(Weiss, Andrew) (Additional attachment(s) added on 6/1/2009: # 2 Revised Scheduling Order) (sm,). (Entered: 06/01/2009)

06/03/2009   22   Minute Entry for proceedings held before Magistrate Judge Charles Everingham: Scheduling Conference held on 6/3/2009. (Court Reporter Susan Simmons, CSR.) (jml) (Entered: 06/04/2009)

07/06/2010   23   NOTICE OF FILING OF OFFICIAL TRANSCRIPT of CLAIM CONSTRUCTION HEARING held on 5/25/10 before Judge Chad Everingham. Court Reporter/Transcriber: Shelly Holmes, CSR,Telephone number: (903) 663-5083. (116 Pages) NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/30/2010. Redacted Transcript Deadline set for 8/9/2010. Release of Transcript Restriction set for 10/7/2010. (tja,) (Entered: 07/06/2010)

US District Court Civil Docket

U.S. District - Texas Eastern
(Marshall)

2:08cv385

Linksmart Wireless Technology, Lie v. Sbc Internet Services, Inc

This case was retrieved from the court on Monday, February 14, 2011

Date Filed: 10/09/2008	**Class Code:**
Assigned To: Judge David Folsom	**Closed:** No
Referred To: Magistrate Judge Charles Evering ham	**Statute:** 15:1126
Nature of suit: Patent (830)	**Jury Demand:** Both
Cause: Patent Infringement	**Demand Amount:** $0
Lead Docket: 2:08-cv-00264-DF ·CE	**NOS Description:** Patent
Other Docket: 2:08-cv-00264-DF -CE	
2:08•cv-00304-DF -CE	
2:09-cv-00026·0	
Jurisdiction: Federal Question	

Litigants

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Date	#	Proceeding Text	Source
10/10/2008	1	COMPLAINT AND DEMAND FOR JURY TRIAL against SBC Internet Services, Inc. (Filing fee$ 350 receipt number 05400000000001724676), filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Civil Cover Sheet)(ch,) (Entered: 10/10/2008)	
10/10/2008	--	Case Assigned to Judge T. John Ward. (ch,) (Entered: 10/10/2008)	
10/10/2008	2	Magistrate Consent Form Mailed to Linksmart Wireless Technology, LLC (ch,) (Entered: 10/10/2008)	
10/10/2008	3	E-GOV SEALED SUMMONS Issued as to SBC Internet Services, Inc.. (ch,) (Entered: 10/10/2008)	
10/10/2008	4	CORPORATE DISCLOSURE STATEMENT filed by Linksmart Wireless Technology, LLC (Fenster, Marc) (Entered: 10/10/2008)	
10/10/2008	5	NOTICE by Linksmart Wireless Technology, LLC of Related Cases (Fenster, Marc) (Entered: 10/10/2008)	
10/10/2008	6	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Fenster, Marc) (Entered: 10/10/2008)	
10/23/2008	7	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. SBC Internet Services, Inc. served on 10/14/2008, answer due 11/3/2008. (ehs,) (Entered: 10/23/2008)	
11/03/2008	8	ANSWER to 1 Complaint, COUNTERCLAIM against Linksmart Wireless Technology, LLC by SBC Internet Services, Inc.. (Sayles, Richard) (Entered: 11/03/2008)	
11/03/2008	9	CORPORATE DISCLOSURE STATEMENT filed by SBC Internet Services, Inc. identifying Corporate Parent AT&T Inc., Other Affiliate AT&T Mobility LLC, Other Affiliate AT&T Mobility Corporation, Other Affiliate SBC Long Distance, LLC, Other Affiliate SBC Alloy Holdings, Inc., Other Affiliate BLS Cingular Holdings, LLC, Other Affiliate BellSouth Mobile Data, Inc. for SBC Internet Services, Inc.. (Sayles, Richard) (Entered: 11/03/2008)	
11/03/2008	10	NOTICE of Attorney Appearance by Eve L Henson on behalf of SBC Internet Services, Inc. (Henson, Eve) (Entered: 11/03/2008)	
11/17/2008	11	APPLICATION to Appear Pro Hac Vice by Attorney Rachel D Sher for SBC Internet Services, Inc. (APPROVED) (FEE PAID) 2-1-4232. (ch,) (Entered: 11/19/2008)	
11/17/2008	12	APPLICATION to Appear Pro Hac Vice by Attorney David T Pritikin for SBC Internet Services, Inc. (APPROVED)(FEE PAID) 2-1-4232. (ch,) (Entered: 11/19/2008)	
li/17/2008	13	APPLICATION to Appear Pro Hac Vice by Attorney Richard T Mccaulley, Jr for SBC Internet Services, Inc. (APPROVED)(FEE PAID) 2-1-4232. (ch,) (Entered: 11/19/2008)	
01/14/2009	14	NOTICE of Attorney Appearance by Andrew Wesley Spangler on behalf of Linksmart Wireless Technology, LLC (Spangler, Andrew) (Entered: 01/14/2009)	
01/14/2009	15	NOTICE of Attorney Appearance by Andrew D Weiss on behalf of Linksmart Wireless Technology, LLC (Weiss, Andrew) (Entered: 01/14/2009)	
01/20/2009	16	Unopposed MOTION for Extension of Time to File Response/Reply to SBC's Counterclaims by Linksmart Wireless Technology, LLC. (Attachments: # 1 Text of Proposed Order) (Weiss, Andrew) (Entered: 01/20/2009)	
01/21/2009	17	ORDER granting 16 Motion for Extension of Time to File Response/Reply Responses due by 1/23/2009. Signed by Judge T. John Ward on 1/21/09. (ch,) (Entered: 01/21/2009)	
01/21/2009	18	ANSWER to 8 Answer to Complaint, Counterclaim by Linksmart Wireless Technology, LLC. (Weiss, Andrew) (Entered: 01/21/2009)	
01/23/2009	19	Joint MOTION to Consolidate Cases by SBC Internet Services, Inc.. (Attachments: # 1 Text of Proposed Order)(Sayles, Richard) (Entered: 01/23/2009)	
02/03/2009	20	ORDER REASSIGNING CASE. Case reassigned to Judge David Folsom for all further	

		proceedings. Judge T. John Ward no longer assigned to case. Signed by Judge T. John Ward on 2/2/09. (ch,) (Entered: 02/03/2009)
02/10/2009	21	ORDER REFERRING CASE to Magistrate Judge Charles Everingham for case management. Signed by Judge David Folsom on 2/10/009. (mrm,) (Entered: 02/10/2009)
05/01/2009	22	ORDER granting 19 Motion to Consolidate Cases. ORDERED that the above- captioned actions are consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42 (a) and Local Rule CV-42(b) and (c).. Signed by Magistrate Judge Charles Everingham on 5/1/09. (ch,) (Entered: 05/01/2009)
05/01/2009	--	NOTICE OF FILING DOCUMENTS IN CONSOLIDATED CASES re 22 Order on Motion to Consolidate Cases. ALL FUTURE FILINGS TO BE FILED IN LEAD CASE 2:08cv264 ONLY (ehs,) (Entered: 09/03/2009)
05/04/2009	23	NOTICE of Hearing: Scheduling Conference set for 6/3/2009 10:00 AM in Mag Ctrm (Marshall) before Magistrate Judge Charles Everingham. (jml) (Entered: 05/04/2009)
05/06/2009	24	Notice of Scheduling Conference, Proposed Deadlines Scheduling Conference set for 6/3/2009 10:00 AM before Magistrate Judge Charles Everingham. The parties are directed to meet and confer in accordance with Fed. R. Civ. P. 26(f) no later than 5/27/09. Signed by Magistrate Judge Charles Everingham on 5/5/09. (ch,) (Entered: 05/06/2009)
05/06/2009	25	NOTICE of Attorney Appearance by Mark Daniel Strachan on behalf of SBC Internet Services, Inc. (Strachan, Mark) (Entered: 05/06/2009)
06/01/2009	26	REPORT of Rule 26(f) Planning Meeting. (Attachments: # 1 Exhibit A - Proposed Docket Control Order)(Weiss, Andrew) (Additional attachment(s) added on 6/1/2009: # 2 Revised Docket Control Order) (sm,). (Entered: 06/01/2009)
06/03/2009	27	Minute Entry for proceedings held before Magistrate Judge Charles Everingham: Scheduling Conference held on 6/3/2009. (Court Reporter Susan Simmons, CSR.) (jml) (Entered: 06/04/2009)
08/14/2009	28	APPLICATION to Appear Pro Hac Vice by Attorney Hugh A Abrams for SBC Internet Services, Inc. (APPROVED FEE PAID) 2-1-4865. (ch,) (Entered: 08/14/2009)
07/06/2010	29	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of CLAIM CONSTRUCTION HEARING held on 5/25/10 before Judge Chad Everingham. Court Reporter/Transcriber: Shelly Holmes, CSR,Telephone number: (903) 663-5082. (116 Pages) NOTICE. RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/30/2010. Redacted Transcript Deadline set for 8/9/2010. Release of Transcript Restriction set for 10/7/2010. (tja,) (Entered: 07/06/2010)

US District Court Civil Docket

U.S. District - Texas Eastern
(Marshall)

2:10cv277

Linksmart Wireless Technology Llc VS Tj Hospitality Ltd et al

This case was retrieved from the court on Monday, February 14, 2011

Date Filed: 07/29/2010		**Class Code:** CLOSED
Assigned To: Judge T John Ward		**Closed:** Yes
Referred To:		**Statute:** 15:1126
Nature of suit: Patent (830)		**Jury Demand:** Plaintiff
Cause: Patent Infringement		**Demand Amount:** $0
Lead Docket: None		**NOS Description:** Patent
Other Docket: None		
Jurisdiction: Federal Question		

Litigants	Attorneys
Linksmart Wireless Technology, Llc Plaintiff	Marc A Fenster [COR LD NTC] Russ August & Kabat 12424 Wilshire Boulevard 12TH Floor Los Angeles , CA 90025 USA 310/ 826-7474 Fax: 310/ 826-6991 Email: Mfenster@raklaw.com
Tj Hospitality Ltd Defendant [Term: 11/30/2010]	
Mmd Hotel Kilgore LP Defendant [Term: 11/30/2010]	
Heritage Inn Number Xiv Defendant [Term: 11/30/2010)	
Eight Pack Tyler LP Defendant [Term: 11/30/2010)	
Heritage Inn Number X Defendant [Term: 11/30/2010)	
B D & Sons Ltd Defendant [Term: 11/30/2010]	

Heritage Inn Number Xii
Defendant
[Term: 11/30/2010)

Carlex Hospitality Lie
Defendant
[Term: 11/30/2010)

Prus, Lie
Defendant
[Term: 11/30/2010)

Meritax, Lie
Defendant
[Term: 11/30/2010)

281 Lodging Partnership, Ltd
Defendant

Longview Hotel Partners Inc
Defendant
[Term: 11/30/2010)

Hwy 259 Lodging Lie
Defendant
[Term: 11/30/2010)

Nyr Property Corp
Defendant
[Term: 11/30/2010)

1-30 Hospitality Lie
Defendant
[Term: 11/30/2010)

Amit C Patel
Defendant
[Term: 11/30/2010)

Jyotika A Patel
Defendant
[Term: 11/30/2010)

Krishan Inc
Defendant
[Term: 11/30/2010)

Date	#	Proceeding Text	Source
07/29/2010	1	COMPLAINT against 281 Lodging Partnership, Ltd., B D & Sons Ltd., Carlex Hospitality LLC, Eight Pack Tyler LP, Heritage Inn Number X, Heritage Inn Number XII, Heritage Inn Number XIV, Hwy 259 Lodging LLC, 1-30 Hospitality LLC, Krishan Inc., Longview Hotel Partners Inc., MMD Hotel Kilgore LP, Meritax, LLC, NYR Property Corp., Amit C. Patel, Jyotika A. Patel, Prus, LLC, TJ Hospitality Ltd. (Filing fee $ 350 receipt number 0540-2597118.), filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Exhibit A, # 2 Civil Cover Sheet)(Fenster, Marc) (Additional attachment(s) added on 7/30/2010: # 3 Revised Civil Cover Sheet) (ehs,). (Entered: 07/29/2010)	
07/29/2010	2	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Fenster, Marc) (Entered: 07/29/2010)	
07/29/2010	3	CORPORATE DISCLOSURE STATEMENT filed by Linksmart Wireless Technology, LLC (Fenster, Marc) (Entered: 07/29/2010)	
07/29/2010	4	NOTICE by Linksmart Wireless Technology, LLC of Related Cases (Fenster, Marc) (Entered: 07/29/2010)	
07/30/2010	--	Judge T. John Ward added. (ehs,) (Entered: 07/30/2010)	
07/30/2010	--	In accordance with the provisions of 28 USC Section 636(c), you are hereby notified that	

a U.S. Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or non-jury trial and to order the entry of a final judgment. The form Consent to Proceed Before Magistrate Judge is available here by clicking on the hyperlink and is also on our website. All signed consent forms,-excluding prose parties, should be filed electronically using the event Notice of Consent to Proceed Before Magistrate Judge. (ehs,) (Entered: 07/30/2010)

07/30/2010	5	E-GOV SEALED SUMMONS Issued as to 281 Lodging Partnership, Ltd., B D & Sons Ltd., Carlex Hospitality LLC, Eight Pack Tyler LP, Heritage Inn Number X, Heritage Inn Number XII, Heritage Inn Number XIV, Hwy 259 Lodging LLC, 1-30 Hospitality LLC, Amit c. Patel. (Attachments: # 1 281 Lodging, # 2 Amit, # 3 BD &Sons, # 4 Carlex, # 5 Eight Pack, # 6 Hwy 259, # 7 Heritage Inn No X, # 8 Heritage Inn No XIV)(ehs,) (Entered: 07/30/2010)
07/30/2010	6	E-GOV SEALED SUMMONS Issued as to Krishan Inc., Longview Hotel Partners Inc., MMD Hotel Kilgore LP, Meritax, LLC, NYR Property Corp., Jyotika A. Patel, Prus, LLC, TJ Hospitality Ltd .. (Attachments: # 1 Krishan, # 2 Longview Hotel, # 3 MMD Hotel Kilgore, # 4 Meritax, # 5 NYR Property, # 6 Prus, # 7 TJ Hospitality)(ehs,) (Entered: 07/30/2010)
11/29/2010	7	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	8	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	9	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	10	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	11	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	12	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	13	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	14	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	15	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	16	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	17	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	18	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	19	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	20	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	21	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)_
11/29/2010	22	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	23	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/29/2010	24	NOTICE of Voluntary Dismissal by Linksmart Wireless Technology, LLC (Attachments: # 1 Text of Proposed Order)(Spangler, Andrew) (Entered: 11/29/2010)
11/30/2010	25	ORDER - granting 19 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Longview Hotel Partners Inc. are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on

11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   26   ORDER - granting 16 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant 1-30 Hospitality LLC are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   27   ORDER - granting 17 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Jyotika A. Patel are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   28   ORDER - granting 20 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Meritax, LLC are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   29   ORDER - granting 14 Notice of Dismissal. All claims asserted by Plaintiff against Defendant Heritage Inn Number XIV are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   30   ORDER - granting 12 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Heritage Inn Number X are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   31   ORDER - granting 13 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Heritage Inn Number XII are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   32   ORDER - granting 15 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Hwy 259 Lodging LLC are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   33   ORDER - granting 10 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Carlex Hospitality LLC are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   34   ORDER - granting 11 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Eight Pack Tyler LP are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   35   ORDER - granting 21 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant MMD Hotel Kilgore LP are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   36   ORDER - granting 18 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Krishan Inc. are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Magistrate Judge Charles Everingham on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   37   ORDER - granting 22 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant NVR Property Corp. are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   38   ORDER - granting 23 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Prus, LLC are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   39   ORDER - granting 24 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant TJ Hospitality Ltd. are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)

11/30/2010   40   ORDER - granting - 8 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant Amit C. Patel are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010.

<table>
<tr><td></td><td></td><td>(ch,) (Entered: 11/30/2010)</td></tr>
<tr><td>11/30/2010</td><td>41</td><td>ORDER - granting 9 Notice of Voluntary Dismissal. All claims asserted by Plaintiff against Defendant B D & Sons Ltd. are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)</td></tr>
<tr><td>11/30/2010</td><td>42</td><td>ORDER - granting 7 Notice of Dismissal. All claims asserted by Plaintiff against Defendant 281 Lodging Hotel Partners Inc. are hereby dismissed without prejudice. Each party will bear its own costs and attorneys fees. Signed by Judge T. John Ward on 11/30/2010. (ch,) (Entered: 11/30/2010)</td></tr>
</table>

US District Court Civil Docket

U.S. District - Texas Eastern
(Marshall)

2:08cv304

Linksmart Wireless Technology, Lie v. Cisco Systems, Inc et A

This case was retrieved from the court on Thursday, July 21, 2011

Date Filed: 08/04/2008	**Class Code:** CLOSED
Assigned To: Judge David Folsom	**Closed:** Yes
Referred To: Magistrate Judge Charles Everingham	**Statute:** 35:271
Nature of suit: Patent (830)	**Jury Demand:** Plaintiff
Cause: Patent Infringement	**Demand Amount:** $0
Lead Docket: 2:08-cv-00264-DF -CE	**NOS Description:** Patent
Other Docket: 2:08-cv-00264-DF -CE	
2:08-cv-00385-D	
2:09-cv-00026-DF-CE	
Jurisdiction: Federal Question	

Litigants

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Juniper Networks, Inc
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[Term: 09/03/2008)

Aruba Networks, Inc
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[Term: 09/03/2008]

Cisco Systems, Inc
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Date	#	Proceeding Text	Source
08/04/2008	1	COMPLAINT and Demand for Jury Trial against Cisco Systems, Inc., Juniper Networks, Inc., Aruba Networks, Inc. (Filing fee $ 350 receipt number 05400000000001643001.), filed by Linksmart Wireless Technology, LLC. (Attachments: # 1 Exhibit A to Complaint, # 2 Civil Cover Sheet)(Fenster, Marc) (Entered: 08/04/2008)	
08/04/2008	2	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Fenster, Marc) (Entered: 08/04/2008)	
08/04/2008	3	CORPORATE DISCLOSURE STATEMENT filed by Linksmart Wireless Technology, LLC (Fenster, Marc) (Entered: 08/04/2008)	
08/04/2008	4	NOTICE by Linksmart Wireless Technology, LLC of Related Case (Fenster, Marc) (Entered: 08/04/2008)	
08/04/2008	--	Case Assigned to Judge David Folsom. (ch,) (Entered: 08/05/2008)	
08/05/2008	5	STANDING ORDER REFERRING CASE - to Magistrate Judge Charles Everingham. Signed by Judge David Folsom on 8/5/08. (ch,) (Entered: 08/05/2008)	
08/05/2008	6	Magistrate Consent Form Mailed to Linksmart Wireless Technology, LLC (ch,) (Entered: 08/05/2008)	
08/05/2008	--	E-GOV SEALED SUMMONS Issued as to Cisco Systems, Inc., Juniper Networks, Inc., Aruba Networks, Inc.. (ch,) (Entered: 08/05/2008)	
08/07/2008	--	E-GOV SEALED SUMMONS REISSUED as to Cisco Systems, Inc., Juniper Networks, Inc., Aruba Networks, Inc., attorney didn't receive the ones issued on 8/5/08. (ch,) (Entered: 08/07/2008)	
09/02/2008	7	NOTICE by Linksmart Wireless Technology, LLC of Dismissal Without Prejudice as to Defs Juniper Networks, Inc. and Aruba Networks, Inc. ONLY (Fenster, Marc) (Additional attachment(s) added on 9/3/2008: # 1 Text of Proposed Order) (sm,). (Entered: 09/02/2008)	
09/03/2008	8	ORDER GRANTING PLAINTIFFS REQUEST FOR DISMISSAL WITHOUT PREJUDICE; re 7 Notice (Other) filed by Linksmart Wireless Technology, LLC, Motions terminated:, Aruba Networks, Inc. and Juniper Networks, Inc. terminated.. Signed by Judge David Folsom on 9/3/08. (mrm,) (Entered: 09/03/2008)	
10/30/2008	9	E-GOV SEALED SUMMONS Returned Executed by Linksmart Wireless Technology, LLC. Cisco Systems, Inc. served on 10/22/2008, answer due 11/12/2008. (ch,) (Entered: 10/30/2008)	
11/06/2008	10	Cisco Systems, Inc.'s Answer and Counterclaims ANSWER to 1 Complaint,, COUNTERCLAIM against Linksmart Wireless Technology, LLC, Cisco Systems, Inc. by Cisco Systems, Inc.. (Beck, David) (Entered: 11/06/2008)	
11/06/2008	11	CORPORATE DISCLOSURE STATEMENT filed by Cisco Systems, Inc. (Beck, David) (Entered: 11/06/2008)	
11/17/2008	12	APPLICATION to Appear Pro Hac Vice by Attorney William F Lee for Cisco Systems, Inc. (APPROVED)(FEE PAID) 2-1-4231. (ch,) (Entered: 11/19/2008)	
11/17/2008	13	APPLICATION to Appear Pro Hac Vice by Attorney James P Barabas for Cisco Systems, Inc. (APPROVED)(FEE PAID) 2-1-4244. (ch,) (Entered: 11/19/2008)	
11/17/2008	14	APPLICATION to Appear Pro Hac Vice by Attorney Noah A Levine for Cisco Systems, Inc. (APPROVED)(FEE PAID) 2-1-4244. (ch,) (Entered: 11/20/2008)	
11/26/2008	16	APPLICATION to Appear Pro Hac Vice by Attorney David B Bassett for Cisco Systems, Inc. (APPROVED)(FEE PAID) 2-1-4277. (ch,) (Entered: 12/02/2008)	
12/01/2008	15	Linksmart's ANSWER to 10 Answer to Complaint, Counterclaim of Cisco Systems, Inc. by Linksmart Wireless Technology, LLC.(Fenster, Marc) (Entered: 12/01/2008)	
01/13/2009	17	NOTICE of Attorney Appearance by Andrew Wesley Spangler on behalf of Linksmart Wireless Technology, LLC (Spangler, Andrew) (Entered: 01/13/2009)	

01/14/2009	18	NOTICE of Attorney Appearance by Andrew D Weiss on behalf of Linksmart Wireless Technology, LLC (Weiss, Andrew) (Entered: 01/14/2009)
01/21/2009	19	NOTICE of Hearing: Scheduling Conference set for 2/17/2009 02:30 PM in Mag Ctrm (Marshall) before Magistrate Judge Charles Everingham. (jml,) (Entered: 01/21/2009)
01/23/2009	20	Joint MOTION to Consolidate Cases by Cisco Systems, Inc.. (Attachments: # 1 Text of Proposed Order)(Beck, David) (Entered: 01/23/2009)
01/26/2009	21	Notice of Scheduling Conference, Proposed Deadlines for Docket Control Order and Discovery Order. Scheduling Conference set for 2/17/2009 02:30 PM before Magistrate Judge Charles Everingham.. Signed by Magistrate Judge Charles Everingham on 1/26/09. (ch,) (Entered: 01/26/2009)
01/29/2009	22	NOTICE of Attorney Appearance by Michael Ernest Richardson on behalf of Cisco Systems, Inc. (Richardson, Michael) (Entered: 01/29/2009)
02/10/2009	23	NOTICE of Hearing: Scheduling Conference set for 2/17/2009, 02:30 PM, in Mag Ctrm (Marshall) before Magistrate Judge Charles Everingham is CANCELLED.(delat) (Entered: 02/10/2009)
02/13/2009	24	APPLICATION to Appear Pro Hac Vice by Attorney Peter M Dichiara for Cisco Systems, Inc. (APPROVED FEE PAID) 2-1-4494. (ch,) (Entered: 02/13/2009)
05/01/2009	25	ORDER granting 20 Motion to Consolidate Cases. ORDERED that the above- captioned actions are consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42 (a) and Local Rule CV-42(b) and (c).. Signed by Magistrate Judge Charles Everingham on 5/1/09. (ch,) (Entered: 05/01/2009)
05/01/2009	--	NOTICE OF FILING DOCUMENTS IN CONSOLIDATED CASES re 25 Order GRANTING Motion to Consolidate Cases. ALL FUTURE FILING ARE TO BE FILED IN THE LEAD CASE ONLY 2:08cv264 (ehs,) (Entered: 09/02/2009)
05/04/2009	26	NOTICE of Hearing: Scheduling Conference set for 6/3/2009 10:00 AM in Mag Ctrm (Marshall) before Magistrate Judge Charles Everingham. (jml) (Entered: 05/04/2009)
05/06/2009	27	Notice of Scheduling Conference, Proposed Deadlines for Docket Control Order, and Discovery Order. Scheduling Conference set for 6/3/2009 10:00 AM before Magistrate Judge Charles Everingham. The parties are directed to meet and confer in accordance with the Fed. R Civ. P. 26(f) no later than 5/27/09. Signed by Magistrate Judge Charles Everingham on 5/5/09. (ch,) (Entered: 05/06/2009)
06/01/2009	28	REPORT of Rule 26(f) Planning Meeting. (Attachments: # 1 Exhibit A - Proposed Docket Control Order)(Weiss, Andrew) (Additional attachment(s) added on 6/1/2009: # 2 Revised Scheduling Order) (sm,). (Entered: 06/01/2009)
06/03/2009	29	Minute Entry for proceedings held before Magistrate Judge Charles Everingham: Scheduling Conference held on 6/3/2009. (Court Reporter Susan Simmons, CSR.) (jml) (Entered: 06/04/2009)
07/10/2009	30	APPLICATION to Appear Pro Hac Vice by Attorney Joyce Chen for Cisco Systems, Inc. (APPROVED FEE PAID) 2-1-4798. (ch,) (Entered: 07/10/2009)
08/19/2009	31	NOTICE of Attorney Appearance by Robert David Daniel on behalf of Cisco Systems, Inc. (Daniel, Robert) (Entered: 08/19/2009)
07/06/2010	32	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of CLAIM CONSTRUCTION HEARING held on 5/25/10 before Judge Chad Everingham. Court Reporter/Transcriber: Shelly Holmes, CSR,Telephone number: (903) 663-5082. (116 Pages) NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/30/2010. Redacted Transcript Deadline set for 8/9/2010. Release of Transcript Restriction set for 10/7/2010. (tja,) (Entered: 07/06/2010)
07/19/2011	33	ORDER ADMINISTRATIVELY CLOSED. Signed by Judge David Folsom on 7/19/11. (mrm,) (Entered: 07/19/2011)

295966 (09) 6779118 August 17, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

6779118

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Link to Claims Section

August 17, 2004

User specific automatic data redirection system

RE EXAM-LITIGATE:

Reexamination requested October 10, 2008 by Jerry Turner Sewell, Newport Beach, CA, Reexamination No. 90/009,301 (O.G. December 2, 2008) Ex. Gp.: 3992 October 10, 2008

NOTICE OF LITIGATION

Linksmart Wireless Technology, LLC v. T-Mobile USA, Inc et al, Filed July 1, 2008, D.C. E.D. Texas, Doc. No. 2:08cv264

NOTICE OF LITIGATION

Linksmart Wireless Technology, LLC v. SBC Internet Services, Inc, Filed October 9, 2008, D.C. E.D. Texas, Doc. No. 2:08cv385

NOTICE OF LITIGATION

Linksmart Wireless Technology LLC v. Six Continents Hotels Inc et al, Filed January 21, 2009, D.C. E.D. Texas, Doc. No. 2:09cv26

NOTICE OF LITIGATION

Linksmart Wireless Technology LLC v. TJ Hospitality Ltd et al, Filed July 29, 2010, D.C. E.D. Texas, Doc. No. 2: 10cv277

APPL-NO: 295966 (09)

FILED-DATE:April 21, 1999

GRANTED-DATE: August 17, 2004

ASSIGNEE-PRE-ISSUE:
June 29, 1999 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).,
AURIC WEB SYSTEMS 3452 EAST FOOTHILL BOULEVARD, SUITE 300PASADENA, CALIFORNIA,
91107, Reel and Frame Number: 010062/0040

ASSIGNEE-AT-ISSUE:
Auriq Systems, Inc., Pasadena, CALIFORNIA , United States company or corporation (02)

LEGAL-STATUS:

June 29, 1999 - ASSIGNMENT
July 2, 2008 - ASSIGNMENT
December 2, 2008 - REQUEST FOR REEXAMINATION FILED
February 1, 2008 - Payment of Maintenance Fee, 4th Yr, Small Entity

PRIM-EXMR: Elisca, Pierre

CORE TERMS: user, server, redirection, network, authentication, packet, accounting, www, database, dial-up, filter, com, session, send, web, password, filtering, redirect, traffic, assigned, http, computer, protocol, proxy, site, redirected, destination, connect, remote, firewall

ENGLISH-ABST:

A data redirection system for redirecting user's data based on a stored rule set. The redirection of data is performed by a redirection server, which receives the redirection rule sets for each user from an authentication and accounting server, and a database. Prior to using the system, users authenticate with the authentication and accounting server, ana receive a network address. The authentication and accounting server retrieves the proper rule set for the user, and communicates the rule set and the user's address to the redirection server. The redirection server then implements the redirection rule set for the user's address. Rule sets are removed from the redirection server either when the user disconnects, or based on some predetermined event. New rule sets are added to the redirection server either when a user connects, or based on some predetermined event.

  Source: **Legal** > / ... / > **Utility, Design and Plant Patents** IT]
   Terms: **patno=6779118** (Suggest Terms for My Search)
    View: Custom
Segments: Abst, Appl-no, Assignee, Cert-correction, Date, Exmr, Filed, Legal-status, Lit-reex, Patno, Reexam-litigate, Reissue
Date/Time: Wednesday, December 7, 2011 - 2:22 PM EST

2010 U.S. Dist. LEXIS 65424, *****

LINKSMART WIRELESS TECHNOLOGY, LLC vs. T-MOBILE USA, INC.,. ET AL.

CASE NO. 2:08-CV-264-DF-CE

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, MARSHALL
DIVISION

2010 U.S. Dist. LEXIS 65424

June 30, 2010, Decided
June 30, 2010, Filed

SUBSEQUENT HISTORY: Magistrate's recommendation at Linksmart Wireless Tech., LLC v. T-
Mobile USA, Inc., 2010 U.S. Dist. LEXIS 101444 (E.D. Tex., Sept. 1, 2010)

CORE TERMS: user, server, network, redirection, specification, assigned, session, database,
individualized, invention, dial-up, temporarily, patent, authentication, modification,
accounting, patentee, embodiment, construe, proposed construction, filtering, automated,
control data, communicates, correction, plurality, modem, indefinite, processed, disputed

COUNSEL: [*1] For James W Knowles, Mediator, Mediator: James W Knowles, Knowles
Mediations, Tyler, TX.

For Linksmart Wireless Technology, LLC, Plaintiff: Adam S Hoffman, Alexander Chester Giza,
Andrew D Weiss, Eric Charles Flagel, Irene Y Lee, Larry C Russ, Marc A Fenster, Stanley H
Thompson, Jr, Stephen M Lobbin, Russ August & Kabat, Los Angeles, CA; Andrew W. Spangler,
Spangler Law PC, Longview, TX.

For Linksmart Wireless Technology, LLC, Consol Plaintiff: Andrew W. Spangler, Spangler Law
PC, Longview, TX; Andrew D Weiss, Marc A Fenster, Russ August & Kabat, Los Angeles, CA.

For T-Mobile USA, Inc., Defendant: David J Beck, LEAD ATTORNEY, Beck Redden & Secrest,
Houston, TX; Alexandra B McTague, Joyce Chen, Noah A Levine, PRO HAC VICE, Wilmer Cutler
Pickering Hale & Dorr - New York, New York, NY; David B Bassett, James P Barabas, Wilmer
Cutler Pickering Hale & Dorr - New York, New York, NY; Jonathan Andron, Peter M Dichiara,
PRO HAC VICE, Wilmer Cutler Pickering Hale & Dorr - Boston, Boston, MA; Kirk R Ruthenberg,
Sonnenschein Nath & Rosenthal LLP - DC, Washington, DC; Michael Ernest Richardson, Beck
Redden & Secrest - Houston, Houston, TX; Robert David Daniel, Beck Redden & Secrest LLP,
Houston, TX; **[*2]** William F Lee, Wilmer Cutler Pickering Hale & Dorr - Boston, Boston, MA.

For Wayport, Inc., Barnes & Noble BookseJlers, Inc., Defendants: Brian C Bianco, LEAD
ATTORNEY, David T Pritikin, Rachel D Sher, Sidley Austin - Chicago, Chicago, IL; Richard Alan
Sayles, LEAD ATTORNEY, Sayles Werbner, Dallas, TX; Elizabeth L Maxeiner, Hugh A Abrams,
Lisa A Schneider, Richard A Cederoth, PRO HAC VICE, Sidley Austin - Chicago, Chicago, IL; Eve
L Henson, Sayles I Werbner, Dallas, TX; Mark Daniel Strachan, Sayles Webner, Dallas, TX;
Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Noah A Levine,
Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY.

For LodgeNet Interactive Corporation, Defendant: Cynthia Lopez Beverage, Mark E Ungerman,
Morrison & Foerster LLP - Washington, Washington, DC; Jennifer Parker Ainsworth, Wilson
Rob�rtson & Cornelius PC, Tyler, TX; Michael Ernest Richardson, Beck Redden & Secrest -

Houston, Houston, TX; Noah A Levine, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY; Robert David Daniel, Beck Redden & Secrest LLP, Houston, TX.

For iBAHN General Holdings Corp., Defendant: Michael E Jones, LEAD ATTORNEY, Allen Franklin Gardner, Potter **[*3]** Minton PC, Tyler, TX; David J Burman, Kameron Parvin, Michael D Broaddus, PRO HAC VICE, Perkins Coie LLP - Seattle, Seattle, WA; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Noah A Levine, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY.

For EthoStream, LLC, Defendant: Dean Danyl Hunt, LEAD ATTORNEY, Baker & Hostetler, Houston, TX; Christina J Moser, PRO HAC VICE, Baker & Hostetler - Cleveland, Cleveland, OH; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Noah A Levine, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY.

For Aptilo Networks, Inc., Defendant: Clyde Moody Siebman, Lawrence Augustine Phillips, Siebman Reynolds Burg & Phillips LLP, Sherman, TX; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Noah A Levine, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY; Steven L Wiser, Theodore J Koerth, Thorelli & Associates, Chicago, IL.

For Mail Boxes Etc., Inc., Defendant: Brian C Bianco, LEAD ATTORNEY, David T Pritikin, Rachel D Sher, Sidley Austin - Chicago, Chicago, IL; Richard Alan Sayles, LEAD ATTORNEY, Sayles Werbner, Dallas, TX; Elizabeth L Maxeiner, Hugh A Abrams, **[*4]** Lisa A Schneider, Richard A Cederoth, PRO HAC VICE, Sidley Austin - Chicago, Chicago, IL; Eve L Henson, Sayles I Werbner, Dallas, TX; Holmes J Hawkins, III, King & Spalding - Atlanta, Atlanta, GA; Mark Daniel Strachan, Sayles Webner, Dallas, TX; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Noah A Levine, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY; Steven T Snyder, King & Spalding LLP - Charlotte, Charlotte, NC.

For McDonalds Corp., Defendant: Richard Alan Sayles, LEAD ATTORNEY, Sayles Werbner, Dallas, TX; Brian C Bianco, David T Pritikin, Rachel D Sher, Sidley Austin - Chicago, Chicago, IL; Elizabeth L Maxeiner, Hugh A Abrams, Lisa A Schneider, Richard A Cederoth, PRO HAC VICE, Sidley Austin - Chicago, Chicago, IL; Eve L Henson, Sayles I Werbner, Dallas, TX; Mark Daniel Strachan, Sayles Webner, Dallas, TX; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Noah A Levine, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY.

For Ramada Worldwide, Inc., Defendant: Christina J Moser, PRO HAC VICE, Baker & Hostetler - Cleveland, Cleveland, OH; David M Stein, McDermott Will & Emery, Irvine, CA; Dean Danyl Hunt, Baker **[*5]** & Hostetler, Houston, TX; Fay E Morisseau, McDermott Will & Emery - Houston, Houston, TX; J Thad Heartfield, The Heartfield Law Firm, Beaumont, TX; Jennifer L Yokoyama, Cooley, Godward, Cronish LLP, Palo Alto, CA; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Noah A Levine, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY.

For Marriott International, Inc., Defendant: John M Guaragna, LEAD ATTORNEY, DLA Piper US LLP - Austin, Austin, TX; Erin Penning, DLA Piper US LLP - San Diego, San Diego, CA; John D Kinton, PRO HAC VICE, DLA Piper US LLP - San Diego, San Diego, CA; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Noah A Levine, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY.

For Choice Hotels International Inc., Defendant: Gregory R Lyons, Kevin P Anderson, Wiley Rein LLP, Washington, DC; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Michael Charles Smith, Siebman Reynolds Burg Phillips & Smith, LLP-Marshall, Marshall, TX; Noah A Levine, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY.

For Best Western International, Inc., Defendant: Christopher Michael Joe, LEAD ATTORNEY, **[*6]** Brian Andrew Carpenter, Buether Joe & Carpenter, LLC, Dallas, TX; Andrea L Marconi,

David E Rogers, Squire Sanders & Dempsey - Phoenix, Phoenix, AZ; Donald A Wall, PRO HAC VICE, Squire Sanders & Dempsey - Phoenix, Phoenix, AZ; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Noah A Levine, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY.

For Cisco Systems, Inc., Consol Defendant: David J Beck, LEAD ATTORNEY, Beck Redden & Secrest, Houston, TX; Alexandra B McTague, Joyce Chen, Noah A Levine, PRO HAC VICE, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY; David B Bassett, James P Barabas, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Peter M Dichiara, PRO HAC VICE, Wilmer Cutler Pickering Hale & Dorr - Boston, Boston, MA; Robert David Daniel, Beck Redden & Secrest LLP, Houston, TX; William F Lee, Wilmer Cutler Pickering Hale & Dorr - Boston, Boston, MA.

For SBC Internet Services, Inc., doing business as AT&T Internet Services, Consol Defendant: Richard Alan Sayles, LEAD ATTORNEY, Sayles Werbner, 'Dallas, TX; David T Pritikin, Rachel D Sher, Sidley Austin [*7] - Chicago, Chicago, IL; Elizabeth L Maxeiner, Hugh A Abrams, Lisa A Schneider, Richard A Cederoth, PRO HAC VICE, Sidley Austin - Chicago, Chicago, IL; Eve L Henson, Sayles I Werbner, Dallas, TX; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Noah A Levine, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY.

For Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc, Consol Defendants: John M Guaragna, LEAD ATTORNEY, DLA Piper US LLP - Austin, Austin, TX; Erin P Gibson, John D Kinton, PRO HAC VICE, DLA Piper US LLP - San Diego, San Diego, CA; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Noah A Levine, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY.

For Cisco Systems, Inc., Consol Counter Claimant: David J Beck, LEAD ATTORNEY, Beck Redden & Secrest, Houston, TX; James P Barabas, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY; Joyce Chen, Noah A Levine, PRO HAC VICE, Wilmer Cutler PicKering Hale & Dorr - New York, New York, NY; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; William F Lee, Wilmer Cutler Pickering Hale & Dorr - Boston, Boston, MA.

For SBC Internet **[*8]** Services, Inc., Consol Counter Claimant: Richard Alan Sayles, LEAD ATTORNEY, Sayles Werbner, Dallas, TX; David T Pritikin, Rachel D Sher, Sidley Austin - Chicago, Chicago, IL; Hugh A Abrams, Richard A Cederoth, PRO HAC VICE, Sidley Austin - Chicago, Chicago, IL; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For Six Continents Hotels Inc, Intercontinental Hotels Group Resources Inc, Consol Counter Claimants: John M Guaragna, LEAD ATTORNEY, DLA Piper US LLP - Austin, Austin, TX; Erin P Gibson, John D Kinton, PRO HAC VICE, DLA Piper US LLP - San Diego, San Diego, CA; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For Linksmart Wireless Technology, LLC, Consol Counter Defendant: Andrew D Weiss, Marc A Fenster, Russ August & Kabat, Los Angeles, CA.

For Cisco Systems, Inc., Consol Counter Defendant: David J Beck, LEAD ATTORNEY, Beck Redden & Secrest, Houston, TX; Joyce Chen, PRO HAC VICE, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For BestComm Networks, Inc., ThirdParty Defendant: Morris C Carrington, LEAD ATTORNEY, Mehaffy & Weber - Beaumont, Beaumont, [*9] TX; David J Leonard, PRO HAC VICE, Leonard & Felker, Tucson, AZ.

For Nomadix, Inc., ThirdParty Defendant, Cross Defendant: Douglas G Muehlhauser, PRO HAC VICE, Knobbe Martens Olson & Bear LLP - Irvine, CA, Irvine, CA; Elizabeth L DeRieux, Sidney Calvin Capshaw, III, Capshaw DeRieux, LLP, Longview, TX.

For EthoStream, LLC, Counter Claimant: Dean Danyl Hunt, LEAD ATTORNEY, Baker & Hostetler, Houston, TX; Christina J Moser, PRO HAC VICE, Baker & Hostetler - Cleveland, Cleveland, OH; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For Linksmart Wireless Technology, LLC, Counter Defendant: Andrew D Weiss, Larry C Russ, Marc A Fenster, Stanley H Thompson, Jr, Stephen M Lobbin, Russ August & Kabat, Los Angeles, CA.

For LodgeNet Interactive Corporation, Counter Claimant: Cynthia Lopez Beverage, Morrison & Foerster LLP - Washington, Washington, DC; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For iBAHN General Holdings Corp., Counter Claimant: Michael E Jones, LEAD ATTORNEY, Potter Minton PC, Tyler, TX; David J Burman, Kameron Parvin, Michael D Broaddus, PRO HAC VICE, Perkins Coie LLP - Seattle, Seattle, WA; Michael Ernest Richardson, Beck Redden [* **10]** & Secrest - Houston, Houston, TX.

For Aptilo Networks, Inc., Counter Claimant: Clyde Moody Siebman, Lawrence Augustine Phillips, Siebman Reynolds Burg & Phillips LLP, Sherman, TX; Mkhael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Steven L Wiser, Thorelli & Associates, Chicago, IL.

For T-Mobile USA, Inc., Counter Claimant: David J Beck, LEAD ATTORNEY, Beck Redden & Secrest, Houston, TX; David B Bassett, James P Barabas, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY; Joyce Chen, Noah A Levine, PRO HAC VICE, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY; Kirk R Ruthenberg, PRO HAC VICE, Sonnenschein Nath & Rosenthal LLP - DC, Washington, DC; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Peter M Dichiara, PRO HAC VICE, Wilmer Cutler Pickering Hale & Dorr - Boston, Boston, MA.

For Mail Boxes Etc., Inc., Counter Claimant: Brian C Bianco, LEAD ATTORNEY, Sidley Austin - Chicago, Chicago, IL; Richard Alan Sayles, LEAD ATTORNEY, Sayles Werbner, Dallas, TX; Holmes J Hawkins, III, King & Spalding - Atlanta, Atlanta, GA; Hugh A Abrams, PRO HAC VICE, Sidley Austin - Chicago, Chicago, IL; Michael Ernest Richardson, Beck **[*11]** Redden & Secrest - Houston, Houston, TX; Steven T Snyder, King & Spalding LLP - Charlotte, Charlotte, NC.

For Marriott International, Inc., Counter Claimant: John M Guaragna, LEAD ATTORNEY, DLA Piper US LLP - Austin, Austin, TX; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For Wayport, Inc., Counter Claimant: Brian C Bianco, LEAD ATTORNEY, Sidley Austin - Chicago, Chicago, IL; Hugh A Abrams, PRO HAC VICE, Sidley Austin - Chicago, Chicago, IL; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For Barnes & Noble Booksellers, Inc., Counter Claimant: Brian C Bianco, LEAD ATTORNEY, Sidley Austin - Chicago, Chicago, IL; Richard Alan Sayles, LEAD ATTORNEY, Sayles Werbner, Dallas, TX; Hugh A Abrams, PRO HAC VICE, Sidley Austin - Chicago, Chicago, IL; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For McDonalds Corp., Counter Claimant: Hugh A Abram.s, PRO HAC VICE, Sidley Austin - Chicago, Chicago, IL; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For Best Western International, Inc., Counter Claimant: Christopher Michael Joe, LEAD

ATTORNEY, Buether Joe & Carpenter, LLC, Dallas, TX; David E Rogers, **[*12]** Squire Sanders & Dempsey - Phoenix, Phoenix, AZ; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For Ramada Worldwide, Inc., Counter Claimant: Christina J Moser, PRO HAC VICE, Baker & Hostetler - Cleveland, Cleveland, OH; David M Stein, McDermott Will & Emery, Irvine, CA; Dean Danyl Hunt, Baker & Hostetler, Houston, TX; Fay E Morisseau, McDermott Will & Emery - Houston, Houston, TX; J Thad Heartfield, The Heartfield Law Firm, Beaumont, TX; Jennifer L Yokoyama, Cooley, Godward, Cronish LLP, Palo Alto, CA; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For Linksmart Wireless Technology, LLC, Counter Defendant: Andrew D Weiss, Russ August & Kabat, Los Angeles, CA.

For Best Western International, Inc., ThirdParty Plaintiff: Christopher Michael Joe, LEAD ATTORNEY, Brian Andrew Carpenter, Buether Joe & Carpenter, LLC, Dallas, TX; David E Rogers, Squire Sanders & Dempsey - Phoenix, Phoenix, AZ; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For Ramada Worldwide, Inc., EthoStream, LLC, Counter Claimants: Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For Linksmart Wireless Technology, LLC, Counter **[*13]** Defendant: Marc A Fenster, LEAD ATTORNEY, Andrew D Weiss, Larry C Russ, Stanley H Thompson, Jr, Stephen M Lobbin, Russ August & Kabat, Los Angeles, CA; Andrew W. Spangler, Spangler Law PC, Longview, TX.

For Linksmart Wireless Technology, LLC, Counter Defendant: Andrew W. Spangler, LEAD ATTORNEY, Spangler Law PC, Longview, TX; Andrew D Weiss, Larry C Russ, Marc A Fenster, Stanley H Thompson, Jr, Stephen M Lobbin, Russ August & Kabat, Los Angeles, CA.

For BestComm Networks, Inc., Cross Claimant: Morris C Carrington, LEAD ATTORNEY, Mehaffy & Weber - Beaumont, Beaumont, TX; David J Leonard, Leonard & Felker, Tucson, AZ.

For SBC Internet Services, Inc., Counter Claimant: Richard Alan Sayles, LEAD ATTORNEY, Sayles Werbner, Dallas, TX; David T Pritikin, Elizabeth L Maxeiner, Hugh A Abrams, Lisa A Schneider, Rachel D Sher, Sidley Austin - Chicago, Chicago, IL; Eve L Henson, Sayles I Werbner, Dallas, TX; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Richard A Cederoth, PRO HAC VICE, Sidley Austin - Chicago, Chicago, IL.

For Linksmart Wireless Technology, LLC, Counter Defendant: Alexander Chester Giza, Andrew D Weiss, Larry C Russ, Marc A Fenster, Stanley H Thompson, Jr, **[*14]** Stephen M Lobbin, Russ August & Kabat, Los Angeles, CA; Andrew W. Spangler, Spangler Law PC, Longview, TX.

For Wayport, Inc., Barnes & Noble Booksellers, Inc., Counter Claimants: Brian C Bianco, LEAD ATTORNEY, David T Pritikin, Elizabeth L Maxeiner, Hugh A Abrams, Lisa A Schneider, Rachel D Sher, Sidley Austin - Chicago, Chicago, IL; Richard Alan Sayles, LEAD ATTORNEY, Sayles Werbner, Dallas, TX; Eve L Henson, Sayles I Werbner, Dallas, TX; Mark Daniel Strachan, Sayles Webner, Dallas, TX; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For McDonalds Corp., Counter Claimant: Richard Alan Sayles, LEAD ATTORNEY, Sayles Werbner, Dallas, TX; Brian C Bianco, David T Pritikin, Elizabeth L Maxeiner, Hugh A Abrams, Lisa A Schneider, Rachel D Sher, Sidley Austin - Chicago, Chicago, IL; Eve L Henson, Sayles I Werbner, Dallas, TX; Mark Daniel Strachan, Sayles Webner, Dallas, TX; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX.

For Mail Boxes Etc., Inc., Counter Claimant: Brian C Bianco, LEAD ATTORNEY, David T Pritikin, Elizabeth L Maxeiner, Hugh A Abrams, Lisa A Schneider, Rachel D Sher, Sidley Austin - Chicago,

Chicago, IL; Richard Alan Sayles, LEAD **[*15]** ATTORNEY, Sayles Werbner, Dallas, TX; Eve L Henson, Sayles I Werbner, Dallas, TX; Holmes J Hawkins, III, King & Spalding - Atlanta, Atlanta, GA; Mark Daniel Strachan, Sayles Webner, Dallas, TX; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Steven T Snyder, King & Spalding LLP - Charlotte, Charlotte, NC.

For Best Western International, Inc., Counter Claimant: Christopher Michael Joe, LEAD ATTORNEY, Brian Andrew Carpenter, Buether Joe & Carpenter, LLC, Dallas, TX; Andrea L Marconi, David E Rogers, Donald A Wall, Squire Sanders & Dempsey - Phoenix, Phoenix, AZ; Michael Ernest Richardson, Beck Redden & Secrest - Houston, Houston, TX; Noah A Levine, Wilmer Cutler Pickering Hale & Dorr - New York, New York, NY.

For Linksmart Wireless Technology, LLC, Counter Defendant: Adam S Hoffman, Alexander Chester Giza, Andrew D Weiss, Larry C Russ, Marc A Fenster, Stanley H Thompson, Jr, Stephen M Lobbin, Russ August & Kabat, Los Angeles, CA; Andrew W. Spangler, Spangler Law PC, Longview, TX.

JUDGES: CHARLES EVERINGHAM IV, UNITED STATES MAGISTRATE JUDGE.

OPINION BY: CHARLES EVERINGHAM IV

OPINION

MEMORANDUM OPINION AND ORDER

After considering the submissions and the arguments of counsel, the court issues the **[*16]** following order concerning the claim construction issues:

I. Introduction

In this case, the plaintiff Linksmart Wireless Technology, LLC ("Linksmart") contends that the defendants Cisco Systems, Inc., T-Mobile USA, Inc., SBC Internet Services, Barnes & Noble Booksellers, Inc., Wayport, Inc., Mailboxes Etc., Inc., McDonald's Corp., LodgeNet Interactive Corp., Choice Hotels International, Marriott International, Inc., Intercontinental Hotels Group Resources, Inc., Six Continents Hotels, Inc., Best Western International, Inc. ("BWI"), iBAHN General Holdings, Corp., Ethostream, LLC, Ramada Worldwide, Inc., Pronto Networks, Inc., and Aptilo Networks, Inc. infringe various claims of United States Patent No. **6,779,118** ("the '118 patent"). This memorandum addresses the parties' various claim construction disputes. The memorandum will first briefly address the technology at issue in the case and then turn to the merits of the claim construction issues.

II. Background of the Technology

The '118 patent is titled "User Specific Automatic Data Redirection System." The invention is described in the patent's Abstract:

> A data redirection system for redirecting user's data based on a stored rule set. The **[*17]** redirection of data is performed by a redirection server, which receives the redirection rule sets for each user from an authentication and accounting server, and a database. Prior to using the system, users authenticate with the authentication and accounting server, and receive a network address. The authentication and accounting server retrieves the proper rule set for the user, and communicates the rule set and the user's address to the redirection server. The redirection server then implements the redirection rule set for the user's address. Rule sets are removed from the redirection server either when the user

disconnects, or based on some predetermined event. New rule sets are added to the redirection server either when a user connects, or based on some predetermined event.

Claim 1 is a representative claim that illustrates the scope of the invention:

A system comprising:

a database with entries correlating each of a plurality of user IDs with an individualized rule set;

a dial-up network server that receives user IDs from users' computers;

a redirect'ion server connected to the dial-up network server and a public network, and

an authentication accounting server connected to the database, **[* 18]** the dial-up network server and the redirection server;

wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server;

wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server; and

wherein data directed toward the public network from the one of the users' computers are processed by the redirection server according to the individualized rule set.

III. General Principles Governing Claim Construction

"A claim in a patent provides the metes and bounds of the right which the patent confers on the patentee to exclude others from making, using or selling the protected invention." *Burke, Inc. v. Bruno Indep. Living Aids, Inc.,* 183 F.3d 1334, 1340 (Fed. Cir. 1999) (quoting *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.,* 868 F.2d 1251, 1257 (Fed. Cir. 1989)). Claim construction is an issue of law for the court to decide. *Markman v. Westview Instruments, Inc.,* 517 U.S. 370, 391, 116 S. Ct. 1384, 134 L. Ed. 2d 577 (1996).

To ascertain **[*19]** the meaning of claims, the court looks to three primary sources: the claims, the specification, and the prosecution history. *Markman v. Westview Instruments, Inc.,* 52 F.3d 967,979 (Fed. Cir. 1995), *aff'd,* 517 U.S. 370, 116 S. Ct. 1384, 134 L. Ed. 2d 577 (1996) (quoting *Unique Concepts, Inc. v. Brown,* 939 F.2d 1558, 1561 (Fed. Cir. 1991)) ..Under the patent law, the specification must contain a written description of the invention that enables one of ordinary skill in the art to make and use the invention. 35 U.S.C. § 112; *id.* at 978. A patent's claims "must be read in view of the specification, of which they are a part." *Markman,* 52 F.3d at 979. "For claim construction purposes, the description may act as a sort of dictionary, which explains the invention and may define terms used in the claims." *Id.* "One purpose for examining the specification is to determine if the patentee has limited the scope of the claims." *Watts v. XL Sys., Inc.,* 232 F.3d 877, 882 (Fed. Cir. 2000).

Nonetheless, it is the function of the claims, not the specification, to set forth the limits of the patentee's claims. Otherwise, there would be no need for claims. *SRI Int'/ v. Matsushita Elec. Corp.,* 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc). **[*20]** The patentee is free to be his

own lexicographer, but any special definition given to a word must be clearly set forth in the specification. Intellicall, Inc. v. Phonometrics, 952 F.2d 1384, 1388 (Fed. Cir. 1992). And, although the specification may indicate that certain embodiments are preferred, particular embodiments appearing in the specification will not be read into the claims when the claim language is broader than the embodiments. Electro Med. Sys., S.A. v. Cooper Life Scis., Inc., 34 F.3d 1048, 1054 (Fed. Cir. 1994). This court's claim construction decision must be informed by the Federal Circuit's decision in Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005) (en banc). In Phillips, the court set forth several guideposts that courts should follow when construing claims. In particular, the court reiterated that "the claims of a patent define the invention to which the patentee is entitled the right to exclude." Id. at 1312 (quoting Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc., 381 F.3d 1111, 1115 (Fed. Cir. 2004)) (emphasis added). To that end, the words used in a claim "are generally given their ordinary and customary meaning." Id. (quoting Vitronics Corp. v. Conceptronic, Inc., 90 F.3d 1576, 1582 (Fed. Cir. 1996)). **[*21]** "[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." Id. at 1313. This principle of patent law flows naturally from the recognition that inventors are usually persons who are skilled in the field of the invention. Id. The patent is addressed to and intended to be read by others skilled in the particular art. Id.

The primacy of claim terms notwithstanding, Phillips made clear that "the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification." Phillips, 415 F.3d at 1313. Although the claims themselves may provide guidance as to the meaning of particular terms, those terms are part of "a fully integrated written instrument." Id. at 1315 (quoting Markman, 52 F.3d at 978). Thus, the Phillips court emphasized the specification as being the primary basis for construing the claims. Id. at 1314-17. The Supreme Court stated long ago that "in case **[*22]** of doubt or ambiguity it is proper in all cases to refer back to the descriptive portions of the specification to aid in solving the doubt or in ascertaining the true intent and meaning of the language employed in the claims." Bates v. Coe, 98 U.S. 31, 38, 25 L. Ed. 68, 1879 Dec. Comm'r Pat. 365 {1878). In addressing the role of the specification, the Phillips court quoted with approval its earlier observations from Renishaw PLC v. Marposs Societa' per Azioni, 158 F.3d 1243, 1250 (Fed. Cir. 1998):

> Ultimately, the interpretation to be given a term can only be determined and confirmed with a full understanding of what the inventors actually invented and intended to envelop with the claim. The construction that stays true to the claim language and most naturally aligns with the patent's description of the invention will be, in the end, the correct construction.

Phillips, 415 F.3d at 1316. Consequently, Phillips emphasized the important role the specification plays in the claim construction process.

The prosecution history also continues to play an important role in claim interpretation. The prosecution history helps to demonstrate how the inventor and the PTO understood the patent. Id. at 1317. Because the file history, however, **[*23]** "represents an ongoing negotiation between the PTO and the applicant," it may lack the clarity of the specification and thus be less useful in claim construction proceedings. Id. Nevertheless, the prosecution history is intrinsic evidence. Id. That evidence is relevant to the determination of how the inventor understood the invention and whether the inventor limited the invention during prosecution by narrowing the scope of the claims. Id.

Phillips rejected any claim construction approach that sacrificed the intrinsic record in favor of extrinsic evidence, such as dictionary definitions or expert testimony. Id. The en banc court condemned the suggestion made by Texas Digital Systems, Inc. v. Telegenix, Inc., 308 F.3d 1193 (Fed. Cir. 2002), that a court should discern the ordinary meaning of the claim terms (through dictionaries or otherwise) before resorting to the specification for certain limited

purposes. *Phillips,* 415 F.3d at 1319-24. The approach suggested by *Texas Digital--the* assignment of a limited role to the specification--was rejected as inconsistent with decisions holding the specification to be the best guide to the meaning of a disputed term. *Id.* at 1320-21 (quoting *Vitronics,* 90 F.3d at 1582). **[*24]** According to *Phillips,* reliance on dictionary definitions at the expense of the specification had the effect of "focus[ing] the inquiry on the abstract meaning of words rather than on the meaning of claim terms within the context of the patent." *Id.* at 1321. *Phillips* emphasized that "[t]he patent system is based on the proposition that the claims cover only the invented subject matter." *Id.* What is described in the claims flows from the statutory requirement imposed on the patentee to describe and particularly claim what he or she has invented. *Id.* The definitions found in dictionaries, however, often flow from the editors' objective of assembling all of the possible definitions for a word. *Id.* at 1321-22.

Phillips does not preclude all uses of dictionaries in claim construction proceedings. *Phillips,* 415 F.3d at 1322. Instead, the court assigned dictionaries a role subordinate to the intrinsic record. *Id.* at 1317-19. In doing so, the court emphasized that claim construction issues are not resolved by any "magic formula." *Id.* at 1324. The court did not impose any particular sequence of steps for a court to follow when it considers disputed claim language. *Id.* at 1323-25. Rather, *Phillips* **[*25]** held that a court must attach the appropriate weight to the intrinsic sources offered in support of a proposed claim construction, bearing in mind the general rule that the claims measure the scope of the patent grant. *Id.* at 1324.

In construing the claim terms, the court must also determine whether any claim terms are invalid as being indefinite. The statutory requirement of definiteness states that the claims must "particularly point[] out and distinctly claim[] the subject matter which the applicant regards as his invention." 35 U.S.C. § 112, P 2. "[T]he purpose of the definiteness requirement is to ensure that the claims delineate the scope of the invention using language that adequately notifies the public of the patentee's right to exclude." *Datamize, LLC v. Plumtree Software, Inc.,* 417 F.3d 1342, 1347 (Fed. Cir. 2005). "The definiteness requirement, however, does not compel absolute clarity. Only claims not amenable to construction or insolubly ambiguous are indefinite." *Id.* (internal quotations omitted).

IV. Agreed Terms

. "combination of" means "two or more of"

. "user" -- Ordinary meaning, no construction is necessary.

. "redirects"/ "redirecting" mean "causes [causing] to be **[*26]** sent to a location other than the one requested by the user"

. "authentication accounting server" means "a server that determines whether a user ID is authorized to access the network"

V. Disputed Terms

A. "user IDs"

Claim 1 contains the term "user IDs": "a database with entries correlating each of a plurality of *user IDs* with an individualized rule set," "wherein the dial-up network server communicates a first *user ID* for one of the users' computers . . . to the authentication accounting server," and "wherein the authentication accounting server . . . communicates the individualized rule set that correlates with the first *user ID.*" The term appears throughout the specification, e.g., "when the user connects to the local network . . . the *user's ID* and password are sent to the authentication accounting server." ('118 patent, 2:66-3: 1) (emphasis added). According to

Linksmart, the court does not need to construe "user IDs." Alternatively, if the court determines that a construction is necessary, Linksmart's proposed construction is "identification of the user." The defendants assert the following construction: "a unique identification code for a particular person."

The defendants contend **[*27]** that the user ID must be a unique identification assigned to a particular person. In support of their argument, the defendants note that the purpose of the invention, according to the patent's Summary of Invention, is "to allow the redirection, blocking, or allowing, of specific data traffic for *specific users."* ('118 patent, 2:62-64) (emphasis added). Also, U.S. Provisional Application No. 60/084,014 ("'014 application"), which is fully incorporated by reference, states that "[e]ach redirection is handled individually such that every user can have a different designated site." ('014 application, at 8). But nothing in the specification requires that each person must be assigned a unique user ID--a single user ID could be assigned to a group of persons. Therefore, the court construes the term to mean "identification of the user or users."

B. "individualized rule set"

. Claim 1 contains the term "individualized rule set": "wherein the authentication accounting server accesses the database and communicates the *individualized rule set* that correlates with the first user ID" and "wherein data . . . are processed by the redirection server according to the *individualized rule set."* Although "individualized **[*28]** rule set" does not appear in the specification, the phrase "rule set" is used frequently:

> The *rule sets* specify elements or conditions about the user's session. *Rule sets* may contain data about a type of service which may or may not be accessed, a location which may or may not be accessed, how long to keep the *rule set* active, under what conditions the *rule set* should be removed, when and how to modify the *rule set* during a session, and the like.

('118 patent, 4:41-47) (emphasis added).

The plaintiff defines "individualized rule set" as "elements or conditions which apply during a user's session." According to the defendants, this term means "filtering and redirection rules for a particular user ID, which apply during an authorized session." The three primary differences between the parties' proposed constructions are: (1) "elements or conditions" vs. "filtering and redirection rules"; (2) association with a specific user ID; and (3) "user's session" vs. "authorized session."

First, Linksmart argues that "individualized rule set" should be broadly construed to cover "elements or conditions." The specification explicitly states that "rule sets specify *elements or conditions."* ('118 patent, **[*29]** 4:41-42) (emphasis added). In response, the defendants assert that the patent uses the phrase "filtering and redirection information" interchangeably with the term "rule set," e.g., "[t]he database also contains personalized filtering and redirection information" and "[t]he redirection server uses the filter and redirection information . . . to either allow packets to pass through . . . , block . . . , or modify." ('118 patent, 3:3-4, 3:15-19). But the specification also explains that the rule set may contain data about "how long to keep the rule set active" and "when and how to modify the rule set during a session." ('118 patent, 4:42-47). The narrow "filtering and redirection information" construction would exclude these two alternatives. Therefore the court will adopt the "elements or conditions" construction.

Second, the defendants' proposal requires the "individualized rule set" to be associated with a particular user ID. Linksmart argues that nothing in the specification requires the rule set to be tied to a specific user ID. But the specification refers to a "rule set," while the claims use the term *"individualized* rule set." Because the modifier "individualized" is included, **[*30]** the court will construe the term to require a link to a specific user ID.

Third, the plaintiff contends that the rule set is applied during a "user's session," but the defendants assert that the rule set is applied during an "authorized session." The specification explains that "[t]he rule sets specify elements or conditions about the *user's session.*" ('118 patent, 4:41-42) (emphasis added). "Authorized session" is not found in the specification. As such, the court is persuaded that the rule set applies during a "user's session." In all, the court construes the term "individualized rule set" as "elements or conditions for a particular user ID that apply during a user's session."

C. "user's rule set"

Claim 15 contains the term "user's rule set": "a redirection server programed with a *user's rule set* correlated to a temporarily assigned network address." According to Linksmart, no construction of this term is necessary. Alternatively, Linksmart proposes the following construction: "elements or conditions about the user's session." The defendants (except BWI) contend that "user's rule set" means "filtering and redirection rules for a particular user which apply during an authorized session." **[*31]** Finally, BWI's proposed construction is "filtering and redirection rules unique to a particular user which apply during an authorized session."

The defendants assert that "user's rule set" requires "filtering and redirection rules" and "an authorized session." For the reasons discussed above in "individualized rule set," the court declines to adopt these limitations.

BWI argues that the rules must be "unique to a particular user." BWI notes that claim 15 refers to "user" in the singular form: *"a* user's rule set" and *"the* user." But when used with an open-ended transition, the indefinite article "a" means "one or more" except in rare circumstances where the patentee clearly intended to limit the term to a single item. *Baldwin Graphic Sys., Inc. v. Siebert, Inc.,* 512 F.3d 1338, 1342 (Fed. Cir. 2008). The subsequent use of "the user" does not change the presumption of plurality. *Id.* To support its argument, BWI notes that the specification explains, "Rule sets . . . are unique for each user ID, or a group of user IDs." ('118 patent, 4:40-41). BWI argues that the language quoted above presents two distinct options-- the rules are unique for a single user ID or unique for a group of user IDs--and **[*32]** the claim language shows that the patentees chose the first option.

The court is not persuaded that the patentees clearly intended to limit "user's rule set" to a single user. The claim language does not disclaim the "group of user ID's" embodiment in the specification. Thus court construes "user's rule set" to mean "elements or conditions that apply during a user's or users' session."

D. "control data passing"

The term "control data passing" is found in the preamble of claim 25: "wherein the user's rule set contains at least one of a plurality of functions used to *control data passing* between the user and a public network." The term "control data passing" is not found in the specification. According to Linksmart, the ordinary meaning of this term is self-evident and no construction is necessary. The defendants' proposed construction is "filter and redirect data sent."

The Summary of the Invention describes the purpose of the invention: "The present invention allows for creating and implementing dynamically changing rules, to allow the *redirection, blocking, or allowing, of specific data traffic for specific users,* as a function of database entries and the user's activity." ('118 patent, **[*33]** 2:61-65) (emphasis added). Other text in the specification confirms this functionality: "The redirection server . . . is programed to implement . . . checking data packets and blocking or allowing the packets . . . [and] performing the physical redirection of data packets . . . . " ('118 patent, 4:59-65). These passages indicate how the claimed invention enables control of the data passing through the redirection server. As such, the court construes this term to mean "redirect, allow, or block data traffic."

E. "processed" / "processing"

Claim 1 contains the term "processed": "wherein data directed toward the public network from the one of the users' computers are processed by the redirection server according to the individualized rule set." Claim 8 contains the term "processing": "processing data directed toward the public network from the one of the users' computers according to the individualized rule set." As in the term "individualized rule set," Linksmart believes that no construction is necessary, and the defendants wish to limit the scope of this term to filtering and redirecting.

Based on the context of the claim language, it is evident that the "processed" or "processing" step **[*34]** performed by the redirection server is analogous to the redirection server "control [ling] data passing" to the public network. Thus, "processed" and "processing" should be given the same construction as "control data passing": "redirect[ing], allow[ing], or block[ing] data traffic."

F. "dial-up network server"

The term "dial-up network server" is found in claim 1: "a dial-up network server that receives user IDs from users' computers" and "wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server." "Dial-up network server" is described in the following passage from the specification:

> The PC [] first connects to the dial-up network server []. The connection is typically created using a computer modem, however a local area network (LAN) or other communications link can be employed. The dial-up network server[] is used to establish a communications link with the user's PC [] using a standard communications protocol.

(' 118 patent, 3: 57-63). Linksmart's proposed construction is "a ser:ver that is used to establish a temporary link to a network." The **[*35]** defendants contend that this term means "a server on the network that receives a connection via a modem, or establishes a connection via a modem, where the modem dials a phone number over a telephone line."

The defendants argue that the commonly understood meaning of "dial-up" requires the use of a modem to establish a dial-up connection over a telephone line. The defendants also note that the box labeled "Modem Array & Built-in dialup networking soltware" in Figure 2 of the '014 application corresponds to the "Dial-up Networking Server" in Figure 2 of the '118 patent. In response, Linksmart points to the language of the specification, quoted above, which explains that the connection to the dial-up network server "is typically created using a computer modem, however a local area network (LAN) or other communications link can be employed." ('118 patent, 3:58-60) (emphasis added). The court must "adopt a definition that is different from the ordinary meaning [of a claim term] when 'the patentee acted as his own lexicographer and clearly set forth a definition of the disputed claim term in either the specification or prosecution history.'" Edwards Lifesciences LLC v. Cook Inc., 582 F.3d 13,22, 1329 (Fed. Cir. 2009) **[*36]** (quoting CCS Fitness, Inc. v. Brunswick Corp., 288 F.3d 1359, 1366-67 (Fed. Cir. 2002)). Here, the specification clearly teaches that connections to the dial-up networking server are not limited to the use of a modem, but may also include other types of connections. Because the patentee defined "dial-up networking server" in a manner that differs from its ordinary meaning, this term is not limited to dial-up or modem connections. Therefore the court construes "dial-up network server" to mean "a server that is used to establish a communications link with the user's PC."

G. "redirection server"

Claim 1 contains the term "redirection server": "a redirection server connected to the dial-up

network server and a public network," "wherein the authentication accounting server . . . communicates the individualized rule set . . . to the *redirection server,"* and "wherein data directed toward the public network from the one of the users' computers are processed by the *redirection server* according to the individualized rule set." "Redirection server" is found throughout the '118 patent's specification:

> The *redirection server[]* is logically located between the user's computer [] and the network, and **[*37]** controls the user's access to the network. . . . The *redirection server[]* receives the IP address and rule set, and is programed to implement the rule set for the IP address, as well as other attendant logical decisions such as: checking data packets and blocking or allowing the packets as a function of the rule sets, performing the physical redirection of data packets based on the rule sets, and dynamically changing the rule sets based on conditions.

('118 patent, 4:50-52 & 59-66) (emphasis added). The plaintiff asserts the following construction of this term: "hardware and/or software that dynamically controls the user's access to the network." The defendants' proposed construction is "a server that causes a user to be sent to a location other than the one requested by the user."

According to the defendants, the plain meaning of "redirection" requires the redirection server to redirect tr'affic, i.e., "cause[] a user to be sent to a location other than the one requested by the user." But the specification teaches that the redirection server performs functions other redirecting, such as blocking or allowing packets. This additional redirection server functionality is confirmed by dependent **[*38]** claims 2 and 3: "wherein the redirection server further blocks the data" and "wherein the redirection server further allows the data." Based upon the specification's explicit description of the redirection server, quoted above, the court construes the term to mean "a server logically located between the user's computer and the network that controls the user's access to the network."

H. "temporarily assigned network address"

Claim 1 contains the term "temporarily assigned network address": "wherein the dial-up network server communicates a first user ID for one of the users' computers and a *temporarily assigned network address* for the first user ID to the authentication accounting server." Although the specific term "temporarily assigned network address" is not found in the specification, similar phrases are used instead: "[t]he IP address temporarily assigned to the end user is [] sent back to the end user for use in connecting in the network," ('118 patent, 3: 10-12), and "[u]pon a successful user authentication, the dial-up network server[] completes the negotiation and assigns an IP address to the user," ('118 patent, 5:57-59). Linksmart's proposed construction is "an address that **[*39]** identifies a user for the duration of a networking session." On the other hand, the defendants argue that this term means "an address assigned to a user only for the duration of an authorized session."

The parties dispute whether the network address must be temporarily assigned or can it be a pre-existing, permanently assigned address. In support of its proposal covering permanent addresses, Linksmart points to the following language from the specification: "In the preferred embodiment Point to Point Protocol (PPP) is used . . . to dynamically assign the PC [] an IP address from a list of available addresses. However, [in] other embodiments . . . , the IP address may also be *permanently assigned* to the PC[]." ('118 patent, 3:63-4:2) (emphasis added). Thus, according to Linksmart, the invention should not be limited to the preferred embodiment, which uses temporarily assigned IP addresses. Although the specification discloses both temporary and permanent addresses, the patentee claimed "temporarily assigned network address" not "network address" generally. The "temporarily assigned" limitation excludes embodiments that are permanent or not assigned by the claimed system. Unlike the term **[*40]** "dial-up networking server" where the patentee explicitly defined the term in a manner that differs from its ordinary meaning, the specification provides no specialized definition for "temporarily assigned network address." Thus, the court will construe

the term according to its plain language, which requires temporary assignment. The court is persuaded, however, by the plaintiff's argument that the network address is used to identify users. The '118 patent's Background of the Invention explains that "the end user would be identified by the temporarily assigned IP address." ('118 patent, 1: 35-37). In all, "temporarily assigned network address" is construed to mean "an address that is assigned to a user and identifies a user only for the duration of a networking session."

I. "to control passing between the user and a public network"

The term "to control passing between the user'and a public network" is found in claim 15: "wherein the rule set contains at least one of a plurality of functions used *to control passing between the user and a public network.*" A word appears to be missing from this term; the verb "control" should have a direct object. Linksmart asserts that this term means "to **[*41]** control data passing between the user and a public network." The defendants contend that this term is indefinite.

Claim 25 contains a limitation similar to the disputed term: "wherein the user's rule set contains a least one of a plurality of functions used to control *data* passing between the user and a public network." Also, the specification states, "The redirection server [] programs the rule set and IP address so as to control ... the user's *data* as a function of the rule set." ('118 patent, 6:1-3) (emphasis added). Thus, it is apparent that the word "data" was inadvertently omitted from the claim term. The defendants argue that this term is indefinite because it is subject to two reasonable interpretations: "control data passing" or "control the passing of HTTP requests." But HTTP requests are a form of data. As the omission of "data" is an obvious, minor typographical error, the claim is not indefinite. *Novo Indus., L.P. v. Micro Molds Corp.,* 350 F.3d 1348, 1357 (Fed. Cir. 2003). Therefore, the court's construction of "to control passing between the user and a public; network" is "to control data passing between the user and a public network."

J. "automated modification"

Claim **[*42]** 15 contains the term "automated modification": "wherein the redirection server is configured to allow *automated modification* of at least a portion of the rule set correlated to the temporarily assigned network address." Although the specification does not contain the term "automated modification," the modification of rule sets is discussed, e.g., "[r]ule sets may contain data about ... when and how to modify the rule set during a session," ('118 patent, 4:46-47), and "[t]he redirection server ... is programed to implement ... other attendant logical decisions such as ... dynamically changing the rule sets based on conditions." ('118 patent, 4:59-66). Linksmart asserts that no construction of this term is necessary. Alternatively, Linksmart proposes the following construction: "a change by the system based on a condition." On the other hand, the defendants contend that "automated modification" means "a change by the system without a request or instruction by a person."

The parties agree that "modification" means "a change by the system" but disagree on the meaning of "automated." Linksmart argues that "automated" means "based on a condition." In support of its proposed construction, **[*43]** the plaintiff cites the above-quoted language from the specification: "dynamically changing the rule sets *based on conditions.*" Linksmart's proposal does not distinguish an automated or dynamic modification from a manual modification, however--the phrase "based on a modification" provides no clarification. On the other hand, the defendants contend that automated means "without a request or instruction by a person." But Linksmart notes that an automated modification may occur in response to a user's action. For example, claim 17, which depends from claim 15, states that "the redirection server is configured to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user." Thus, user action may prompt an automatic modification. As such, the court adopts the following construction: "a change by the system without a request or instruction to change from a user."

K. "location the user access"

Claim 15 contains the term "location the user access": "wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location **[*44]** the user access." This claim term is grammatically incorrect and may have a word missing. The specification explains that "a user may be ·periodically redirected to a location, based on the number of other factors, such as the number of locations accessed, the time spent at a location, the types of locations accessed, and other such factors." ('118 patent, 7:48-52). Linksmart argues that this term means "location or locations that the user accesses." The defendants allege that "location the user access" is indefinite.

The defendants assert that "location the user access" is ambiguous because it is susceptible to more than one meaning. According to the defendants, this term may mean "location that the user accesses," "location the user attempts to access," "location from which the user accesses," "location the user is allowed to access," "number of locations the user accessed," and "types of locations the user accessed." During reexamination, Linksmart filed an amendment to claim 15 that read, "location the user attempts to access." (Dkt. No. 414, Ex. 2, at 29). In addition, when accusing Cisco of infringement, Linksmart asserted that the term means "the location from which the user accesses **[*45]** the Accused Instrumentality." (Dkt. No. 414, Ex. 2, at 53).

A district court cannot correct errors in a patent if the proposed correction is subject to reasonable debate. Novo Indus., 350 F.3d at 1357. In Novo Industries, the disputed claim term was "stop means formed on a rotatable with said support finger." Id. at 1352. The plaintiff argued that this term contained an obvious typographical error and proposed two different corrections: "stop means on said support finger" and "stop means formed on a rotatable support finger." Id. The Federal Circuit held that the error was not amenable to correction by the court, partly because the plaintiff itself suggested two different corrections, and thus the proposed correction was subject to reasonable debate. Id. at 1357. Likewise, in this case, "location the user access" has an obvious typographical or grammatical error, and the correction is subject to reasonable debate. Linksmart has suggested one correction to this court, offered a different correction to the PTO, and asserted yet another theory to Cisco. [1] Therefore, the term "location the user access" is insolubly ambiguous. As such, claim 15 is indefinite.

FOOTNOTES

· 1 Linksmart argues that its infringement **[*46]** contentions against Cisco are irrelevant for
: purposes of claim construction because they are litigation-related documents. But in Novo
  Industries, the Federal Circuit considered litigation-related positions in holding that the
  proposed correction was subject to reasonable debate. See id. ("Indeed, Novo itself
: suggested two different constructions to the district court .... ").

L. "modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address"

The term "modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address" is found in claim 25. The plaintiff argues that no construction of this term is necessary in light of other constructions. Alternatively, Linksmart proposes the following construction: "changing at least one of the elements or conditions about the user's session during the session." The defendants contend that "modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address" means "changing at least one of the rules in the user's rule set without **[*47]** ending the authorized session."

The primary difference between the parties' proposed constructions is whether termination of the user's session, which may be a form of a rule change, is covered by the patent term. According to the defendants, when the user's session is terminated, the system breaks the correlation between the user's rule set and the temporarily assigned network address. *(See* '118 patent, 3:21-26 ("When the user terminates the connection with the network, . . . the authentication accounting server . . . sends a message to the redirection server telling it to remove any remaining filtering and redirection information for the terminated user's temporary IP address."); 4:67-5:4 ("When the redirection server[] receives information regarding a terminated session . . . , the redirection server [] removes any outstanding rule sets and information associated with the session.")). But Linksmart argues that these quoted passages from the specification are preferred embodiments, and the claim should not be construed to exclude modifications that terminate the session.

The court is persuaded by Linksmart's argument. The system may first terminate the user's session, then break the **[*48]** correlation between the temporarily assigned network address and the user's rule set. The court therefore construes "modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address" to mean "changing at least one of the elements or conditions in the 'user's rule set' during the session."

M. "database"

Claim 1 contains the term "database": "a *database* with entries correlating each of a plurality of user IDs with an individualized rule set." The term "database" appears throughout the specification. The plaintiff asserts that no construction of "database" is necessary. If a construction is required, the plaintiff proposes "a structured set of data held in a computer." In contrast, BWI contends that this term means a "relational database that stores data in a collection of records wherein each record has at least one field common to other records."

BWI argues that "database" must be construed as a relational database. In support of its proposed construction, BWI quotes the following language from the specification: "The database 206 *is* a relational database which stores the system data." ('118 patent, 4:33-34) (emphasis **[*49]** added). BWI contends that this language does not state that the database *could be* or *may be* a relational database; instead, it says that the database *is* a relational database. But the quoted sentence is located within the "Detailed Description of the Invention"; this section begins with "[i]n the following embodiments of the invention." {'118 patent, 3:45). Figure 2 and the "database 206," discussed in the Detailed Description, illustrate embodiments of the claimed invention. Although relational databases are a preferred embodiment, nothing in the claims or specification exclude other forms of data storage, such as a flat file. Therefore, the court construes "database" to mean "a structured set of data held in a computer."

N. "entries"

Claim 1 contains the term "entries": "a database with *entries* correlating each of a plurality of user IDs with an individualized rule set." The specification states that "[t]he present invention allows for creating and implementing dynamically changing rules, to allow the redirection, blocking, or allowing, of specific data traffic for specific users, as a function of database *entries* and the user's activity." Linksmart states that no construction is necessary, [*SO] or alternatively, proposes "records in a database." BWi asserts the following construction: "records in a database, each record including a user ID and a unique rule set individualized for the user ID."

According to BWI, the rule set must be unique and individualized for each user ID. But claim 7, which depends from claim 1, explains that the entries correlate a plurality of users' IDs with a common individualized rule set. As such, the term "entries" does not require the entries to correlate a unique rule set to each user ID. [2] BWI also asserts that each record must include a

user ID and a rule set. BWI relies on a portion of the specification that illustrates a record containing a user ID and rule set..('118 patent, 6: 11-22). This portion of the specification describes an embodiment, however. The claim language states that the entries *correlate,* not *include,* the user IDs and rule sets. Nothing in the patent excludes a database with user IDs and rule sets stored in separate tables. Finally, the remainder of BWI's construction merely restates what is required in the claim language--the correlation of user IDs with rule sets. As such, the court construes "entries" to mean "records in **[*51]** a database."

FOOTNOTES

2 At the May 25, 2010 claim construction hearing, counsel for BWI appeared to argue that the court should not consider claim 7 when construing "entries" because "claim 7 hasn't been asserted in this lawsuit." A person of ordinary skill reading the '118 patent would discern, however, that claim 7 is intrinsic evidence regardless of whether Linksmart would later decline to assert that claim. *See also Phillips,* 415 F.3d at 1315 ("Other claims of the patent in question, both asserted and unasserted, can also be valuable sources of enlightenment as to the meaning of a claim term.").

VI. Conclusion

The court adopts the constructions set forth in this opinion for the disputed terms of the '118 patent. The parties are ordered that they may not refer, directly or indirectly, to each other's claim construction positions in the presence of the jury. Likewise, the parties are ordered to refrain from mentioning any portion of this opinion, other than the actual definitions adopted by the court, in the presence of the jury. Any reference to claim construction proceedings is limited to informing the jury of the definitions adopted by the court.

SIGNED this 30th day of June, 2010.

/s/ Charles **[*52]** Everingham IV

CHARLES EVERINGHAM IV

UNITED STATES MAGISTRATE JUDGE

Source: **Combined Source Set 3** [Ij - **Patent Cases from Federal Courts**
Terms: **6779118 or 6,779,118** (Suggest Terms for My Search)
View: Full
Date/Time: Wednesday, December 7, 2011 - 2:23 PM EST

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Facebook Challenges To Three reHuman Relationships Patents, Among Reexamination Requests Filed Week Of FEBRUARY 7th Patent Law Practice Center February 18, 2011 Friday 7:33 AM EST

February 18, 2011 Friday 7:33 AM EST

LENGTH: 895 words

HEADLINE: Facebook Challenges To Three ceHuman Relationships Patents, Among Reexamination Requests Filed Week Of FEBRUARY 7th

BYLINE: Stefanie Levine

BODY:

Feb. 18, 2011 (Practising Law Institute delivered by Newstex) —

Here is the latest installment of Reexamination Requests from Scott Daniels, of Reexamination Alert and Practice Center Contributor:.

This past Monday having been Valentines Day, we couldnt help noticing the requests (see inter partes Request Nos. (1) to (3)) filed last week by Facebook against three patents owned by Mekiki Creates for computer systems for ceregistering human relationships.? Facebook and Mekiki are currently in a relationship in an infringement suit in the Northern District of California. Also look at inter partes Request No. (6) for a gem cutting apparatus patent.

The following inter partes requests were filed:

(1)   95/001,537 (electronically filed)" U.S. Patent No. 7,496,603 entitled HUMAN RELATIONSHIPS REGISTERING SYSTEM, METHOD.AND DEVICE FOR REGISTERING HUMAN RELATIONSHIPS, PROGRAM FOR REGISTERING HUMAN RELATIONSHIPS, AND MEDIUM STORING HUMAN RELATIONSHIPS REGISTERING PROGRAM AND READABLE BY COMPUTER and owned by Mekiki Creates. Filed February 7, 2011, byFacebook, Inc. The ~503 patent is currently the subject of a litigation styled Mekiki Co., Ltd. And Mekiki Creates Co., Ltd v. Facebook, Inc. (No 10-cv-2721-LHK (USDC- No. Dist. Of Cal)).

(2)   95/001,538 (electronically filed) " U.S. Patent No. 6,879,985 entitled HUMAN RELATIONSHIPS REGISTERING SYSTEM, METHOD AND DEVICE FOR REGISTERING HUMAN RELATIONSHIPS, PROGRAM FOR REGISTERING HUMAN RELATIONSHIPS, AND MEDIUM STORING HUMAN RELATIONSHIPS REGISTERING PROGRAM AND READABLE BY COMPUTER and owned by Mekiki Creates. Filed February 7, 2011, byFacebook, Inc. The ~gas patent is currently the subject of a litigation styled Mekiki Co., Ltd. And Mekiki Creates Co., Ltd v. Facebook, Inc. (No 10-cv-2721-LHK (USDC- No. Dist. Of Cal)).

(3)   95/001,539 (electronically filed)" U.S. Patent No. 7,493,342 entitled HUMAN RELATIONSHIPS REGISTERING SYSTEM, METHOD AND DEVICE FOR REGISTERING HUMAN RELATIONSHIPS, PROGRAM FOR REGISTERING HUMAN RELATIONSHIPS, AND MEDIUM

STORING HUMAN RELATIONSHIPS REGISTERING PROGRAM AND READABLE BY COMPUTER and owned by Mekiki Creates. Filed February 7, 2011 byFacebook, Inc. The ~342 patent is currently the subject of a litigation styled Mekiki Co., Ltd. And Mekiki Creates Co., Ltd v. Facebook, Inc. (No 10-cv-2721-LHK (USDC- No. Dist. Of Cal)).

(4)   95/001,540 (electronically filed)" U.S. Patent No. D622,996 entitled PILLOW-TOP MATTRESS DESIGN and owned by Sealy Technology. Filed February 8, 2011, by Simmons Bedding Company. The ~995 patent is currently the subject of a litigation styledSealy v. Simmons (Case No. 1: 10-cv-00702 (M.D.N.C.)).

(5)   95/001,541 (electronically filed)" U.S. Patent No. 7,781,228 entitled A MAGNETIC RESONANCE SYSTEM AND METHOD TO DETECT AND CONFIRM ANALYTES and owned by Menon and Associates. Filed February 8, 2011, by T2 Biosystems.

(6)   95/001,542 (electronically filed)" U.S. Patent No. 7,571,060 entitled SYSTEM AND METHOD FOR GEMSTONE CUT GRADING and owned by Gemological Institute of America. Filed, February 9, 2011.

The following ex parte requests were filed:

(1)   90/011,477 (electronically filed)" U.S. Patent No. 5,949,331 entitled DISPLAY ENHANCEMENTS FOR VEHICLE VISION SYSTEM. Filed February 7, 2011.

(2)   90/011,478 (electronically filed)" U.S. Patent No. 6,222,447 entitled REARVIEW VISION SYSTEM WITH INDICIA OF BACKUP TRAVEL and owned by Donnelly Corporation. Filed February 7, 2011.

(3)   90/011,479 (electronically filed)" U.S. Patent No. 5,963,923 entitled SYSTEM AND METHOD FOR,TRADING HAVING A PRINCIPAL MARKET MAKER an_d owned by Technology Research Group. Filed February 7, 2011.

(4)   90/011,480 (electronically filed)" U.S. Patent No. 7,139,404 entitled BTE/CIC AUDITORY DEVICE AND MODULAR CONNECTOR SYSTEM THEREFOR and owned by Hear-Wear Technologies. Filed February 8, 2011, likely by Oticon.   The ~404 patent is currently the subject of a litigation styled Hear Wear Techs. V. Oticon (Case No. 07-cv-212-CVE-SAJ (N.D. Okla.)).

(5)   90/011,481 (electronically filed)" U.S. Patent No. 7,385,135 entitled ELECTRONIC PERCUSSION INSTRUMENTAL SYSTEM AND PERCUSSION DETECTING APPARATUS THEREIN and owned by Roland Corporation. Filed February 9, 2011.

(6)   90/011,482 (electronically filed)" U.S. Patent No. Reissue 39,231 entitled COMMUNICATION TERMINAL EQUIPMENT AND CALL INCOMING CONTROL METHOD and owned by MobileMedia Ideas, LLC. Filed February 10, 2011.

(7)   90/011,483 (electronically filed)" U.S. Patent No. 6,928,148 entitled INTEGRATED SECURITY AND COMMUNICATIONS SYSTEM WITH SECURE COMMUNICATIONS LINK and owned by Honeywell. Filed February 10, 2011.

(8)   90/011,484 (electronically filed)" U.S. Patent No. 7,013,284 entitled COMPONENT BASED INTERFACE TO HANDLE TASKS DURING CLAIM PROCESSING and owned by Accenture. Filed February 10, 2011.

(9)   90/011,485 (electronically filed)" U.S. Patent No. **6,779,118** entitled USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM and owned by Koichiro Ikudome. Filed February 11, 2011. The ~118 patent is currently the subject of a litigation styled Linksmart Wireless Technology, LLC v. T-Mobile USA, Inc. (No. 08-cv-00264-DF-CE (E.D. Tex.)),

(10)   90/009,874 (paper filed)" U.S. Patent No. 6,557,871 entitled STROLLER WITH

ADJUSTABLE SEAT BACK ARRANAGEMENT and owned by Ben Ming Hsia. Filed February 3, 2011.

Newstex ID: PUS-7608-100822778

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LOAD-DATE: March 17, 2011

Source: **Combined Source Set 3** [I] - **News, Most Recent Two Years (English, Full Text)**
Terms: **6779118 or 6,779,118** (Suggest Terms for My Search)
View: Full
Date/Time: Wednesday, December 7, 2011 - 2:23 PM EST

In

HERSHKOVITZ & ASSOCIATES, LLC

PATENT AGENCY
2845 DUKE STREET, ALEXANDRIA, VA 22314
TEL. 703-370-4800- FACSIMILE 703-370-4809
patent@hershkovitz.net - www.hershkovitz.net

Inventor: Koichiro Ikudome, et al.

Reexamination Proceeding: 90/009,301
(Based on U.S. Patent No. 6,779,118)

Reexamination Filed: December 17, 2008

For: USER SPECIFIC AUTOMATIC
      DATA REDIRECTION SYSTEM

Art Unit: 3992

Confirmation No.: 6609

Examiner: Sam Rimell

Mail Stop *ex parte* Reexam
Attention Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

Transmitted herewith are a **SUPPLEMENTAL RESPONSE UNDER 37 CFR §§1.111 AND 1.530, and a Certificate of Service,** in connection with the above-captioned matter.

The fee has been calculated as shown below:

Claims After Amendment	No. of Claims Previously Paid	Present Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
*Total Claims:	I	I	**X 30=**	$	**X 60=**	$
**Indep. Claims:	I	I	**X 125=**	$	x250=	$
Extension Fee for Months				$		$
Other:				$		$
		Total:		$	Total:	$

_ Fee Payment made through EFS.
_ Payment is made herewith by Credit Card (see attached Form PTO-2038).
IL The Director is hereby authorized to charge all fees under 37 CFR §§ 1.16 and 1.17 which may be required to maintain pendency of this application to Deposit Account No. 50-2929.
_ The Director is hereby authorized to charge all fees under 37 CFR § 1.18 which may be required to complete issuance of this application to Deposit Account No. 50-2929.

Respectfully submitted,

Date: November 25, 2011

-Abraham Hershkovitz
Registration No. 45,294

R1341006 .A20; AH/pjj

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Koichiro Ikudome, et al.   Art Unit: 3992

Reexamination Proceeding: 90/009,301   Confirmation No.:   6609
(based on U.S. Patent No. 6,779,118)

Reexamination Filed: December 17, 2008   Examiner: Sam Rimell

For: USER SPECIFIC AUTOMATIC
        DATA REDIRECTION SYSTEM

SUPPLEMENTAL RESPONSE UNDER 37 CFR §§1.111 AND 1.530

Mail Stop "ex parte Reexam"
Attention: Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia   23313-1450

Dear Commissioner:

A Board of Appeals Decision was mailed on August 23, 2011 in connection with the above-identified *ex parte* Reexamination Proceeding, and on October 21, 2011, Patent Owner filed a Response and Proposed Amendment with the requisite claim fees in response to the Decision, along with a Statement of Substance of Interview for the personal Interview held on October 3, 2011 and subsequent telephone Interviews.   Additionally, a Statement of Substance of Interview and Response to *ex parte* Reexamination Interview Summaries was filed on November 17, 2011 for the personal Interview held October 17, 2011, and the Interview Summaries mailed by the Office on November 8, 2011.

This Supplemental Response is being filed to clarify the record regarding the October 21, 2011 Response and Proposed Amendment.
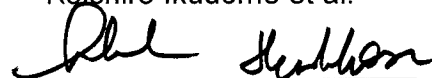
Initially, Patent Owner wishes to express appreciation for the professional courtesy and standard maintained by the Office in this Proceeding.

As indicated in the Status of Claims in the October 21 Response and Proposed Amendment, upon entry of the Response and Proposed Amendment, claims 2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43-46 and 48-94 would be pending for confirmation, as based on the holdings set forth in the Decision.

With the October 21 Response and Amendment, Patent Owner included comments deemed as an appropriate response to portions of the Board's Decision which appeared to be contradictory and/or inconsistent as well as a traverse of the Board's rejections.   While Patent Owner submitted such comments merely to clarify the record as to Patent Owner's position regarding such portions of the Decision, Patent Owner nevertheless acted on all holdings of the Decision, cancelling all of the claims affirmed as rejected or rejected upon new grounds in the Decision, and presenting amended and new claims that Patent Owner believed to be patentable.   Thus, Patent Owner wishes to clarify the record further, that such comments in the October 21 Response and Amendment were not intended in any way to be taken as a request for rehearing of the appeal or reconsideration by the Board, but merely to make Patent Owner's response of record.   Thus, in accordance with the Board's Decision, and the confirmation of the patentability of claims in the November 8, 2011 Interview Summary, Patent Owner respectfully requests the Examiner to retain the file for this Proceeding so as to reopen prosecution in order to enter the claim amendments in the October 21, 2011 Response and Proposed Amendment, and to confirm patentability of all claims 2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43-46 and 48-94 by issuing a Notice of Intent to Issue a Reexamination Certificate.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,
Koichiro Ikudome et al.

Abraham Hershkovitz
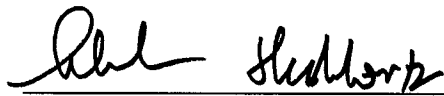Reg. No. 45,294

Date: November 25, 2011

Hershkovitz & Associates, LLC
2845 Duke Street
Alexandria, VA 22314
Telephone 703-370-4800
Facsimile 703-370-4809
E-Mail patent@hershkovitz.net

R1341006.A20; AH/pjj

CERTIFICATE OF SERVICE

It is hereby certified that the attached SUPPLEMENTAL RESPONSE UNDER 37 CFR §§1.111 AND 1.530 is being **served by first class mail on November 25, 2011** on the third party requester at the third party requestor's address:

JERRY TURNER SEWELL
P.O. BOX 10999
NEWPORT BEACH, CA   92658-5015

Abe Hershkovitz

Electronic Acknowledgement Receipt

EFS ID:	11482682
Application Number:	90009301
International Application Number:	
Confirmation Number:	6609
Title of Invention:	USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM
First Named Inventor/Applicant Name:	6,779,118 B1
Customer Number:	40401
Filer:	Abraham Hershkovitz
Filer Authorized By:	
Attorney Docket Number:	R1341006
Receipt Date:	27-NOV-2011
Filing Date:	17-DEC-2008
Time Stamp:	11:40:18
Application Type:	Reexam (Third Party)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Trans Letter filing of a response in a reexam	R1341006_A20_Transmittal.pdf	54288 e548e238836d63445771737523a6521d19 22c59e	no	1

Warnings:	
Information:	

2		R1341006_A20_Suppl-Rsp.pdf	99264 b95e09e168d6682861c4f4e70091c64cf698cdb7	yes	3

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Patent Owner Response after Board Decision	1	2
Reexam Certificate of Service	3	3

Warnings:

Information:

Total Files Size (in bytes):	153552

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

HERSHKOVITZ & ASSOCIATES, LLC
PATENT AGENCY
2845 DUKE STREET, ALEXANDRIA, VA 22314
TEL. 703-370-4800 ~ FACSIMILE 703-370-4809
patent@hershkovitz.net ~ www.hershkovitz.net

Inventor: Koichiro Ikudome, et al.

Art Unit: 3992

Reexamination Proceeding: 90/009,301
(Based on U.S. Patent No. 6,779,118)

Confirmation No.: 6609

Examiner: Sam Rimell

Reexamination Filed: December 17, 2008

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

Mail Stop *ex parte* Reexam
Attention Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

Transmitted herewith are a **Statement of Substance of Interview and Response to *ex parte* Reexamination Interview Summaries, and a Certificate of Service,** in connection with the above-captioned matter.

The fee has been calculated as shown below:

Claims After Amendment	No. of Claims Previously Paid	Present Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
*Total Claims:			x 30=	$	x 60=	$
**Indep. Claims:			x 125=	$	x250=	$
Extension Fee for Months				$		$
Other:				$		$
		Total:		$	Total:	$

___ Fee Payment made through EFS.

___ Payment is made herewith by Credit Card (see attached Form PTO-2038).

X The Director is hereby authorized to charge all fees under 37 CFR §§ 1.16 and 1.17 which may be required to maintain pendency of this application to Deposit Account No. 50-2929.

___ The Director is hereby authorized to charge all fees under 37 CFR § 1.18 which may be required to complete issuance of this application to Deposit Account No. 50-2929.

Respectfully submitted,

Date: __November 17, 2011__

Abraham Hershkovitz
Registration No. 45,294
Dinh X. Nguyen
Registration No. 54,923

R1341006.A18; AH/DN/pjj

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Koichiro Ikudome, et al.

Art Unit: 3992

Reexamination Proceeding: 90/009,301
(based on U.S. Patent No. 6,779,118)

Confirmation No.: 6609

Reexamination Filed: December 17, 2008

Examiner: Sam Rimell

For: USER SPECIFIC AUTOMATIC DATA
     REDIRECTION SYSTEM

STATEMENT OF SUBSTANCE OF INTERVIEW AND
RESPONSE TO *ex parte* REEXAMINATION INTERVIEW SUMMARIES

Mail Stop *ex parte* Reexam
Attention: Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 23313-1450

Dear Commissioner:

On October 3, 2011, a personal Interview was held, including Abe Hershkovitz (Patent Owner's representative) and Sam Rimell (Primary Examiner).   Patent Owner appreciates the courtesies shown and helpful suggestions made by the Examiner.   A "Statement of Substance of Interviews Held On and Subsequent to October 3, 2011" was filed in the USPTO on October 21, 2011 for the Interview of October 3, 2011, and for subsequent telephone contacts with the Examiner.   Patent Owner appreciates the time by the Examiner during the telephone contacts subsequent to the personal Interview on October 3, 2011.

A personal Interview also was held on October 17, 2011, including Abe Hershkovitz (Patent Owner's Representative) and Sam Rimell (Primary Examiner) regarding the above-identified *ex parte* Reexamination Proceeding.   Patent Owner thanks the Examiner for the professional demeanor and consideration shown during this Interview, and submits the following statement of the substance of the Interview.

1

During the October 17, 2011 Interview, Patent Owner's representative presented proposed new independent claims 48, 60, 72 and 87, corresponding respectively to independent claims 1, 8, 15, and 25, and containing additional clarification to identify that "a redirection server connected between the dial-up network server and a public network." These changes had been discussed with the Examiner during the personal Interview held on October 3, 2011 and in the follow-up telephone contacts.

An *ex parte* Reexamination Interview Summary mailed on November 8, 2011 for the Interview held on October 17, 2011 indicated that the proposed new independent claims 48, 60, 72, and 87 corresponding to claims 1, 8, 15, and 25, respectively, with the changes identifying that a redirection server was connected between the dial up network server and a public network "had been reviewed by panel and would overcome He et al. and indicated patentable" over the art of record. Patent Owner thanks the Examiner for the indication of patentability of the claims. The Summary also indicated that the claims "would require formal submission before any official action by examiners." Accordingly, new independent claims 48, 60, 72, and 87 were presented, along with other amended and new claims, in a formal Response Under 37 CFR §1.111 and Proposed Amendment Under 37 CFR §1.530 timely filed by Patent Owner on October 21, 2011 (within two months of the August 23, 2011 Decision on Appeal).

Therefore, Patent Owner respectfully submits that the amended and new claims presented in the Response and Proposed Amendment are patentable, and confirmation of all pending claims in a Notice of Intent to Issue a Reexamination Certificate is courteously requested.
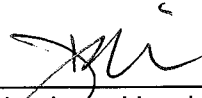
Patent Owner also acknowledges a second *ex parte* Reexamination Interview Summary dated and mailed from the Office on November 8, 2011. The Summary appears to be a precise duplicate of the Interview Summary dated October 3, 2011 and mailed on October 24, 2011 for the personal Interview held on October 3, 2011, and Patent Owner incorporates herein by reference the Statement of Substance of Interviews Held On and Subsequent to October 3, 2011 filed on October 21, 2011.

No fees are required for entry of this Statement and Response. The Commissioner is authorized to charge any other required fees to maintain this Proceeding in force to Deposit Account No. 50-2929, referencing R1341006.

Evidence of service of this Statement and Response on third party requester is attached hereto as the last page of this submission.

The Examiner is invited to direct any questions or comments regarding this matter to the undersigned at the below-listed telephone number and e-mail address.

Respectfully submitted,
Koichiro Ikudome et al.

Abraham Hershkovitz
Reg. No. 45,294

Dinh X. Nguyen
Registration No. 54,923

Date: November 17, 2011

HERSHKOVITZ & ASSOCIATES, LLC
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E-Mail patent@hershkovitz.net

R1341006.A18; AH/DN/pjj

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CERTIFICATE OF SERVICE

It is hereby certified that the attached STATEMENT OF SUBSTANCE OF INTERVIEW AND RESPONSE TO *ex parte* REEXAMINATION INTERVIEW SUMMARIES is being served **by first class mail on November 17, 2011** on third party requester at third party requestor's address of record:

JERRY TURNER SEWELL
P.O. BOX 10999
NEWPORT BEACH, CA   92658-5015

Abe Hershkovitz/Dinh Nguyen

Electronic Acknowledgement Receipt

EFS ID:	11432208
Application Number:	90009301
International Application Number:	
Confirmation Number:	6609
Title of Invention:	USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM
First Named Inventor/Applicant Name:	6,779,118 B1
Customer Number:	40401
Filer:	Abraham Hershkovitz/Dinh Nguyen
Filer Authorized By:	Abraham Hershkovitz
Attorney Docket Number:	R1341006
Receipt Date:	17-NOV-2011
Filing Date:	17-DEC-2008
Time Stamp:	16:42:48
Application Type:	Reexam (Third Party)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Trans Letter filing of a response in a reexam	R1341006_A18_Transmittal.pdf	56117 49935c911a67c375c7a68a139bed3c9640c9d3ec	no	1

Warnings:

Information:

| 2 | | R1341006_A18_Stmt-of-Sub-of-Intv_and_Cert-of-Srvc.pdf | 126703 | yes | 4 |
| | | | 1c21a67649047cfb938f98f888dceba5aa16be95 | | |

Multipart Description/PDF files in .zip description		
Document Description	Start	End
Reexam Miscellaneous Incoming Letter	1	3
Reexam Certificate of Service	4	4

Warnings:

Information:

Total Files Size (in bytes):	182820

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Jerry Turner Sewell
P.O. Box 10999
Newport Beach, CA 92658-5015

MAILED

NOV 08 2011

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/009,301*.

PATENT NO. *6,779,118 B1 ET*.

ART UNIT *3992*.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

PTOL-465 (Rev.07-04)

	Control No.	Patent Under Reexamination
Ex Parte Reexamination Interview Summary	90/009,301	6,779,118 B1 ET
	Examiner	Art Unit
	SAMUEL RIMELL	3992

All participants (USPTO personnel, patent owner, patent owner's representative):

(1)	_Sam Rimell, Reexam Specialist_	(3)	_____
(2)	_Abe Hershkovitz, Rep. for Patent Owner_	(4)	_____

Date of Interview: _17 October 2011_

Type: a)☐ Telephonic   b)☐ Video Conference
      c)☒ Personal (copy given to: 1)☐ patent owner   2)☐ patent owner's representative)

Exhibit shown or demonstration conducted: d)☐ Yes   e)☐ No.
    If Yes, brief description: _____

Agreement with respect to the claims f)☒ was reached. g)☐ was not reached. h)☐ N/A.
Any other agreement(s) are set forth below under "Description of the general nature of what was agreed to..."

Claim(s) discussed: _____.

Identification of prior art discussed: _____.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:
Examiner indicated that proposal (attached) had been reviewed by panel and would overcome He et al and indicated patentable if presented with the language as shown in the attachment, based upon the current prior art in the record. However, it is understood this proposal is only a draft proposal, and would require formal submission before any official action by examiners. .

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims patentable, if available, must be attached. Also, where no copy of the amendments that would render the claims patentable is available, a summary thereof must be attached.)

A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION MUST INCLUDE PATENT OWNER'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. (See MPEP § 2281). IF A RESPONSE TO THE LAST OFFICE ACTION HAS ALREADY BEEN FILED, THEN PATENT OWNER IS GIVEN **ONE MONTH** FROM THIS INTERVIEW DATE TO PROVIDE THE MANDATORY STATEMENT OF THE SUBSTANCE OF THE INTERVIEW (37 CFR 1.560(b)). THE REQUIREMENT FOR PATENT OWNER'S STATEMENT CAN NOT BE WAIVED. **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

/Sam Rimell/
Primary Examiner, Art Unit 3992

cc: Requester (if third party requester)

PROPOSED NEW CLAIMS

1prime. (proposed, tracking changes relative to original claim 1)

A system comprising:

a database with entries correlating each of a plurality of user IDs with an individualized rule set;

a dial-up network server that receives user IDs from users' computers;

a redirection server connected <u>between</u> [to] the dial-up network server and a public network, and

an authentication accounting server connected to the database, the dial-up network server and the redirection server;

wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server;

wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server; and

wherein data directed toward the public network from the one of the users' computers are processed by the redirection server according to the individualized rule set.

8prime. (proposed, tracking changes relative to original claim 8)

In a system comprising a database with entries correlating each of a plurality of user IDs with an individualized rule set; a dial-up network server that receives user IDs from users' computers; a redirection server connected <u>between</u> [to] the dial-up network server and a public network, and an authentication accounting server connected to the database, the dial-up network server and the redirection server, the method comprising the steps of:

communicating a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID from the dial-up network server to the authentication accounting server;

communicating the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server from the authentication accounting server;

and processing data from the one of the users' computers according to the individualized rule set.

15prime. (proposed, tracking changes relative to original claim 15)

A system comprising:

a redirection server <u>connected between a user computer and a public network</u> and [programed] <u>programmed</u> with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control <u>data</u> passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address; and

wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user <u>accesses.</u> [access.]

25prime. (proposed, tracking changes relative to original 25)

In a system comprising a redirection server <u>connected between a user computer and a public network</u> containing a user's rule set correlated to a temporarily assigned network address wherein the user's rule set contains at least one of a plurality of functions used to control data passing between the user and a public network; the method comprising the step of:

modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address in the redirection server; and

wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network address and a network side connected to a computer network and

wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server and the method further includes the step of

receiving instructions by the redirection server to modify at least a portion of the user's rule set through one or more of the user side of the redirection server and the network side of the redirection server.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,301	12/17/2008	6,779,118 B1	R1341006	6609

40401   7590   11/08/2011

Hershkovitz & Associates, LLC
2845 Duke Street
Alexandria, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER

DATE MAILED: 11/08/2011

Please find below and/or attached an Office communication concerning this application or proceeding.

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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Jerry Turner Sewell
P.O. Box 10999
Newport Beach, CA   92658-5015

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NOV 0 8 2011

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/009,301*.

PATENT NO. *6,779,118 B1 ET*.

ART UNIT *3992*.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

PTOL-465 (Rev.07-04)

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
90/009,301	17 December, 2008	6,779,118 B1 ET AL.	R1341006

	EXAMINER	
Hershkovitz & Associates, LLC 2845 Duke Street Alexandria, VA 22314	SAMUEL RIMELL	
	ART UNIT	PAPER
	3992	20111011

DATE MAILED: **MAILED**

NOV 0 8 2011

Please find below and/or attached an Office communication concerning this application or examination CENTRAL REEXAMINATION UNIT **proceeding.**

Commissioner for Patents

See attached interview summary from examiners of record

Sam Rimell
Primary Examiner
Art Unit: 3992

PTO-90C (Rev.04-03)

	Control No.	Patent Under Reexamination
Ex Parte Reexamination Interview Summary	90/009,301	6,779,118 B1 ET
	Examiner	Art Unit
	SAMUEL RIMELL	3992

All participants (USPTO personnel, patent owner, patent owner's representative):

(1) _Sam Rimell/Jeff Carlson (Reexam Specialists)_	(3) _Abe Hershkovitz (Rep for Patent Owner)_
(2) _Alex Kalinowski (Supervisor)_	(4) _Ed Garcia-Otero (Rep for Patent Owner)_

Date of Interview: _03 October 2011_

Type: a)☐ Telephonic   b)☐ Video Conference
       c)☒ Personal (copy given to: 1)☐ patent owner   2)☐ patent owner's representative)

Exhibit shown or demonstration conducted: d)☐ Yes   e)☒ No.
   If Yes, brief description: _____

Agreement with respect to the claims f)☐ was reached.   g)☐ was not reached.   h)☒ N/A.
Any other agreement(s) are set forth below under "Description of the general nature of what was agreed to..."

Claim(s) discussed: _Claims of record_.

Identification of prior art discussed: _He et al_.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:
See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims patentable, if available, must be attached. Also, where no copy of the amendments that would render the claims patentable is available, a summary thereof must be attached.)
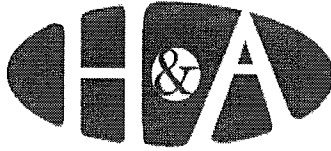
A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION MUST INCLUDE PATENT OWNER'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. (See MPEP § 2281). IF A RESPONSE TO THE LAST OFFICE ACTION HAS ALREADY BEEN FILED, THEN PATENT OWNER IS GIVEN **ONE MONTH** FROM THIS INTERVIEW DATE TO PROVIDE THE MANDATORY STATEMENT OF THE SUBSTANCE OF THE INTERVIEW (37 CFR 1.560(b)). THE REQUIREMENT FOR PATENT OWNER'S STATEMENT CAN NOT BE WAIVED. **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

/Sam Rimell/ Primary Examiner, Art Unit 3992		

cc: Requester (if third party requester)

Continuation of Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussion centered around appropriate course of action following Board Decision:

(1) Rep for patent owner suggested adding new claim (referred to as "1 prime") in which language of claim 1 would be utilized, along with clarification that the redirection server was "between" the dial up server and the public network. Examiners indicated that, in principle, such a clarification would overcome the teachings of He et al.

(2) Rep for patent owner asserted that all dependent claims except for 32,37,42,47 were patentable, as evidenced by the Holding on page 10 of the Board decision ("the rejection of the other claims on appeal is Reversed"). Examiners expressed opinion that all dependent claims on appeal were rejected, as evidenced by the rejection of the independent claims and no explanation as to patentability of any dependent claims. Examiner expressed opinion that Board may have utilized independent claims as representative claims, with dependent claims standing or falling with the action taken on the representative claims. Rep for patent owners strongly disagreed with this opinion, pointing to Holding on page 10 of Board Decision. Examiners indicated that patent owner's arguments would be fully considered, and the matter referred for additional supervisory/legal review.

(3) Patent owners questioned the Board opinion on claim 15, pointing out that proposed new grounds of rejection did not address feature of modifying the rule set, which the Board excluded from being taught in He et al in the decision at pages 7-8. Examiners indicated that this matter could not be addressed by any specific examiner action, and that patent owner has option to request re-hearing on the issue.

HERSHKOVITZ & ASSOCIATES, LLC

PATENT AGENCY

2845 DUKE STREET, ALEXANDRIA, VA 22314

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Inventor: Koichiro Ikudome, et al.

Art Unit: 3992

Reexamination Proceeding: 90/009,301
(Based on U.S. Patent No. 6,779,118)

Confirmation No.: 6609

Examiner: Sam Rimell

Reexamination Filed: December 17, 2008

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

Mail Stop ex parte Reexam
Atten.: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

Transmitted herewith are a **Response Under 37 CFR 1.111 and Proposed Amendment Under 37 CFR 1.530 with a Certificate of Service** and a **Statement Of Substance Of Interviews Held On And Subsequent To October 3, 2011 with a Certificate of Service** in connection with the above-captioned matter.

The fee has been calculated as shown below:

Claims After Amendment	No. of Claims Previously Paid	Present Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
*Total Claims: 86	47	39	x 30=	$ 1,170	x 60=	$
**Indep. Claims:16	4	12	x 125=	$ 1,500	x250=	$
Extension Fee for Months				$		$
Other:				$		$
		Total:		$ 2,670	Total:	$

__ Fee Payment made through EFS.

__ Payment is made herewith by Credit Card (see attached Form PTO-2038).

X The Director is hereby authorized to charge all fees under 37 CFR §§ 1.16 and 1.17 which may be required to maintain pendency of this application to Deposit Account No. 50-2929.

__ The Director is hereby authorized to charge all fees under 37 CFR § 1.18 which may be required to complete issuance of this application to Deposit Account No. 50-2929.

Respectfully submitted,

Date: October 21, 2011

Abraham Hershkovitz
Registration No. 45,294

R1341006.A17; AH/EGO/bjb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Koichiro Ikudome, et al.   Art Unit: 3992

Reexamination Proceeding: 90/009,301   Confirmation No.: 6609
(based on U.S. Patent No. 6,779,118)

Reexamination Filed: December 17, 2008   Examiner: Sam Rimell

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

RESPONSE UNDER 37 CFR 1.111
AND PROPOSED AMENDMENT UNDER 37 CFR 1.530

Attn: Mail Stop "Ex Parte Reexamination"
August 20, 2010
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 23313-1450

Dear Commissioner:

This Response is in reply to the Board of Appeals Decision ("Decision") mailed on August 23, 2011, and the Personal Interview held on October 3, 2011 and subsequent follow-up telephone interview in the above-identified *ex-parte* reexamination proceeding. The due date for filing a Response is October 24, 2011 (because October 23, 2011 falls on a Sunday). Accordingly, this Response is timely filed. A Statement of Substance of Interview is being submitted concurrently.

Please amend the present claims as proposed below and consider the detailed traversal below, wherein:

The Status of claims is listed on page 2 of this paper.

Amendments to the Claims begin on page 3 of this paper.

Remarks/Arguments begin on page 18 of this paper.

Evidence of Service of this Response on the 3rd party requester is found after the last page of this paper.

STATUS OF CLAIMS

Claims 1-47 are subject to reexamination.   According to the Decision:

*   the Examiner's rejection of claims 32, 37, 42, and 47 is affirmed;

*   claims 1, 8, 15, and 25 are rejected under a new grounds of rejection; and

*   the rejection of all other claims (2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43-46) is
        reversed.

In response to the Decision, the following amendments are made, resulting in pending
claims 2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43-46, and 48-94.

AMENDMENTS TO THE CLAIMS

Per 37 CFR 1.530(i) and MPEP 2250, these amendments are made relative to the patent as of the date of filing the request for examination. This Amendment does not introduce new matter. Accordingly, entry of this Amendment is appropriate and is urged.

Rejected claims 1, 8, 15, 25, 32, 37, 42, and 47 are canceled. Claims 16-23 and 38-41 are placed in independent form.

Additionally, a new set of claims is provided (48-94) which corresponds to the claim set that was appealed, and which further clarifies the location of the redirection server. Specifically, new independent claims 48, 60, 72, and 87 correspond to independent claims 1, 8, 15, and 25 respectively, with additional terms to clarify the "between" location of the redirection server. These clarifications were discussed with the Examiners at the Personal Interview held on October 3, 2011, and follow-up telephone interviews with the Examiner and the Examiner stated that such clarifications would overcome the applied art and make these claims patentable.

Similarly, new dependent claims 49-59, 61-71, 73-86, and 88-94 depend from allowable independent claims 48, 60, 72, and 87, respectively, and generally correspond respectively, to dependent claims 2-7, 28-32, 9-14, 33-37, 16-24, 38-42, 26-27 and 43-47, depending from independent claims 1, 8, 15, and 25.

Claims 2-7, 9-14, 16-24, 26-31, 33-36, 38-41 and 43-46, as to which the Board overturned all prior rejections, as well as new claims 48-94 are pending.

1.   (Canceled)

2-7.   (Original)

8.   (Canceled)

9-14.   (Original)

15.   (Canceled)

16.   (Amended)   [The system of claim 15,]   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of time.

17.   (Amended)   [The system of claim 15,]   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the

4

user, or location the user accesses; and

    wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user.

18.   (Thrice Amended) [The system of claim 15,]   A system comprising:

    a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

    wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

    wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

    wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the location or locations the user accesses. [access.]

19.   (Amended) [The system of claim 15,]   A system comprising:

    a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

    wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

    wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

    wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of time.

20.   (Amended) [The system of claim 15,]   A system comprising:

    a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions

used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the data transmitted to or from the user.

21.   (Thrice Amended)   [The system of claim 15,]   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the location or locations the user accesses. [access.]

22.   (Amended)   [The system of claim 15,]   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location or locations the user accesses. [access.]

23.   (Amended)   [The system of claim 15,]   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network side connected to a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server.

24.   (Original)

25.   (Canceled)

26.   (Twice Amended)   The method of claim 25, further including the step of modifying at least a portion of the user's rule set as a function of one or more of: time, data transmitted to or from the user, and location or locations the user accesses. [access.]

27.   (Twice Amended)   The method of claim 25, further including the step of removing or reinstating at least a portion of the user's rule set as a function of one or more of: time, the data transmitted to or from the user and [the] a location or locations the user accesses. [access.]

28.   (New)   The system of claim 1, wherein the individualized rule set includes at least one

rule as a function of a type of IP (Internet Protocol) service.

29. (New)   The system of claim 1, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

30. (New)   The system of claim 1, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

31. (New)   The system of claim 1, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

32. (Canceled)

33. (New)   The method of claim 8, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

34. (New)   The method of claim 8, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

35. (New)   The method of claim 8, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

36. (New)   The method of claim 8, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

37.   (Canceled)

38.   (New)   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

39.   (New)   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

40. (New)   A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

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wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

41. (New) A system comprising:

a redirection server programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses; and

wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

42. (Canceled)

43. (New) The method of claim 25, wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

44. (New) The method of claim 25, wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

45. (New) The method of claim 25, wherein the modified rule set includes at least one rule

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allowing access based on a request type and a destination address.

46. (New) The method of claim 25, wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

47. (Canceled)

48. (New) A system comprising:

a database with entries correlating each of a plurality of user IDs with an individualized rule set;

a dial-up network server that receives user IDs from users' computers;

a redirection server connected between the dial-up network server and a public network, and

an authentication accounting server connected to the database, the dial-up network server and the redirection server;

wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server;

wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server; and

wherein data directed toward the public network from the one of the users' computers are processed by the redirection server according to the individualized rule set.

49. (New) The system of claim 48, wherein the redirection server further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set.

50. (New) The system of claim 48, wherein the redirection server further blocks the data to and from the users' computers as a function of the individualized rule set.

51. (New)   The system of claim 48, wherein the redirection server further allows the data to and from the users' computers as a function of the individualized rule set.

52. (New)   The system of claim 48, wherein the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set.

53. (New)   The system of claim 48, wherein the redirection server further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

54. (New)   The system of claim 48, wherein the database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.

55. (New)   The system of claim 48, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

56. (New)   The system of claim 48, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

57. (New)   The system of claim 48, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

58. (New)   The system of claim 48, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

59. (New)   The system of claim 48, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule

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set.

60. (New) In a system comprising a database with entries correlating each of a plurality of user IDs with an individualized rule set; a dial-up network server that receives user IDs from users' computers; a redirection server connected between the dial-up network server and a public network, and an authentication accounting server connected to the database, the dial-up network server and the redirection server, a method comprising the steps of:

communicating a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID from the dial-up network server to the authentication accounting server;

communicating the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server from the authentication accounting server;

and processing data directed toward the public network from the one of the users' computers according to the individualized rule set.

61. (New) The method of claim 60, further including the step of controlling a plurality of data to and from the users' computers as a function of the individualized rule set.

62. (New) The method of claim 60, further including the step of blocking the data to and from the users' computers as a function of the individualized rule set.

63. (New) The method of claim 60, further including the step of allowing the data to and from the users' computers as a function of the individualized rule set.

64. (New) The method of claim 60, further including the step of redirecting the data to and from the users' computers as a function of the individualized rule set.

65. (New) The method of claim 60, further including the step of redirecting the data from the users' computers to multiple destinations a function of the individualized rule set.

66.   (New)   The method of claim 60, further including the step of creating database entries for a plurality of the plurality of users' IDs, the plurality of users' ID further being correlated with a common individualized rule set.

67.   (New)   The method of claim 60, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

68.   (New)   The method of claim 60, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

69.   (New)   The method of claim 60, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

70.   (New)   The method of claim 60, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

71.   (New)   The method of claim 60, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

72. (New)   A system comprising:

   a redirection server connected between a user computer and a public network, the redirection server programmed with a user's rule set correlated to a temporarily assigned network address;

   wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

   wherein the redirection server is configured to allow automated modification of at least a

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portion of the rule set correlated to the temporarily assigned network address; and

　　　wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses.

73.　(New) The system of claim 72, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of time.

74.　(New)　The system of claim 72, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user.

75. (New)　The system of claim 72, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the location or locations the user accesses.

76.　(New) The system of claim 72, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of time.

77.　(New)　The system of claim 72, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the data transmitted to or from the user.

78. (New)　The system of claim 72, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the location or locations the user accesses.

79.　(New) The system of claim 72, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location or locations the user accesses.

80. (New) The system of claim 72, wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network side connected to a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server.

81. (New) The system of claim 80 wherein instructions to the redirection server to modify the rule set are received by one or more of the user side of the redirection server and the network side of the redirection server.

82. (New) The system of claim 72, wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

83. (New) The system of claim 72, wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

84. (New) The system of claim 72, wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

85. (New) The system of claim 72, wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

86. (New) The system of claim 72, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the modified rule set.

87. (New) In a system comprising a redirection server connected between a user computer and a public network, the redirection server containing a user's rule set correlated to a temporarily assigned network address wherein the user's rule set contains at least one of a

plurality of functions used to control data passing between the user and a public network; a method comprising the step of:

modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address in the redirection server; and

wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network address and a network side connected to a computer network and

wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server and the method further includes the step of receiving instructions by the redirection server to modify at least a portion of the user's rule set through one or more of the user side of the redirection server and the network side of the redirection server.

88. (New)   The method of claim 87, further including the step of modifying at least a portion of the user's rule set as a function of one or more of: time, data transmitted to or from the user, and location or locations the user accesses.

89. (New)   The method of claim 87, further including the step of removing or reinstating at least a portion of the user's rule set as a function of one or more of: time, the data transmitted to or from the user and a location or locations the user accesses.

90.   (New)   The method of claim 87, wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

91.   (New)   The method of claim 87, wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

92.   (New)   The method of claim 87, wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

93. (New)   The method of claim 87, wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

94. (New)   The method of claim 87, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet Protocol) packet header by a second destination address as a function of the individualized rule set.

REMARKS

I. Introduction and Discussion of Preliminary Issues

Patent Owner appreciates the courtesies and helpful suggestions by the Examiners at the Personal Interview of October 3, 2011 and follow-up telephone interviews. The Examiners stated that if the independent claims were amended to clarify the location of the redirection server, then such clarification would overcome the applied art.

Patent Owner asserts that the location of the redirection server is already clear in independent claims 1, 8, 15, and 25. Indeed, in the co-pending litigation, the district court judge has already issued a claim construction consistent with Patent Owner's argument. However, in the interests of compact prosecution and special dispatch, Patent Owner has added new independent claims 48, 60, 72, and 87 (corresponding to canceled independent claims 1, 8, 15, and 25 respectively) with additional terms to clarify the "between" location of the redirection server. Patent Owner notes that these new claims do not add new matter nor do they alter the scope of the original claims.

Thus, Patent Owner respectfully submits that the new claims 48-94 (independent claims 48, 60, 72, and 87 plus their dependent claims) are patentable for, at a minimum, the clarified "between" location of the redirection server, in addition to the reasons discussed below regarding corresponding canceled claims.

For the convenience of the Examiner, a list is provided below explaining the history of all pending claims. The Examiner is invited to confirm the history. The term "amended original claim" refers to a claim from the issued patent which has been amended during this reexamination. The **independent claims in the left hand column are bolded** for convenience.

TABLE 1: HISTORY OF CLAIMS 1-47

CLAIM	HISTORY OF CLAIM
1	Canceled original independent claim
2-7	Original claims, depending from canceled original independent claim 1
8	Canceled original independent claim
9-14	Original claims, depending from canceled original independent claim 8

15	Canceled amended original independent claim
16-23	Amended original claims, originally dependent upon original independent claim 15, placed into independent form by incorporating all features of amended original independent claim 15.
24	Original claim, depending from claim 23.
25	Canceled original independent claim.
26	Amended original claim, depending from canceled original independent claim 25.
27	Amended original claim, depending from canceled original independent claim 25.
28-31	New claims, depending from canceled original independent claim 1
32	Canceled new claim, previously depending from original independent claim 1
33-36	New claims, depending from canceled original independent claim 8
37	Canceled new claim, previously depending from original independent claim 8.
38-41	New independent claims, previously dependent upon amended original independent claim 15, placed into independent form by incorporating all features of amended original independent claim 15.
42	Canceled new claim, previously depending from amended original independent claim 15
43-46	New claims, depending from canceled original independent claim 25
47	Canceled new claim, previously depending from original independent claim 25.

TABLE 2:   CORRESPONDENCE OF NEW CLAIMS 48-94

CLAIM	CORRESPONDENCE
48	**Canceled original independent 1 (with location of redirection server clarified)**
49	Original 2
50	Original 3
51	Original 4
52	Original 5
53	Original 6
54	Original 7

55	New 28
56	New 29
57	New 30
58	New 31
59	Canceled new 32
60	**Canceled original independent 8 (with location of redirection server clarified)**
61	Original 9
62	Original 10
63	Original 11
64	Original 12
65	Original 13
66	Original 14
67	New 33
68	New 34
69	New 35
70	New 36
71	Canceled new 37
72	**Canceled amended original independent 15 (with location of redirection server clarified)**
73	Original 16
74	Original 17
75	Original 18
76	Original 19
77	Original 20
78	Original 21
79	Original 22
80	Original 23
81	Original 24
82	New 38
83	New 39

84	New 40
85	New 41
86	Canceled new 42
87	**Canceled original independent claim 25, (with location of redirection server clarified)**
88	Amended original 26
89	Amended original 27
90	New 43
91	New 44
92	New 45
93	New 46
94	Canceled new 47

II.   Rejections reversed (2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43-46)

In the interests of compact prosecution and special dispatch, all claims rejected by the Decision are hereby canceled (1, 8, 15, 25, 32, 37, 42, and 47).

The rejections of the remaining claims (2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43-46) were reversed by the Decision.   Thus, these claims (2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43-46) remain as appealed except that claims 16-23 and 38-41 are placed into independent form (because base independent claim 15 was previously amended).   Patent   Owner   respectfully submits that, following the Decision reversing the rejection of these claims, and absent any new grounds of rejection by the Board, the status of these claims (2-7, 9-14, 16-24, 26-31, 33-36, 38-41, 43-46) is now allowable.

Patent Owner respectfully requests that the Examiner confirm   the status of these claims as being allowable.

III.   Additional new claims clarifying location of redirection server

New independent claims 48, 60, 72, and 87 have been added, and correspond to canceled independent claims 1, 8, 15, and 25 respectively while clarifying the location of the redirection server.   The requested clarification is consistent with the Patent Owner's argument during this reexamination.   The clarification also is consistent with the claim construction of "redirection

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server" provided by the district court judge in the co-pending litigation: "a server logically located between the user's computer and the network that controls the user's access to the network." The Examiner agreed during the above-mentioned interviews that these claims were allowable.

IV.   Canceled claims 1, 8, 15 and 25 – Redirection Server

Patent Owner has canceled claims 1, 8, 15, and 25 in the interests of special dispatch. However, to keep the record clear, Patent Owner does not agree or acquiesce to the Board's position and maintains that canceled claims 1, 8, 15, and 25 should have been confirmed over the applied art.

On appeal, the Board reversed the Examiner's obviousness rejection holding that the "examiner's construction of 'redirection server' was overbroad in view of the underlying disclosure" and that HE did not teach or suggest redirecting, alone or in combination with Zenchelsky. However, the Board also reiterated that "[d]uring reexamination, a claim ... is accorded the broadest construction that is reasonable in view of the specification..." Relying on this principle, the Board stated that representative claim 1 "does not exclude communications between a user and a control server via a public network." In view of this interpretation of representative claim 1, the Board, asserted that the background section of the Present Patent's specification (patent 6,779,118, hereinafter referred to as "the '118 patent") disclosed redirection by web-servers where the redirection URL was supplied by the web server over a public network. The Board, combining HE, Zenchelsky, and the web-server redirection taught by the '118 background section, entered its new obviousness rejection of representative claim 1 (and by extension claims 8, 15 and 25). This rejection was essentially based on its broad interpretation of the independent claims as encompassing web-servers because those claims did not explicitly recite the redirection server as being *between* the user computer and point of access to the public network

This new rejection was entered over Patent Owner's consistent position during the reexamination proceeding, including the appeal to the Board, and during the prosecution of the original application, that claims 1, 8, 15 and 25, properly understood and interpreted in light of the specification, precluded communication between a user and a web-server via a public network to control access to the public network for two reasons. First, the language of the

claims themselves require the redirection server to be between the user computer and the public network. Second, the claims must be interpreted in light of the specification, which explicitly teaches that "the redirection server 208 is logically located *between* the user's computer 100 and the network, and controls the user's access to the network (emphasis added)" ('118 at Col. 4, lines 50-52). The Board's "broadest" possible construction therefore contradicts the intrinsic evidence. Patent Owner also argued that the Board's interpretation (allowing access to the public network before processing by the redirection server) would defeat an essential purpose of the' 118 patent, that is, controlling access to the public network.

Patent Owner further submits that other features of the independent claims were not addressed by the Board (or by previous rejections), and therefore the rejections are improper. Examples of these other features are discussed below in a separate section.

Notwithstanding Patent Owner's disagreement with the Board's decision and rationale, in the interests of compact prosecution and special dispatch, Patent Owner has canceled claims 1, 8, 15, and 25, and has added corresponding new claims 48, 60, 72, and 87 (which have been clarified regarding the "between" location of the redirection server). For example, claim 72 includes the words "connected between a user computer and a public network" to clarify the location of the redirection server. The clarification is consistent with the claim construction of "redirection server" provided by the district court judge in the co-pending litigation: "a server logically located between the user's computer and the network that controls the user's access to the network."

V.   Claim 1:   Other features (regarding individualized rule set)

In addition to the Board's overbroad interpretation of redirection server discussed above, Patent Owner also submits independent claim 1 was confirmable over the cited art for the following additional reasons:

First, claim 1 requires that the redirection server process data "according to the individualized rule set." No such individualized rule set or processing is disclosed by the cited art, including the '118 background section.

Second, claim 1 requires that "the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server." No such authentication

accounting server feature is disclosed by the cited art, including the '118 background section.

For at least these additional reasons, independent claim 1 was confirmable over the cited art. The above arguments regarding canceled claim 1 apply to corresponding new claim 48 (which has been clarified regarding the "between" location of the redirection server).

VI.   Claim 8:   Other features (regarding individualized rule set)

In addition to the Board's overbroad interpretation of redirection server discussed above, Patent Owner also submits that independent claim 8 is was confirmable over the cited art for the following additional reasons:

First, claim 8 requires "communicating the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server from the authentication accounting server." No such communication is disclosed by the cited art.

Second, claim 8 requires processing data "according to the individualized rule set." No such individualized rule set or processing is disclosed by the cited art, including the '118 background section.

For at least these additional reasons, canceled independent claim 8 was confirmable over the cited art. The above arguments regarding canceled claim 8 apply to corresponding new claim 60 (which has been clarified regarding the "between" location of the redirection server).

VII.   Claim 15: Other features (Rule Modification and Temporary Network Address Correlation Limitations)

In addition to the Board's overbroad interpretation of redirection server discussed above, the Board also failed to consider other features of claim 15 that are not disclosed or suggested by HE, Zenchelsky or the '118 background section whether singly or in combination. Specifically, Claim 15 recites "a redirection server ... correlated to a temporarily assigned network address ... configured to allow ... modification of at least a portion of the rule set rule ..." HE teaches just the opposite – that the "ticket" information (equated by the Board and examiner to the rule set) must remain unchanged for the duration of a user session. (See e.g., HE Col. 18, lines 14-23.) The '118 background section disclosing web server redirection does not mention (much less disclose or suggest) altering the redirection protocol (rule set) during a user session (during which the redirection server is correlated to a temporarily assigned network address).   Finally,

Zenchelsky teaches only the assignment of a network address and does not teach any redirection.

Accordingly none of the references cited by the Board teach or disclose a changeable rule set *while a temporary network address is assigned.*

For at least this additional reason, canceled independent claim 15 was confirmable over the cited art. The above arguments regarding canceled claim 15 apply to corresponding new claim 72 (which has been clarified regarding the "between" location of the redirection server).

VIII.   Original Claim 25:   Other features (Rule Set Modification *During* a User Session, i.e, While a Temporary Network Address Is Assigned)

In addition to the Board's overbroad interpretation of redirection server discussed above, the Board stated in its opinion that "LWT has not shown prejudicial error in the examiner's rejection of claim 25 beyond the misconstruction of 'redirection server.'" This statement is incorrect. The Board did not consider the argument raised by Patent Owner that the cited art does not disclose modification of the rule set during a user session while a temporary network address is assigned as recited in claim 25. This requirement is set out in the first method step of claim 25, which states:

> "*modifying* at least a portion of the user's rule set *while the user's rule set remains correlated to the temporarily assigned network address* in the redirection server"

For the same reasons discussed above in connection with claim 15, the modification of the rule set during a user session (that is, while the user computer is "correlated to the temporarily assigned network address") is not disclosed or suggested in HE, Zenchelsky or the web based redirection disclosed in the '118 background section. Significantly, although this feature of claim 15 and 25 were the subject of argument in Patent Owner's appeal brief, the examiner in the Examiner's Appeal Brief also failed to address this issue and neither cited any prior art that would preclude patentability based on this feature.

For at least this additional reason, independent claim 25 was confirmable over the cited prior art. The above arguments regarding canceled claim 25 apply to corresponding new claim 87 (which has been clarified regarding the "between" location of the redirection server).

IX.   Conclusion

For at least the above reasons, it is respectfully submitted that claims 2-7, 9-14, 16-24,
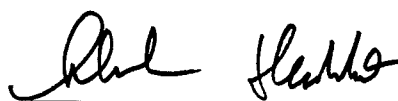
26-31, 33-36, 38-41, 43-46, and 48-94 are patentably distinguished over the applied prior art. Thus, reconsideration and confirmation of the patentability of claims 2-7, 9-14, 16-24, and 26-27 and a determination of patentability of new claims 28-31, 33-36, 38-41, 43-46, and 48-94, and an early Notice of Intent to Issue a Reexamination Certificate are respectfully solicited.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Fees for additional claims are submitted herewith. However, should any additional fee or fees be necessary for consideration of the papers filed herein, please charge any such fee or fees and refund any excess payments to Deposit Account No. 50-2929, referencing docket no. R1341006.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,
Koichiro Ikudome et al.

Abraham Hershkovitz
Reg. No. 45,294

October 24, 2010

HERSHKOVITZ & ASSOCIATES, LLC
2845 Duke Street
Alexandria, VA 22314
TEL: (703) 370-4800
FAX: (703) 370-4809
E-MAIL: patent@hershkovitz.net

R1341006.A17; AH/EG

CERTIFICATE OF SERVICE

It is hereby certified that the attached Response Under 37 CFR 1.111 and Proposed Amendment under 37 CFR 1.530 is being **served by first class mail on October 25, 2011** on the third party requester at the third party requestor's address:

JERRY TURNER SEWELL
P.O. BOX 10999
NEWPORT BEACH, CA 92658-5015

Abe Hershkovitz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Koichiro Ikudome, et al.   Art Unit: 3992

Reexamination Proceeding: 90/009,301   Confirmation No.: 6609
(based on U.S. Patent No. 6,779,118)

Reexamination Filed: December 17, 2008   Examiner: Sam Rimell

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

STATEMENT OF SUBSTANCE OF INTERVIEWS
HELD ON AND SUBSEQUENT TO OCTOBER 3, 2011

Attn: Mail Stop "Ex Parte Reexamination"
August 20, 2010
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 23313-1450

Dear Commissioner:

This Statement of Substance of Interview is being submitted as a follow-up to the Personal Interview held on October 3, 2011 and subsequent telephone interviews in the above-identified *ex-parte* reexamination proceeding. A Response to the Decision mailed August 23, 2011 is being submitted concurrently herewith.

STATUS OF CLAIMS

On October 3, 2011, a Personal Interview was held including: Greg Wood (in-house counsel and registered patent attorney, participating via telephone), Abe Hershkovitz (Patent Owner's representative), Ed Garcia-Otero (Patent Owner's representative), Sam Rimell (Primary Examiner), Alex Kalinowski (Supervisory Patent Examiner), and Jeff Carlson (Primary Examiner). Patent Owner appreciates the courtesies and helpful suggestions by the Examiners.

Patent Owner's representatives asserted that they disagreed with many of the holdings of the Board Decision of August 23, 2011, but wanted to explore ways to accelerate the prosecution of the reexamination. For example, a new claim similar to claim 1 might be added, and changes (with respect to claim 1) were discussed which would distinguish the new claim over the cited art.

Patent Owner's representatives noted that the Board Decision, at page 6, stated "[c]laim 1 does not exclude communication between a user and a control server via a public network." This statement apparently indicates that the Board interprets claim 1 as allowing the redirection server to be located either on the user side of the public network or on the non-user side of the public network. If the redirection server is located on the non-user side of the public network, then communication between the user and the control server occurs via the public network.

To address this issue, Patent Owner's representatives proposed a new claim similar to claim 1, but with the following change: "a redirection server connected ~~to~~ between the dial up network server and a public network." This feature expressly requires that the redirection server be located between the dial up network server (of the user) and the public network, as shown in FIG. 1 of the Present Patent. The Examiners agreed that the prior art does not disclose this feature, because (at a minimum) HE discloses accessing the credential server only through the public network, and because the Admitted Prior Art discloses a type of redirection being initiated only on the non-user side of the public network.

2

It is believed that no fees are required.   However, should any fee or fees be necessary for consideration of the papers filed herein, please charge any such fee or fees and refund any excess payments to Deposit Account No. 50-2929, referencing docket no. R1341006.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,
Koichiro Ikudome et al.

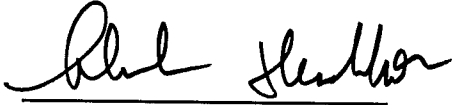Abraham Hershkovitz
Reg. No. 45,294

October 24, 2010

HERSHKOVITZ & ASSOCIATES, LLC
2845 Duke Street
Alexandria, VA 22314
TEL: (703) 370-4800
FAX: (703) 370-4809
E-MAIL: patent@hershkovitz.net

R1341006.A17; AH/EG

CERTIFICATE OF SERVICE

It is hereby certified that the attached STATEMENT OF SUBSTANCE OF INTERVIEW is being **served by first class mail on October 25, 2011** on the third party requester at the third party requestor's address:

JERRY TURNER SEWELL
P.O. BOX 10999
NEWPORT BEACH, CA   92658-5015

Abe Hershkovitz

4

Electronic Patent Application Fee Transmittal

Application Number:	90009301
Filing Date:	17-Dec-2008
Title of Invention:	USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM
First Named Inventor/Applicant Name:	6,779,118 B1
Filer:	Abraham Hershkovitz/Brian Berman
Attorney Docket Number:	R1341006

Filed as Small Entity

ex parte reexam Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Reexamination Independent Claims	2821	12	125	1500
Reexamination claims in excess of 20	2822	39	30	1170
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**2670**

Electronic Acknowledgement Receipt

EFS ID:	11244280
Application Number:	90009301
International Application Number:	
Confirmation Number:	6609
Title of Invention:	USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM
First Named Inventor/Applicant Name:	6,779,118 B1
Customer Number:	40401
Filer:	Abraham Hershkovitz
Filer Authorized By:	
Attorney Docket Number:	R1341006
Receipt Date:	21-OCT-2011
Filing Date:	17-DEC-2008
Time Stamp:	21:58:20
Application Type:	Reexam (Third Party)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$ 2670
RAM confirmation Number	6340
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Transmittal Letter	R1341006_A17_transmittal.pdf	58171 2939227d37c7786e85c556662969d82845a861dc	no	1

Warnings:

Information:

2	Reexam Miscellaneous Incoming Letter	R1341006_A17_response_and_amendment.pdf	1200677 bf2d185562b991fe4dfc0791da6eb3765f8ad60c	no	28

Warnings:

Information:

3	Reexam Miscellaneous Incoming Letter	R1341006_A17_statement_of_substance_of_interview.pdf	103201 489bec0768917a37b39ac3d4ce3fb13acb5d5525	no	4

Warnings:

Information:

4	Fee Worksheet (SB06)	fee-info.pdf	31793 cdf7596fe3c193a2ca268a8ffb9a5a78f4797b9e	no	2

Warnings:

Information:

	Total Files Size (in bytes):	1393842

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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.
90/009,301	12/17/2008	6,779,118 B1	R1341006	6609

40401   7590   10/03/2011

Hershkovitz & Associates, LLC
2845 Duke Street
Alexandria, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER

DATE MAILED: 10/03/2011

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS
JERRY TURNER SEWELL
P.O. BOX 10999
NEWPORT BEACH, CA 92658-5015

Date: **MAILED**

OCT 2 4 2011

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. : 90009301
PATENT NO. : 6779118
ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified ex parte reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the ex parte reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached interview summary from examiners of record

Sam Rimell
Primary Examiner
Art Unit: 3992

PTO-90C (Rev.04-03)

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Jerry Turner Sewell
P.O. Box 10999
Newport Beach, CA 92658-5015

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/009,301*.

PATENT NO. *6,779,118 B1 ET*.

ART UNIT *3992*.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

PTOL-465 (Rev.07-04)

Ex Parte Reexamination Interview Summary	Control No.	Patent Under Reexamination
	90/009,301	6,779,118 B1 ET
	Examiner	Art Unit
	SAMUEL RIMELL	3992

All participants (USPTO personnel, patent owner, patent owner's representative):

(1) _Sam Rimell/Jeff Carlson (Reexam Specialists)_	(3) _Abe Hershkovitz (Rep for Patent Owner)_
(2) _Alex Kalinowski (Supervisor)_	(4) _Ed Garcia-Otero (Rep for Patent Owner)_

Date of Interview: _03 October 2011_

Type: a)☐ Telephonic   b)☐ Video Conference
 c)☒ Personal (copy given to: 1)☐ patent owner   2)☐ patent owner's representative)

Exhibit shown or demonstration conducted: d)☐ Yes   e)☒ No.
 If Yes, brief description: _____

Agreement with respect to the claims f)☐ was reached. g)☐ was not reached. h)☒ N/A.
Any other agreement(s) are set forth below under "Description of the general nature of what was agreed to..."

Claim(s) discussed: _Claims of record_.

Identification of prior art discussed: _He et al_.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:
See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims patentable, if available, must be attached. Also, where no copy of the amendments that would render the claims patentable is available, a summary thereof must be attached.)

A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION MUST INCLUDE PATENT OWNER'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. (See MPEP § 2281). IF A RESPONSE TO THE LAST OFFICE ACTION HAS ALREADY BEEN FILED, THEN PATENT OWNER IS GIVEN **ONE MONTH** FROM THIS INTERVIEW DATE TO PROVIDE THE MANDATORY STATEMENT OF THE SUBSTANCE OF THE INTERVIEW (37 CFR 1.560(b)). THE REQUIREMENT FOR PATENT OWNER'S STATEMENT CAN NOT BE WAIVED. **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

/Sam Rimell/
Primary Examiner, Art Unit 3992

cc: Requester (if third party requester)

Continuation of Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussion centered around appropriate course of action following Board Decision:

(1) Rep for patent owner suggested adding new claim (referred to as "1 prime") in which language of claim 1 would be utilized, along with clarification that the redirection server was "between" the dial up server and the public network. Examiners indicated that, in principle, such a clarification would overcome the teachings of He et al.

(2) Rep for patent owner asserted that all dependent claims except for 32,37,42,47 were patentable, as evidenced by the Holding on page 10 of the Board decision ("the rejection of the other claims on appeal is Reversed"). Examiners expressed opinion that all dependent claims on appeal were rejected, as evidenced by the rejection of the independent claims and no explanation as to patentability of any dependent claims. Examiner expressed opinion that Board may have utilized independent claims as representative claims, with dependent claims standing or falling with the action taken on the representative claims. Rep for patent owners strongly disagreed with this opinion, pointing to Holding on page 10 of Board Decision. Examiners indicated that patent owner's arguments would be fully considered, and the matter referred for additional supervisory/legal review.

(3) Patent owners questioned the Board opinion on claim 15, pointing out that proposed new grounds of rejection did not address feature of modifying the rule set, which the Board excluded from being taught in He et al in the decision at pages 7-8. Examiners indicated that this matter could not be addressed by any specific examiner action, and that patent owner has option to request re-hearing on the issue.

HERSHKOVITZ & ASSOCIATES, LLC
PATENT AGENCY
2845 DUKE STREET, ALEXANDRIA, VA 22314
TEL. 703-370-4800 ~ FACSIMILE 703-370-4809
patent@hershkovitz.net ~ www.hershkovitz.net

Inventor: Koichiro Ikudome, et al.

Reexamination Proceeding: 90/009,301
(Based on U.S. Patent No. 6,779,118)

Reexamination Filed: December 17, 2008

Art Unit: 3992

Confirmation No.: 6609

Examiner: Sam Rimell

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

Mail Stop ex parte Reexam
Atten.: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

Transmitted herewith are **APPLICANT INITIATED INTERVIEW REQUEST FORM and Certificate of Service** in connection with the above-captioned matter.

The fee has been calculated as shown below:

Claims After Amendment	No. of Claims Previously Paid	Present Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
*Total Claims:			x 26=	$	x 52=	$
**Indep. Claims:			x 110=	$	x220=	$
Extension Fee for Months				$		$
Other:				$		$
		Total:		$	Total:	$

___ Fee Payment made through EFS.
___ Payment is made herewith by Credit Card (see attached Form PTO-2038).
X The Director is hereby authorized to charge all fees under 37 CFR §§ 1.16 and 1.17 which may be required to maintain pendency of this application to Deposit Account No. 50-2929.
___ The Director is hereby authorized to charge all fees under 37 CFR § 1.18 which may be required to complete issuance of this application to Deposit Account No. 50-2929.

Respectfully submitted,

Date: __September 28, 2011__

Abraham Hershkovitz
Registration No. 45,294

Ed Garcia-Otero
Registration No. 56,609

R1341006.A16; AH/EGO/pjj

Applicant Initiated Interview Request Form

Application No.: 90/009,301   First Named Applicant: IKUDOME, Koichiro

Examiner: RIMELL, Samuel G.   Art Unit: 3992   Status of Application: Appeal Decided

Tentative Participants:

(1) Abe Hershkovitz (Patent Owner's rep)   (2) Ed Garcia-Otero (Patent Owner's rep)

(3) Greg Wood (in house counsel, by telephone)   (4) _____

Proposed Date of Interview: October 3, 2011   **Proposed Time:** 1:00 PM Eastern   AM/PM

Type of Interview Requested:

(1) ☐ Telephonic   (2) ☑ Personal   (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO
If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rej.	cls 1, 8, 14, 25	He, Zen., A.P.A	☐	☐	☐
(2)			☐	☐	☐
(3)			☐	☐	☐
(4)			☐	☐	☐

☐ Continuation Sheet Attached

Brief Description of Argument to be Presented:

Patent Owner's representatives will discuss amendments which should

place claims into patentable condition based on the Board's Decision of 8/23/11.

An interview was conducted on the above-identified application on _____ .
NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).
This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature   Examiner/SPE Signature

Abraham Hershkovitz
Typed/Printed Name of Applicant or Representative
45,294
Registration Number, if applicable

Docket No.: R1341006

Panasonic-1009

CERTIFICATE OF SERVICE

It is hereby certified that the attached APPLICANT INITIATED INTERVIEW REQUEST FORM in Reexamination Proceeding No. 90/009,301 is being **served by first class mail on September 28, 2011** on the third party requester at the third party requester's address of record:

JERRY TURNER SEWELL
P.O. BOX 10999
NEWPORT BEACH, CA   92658-5015

Abraham Hershkovitz

Electronic Acknowledgement Receipt

EFS ID:	11062780
Application Number:	90009301
International Application Number:	
Confirmation Number:	6609
Title of Invention:	USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM
First Named Inventor/Applicant Name:	6,779,118 B1
Customer Number:	40401
Filer:	Abraham Hershkovitz
Filer Authorized By:	
Attorney Docket Number:	R1341006
Receipt Date:	27-SEP-2011
Filing Date:	17-DEC-2008
Time Stamp:	23:13:59
Application Type:	Reexam (Third Party)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		R1341006_A16_Xmttl_Applln tvReqForm_CertSrvc.pdf	123785 2dd3c0e50ffe3a93e11739fa2a4cd1f47cb96 8c4	yes	3

Multipart Description/PDF files in .zip description		
Document Description	Start	End
Trans Letter filing of a response in a reexam	1	1
Reexam Miscellaneous Incoming Letter	2	2
Reexam Certificate of Service	3	3

Warnings:

Information:

	Total Files Size (in bytes):	123785

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,301	12/17/2008	6,779,118 B1	R1341006	6609

40401   7590   09/12/2011
Hershkovitz & Associates, LLC
2845 Duke Street
Alexandria, VA 22314

EXAMINER
RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
3992	

MAIL DATE	DELIVERY MODE
09/12/2011	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.

1   RECORD OF ORAL HEARING

2   UNITED STATES PATENT AND TRADEMARK OFFICE

3   _____

4

5   BEFORE THE BOARD OF PATENT APPEALS

6   AND INTERFERENCES

7   _____

8

9   Appeal 2011-009566

10   Application 90/009,301

11   Technology Center 3900

12   _____

13

14   Oral Hearing Held: August 17, 2011

15   _____

16

17 Before RICHARD TORCZON, SCOTT R. BOALICK and KARL D.

18 EASTHOM, Administrative Patent Judges

19

20

21

22

23 ON BEHALF OF THE APPELLANT:

24   GREGORY B. WOOD, ESQ.

25   9595 Wilshire Blvd., 9th Floor

26   Beverly Hills, California 90212

27   (800) 616-1202, ext. 718

28

1   *The above-entitled matter came on for hearing on Wednesday,*
2   *August 17, 2011, commencing at 3:23 p.m., at the U.S. Patent and*
3   *Trademark Office, 600 Dulany Street, 9th Floor, Alexandria, Virginia,*
4   *before Jon Hundley, Notary Public.*
5

6   USHER: Good afternoon. Calendar No. 10, Appeal No.
7   2011-9566, Mr. Wood.
8   MR. WOOD: Thank you.
9   JUDGE TORCZON: Very good. Thank you.
10   Are we on the record?
11   NOTARY: Yes.
12   JUDGE TORCZON: Okay. If I could get counsel to introduce
13 themselves?
14   MR. WOOD: Your Honor, it's Gregory B. Wood, and I'm
15 representing ARK, the Patent Owner, in this case, in this re-examination
16 proceeding.
17   JUDGE TORCZON: Okay. Could you also introduce your
18 entourage?
19   MR. WOOD: Pardon?
20   JUDGE TORCZON: You brought people with you. Just so we
21 know who you brought?
22   MR. WOOD: Yes.
23   MR. HERSHKOVITZ: I'm Abe Hershkovitz, with Hershkovitz
24 & Associates, working for the Patent Owner.
25   JUDGE TORCZON: Okay.
26   MR. GARCIA: I'm Ed Garcia, associated with Hershkovitz &
27 Associates.
28   JUDGE TORCZON: Okay. You can proceed.
29   MR. WOOD: Before I begin, I do have several pages, if it
30 would be convenient for the panel. The claims from the patent in issue here,
31 as well as two drawings.

2

1   JUDGE TORCZON: Everything you're providing is in the

2 record?

3   MR. WOOD: These are just directly from the record.

4   JUDGE TORCZON: Okay. That's fine.

5   MR. WOOD: Just copies of patents that are in the record.

6   JUDGE TORCZON: That's fine.

7   MR. WOOD: Okay.

8   JUDGE TORCZON: And that's with the understanding that

9 these are simply aids to the argument, and not evidence?

10   MR. WOOD: Yes. I may begin?

11   JUDGE TORCZON: Yes, please.

12   MR. WOOD: Okay.

13   Thank you very much for allowing us to present the oral

14 argument today.

15   I'd like to start with a brief synopsis of what the principal prior

16 art gives and what the patent in issue covers.

17   I'm not going to deal with the Zenchelsky reference. And the

18 reason I'm not going to deal with that is because the only reason for citing

19 that reference is the temporary IP address;

20   And candidly, while that's not described in He, it is something

21 that is inherent, necessary, in order to practice He in a public network

22 environment.

23   I will just briefly touch on the second prior art issue, which is

24 our own disclosure of redirection server.

25   The prior art that we cited for the redirection server is prior art

26 related to a redirection server at the network element, that is on a network

27 element in the Internet; whereas the redirection server in issue in this case is

28 a redirection server positioned at the user location user station, between the

29 user and the Internet.

30   So it's at a different position and serves a different function.

1   JUDGE TORCZON: But is there any argument that one skilled

2   in the art would have been unable to implement redirection at the internal

3   server level?

4   MR. WOOD: Yes. There is an argument to that effect. And

5   the reason for that is because the redirection that we're dealing with -- first of

6   all, none of the prior art describes a redirection function at the user location.

7   JUDGE TORCZON: Right. But this is a 103, so that's where

8   we have got to keep our focus.

9   MR. WOOD: Yes. It is important to realize that that

10   redirection server at the location of the user is essential as component part of

11   our invention to allow processing of data before it gets to the Internet.

12   None of the other prior art discusses processing before the data

13   gets to the Internet. It goes to a user element, and then that user element --

14   For example, a website that is no longer being used, is

15   defunked, if you will, and it gets redirected to another website, that says,

16   "This is in the building stage," or something of that sort:

17   That's the reason for redirection in the prior art.

18   And before this, there wasn't any kind of redirection that was

19   necessary. There was no need to do redirection at the user site.

20   (Simultaneous conversation.)

21   JUDGE TORCZON: We sort of inverted the argument here,

22   though. Because the only place the Examiner applies that is four new claims

23   at the end.

24   MR. WOOD: Yes.

25   JUDGE TORCZON: And to even get to that point, we sort of

26   have to already have decided that controls at the front end.

27   MR. WOOD: Yes.

28   JUDGE TORCZON: And to even get to that point, we sort of

29   have to already have decided that controls at the front end are --

30   MR. WOOD: Mm-hmm.

31   JUDGE TORCZON: So tell me about that. Since you decided

32   to go there, you decided to start there --

4

1   MR. WOOD: Yeah --
2   JUDGE TORCZON: Assuming for the sake of argument, that
3 the Examiner was right --
4   MR. WOOD: Mm-hmm --
5   JUDGE TORCZON: And then He somehow or
6 "HAY" -- however you pronounce it -- teaches all of that.
7   MR. WOOD: Mm-hmm.
8   JUDGE TORCZON: So that I already know that I want to do
9 something with the user, and He teaches blocking and admitting its
10 alternatives.
11   Why wouldn't it be obvious to say, "Well I'm already doing
12 stuff to the user's message, and I know that one option is to redirect them"?
13   So somebody decides to go to a notorious gambling site --
14   MR. WOOD: Mm-hmm --
15   JUDGE TORCZON: And obviously we don't want them doing
16 that on company time, so we redirect them to the internal policy guideline,
17 that says, "Gambling sites are prohibited during work hours," or something.
18   MR. WOOD: Mm-hmm.
19   JUDGE TORCZON: Why wouldn't that be obvious?
20   MR. WOOD: Well, that isn't really the function of -- I call it
21 He -- I guess you could call it HAY -- or whatever.
22   JUDGE TORCZON: I don't know either.
23   MR. WOOD: I'll call it He for our purposes.
24   JUDGE TORCZON: Okay.
25   MR. WOOD: He is a security system. He is a system that is
26 intended to protect information stored in network elements on the Internet.
27   A company has a number of its sites out there, where they have
28 confidential information, proprietary information, information that they don't
29 want to have -- what's the word?
30   JUDGE TORCZON: Broadly disseminated.
31   MR. WOOD: You know, changed for any reason.
32   JUDGE TORCZON: Yes.

5

1   MR. WOOD: So they need a secure way of allowing only

2   authorized people to access that information.

3   Redirection is not mentioned in the He, and would serve no

4   function in that security purpose. In fact, if you had redirection, and you had

5   redirection in the normal prior art way at the network element, it would

6   actually corrupt or diminish security, because it would allow a user to now

7   go to a different site and try to access that different site.

8   There is just on discussion at all in He, or any reason for any

9   discussion.

10   JUDGE TORCZON: But to even get into the He system, you

11   have to be an authenticated user.

12   MR. WOOD: Yes.

13   JUDGE TORCZON: So it's really a question of where you can

14   go.

15   MR. WOOD: That's correct.

16   JUDGE TORCZON: Not whether you should be in the system

17   at all.

18   MR. WOOD: That's correct.

19   JUDGE TORCZON: So again, going back to your analogy to

20   the website under construction, why wouldn't it be a more user-friendly

21   version of He, to say, "Well, you requested to go here, but you don't have

22   authorization."

23   So again, I ship you off to a policy that tells you what your

24   access site is -- why wouldn't that have been obvious?

25   MR. WOOD: Hmm --

26   JUDGE TORCZON: It's not friendly. Way friendlier than just

27   saying "Denied," and forget it.

28   MR. WOOD: Well, it's not disclosed in He. And my --

29   (Simultaneous conversation.)

30   JUDGE TORCZON: We're talking about an obviousness -- I'm

31   really talking about those four claims at the end at this point --

32   MR. WOOD: Sure --

6

1   JUDGE TORCZON: Since that's the only place the prior art is
2 used.
3   MR. WOOD: Sure. The problem is that there has to be some
4 motivation in He to even suggest redirection. Now we can speculate that,
5 gee, sitting back at this point in time, maybe that would have been
6 something that would have been convenient to do.
7   But we have no indication that it would have been more
8 convenient. And in fact, like I said before, you do a redirection to another
9 location, and maybe that allows the user to get into a place, where he's not or
10 she's not permitted, it would create less security of the system.
11   JUDGE TORCZON: Well, I don't think there's any suggestion
12 that you'd randomly redirect. But you know, again, the same sort of
13 user-friendliness that the remote redirection would give you.
14   You know, "Sorry this site's under construction. Try back next
15 week."
16   MR. WOOD: Mm-hmm.
17   JUDGE TORCZON: Or "check out our affiliate site over
18 there," or something like that.
19   So why wouldn't user-friendliness, I mean --
20   MR. WOOD: It could be, but --
21   JUDGE TORCZON: We don't have to have express motivation
22 in the reference itself.
23   MR. WOOD: Understand. But there's no motivation at all. I
24 mean, this is something that you know, maybe we can conjure up now.
25   But I think it would be hindsight to sort of superimpose that
26 upon the He reference at the time that it was generated.
27   Remember, it was created back in, I believe, '96 is the date of
28 the reference?
29   JUDGE TORCZON: Well, but we only have to worry about
30 what's before your filing date. So that's --

7

1   MR. WOOD: I understand that. But at that particular point in
2   time, even in 1997, when our client's date was, we can, you know, there
3   wasn't anything that would suggest that.
4   Let me just move on to --
5   (Simultaneous conversation.)
6   JUDGE TORCZON: Let's get in the broader claim --
7   MR. WOOD: I'm going to assume, whether I agree with it or
8   not, that that argument is still on the table. Let me address it in a few
9   minutes. Because I think I can address it briefly later on.
10   So He is a security system, a security system for protecting
11   information on a network element.
12   The Ikudome patent, which is the patent that we're concerned,
13   with is really a network access control system.
14   So while He protects the content of the information, Ikudome is
15   simply a way to get people to pay for access to the Internet.
16   If you go into a hotel room and you want to log onto the
17   Internet, you log on with your URL. And what do you normally get? You'll
18   get the hotel website.
19   Well, but that is the redirection server, redirecting you to the
20   hotel website, which now says "Do you want to buy 24 hours worth of
21   time?"
22   And you say, "Yes." Okay, you put in your information. It
23   now redirects again to the URL that you wanted before.
24   In its simplistic way, that's what the Ikudome system does. It is
25   not concerned at all, has no concern about security of the information that's
26   passing over the Internet;
27   It is simply a way for the person that manages the gateway to be
28   able to control and collect a fee for access through that gateway.
29   So I think that's important to understand in terms of some of the
30   elements of the claims that I'm going to discuss in just a moment.
31   There are two other things that I'd like to address:

8

1   One is the question of redirection. What is redirection? It's
2   basically taking one URL and replacing it with a different URL. So rather
3   than getting the URL that the user asked for, you get one that the redirection
4   server decides it's going to give to the user.
5   JUDGE TORCZON: The Examiner argues that blocking
6   inherently would include redirection. That you wouldn't just simply block,
7   you'd never simply block.
8   At least that's sort of where I think he's arguing. But why is that
9   wrong?
10   MR. WOOD: Well, to be inherent, it has to be necessary. It
11 must necessarily follow from the disclosure of blocking that you would
12 necessarily then do redirection.
13   That's clearly not the case. There is no necessity.
14   JUDGE TORCZON: So lack of redirection might be a bad
15 idea?
16   MR. WOOD: Yeah.
17   JUDGE TORCZON: But it's a possibility?
18   MR. WOOD: It's a possibility. It's a possibility.
19   JUDGE TORCZON: Okay.
20   MR. WOOD: But redirection, blocking, or allowing are three
21 different things. They are things that can be done independently of one
22 another.
23   Each of them can be done by the redirection server, but the
24 redirection server, in essence, is something that fundamentally must redirect
25 as at least one of its functions.
26   JUDGE TORCZON: Could you say the Examiner actually had
27 it sort of backwards? Rather than blocking implying redirection, redirection
28 implies blocking?
29   Because you didn't go where you said you wanted to go. You
30 ended up going somewhere else.
31   MR. WOOD: I suppose you could argue that if you have
32 redirection, you have blocking. But I think that that would be pushing it.

1   Blocking really has the connotation of not redirection, but
2 simply stopping something from happening. Redirection --
3   (Simultaneous conversation.)
4   JUDGE TORCZON: You'd just get a black screen?
5   MR. WOOD: Well, it's like a switch, you know? If you have a
6 control signal that's going to close a switch, that has multiple pathways that
7 you can redirect the signal along, opening the switch is blocking; closing the
8 switch in only certain areas, so that it's directed along a different path, would
9 be redirection.
10   I mean, they're fundamentally different. One, I suppose, could
11 argue that the inherent in redirection would be that the initial path is
12 blocked. But it's really not blocked, it's just simply redirected.
13   It reminds me of when you go to some of these luggage or UPS
14 package distribution places, where you have package -- you've seen it on
15 television, where the package is going down the shoot, and it gets diverted
16 off one way, off another way. It's not blocked on the main passage that it
17 was going; it's just diverted and continues to go, on the second path.
18   JUDGE TORCZON: That analogy has certain weaknesses. I
19 mean, if I ask to go, and I type in, I want to go to the gambling site.
20   MR. WOOD: Mm-hmm.
21   JUDGE TORCZON: And I find myself at a different site, that's
22 not the gambling site I wanted to go to, I may have been redirected, but I
23 was certainly blocked.
24   MR. WOOD: Mm-hmm.
25   JUDGE TORCZON: I mean, unless you can tell me that there
26 were very well understood art meanings for each of these teems -- and I
27 guess -- I noticed in the disclosure with the patent, they use these terms
28 consistently.
29   MR. WOOD: Yes.
30   JUDGE TORCZON: So in terms of internal consistency,
31 there's not a problem. But I guess is there either an express definition? Or

10

1 do we have some evidence of art-recognized meaning beyond what the
2 Examiner was using -- prior art?
3   MR. WOOD: Well, I think there's a definition. It's not in the
4 record, but I can give it. It's the --
5   JUDGE TORCZON: Well, this isn't an appeal, too late for that.
6   MR. WOOD: Webster's dictionary, but --
7   JUDGE TORCZON: So we don't have a declaration or a
8 textbook or anything in the record?
9   MR. WOOD: No.
10   JUDGE TORCZON: Okay.
11   Is there any reason why we either could or couldn't use what the
12 Ikudome disclosure says as providing an express definition, at least for this
13 patent?
14   MR. WOOD: I think we could use that as the definition, yes.
15   JUDGE TORCZON: Okay.
16   MR. WOOD: What Ikudome says.
17   JUDGE TORCZON: Okay.
18   MR. WOOD: Okay.
19   Let me just mention one other preliminary thing, and then I'll
20 get onto the substance.
21   I think there is some confusion on the part of the Examiner in
22 mixing up two different things: One is control information. And the other is
23 data communicated.
24   The control information are the things like the user ID,
25 passwords.
26   In He, it talks about general tickets, credential tickets, secret
27 keys, access tickets. All of that is information for the control of the
28 information.
29   In Ikudome, similar or corresponding information would be:
30 User ID, IP address, and of course, the rules set.
31   All of those is our control information, that will be used to
32 control the flow of data directly from a user location to the Internet.

11

1   And in He at the network element.

2   And I want to make that distinction, because I think the

3 Examiner oftentimes intermixes the two, in terms of claim language.

4   Okay. We've talked about the redirection server. I'd like to talk

5 about the positioning of the redirection server, why that is important in

6 Ikudome, and why it can't be where it's claimed in He.

7   First of all, the location of, or the position of the redirection

8 server must, in Ikudome, be between the user and the network.

9   If you look at Figure 2 of Ikudome -- it's the third page of the

10 paper that I handed out -- you'll see that the redirection server 208 is

11 between the user 100, or the dial-up network server 102, and the Internet

12 110.

13   This is absolutely critical in Ikudome, because if it's not there,

14 you can't control what goes on the Internet. And the whole core of what

15 Ikudome is all about is: How you control access or transfer of data back and

16 forth between the user and the Internet.

17   And it must go through the redirection server before it gets to

18 the Internet, or it can't perform that essential function.

19   By contrast, if you look at the next page, this is the He, Figure

20 10, you'll notice that the user 102 has to access the Internet or the public

21 network 106. There is no redirection server or any server between the user

22 element 102 and the network 106.

23   And in fact, He teaches a centralized location for performing all

24 of the functions of generating the access keys or -- tickets, is the word I'm

25 looking for.

26   So when we talk about He, He has a lot of user locations that

27 are distributed around the company, or in multiple locations of the company.

28   It has a central location, one location. Because this is why it

29 has an advantage over the prior art, according to He's teaching, where all of

30 the these tickets are generated.

31   And in order to do that, you must communicate between the

32 users and the security server 208 across the Internet.

12

1   And if you communicate across the Internet, it is

2 communication without restriction. And that is something that is a key to

3 He's operation success and security success.

4   It admits in He that there is -- what's the word I'm looking

5 for -- He admits that there is a necessity to have free access across the

6 Internet, between the various elements, including free access to the network

7 elements 104; free access to all of the elements 202, 204, and 206; and that

8 has to be free without interference, because that user element is actually

9 going to be able to access other sites as well, and it can't be blocked from

10 accessing those other sites.

11   JUDGE TORCZON: Okay. Let's get grounded in the claim

12 language, though.

13   MR. WOOD: Yes.

14   JUDGE TORCZON: What in the Independent Claims --

15   MR. WOOD: Okay.

16   Let me point to -- and I'm going to the claims in Ikudome. And

17 Claim 1, the particular language that requires this positioning of the

18 redirection server occurs in column 8, lines 34 through 35, first of all, where

19 it says, "The redirection server connected to the dial-up network server and

20 the public network."

21   That means that the only way that that can happen is if it's

22 connected between the two of them. Otherwise, it wouldn't be connected to

23 both of them.

24   And then in column 8, line 47, where it says, "Wherein data

25 directed toward the public network from one of the user computers are

26 processed by the redirection server."

27   The only way the redirection server can process data directed

28 towards the public network is if it occurs before it gets to the public network.

29   Otherwise, it's no longer direct towards, it's already there.

30   So there is language in Claim 8 that is similar.

13

1   Claim 15 -- and I'm going to focus just on the independent
2   claims -- Claim 15 at -- let's see, I believe it's column 9, lines 47 and 48,
3   says:
4   "Wherein the rule set contains at least one of a plurality of
5   function used to control passing between the user and the public network,"
6   Which means that that processing function, the redirection
7   server has to be located, has to be positioned functionally between the
8   Internet and the user.
9   The same thing with 25 at column 10, lines 42 and 45, where it
10 talks about the redirection server being between a user side and a network
11 site. Again, that is, you know, a requirement.
12   JUDGE TORCZON: Is it your position that what the user and
13 He is ultimately being directed toward is not a public network?
14   MR. WOOD: You know, we could make that argument. We're
15 not making the argument that 106 is not a public network.
16   I think that there is in the Examiner --
17   JUDGE TORCZON: But I'm actually thinking about the
18 elements where access is ultimately being authorized.
19   MR. WOOD: That's in the public network, that's in 106 as
20 well.
21   JUDGE TORCZON: Because the problem I'm having with the
22 language that you're pointing to is -- I understand what the invention is;
23   And I'll certainly grant you that what Ikudome is talking about
24 is not what He is talking about, certainly not in the specifics, anyway.
25   The problem is the claim language, I don't think is as specific as
26 you're saying it is. When you talk about the redirection server connected to
27 a dial-up network and a public network, there is nothing about that that says
28 it has to be between.
29   And in fact, it would have been easy enough to use the word,
30 "between," if that's what were intended. And similarly at the end, when it
31 says "Data directed toward the public network from one of the user's

14

1 computers," according to your own characterization, you have to go through

2 the public network to get there in the first place.

3   So --

4   MR. WOOD: To direct it.

5   JUDGE TORCZON: Right. In He, you direct data at the

6 public network, through which it would get to the redirection, or whatever

7 the server is in He.

8   MR. WOOD: Credential server.

9   JUDGE TORCZON: Credential server.

10   And there it would get processed.

11   So if we accept for the sake of argument that we can substitute

12 the word "credential server" for redirection server -- because that's a

13 different issue -- if we're just looking at the language and making that one

14 assumption about what the redirection that server is, it's not clear that he

15 express language actually excludes that reading.

16   MR. WOOD: Well, I think you need to interpret that

17 consistently with what the specification says --

18   JUDGE TORCZON: Well, see, that's the problem. What is it

19 in the specification -- other than the word, redirection -- and again we've

20 sort of touched on that issue -- other than the word redirection, what is it

21 about that language that requires sort of the physical placement of the server

22 in a chain?

23   Because it doesn't seem to be in the language --

24   MR. WOOD: Let me answer it --

25   JUDGE TORCZON: Please do.

26   MR. WOOD: Number one -- and I'm going to go to the

27 specification, because the specification is very, very clear --

28   JUDGE TORCZON: Okay --

29   MR. WOOD: It says the redirection server is logically located

30 between the user computer 100 and the network and controls user access to

31 the network.

15

1   That's found I column 4, lines 50 through 53. That's important,
2 because it tells you the second thing. Why.
3   If you do not have a redirection server before the Internet, then
4 the whole purpose of the Ikudome patent is thwarted. It becomes a useless
5 system.
6   It is inoperable. How can you have a redirection server after
7 you've granted access to the Internet, if the purpose of the redirection server
8 is to control the access to the Internet?
9   Which is what the whole purpose of this invention is.
10   JUDGE TORCZON: Well, once again, you're pointing at what
11 the spec says, and the specification says that. The problem is, if the
12 language of claim is not as tight as the specification on this point, and He
13 allows people to go out to the Internet and back to the correlation server in
14 order to get whatever control they need to go wherever they're going to go.
15   MR. WOOD: But if you allow access to the Internet, you allow
16 access to everything on the Internet. Not just one thing.
17   You have to have some control before the Internet in order to
18 identify what it is you have access to.
19   Even in He, the general clean access to the Internet, free access
20 to the Internet, is to anything that's on the Internet that you can connect up
21 with.
22   Now to be sure, if you send a ticket along with that information
23 over the Internet, and you identify a particular server that you want to get
24 information off of, it may block you at that point from getting that
25 information, if the ticket isn't right.
26   But that doesn't mean that the user doesn't have complete access
27 to all the elements on the Internet, you know, by just -- URL.
28   JUDGE TORCZON: Okay. We'll use Claim 1 as the example.
29   What in Claim 1 says that you don't have, at least for some data, free
30 access?
31   There may be controlled data access for other data, but there's
32 free access for some.

16

1   MR. WOOD: Well, I think that the definition of the rules set
2 will define whether the redirection server actually allows it through,
3 unimpeded, without change.
4   JUDGE TORCZON: Okay --
5   MR. WOOD: And you can do that. But it still has to go
6 through the redirection server.
7   JUDGE TORCZON: Some of the requests --
8   MR. WOOD: Everything. Everything must go through the
9 redirection server.
10   JUDGE TORCZON: What in the claim requires -- that's
11 question now, because --
12   MR. WOOD: Well --
13   JUDGE TORCZON: Because again, if there was just a
14 question of does He teach what Ikudome teaches, then you win hands-down
15 on that one.
16   MR. WOOD: --
17   JUDGE TORCZON: But we have to claim language.
18   MR. WOOD: Could I make one other comment?
19   JUDGE TORCZON: Sure.
20   MR. WOOD: The Examiner in the original examination of this
21 patent concluded the same thing that I'm arguing.
22   And the Examiner at that point said -- and it's part of the file
23 history -- that the redirection server and its reasons for allowance, controls
24 access to the Internet.
25   Now maybe not in those exact words, but that was, you know,
26 the reason.
27   Let me turn to the last paragraph of Claim 1, where it says,
28 "Wherein the data directed towards the public network from one of the user
29 computers are processed by the redirection server according to the
30 individualized rules set."
31   Now I don't know how you can interpret that in a way that will
32 say that data directed towards the public network is already on the network.

17

1 If the data is already on the network, how do you control it? And how can
2 that be defined as data directed towards?
3   JUDGE TORCZON: Well, you see, therein is the rub. Maybe
4 that's the key phrase here.
5   Do we have a good definition anywhere of what "directed
6 toward" means in this --
7   MR. WOOD: Well, I think if you look at the other claims, it
8 will clearly define that. And you look at the specification, the section that I
9 just read.
10   Twenty-five, for example: It says, "Wherein the redirection
11 server has a user side, that is connected to the computer using the
12 temporarily assigned network address, and a network address and a network
13 side connected to the computer network."
14   I don't think you get any clearer than that as to the fact that the
15 redirection server has to be between the network and the user.
16   JUDGE TORCZON: Well, but again, if you look at He, there
17 are two paths, okay?
18   MR. WOOD: Mm-hmm.
19   JUDGE TORCZON: There is one path that goes directly at the
20 unrestricted public network --
21   MR. WOOD: I don't see that path.
22   JUDGE TORCZON: In He?
23   MR. WOOD: What path?
24   JUDGE TORCZON: I thought you told that even He
25 recognized that you could go --
26   MR. WOOD: It all has to go through the redirection server. It
27 must go through the redirection -- not in He.
28   JUDGE TORCZON: That's what I'm saying.
29   MR. WOOD: I'm sorry.
30   JUDGE TORCZON: In He, as I understand it, are two paths.
31 Depending on whether I want unrestricted access to public sites, open sites --
32   MR. WOOD: Mm-hmm --

18

1   JUDGE TORCZON: Or I want access to controlled sites that
2 are also on this network, I can either go directly from the open things, or I
3 can go in He to their control server, or credential server, you know,
4 authenticate myself and do all that sort of stuff -- and it will give me the
5 necessary tickets, then so when I go to those controlled sites, I can get in.
6   Okay?
7   MR. WOOD: That is the confusion that I was talking about
8 before between the control information and the data.
9   When you go down to communicating data between the two
10 sites, the credential server has already generated the ticket; that information
11 is transmitted by the user, without involvement at all by the credential
12 server, over the Internet, and to the network element.
13   The network element, itself, is the thing that decides whether a
14 user is going to have access to the information stored on that network
15 element.
16   But it still is not disclosing in either condition or either
17 circumstance that you mentioned. A user that has a redirection server that is
18 positioned, located between the user and the network element --
19   JUDGE TORCZON: Wait --
20   MR. WOOD: That's data transmission, not the control signals.
21   JUDGE TORCZON: Okay. Then, backing into that language,
22 where is that language in -- why is the control information itself not data?
23   MR. WOOD: Pardon me?
24   JUDGE TORCZON: Why would the control information not
25 itself be a species of data?
26   MR. WOOD: In He, when it is transmitted over the Internet to
27 the network element, one could call that a species of data.
28   But when it's being generated in the line between the network
29 security servers and the user, that is an authentication process, not a data
30 transmission process.

19

1   If that ticket as part of the data is shipped over the Internet,
2   there is still no restriction on that information being shipped over the
3   Internet, once that ticket has been generated and authenticated by the user.
4   JUDGE TORCZON: I got to tell you, now you've got me
5   confused about the distinction here.
6   Why does the claim language not read on the communication
7   between He's user and He's control server via the Internet?
8   MR. WOOD: Well, if you look at the drawing, Figure 10 -- and
9   this is the one where you have a dial-up, a network server involved --
10   JUDGE TORCZON: Mm-hmm --
11   MR. WOOD: Again, where is the position of the credential
12 server? It's on the other side of the network, opposite to the user.
13   That can't be in Ikudome; that is contrary to the restrictions of
14 the claim that the redirection server has to be between the user and the
15 network.
16   And it's not between the user and the network in Figure 10.
17   Look at the line -- I think it's labeled "1" -- between the user
18 and 106. There's nothing there. There is no redirection server.
19   JUDGE TORCZON: All right. So if user 102 wants to go to
20 network element 104. The user is going to direct data at the network 106,
21 and if it's controlled information, that's going to kick it over to 208, which
22 includes the authentication server, credential server, et cetera.
23   And then, based on that transaction, it will get information
24 back.
25   So why don't we then have data being directed at the network,
26 that's then processed by the credential server?
27   MR. WOOD: Where is the credential server?
28   First of all, I submit that the credential server doesn't process
29 data, which is another element of the claim and one of the reasons why we
30 want to make the distinction between control information and communicated
31 data.

20

1   If you look at Claim 1 -- and you know, I don't want to divert
2 your attention here, but I think it's important -- it says in the last paragraph
3 again, "Wherein, data directed towards the public network from one of the
4 user computers."
5   This is important, because it's not the data that's being referred
6 to in He. He refers to data the same way that Ikudome does.
7   It means the same thing in He, and HE says that the data is the
8 information that is sent by the user to the network element, and then data
9 that is sent back.
10   In other words, it's the data exchange between the network
11 server, after the access is allowed.
12   JUDGE TORCZON: So you're saying there's an expressed
13 definition in He that would exclude the reading of controlled information as
14 data?
15   MR. WOOD: Yes.
16   JUDGE TORCZON: Could you point me to that?
17   MR. WOOD: Well, I'm not prepared to point you to that right
18 now. But I can do so later, or I'd have to take a look at it.
19   And in fact, let me just have a moment. I may have marked in
20 He the particular location.
21   JUDGE TORCZON: Okay --
22   MR. WOOD: And I might be able to locate it quickly.
23   JUDGE TORCZON: And when you're done with that, actually
24 I think that I've had you up there long enough. So out of mercy, I'll ask you
25 to wrap up, and --
26   MR. WOOD: Okay. But let me mention a couple other things,
27 because I think these are important. I want to just touch on these.
28   JUDGE TORCZON: Okay.
29   MR. WOOD: I could give you a lot more details as to why
30 they're important.

21

1   He does not process data according to an access ticket. That is
2   required by Ikudome. And instead of the access ticket, I'll call it the rules
3   set.
4   The data that is transmitted from the user to the network has to
5   be processed by the rules by the redirection server, under the control of the
6   rules set, which is basically a series or a number of instructions.
7   Okay.
8   The redirection of data as a function of the rules set:
9   If we look back at our discussion at the beginning, we talked
10   about redirection at the network element. Even if the redirection occurred at
11   the network element, there is no disclosure of that redirection being under
12   control of the rules set.
13   And there's nothing that talks the access ticket having any
14   additional data on it in He, that would allow for redirection.
15   It's just not something that is disclosed in He. And yet that is
16   something that is important. The redirection under the control of the rules
17   set, as --
18   Claims 15 and 25 both require automatic modification of the
19   rules set during an IP address assignment, that is, while a session is going
20   on.
21   I explained this in connection with the hotel.
22   He doesn't discuss that. And in fact, in numerous locations in
23   He -- and I'll just mention a couple: Column 19, 13 through 21; column 19,
24   20 through 28; and column 21, 2 through 11, talks about the necessity of it
25   not changing the access ticket, which is equated to the rules set.
26   Ikudome teaches just the opposite. That's the whole point of
27   Claim 15 and 18.
28   One final comment. The rules set is communicated from the
29   authentication server to the redirection server in Ikudome.
30   There is no teaching of that kind of communication to program
31   the access code into a redirection server in He. And without that suggestion,
32   without that motivation -- because it's frankly a security system, not a

22

1   network access control system -- we think that the Examiner's position is
2   incorrect, and we would ask the Board for allowance of the claims.
3   JUDGE TORCZON: Any questions?
4   JUDGE EASTHOM: I don't have any questions.
5   JUDGE BOALICK: No.
6   JUDGE TORCZON: Okay. Thank you very much. The case
7   is submitted.
8   MR. WOOD: Thank you very much.
9   (Whereupon, at 4:09, the proceedings were concluded.)
                          * * * * *

Patent Owner:

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23

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,301	12/17/2008	6,779,118 B1	R1341006	6609

40401   7590   08/23/2011
Hershkovitz & Associates, LLC
2845 Duke Street
Alexandria, VA 22314

EXAMINER
RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
3992	

MAIL DATE	DELIVERY MODE
08/23/2011	PAPER

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The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

———————

Ex parte LINKSMART WIRELESS TECHNOLOGY, LLC
(U.S. Patent 6,779,118)

———————

Appeal 2011-009566
Reexamination 90/009,301
Technology Center 3900

———————

Before RICHARD TORCZON, SCOTT R. BOALICK and KARL
EASTHOM, *Administrative Patent Judges*.

TORCZON, *Administrative Patent Judge*.

DECISION ON APPEAL
37 C.F.R. § 41.50(a) and (b)

The appellant (LWT) seeks review under 35 U.S.C. 134(b) of the final
rejection of claims 1-47 in its Ikudome patent.[1] The rejection is AFFIRMED
in part and REVERSED in part with a new ground of rejection.

———————

[1] K. Ikudome & M.T. Yeung, *User specific automatic data redirection system*, US 6,779,118 B1 (granted 17 August 2004).

OPINION

INTRODUCTION

Rejections

LWT's patent issued with twenty-seven claims. During reexamination, LWT added claims 28-47. On appeal, the examiner maintains a rejection of all claims[2] under 35 U.S.C. 103 over the He[3] and Zenchelsky[4] patents, with additional reliance on an admission in the Ikudome patent about the prior art[5] for claims 32, 37, 42 and 47.[6]

Representative claim

For purposes of this appeal, issued patent claim 1 and new claim 32 are broadly representative of the claims on appeal. Claim 1 defines the invention as:

> A system comprising:
> a database with entries correlating each of a plurality of user IDs with an individualized rule set;
> a dial-up network server that receives user IDs from users' computers;
> a redirection server connected to the dial-up network server and a public network, and
> an authentication accounting server connected to the database, the dial-up network server and the redirection server;
> wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily

---

[2] We rely on the claims appendix to the appeal brief (Br. 33-42) for the final claims of record. See Ans. 3 (not commenting on claims appendix).

[3] J. He and R.D. Hall, *Security system and method for network element access*, U.S. Pat. 6,088,451 (granted 11 July 2000).

[4] D.N. Zenchelsky et al., *System and method for providing peer level access control on a network*, US 6,233,686 B1 (granted 15 May 2001).

[5] Ikudome 1:53-57.

[6] Ans. 4 and 22.

2

assigned network address for the first user ID to the
authentication accounting server;

wherein the authentication accounting server accesses the
database and communicates the individualized rule set that
correlates with the first user ID and the temporarily assigned
network address to the redirection server; and

wherein data directed toward the public network from the
one of the users' computers are processed by the redirection
server according to the individualized rule set.

Claim 32 depends from claim 1 and adds the further limitation that

the redirection server is configured to redirect data from the
users' computers by replacing a first destination address in an IP
(Internet protocol) packet header by a second destination
address as a function of the individualized rule set.

OBVIOUSNESS

Claim 1

LWT contends that the combination of He and Zenchelsky fail to
teach or suggest (1) a redirection server, (2) an authentication accounting
server communicating an individualized rule set to the redirection server and
(3) data directed toward a
public network and
processed by the
redirection server according to
the individualized rule set.[7] The
examiner finds these
elements in the He patent.
He Figure 10 (right)

FIG. 10

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[7] Br. 18.

3
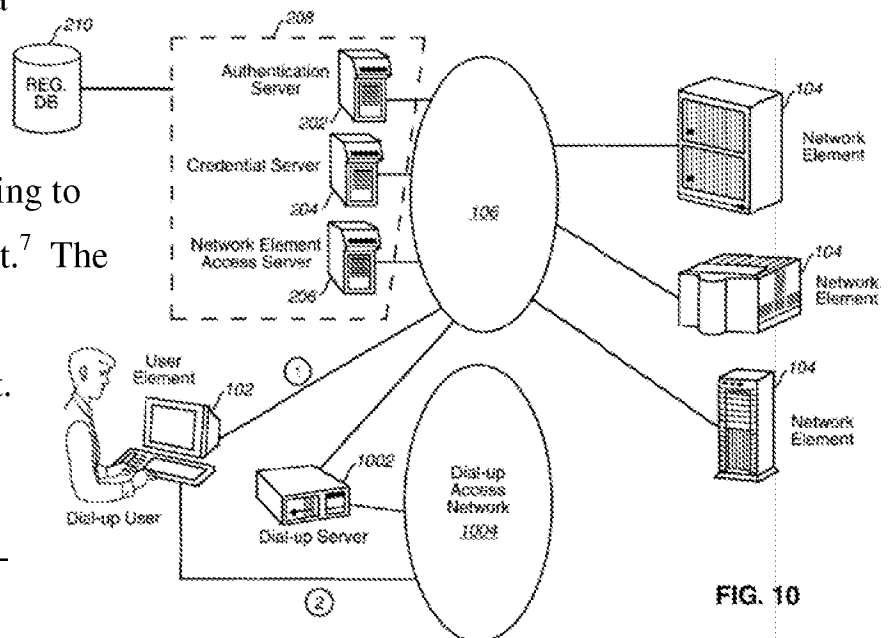
depicts a high-level block diagram of a dial-up network including a network security server 208 communicating with a user account registration database 210 and an interconnection network 106. The network security server 208 comprises an authentication server 202, a credential server 204 and a network element access server 206. The examiner relies on He's credential server 204 for the claimed redirection server, on He's authentication server 202 for the claimed authentication server and on text in He describing network authentication and privilege control.[8]

LWT argues that He does not teach redirection, specifically that He's credential server does not redirect a request for one Internet site to a different Internet site.[9] The examiner counters that the redirection server is only claimed as a structure without any expressly claimed functionality for redirecting a request; rather, the examiner points to dependent claims 3 and 4,[10] "wherein the redirection server further" blocks and allows, respectively, "the data to and from the users' computers as a function of the individualized rule set."

During reexamination, a claim (original, amended or new) is accorded the broadest construction that is reasonable in view of the specification[11] because (except for a claim in an expired patent) the patentee is expected to amend the claim to define the invention precisely rather than shift the burden of divining the inventor's intent to the reader.[12] The broadest reasonable construction of "redirection server" requires some sort of redirection

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[8] Ans. 5-6, citing He 18:24-30 & 19:2-8.
[9] Br. 18-19.
[10] Ans. 27-28.
[11] *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1256 (Fed. Cir. 2007).
[12] *Ex parte Papst-Motoren*, 1 USPQ2d 1655, 1655-56 text & n.3 (BPAI 1986), *citing In re Yamamoto*, 740 F.2d 1569, 1571 (Fed. Cir. 1984).

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functionality. By their express terms, blocking and allowing are "further" functions of the redirection server rather than its essential function for purposes of the claim.[13] While LWT has not pointed to an express definition in its written disclosure that would compel this construction, it is more consistent with the disclosure than a construction that did not require redirection. For example, Ikudome writes (emphasis added) that[14]

> It will be clear to one skilled in the art that the invention may be implemented to control (block, allow *and* redirect) any type of service, such as Telnet, FTP, WWW and the like.

This use is consistent throughout the disclosure. By contrast, the examiner's construction would make the adjective "redirection" inapt,[15] if not superfluous. One skilled in the art, having read the Ikudome disclosure, would necessarily understand the redirection server to control by, inter alia, redirecting.

The examiner contends that the user has been redirected if, having failed in a first attempt, the user elects to request access to something else.[16] While as a description of user behavior the examiner's surmise is reasonable, it describes redirection by the user not by the redirection server. The proposed connection between the redirection server's action and the user's response is too attenuated to be properly attributed to the server.

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[13] New claim 32 claims the third function—redirecting—but with further limitations on how the redirecting is accomplished such that the presumption of claim differentiation is not invoked to bar redirecting generally as a limitation of claim 1.

[14] Ikudome 8:12-14.

[15] The generic term in both He and Ikudome is "control", suggesting that LWT would have used "control server" if it had intended to claim more broadly.

[16] Ans. 28.

The examiner's construction of "redirection server" is overly broad in view of the underlying disclosure. Properly construed, the redirection server must, at a minimum, be configured to redirect something. He's credential server 204, while providing the control functions of blocking and allowing,[17] does not appear to teach or suggest redirecting, alone or in combination with Zenchelsky.

LWT also contends that the combined references do not teach or suggest the claimed limitation that "data directed toward the public network" is "processed by the redirection server". LWT argues that even if He's credential server were a redirection server, it does not process data directed toward the public network. The examiner responds that LWT is assuming a network topology that claim 1 does not require. The examiner has a point. As He teaches, logical and physical topologies in a network can be very different.[18] The problem lies in the phrase "data directed toward the public network" since He discloses the user communicating with the credential server 204 through the interconnection network 106 directly or via a dial-up network 1004 and server 1002. Hence, the user sends data ultimately intended for the credential server 204 initially to the interconnection network.[19] Claim 1 does not exclude communication between a user and a control server via a public network. The communication must contain data as that term is broadly construed.

_____

[17] E.g., He 18:42-19:39.
[18] He 4:33-52.
[19] Cf. Reply 6: "Additionally, if the user communicates information (e.g., the general ticket from the authentication server) to the "credential server" in HE, the elements 102 [the user] and 1002 [the dial-up server] are on one side of the network 106 and the credential server is on the other side of the network [.]"

6

Claims 15 and 25

LWT argues two differences for amended independent claim 15 and issued independent claim 25.[20] Claim 15 is a system claim (numbering added) in which the redirection server is configured to allow automated modification of at least a portion of the rule set:

> [1] correlated to the temporarily assigned network address; and
> [2] as a function of some combination of time, data transmitted to or from the user, or location the user accesses.

The examiner notes that the claim says "automated" rather than "automatic" as LWT argues and points to He's "database tool…provided for the system security administrator to create, delete, disable and modify a user account" as the basis for these limitations.[21] He's database tool certainly meets the "automated" requirement since, as the examiner notes, "automated" merely requires use of automation, not the absence of any human intervention. In a computer context, a database tool necessarily involves automated equipment.

The examiner relies on Zenchelsky to meet the first condition of modification. LWT does not address how the examiner is wrong in this regard. LWT does however argue that He's database tool does not teach or suggest the second condition.[22] The examiner relies on He's teaching that authentication should have a "lifetime" to teach the time condition.[23] He does not, however, draw a connection between the authentication lifetime and the administrator's use of the database tool. He, the only reference on

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[20] Br. 26-28. LWT does not argue these claims separately from each other.
[21] Ans. 28-29, citing He 17:19-21.
[22] Br. 28.
[23] Ans. 30, citing He 17:13.

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which the examiner relies to meet the second condition limitation of claim 15, does not in fact teach or suggest this limitation.

Claim 25 is a method claim that does not provide for "automated" modifying or provide conditions facially similar those in claim 15 limitation [2]. The connection between LWT's arguments for these claim 15 elements and the express limitations of claim 25 is unclear. It is not a board function to make arguments for appellants. LWT has not shown prejudicial error in the examiner's rejection of claim 25 beyond the misconstruction of "redirection server".

Claims 32, 37, 42 and 47

Claims 32, 37, 42 and 47 depend from independent claims 1, 8, 15 and 25, respectively. Each adds the further limitation:

> wherein the redirection server is configured to redirect data
> from the users' computers by replacing a first destination
> address in an IP (Internet protocol) packet header by a second
> destination address as a function of the individualized rule set.

In addition to the combination of He and Zenchelsky, the examiner relies on the following statement from the background section of the Ikudome disclosure regarding the prior art:[24]

> The browser next sends a request to the server requesting the
> page. In response to the user's request, the web server sends the
> requested page to the browser. The page, however, contains
> html code instructing the browser to request some other WWW
> page—hence the redirection of the user begins.

---

[24] Ans. 22, citing Ikudome 1:53-57. At p. 32, the examiner more broadly notes the discussion in Ikudome 1:38-67, particularly 1:38-40: "The redirection of Internet traffic is most often done with World Wide Web (WWW) traffic (more specifically, traffic using the HTTP (hypertext transfer protocol))."

The admission shows that those in the art were familiar with redirection (and how to do it) at least in a world-wide web context. LWT argues that Ikudome does not admit that "redirection in the particular combination claimed [was] known prior art."[25] This argument is entitled to no weight since the examiner used the admission in combination with other references for obviousness rather than relying on it as an anticipation.

LWT also argues that the examiner has not shown replacement as a function of an individualized rule set.[26] The examiner, however, explained that redirection would be used, for example, to direct "users away from closed websites".[27] The examiner does not say what he means by "closed", but read in context with his contention "that blocking/passing is a part of the logic in the redirection process and thus readable as 'redirection'"[28] he appears to mean "blocked". Thus, an address blocked for a particular user would be replaced with another address, perhaps a safer website or a website explaining organizational policy regarding the blocked websites. While the examiner's contention that blocking necessarily includes redirection is not supported in the record, redirection is an obvious extension of the use of a control to block the user.

LWT has not shown prejudicial error in the examiner's rejection of claims 32, 37 and 47. Claim 42 depends from claim 15, for which the rejection did not support redirection based on "the rule set as a function of some combination of time, data transmitted to or from the user, or location

---

[25] Br. 30.
[26] *Id.*
[27] Ans. 23-25.
[28] Ans. 28.

9

the user accesses." However, blocking a website based on these bases would have been obvious.[29] Since redirection would have been an obvious extension of blocking, it follows that the combination of He and Zenchelsky in view of Ikudome's admission would have made redirection based on the same bases obvious as well.

NEW GROUNDS OF REJECTION

Claims 1, 8, 15 and 25

Since claims 32, 37, 42 and 47 depend from independent claims 1, 8, 15 and 25, respectively, it follows that the independent claims must be obvious as well.[30]

HOLDING

The rejection of claims 32, 37, 42 and 47 is AFFIRMED;

The rejection of claims 1, 8, 15 and 25 is REVERSED, but a new ground of rejection is entered under 37 C.F.R. § 41.50(b) as described above.

The rejection of the other claims on appeal is REVERSED.

<u>AFFIRMED IN PART</u>
and
<u>REVERSED IN PART</u>
with a new ground of rejection

KMF

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[29] E.g., blocking a site for a user after discovering inappropriate communications between the user and the website or after discovering the user spends excessive time at a site unrelated to work.
[30] *Callaway Golf Co. v. Acushnet Co.*, 576 F.3d 1331, 1343 (Fed. Cir. 2009) (holding jury verdict inconsistent for holding only the dependent claim to have been obvious); *In re Muchmore*, 433 F.2d 824, 824-25 (CCPA 1970) ("Since we agree with the board's conclusion of obviousness as to these narrow claims, the broader claims must likewise be obvious.").

For the appellant: Abraham Hershkovitz & Ed Garcia-Otero, HERSHKOVITZ & ASSOCIATES, LLC, of Alexandria, Virginia.

For the requestor: Jerry Turner Sewell, of Newport Beach, California.

For the Commissioner of Patents: Sam Rimell with Jeffrey D. Carlson and Alexander J. Kosowski, ART UNIT 3392.

R1341006.A15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Koichiro Ikudome *et al.*

Art Unit: 3992

Appeal No.: 2011-009566

Examiner: Sam Rimell

Reexamination Proceeding No. 90/009,301
(Based on USP 6,779,118)

Conf. No. 6609

Reexamination Filed: December 17, 2008

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

CONFIRMATION OF ORAL HEARING

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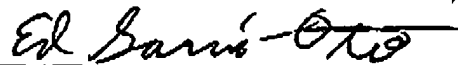
Dear Commissioner:

A Notice of Hearing was mailed from the USPTO BPAI on June 13, 2011 in connection with the above-identified Appeal. Patent Owner confirms attendance of the Oral Hearing scheduled at 2:00 p.m. EDT on Wednesday, August 17, 2011 by at least Greg Wood (in-house counsel for Patent Owner, Reg. No. 28,133). Other visitors who may accompany counsel are Koichiro Ikudome (inventor) and outside counsels Abe Herskovitz, Reg. No. 45,294, and Ed Garcia-Otero, Reg. No. 56,609, both of Hershkovitz & Associates, LLC.

The Board is invited to direct any questions to the undersigned.

Respectfully submitted,
LINKSMART WIRELESS TECHNOLOGY, LLC

Abraham Hershkovitz, Reg. No. 45,294
Ed Garcia-Otero, Reg. No. 56,609

Date: June 29, 2011
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R1341006A.A16; AH/EG/pjj

UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

HERSHKOVITZ & ASSOCIATES. LLC
2845 DUKE STREET
ALEXANDRIA, VA 22314

Appeal No:	2011-009,566
Appellant:	RI, LINKSMART WIRELESS TECHNOLOGY. LLC (OWNER)
Application No:	90/009,301
Hearing Room:	A
Hearing Docket:	B
Hearing Date:	Wednesday, August 17, 2011
Hearing Time:	02:00 PM
Location:	Madison Building - East Wing
	600 Dulany Street, 9th Floor
	Alexandria, Virginia 22313-1450

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Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquires, please contact the Clerk of the Board at 571-272-9797.

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Signature of Attorney/Agent/Appellant   6/29/11   56,609
Signature of Attorney/Agent/Appellant   Date   Registration No.

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=== COVER PAGE ===

TO: _____

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Re: ex parte Reexamination Proceeding No. 90/009,301
Appeal No. 2011-009566
Attorney Docket No. R1341006

Transmitted herewith are **CONFIRMATION OF ORAL HEARING and Certificate of Service** in the above-captioned Reexamination Proceeding.

June 29, 2011
Date

Abraham Hershkovitz
Reg. No. 45,294

Ed Garcia-Otero
Reg. No. 56,609

R1341006.A15; AH/EG/pjj

R1341006A   Reexamination Proceeding: 90/009,301

CERTIFICATE OF SERVICE

It is hereby certified that the attached CONFIRMATION OF ORAL HEARING is being served **by first class mail on June 29, 2011** on third party requester at the third party requester's address:

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_____
Abraham Hershkovitz
Ed Garcia-Otero

2

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,301	12/17/2008	6,779,118 B1	R1341006	6609

40401   7590   06/13/2011
Hershkovitz & Associates, LLC
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EXAMINER
RIMELL, SAMUEL G

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Board of Patent Appeals and Interferences

	Appeal No:	2011-009,566
HERSHKOVITZ & ASSOCIATES, LLC	Appellant:	B1, LINKSMART WIRELESS TECHNOLOGY,
2845 DUKE STREET	Application No:	LLC (OWNER)
ALEXANDRIA, VA 22314	Hearing Room:	90/009,301
	Hearing Docket:	A
	Hearing Date:	B
	Hearing Time:	Wednesday, August 17, 2011
	Location:	02:00 PM
		Madison Building - East Wing
		600 Dulany Street, 9th Floor
		Alexandria, Virginia 22313-1450

NOTICE OF HEARING
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquires, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

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cc: Third Party Requester

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,301	12/17/2008	6,779,118 B1	R1341006	6609

40401   7590   06/08/2011
Hershkovitz & Associates, LLC
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Alexandria, VA 22314

EXAMINER
RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
3992	

MAIL DATE	DELIVERY MODE
06/08/2011	PAPER

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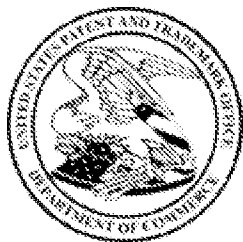
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HERSHKOVITZ & ASSOCIATES, LLC
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ALEXANDRIA, VA 22314

Appeal No: 2011-009566
Application: 90/009,301
Appellant: Ikudome et al.

Board of Patent Appeals and Interferences
Docketing Notice

Application 90/009,301 was received from the Technology Center at the Board on June 07, 2011 and has been assigned Appeal No: 2011-009566.

In all future communications regarding this appeal, please include both the application number and the appeal number.

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By order of the Board of Patent Appeals and Interferences.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,301	12/17/2008	6,779,118 B1	R1341006	6609

40401   7590   06/03/2011

Hershkovitz & Associates, LLC
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EXAMINER

ART UNIT	PAPER NUMBER

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REEXAMINATION CONTROL NO. *90/009,301*.

PATENT NO. *6,779,118 B1 ET*.

ART UNIT *3992*.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

PTOL-465 (Rev.07-04)

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
90/009,301	17 December 2008	6,779,118 B1 ET AL.	R1341006

EXAMINER
SAMUEL RIMELL

ART UNIT	PAPER
3992	20110601

DATE MAILED:

Hershkovitz & Associates, LLC
2845 Duke Street
Alexandria, VA 22314

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See Attached Communication Regarding Reply Brief

Sam Rimell
Primary Examiner
Art Unit: 3992

PTO-90C (Rev.04-03)

Treatment of Reply Brief

The reply brief filed May 27, 2011 has been entered and considered. The application has

been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

/Sam Rimell/

Sam Rimell
Primary Patent Examiner
Central Reexamination Unit 3992

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Inventor: Koichiro Ikudome, et al.

Art Unit: 3992

Reexamination Proceeding: 90/009,301
(Based on U.S. Patent No. 6,779,118)

Confirmation No.: 6609

Examiner: Sam Rimell

Reexamination Filed: December 17, 2008

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

Mail Stop ex parte Reexam
Atten.: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

Transmitted herewith are **REPLY BRIEF UNDER 37 C.F.R. § 41.41 with Certificate of Service, and REQUEST FOR ORAL HEARING with Certificate of Service** in connection with the above-captioned matter.

The fee has been calculated as shown below:

Claims After Amendment	No. of Claims Previously Paid	Present Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
*Total Claims:			x 26=	$	x 52=	$
**Indep. Claims:			x 110=	$	x220=	$
Extension Fee for Months				$		$
Other: Request for Oral Hearing				$540.00		$
		Total:		$540.00	Total:	$

__X__ Fee Payment made through EFS.

_____ Payment is made herewith by Credit Card (see attached Form PTO-2038).

__X__ The Director is hereby authorized to charge all fees under 37 CFR §§ 1.16 and 1.17 which may be required to maintain pendency of this application to Deposit Account No. 50-2929.

_____ The Director is hereby authorized to charge all fees under 37 CFR § 1.18 which may be required to complete issuance of this application to Deposit Account No. 50-2929.

Respectfully submitted,

Date: __May 27, 2011__

Abraham Hershkovitz
Registration No. 45,294

Ed Garcia-Otero
Registration No. 56,609

R1341006.A14; AH/EGO/pjj

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Koichiro Ikudome, et al.   Art Unit: 3992

Reexamination Proceeding: 90/009,301   Confirmation No.: 6609
(Based on U.S. Patent No. 6,779,118)

Reexamination Filed: December 17, 2008   Examiner: Sam Rimell

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief-Patents
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 23313-1450

Dear Commissioner:

This is a Reply Brief in response to the Examiner's Answer. The Examiner has withdrawn the rejection of Claims 28-31, 33-36 and 38-47 under 35 USC 112, second paragraph. The Examiner has maintained the prior rejection of claims 1-31, 33-36, 38-41 and 43-46 under 35 U.S.C. 103(a) as being unpatentable over He et al (U.S. Patent 6,088,415) in view of Zenchelsky et al. (U.S. Patent 6,233,686), and claims 32, 37, 42, and 47 under 35 U.S.C. 103(a) as being unpatentable over He et al. (U.S. Patent 6,088,415) in view of Zenchelsky et al. (U.S. Patent 6,233,686) and further in view of allegedly admitted prior art in the Present Patent (Ikudome et al., U.S. Patent 6,779,118, "Background of the Invention" at col. 1, lines 53-57).

Inasmuch as the Examiner's Answer was mailed on March 31, 2011, and this Reply Brief is filed not later than May 31, 2011, Patent Owner (Appellant) respectfully submits that this Reply Brief is timely filed.

The Patent and Trademark Office is hereby authorized to charge any fees in connection herewith or any fees necessary to preserve the pendency of this Reexamination Proceeding, or credit any overpayment, to H&A Deposit Account No. 50-2929, referencing Attorney Docket No. R1341006.

I.   INTRODUCTION

The Examiner, in denying Appellant's arguments for allowance, continues to misapprehend the structural and functional differences between He et al., U.S. Patent 6,088,415 ("HE") and the reexamination patent, Ikudome et al., U.S. Patent 6,779,118 ("IKUDOME") that make it impossible for HE to perform the network access control function required by IKUDOME's claims. At its core, this misapprehension arises from the erroneous assumption that HE's "credential server" renders obvious the functionality and features required for IKUDOME's claimed "redirection server." However, as will be explained in detail below, HE's "credential server" does not teach or suggest the functionality or features of IKUDOME's "redirection server."

II.   Neither HE Nor ZENCHELSKY Disclose A Redirection Server Connected *Between* A User's Computer And The Public Network As Required By IKUDOME.

While the Examiner lists several reasons for rejecting Appellant's arguments supporting patentability of claims 1-47[1], each reason arises from the same flawed assumption that the claims do not require IKUDOME's redirection server to be *between* the user's computer and the network. This is a critical difference because HE nowhere suggests such an arrangement, nor would such an arrangement serve any network element security purpose in HE.

Before addressing specific claim language demonstrating why the Examiner's assumption is flawed, consider first the different purposes of HE and IKUDOME. The purpose of HE is to provide secure access to *network elements* by credentialed users so as to prevent unauthorized access to information stored on the *network elements*. By contrast, the purpose of IKUDOME is to control access to a public *network* itself. IKUDOME's system would therefore enable, for example, a hotel operator to condition access to the public network through the hotel's access point (e.g. gateway) upon payment of a fee.

To insure that its network element security purpose is not compromised, HE also insists that data sent from the user's computer over the network to the selected network elements remain unchanged (H 18:14-23 and 19:20-31). This is in contrast to IKUDOME's network access control system which requires data sent from the user computer to the network be processed by

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[1] See Examiner's Answer at pages 25-26.

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the redirection server, which can change the data to redirect the data to a different location than the one requested. Indeed, HE at 22:40-42 states: "[f]or information that travels in the network, *local access control is not useful at all* and it is not possible to guarantee that integrity of a message." (Emphasis added.) This statement demonstrates that HE was not concerned with controlling network access but only with message integrity.

A.   Examiner's Answer (1)(a): Redirection Server Must be Between the User and the Network

In responding to Appellant's argument that IKUDOME's claims either expressly or inherently require "that the redirection server be located between the user and the user's side of the public network," the Examiner states "it is not necessary for the redirection server to be interposed between the user and the network." This is incorrect. All of the independent claims require that the processing of data from the user's computer by the redirection server occur *before* the data is communicated generally to the public network (e.g., the Internet). For example, Claim 1 recites that the *"data directed toward the public network"* (not data that is either on or has passed through the network) from one of the users' computers be *"processed by the redirection server."* The only possible interpretation of Claim 1 that would enable IKUDOME to perform its intended network access control function is for the redirection server to be located between the user's computer and the public network because that is the only way data *directed toward* the public network can be "processed" *before it is no longer directed toward but has passed into the public network.*

IKUDOME 4:50-52 fully supports this interpretation when it explicitly recites that "[t]he redirection server 208 is logically *located between the user's computer 100 and the network, and controls the user's access to the network"* (emphasis added). Furthermore, "processing" after access to the network has already been granted would render any attempt to control access as a

result of the processing inoperable[2]. For these reasons, the Examiner's interpretation of IKUDOME that would place the network between the user and the redirection server would render IKUDOME inoperable.

The Examiner nevertheless asserts that "[i]t is not necessary for the redirection server to be interposed between the user and the network to process data sent toward the network" (Examiner's Answer at page 25(a), citing Figure 10 and servers 202, 204, 206 in HE) because those security servers receive information from the user via the public network 106 and *HE allegedly performs the claimed functions*. However, the Examiner misperceives both the security function of HE and the network access control function of IKUDOME. HE's system nowhere discloses and has no need to control a user's access to the public network 106. Indeed, HE only discloses the opposite - giving the user unrestricted access to the network to enable the user to freely communicate "ticket" information over that network to any of the servers 202, 204, 206; to network elements 104; or to any other network site (such as an Internet URL not shown) that might be connected in the network 106. While some of the sites might well reject the user's attempt to access information stored on that site, the ability of the user to access the network itself is not restricted by HE. Therefore, the Examiner's statement that HE somehow performs IKUDOME's network access control function is factually wrong.

Finally, the prosecution history (application 09/295,955 which resulted in the Present Patent) also supports Appellant's interpretation and contradicts the Examiner's interpretation. For example, as early as the first Office Action (mailed January 30, 2001), the Examiner in the original prosecution interpreted Claim 1 as requiring the redirection server to be located between the user's computer and the Internet. Specifically, page 3 of the first Office Action asserts that Horowitz (WO 96/05549) discloses a system/method comprising "a dial up network server (or network server) that uses IDs from user's computers (see, abstract); [and] a redirection server (a firewall or filter or gateway) to the dial-up network server." Thus, the original Examiner interpreted the claimed redirection server as being like a firewall (or filter or gateway), which

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[2] For the same reasons, the other independent claims, Claim 8, ("processing data directed toward the public network from the one of the users' computers according to the individualized rule set [programmed in the redirection server]"; Claims 15 and 25, ("the rule set [programmed in the redirection server] contains at least one of a plurality of functions used to control data passing between the user and the public network"); Claim 15 ("the redirection server has a user side that is connect to a computer ... and a network side connected to a computer network") also can only be interpreted as positioning the redirection server between the user's computer and the network.

must necessarily be located between the user's computer and the network being accessed. Appellant submits that it is improper and inequitable for the reexamination Examiner, many years after the patent has issued, to adopt a claim interpretation that is contrary to the prosecution history without articulating any justification or rationale as to why the original Examiner's interpretation was erroneous. Indeed, absent clear error by the original Examiner, full faith and credit should be given to that original Examiner's actions including the interpretation of "redirection server." See, e.g., *Amgen, Inc. v. Hoechst Marion Roussel, Inc.*, 126 F. Supp. 2d 69, 139, 57 USPQ2d 1449, 1499-50 (D. Mass. 2001) (Full faith and credit should be given to the action of a previous examiner unless there is a clear error in the previous action).

> B.   Examiner's Answer (1)(b): User Data Is Not Processed By the Redirection Server When the User's Computer is Connected Directly to The Network.

The Examiner further argues, at page 26 of the Examiner's Answer, that the functions of processing data at the redirection server and directing data to the network "can be achieved by simply connecting both the user and the redirection server to the same public network." This logic is incomprehensible. First, IKUDOME never teaches or suggests a user's computer connected directly to the public network. Indeed, if the user's computer were connected directly to the network, the user would be able to bypass the redirection server, thus rendering the redirection server superfluous and the IKUDOME system inoperative. Second, as explained above, the language of Claim 1 requires that the data processed by the redirection server is data "directed toward the public network." This claim language necessarily requires that the processing of data from the user's computer occur before, not after, the data is allowed onto the public network.

> C.   Examiner's Answer (1)(c): "User Side" and "Network Side" Terminology Issue.

In further support of the proposition that the redirection server of IKUDOME need not be between the user's computer and the public network, the Examiner asserts, at Examiner's Answer page 26, that because some of the claims do not explicitly recite a "user side" and "network side" for the redirection server, such language was not intended to be incorporated in those claims, and therefore the claims without that specific language do not require that the redirection server be located between the user and the network. However, this argument fails to

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account for the language of the other claims and the specification as discussed above. See e.g., Claim 8, "processing data *directed toward* the public network from the one of the users' computers" and Claim 15, "a redirection server programmed with the user's rule set ... to control data passing between the use and the public network ." Claim limitations can be expressed in various ways using different terms, and the independent claims do not need to expressly use the specific terms "user side" or "network side" to incorporate the requirement that the location of the redirection server is between the user's computer and the network as above described.[3]

D.   Examiner's Answer (1)(d): HE Does Not Disclose or Suggest A Redirection Server With a "Network Side" and a "User Side."

Finally, the Examiner asserts that the user side of IKUDOME's redirection server is disclosed by elements 102 and server 1002 of HE's Figure 10, and the network side of IKUDOME's redirection server is disclosed by network elements (104) of HE's Figure 10. Appellant is at a loss to understand the Examiner's rationale. If the user communicates data (such as the "credential ticket" information) through the dial up server to a network element as taught by HE, then the "credential server" is <u>not</u> in the communication path between the user's computer and the network element, and which serves no network access control function as required by IKUDOME. Additionally, if the user communicates information (e.g., the general ticket from the authentication server) to the "credential server" in HE, the elements 102 and 1002 are on one side of the network 106 and the credential server is on the other side of the network, an arrangement that again makes control of network access by the redirection server as required IKUDOME impossible.

For each of the above reasons the Examiner's arguments at Answer pages 25-26 are without merit and cannot support continued rejection of Claims 1-47.

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[3] See detailed discussion of the claim language in Section II (A) above.

III. Redirection At A Network Destination As Taught By the Prior Art Does Not Teach Or Suggest "Redirection" At The Public Network Entry Point For Controlling Network Access.

The Examiner, relying on the IKUDOME specification at 1:38-67, asserts that Appellant has effectively admitted that the redirection traffic is prior art.[4] However, the Examiner misunderstands not only the prior art disclosed in IKUDOME but also Appellant's statement. First, Appellant has never asserted and does not now assert the novelty of "redirection" generally. What Appellant does assert as novel is *redirection of data directed towards the public network before general access to the public network has been granted.* Specifically, Claim 1 requires that "data directed towards the public network" is "processed by the redirection server."

Only with this claimed arrangement is the redirection server able to control a user's computer's access to the Internet in advance of granting access. By contrast, the prior art disclosed in the background in IKUDOME refers exclusively to *redirection controlled at the remote server end after access to the public network has been granted, and after data has traveled through the public network and arrived at the remote server to which it was sent.* Redirection as a tool for controlling access to a network in the first instance would be impossible using prior art redirection at the network element after access to the network had been granted.

This is clear from the very section of IKUDOME cited by the Examiner, which discloses:

> One disadvantage with current technology is that control of the redirection is at the remote end, or WWW server end – and not the local, or user end. That is to say that the redirection is performed by the remote server, not the user's local gateway. [IKUDOME 1:63-67]

Therefore, contrary to the Examiner's assertion, Appellant has never "admitted" that *user side or local redirection* to control access to a public network (Internet) is either prior art or was "available and frequently used by persons of ordinary skill in the art." As discussed above, all of the independent claims require that redirection occur at the local or user end <u>before</u> access to the network is permitted, so that the redirection server functions as the gateway to the public network.

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[4] Examiner's Answer at page 32.

Because the Examiner's rejection of claims 32, 37, 42, and 47 is based on erroneous perceptions of the prior art and Appellant's alleged admissions, the Examiner's rejection should be reversed and claims 32, 37, 42 and 47 allowed.

IV. The Interpretation of "Redirection Server" Is A Server Programmed By The Rule Set To Implement Blocking, Allowing And Redirection Functionalities.

A. Examiner's Answer (2)(a): Contrary to the Examiner's Position, the Redirection Server In Claim 1 Includes Structure and Function.

At pages 26-28 of the Examiner's Answer, the Examiner states that the "redirection server" can only be a recitation of structure and does not include any functional limitations because claims 3 and 4 would otherwise be redundant. The Examiner's conclusion is apparently based on the assumption that only the functional limitations – blocking, allowing and redirecting – are added by claims 3-6. However, claims 3-6 do not merely recite functionality but also include additional limitations not recited in Claim 1, for example, "*to and from* the user's computers" and "as a *function* of the individualized rule set." Therefore, reciting blocking, passing and redirection functionality does not render claims 3 and 4 redundant and does not support an interpretation that "redirection server" in Claim 1 is only a recitation of structure that does not include "redirection" functionality.

B. Examiner's Answer (2)(b): HE Does Not Suggest or Disclose Redirection Nor Can Redirection be Inferred From "Blocking" or "Passing."

The redirection server, under control of a rule set, can perform many functions including, but not limited to, checking, blocking, allowing, redirection, and changing rules sets. Appellant has consistently asserted that the "redirection server" of Claim 1 must be capable of performing at least blocking, **and** allowing, **and** redirecting (albeit not necessarily simultaneously).

Previously, the Examiner has taken the position that the redirection server of Claim 1 was only required to perform blocking, **or** passing, **or** redirecting. (See Appellant's Statement of Interview filed October 2, 2010, at pages 2 and 3.) Because redirection was "optional" in this interpretation, the Examiner previously took the position that the blocking/passing disclosed in HE was sufficient to suggest the redirection server of Claim 1 even though HE never mentions, suggests or needs any redirection functionality.

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In response to Appellant's brief, the Examiner has abandoned the alternative "blocking **or** passing **or** redirecting" interpretation and has apparently adopted Appellant's conjunctive "blocking **and** passing **and** redirecting" interpretation, but now errantly asserts that Claim 1 is obvious in view of HE because "blocking/passing is a part of the logic in the redirection process and thus readable as redirection" (underlining in original) (Examiner's Answer at page 26). In other words, the Examiner now apparently takes the position that redirection is inseparably bound to and required by blocking/passing, and therefore HE's disclosure of "blocking/passing" inherently also discloses "redirection." Appellant respectfully traverses this position.

While HE discloses blocking at the network elements, HE does <u>not</u> disclose or suggest or require redirection. If the blocking function is to be performed without redirection (as in HE), there is no rationale (and the Examiner has cited none) why redirection cannot similarly be performed independently of the blocking or allowing functions. Also, while blocking and allowing and redirection are required in IKUDOME's redirection server, there is no teaching or requirement that a blocking function (as in HE) must inherently be accompanied by a redirection function.

The Examiner's reliance on IKUDOME's use of the phrase "attendant logical decisions" (IKUDOME at col.4, lines 60-63) to support the assertion that blocking and passing inherently requires redirection is also misplaced. This phrase merely implies that the logical functions of IKUDOME may all conveniently be performed by the redirection server, not that one function such as redirection necessarily requires performing another function such as blocking (or vice versa). The Examiner's position that a blocking function necessarily requires an attendant redirection function is without support or merit.

C.   Examiner's Answer (2)(c): The District Court's Interpretation of Redirection Server, While Not Binding, Should Be Adopted Absent Any Rationale for Another Interpretation.

The Examiner has also rejected the District Court's claim construction of "redirection server," stating only that such court rulings, while given weight, are not binding on the USPTO. However, since the Examiner's own interpretation is without logic or factual support as demonstrated above, the District Court's interpretation of "redirection server" should be adopted

consistent with giving weight to the District Court's interpretation as the better reasoned
interpretation.

    D.   Examiner's Answer (2)(d): Manually Selecting a Different Network Element
    When a Request for Another Has Been Blocked Is Not Redirection.

Finally, the Examiner asserts that HE provides for blocking, passing and redirection
because "[w]hen a user in He et al requests a blocked network element and then attempts and
accesses a different network element, the user has been redirected to accessible network elements
by application of the available rule set." This analysis must be rejected for several reasons.
First, the Examiner failed to cite any disclosure in HE that supports the posited scenario and
Appellant has been unable to find any. Also, while "blocking" at the network elements is
discussed at HE 26:33-28:59, HE nowhere discloses blocking at the network access point and
nowhere suggests *redirection* of a user request to another network element when an access
attempt fails. Indeed, HE does not teach or suggest redirection from one network element to
another in response to redirection server processing under control of a programmed rule set as
required by IKUDOME. Asserting that the user side redirection taught by IKUDOME occurs
when a user manually types in another URL to try to access another network element is not
"redirection" by a server. The Examiner's argument is therefore without evidentiary support
from HE or any other source, and cannot be a basis of maintaining a rejection of any of the
IKUDOME claims.

V.   Modification Of The Rule Set By The Redirection Server For Controlling Data Passing Between The User And The Public Network Is Not Disclosed Or Suggested By HE.

The Examiner's Answer at pages 28-30 reiterated the prior rejection of Claim 15 based
on the "automated modification" feature, stating that a "data base tool (i.e. an *automated*
software tool) associated with server system 208 can create or delete user accounts." See HE at
col. 17, lines 19-21. However, the Examiner misreads the teaching of HE and the meaning of
automated modification in IKUDOME[5].

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[5] Without agreeing to the distinction drawn by the Examiner between "automatic" and
"automated," Appellant acknowledges that the word "automated" rather than "automatic" is used

Turning first to IKUDOME Claim 15, the automated modification of the rule set must occur while the user's rule set remains correlated to the temporarily assigned network address in the redirection server. Furthermore, the rule set must also function to control data passing *between* the user and the public network. HE does not disclose automated modification of a rule set, much less disclose the requirements of Claim 15.

The complete quote of the above section of HE relied on by the Examiner reads as follows:

> "It is desirable that a *database tool* be provided for the *system security administrator* to create, delete, disable and modify a user account. Such a tool should provide a user-friendly interface to aid the *system security administrator* to effectively and conveniently manage user accounts" (emphasis added).

Therefore, HE only teaches a *user* friendly database tool for deletion and disabling or modifying a user account in a database *by a system security administrator*. This section says nothing about *automated* modification. Furthermore, the modification is to information in HE's *database* not to information in HE's *"credential server."* Modifying data in a database located some place other than the redirection server is not an element of IKUDOME's claims or system. Rather, IKUDOME Claim 15 requires that the automated modification be made to the *rule set in the redirection server* or, according to the Examiner's analysis, to the "credential ticket" in the "credential server." Nothing in HE teaches changing the credential ticket in the credential server. In fact, HE teaches just the opposite - that the credential ticket cannot be changed (HE 19:20-31).

HE, whether alone or in combination with Zenchelsky, also does not suggest changing the rule set in the redirection server *while a temporarily assigned network address remains correlated.* In other words, Claim 15 requires changing the rule set while the users' computer remains connected to the system. Neither HE nor Zenchelsky disclose a system where access controls are altered while the user's computer remains connected to the network.

Again the purpose of this automated rule change in IKUDOME is to control a user's access to the network. Because controlling access to the network itself is not a function of HE's security system, HE would have no motivation whatsoever for controlling a user's access to the network. Indeed, HE at 22:40-42 states: "[f]or information that travels in the network, *local access control is not useful at all* and it is not possible to guarantee the integrity of a message." (Emphasis added.) This statement demonstrates that HE was not concerned with controlling network access but only with message integrity.

in Claim 15, rendering the Examiner's recitation moot.

For each of these reasons, the Examiner's position with respect to Claim 15 and claims dependent from Claim 15 is without merit.

VI.   The Examiner's Reliance On Network Elements As Corresponding To "Multiple Destinations" To Reject Claim 6 Is Misplaced Because HE Does Not Teach Or Disclose A "Credential Server" [204] That Functions To Redirect Data From The User's Computer To The Multiple Network Elements [104].

Appellant agrees that Claim 6 does not limit the content of the data sent by the user to one or more Internet destinations as recited at Examiner's Answer, pages 30-31[6]. However, the Examiner ignores the remaining elements of Claim 6 that require that the "redirection server further redirects data from the user's computers ... as a function of an individualized rule set." HE's "credential server" does not "redirect data," does not "redirect data [directed to the network] from the user's computers," does not process data "as a function of [a] rule set," and is not programmed by the rule set to function according to the rule set.

The Examiner's argument regarding Claim 6 is therefore without merit.

VII.   Contrary To the Examiner's Position, The Functionality Of The Redirection Server is Changed Whenever The Rule Set Programmed Into The Redirection Server Is Changed.

The Examiner has rejected Claims 28, 30, 31, 33, 35, 36, 38, 40, 41, 43, 45 and 46 by taking the position that the claimed rule set in each is "just a set of text characters" that imparts no additional structure or function since the claim does not require that the rule be executed. Based on this conclusion, the Examiner invokes *In re Ngai*, 367 F.3d 1336 (Fed.Cir. 2004). However, the Examiner's reliance on *In re Ngai* is misplaced.

The rule set (described by the Examiner as merely printed matter) is actually a set of stored instructions that defines and controls the functionality of the redirection server. Without the rule set programmed into the redirection server, the redirection server would not work. To illustrate, Claim 28, which depends from Claim 1 and which therefore includes all the limitations

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[6] Appellant agrees with the Examiner that Claim 6 does not include a limitation on the content of the data itself and that this impression arose from Appellant's imprecise use of the words "multiple destinations" means that the rules "may requires [sic] sending the same data." Less confusing words would have been "may allow for sending the same data."

of Claim 1, requires that "data directed toward the public network from the users' computers [be] processed by the redirection server *according to the individualized [Claim 28] rule set*" (emphasis added). Consequently, the rule set specifically defined in Claim 28 (as well as Claims 30 and 31) is not merely a set of instructions functionally unrelated to the redirection server. Rather, like the numbers in *In re Gulack*, 703 F.2d 1381 (Fed.Cir. 1983), where the subject printed matter was essential to the functionality of the invention, the rule set in IKUDOME is the "program" loaded into the redirection server that is essential to enable the redirection server to function. As such, *In re Ngai* is inapplicable.

The same rationale also applies to the other rejected claims: the rule sets which are the subject of Claims 33, 35, and 36 depend from Claim 8 and require "*processing* data directed toward the public network from the one of the users' computers *according to the individualized rule set [defined, e.g., by Claims 33, 35, or 36]*"; the rule sets that are the subject of claims 38, 40 and 41 which depend from Claim 15 require "a redirection server programmed with the user's rule set ... wherein the rule set [defined, e.g., by Claims 38, 40 or 41] contains at least one of a plurality of functions *used to control data passing between the user and a public network*"; and the rule sets that are the subject of Claims 43, 45 and 46, that depend from Claim 25 require that "the user's rule set [defined, e.g., by Claims 43, 45 or 46] contains at least one of a plurality of functions *used to control data passing between the user and the public network.*"

Because the Examiner's rejection of Claims 28, 30, 31, 33, 35, 36, 38, 40, 41, 43, 45 and 46 was based on *In re Ngai*, which for the reason set out above is not applicable, the rejection of those claims must be withdrawn and the claims allowed.

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For the reasons set forth above, Appellant requests that the Board overturn the Examiner's rejections and that the Examiner allow all pending claims.

Respectfully submitted,

LINKSMART WIRELESS TECHNOLOGY, LLC

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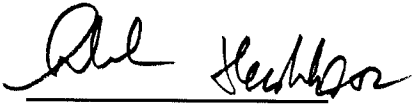
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Date: May 27, 2011

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CERTIFICATE OF SERVICE

It is hereby certified that the attached REPLY BRIEF UNDER 37 C.F.R. § 41.41 is being served **by first class mail on May 27, 2011** on the third party requester at the third party requester's address:

JERRY TURNER SEWELL
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Ed Garcia-Otero

15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Koichiro Ikudome, et al.   Art Unit: 3992

Reexamination Proceeding: 90/009,301   Confirmation No.: 6609
(Based on U.S. Patent No. 6,779,118)

Reexamination Filed: December 17, 2008   Examiner: Sam Rimell

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

REQUEST FOR ORAL HEARING UNDER 37 C.F.R. § 41.47

Mail Stop Board of Patent Appeals and Interferences-Patents
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 23313-1450

Dear Commissioner:

This is a Request for an Oral Hearing in response to the Examiner's Answer. Inasmuch as the Examiner's Answer was mailed on March 31, 2011, and this Request is filed not later than May 31, 2011, Patent Owner (Appellant) respectfully submits that this Request is timely filed. The fee set forth in 37 CFR 41.20(b)(3) accompanies this Request.
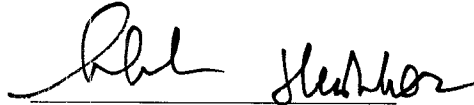
Should any additional fee or fees be necessary for consideration of the papers filed herein, please charge any such fee or fees and refund any excess payments to Deposit Account No. 50-2929, referencing docket no. R1341006.

Evidence of Service of this Response on the 3rd party requester is found after the last page of this paper.

Should the Examiner or the Board have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,

LINKSMART WIRELESS TECHNOLOGY, LLC

Abraham Hershkovitz
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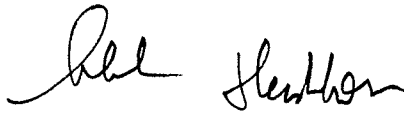Reg. No. 56,609

May 27, 2011

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CERTIFICATE OF SERVICE

It is hereby certified that the attached REQUEST FOR ORAL HEARING in Reexamination Proceeding No. 90/009,301 is being **served by first class mail on May 27, 2011** on the third party requester at the third party Requester's address of record:

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Abraham Hershkovitz

3

Electronic Patent Application Fee Transmittal

Application Number:	90009301
Filing Date:	17-Dec-2008
Title of Invention:	USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM
First Named Inventor/Applicant Name:	6,779,118 B1
Filer:	Abraham Hershkovitz/Patricia Jaquett
Attorney Docket Number:	R1341006

Filed as Small Entity

ex parte reexam Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Request for oral hearing	2403	1	540	540
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**540**

Electronic Acknowledgement Receipt

EFS ID:	10189065
Application Number:	90009301
International Application Number:	
Confirmation Number:	6609
Title of Invention:	USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM
First Named Inventor/Applicant Name:	6,779,118 B1
Customer Number:	40401
Filer:	Abraham Hershkovitz
Filer Authorized By:	
Attorney Docket Number:	R1341006
Receipt Date:	27-MAY-2011
Filing Date:	17-DEC-2008
Time Stamp:	19:32:36
Application Type:	Reexam (Third Party)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$ 540
RAM confirmation Number	5089
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Trans Letter filing of a response in a reexam	R1341006_A14_Transmittal.pdf	57443 4d8c0b6265fe773c4223be4e2247e75bcfa6 10d2	no	1

Warnings:

Information:

2		R1341006_A14_ReplyBrf_CertofSrvc.pdf	738605 f00dbc3aa9a5f98fc29fb39b13734d9c0d53 a6c6	yes	15

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Appeal Brief-Owner	1	14
Reexam Certificate of Service	15	15

Warnings:

Information:

3		R1341006_A14_ReqOralHrg_CertofSrvc.pdf	59737 705891b677b06f7db2905ed597f6c8e918f7 df52	yes	3

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Oral Hearing Request - Third Party Requester	1	2
Reexam Certificate of Service	3	3

Warnings:

Information:

4	Fee Worksheet (PTO-875)	fee-info.pdf	30431 9169c9b8618972c550102bd844f79ad5708 72685	no	2

Warnings:

Information:

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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,301	12/17/2008	6,779,118 B1	R1341006	6609

40401	7590	03/31/2011

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EXAMINER

ART UNIT	PAPER NUMBER

DATE MAILED: 03/31/2011

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Jerry Turner Sewell
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Newport Beach, CA   92658-5015

MAILED

MAR 3 1 2011

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/009,301*.

PATENT NO. *6,779,118 B1 ET*.

ART UNIT *3992*.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

PTOL-465 (Rev.07-04)

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

MAR 31 2011

CENTRAL REEXAMINATIO. UNIT

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 90/009,301
Filing Date: December 17, 2008
Appellant(s): 6,779,118 B1 ET AL.

Abraham Hershkovitz
Ed Garcia-Otero
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 2, 2011 appealing from the Office

action mailed August 2, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

There are no related appeals or interferences. The Markman Order referenced on page 3 of the brief is not a "related appeal or interference".

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-47.

(4) Status of Amendments After Final

The brief refers to a response after final rejection of October 21, 2010. No such response appears in the record.

Patent owner did submit an after final response on October 2, 2010, which was approved for entry via the advisory action of November 15, 2010.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN

REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW

GROUNDS OF REJECTION."

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they

have been withdrawn by the examiner: Rejection of claims 28-31, 33-36 and 38-47 under 35

USC 112, second paragraph.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the

Appendix to the appellant's brief.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and

admitted prior art) relied upon in the rejection of claims under appeal:

- U.S. Patent 6,088,451 to He et al, issued July 11, 2000, filed June 28, 1996.

- U.S. Patent 6,233,686 to Zenchelsky et al, issued May 15, 2001, filed January 17, 1997.

- Admitted Prior Art: U.S. Patent 6779,118 (current patent under reexamination) at

"Background of the Invention", col. 1, lines 53-57.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Rejections under 35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-31, 33-36, 38-41 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over He et al (U.S. Patent 6,088,451) in view of Zenchelsky et al (U.S. Patent 6,233,686).

The reference to He et al was filed June 28, 1996, making the reference available as prior art under 35 USC 102(e). Note MPEP 2244 which states:

"The examiner can find "a substantial new question of patentability" based upon the prior art patents or printed publications relied on in the request, a combination of the prior art relied on in the request and other prior art found elsewhere, or based entirely on different patents or printed publications."

The reference to He et al raises substantial new questions of patentability due to its teachings of dial up servers, authentications servers and databases with user ID entries associated with rules, as provided in the detailed analysis below. The reference to He et al was not cited during the prosecution history of U.S. Patent 6,779,118 and is available for application in this action.

The reference to Zenchelsky et al was previously identified in the order of February 27, 2009 as being available as prior art and of raising substantial new questions of patentability.

Claim 1: **A system** (He et al; FIG 10) **comprising:**

a database (He et al; FIG 10, database 210) **with entries correlating each of a plurality of user IDs with an individualized rule set** (He et al; col. 16, lines 54-57 teach "user ID", col. 16, lines 61-67 teach "user credentials" corresponding to a rule set)

a dial-up network server (He et al; FIG 10, dial up server 1002) **that receives user IDs**

from users' computers (He et al; col. 17, lines 57-58, "The request message contains the user

identifier")

a redirection server (He et al; credential server 204) **connected to the dial-up network**

server and a public network (He et al; FIG 10, server 204 interconnects to dial up server 1002

via the public network 106), **and**

an authentication accounting server (He et al; authentication server 202) **connected to**

the database, the dial-up network server and the redirection server (He et al; FIG 10, server

202 interconnects to dial up server 1002 via the public network 106 and redirection server 204

via public network 106);

wherein the dial-up network server communicates a first user ID for one of the

users' computers (He et al; col. 31, lines 1-9) **and**

a temporarily assigned network address for the first user ID to the authentication

accounting server (Zenchelsky et al; col. 1, lines 30-35 establish well known nature of

assigning temporary IP address to user at session login; col. 1, lines 60-64 establish well known

nature of having source and destination address encoded into communication packets as

necessary to facilitate communication between source and destination. It would have been

obvious to one of ordinary skill in the art to modify He et al; so to provide temporary IP address

to a user node and additionally encode communications packets with source and destination

address as necessarily to facilitate communication through a switched packet network as taught

by Zenchelsky et al);

wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address (He et al; col. 17, lines 61-66) to the redirection server (credentials passed from database 210 to credential server 204; He et al; col. 17, lines 67 through col. 18, line 1 and col. 19, lines 2-7); and wherein data directed toward the public network from the one of the users' computers (He et al; col. 18, lines 24-30) are processed by the redirection server according to the individualized rule set (He et al; col. 19, lines 2-8, the user credentials are individualized rule set).

Claim 2: The system of claim 1, wherein the redirection server (He et al; credential server 204) further provides control over a plurality of data to and from the users' computers as a function of the individualized rule set (He et al; col. 19, lines 2-11, credential server 204 retrieves user credentials which correspond to an individualized rule set that controls access. Also see He et al at col. 16, lines 61-67 for detail of user credentials).

Claim 3: The system of claim 1, wherein the redirection server (He et al; credential server 204) further blocks the data to and from the users' computers as a function of the individualized rule set (He et al; credential server 204 retrieves user credentials which correspond to an individualized rule set that controls access to network elements 104. Conversely, network elements 104 which cannot be accessed in accordance with the user credentials are inherently blocked from access. Also see He et al at col. 19, lines 24-31 which describe the scenario where the user access ticket is actively voided, corresponding to a blocking action).

Claim 4: **The system of claim 1, wherein the redirection server further allows the data to and from the users' computers as a function of the individualized rule set** (He et al; col. 19, lines 2-11, credential server 204 retrieves user credentials which correspond to an individualized rule set that controls access to network elements 104. Data exchange occurs between accessed network elements 104).

Claim 5: **The system of claim 1, wherein the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set** (He et al; col. 19, lines 2-11, credential server 204 retrieves user credentials which correspond to an individualized rule set that controls access to network elements 104. Data access to network elements 104 corresponds to data moving to and from users' computers).

Claim 6: **The system of claim 1, wherein the redirection server further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set** (He et al; FIG 10, plural network elements 104 represent multiple potential destinations for interaction based on particular user credentials).

Claim 7: **The system of claim 1, wherein the database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set** (He et al; col. 16, line 54 through line 68. Each database entry (record) includes a user ID accompanied by user credentials. The user credentials are the individualized rules for a particular user).

Claim 8: **In a system** (He et al; FIG 10) **comprising a database** (He et al; FIG 10, database 210) **with entries correlating each of a plurality of user IDs with an individualized rule set** (He et al; col. 16, lines 54-57 teach "user ID", col. 16, lines 61-67 teach "user credentials" corresponding to a rule set); **a dial up network server** (He et al; FIG 10, dial up

server 1002) **that receives user IDs from users' computers** (<u>He et al</u>; col. 17, lines 57-58,

"The request message contains the user identifier"); **a redirection server** (<u>He et al</u>; credential

server 204) **connected to the dial-up network server and a public network** (<u>He et al</u>; FIG 10,

server 204 interconnects to dial up server 1002 via the public network 106), **and an**

authentication accounting server (<u>He et al</u>; authentication server 202) **connected to the**

database, the dial-up network server and the redirection server (<u>He et al</u>; FIG 10, server

202 interconnects to dial up server 1002 via the public network 106 and redirection server 204

via public network 106); **the method comprising the steps of:**

communicating a first user ID for one of the users' computers (<u>He et al</u>; col. 31, lines

1-9) **and a temporarily assigned network address for the first user ID from the dial-up**

network server to the authentication accounting server (<u>Zenchelsky et al</u>; col. 1, lines 30-35

establish well known nature of assigning temporary IP address to user at session login; col. 1,

lines 60-64 establish well known nature of having source and destination address encoded into

communication packets as necessary to facilitate communication between source and

destination. It would have been obvious to one of ordinary skill in the art to modify <u>He et al</u>; so

to provide temporary IP address to a user node and additionally encode communications packets

with source and destination address as necessarily to facilitate communication through a

switched packet network as taught by <u>Zenchelsky et al</u>);

communicating the individualized rule set that correlates with the first user ID and

the temporarily assigned network address (<u>He et al</u>; col. 17, lines 61-66) **to the redirection**

server from the authentication accounting server (<u>He et al</u>; col. 17, line 67 through col. 18,

line 1. The authentication accounting creates a ticket which gets passed by the user to the credential server 204 allowing access to the user credentials that define rules); and

processing data directed toward the public network from the one of the users' computers according to the individualized rule set (He et al; col. 19, lines 2-8, the user credentials are individualized rule set).

<u>Claim 9:</u> **The method of claim 8, further including the step of controlling a plurality of data to and from the users' computers as a function of the individualized rule set** (He et al; col. 19, lines 2-11, credential server 204 retrieves user credentials which correspond to an individualized rule set that controls access. Also see He et al at col 16, lines 61-67 for detail of user credentials).

<u>Claim 10:</u> **The method of claim 8, further including the step of blocking the data to and from the users' computers as a function of the individualized rule set** (He et al; credential server 204 retrieves user credentials which correspond to an individualized rule set that controls access to network elements 104. Conversely, network elements 104 which cannot be accessed in accordance with the user credentials are inherently blocked from access. Also see He et al at col. 19, lines 24-31 which describe the scenario where the user access ticket is actively voided, corresponding to a blocking action).

<u>Claim 11:</u> **The method of claim 8, further including the step of allowing the data to and from the users' computers as a function of the individualized rule set.** (He et al; col. 19, lines 2-11, credential server 204 retrieves user credentials which correspond to an individualized rule set that controls access to network elements 104. Data exchange occurs between accessed network elements 104).

Claim 12: **The method of claim 8, further including the step of redirecting the data to and from the users' computers as a function of the individualized rule set** (He et al; col. 19, lines 2-11, credential server 204 retrieves user credentials which correspond to an individualized rule set that controls access to network elements 104. Data access to network elements 104 corresponds to data moving to and from users' computers).

Claim 13: **The method of claim 8, further including the step of redirecting the data from the users' computers to multiple destinations a function of the individualized rule set** (He et al; FIG 10, plural network elements 104 represent multiple potential destinations for interaction based on particular user credentials).

Claim 14: **The method of claim 8, further including the step of creating database entries for a plurality of the plurality of users' IDs, the plurality of users' ID further being correlated with a common individualized rule set** (He et al; col. 16, line 54 through line 68. Each database entry (record) includes a user ID accompanied by user credentials. The user credentials are the individualized rules for a particular user).

Claim 15: **A system** (He et al; FIG 10) **comprising: a redirection server** (He et al; FIG 10, credential server 204) **programmed with a user's rule set** (He et al; col. 19, line 3, credential server retrieves user credentials, which correspond to a rule set. When the credential server 204 retrieves the user credentials, it is programmed with that particular rule set. Alternatively, providing access by the credential server to the database containing the rule set can constitute being programmed with the rule set) **correlated to a temporarily assigned network address** (Zenchelsky et al; col. 1, lines 30-35 establish well known nature of assigning temporary IP address to user at session login; col. 1, lines 60-64 establish well known nature of

having source and destination address encoded into communication packets as necessary to

facilitate communication between source and destination. It would have been obvious to one of

ordinary skill in the art to modify He et al; so to provide temporary IP address to a user node

and additionally encode data communication packets with source and destination address as

necessarily to facilitate communication through a switched packet network as taught by

Zenchelsky et al);

wherein the rule set contains at least one of a plurality of functions used to control

data passing between the user and a public network (He et al; col. 16, lines 61-67,

credentials define plural functions. Also, note the additional functions at col. 17, lines 6-27

attributed to the overall server system 208);

wherein the redirection server is configured to allow automated modification of at

least a portion of the rule set correlated to the temporarily assigned network address (He

et al; col. 17, lines 19-21, database tool associated with server system 208 can create or delete

user accounts) **and wherein the redirection server is configured to allow automated**

modification of at least a portion of the rule set (He et al; col 17, lines 19-21, any of the user

account information can be modified) **as a function of some combination of time, data**

transmitted to or from the user, or location the user attempts to access (He et al; col 17,

line 13 attributes a "lifetime" to the authentication. Since any portion of the user account can be

modified, the length of the "lifetime" can be modified as well. Alternatively, since the

modification can be made at any time, the modification can occur "as a function of time". The

"data transmitted" and "location" are optional recitations, and thus do not carry patentable

weight in the current claim (MPEP 2106, Section C). It is also noted that the phrase "some

combination" does not necessarily require two or more of the elements to be present. For example, a subcombination could be a combination that invokes only one of the elements recited).

Claim 16: **The system of claim 15, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of time** (He et al; col 17, line 13 attributes a "lifetime" to the authentication. Since any portion of the user account can be modified, the length of the "lifetime" can be modified).

Claim 17: **The system of claim 15, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user** (This feature is optionally recited in claim 15, and can be interpreted as an optional recitation in a claim dependent on claim 15. Such optional recitations do not carry patentable weight (MPEP 2106, Section C). Nonetheless, He et al at col 17, lines 19-21 define data input being supplied by a system administrator which can modify the rule set, for example, by deleting it. The system administrator is one of the system users).

Claim 18: **The system of claim 15, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the location or locations the user attempts to access** (This feature is optionally recited in claim 15, and can be interpreted as an optional recitation in a claim dependent on claim 15. Such optional recitations do not carry patentable weight (MPEP 2106, Section C). Nonetheless, He et al at col 17, lines 19-21 define data input being supplied by a system administrator which can modify the rule set, for example, by deleting it. The location of the administrator is the location at which modification is permitted).

Claim 19: **The system of claim 15, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of time** (He et al; col 17, lines 19-21, the administrator is allowed to create or delete (i.e. remove or reinstate) any portion of the user account. Any actions of administrator inherently occur over some given period time).

Claim 20: **The system of claim 15, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the data transmitted to or from the user.** (This feature is optionally recited in claim 15, and can be interpreted as an optional recitation in a claim dependent on claim 15. Such optional recitations do not carry patentable weight (MPEP 2106, Section C). Nonetheless, He et al at col 17, lines 19-21 define data input being supplied by a system administrator which can create or delete (i.e. remove or reinstate) any portion of the user account. The system administrator is one of the system users).

Claim 21: **The system of claim 15, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the location or locations the user attempts to access** (This feature is optionally recited in claim 15, and can be interpreted as an optional recitation in a claim dependent on claim 15. Such optional recitations do not carry patentable weight (MPEP 2106, Section C). Nonetheless, He et al at col 17, lines 19-21 define data input being supplied by a system administrator which can create or delete (i.e. remove or reinstate) any portion of the user account. The location of the administrator is the location at which modification is permitted).

Claim 22: **The system of claim 15, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location or locations the user access.** (He et al; col 17, lines 19-21, the administrator is allowed to create or delete (i.e. remove or reinstate) any portion of the user account. Any actions of administrator inherently occur over some given period time. He et al at col 17, lines 19-21 define data input being supplied by a system administrator which can create or delete (i.e. remove or reinstate) any portion of the user account. He et al at col 17, lines 19-21 define data input being supplied by a system administrator which can create or delete (i.e. remove or reinstate) any portion of the user account. The location of the administrator is the location at which modification is permitted).

Claim 23: **The system of claim 15, wherein the redirection server** (He et al; credential server 204) **has a user side** (He et al; FIG 10, any one of or both of the dial up server 1002 and dial up access network 1004) **that is connected to a computer** (He et al; FIG 10, user element 102) **using the temporarily assigned network address** (Zenchelsky et al; col. 1, lines 29-35) **and a network side** (He et al; FIG 10, any one of or both of the interconnection network 106 and network elements 104) **connected to a computer network** (He et al; interconnection network 106) **and wherein the computer** (He et al; FIG 10, user element 102) **using the temporarily assigned network address** (Zenchelsky et al; col. 1, lines 29-35) **is connected to the computer network through the redirection server** (He et al; FIG 10, computer 102 is connected to the interconnection network 106 via the credential server 204).

Claim 24: **The system of claim 23 wherein instructions to the redirection server to modify the rule set are received by one or more of the user side of the redirection server and the network side of the redirection server** (He et al; col 17, lines 19-21 refer to a network administrator modifying any portion of a user account. He et al at FIG 10 illustrates that users presenting input to the network (a network administrator is also a user). Accordingly, instructions transmitted from a network administrator originate at terminal 102 and proceed through the user side elements 1002, 1004 as well as the network side element 106).

Claim 25: **In a system** (He et al; FIG 10) **comprising a redirection server** (He et al; FIG 10, credential server 204) **containing a user's rule set** (He et al; col. 19, line 3, credential server retrieves user credentials, which correspond to a rule set. When the credential server 204 retrieves the user credentials, it contains that particular rule set. Alternatively, providing access by the credential server to the database containing the rule set can constitute the server containing the rule set as a result of direct access) **correlated to a temporarily assigned network address** (Zenchelsky et al; col. 1, lines 30-35 establish well known nature of assigning temporary IP address to user at session login; col. 1, lines 60-64 establish well known nature of having source and destination address encoded into communication packets as necessary to facilitate communication between source and destination. It would have been obvious to one of ordinary skill in the art to modify He et al; so to provide temporary IP address to a user node and additionally encode data communication packets with source and destination address as necessarily to facilitate communication through a switched packet network as taught by Zenchelsky et al); **wherein the user's rule set contains at least one of a plurality of functions used to control data passing between the user and a public network** (He et al; col. 16, lines

61-67, credentials define plural functions. Also, note the additional functions at col. 17, lines 6-27 attributed to the overall server system 208); **the method comprising the step of:**

modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address in the redirection server (He et al; col. 17, lines 19-21); **and wherein the redirection server has a user side** (He et al; FIG 10, any one of or both of the dial up server 1002 and dial up access network 1004) **that is connected to a computer** (He et al; FIG 10, user element 102) **using the temporarily assigned network address** (Zenchelsky et al; col. 1, lines 29-35) **and a network address and a network side** (He et al; FIG 10, any one of or both of the interconnection network 106 and network elements 104) **connected to a computer network** (He et al; interconnection network 106. *Note that a computer address is not a physical object, and thus is not physically connected to anything*) **and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server** (He et al; FIG 10, computer 102 is connected to the interconnection network 106 via the credential server 204) **and the method further includes the step of receiving instructions by the redirection server to modify at least a portion of the user's rule set through one or more of the user side of the redirection server and the network side of the redirection server** (He et al; col 17, lines 19-21 refer to a network administrator modifying any portion of a user account. He et al at FIG 10 illustrates that users presenting input to the network (a network administrator is also a user). Accordingly, instructions transmitted from a network administrator originate at terminal 102 and proceed through the user side elements 1002, 1004 as well as the network side element 106).

Claim 26: The method of claim 25, further including the step of modifying at least a portion of the user's rule set (He et al; col 17, lines 19-21, the administrator is allowed to create or delete any portion of the user account) as a function of one or more of: time (any actions of administrator inherently occur over some given period time), data transmitted to or from the user (He et al at col 17, lines 19-21 define data input being supplied by a system administrator which can create or delete any portion of the user account), and location or locations the user attempts to access (the location of the administrator is the location at which modification is permitted).

Claim 27: The method of claim 25, further including the step of removing or reinstating at least a portion of the user's rule set (He et al; col 17, lines 19-21, the administrator is allowed to create or delete (i.e. remove or reinstate) any portion of the user account) as a function of one or more of: time (any actions of administrator inherently occur over some given period time), the data transmitted to or from the user (He et al at col 17, lines 19-21 define data input being supplied by a system administrator which can create or delete (i.e. remove or reinstate) any portion of the user account), and a location or locations the user attempts to access (the location of the administrator is the location at which modification is permitted).

Claim 28: The system of claim 1, wherein the individual rule set includes at least one rule as a function of a type of IP (Internet Protocol) service (A "rule" does not change the structure of a physical system, and also does not change the functionality of the system unless the rule is executed. Since this rule imparts neither structure nor new functionality (it is

not executed or invoked) it imparts no additional patentable weight (*In re Ngai* 367 F.3d 1336,

USPQ2d 1862 (Fed. Cir. 2004)).

Claim 29: **The system of claim 1, wherein the individual rule set includes an initial**

temporary rule set and a standard rule set, and wherein the redirection server is

configured to utilize the temporary rule set for an initial period of time and to thereafter

utilize the standard rule set (Each "user credential" of He et al corresponds to a rule. Since

multiple user credentials exist in the system of He et al, invoking a first user's credentials and

subsequently invoking a second user's credentials corresponds to utilizing a temporary rule set

and then utilizing a standard rule set).

Claim 30: **The system of claim 1, wherein the individual rule set includes at least**

one rule allowing access based on a request type and a destination address (A "rule" does

not change the structure of a physical system, and also does not change the functionality of the

system unless the rule is executed. Since this rule imparts neither structure nor new

functionality (it is not executed or invoked) it imparts no additional patentable weight (*In re*

Ngai 367 F.3d 1336, USPQ2d 1862 (Fed. Cir. 2004)).

Claim 31: **The system of claim 1, wherein the individual rule set includes at least one**

rule redirecting the data to a new destination address based on a request type and an

attempted destination address (A "rule" does not change the structure of a physical system,

and also does not change the functionality of the system unless the rule is executed. Since this

rule imparts neither structure nor new functionality (it is not executed or invoked) it imparts no

additional patentable weight (*In re Ngai* 367 F.3d 1336, USPQ2d 1862 (Fed. Cir. 2004)).

Claim 33: **The method of claim 8, wherein the individual rule set includes at least one rule as a function of a type of IP (Internet Protocol) service** (A "rule" does not change the structure of a physical system, and additionally does not affect method steps performed unless the rule is invoked. Since this rule imparts neither structure nor any additional method steps (it is not executed or invoked) it imparts no additional patentable weight (*In re Ngai* 367 F.3d 1336, USPQ2d 1862 (Fed. Cir. 2004)).

Claim 34: **The method of claim 8, wherein the individual rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set** (Each "user credential" of He et al corresponds to a rule. Since multiple user credentials exist in the system of He et al, invoking a first user's credentials and subsequently invoking a second user's credentials corresponds to utilizing a temporary rule set and then utilizing a standard rule set).

Claim 35: **The method of claim 8, wherein the individual rule set includes at least one rule allowing access based on a request type and a destination address** (A "rule" does not change the structure of a physical system, and additionally does not affect method steps performed unless the rule is invoked. Since this rule imparts neither structure nor any additional method steps (it is not executed or invoked) it imparts no additional patentable weight (*In re Ngai* 367 F.3d 1336, USPQ2d 1862 (Fed. Cir. 2004)).

Claim 36: **The method of claim 8, wherein the individual rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address** (A "rule" does not change the structure of a physical system,

and additionally does not affect method steps performed unless the rule is invoked. Since this rule imparts neither structure nor any additional method steps (it is not executed or invoked) it imparts no additional patentable weight (*In re Ngai* 367 F.3d 1336, USPQ2d 1862 (Fed. Cir. 2004)).

Claim 38: **The system of claim 15, wherein the individual rule set includes at least one rule as a function of a type of IP (Internet Protocol) service** (A "rule" does not change the structure of a physical system, and also does not change the functionality of the system unless the rule is executed. Since this rule imparts neither structure nor new functionality (it is not executed or invoked) it imparts no additional patentable weight (*In re Ngai* 367 F.3d 1336, USPQ2d 1862 (Fed. Cir. 2004)).

Claim 39: **The system of claim 15, wherein the individual rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set** (Each "user credential" of He et al corresponds to a rule. Since multiple user credentials exist in the system of He et al, invoking a first user's credentials and subsequently invoking a second user's credentials corresponds to utilizing a temporary rule set and then utilizing a standard rule set).

Claim 40: **The system of claim 15, wherein the individual rule set includes at least one rule allowing access based on a request type and a destination address** (A "rule" does not change the structure of a physical system, and also does not change the functionality of the system unless the rule is executed. Since this rule imparts neither structure nor new

functionality (it is not executed or invoked) it imparts no additional patentable weight (*In re Ngai* 367 F.3d 1336, USPQ2d 1862 (Fed. Cir. 2004)).

Claim 41: **The system of claim 15, wherein the individual rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address** (A "rule" does not change the structure of a physical system, and also does not change the functionality of the system unless the rule is executed. Since this rule imparts neither structure nor new functionality (it is not executed or invoked) it imparts no additional patentable weight (*In re Ngai* 367 F.3d 1336, USPQ2d 1862 (Fed. Cir. 2004)).

Claim 43: **The method of claim 25, wherein the individual rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.** (A "rule" does not change the structure of a physical system, and additionally does not affect method steps performed unless the rule is invoked. Since this rule imparts neither structure nor any additional method steps (it is not executed or invoked) it imparts no additional patentable weight (*In re Ngai* 367 F.3d 1336, USPQ2d 1862 (Fed. Cir. 2004)).

Claim 44: **The method of claim 25, wherein the individual rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set** (Each "user credential" of He et al corresponds to a rule. Since multiple user credentials exist in the system of He et al, invoking a first user's credentials and subsequently invoking a second user's credentials corresponds to utilizing a temporary rule set and then utilizing a standard rule set).

Claim 45: **The method of claim 25, wherein the individual rule set includes at least one rule allowing access based on a request type and a destination address.** (A "rule" does not change the structure of a physical system, and additionally does not affect method steps performed unless the rule is invoked. Since this rule imparts neither structure nor any additional method steps (it is not executed or invoked) it imparts no additional patentable weight (*In re Ngai* 367 F.3d 1336, USPQ2d 1862 (Fed. Cir. 2004)).

Claim 46: **The method of claim 25, wherein the individual rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.** (A "rule" does not change the structure of a physical system, and additionally does not affect method steps performed unless the rule is invoked. Since this rule imparts neither structure nor any additional method steps (it is not executed or invoked) it imparts no additional patentable weight (*In re Ngai* 367 F.3d 1336, USPQ2d 1862 (Fed. Cir. 2004)).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 32, 37, 42 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over He et al (U.S. Patent 6,088,451) in view of Zenchelsky et al (U.S. Patent 6,233,686) and further in view of admitted prior art (US patent 6,779,118, "Background of the Invention" at col. 1, lines 53-57).

See MPEP 2258 (F)(1): "However, an admission by patent owner of record in the file or in a court record may be utilized in combination with a patent or printed publication".

Also see 37 CFR 1.104(c)(3):"In rejecting claims the examiner may rely upon admissions by the applicant, or the patent owner in a reexamination proceeding, as to any matter affecting patentability and, insofar as rejections in applications are concerned, may also rely upon facts within his or her knowledge pursuant to paragraph (d)(2) of this section."

<u>Claim 32</u>: **The system of claim 1, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set** (<u>admitted prior art</u> at col. 1, lines 56-57 refers to a browser being redirected to a different web page than the page that was originally requested. Redirection inherently requires replacing a first destination address with a new destination address in order to initiate the redirection to a new site. It would have been obvious to modify <u>He et al</u> (U.S. Patent 6,088,451) in view of <u>Zenchelsky et al</u> (U.S. Patent 6,233,686) to include a mechanism for destination address redirection as taught by the <u>admitted prior art</u> so as to permit, for example, directing users to migrated websites or directing users away from closed websites).

<u>Claim 37</u>: **The method of claim 8, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set** (<u>admitted prior art</u> at col. 1, lines 56-57 refers to a browser being redirected to a different web page than the page that was originally requested. Redirection inherently requires replacing a first destination address with a new destination address in order to

initiate the redirection to a new site. It would have been obvious to modify He et al (U.S. Patent 6,088,451) in view of Zenchelsky et al (U.S. Patent 6,233,686) to include a mechanism for destination address redirection as taught by the admitted prior art so as to permit, for example, directing users to migrated websites or directing users away from closed websites).

Claim 42: **The system of claim 15, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set** (admitted prior art at col. 1, lines 56-57 refers to a browser being redirected to a different web page than the page that was originally requested. Redirection inherently requires replacing a first destination address with a new destination address in order to initiate the redirection to a new site. It would have been obvious to modify He et al (U.S. Patent 6,088,451) in view of Zenchelsky et al (U.S. Patent 6,233,686) to include a mechanism for destination address redirection as taught by the admitted prior art so as to permit, for example, directing users to migrated websites or directing users away from closed websites).

Claim 47: **The method of claim 25, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule** (admitted prior art at col. 1, lines 56-57 refers to a browser being redirected to a different web page than the page that was originally requested. Redirection inherently requires replacing a first destination address with a new destination address in order to initiate the redirection to a new site. It would have been obvious to modify He et al (U.S. Patent 6,088,451) in view of Zenchelsky et al (U.S. Patent 6,233,686) to include a mechanism for

destination address redirection as taught by the admitted prior art so as to permit, for example,

directing users to migrated websites or directing users away from closed websites).

(10) Response to Argument

Patent owner arguments are summarized at page 12, second paragraph of the brief:

(1) Patent owner at page 12, second paragraph states that one of the arguments on appeal

is:

"Whether He '451 alone or in combination with Zenchelsky teach or suggest a re

direction server "connected" to the network at the user side of the network between the user's

computer and the network as claimed in the Present Patent".

The only claims that contain any reference to a "user side" are claims 23-25. None of

claims 1-22 and 26-47 contain any such language, so these assertions appear to be moot with

respect to any other claims. In claims 23-25, the "user side" and "network" are clearly defined

and correlated to elements of FIG 10 of He et al as explained above in the statutory rejection.

However, patent owner further elaborates this point at page 22, third paragraph as

follows:

*"Claim 1 recites that "**data directed towards the public network**" is "**processed by the***

*_**redirection server**_". This processing inherently requires that the redirection server be located*

between the user and the user's side of the public network".

This assertion is not correct for several different reasons:

(a) It is not necessary for the redirection server to be interposed between the user and the

network for the redirection server to process data or to send data towards the network. As shown

by He et al in FIG 10, the user can access any of the servers 202, 204, 206 via the network 106.

There is absolutely no necessity for any of the servers to be interposed between the user 102 and

the network 106 in <u>He et al</u> to perform the claimed functions.

(b) Claim 1 contains no such language. This argument is suggesting that claim 1 contains

topological requirements that are not being claimed. Claim 1 clearly does not contain such

limitations. The functions of processing data at the redirection server and directing data to the

network can be readily achieved by simply connecting both the user and the redirection server to

the same public network, which claim 1 already allows with its existing language.

(c) Patent owner appears to be impermissibly importing the language of claims 23-25 in

the claim 1, which does define the redirection server as having a "user side" and a "network

side". This further demonstrates that that claim 1 was not in fact intended to incorporate such

language, since the language does appear elsewhere in different claims.

(d) Even assuming hypothetically that claim 1 were to somehow "implicitly incorporate"

the language from claims 23-25, FIG 10 of <u>He et al</u> does in fact illustrate the redirection server

(204) having a user side (essentially, the elements of the left side of FIG 10 include dial up

server and user 102) and a network side (the right side of FIG 10, including network elements

104).

(2) Patent owner at page 12, second paragraph states that one of the arguments on appeal

is:

"*Whether He '451 alone or in combination with Zenchelsky teach or suggest a*

redirection server capable of redirecting, allowing and blocking for controlling access to a

public network itself not just access to specific Network Elements as claimed in the Present

Patent"

Patent owner is asserting that the term "redirection server" necessarily carries with it a requirements to perform three functionalities, and that all three functionalities are implied the single term "redirection server".

This argument is repeated at page 22, second and third paragraphs, where patent owner states:

In other words, the redirection server of claim 1 is: a) programmed to block when instructed to block, and b) programmed to allow when instructed to allow, and c) programmed to redirect when instructed to redirect, all under the control of a rule set stored in the redirection server.

This interpretation of redirection is further supported by the Markman Ruling which defined Ikudome's "redirection server" as a server programmed to implement blocking, allowing, and redirecting functionalities. Although Markman Rulings are not binding on the USPTO, such rulings may be considered and may be found persuasive. See Exhibit Appendix,Exhibit B.

These assertions are not correct, for several different reasons:

(a) The "redirection server" as recited in claim 1 is only a recitation of structure. The functions of that structure are recited in separate dependent claims, such as dependent claim 3 which recites the redirection server as having the function of blocking data movement and dependent claim 4 which recites the redirection server as having the function of allowing data movement. If all three of the functions of the redirection server were incorporated in to the phrase "redirection server", then dependent claims such as claims 3 and 4 would be redundant. It is clear from the existence of dependent claims, such as claims 3-6, that the term "redirection

server" is only recitation of structure, and not a recitation of function. The functional recitations

appear in the dependent claims.

(b) <u>He et al</u> recites a rule set that allows data flow to be blocked or allowed to certain

network elements 104. The specification of US Patent 6,779,118 (the patent under

reexamination) states that the blocking or passing of data is an "attendant logical decision" to the

action of redirecting ('118 at col. 4, lines 60-63). Contrary to the assertion by patent owner that

redirection and blocking/passing are two separate and unrelated functions, the specification of

the patent itself indicates that the function of blocking/passing is an "attendant logical function"

to redirection. In other words, the reexamination patent itself indicates that <u>blocking/passing is a</u>

<u>part of the logic in the redirection process and thus readable as "redirection"</u>.

(c) Claim constructions resulting from Markman rulings are not binding on the USPTO.

See *In re Trans Texas Holdings Corp.*, 498 F.3d 1290, 83 USPQ2d 1835 (Fed. Cir. 2007) and

In re Translogic Technology, Inc., 504 F.3d 1249, 84 USPQ2d 1929 (Fed. Cir. 2007).

(d) Assuming hypothetically that "blocking/passing" and "redirection" are separate and

distinct concepts, <u>He et al</u> provides for all three. When a user in <u>He et al</u> requests a blocked

network element and then attempts and accesses a different network element, the user has been

redirected to accessible network element by application of the available rule set.

(3) Patent owner at page 12, last paragraph states that one of the arguments on appeal is:

"*Whether He '451 alone or in combination with Zenchelsky teach or suggest automatic*

modification of a rule set programmed in the redirection server while a temporary address is

assigned to the user, for controlling user access to the network by the redirection server as

claimed in the claims of the present Patent".

None of the claims of record refer to "automatic modification" of a rule set. Claim 15 does refer to "automated modification", but this is the only claim of record containing such language. Accordingly, this argument appears to only be relevant to claim 15.

It is noted that patent owner frequently refers to "automatic modification" rather than "automated modification". This is a significant departure from the actual claim language because none of the claims refer to any "automatic" function, and the two phrases have differing meanings. "Automatic modification" could imply a modification without any user intervention, whereas "automated modification" only requires the usage of automation equipment, such as a network, computer or software. Any argument by patent owner referring to "automatic modification", such as those arguments at page 27, first, second, and third paragraphs and page 28 fourth paragraph are moot, as none of the claims use the term "automatic".

The feature of automated modification is addressed in the statutory rejection for claim 15, where He et al at col. 17, lines 19-21 refers to a database tool (i.e. an automated software tool) associated with server system 208 can create or delete user accounts.

With respect to this same issue, patent owner at page 27, third paragraph states:

"*In contrast to He '451, the first automated modification feature of claim 15 requires that the automatic modification occur on the rule set while correlated to the temporarily assigned network address*".

The combination of He et al and Zenchelsky et al teach this set of features. First, Zenchelsky et al at col. 1, lines 30-35 teaches the well known concept of correlating a temporary IP address to a specific user during a session. He et al at col 17, lines 19-21 teaches that a

database tool can perform dynamic modifications. In combination, the modifications of <u>He et al</u> can occur while a user is assigned the temporary IP address taught by <u>Zenchelsky et al</u>.

Patent owner at page 27, further states:

"Automated modification "as a function of" is not disclosed by He '451".

This assertion is not correct. The end of claim 15 recites:

"wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user attempts to access".

<u>He et al</u> at col 17, lines 19-21 teaches that any of the user account information can be modified using a database tool, thus demonstrating the automated modification. <u>He et al</u> at col 17, line 13 attributes a "lifetime" to the authentication. Since any portion of the user account can be modified, the length of the "lifetime" can be modified as well. Alternatively, since the modification can be made at any time, the modification can occur "as a function of time". The "data transmitted" and "location" are optional recitations, and thus do not carry patentable weight in the current claim (MPEP 2106, Section C). It is also noted that the phrase "some combination" does not necessarily require two or more of the elements to be present. For example, a subcombination could be a combination that invokes only one of the elements recited.

(4) Additional Issues:

With respect to claim 6, patent owner at page 24, fifth paragraph states:

*"Dependent claim 6 recites, in part, "the redirection server further **redirects the data from the users' computers to multiple destinations as a function of the** individualized rule*

set." Appellant respectfully submits that the term "multiple destinations" in this context means that the rules may requires sending the same data to two or more destinations substantially simultaneously. For example, a copy of data sent to a first destination may be automatically copied to a second destination, according to the individualized rule set."

This assertion is not correct. Claim 6 contains no limitations on the content of the data itself. No claim limitations exist to suggest that "the data" sent to multiple destinations must necessarily be the exact same set of data sent to the multiple destination. The phrase "the data" has no restriction on its content, and can refer to sets of data sent by a user over time, or even more broadly, any data sent by any user over any time period.

Notwithstanding the above interpretation of what constitutes "the data", the reference He et al allows a user to send any kind of data to any of the multiple network elements 104. It is well within the scope of He et al for a user to send the same requests for information or content to the multiple destination 104, even though no claims limitations recite such a requirement.

With respect to claim 28, patent owner at page 25, fourth paragraph states:

"Appellant submits that this further programming does change the structure of the redirection server, and does change the functionality of the redirection server. These changes occur even if the server is never even turned on, and even if no redirection ever occurs".

These assertions are not correct. Claim 28 is directed to the content of a rule. Claim 28 depends from claim 1, which indicates that the rule is part of a database. Strictly speaking, the rule is just a set of text characters loaded within the database. The rule imparts no additional structure, since text characters are not physical structures, such as circuits or wiring. The rule

also imparts no additional function, since the claim does not require that the rule be executed, or

even called upon. Based on the claim language literally present, the rule is just a set of text

characters saved in a database and performing no action. Given these characteristics, examiner

finds that the claim language falls under the interpretation applied at *In re Ngai* 367 F.3d 1336,

USPQ2d 1862 (Fed. Cir. 2004)) and imparts no additional patentable weight.

The same rationale applies to the additional dependent claims where *In re Ngai* is

explicitly invoked. In particular, these are claims 30, 31, 33, 35, 36, 38, 40, 41, 43, 45 and 46.

With respect to claims 32, 37, 42 and 47, patent owner at page 30, second to last

paragraph states:

"Appellant respectfully submits that 1:38-67 of the BACKGROUND OF THE

INVENTION section of the Present Patent does discuss redirection, but Appellant does not admit

that redirection in the particular combination claimed is known prior art".

This assertion is being made in reference to the admitted prior art, U.S. Patent 6,779,118

at col. 1, lines 38-67. This assertion is not correct, and is not consistent with the text of the

patent being referenced. In particular, col. 1, lines 38-39 state:

"The redirection of traffic is most often done with world wide web (WWW) traffic"

In other words, patent owner is asserting that the redirection of traffic is not prior art, but

the patent itself appears to indicate it was being frequently used by persons of ordinary skill in

the art at the time of invention. Given the statements within the text of the patent itself, the

evidence demonstrates that the features relied upon as admitted prior art, were in fact available

and frequently used by persons of ordinary skill in the art. This would appear to confirm the

information as being prior art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Sam Rimell/

Sam Rimell
Patent Reexamination Specialist
Central Reexamination Unit 3992

Conferees:

/Jeffrey D. Carlson/

Primary Examiner, Art Unit 3992

Alexander Kosowski, AU 3992

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Inventor: IKUDOME, Koichiro *et al.*
Reexamination Proceeding: 90/009,301
  (based on U.S. Patent No. 6,779,118)
Reexamination Filed: December 17, 2008

Docket No.: R1341006
Confirmation No.: 6609
Art Unit: 3992
Examiner: RIMELL, Samuel

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

Mail Stop: Ex Parte Reexam
Central Reexamination Unit
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

Transmitted herewith: **APPEAL BRIEF** and **EXHIBITS** in the above proceeding.

The fee has been calculated as shown below:

Claims After Amendment	No. of Claims Previously Paid	Present Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
Total Claims:			x 26=	$	X 52=	$
Indep. Claims:			x 110=	$	X 220=	$
Appeal Brief				$270.00		$
		Total:		**$270.00**		$

  X Payment made via EFS.
  X The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **50-2929**:

    X Any additional filing fees required under 37 C.F.R. 1.16.
    X Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136)(a)(3).

February 1, 2011
Date

Abraham Hershkovitz
Reg. No. 45,294

R1341006.A13; AH/ dj

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Koichiro Ikudome, et al.   Art Unit: 3992

Reexamination Proceeding: 90/009,301   Confirmation No.: 6609
(based on U.S. Patent No. 6,779,118)

Reexamination Filed: December 17, 2008   Examiner: Sam Rimell

For: USER SPECIFIC AUTOMATIC DATA REDIRECTION SYSTEM

APPEAL BRIEF UNDER 37 C.F.R. § 41.37(c)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 23313-1450

Dear Commissioner:

This is an Appeal Brief in support of the Notice of Appeal (filed on December 1, 2010) from the Examiner's final rejection of claims 1-47 (all pending claims) in the final Office Action mailed August 2, 2011. These rejections were maintained in the Advisory Office Action mailed November 15, 2010.

Inasmuch as the Notice of Appeal was filed on December 1, 2010, and this Appeal Brief is filed not later than February 1, 2010, Appellant respectfully submits that this Appeal Brief is timely filed.

The Appeal Brief fee is being submitted concurrently through EFS. However, the Patent and Trademark Office is hereby authorized to charge any fees in connection herewith or any fees necessary to preserve the pendency of this Reexamination Proceeding, or credit any overpayment, to Deposit Account No. 50-2929, referencing Attorney Docket No. R1341006.

1.   REQUEST FOR EXPEDITED DECISION

A decision with special dispatch as called for in Reexamination Proceedings is respectfully requested.

2.   APPEAL BRIEF UNDER 37 CFR §41.37(c)(1)

The following is a Table of Contents for this Brief, with Roman numeral indicators in compliance with 37 CFR §41.37(c)(1).

Table of Contents

(i) Real Party of Interest

The real party in interest in this appeal is LINKSMART WIRELESS TECHNOLOGY, LLC (whose post office address is 3452 E. Foothill Blvd., Suite 320, Pasadena, CA 91107) as evidenced by the Assignment recorded on July 2, 2008 at Reel/Frame 021185/0416.

(ii) Related Appeals and Interferences

There are no other Appeals or Interferences known to Appellant which may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in the present Appeal.

A Memorandum Opinion and Order (a/k/a Markman Ruling) defines the meaning of "redirection server" as "a server logically located between the user's computer and the network that controls the user's access to the network." This order was entered by the District Court in the Eastern District of Texas, Marshall Division, on June 30, 2010, CASE NO. 2:08-CV-264-DF-CE, LINKSMART WIRELESS TECHNOLOGY, LLC VS. T-MOBILE USA, INC., ET AL., and is included in the Evidence Appendix as Exhibit B.

(iii) Status of Claims

Claims 1-47 are rejected and are subject to the present Appeal.

Appellant submits the following claim chart for the convenience of the Board in identifying independent claims and the claims dependent thereon.

Independent claims	Dependent claims
Claims 1 and 8	2-7 and 28-32 (from claim 1), and 9-14 and 33-37 (from claim 8)
Claim 15	16-24 and 38-42
Claim 25	26-27 and 43-47

This application is ripe for appeal under 35 U.S.C. § 134(a) because at least one claim has been rejected at least twice. For example, claim 1 was rejected in the non-final Office Action dated September 15, 2009, and in the final Office Action dated August 2, 2010. Independent claim 8 corresponds in many aspects to claim 1, and hence claims 1 and 8 will be discussed together. Independent claims 15 and 25 are each treated individually. The dependent claims are patentable for the same reasons set forth in support of patentability of the claim from which each depends. Additionally, separate arguments are put forward for dependent claims 5, 28, 29, 34, 39, and 44.

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(iv) Status of Amendments

The Advisory Action dated November 15, 2010 expressly entered the amendments from the after-final Response filed October 21, 2010 for correction of informalities and/or for simplification of issues for appeal.

Thus, the claims are appealed as amended in the after-final Response filed October 21, 2010.

Patented claims 15, 18, 21, 26, and 27 were twice amended for clarification (primarily to change the term "the user access" to read "the user accesses").

Additionally, new claims 28-31 and 33-36 were amended to recite "the individualized rule set," and new claims 38-47 were amended to recite "the modified rule set" to overcome the antecedent basis rejection under 35 USC 112, second paragraph, from the final Office Action of August 2, 2010.

(v) Summary of Claimed Subject Matter

For the sake of convenience, the claimed invention will be described with respect to independent claims 1, 8, 15, and 25, and with reference to the columns and lines of US patent 6,779,118 B1 (hereinafter the "Present Patent").

INDEPENDENT CLAIM 1

The invention as described in independent claim 1 (patented) and its dependent claims, with reference to FIG. 2, 4:59-67, and 6:37-48, comprises:

"a database with entries correlating each of a plurality of user IDs with an individualized rule set" (database 206 in FIG. 2)

"a dial-up network server that receives user IDs from users' computers" (dial-up networking server 102 in FIG. 2)

"a redirection server connected to the dial-up network server and a public network" (redirection server 208 in FIG. 2)

"an authentication accounting server connected to the database, the dial-up network server and the redirection server" (authentication and accounting server 204 in FIG. 2)

"wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server" (path from dial-up networking server 102 to authentication and accounting server 204 in FIG. 2)

"wherein **the authentication accounting server** accesses the database and **communicates the individualized rule set that correlates with the first user**

ID and the temporarily assigned network address to the redirection server"
(accessing path from authentication and accounting server 204 to database 206,
and communicating path from authentication and accounting server 204 to
redirection server 208), and

"wherein **data directed toward the public network from the one of the
users' computers are processed by the redirection server according to the
individualized rule set**" (path from user's computer 100 to Internet 110 through
redirection server 208).

INDEPENDENT CLAIM 8 (LIKE CLAIM 1)

The invention as described in independent claim 8 (patented) and its dependent claims,
with reference to FIG. 2, 4:59-67, and 6:37-48, comprises:

"a database with entries correlating each of a plurality of user IDs with an
individualized rule set" (database 206 in FIG. 2)

"a dial-up network server that receives user IDs from users' computers"
(dial up networking server 102 in FIG. 2)

"**a redirection server** connected to the dial-up network server and a
public network" (redirection server 208 in FIG. 2)

"an authentication accounting server connected to the database, the dial-up
network server and the redirection server" (authentication and accounting server
204 in FIG. 2)

"communicating a first user ID for one of the users' computers and a
temporarily assigned network address for the first user ID from the dial-up

network server to the authentication accounting server" (path from dial-up

network server 102 to authentication and accounting server 204)

"communicating the individualized rule set that correlates with the

first user ID and the temporarily assigned network address to the redirection

server from the authentication accounting server" (path from authentication

and accounting server 204 to redirection server 208) and

"processing data **directed toward the public network from the one of**

the users' computers according to the individualized rule set" (path from

user's computer 100 to Internet 110 through redirection server 208).

INDEPENDENT CLAIM 15

The invention as described in independent claim 15 (twice amended) and its dependent

claims, with reference to FIG. 2, 4:59-67, and 6:37-48, comprises:

"a redirection server programmed with a user's rule set correlated to a

temporarily assigned network address" (redirection server 208)

"wherein the rule set contains at least one of a plurality of functions used

to control data passing between the user and a public network" (6:37-48)

"wherein the redirection server is configured to allow automated

modification of at least a portion of the rule set correlated to the temporarily

assigned network address" (5:12-44) and

" the redirection server is configured to allow **automated modification of**

at least a portion of the rule set as a function of some combination of time,

data transmitted to or from the user, or location the user accesses" (5:12-44).

INDEPENDENT CLAIM 25

The invention as described in independent claim 25 (patented) and its dependent claims, with reference to FIG. 2, 4:59-67, and 6:37-48, comprises:

"**a redirection server** containing a user's rule set correlated to a temporarily assigned network address wherein the user's rule set contains at least one of a plurality of functions used to control data passing between the user and a public network" (redirection server 208 in FIG. 2)

"**modifying at least a portion of the user's rule set while the user's rule set remains correlated to the temporarily assigned network address in the redirection server**" (5:12-44)

"the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network address and a network side connected to a computer network" (redirection server 208 in FIG. 2)

"the computer using the temporarily assigned network address is connected to the computer network through the redirection server" (user's computer 100 in FIG. 2 connected through redirection server 208 to Internet 110) and

"**receiving instructions by the redirection server to modify at least a portion of the user's rule set** through one or more of the user side of the redirection server and the network side of the redirection server" (redirection server 208 in FIG. 2 and 7:1 to 8:10).

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BRIEF DISCUSSION OF CLAIMED SUBJECT MATTER (BACKGROUND)

The Present Patent to Ikudome (the "Present Patent") relates to a system and method for controlling access to a public network (such as the Internet) through a gateway redirection server on the user side of the Internet. The purpose of the Ikudome patent is described in the Summary section as a system and method "creating and implementing dynamically changing rules to allow the redirection, blocking, or allowing, of specific data traffic for specific users, as a function of database entries and the user's activity." See Ikudome '118 at 2:61-65.

The Ikudome system enables the provider, such as a hotel or a Wi-Fi hotspot, to control access to the Internet network through the system based on conditions, for example the payment of a fee, the duration of use, or any other criteria. To achieve this functionality, the Present Patent incorporates a redirection server programmed with a rule set that controls a user's access to the Internet. To illustrate this functionality, according to one embodiment of the Present Patent to Ikudome:

1.   A user's computer establishes communications with the Ikudome system. The Ikudome system assigns a temporary IP (Internet Protocol) address to the user's computer as a temporary identification for the duration of the communication session. Claim 1 uses the term "temporarily assigned network address." Temporary addresses are well known in the art, and are discussed here only as background.

2.   The user's computer launches a browser (*e.g.*, Internet Explorer) and sends a request for a desired web page (*e.g.*, http://www.google.com). The request goes to a redirection server which has a rule set (an algorithm stored in the redirection server) correlated with (assigned to) the temporary IP address. Upon receiving

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the request, the redirection server applies the rule set correlated with the temporary IP address. The redirection server processes the request in accordance with the rule set.

3.   If the rule set indicates that the user has paid for access to the requested web page, then the redirection server allows the request to the Internet. If the rule set indicates that the user has not paid, then the redirection server redirects the user through the Internet to a billing web page on a billing server where the user can pay for the desired access.

4.   In independent claim 15, the "redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address" as a function of, for example, "time." Critically, this modification occurs while correlated to the temporarily assigned network address, which means during the communication session. The specification uses the term "dynamically" to indicate changing the rule set while the rule set is correlated.

In this way, the Internet access (such as Wi-Fi hotspots or wired connection points in hotels) can be made available to transitory, temporary or new users. The Present Patent Internet access control system does not require a user seeking temporary access to the Internet to provide hardware or software or anything beyond a computer capable of wired or wireless Internet connection with web browser software.

(vi) Grounds of Rejection to be Reviewed on Appeal

The grounds of rejection to be reviewed on Appeal are as follows (all pending rejections are appealed):

(a) Are claims 1-31, 33-36, 38-41, and 43-46 unpatentable under 35 U.S.C. §103(a) over US patent 6,088,451 (hereinafter "He '451) in view of US 6,233,686 (hereinafter "Zenchelsky")?

(b) Are claims 32, 27, 42, and 47 unpatentable under 35 U.S.C. §103(a) over US patent 6,088,451 (hereinafter "He '451) in view of US 6,233,686 (hereinafter "Zenchelsky") and further in view of allegedly admitted prior art (Present Patent, "Background of the Invention," at (1:53-57))?

ISSUES RAISED

The issues raised by these rejections and presented in this appeal:

1. Whether He '451 alone or in combination with Zenchelsky teach or suggest a redirection server "connected" to the network *at the user side of the network* between the user's computer and the network as claimed in the Present Patent?

2. Whether He '451 alone or in combination with Zenchelsky teach or suggest a redirection server capable of redirecting, allowing and blocking for controlling access to a public network itself not just access to specific Network Elements as claimed in the Present Patent?

3. Whether He '451 alone or in combination with Zenchelsky teach or suggest automatic modification of a rule set programmed in the redirection server while a temporary network address is assigned to the user, for controlling user access to the network by the redirection server as

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claimed in the claims of the Present Patent.

A succinct explanation of the distinction between the previously cited prior art references and the claimed invention (during the prosecution of the application resulting in the Present Patent) is set out in the "Appeal Brief" and the "Reasons for Allowance" in the Present Patent application file history, attached as Exhibits C and D respectively, and made a part of the Evidence Appendix attached hereto. Claim terminology is discussed immediately below.

TERMINOLGY DISCUSSED

a) The Present Patent Claim Terms Relevant To Redirection

1) Claims 1 and 8 (terminology)

Claim 1 recites a redirection server connected between a user and a public network (such as the Internet), wherein the redirection server is controlled by a rule set correlated with a user ID and a temporarily assigned network address, and wherein the "data [*e.g.,* a request to a target web site address] directed toward the public network [*e.g.,* the Internet] from one of the users' computers are *processed* by the redirection server according to the individualized rule set." One result of this processing is to enable the redirection server to redirect the user's request to a web site defined by the rule set, instead of to the target web site. Specifically, Claim 1 states:

<u>Claim 1</u>

A system comprising:

a database [206][1] with entries correlating each of a plurality of user IDs with an individualized rule set;

a dial-up network server [102] that receives user IDs from users'

---

[1] Refers to reference numerals in Figure 2 of the Present Patent

computers [100];

> **a redirection server [208] connected to the dial-up network server [102] and a public network [110];**

an authentication accounting server [204] connected to the database [206], the dial-up network server [102] and the redirection server [208];

wherein the dial-up network server [102] communicates a first user ID for one of the users' computers [100] and a temporarily assigned network address for the first user ID to the authentication accounting server [204];

> **wherein the authentication accounting server [204]** accesses the database [206] and **communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server [208]; and**

> wherein **data directed toward the public network [110] from the one of the users' computers [100] are processed by the redirection server [208] according to the individualized rule set**. [emphasis added]

Claim 1 therefore requires (1) that the redirection server [208] be logically *connected* between the user's computer [100] and the network [110] and (2) that the redirection server [208] functionally control (redirecting, allowing or blocking) the user's access to the network. See Present Patent at 4:50-52 and 4:59-65.

The above remarks apply equally to Claim 8.

2) Claim 15 (terminology)

Claim 15 incorporates the redirection elements claimed in claim 1, but additionally requires a redirection server configuration that automatically modifies (changes) the rule set

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based on predefined conditions that may occur during the time the user is connected to the Internet, i.e., during the time the temporary Internet address is assigned.

For example, a user seeking access to the Internet uses his web browser to request a particular web site. The rule set stored in the redirection server may redirect the user to a payment web site requiring payment before access to any other site through the public network will be granted. Once payment is received, the redirection server automatically changes the rule set to allow Internet access for a defined period of time. If that predefined period of time expires while the user is still connected to the Internet through the redirection server, the rule set again automatically changes, again redirecting the user to the payment web site. Specifically, Claim 15 recites:

Claim 15

A system comprising:

A redirection server [208] programmed with a user's rule set correlated to a temporarily assigned network address;

wherein the rule set contains at least one of a plurality of functions used to control passing between the user [100] and the public network [110];

wherein the redirection server [208] is configured **to allow automated modification of at least a portion of the rule set** correlated to the temporarily assigned network address[2]; and

wherein the redirection server [208] is configured to allow modification of at least a portion of the rule set **as a function of some combination of time,**

---

[2] see Present Patent at 5:12-44

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data transmitted to or from the user, or location the user accesses.

[emphasis added]

Claim 15 requires that the redirection server be configured to automatically change the rule set based on conditions that might arise, such as passage of time or data transmitted from the user (e.g., billing information). One example of claim 15 is disclosed in the Present Patent at 7:48 to 8:11.

3) Claim 25 (terminology)

Claim 25 is a claim reciting a specific method of modifying the user's rule set during the time that a network address has been temporarily assigned. The system used to perform the rule set modification includes a redirection server connected at the user side between the user computer and the Internet (and hence between the user computer and the Internet destination web site requested by the user) so that access decisions can be made *before* Internet network access is granted. Claim 25 also requires that the redirection server modify a rule set in response to received instructions during the time a temporary network address is assigned.

b) The Technology of the He '451 reference

The He '451 reference relied on by the Examiner is a security system intended to protect the confidentiality, integrity, and privacy of resources and information stored in Network Elements on a private network, and intended to insure that only authorized persons are able to gain access to those Network Element resources. He '451 is not an access control system for controlling access to a public network through a provider controlled redirection server.

The He '451 system accomplishes its information protection function by issuing an "access ticket" (not He's "credential ticket"). The user then transmits the "access ticket"

information over the interconnection network to Network Elements (where restricted information is stored) that either allow or deny access to the Network Elements based on the authorization and credential information on the "access ticket." Importantly, He '451 does not teach or suggest using the "access ticket" information to control access to the *interconnection network itself.*

(vii) Arguments for Patentability

Claims 1-31, 33-36, and 38-41 are patentable over the combination of He '451 and Zenchelsky

INDEPENDENT CLAIM 1 IS PATENTABLE

Claim 1 is patentable over the applied art for at least three reasons:

- First, a redirection server is not disclosed by the combination of He '451 and Zenchelsky. (ISSUE 1-1)

- Second, an authentication accounting server communicating an individualized rule set to a redirection server is not disclosed by the combination of He '451 and Zenchelsky. (ISSUE 1-2)

- Third, processing data (directed toward the public network) by the redirection server according to the individualized rule set is not disclosed by the combination of He '451 and Zenchelsky. (ISSUE 1-3)

ISSUE 1-1: THE **"REDIRECTION SERVER"** HAS REDIRECTION FUNCTIONALITY, WHICH IS NOT TAUGHT BY He '451

The **"redirection server"** of claim 1 (and of all independent claims) must be able to "redirect" a user request for one Internet site to a different Internet site. By its very name a "redirection server" requires (at a minimum) such a redirection capability. Any other interpretation is repugnant to the plain meaning of the term "redirection server."

Furthermore, the Present Patent, at 4:59-65, recites that the redirection server is programmed to implement redirection:

blocking or allowing the packets as a function of the rule sets,
performing the physical redirection of data packets based on the rule sets,
and dynamically changing the rule sets based on conditions.

In other words, the redirection server of claim 1 is: a) programmed to <u>block</u> when instructed to block, <u>and</u> b) programmed to <u>allow</u> when instructed to allow, <u>and</u> c) programmed to <u>redirect</u> when instructed to redirect, all under the control of a rule set stored in the redirection server.

This interpretation of redirection is further supported by the Markman Ruling which defined Ikudome's "redirection server" as a server programmed to implement blocking, allowing, <u>and</u> redirecting functionalities. Although Markman Rulings are not binding on the USPTO, such rulings may be considered and may be found persuasive. See Exhibit Appendix, Exhibit B.

He '451, does <u>not</u> disclose or suggest redirection nor any motivation for redirection. Indeed as above recited, once an "access ticket" is granted in He '451, the user's request for access for network resources and information based on that "access ticket" is fixed and redirection would serve no discernable security function in He '451.

The Examiner currently takes the position that the redirection server of claim 1 is disclosed by the credential server 204 of He '451. See page 5 of the final Office Action. However, He '451, at 12:65 to 13:42, merely states:

> 2.2.2. Credential Server
> The credential server 204 is responsible for controlling network user credentials or privileges . . . User credential/privilege control is an integral part of the user sign-on process that leads to the final access decisions to **grant or to deny user access requests** for network resources and information. (emphasis added)

The credential server of He '451 merely discloses a credential server that is part of final access decisions to "grant or deny user access requests," and does <u>not</u> disclose the mandatory

"redirection" functionality of the "redirection server" of claim 1. He '451 never even hints at redirection.

The Examiner has also recently taken the position that "the reexamination patent explicitly defines the block/pass as a redirection function," referencing 3:12-21 of the Present Patent. (See page 3 of the Advisory Action mailed November 15, 2010.) That is not what the Present Patent teaches. Specifically, 3:12-21 of the Present Patent states:

> Once connected to the network, all data packets sent to, or received by, the user include the user's temporary IP address in the IP packet header. **The redirection server** uses the filter and redirection information supplied by the authentication accounting server, for that particular IP address, **to either allow packets to pass through the redirection server unmolested, block the request all together, or modify the request according to the redirection information.**

The "block/pass" of the Examiner apparently refers to a combination of the blocking function and the allowing function. However, "block/pass" is <u>not</u> a redirection function. Rather, **blocking and allowing and redirecting are three distinct functions**, all of which are required by the redirection server. In other words, blocking and passing are distinct functions of the redirection server, but these functions are not equivalent to redirection.

Thus, the blocking or denying of He '451 does <u>not</u> teach or suggest the redirection function required by claim 1.

Zenchelsky does not remedy the deficiencies of He '451.

For the purpose of compact prosecution, Appellant notes that some redirection is disclosed by the prior art, as discussed in the Background section of the Present Patent. This Background prior art will be discussed in detail below regarding dependent claim 28. This Background prior art does not disclose redirection in the combination required by the claims. Therefore, the Background prior art does not remedy the deficiencies of He '451.

ISSUE 1-2: COMMUNICATING THE RULE SET FROM THE AUTHENTICATION

SERVER TO THE REDIRECTION SERVER IS NOT TAUGHT BY He '451

Claim 1 recites, in part, "**an authentication accounting server connected to . . . the**

redirection server, and "wherein **the authentication accounting server** accesses the database

and **communicates the individualized rule set that correlates with the first user ID and the**

temporarily assigned network address to the redirection server."

Path F2 of attached Exhibit A illustrates that the authentication accounting server

communicates (sends) the individualized rule set that correlates with the first user ID and the

temporarily assigned network address to the redirection server.

FINAL OFFICE ACTION POSITION OF THE EXAMINER. In the final Office Action,

the Examiner took the position that paths F1 and F2 were disclosed by He '451. See page 6 of

Final Office Action mailed October 2, 2010. Specifically, the Examiner asserted that path F2

was disclosed by database 210 passing credentials to credential server 204 in FIG. 10 of He '451,

and referred to 17:67 through 18:1, and 19:2-7 for support.

However, He '451's credential server [204] is <u>not</u> a redirection server because the

credential server cannot redirect, but merely indirectly participates (by granting a "credential

ticket") in a blocking or allowing decision which is eventually made by a Network Element

based upon an "access ticket."

ADVISORY ACTION POSITION OF THE EXAMINER. The Examiner took the

position in the Advisory Action that the "flow chart" (previously submitted Exhibit A) has "no

bearing the claim language as it currently appears, since the claims does not define a set of seven

sequential method steps [sic]." (See page 2 of the Advisory Action mailed November 15, 2010.)

Apparently the Examiner gives no weight to the express claim language, which is improper.

As discussed above, the redirection server is programmed to perform three functionalities. Additionally, the database, the authentication and accounting server, and the redirection server are parts of the claimed system, and these parts are configured to perform the express signal flows of claim 1. For example, these parts may be configured by being programmed to perform the express signal flows.

Appellant respectfully submits that words have meaning, and that the express features of claim 1 must be given patentable weight.

Thus, He '451 does not disclose the above recited feature of claim 1.

Zenchelsky does not remedy the deficiencies of He '451.

ISSUE 1-3: THE REDIRECTION SERVER BEING LOCATED BETWEEN THE USER AND THE USER'S SIDE OF THE PUBLIC NETWORK IS NOT DISCLOSED BY He '451

Claim 1 recites that, "**data directed toward the public network**" is "**processed by the redirection server.**" This processing inherently requires that the redirection server be located between the user and the user's side of the public network, because the data is directed "toward" the public network (and therefore the data has not yet passed from the user's side of the public network to the opposite side of the public network).

The Examiner currently takes the position that the above feature of claim 1 is disclosed by He '451 at 18:24-30 and 19:2-8. However, He '451 does not disclose any redirection server, as discussed above.

Even if, *arguendo,* the Authentication Server 202 of He '451 corresponds to the authentication and accounting server of claim 1, He '451 does <u>not</u> teach or suggest the above recited feature of claim 1. The user 102 of He '451 merely sends a message (including a general

ticket obtained by the user from the authentication server 202) to the credential server 204. See He '451 17:67, and 18:57 to 19:15.

The credential server 204 then sends a credential ticket to the user 102. Please note that He '451 uses three distinct tickets: general ticket, credential ticket, and access ticket. The Examiner appears to confuse and intermingle these very different types of tickets.

Therefore, even the credential server 204 does not teach or suggest a redirection server processing "data directed toward the public network," as required by claim 1.

Zenchelsky does not remedy the deficiencies of He '451. Zenchelsky teaches only a conventional filter for allowing or blocking access to particular Internet web sites for particular users.

DEPENDENT CLAIMS 2-7 AND 28-31 PATENTABLE DUE TO DEPENDENCE

Dependent claims 2-7, and 28-31 are patentable over the applied art for, at a minimum, the same reasons as base independent claim 1, as well as on their own merits.

DEPENDENT CLAIM 5 IS PATENTABLE (EXPRESSLY REDIRECTS DATA)

ISSUE 5: REDIRECTING THE DATA IS NOT DISCLOSED BY He '451

The "redirection server further **redirects the data**" feature of claim 5 expressly requires that the redirection server be configured to perform the redirection function.

As discussed above, the Examiner asserts that the "redirection server" of claim 1 does not require a redirection function, and therefore is disclosed by the blocking or passing of He '451.

Additionally, the Examiner's position is that this claim 5 feature is disclosed by He '451 at 19:2-11. However, as discussed above, He '451 does not teach or suggest any redirection

function, and redirection is expressly required by claim 5.

Therefore, *arguendo*, even if claim 1 does not require a redirection function, dependent claim 5 expressly requires a redirection function ("redirects the data"). Therefore, He '451 does not teach or suggest the redirection function of claim 5. Claim 12 is similar to claim 5.

Zenchelsky does not remedy the deficiencies of He '451.

DEPENDENT CLAIM 6 IS PATENTABLE (MULTIPLE DESTINATIONS)

ISSUE 6: REDIRECTING THE DATA TO MULTIPLE DESTINATIONS IS NOT DISCLOSED BY He '451

Dependent claim 6 recites, in part, "the **redirection server further redirects the data** from the users' computers **to multiple destinations as a function of the individualized rule set.**" Appellant respectfully submits that the term "multiple destinations" in this context means that the rules may requires sending the same data to two or more destinations substantially simultaneously. For example, a copy of data sent to a first destination may be automatically copied to a second destination, according to the individualized rule set.

The Examiner's position is that the above recited feature of claim 6 is disclosed by the multiple Network Elements in FIG. 10 of He '451. However, merely showing multiple elements does not disclose sending one data to two or more destinations substantially simultaneously. Claim 13 is similar to claim 6.

Zenchelsky does not remedy the deficiencies of He '451.

DEPENDENT CLAIM 28 IS PATENTABLE

ISSUE 28: THE EXPRESS FEATURE OF CLAIM 28 CARRIES PATENTABLE

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WEIGHT

Claim 28 depends from claim 1 and recites, "**the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.**" See the Present Patent at 2:8-13.

The Examiner's position is that the above feature of claim 28 is a merely a "rule" which allegedly "does not change the structure of a physical system, and also does not change the functionality of the system unless the rule is executed. Since this rule imparts neither structure nor new functionality (it is not executed or invoked) it imparts no additional patentable weight (*In re Ngai* 367 F.3d 1336, USPQ2d 1862 (Fed. Cir. 2004))." See pages 17 and 19 of the Final Office Action.

Appellant respectfully submits that the claimed redirection server is configured (programmed) to implement three functions (allow and block and redirect) as discussed above. Therefore, the redirection server of claim 1, as modified by dependent claim 28, is further programmed to process an "individualized rule set which includes at least one rule as a function of IP (Internet Protocol) service."

Appellant submits that this further programming <u>does</u> change the structure of the redirection server, and <u>does</u> change the functionality of the redirection server. These changes occur even if the server is never even turned on, and even if no redirection ever occurs.

Thus, He '451 does not teach or suggest the above feature of claim 28.

Zenchelsky does not remedy the deficiencies of He '451.

DEPENDENT CLAIMS 29-31 ARE PATENTABLE (PATENTABLE WEIGHT)

Claims 29-31 depend from claim 1, are rejected in a fashion similar to claim 28, and are

patentable over the applied art for at least the same reasons as claim 28, as well as on their own merits.

INDEPENDENT CLAIM 8 AND DEP. CLAIMS 9-14 ARE PATENTABLE

Claims 8-14 are similar to system claims 1-7, and are patentable over the applied art for at least the same reasons as claims 1-7.

DEPENDENT CLAIMS 33-36 ARE PATENTABLE (PATENTABLE WEIGHT)

Claims 33-36 depend from claim 8, have features similar to dependent claims 28-31 discussed above, and are patentable for at least the same reasons as claims 28-31, respectively.

INDEPENDENT CLAIMS 15 AND 25 ARE PATENTABLE (AUTOMATED) (CLAIM 25 IS SIMILAR TO CLAIM 15)

Claim 15 is similar to claim 1, but additionally requires two automated modification features. These two automated modification features are discussed separately below.

ISSUE 15-1: AUTOMATED MODIFICATION OF CORRELATED RULE SET IS NOT DISCLOSED BY He '451

The first automated modification feature of claim 15 recites:

"wherein the redirection server is configured **to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address**"

The first "automated modification" feature of claim 15 allows automated modification of at least a portion of the rule correlated to the temporarily assigned network address. In other words, **automatic modifications occur while the rule set is correlated.**

The Examiner's position is that He '451 discloses the above feature at 17:19-21, wherein a database tool can create or delete user accounts. See page 11 of the final Office Action. The database tool of He '451 appears intended to merely allow a system manager to conventionally modify information **in database 210** of FIG. 10. Note that this tool is called a "database tool," and is not called a "redirection server tool." He '451 does not mention any involvement by any redirection server in this modification. Additionally, He '451 does not even hint at performing modifications while a rule set is correlated.

In contrast to He '451, the first automated modification feature of claim 15 requires that the automatic modification occur on the rule set **while correlated** to the temporarily assigned network address. In this fashion, the redirection server participates in this automatic modification by allowing the modification to the rule set while the rule set is correlated.

Thus, He '451 does not teach or suggest the above feature of claim 15.

Zenchelsky does not remedy the deficiencies of He '451.

ISSUE 15-2: AUTOMATED MODIFICATION AS "A FUNCTION OF" IS NOT DISCLOSED BY He '451

The second automated modification feature of claim 15 recites:

" the redirection server is configured to allow **automated modification** of at least a portion of the rule set **as a function of some combination of time, data transmitted to or from the user, or location the user accesses**"

The second "automated modification" feature of claim 15 occurs as a function of some combination of one or more of the following parameters: time, data transmitted to or from the user, or the location that the user accesses.

The Examiner's position is that the above feature of claim 15 is disclosed by He '451 at 17:13, and 17:19-21. However, He '451 merely discloses a system security administrator (a person) and a database tool for the person, but does **not** teach or suggest an "**automated modification**" as required by claim 15. Requiring a person (a system security administrator) is inconsistent with the second automated feature of claim 15.

Additionally, He '451 does not teach or suggest modification as a function of any of the parameters of claim 15 ("time, data transmitted to or from the user, or location the user accesses").

Specifically, in He '451, the authentication server (202) generates a general ticket, and the credential server (204) generates a credential ticket. The "maximum lifetime" of each authentication in He '451 is merely a bit of stored administrative information, and appears to refer to the lifetime of the credential ticket. See He '451, at 17:6-13. The "maximum lifetime" remains unchanged until the system administrator uses the database tool to manually change the value of the maximum lifetime of each authentication, as stored administrative information. This administrative information appears to be general purpose information, which is applied to the system. **In any case, the "maximum lifetime" of He '451 is not automatically modified.**

Thus, He '451 does not teach or suggest the above feature of claim 15.

Zenchelsky does not remedy the deficiencies of He '451.

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DEPENDENT CLAIMS 16-24 ARE PATENTABLE (DEPENDENCE)

Dependent claims 16-24 depend from claim 15, and are patentable for the same reasons as claim 15, as well as on their own merits.

DEPENDENT CLAIMS 38-41 ARE PATENTABLE (PATENTABLE WEIGHT)

Dependent claims 38-41 depend from claim 15, have features similar to dependent claims 28-31 discussed above, and are patentable for the same reasons as claims 28-31, respectively.

INDEPENDENT CLAIM 25 IS PATENTABLE (SIMILAR TO CLAIM 15)

Independent claim 25 is similar to independent claim 15, and is patentable for at least the same reasons as independent claim 15.

DEPENDENT CLAIMS 26 AND 27 ARE PATENTABLE (DEPENDENCE)

Dependent claims 26 and 27 depend from claim 25, and are patentable for the same reasons as claim 25, as well as on their own merits.

DEPENDENT CLAIMS 43-46 ARE PATENTABLE (PATENTABLE WEIGHT)

Dependent claims 43-46 depend from independent claim 15, have features similar to dependent claims 28-31 discussed above, and are patentable for at least the same reasons as claims 28-31, respectively.

Thus, Appellant submits that the rejection of claims 1-31, 33-36, 38-41, and 43-46 should be reversed and these claims be held patentable and/or confirmed.

Claims 32, 37, and 42 are patentable over He '451 in view of Zenchelsky, and further in view of alleged admitted prior art ("Background of the Invention" at column 1, lines 53-57 of the Present Patent, hereinafter "BACKGROUND OF THE INVENTION").

DEPENDENT CLAIM 32, 37, 42, AND 47 ARE PATENTABLE

ISSUE 32: REDIRECTING DATA AS A FUNCTION OF THE INDIVIDUALIZED RULE SET IS NOT DISCLOSED BY BACKGROUND OF THE INVENTION

Claims 32, 37, 42, and 47 depend respectively from independent claims 1, 8, 15, and 25. Each of claims 32, 37, 42, and 47 recites, in part, "the redirection server is configured to **redirect data** from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address **as a function of the individualized rule set**."

The Examiner's position is that the above recited feature is disclosed by the BACKGROUND OF THE INVENTION section as discussed in 1:46-47 of the Present Patent. See page 23 of the Final Office Action.

Appellant respectfully submits that 1:38-67 of the BACKGROUND OF THE INVENTION section of the Present Patent does discuss redirection, but Appellant does not admit that redirection in the particular combination claimed is known prior art.

Additionally, nowhere in the BACKGROUND OF THE INVENTION is there any disclosure of replacing a first destination address by a second destination address "**as a function of the individualized rule set**," as required by dependent claims 32, 37, 42, and 47.

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Further, Appellant respectfully submits that the other applied art does not remedy the deficiencies of the BACKGROUND OF THE INVENTION.

Thus, Appellant submits that the rejection of dependent claims and 32, 37, 42, and 47 should be reversed, and these claims be held patentable and/or confirmed.

Conclusion

Appellant respectfully requests a reversal of all of the Examiner's rejections of the claims on appeal, and remand to the Examiner for issuance of a Notice of Intent to Issue a Reexamination Certificate (NIRC) of all the claims on appeal.

Please direct any questions to the undersigned at the below-listed telephone number.

A copy of this Notice of Appeal is being served on the third party requester pursuant to 37 CFR 1.248 and 37 CFR 1.550(f).

Respectfully submitted,
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February 2, 2011

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(viii) Claims Appendix

A list of the pending claims is presented below. The Advisory Action dated November 15, 2010 expressly entered the amendments from the after-final Response filed October 21, 2010 for correction of informalities and/or for simplification of issues for appeal. Thus, the claims are appealed as amended in the after-final Response filed October 21, 2010.

The status identifier "(Original)" is used to indicate claims as patented.

1. (Original) A system comprising:

a database with entries correlating each of a plurality of user IDs with an individualized rule set;

a dial-up network server that receives user IDs from users' computers;

a redirection server connected to the dial-up network server and a public network, and

an authentication accounting server connected to the database, the dial-up network server and the redirection server;

wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server;

wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server; and

wherein data directed toward the public network from the one of the users' computers are processed by the redirection server according to the individualized rule set.

2. (Original) The system of claim 1, wherein the redirection server further provides control over

a plurality of data to and from the users' computers as a function of the individualized rule set.

3. (Original) The system of claim 1, wherein the redirection server further blocks the data to and from the users' computers as a function of the individualized rule set.

4. (Original) The system of claim 1, wherein the redirection server further allows the data to and from the users' computers as a function of the individualized rule set.

5. (Original) The system of claim 1, wherein the redirection server further redirects the data to and from the users' computers as a function of the individualized rule set.

6. (Original) The system of claim 1, wherein the redirection server further redirects the data from the users' computers to multiple destinations as a function of the individualized rule set.

7. (Original) The system of claim 1, wherein the database entries for a plurality of the plurality of users' IDs are correlated with a common individualized rule set.

8. (Original) In a system comprising a database with entries correlating each of a plurality of user IDs with an individualized rule set; a dial-up network server that receives user IDs from users' computers; a redirection server connected to the dial-up network server and a public network, and an authentication accounting server connected to the database, the dial-up network server and the redirection server, the method comprising the steps of:

      communicating a first user ID for one of the users' computers and a temporarily assigned

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network address for the first user ID from the dial-up network server to the authentication

accounting server;

communicating the individualized rule set that correlates with the first user ID and the

temporarily assigned network address to the redirection server from the authentication

accounting server;

and processing data directed toward the public network from the one of the users'

computers according to the individualized rule set.

9. (Original) The method of claim 8, further including the step of controlling a plurality of data

to and from the users' computers as a function of the individualized rule set.

10. (Original) The method of claim 8, further including the step of blocking the data to and

from the users' computers as a function of the individualized rule set.

11. (Original) The method of claim 8, further including the step of allowing the data to and

from the users' computers as a function of the individualized rule set.

12. (Original) The method of claim 8, further including the step of redirecting the data to and

from the users' computers as a function of the individualized rule set.

13. (Original) The method of claim 8, further including the step of redirecting the data from the

users' computers to multiple destinations a function of the individualized rule set.

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14. (Original) The method of claim 8, further including the step of creating database entries for a plurality of the plurality of users' IDs, the plurality of users' ID further being correlated with a common individualized rule set.

15. (Twice Amended) A system comprising:

a redirection server [programed] programmed with a user's rule set correlated to a temporarily assigned network address; wherein the rule set contains at least one of a plurality of functions used to control data passing between the user and a public network;

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set correlated to the temporarily assigned network address; and

wherein the redirection server is configured to allow automated modification of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location the user accesses. [access.]

16. (Original) The system of claim 15, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of time.

17. (Original) The system of claim 15, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user.

18. (Twice Amended) The system of claim 15, wherein the redirection server is configured to allow modification of at least a portion of the rule set as a function of the location or locations

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the user accesses. [access.]

19. (Original) The system of claim 15, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of time.

20. (Original) The system of claim 15, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the data transmitted to or from the user.

21. (Twice Amended) The system of claim 15, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of the location or locations the user accesses. [access.]

22. (Original) The system of claim 15, wherein the redirection server is configured to allow the removal or reinstatement of at least a portion of the rule set as a function of some combination of time, data transmitted to or from the user, or location or locations the user access.

23. (Original) The system of claim 15, wherein the redirection server has a user side that is connected to a computer using the temporarily assigned network address and a network side connected to a computer network and wherein the computer using the temporarily assigned network address is connected to the computer network through the redirection server.

24. (Original) The system of claim 23 wherein instructions to the redirection server to modify

the rule set are received by one or more of the user side of the redirection server and the network

side of the redirection server.

25. (Original) In a system comprising a redirection server containing a user's rule set correlated

to a temporarily assigned network address wherein the user's rule set contains at least one of a

plurality of functions used to control data passing between the user and a public network; the

method comprising the step of:

    modifying at least a portion of the user's rule set while the user's rule set remains

correlated to the temporarily assigned network address in the redirection server; and

    wherein the redirection server has a user side that is connected to a computer using the

temporarily assigned network address and a network address and a network side connected to a

computer network and

    wherein the computer using the temporarily assigned network address is connected to the

computer network through the redirection server and the method further includes the step of

receiving instructions by the redirection server to modify at least a portion of the user's rule set

through one or more of the user side of the redirection server and the network side of the

redirection server.

26. (Twice Amended) The method of claim 25, further including the step of modifying at least a

portion of the user's rule set as a function of one or more of: time, data transmitted to or from the

user, and location or locations the user accesses. [access.]

27. (Twice Amended) The method of claim 25, further including the step of removing or

reinstating at least a portion of the user's rule set as a function of one or more of: time, the data transmitted to or from the user and [the] a location or locations the user accesses. [access.]

28. (New) The system of claim 1, wherein the individualized rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

29. (New) The system of claim 1, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

30. (New) The system of claim 1, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

31. (New) The system of claim 1, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

32. (New) The system of claim 1, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

33. (New) The method of claim 8, wherein the individualized rule set includes at least one rule

as a function of a type of IP (Internet Protocol) service.

34. (New) The method of claim 8, wherein the individualized rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

35. (New) The method of claim 8, wherein the individualized rule set includes at least one rule allowing access based on a request type and a destination address.

36. (New) The method of claim 8, wherein the individualized rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

37. (New) The method of claim 8, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

38. (New) The system of claim 15, wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

39. (New) The system of claim 15, wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the

temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

40. (New) The system of claim 15, wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

41. (New) The system of claim 15, wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

42. (New) The system of claim 15, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the modified rule set.

43. (New) The method of claim 25, wherein the modified rule set includes at least one rule as a function of a type of IP (Internet Protocol) service.

44. (New) The method of claim 25, wherein the modified rule set includes an initial temporary rule set and a standard rule set, and wherein the redirection server is configured to utilize the temporary rule set for an initial period of time and to thereafter utilize the standard rule set.

45. (New) The method of claim 25, wherein the modified rule set includes at least one rule allowing access based on a request type and a destination address.

46. (New) The method of claim 25, wherein the modified rule set includes at least one rule redirecting the data to a new destination address based on a request type and an attempted destination address.

47. (New) The method of claim 25, wherein the redirection server is configured to redirect data from the users' computers by replacing a first destination address in an IP (Internet protocol) packet header by a second destination address as a function of the individualized rule set.

(ix) Evidence Appendix

EXHIBIT A

Exhibit A is a "blown up" copy of FIG. 2 of the specification, with added annotations illustrating some communication paths (F1 and F2) of claim 1.

EXHIBIT B

Exhibit B is a Memorandum Opinion and Order (a/k/a Markman Ruling) defining the meaning of "redirection" server as a server programmed to implement blocking, allowing and redirecting functionalities. This order was entered by the District Court in the Eastern District of Texas, Marshall Division, on June 30, 2010, CASE NO. 2:08-CV-264-DF-CE, LINKSMART WIRELESS TECHNOLOGY, LLC VS. T-MOBILE USA, ENC., ET AL., and is included in the Evidence Appendix as Exhibit B.

EXHIBIT C

Exhibit C is the Appeal Brief from the prosecution history of the Present Patent, submitted December 2, 2002, which eventually resulted in a Notice of Allowance and in the Present Patent.

EXHIBIT D

Exhibit D is the Notice of Allowance mailed March 16, 2004 which states the reasons for allowance of the Present Patent.

(x) Related Proceedings Appendix

There are no other Appeals or Interferences known to Appellant which may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in the present Appeal.

A Memorandum Opinion and Order (a/k/a Markman Ruling) was entered by the District Court in the Eastern District of Texas, Marshall Division, on June 30, 2010, CASE NO. 2:08-CV-264-DF-CE, LINKSMART WIRELESS TECHNOLOGY, LLC VS. T-MOBILE USA, INC., ET AL., and is included in the Evidence Appendix as Exhibit B.

CERTIFICATE OF SERVICE

It is hereby certified that the attached Appeal Brief (including Exhibits A, B, C, and D) is being served by first class mail on the third party requester at the third party requestor's address:

JERRY TURNER SEWELL
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NEWPORT BEACH, CA   92658-5015

_____
Abraham Hershkovitz

February 2, 2011
Date

EXHIBIT A

EXHIBIT A

(PATHS "F1" AND "F2" ARE EMPHASIZED)

ANNOTATED FIGURE 2 FROM PATENT 6,779,118

CLAIM 1: PATH F1

"wherein the authentication accounting server accesses the database"

CLAIM 1: PATH F2

"[wherein the authentication accounting server] . . . communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server"
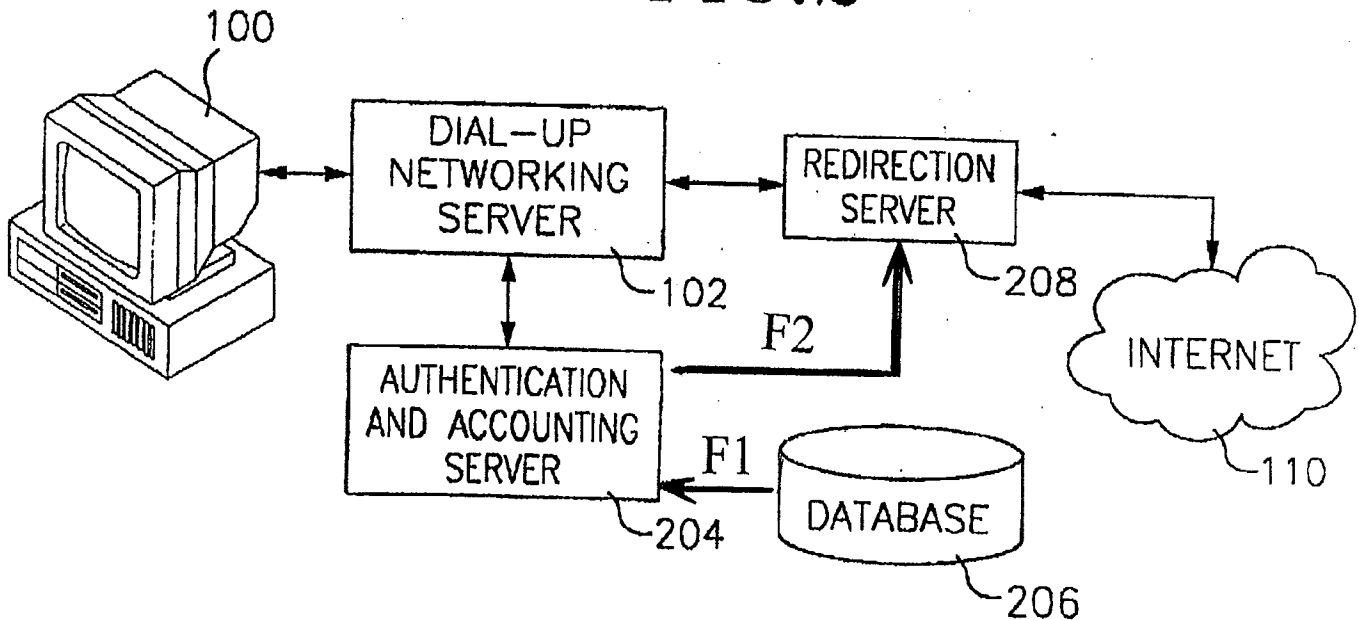
FIG.2

EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

LINKSMART WIRELESS	§	
TECHNOLOGY, LLC	§	
	§	
vs.	§	CASE NO. 2:08-CV-264-DF-CE
	§	
T-MOBILE USA, INC., ET AL.	§	

MEMORANDUM OPINION AND ORDER

After considering the submissions and the arguments of counsel, the court issues the following order concerning the claim construction issues:

I.   Introduction

In this case, the plaintiff Linksmart Wireless Technology, LLC ("Linksmart") contends that the defendants Cisco Systems, Inc., T-Mobile USA, Inc., SBC Internet Services, Barnes & Noble Booksellers, Inc., Wayport, Inc., Mailboxes Etc., Inc., McDonald's Corp., LodgeNet Interactive Corp., Choice Hotels International, Marriott International, Inc., Intercontinental Hotels Group Resources, Inc., Six Continents Hotels, Inc., Best Western International, Inc. ("BWI"), iBAHN General Holdings, Corp., Ethostream, LLC, Ramada Worldwide, Inc., Pronto Networks, Inc., and Aptilo Networks, Inc. infringe various claims of United States Patent No. 6,779,118 ("the '118 patent"). This memorandum addresses the parties' various claim construction disputes. The memorandum will first briefly address the technology at issue in the case and then turn to the merits of the claim construction issues.

II.   Background of the Technology

The '118 patent is titled "User Specific Automatic Data Redirection System." The invention is described in the patent's Abstract:

A data redirection system for redirecting user's data based on a stored rule set. The

redirection of data is performed by a redirection server, which receives the redirection rule sets for each user from an authentication and accounting server, and a database. Prior to using the system, users authenticate with the authentication and accounting server, and receive a network address. The authentication and accounting server retrieves the proper rule set for the user, and communicates the rule set and the user's address to the redirection server. The redirection server then implements the redirection rule set for the user's address. Rule sets are removed from the redirection server either when the user disconnects, or based on some predetermined event. New rule sets are added to the redirection server either when a user connects, or based on some predetermined event.

Claim 1 is a representative claim that illustrates the scope of the invention:

> A system comprising:
> a database with entries correlating each of a plurality of user IDs with an individualized rule set;
> a dial-up network server that receives user IDs from users' computers;
> a redirection server connected to the dial-up network server and a public network, and
> an authentication accounting server connected to the database, the dial-up network server and the redirection server;
> wherein the dial-up network server communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server;
> wherein the authentication accounting server accesses the database and communicates the individualized rule set that correlates with the first user ID and the temporarily assigned network address to the redirection server; and
> wherein data directed toward the public network from the one of the users' computers are processed by the redirection server according to the individualized rule set.

III.   General Principles Governing Claim Construction

"A claim in a patent provides the metes and bounds of the right which the patent confers on the patentee to exclude others from making, using or selling the protected invention." *Burke, Inc. v. Bruno Indep. Living Aids, Inc.*, 183 F.3d 1334, 1340 (Fed. Cir. 1999) (quoting *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1257 (Fed. Cir. 1989)). Claim construction is an issue of law for the court to decide. *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 391 (1996).

To ascertain the meaning of claims, the court looks to three primary sources: the claims, the specification, and the prosecution history. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995), *aff'd*, 517 U.S. 370 (1996) (quoting *Unique Concepts, Inc. v. Brown*, 939 F.2d 1558, 1561 (Fed. Cir. 1991)).   Under the patent law, the specification must contain a written description of the invention that enables one of ordinary skill in the art to make and use the invention. 35 U.S.C. § 112; *id.* at 978. A patent's claims "must be read in view of the specification, of which they are a part." *Markman*, 52 F.3d at 979. "For claim construction purposes, the description may act as a sort of dictionary, which explains the invention and may define terms used in the claims." *Id.* "One purpose for examining the specification is to determine if the patentee has limited the scope of the claims." *Watts v. XL Sys., Inc.*, 232 F.3d 877, 882 (Fed. Cir. 2000).

Nonetheless, it is the function of the claims, not the specification, to set forth the limits of the patentee's claims. Otherwise, there would be no need for claims. *SRI Int'l v. Matsushita Elec. Corp.*, 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc).   The patentee is free to be his own lexicographer, but any special definition given to a word must be clearly set forth in the specification. *Intellicall, Inc. v. Phonometrics*, 952 F.2d 1384, 1388 (Fed. Cir. 1992).   And, although the specification may indicate that certain embodiments are preferred, particular embodiments appearing in the specification will not be read into the claims when the claim language is broader than the embodiments. *Electro Med. Sys., S.A. v. Cooper Life Scis., Inc.*, 34 F.3d 1048, 1054 (Fed. Cir. 1994). This court's claim construction decision must be informed by the Federal Circuit's decision in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). In *Phillips*, the court set forth several guideposts that courts should follow when construing claims. In particular, the court reiterated that "the *claims* of a patent define the invention to which the patentee

is entitled the right to exclude." *Id.* at 1312 (quoting *Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.*, 381 F.3d 1111, 1115 (Fed. Cir. 2004)) (emphasis added). To that end, the words used in a claim "are generally given their ordinary and customary meaning." *Id.* (quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)). "[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." *Id.* at 1313. This principle of patent law flows naturally from the recognition that inventors are usually persons who are skilled in the field of the invention. *Id.* The patent is addressed to and intended to be read by others skilled in the particular art. *Id.*

The primacy of claim terms notwithstanding, *Phillips* made clear that "the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification." *Phillips*, 415 F.3d at 1313. Although the claims themselves may provide guidance as to the meaning of particular terms, those terms are part of "a fully integrated written instrument." *Id.* at 1315 (quoting *Markman*, 52 F.3d at 978). Thus, the *Phillips* court emphasized the specification as being the primary basis for construing the claims. *Id.* at 1314-17. The Supreme Court stated long ago that "in case of doubt or ambiguity it is proper in all cases to refer back to the descriptive portions of the specification to aid in solving the doubt or in ascertaining the true intent and meaning of the language employed in the claims." *Bates v. Coe*, 98 U.S. 31, 38 (1878). In addressing the role of the specification, the *Phillips* court quoted with approval its earlier observations from *Renishaw PLC v. Marposs Societa' per Azioni*, 158 F.3d 1243, 1250 (Fed. Cir. 1998):

> Ultimately, the interpretation to be given a term can only be determined and confirmed with a full understanding of what the inventors actually invented and

intended to envelop with the claim. The construction that stays true to the claim language and most naturally aligns with the patent's description of the invention will be, in the end, the correct construction.

Phillips, 415 F.3d at 1316. Consequently, *Phillips* emphasized the important role the specification plays in the claim construction process.

The prosecution history also continues to play an important role in claim interpretation. The prosecution history helps to demonstrate how the inventor and the PTO understood the patent. *Id.* at 1317. Because the file history, however, "represents an ongoing negotiation between the PTO and the applicant," it may lack the clarity of the specification and thus be less useful in claim construction proceedings. *Id.* Nevertheless, the prosecution history is intrinsic evidence. *Id.* That evidence is relevant to the determination of how the inventor understood the invention and whether the inventor limited the invention during prosecution by narrowing the scope of the claims. *Id.*

Phillips rejected any claim construction approach that sacrificed the intrinsic record in favor of extrinsic evidence, such as dictionary definitions or expert testimony. *Id.* The *en banc* court condemned the suggestion made by *Texas Digital Systems, Inc. v. Telegenix, Inc.*, 308 F.3d 1193 (Fed. Cir. 2002), that a court should discern the ordinary meaning of the claim terms (through dictionaries or otherwise) before resorting to the specification for certain limited purposes. *Phillips*, 415 F.3d at 1319-24. The approach suggested by *Texas Digital*–the assignment of a limited role to the specification–was rejected as inconsistent with decisions holding the specification to be the best guide to the meaning of a disputed term. *Id.* at 1320-21 (quoting *Vitronics*, 90 F.3d at 1582). According to *Phillips*, reliance on dictionary definitions at the expense of the specification had the effect of "focus[ing] the inquiry on the abstract meaning of words rather than on the meaning of claim terms within the context of the patent." *Id.* at 1321. *Phillips* emphasized that "[t]he patent

system is based on the proposition that the claims cover only the invented subject matter." *Id.* What is described in the claims flows from the statutory requirement imposed on the patentee to describe and particularly claim what he or she has invented. *Id.* The definitions found in dictionaries, however, often flow from the editors' objective of assembling all of the possible definitions for a word. *Id.* at 1321-22.

Phillips does not preclude all uses of dictionaries in claim construction proceedings. *Phillips*, 415 F.3d at 1322. Instead, the court assigned dictionaries a role subordinate to the intrinsic record. *Id.* at 1317-19. In doing so, the court emphasized that claim construction issues are not resolved by any "magic formula." *Id.* at 1324. The court did not impose any particular sequence of steps for a court to follow when it considers disputed claim language. *Id.* at 1323-25. Rather, *Phillips* held that a court must attach the appropriate weight to the intrinsic sources offered in support of a proposed claim construction, bearing in mind the general rule that the claims measure the scope of the patent grant. *Id.* at 1324.

In construing the claim terms, the court must also determine whether any claim terms are invalid as being indefinite. The statutory requirement of definiteness states that the claims must "particularly point[] out and distinctly claim[] the subject matter which the applicant regards as his invention." 35 U.S.C. § 112, ¶ 2. "[T]he purpose of the definiteness requirement is to ensure that the claims delineate the scope of the invention using language that adequately notifies the public of the patentee's right to exclude." *Datamize, LLC v. Plumtree Software, Inc.*, 417 F.3d 1342, 1347 (Fed. Cir. 2005). "The definiteness requirement, however, does not compel absolute clarity. Only claims not amenable to construction or insolubly ambiguous are indefinite." *Id.* (internal quotations omitted).

IV.   Agreed Terms

- "combination of" means "two or more of"

- "user" – Ordinary meaning, no construction is necessary.

- "redirects" / "redirecting" mean "causes [causing] to be sent to a location other than the one requested by the user"

- "authentication accounting server" means "a server that determines whether a user ID is authorized to access the network"

V.   Disputed Terms

A.   "user IDs"

Claim 1 contains the term "user IDs": "a database with entries correlating each of a plurality of *user IDs* with an individualized rule set," "wherein the dial-up network server communicates a first *user ID* for one of the users' computers . . . to the authentication accounting server," and "wherein the authentication accounting server . . . communicates the individualized rule set that correlates with the first *user ID*." The term appears throughout the specification, e.g., "when the user connects to the local network . . . the *user's ID* and password are sent to the authentication accounting server." ('118 patent, 2:66-3:1) (emphasis added). According to Linksmart, the court does not need to construe "user IDs." Alternatively, if the court determines that a construction is necessary, Linksmart's proposed construction is "identification of the user." The defendants assert the following construction: "a unique identification code for a particular person."

The defendants contend that the user ID must be a unique identification assigned to a particular person. In support of their argument, the defendants note that the purpose of the invention, according to the patent's Summary of Invention, is "to allow the redirection, blocking,

or allowing, of specific data traffic for *specific users*." ('118 patent, 2:62-64) (emphasis added). Also, U.S. Provisional Application No. 60/084,014 ("'014 application"), which is fully incorporated by reference, states that "[e]ach redirection is handled individually such that every user can have a different designated site." ('014 application, at 8). But nothing in the specification requires that each person must be assigned a unique user ID–a single user ID could be assigned to a group of persons. Therefore, the court construes the term to mean "identification of the user or users."

B.   "individualized rule set"

Claim 1 contains the term "individualized rule set": "wherein the authentication accounting server accesses the database and communicates the *individualized rule set* that correlates with the first user ID" and "wherein data . . . are processed by the redirection server according to the *individualized rule set*." Although "individualized rule set" does not appear in the specification, the phrase "rule set" is used frequently:

> The *rule sets* specify elements or conditions about the user's session. *Rule sets* may contain data about a type of service which may or may not be accessed, a location which may or may not be accessed, how long to keep the *rule set* active, under what conditions the *rule set* should be removed, when and how to modify the *rule set* during a session, and the like.

('118 patent, 4:41-47) (emphasis added).

The plaintiff defines "individualized rule set" as "elements or conditions which apply during a user's session." According to the defendants, this term means "filtering and redirection rules for a particular user ID, which apply during an authorized session." The three primary differences between the parties' proposed constructions are: (1) "elements or conditions" vs. "filtering and redirection rules"; (2) association with a specific user ID; and (3) "user's session" vs. "authorized session."

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First, Linksmart argues that "individualized rule set" should be broadly construed to cover "elements or conditions." The specification explicitly states that "rule sets specify *elements or conditions.*" ('118 patent, 4:41-42) (emphasis added). In response, the defendants assert that the patent uses the phrase "filtering and redirection information" interchangeably with the term "rule set," e.g., "[t]he database also contains personalized filtering and redirection information" and "[t]he redirection server uses the filter and redirection information . . . to either allow packets to pass through . . . , block . . . , or modify." ('118 patent, 3:3-4, 3:15-19). But the specification also explains that the rule set may contain data about "how long to keep the rule set active" and "when and how to modify the rule set during a session." ('118 patent, 4:42-47). The narrow "filtering and redirection information" construction would exclude these two alternatives. Therefore the court will adopt the "elements or conditions" construction.

Second, the defendants' proposal requires the "individualized rule set" to be associated with a particular user ID. Linksmart argues that nothing in the specification requires the rule set to be tied to a specific user ID. But the specification refers to a "rule set," while the claims use the term "*individualized* rule set." Because the modifier "individualized" is included, the court will construe the term to require a link to a specific user ID.

Third, the plaintiff contends that the rule set is applied during a "user's session," but the defendants assert that the rule set is applied during an "authorized session." The specification explains that "[t]he rule sets specify elements or conditions about the *user's session.*" ('118 patent, 4:41-42) (emphasis added). "Authorized session" is not found in the specification. As such, the court is persuaded that the rule set applies during a "user's session." In all, the court construes the term "individualized rule set" as "elements or conditions for a particular user ID that apply during

a user's session."

C. "user's rule set"

Claim 15 contains the term "user's rule set": "a redirection server programed with a *user's rule set* correlated to a temporarily assigned network address." According to Linksmart, no construction of this term is necessary. Alternatively, Linksmart proposes the following construction: "elements or conditions about the user's session." The defendants (except BWI) contend that "user's rule set" means "filtering and redirection rules for a particular user which apply during an authorized session." Finally, BWI's proposed construction is "filtering and redirection rules unique to a particular user which apply during an authorized session."

The defendants assert that "user's rule set" requires "filtering and redirection rules" and "an authorized session." For the reasons discussed above in "individualized rule set," the court declines to adopt these limitations.

BWI argues that the rules must be "unique to a particular user." BWI notes that claim 15 refers to "user" in the singular form: "*a* user's rule set" and "*the* user." But when used with an open-ended transition, the indefinite article "a" means "one or more" except in rare circumstances where the patentee clearly intended to limit the term to a single item. *Baldwin Graphic Sys., Inc. v. Siebert, Inc.*, 512 F.3d 1338, 1342 (Fed. Cir. 2008). The subsequent use of "the user" does not change the presumption of plurality. *Id.* To support its argument, BWI notes that the specification explains, "Rule sets . . . are unique for each user ID, or a group of user IDs." ('118 patent, 4:40-41). BWI argues that the language quoted above presents two distinct options–the rules are unique for a single user ID or unique for a group of user IDs–and the claim language shows that the patentees chose the first option.

The court is not persuaded that the patentees clearly intended to limit "user's rule set" to a single user. The claim language does not disclaim the "group of user ID's" embodiment in the specification. Thus court construes "user's rule set" to mean "elements or conditions that apply during a user's or users' session."

D.   "control data passing"

The term "control data passing" is found in the preamble of claim 25: "wherein the user's rule set contains at least one of a plurality of functions used to *control data passing* between the user and a public network." The term "control data passing" is not found in the specification. According to Linksmart, the ordinary meaning of this term is self-evident and no construction is necessary. The defendants' proposed construction is "filter and redirect data sent."

The Summary of the Invention describes the purpose of the invention: "The present invention allows for creating and implementing dynamically changing rules, to allow the *redirection, blocking, or allowing, of specific data traffic for specific users*, as a function of database entries and the user's activity." ('118 patent, 2:61-65) (emphasis added). Other text in the specification confirms this functionality: "The redirection server . . . is programed to implement . . . checking data packets and blocking or allowing the packets . . . [and] performing the physical redirection of data packets . . . ." ('118 patent, 4:59-65). These passages indicate how the claimed invention enables control of the data passing through the redirection server. As such, the court construes this term to mean "redirect, allow, or block data traffic."

E.   "processed" / "processing"

Claim 1 contains the term "processed": "wherein data directed toward the public network from the one of the users' computers are *processed* by the redirection server according to the

individualized rule set." Claim 8 contains the term "processing": "*processing* data directed toward the public network from the one of the users' computers according to the individualized rule set." As in the term "individualized rule set," Linksmart believes that no construction is necessary, and the defendants wish to limit the scope of this term to filtering and redirecting.

Based on the context of the claim language, it is evident that the "processed" or "processing" step performed by the redirection server is analogous to the redirection server "control[ling] data passing" to the public network. Thus, "processed" and "processing" should be given the same construction as "control data passing": "redirect[ing], allow[ing], or block[ing] data traffic."

F.   "dial-up network server"

The term "dial-up network server" is found in claim 1: "a *dial-up network server* that receives user IDs from users' computers" and "wherein the *dial-up network server* communicates a first user ID for one of the users' computers and a temporarily assigned network address for the first user ID to the authentication accounting server." "Dial-up network server" is described in the following passage from the specification:

> The PC [] first connects to the *dial-up network server* []. The connection is typically created using a computer modem, however a local area network (LAN) or other communications link can be employed. The *dial-up network server* [] is used to establish a communications link with the user's PC [] using a standard communications protocol.

('118 patent, 3:57-63). Linksmart's proposed construction is "a server that is used to establish a temporary link to a network." The defendants contend that this term means "a server on the network that receives a connection via a modem, or establishes a connection via a modem, where the modem dials a phone number over a telephone line."

The defendants argue that the commonly understood meaning of "dial-up" requires the use

of a modem to establish a dial-up connection over a telephone line. The defendants also note that the box labeled "Modem Array & Built-in dialup networking software" in Figure 2 of the '014 application corresponds to the "Dial-up Networking Server" in Figure 2 of the '118 patent. In response, Linksmart points to the language of the specification, quoted above, which explains that the connection to the dial-up network server "is typically created using a computer modem, *however a local area network (LAN) or other communications link can be employed.*" ('118 patent, 3:58-60) (emphasis added). The court must "adopt a definition that is different from the ordinary meaning [of a claim term] when 'the patentee acted as his own lexicographer and clearly set forth a definition of the disputed claim term in either the specification or prosecution history.'" *Edward Lifesciences LLC v. Cook Inc.*, 582 F.3d 1322, 1329 (Fed. Cir. 2009) (quoting *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366-67 (Fed. Cir. 2002)). Here, the specification clearly teaches that connections to the dial-up networking server are not limited to the use of a modem, but may also include other types of connections. Because the patentee defined "dial-up networking server" in a manner that differs from its ordinary meaning, this term is not limited to dial-up or modem connections. Therefore the court construes "dial-up network server" to mean "a server that is used to establish a communications link with the user's PC."

G.   "redirection server"

Claim 1 contains the term "redirection server": "a *redirection server* connected to the dial-up network server and a public network," "wherein the authentication accounting server . . . communicates the individualized rule set . . . to the *redirection server*," and "wherein data directed toward the public network from the one of the users' computers are processed by the *redirection server* according to the individualized rule set." "Redirection server" is found

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throughout the '118 patent's specification:

> The *redirection server* [] is logically located between the user's computer [] and the network, and controls the user's access to the network. . . . The *redirection server* [] receives the IP address and rule set, and is programed to implement the rule set for the IP address, as well as other attendant logical decisions such as: checking data packets and blocking or allowing the packets as a function of the rule sets, performing the physical redirection of data packets based on the rule sets, and dynamically changing the rule sets based on conditions.

('118 patent, 4:50-52 & 59-66) (emphasis added). The plaintiff asserts the following construction of this term: "hardware and/or software that dynamically controls the user's access to the network." The defendants' proposed construction is "a server that causes a user to be sent to a location other than the one requested by the user."

According to the defendants, the plain meaning of "redirection" requires the redirection server to redirect traffic, i.e., " cause[] a user to be sent to a location other than the one requested by the user." But the specification teaches that the redirection server performs functions other redirecting, such as blocking or allowing packets. This additional redirection server functionality is confirmed by dependent claims 2 and 3: "wherein the redirection server further blocks the data" and "wherein the redirection server further allows the data." Based upon the specification's explicit description of the redirection server, quoted above, the court construes the term to mean "a server logically located between the user's computer and the network that controls the user's access to the network."

H.   "temporarily assigned network address"

Claim 1 contains the term "temporarily assigned network address": "wherein the dial-up network server communicates a first user ID for one of the users' computers and a *temporarily assigned network address* for the first user ID to the authentication accounting server." Although

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the specific term "temporarily assigned network address" is not found in the specification, similar phrases are used instead: "[t]he IP address temporarily assigned to the end user is [] sent back to the end user for use in connecting in the network," ('118 patent, 3:10-12), and "[u]pon a successful user authentication, the dial-up network server [] completes the negotiation and assigns an IP address to the user," ('118 patent, 5:57-59). Linksmart's proposed construction is "an address that identifies a user for the duration of a networking session." On the other hand, the defendants argue that this term means "an address assigned to a user only for the duration of an authorized session."

The parties dispute whether the network address must be temporarily assigned or can it be a pre-existing, permanently assigned address. In support of its proposal covering permanent addresses, Linksmart points to the following language from the specification: "In the preferred embodiment Point to Point Protocol (PPP) is used . . . to dynamically assign the PC [] an IP address from a list of available addresses. However, [in] other embodiments . . . , the IP address may also be *permanently assigned* to the PC []." ('118 patent, 3:63-4:2) (emphasis added). Thus, according to Linksmart, the invention should not be limited to the preferred embodiment, which uses temporarily assigned IP addresses. Although the specification discloses both temporary and permanent addresses, the patentee claimed "temporarily assigned network address" not "network address" generally. The "temporarily assigned" limitation excludes embodiments that are permanent or not assigned by the claimed system. Unlike the term "dial-up networking server" where the patentee explicitly defined the term in a manner that differs from its ordinary meaning, the specification provides no specialized definition for "temporarily assigned network address." Thus, the court will construe the term according to its plain language, which requires temporary assignment. The court is persuaded, however, by the plaintiff's argument that the network address

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is used to identify users. The '118 patent's Background of the Invention explains that "the end user would be identified by the temporarily assigned IP address." ('118 patent, 1:35-37). In all, "temporarily assigned network address" is construed to mean "an address that is assigned to a user and identifies a user only for the duration of a networking session."

I.   **"to control passing between the user and a public network"**

The term "to control passing between the user and a public network" is found in claim 15: "wherein the rule set contains at least one of a plurality of functions used *to control passing between the user and a public network*." A word appears to be missing from this term; the verb "control" should have a direct object. Linksmart asserts that this term means "to control data passing between the user and a public network." The defendants contend that this term is indefinite.

Claim 25 contains a limitation similar to the disputed term: "wherein the user's rule set contains a least one of a plurality of functions used to control *data* passing between the user and a public network." Also, the specification states, "The redirection server [] programs the rule set and IP address so as to control . . . the user's *data* as a function of the rule set." ('118 patent, 6:1-3) (emphasis added). Thus, it is apparent that the word "data" was inadvertently omitted from the claim term. The defendants argue that this term is indefinite because it is subject to two reasonable interpretations: "control data passing" or "control the passing of HTTP requests." But HTTP requests are a form of data. As the omission of "data" is an obvious, minor typographical error, the claim is not indefinite. *Novo Indus., L.P. v. Micro Molds Corp.*, 350 F.3d 1348, 1357 (Fed. Cir. 2003). Therefore, the court's construction of "to control passing between the user and a public network" is "to control data passing between the user and a public network."

J.   "automated modification"

Claim 15 contains the term "automated modification": "wherein the redirection server is configured to allow *automated modification* of at least a portion of the rule set correlated to the temporarily assigned network address." Although the specification does not contain the term "automated modification," the modification of rule sets is discussed, e.g., "[r]ule sets may contain data about . . . when and how to modify the rule set during a session," ('118 patent, 4:46-47), and "[t]he redirection server . . . is programed to implement . . . other attendant logical decisions such as . . . dynamically changing the rule sets based on conditions." ('118 patent, 4:59-66). Linksmart asserts that no construction of this term is necessary. Alternatively, Linksmart proposes the following construction: "a change by the system based on a condition." On the other hand, the defendants contend that "automated modification" means "a change by the system without a request or instruction by a person."

The parties agree that "modification" means "a change by the system" but disagree on the meaning of "automated." Linksmart argues that "automated" means "based on a condition." In support of its proposed construction, the plaintiff cites the above-quoted language from the specification: "dynamically changing the rule sets *based on conditions.*" Linksmart's proposal does not distinguish an automated or dynamic modification from a manual modification, however–the phrase "based on a modification" provides no clarification. On the other hand, the defendants contend that automated means "without a request or instruction by a person." But Linksmart notes that an automated modification may occur in response to a user's action. For example, claim 17, which depends from claim 15, states that "the redirection server is configured to allow modification of at least a portion of the rule set as a function of the data transmitted to or from the user." Thus,