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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,174	06/05/2008	6591303	112056-0513	6041

26379            7590            06/22/2009

DLA PIPER LLP (US )  
2000 UNIVERSITY AVENUE  
EAST PALO ALTO, CA 94303-2248

EXAMINER

ART UNIT            PAPER NUMBER

DATE MAILED: 06/22/2009

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



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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Boston, MA 02210

**MAILED**

**JUN 22 2009**

**CENTRAL REEXAMINATION UNIT**

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/009,174.

PATENT NO. 6591303.

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)).

**Notice of Intent to Issue  
Ex Parte Reexamination Certificate**

<b>Control No.</b> 90/009,174	<b>Patent Under Reexamination</b> 6591303	
<b>Examiner</b> Deandra M. Hughes	<b>Art Unit</b> 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: 03 June 2009.
  - (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 Parte* 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) Patent claim(s) amended (including dependent on amended claim(s)): 1, 5-11, 13-14, 18-41
    - (3) Patent claim(s) cancelled: 2-4, 12 and 15-17.
    - (4) Newly presented claim(s) patentable: \_\_\_\_\_.
    - (5) Newly presented cancelled claims: \_\_\_\_\_.
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).
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: Interview Summary Form

/Deandra M Hughes/  
Primary Examiner, Art Unit 3992

cc: Requester (if third party requester)

**EX PARTE REEXAMINATION NIRC**

1. This is an *ex parte* reexamination of U.S. Patent No. **6,591,303**.
  - Patent **claims 1-41** were under reexamination.
  - Patent Owner ("PO") has cancelled **claims 2-4, 12, and 15-17**.
  - PO has amended all pending independent claims, i.e. **claims 1, 6, 14, 19, 24, and 38-41**.

***Reasons for Allowance***

2. **Claims 1, 5-11, 13-14, and 18-41** are allowed. These claims are allowed because the limitations of **claims 3 and 16**, which were previously indicated as patentable subject matter was folded into all the independent claims. (see <sup>Non-FINAL OFFICE</sup>~~Final Office~~ Action mailed 4/22/09; pg. 42; ¶42)

***Conclusion***

3. **All** correspondence relating to this *ex parte* reexamination proceeding should be directed:

By Mail to: Mail Stop Ex Parte Reexam  
Attn: Central Reexamination Unit  
Commissioner for Patents  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900  
Central Reexamination Unit

By hand: Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

4. Registered users of EFS-Web may alternatively submit such correspondence via

the electronic filing system EFS-Web, at:

<https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>.

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

5. Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:

/Deandra M. Hughes/

Deandra M. Hughes  
Primary Examiner  
Central Reexamination Unit 3992  
(571) 272-6982

Conferees:

ESK  
C/M

<b>Ex Parte Reexamination Interview Summary</b>	<b>Control No.</b>	<b>Patent Under Reexamination</b>	
	90/009,174	6591303	
	<b>Examiner</b>	<b>Art Unit</b>	
	Deandra M. Hughes	3992	

All participants (USPTO personnel, patent owner, patent owner's representative):

- (1) Deandra M. Hughes, Examiner (3) Eric Keasel, SPE  
(2) Al Gagliardi, Examiner (4) Ronald L. Yin

Date of Interview: 03 June 2009

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: 1, 6, 14, 19 and 24.

Identification of prior art discussed: N/A.

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).**

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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: Patent Owner's Representative, Mr. Yin, telephoned the Examiner on May 29, 2009 to suggest submission of a set of proposed amendments to put the claims in condition for allowance. Mr. Yin submitted said proposed amendments via fax on June 1, 2009. On June 3, 2009, Examiner Hughes conferenced these proposed amendments with Eric Keasel (SPE) and Al Gagliardi (Primary Examiner). All were in agreement that the proposed amendments would put the claims in condition for allowance. Subsequently, the Examiner contacted Mr. Yin and informed him that the Examiner agreed that the proposed amendments would put the claims in condition for allowance..