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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/014,865	09/21/2021	6411941	TO BE DETERMINED	2765
26694	7590	11/17/2021	EXAMINER	
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			NGUYEN, MINH DIEU T	
			ART UNIT	PAPER NUMBER
			3992	
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**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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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/014,865 .

PATENT UNDER REEXAMINATION 6411941 .

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)).

<b>Order Granting Request For Ex Parte Reexamination</b>	<b>Control No.</b> 90/014,865	<b>Patent Under Reexamination</b> 6411941	
	<b>Examiner</b> MINH DIEU T NGUYEN	<b>Art Unit</b> 3992	<b>AIA (FITF) Status</b> No

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

The request for *ex parte* reexamination filed 09/21/2021 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a)  PTO-892,      b)  PTO/SB/08,      c)  Other: \_\_\_\_\_

1.  The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

/MINH DIEU NGUYEN/ Primary Examiner, Art Unit 3992		
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cc:Requester ( if third party requester )

### ***Notice of Pre-AIA or AIA Status***

The present application is being examined under the pre-AIA first to invent provisions.

### **DECISION GRANTING *EX PARTE* REEXAMINATION**

This is in response to a request for an Ex Parte Reexamination of claims 1-3, 6-14 and 16 U.S. Patent No. 6,411,941 (hereinafter "the '941 Patent"). The '941 Patent was issued on June 25, 2002.

A substantial new question of patentability affecting claims 1-3, 6-14 and 16 of U.S. Patent No. 6,411,941 **is raised** by the present request for *ex parte* reexamination filed September 21, 2021.

Extensions of time under 37 CFR 1.136(a) will not be permitted in *ex parte* proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

### **Notification of Concurrent Proceedings**

The patent owner is reminded of the continuing responsibility under 37 CFR 1.985 to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving the '941 Patent throughout the course of this reexamination

proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP § 2686 and 2686.04.

### PROSECUTION HISTORY

The '941 Patent was originally filed as Application No. 09/164,777 on October 1, 1998, having claims 1-15. Foreign priority was claimed to Israel Patent Application No. 124571, filed May 21 1998, for which a certified copy in English was concurrently filed.

The Office mailed a non-final office action on October 18, 2000, rejecting claims 1-15. Claims 1-4 and 11-13 were rejected under 35 U.S.C. 102(e) over U.S. Patent No. 5,892,900 to Ginter et al. (hereinafter Ginter). Claims 5, 7, and 8 were rejected under 35 U.S.C. 103(a) over Ginter in view of U.S. Patent No. 5,684,951 to Goldman et al. (hereinafter Goldman). Claim 9 was rejected under 35 U.S.C. 103(a) over Ginter in view of Goldman further in view of U.S. Patent No. 5,490,216 to Richardson, III (hereinafter Richardson), although the explanation of the rejection to that claim did not rely upon Richardson at all. It is noted that the explanation of this rejections also suggested that claims 6 and 10 should also have been rejected over Ginter. Claims 14 and 15 were not discussed.

A second non-final rejection was mailed on December 20, 2000 that clarified the previous office action, stating that claims 1-4, 6, and 10-13 were rejected under 35 U.S.C. 102(e) over Ginter and claims 5, 7-9, 14, and 15 were rejected under 35 U.S.C. 103(a) over Ginter in view of Goldman.

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