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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/001,912	02/29/2012	7868912	14342/10C	1028
74712	7590	04/10/2012	EXAMINER	
Muir Patent Consulting, PLLC 9913 Georgetown Pike, Suite 200 P.O. Box 1213 Great Falls, VA 22066			CAMPBELL, JOSHUA D	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			04/10/2012	PAPER

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

The time period for reply, if any, is set in the attached communication.



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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

Date: 4-10-12

Clifford A. Ulrich

KENYON & KENYON LLP

One Broadway

New York, NY 10004

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

REEXAMINATION CONTROL NO. : 95001912

PATENT NO. : 7868912

TECHNOLOGY CENTER : 3999

ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070(Rev.07-04)

<b>OFFICE ACTION IN INTER PARTES REEXAMINATION</b>	Control No.	Patent Under Reexamination
	95/001,912 Examiner	7868912 Art Unit
	JOSHUA CAMPBELL	3992

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

Responsive to the communication(s) filed by:

Patent Owner on \_\_\_\_\_

Third Party(ies) on 29 February, 2012

**RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:**

*For Patent Owner's Response:*

2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.

*For Third Party Requester's Comments on the Patent Owner Response:*

30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

**All correspondence** relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

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

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

**PART II. SUMMARY OF ACTION:**

- 1a.  Claims 1-4 and 6-22 are subject to reexamination.
- 1b.  Claims 5 are not subject to reexamination.
2.  Claims \_\_\_\_\_ have been canceled.
3.  Claims \_\_\_\_\_ are confirmed. [Unamended patent claims]
4.  Claims \_\_\_\_\_ are patentable. [Amended or new claims]
5.  Claims 1-4 and 6-22 are rejected.
6.  Claims \_\_\_\_\_ are objected to.
7.  The drawings filed on \_\_\_\_\_  are acceptable  are not acceptable.
8.  The drawing correction request filed on \_\_\_\_\_ is:  approved.  disapproved.
9.  Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:  
 been received.  not been received.  been filed in Application/Control No 95001912.
10.  Other \_\_\_\_\_

Art Unit: 3992

### DETAILED ACTION

1) This Office action addresses claims 1-4 and 6-22 of United States Patent Number 7,868,912 (Venetianer) for which it has been determined in the Order Granting Inter Partes Reexamination (hereafter the "Order") that a substantial new question of patentability was raised in the Request for *inter partes* reexamination filed on 2/29/2012 (hereafter the "Request").

#### *Information Disclosure Statement*

2) MPEP 2656 states in pertinent part:

Where patents, publications, and other such items of information are submitted by a party (Patent Owner or Requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the information. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08A and 08B or its equivalent, without an indication to the contrary in the record, do not signify that the information has been considered by the examiner any further than to the extent noted above.

In concert with MPEP 2656, the references submitted in the IDS have been considered only to the extent that the content and relevance of the references have been explained.

Art Unit: 3992

***Rejections Proposed by the Requester***

3) A total of eleven references have been asserted in the Request as providing teachings relevant to the claims of the Venetianer patent. In view of the Order, four of the proposed issues have established a reasonable likelihood that the Requester will prevail. The following proposed rejections are the main issues to be discussed below:

*Issue 1:* Claims 1-3 and 6-22 in view of Gilge

*Issue 3:* Claim 1-4 and 6-22 in view of Lipton

*Issue 5:* Claim 1, 3, 4, 6, 8, 9, 11-13, 15-20, and 22 in view of Courtney

*Issue 12:* Claim 1, 3, 4, 6, 8, 9, 11-13, 15-20, and 22 in view of Olson

***Claim Rejection Paragraphs***

4) The following are quotations from the MPEP regarding the types of rejections to be utilized below:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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