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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/202,067	11/27/2018	Venkat Konda	V-0070US	8134
38139 Konda Technol	7590 08/17/202 ogies Inc	0	EXAM	IINER
6278 GRAND ( SAN JOSE, CA	OAK WAY		TON, MY TRANG	
011110000, 01130100			ART UNIT	PAPER NUMBER
			3992	
			NOTIFICATION DATE	DELIVERY MODE
			08/17/2020	ELECTRONIC

### 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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

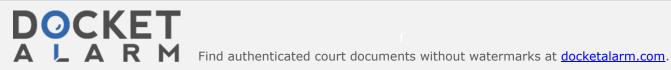
venkat@kondatech.com vkonda@gmail.com

PTOL-90A (Rev. 04/07)



FLEX LOGIX EXHIBIT 1058

	Application No.   16/202,067	Applicant(s) Konda, Venkat				
Office Action Summary	Examiner	Art Unit	AIA (FITF) Status			
	MY TRANG TON	3992	No			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on						
	☐ A declaration(s)/affidavit(s) under <b>37 CFR 1.130(b)</b> was/were filed on					
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ This action is non-final.						
3) An election was made by the applicant in response to a restriction requirement set forth during the interview						
	on; the restriction requirement and election have been incorporated into this action.					
4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims*	Disposition of Claims*					
5) 🗹 Claim(s) 1-2,4,7,11,16,22,24,28,33,36,39,43 and 49-50 is/are pending in the application.						
5a) Of the above claim(s) is/are withdrawn from consideration.						
6) Claim(s) is/are allowed.						
7) Claim(s) 1-2,4,7,11,16,22,24,28,33,36,39,43 and 49-50 is/are rejected.						
8) Claim(s) is/are objected to.						
9) Claim(s) are subject to restriction and/or election requirement  * If any claims have been determined allowable, you may be eligible to benefit from the <b>Patent Prosecution Highway</b> program at a participating intellectual property office for the corresponding application. For more information, please see						
http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.						
Application Papers	inor					
10) The specification is objected to by the Examiner.						
11) The drawing(s) filed on 11/27/18 is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  Certified copies:						
a) ☐ All b) ☐ Some** c) ☐ None of	the:					
<ol> <li>Certified copies of the priority documents have been received.</li> </ol>						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).						
** See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) V Notice of References Cited (PTO-892)	3) 🔲 Interview Summary	y (PTO-413)				
2) Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SPaper No(s)/Mail Date 12/4/2018.  U.S. Patent and Trademark Office	SB/08b) Paper No(s)/Mail E 4) Other:	)ate				



Application Number: 16/202,067

Art Unit: 3992

### **DETAILED ACTION**

#### **ACKNOWLEDGEMENTS**

This Office Action addresses US Application No. 16/202,067 (hereinafter the "instant application"), which is a reissue application of U.S Application No. 12/601,275 (hereinafter "the '275 Application"), entitled "VLSI LAYOUTS OF FULLY CONNECTED GENERALIZED NETWORKS", which issued as U.S. Patent No. 8,269,523 (hereinafter "the '523 Patent").

Based upon a review of the instant application, the actual filing date of the instant application is November 27, 2018.

For reissue applications filed <u>before</u> September 16, 2012, all references to 35 U.S.C. § 251 and 37 CFR §§ 1.172, 1.175, and 3.73 are to the law and rules in effect on September 15, 2012. Where specifically designated, these are "pre-AIA" provisions.

For reissue applications filed <u>on or after</u> September 16, 2012, all references to 35 U.S.C. § 251 and 37 CFR §§ 1.172, 1.175, and 3.73 are to the current provisions.

#### BRIEF SUMMARY OF THE PROCEEDING



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Non Broadening: The instant application is file <u>after two years</u> of issue of the '523 Patent. Because the instant reissue application <u>was filed after two years</u> <u>broadening of the original claims is not allowed</u>. See MPEP § 1412.03.

Patent Term: Based upon and updated review of the file record the Examiner finds that the Patent term <u>has not</u> expired. In addition the Examiner finds that the 3.5 year maintenance fee is paid. The Examiner also finds that the 7.5 year maintenance fee has not been paid. The maintenance fee for the '523 Patent along with surcharge under 37 C.F.R. §1.20(h) is required. The last day to pay maintenance fee is September 18, 2020.

<u>Litigation:</u> Base upon an Examiner review of the file itself the Examiner finds that the '523 Patent <u>is involved</u> in litigation:

- 3:18CV7581 KONDA V. FLEX LOGIX (OPEN)
- 5:18CV7581 KONDA V. FLEX LOGIX (CLOSED)

Concurrent Proceedings: Based upon Applicant's statements as set forth in the instant application and after the Examiner's independent review of the reissued patent itself and its prosecution history and a review of the USPTO PTAB processing system the Examiner cannot locate any concurrent proceedings involving the '523 Patent. The Examiner cannot locate any previous reexaminations, supplemental examinations.

### **PRIORITY**



Non Final Office Action

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Based upon a review of the instant application and '523 Patent, the Examiner finds that the '523 Patent claims priority to Provisional Application No. 60/940,394 which was filed on May 25, 2007.

Based upon a review of the instant application and '523 Patent itself, the Examiner finds that the '523 Patent does not claim foreign priority.

The reissued patent issued with claims 1-48 ("Patented Claims").

### **AMENDMENT**

Applicant filed a preliminary amendment on November 27, 2018 (hereinafter "the November 2018 Amendment") along with the filing of the present reissue application. However, the November 2018 Amendment has been request disregard by the Applicant on September 23, 2019 and substitute by a second preliminary amendment on the same day (hereinafter "the September 2019 Amendment"). In the September 2019 Amendment, original claims 1, 2, 4, 7, 11, 16, 22, 24, 28, 33, 36, 39, 43 were amended; original claims 3, 5-6, 8-10, 12-15, 17-21, 23, 25-27, 29-32, 34-35, 37-38, 40-42, 44-48 were canceled; and claims 49-50 are newly added.

This action is in response to the September 2019 Amendment.

### STATUS OF CLAIMS



Dast of Dance No 2020081

# DOCKET

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