Exhibit B

PTO/SB/57 (01-18)
Approved for use through 11/30/2021. OMB 0651-0064
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

(Also referred to as FORM PTO-1465)

REQUEST FOR *EX PARTE* REEXAMINATION TRANSMITTAL FORM

Address to:
Mail Stop *Ex Parte* Reexam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.: 2525.993REX0

Date: May 15, 2020

1. ☒ This is a request for *ex parte* reexamination pursuant to 37 CFR 1.510 of patent number 8,213,970 B2 issued July 3, 2012. The request is made by:
   ☐ patent owner. ☒ third party requester.

2. ☒ The name and address of the person requesting reexamination is:
   Jonathan Tuminaro
   Sterne, Kessler, Goldstein & Fox P.L.L.C.
   1100 New York Avenue, N.W., Suite 600, Washington, DC 20005

3. Requester ☐ asserts small entity status (37 CFR 1.27) or ☐ certifies micro entity status (37 CFR 1.29). Only a patent owner requester can certify micro entity status. Form PTO/SB/15A or B must be attached to certify micro entity status.

4. This request is accompanied by payment of the reexamination fee as set forth in:
   ☒ 37 CFR 1.20(c)(2); **or**
   ☐ 37 CFR 1.20(c)(1). **In checking this box for payment of the fee set forth in 37 CFR 1.20(c)(1), requester asserts that this request has forty (40) or fewer pages and complies with all other requirements of 37 CFR 1.20(c)(1).**

   Payment of the reexamination fee is made by the method set forth below.
   a. ☐ A check in the amount of $_____ is enclosed to cover the reexamination fee;
   b. ☐ The Director is hereby authorized to charge the reexamination fee to Deposit Account No. _____;
   c. ☐ Payment by credit card. Form PTO-2038 is attached; **or**
   d. ☒ Payment made via EFS-Web.

   ☒ In addition, the Director is hereby authorized to charge any fee deficiencies to Deposit Account No. 19-0036.

5. ☒ Any refund should be made by ☐ check or ☒ credit to Deposit Account No. 19-0036. 37 CFR 1.26(c). If payment is made by credit card, refund must be to credit card account.

6. ☒ A copy of the patent to be reexamined having a double column format on one side of a separate paper is enclosed. 37 CFR 1.510(b)(4).

7. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
   ☐ Landscape Table on CD

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/014,507	05/15/2020	8213970	2525.993REX0	6188

22235 7590 07/27/2020
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EXAMINER
KISS, ERIC B

ART UNIT	PAPER NUMBER
3992	

MAIL DATE	DELIVERY MODE
07/27/2020	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.

Applicant responded by amending claims 2, 3, and 7. Applicant again contended, *inter alia*, that Keating did not disclose a forced message alert system. See '122 App., Remarks, Sep. 9, 2011, p. 7.

The examiner subsequently allowed claims 2-14 upon entry of an Examiner's Amendment removing references to a "PC" in all pending claims. '122 App., Examiner's Amendment, Apr. 25, 2012. The examiner provided the following statement of reasons for allowance of the amended claims:

> [C]laims 2-14 have been found to be novel and the inventive because prior art record fails to show or teach means for attaching a forced message alert software packet to a voice or text message creating a forced message alert that is transmitted by said sender PDA/cell phone to the recipient PDA/cell phone, said forced message alert software packet containing a list of possible required responses and requiring the forced message alert software on said recipient PDA/cell phone to transmit an automatic acknowledgment to the sender PDA/cell phone as soon as said forced message alert is received by the recipient PDA/cell phone; means for requiring a required manual response from the response list by the recipient in order to clear recipient's response list from recipient's cell phone display; means for receiving and displaying a listing of which recipient PDA/cell phones have automatically acknowledged the forced message alert and which recipient PDA/cell phones have not automatically acknowledged the forced message alert.

Id. at 9.

Priority Date

The Request contends that the '970 patent is not entitled to priority to any of the earlier-filed applications in its continuity chain, and is instead entitled to a priority date of only November 26, 2008 — its actual filing date, (Request at 17-20).

Upon review, the examiner agrees with the contentions and evidentiary support in the Request, (*see id.*), that none of the earlier-filed applications provide sufficient written description support for at least a forced-message alert software-application program, as required by each independent claims of the '970 patent. Accordingly, the examiner agrees that the '970 patent is entitled to a priority date of November 26, 2008.

printed publication important in deciding whether or not the claim is patentable, unless the same question of patentability has already been decided as to the claim in a final holding of invalidity by the Federal court system or by the Office in a previous examination. MPEP § 2242.

B. Kubala and Hammond (SNQ 1)

The request asserts that a substantial new question of patentability as to claims 2 and 10-13 of the '970 patent is raised by Kubala and Hammond, (Request at 7). The examiner agrees.

Neither Kubala nor Hammond were considered by the examiner during the prosecution of the application that matured into the '970 patent.

As described in the Request, Kubala discloses PDAs that send and receive mandatory-response messages, (see Request at 32-35 (citing Kubala at Abstract, FIGS. 2, 9, 11A, 11C, ¶¶ 22, 32, 33, 35, 36, 50, 51, 57, and 61)).

As described in the Request, Hammond discloses tracking acknowledgements of and responses to mandatory-response messages, (see Request at 35-37 (citing Hammond at 1:13-16, 1:21-26, 3:1-5, 3:31-43, 6:3-19, 6:56-8:45, 10:5-11:48; FIGS. 2, 4, 5A, 5B)).

Because these new and non-cummulative technical teachings appear to be relevant to the specific features cited by the examiner as being absent from the prior art during prosecution of the '970 patent, there is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether claims 2 and 10-13 of the '970 patent are patentable. Accordingly, Kubala and Hammond raise a substantial new question of patentability as to these claims.

C. Hammond, Johnson, and Pepe (SNQ 2)

The request asserts that a substantial new question of patentability as to claims 2 and 10-13 of the '970 patent is raised by Hammond, Johnson, and Pepe, (Request at 8-9). The examiner agrees.

Hammond, Johnson, and Pepe were not considered by the examiner in the application that matured into the '970 patent.

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