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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,829	04/03/2013	7822816	20351.RX816	6993

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EXAMINER	
DESAI, RACHNA SINGH	
ART UNIT	**PAPER NUMBER**
3992	

MAIL DATE	DELIVERY MODE
04/23/2013	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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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/012,829*.

PATENT NO. *7822816*.

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)).

Order Granting / Denying Request For Ex Parte Reexamination	**Control No.** 90/012,829	**Patent Under Reexamination** 7822816
	Examiner RACHNA DESAI	**Art Unit** 3992

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

The request for *ex parte* reexamination filed *03 April 2013* 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.

2. ☐ The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

a) ☐ by Treasury check or,

b) ☐ by credit to Deposit Account No. _____, or

c) ☐ by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

/Rachna S Desai/ Primary Examiner, Art Unit 3992		

cc:Requester (if third party requester)

DECISION GRANTING EX PARTE REEXAMINATION

Decision on Request

1. A substantial new question of patentability affecting claims 1-14 of US Patent 7,822,816 B2 to Payne (hereafter "Payne") is raised by the third party request for ex parte reexamination.

References Cited in the Request

U.S. Patent No. 5,704,029 to Wright ("Wright")

U.S. Patent No. 6,477,373 to Rappaport et al. ("Rappaport")

U.S. Patent No. 6,584,464 to Warthen ("Warthen")

U.S. Patent App. No. 2002/0007303 to Brookler et al. ("Brookler")

European Patent Application EP 0779,759 to Rossmann ("Rossmann")

PCT Published Application WO 99/33390 to Benigno ("Benigno")

U.S. Patent No. 5,991,771 to Falls et al. ("Falls")

U.S. Patent No. 5,442,786 to Bowen ("Bowen")

Issues Raised by Request

Issue 1

The Requester alleges Rossmann in view of Rappaport raises a substantial new question of patentability regarding claims 1-3 and 5-14 under 35 U.S.C. 103(a).

Rossmann was published on June 18, 1997 which predates the filing date of the Payne patent. Rossmann is new art that has not been previously considered.

Rappaport was published on November 5, 2002 and filed on August 10, 2000 which predates the filing date of the Payne patent. Rappaport is new art that has not been previously considered.

Issue 2

The Requester alleges Rossmann in view of Rappaport and Bowen raises a substantial new question of patentability regarding claim 4 under 35 U.S.C. 103(a).

Rossmann was published on June 18, 1997 which predates the filing date of the Payne patent. Rossmann is new art that has not been previously considered.

Rappaport was published on November 5, 2002 and filed on August 10, 2000 which predates the filing date of the Payne patent. Rappaport is new art that has not been previously considered.

Bowen was published on August 15, 1995 which predates the filing date of the Payne patent. Bowen is new art that has not been previously considered.

Issue 3

The Requester alleges Rossmann in view of Falls raises a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. 103(a).

Rossmann was published on June 18, 1997 which predates the filing date of the Payne patent. Rossmann is new art that has not been previously considered.

Falls was published on November 23, 1999 which predates the filing date of the Payne patent. Falls is new art that has not been previously considered.

Issue 4

The Requester alleges Benigno in view of Falls raises a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. 103(a).

Benigno was published on July 8, 1999 which predates the filing date of the Payne patent. Benigno is new art that has not been previously considered.

Falls was published on November 23, 1999 which predates the filing date of the Payne patent. Falls is new art that has not been previously considered.

Issue 5

The Requester alleges Benigno in view of Rappaport raises a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. 103(a).

Benigno was published on July 8, 1999 which predates the filing date of the Payne patent. Benigno is new art that has not been previously considered.

Rappaport was published on November 5, 2002 and filed on August 10, 2000 which predates the filing date of the Payne patent. Rappaport is new art that has not been previously considered.

Issue 6

The Requester alleges Wright in view of Warthen, Rappaport, Brookler and Rossmann raises a substantial new question of patentability regarding claims 1, 2, 5-7, and 11-14 under 35 U.S.C. 103(a).

Wright was published on December 30, 1997 which predates the filing date of the Payne patent. Wright is new prior art that has not been previously considered.

Warthen was published on January 24, 2003 and filed on March 19, 1999 which predates the filing date of the Payne patent. Warthen is new prior art that has not been previously considered.

Rappaport was published on November 5, 2002 and filed on August 10, 2000 which predates the filing date of the Payne patent. Rappaport is new art that has not been previously considered.

Brookler was published on January 17, 2002 and filed on April 30, 2001 which predates the filing date of the Payne patent. Brookler is old art that is being presented in a new light.

Rossmann was published on June 18, 1997 which predates the filing date of the Payne patent. Rossmann is new art that has not been previously considered.

The Payne Patent

2. The Payne Patent is generally directed to a method of managing data including creating and tokenizing a questionnaire; thereby producing a plurality of tokens representing the questionnaire. The plurality of tokens are transmitted to a remote computing device which executes a portion of the plurality of tokens representing the questionnaire at the remote computing device to collect a response from a user. A portion of the response from the user is then transmitted from the user to the server where it is stored.

Pertinent Prosecution History

3. Claims 1-14 are the current claims in the Payne Patent which issued October 26, 2010 from application 10/643,516 filed on August 19, 2003 which claims priority to provisional application 60/404,491 which was filed on August 19, 2002.

The Payne Patent was originally filed with claims 1-11.

Examiner issued a non-final office action on 08/10/2006 in which claims 1 and 5 were rejected under 35 U.S.C. 102(e) as being anticipated by Lew, US 2004/0210472. Claim 7 was rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski, US 2003/0198934. Claims 2-4, 6, and 9-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lew in view of Sendowski. Claim 8 was rejected under 35 U.S.C. 103(a) over Sendowski in view of Joao, US 2001/0056374.

A non-compliant amendment was filed on 02/12/2007 to which a notice of non-compliant amendment was mailed on 04/30/2007.

On 05/08/2007, Applicant filed a response with amendments to claim 1. On 5/22/2007, the Examiner issued a final rejection. Claim 7 was rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski, US 2003/0198934. Claims 1, 5, and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lew in view of Porter, US 6,163,811. Claims 2-4, 6, and 10-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lew in view of Porter and further in view of Sendowski. Claim 8 was rejected under 35 U.S.C. 103(a) over Sendowski in view of Joao, US 2001/0056374.

On 09/24/2007, Applicant filed request for continued examination with a response and an amendment amending claims 1 and 9 and adding new claims 12-16. On 10/30/2007, Examiner issued a non-final rejection in which claims 7 and 13 were rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski, US 2003/0198934. Claims 1, 5, 9, 12, and 15-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lew in view of Porter, US 6,163,811. Claims 2-4, 6, and 10-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lew in view of Porter and further in view of Sendowski. Claim 8 was rejected under 35 U.S.C. 103(a) over Sendowski in view of Joao, US 2001/0056374.

On 4/30/2008, Applicant filed a response and amendment amending claims 7 and 9. Examiner issued a non-final rejection on 09/04/2008. Claim 7 was rejected under 35 U.S.C. 102(e) as being anticipated by Peters et al., US 5,842,195. Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Joao.

Claims 13-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Porter, US 6,163,811. Claims 1 and 3-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Porter. Claims 2 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Porter and Brookler et al., US 2002/0007303. Claims 6 and 9-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brookler in view of Gresham, US 2002/0160773. Claims 15-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brookler in view of Gresham in view of Porter.

Applicant filed a response with amendments on 02/04/2009. Claims 1, 2, 6-7, 9-11 were amended, claims 12-16 were cancelled, and claims 17-21 were added. Examiner issued a final rejection on 06/01/2009. Claims 1, 3-4, 7, 9-11, 17-19, and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Munyer, US 2002/0143610. Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Munyer and Brookler et al. Claims 6 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Munyer and Gresham. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters in view of Munyer and Joao.

On 05/03/2010, Applicant filed a request for continued examination with a response and amendments. Claims 1, 7, 9, and 21 were amended, claims 5 and 12-16 were cancelled, and claims 22-24 were added.

On 09/07/2010, the Examiner issued a Notice of Allowance allowing claims 1-4, 5, 9-11, and 17-22. Claims 7-8 and 23-24 were cancelled. As the reasons for

allowance, Examiner stated, "*The cited prior arts fail to disclose or suggest transmitting said plurality of tokens to a remote computing device via said first wireless modem or wireless LAN network connection, terminating said first wireless modem or wireless LAN network connection with said remote computing device, after said first wireless modem or wireless LAN network connection is terminated, executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user, establishing a second wireless modem or wireless LAN network connection between said remote computing device and a server, after said second wireless modem or wireless LAN network connection is established, transmitting at least a portion of said response from the user to said server via said second wireless modem or wireless LAN network connection in conjunction with all other limitations in the claim.*"

Substantial New Question

4. In view of the prosecution history, it is considered that the evaluation of a prior art reference (or combination of references) that teaches or suggests *transmitting said plurality of tokens to a remote computing device via said first wireless modem or wireless LAN network connection, terminating said first wireless modem or wireless LAN network connection with said remote computing device, after said first wireless modem or wireless LAN network connection is terminated, executing at least a*

portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user, establishing a second wireless modem or wireless LAN network connection between said remote computing device and a server, after said second wireless modem or wireless LAN network connection is established, transmitting at least a portion of said response from the user to said server via said second wireless modem or wireless LAN network connection, would raise a substantial new question of patentability.

Detailed Analysis

Issue 1

The Requester alleges Rossmann in view of Rappaport raises a substantial new question of patentability regarding claims 1-3 and 5-14 under 35 U.S.C. 103(a).

Rossmann teaches a card deck wherein each of the cards is a single operation and can be communicated to a computer from a server and from a computer to a server through any known two-way data communication network. Rossmann p. 6, lines 31-37, p. 15, lines 8-12, p. 14, lines 35-38, p. 26, lines 5-6, and p. 28, lines 39-41.

Rossmann discloses on page 9, lines 4-8 and figure 2A that an initial card deck is transmitted to a cell phone including an introductory display card and a choice card. Each data type is compressed to facilitate optimal transfer over the two way

communication network. For example, Rossmann discloses the verbs in the telephone interaction description language are compressed using a binary tokenization and graphics are compressed using run length limited compression and text is compressed. See page 14, lines 55-58. The instructions in the telephone interaction description language and in the terminal interaction language are grouped into a deck and a card. See page 15, lines 2-7.

Further, since each of the cards in the card deck can be transmitted through a single operation, the connection is effectively established and terminated with each transmission. See p. 6, lines 31-37, p. 15, lines 8-12, p. 14, lines 35-38, p. 26, lines 5-6, and p. 28, lines 39-41.

After the user response data is processed at the mobile device, the cards are then transmitted to a server for collection and processing. Rossmann p. 9, lines 15-18; p. 11, line 43 -p. 12, line 2, and p. 15, lines 23-27.

Rappaport teaches that the number of channels available for cellular sessions is limited, and data transfers can be interrupted (i.e., terminated) to allow for real-time communication. Rappaport at 7:44-63. Furthermore, Rappaport teaches that the data can be processed while the data connection is not in use, because the mobile device continues to function "undisturbed by link failures" and "in a manner that is transparent to end users." Rappaport at 2:44-58. Accordingly, the mobile devices can continue to process data in a transparent manner, as if the data connection is still available, in anticipation of reestablishing the connection.

Since these teachings are directly related to subject matter considered as the basis for allowability of the patent claims, it is considered that a reasonable examiner would consider evaluation of the teachings of Rossmann in view of Rappaport as important in deciding patentability of at least claims 1-3 and 5-14.

Issue 2

The Requester alleges Rossmann in view of Rappaport and Bowen raises a substantial new question of patentability regarding dependent claim 4 under 35 U.S.C. 103(a).

As it has been determined with respect to Issue 1 that Rossmann in view of Rappaport raises a substational new question of patentability with respect to independent claim 1, it is agreed that Rossmann in view of Rappaport and Bowen raises an SNQ with respect to dependent claim 4 for the same reasons explained under "Issue 1" above. Further, Bowen teaches that it was well known in the art to develop questionnaires based on "hierarchical data tree[s]" where "the system first creates a vertical leg of the data tree, before creating horizontal branches ...." Bowen at Abstract.

Since these teachings are directly related to subject matter considered as the basis for allowability of the patent claims, it is considered that a reasonable examiner would consider evaluation of the teachings of Rossmann in view of Rappaport and Bowen as important in deciding patentability of at least claim 4.

Issue 3

The Requester alleges Rossmann in view of Falls raises a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. 103(a).

Rossmann teaches a card deck wherein each of the cards is a single operation and can be communicated to a computer from a server and from a computer to a server through any known two-way data communication network. Rossmann p. 6, lines 31-37, p. 15, lines 8-12, p. 14, lines 35-38, p. 26, lines 5-6, and p. 28, lines 39-41.

Rossmann discloses on page 9, lines 4-8 and figure 2A that an initial card deck is transmitted to a cell phone including an introductory display card and a choice card. Each data type is compressed to facilitate optimal transfer over the two way communication network. For example, Rossmann discloses the verbs in the telephone interaction description language are compressed using a binary tokenization and graphics are compressed using run length limited compression and text is compressed. See page 14, lines 55-58. The instructions in the telephone interaction description language and in the terminal interaction language are grouped into a deck and a card. See page 15, lines 2-7.

Further, since each of the cards in the card deck can be transmitted through a single operation, the connection is effectively established and terminated with each transmission. See p. 6, lines 31-37, p. 15, lines 8-12, p. 14, lines 35-38, p. 26, lines 5-6, and p. 28, lines 39-41.

After the user response data is processed at the mobile device, the cards are then transmitted to a server for collection and processing. Rossmann p. 9, lines 15-18; p. 11, line 43 -p. 12, line 2, and p. 15, lines 23-27.

Falls teaches that even though the system is disconnected from the network communications, a "virtual network" will allow the mobile device to continue normal operations. Falls at Abstract and 3:16-35. The questionnaire can then be synchronized upon reestablishing the network connection. Falls at Abstract and 3:16-35. Further, Falls teaches that the mobile devices can be disconnectable from the server, and that the cards transmitted can be synchronized after a disconnection occurs. Falls at Abstract, 3:16-35, 5:21-31, and 35:47-63.

Since these teachings are directly related to subject matter considered as the basis for allowability of the patent claims, it is considered that a reasonable examiner would consider evaluation of the teachings of Rossmann in view of Falls as important in deciding patentability of at least claims 1-14.

Issue 4

The Requester alleges Benigno in view of Falls raises a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. 103(a).

Benigno teaches a questionnaire based on creating a standard of care for treatment of patients that keeps nurses and doctors in constant communication. Benigno at 46:4-9 and 22-24. The nurse is able to answer questions in the

questionnaire and based on the responses provided by the patient, the information is updated in the server and subsequent questions are asked. Benigno at 12:17-31. This also allows for individual questions to be used throughout multiple questionnaires, thereby increasing efficiency of the questionnaire database. *Id.* The individual questions are "tokenized representations" that are communicated between the server and the mobile device via wireless network connections. Benigno at 19:10-24, 13:1-10, and 46:4-9. The mobile device can be disconnected from the network communications due to losing the connection as is inevitable in wireless communication or due to the nurse closing the connection. Benigno at 46:4-24 and FIG.1A. Further, as shown in FIG. 1B, the modem of the system dials at the beginning of each communication step 102, 105, and 110. Dialing each time is only necessary if the modem is disconnected. The nurse can continue to input data into the questionnaire, even though the system is disconnected from the network communications. Benigno at 46:16-28. The questionnaire is then stored. Benigno at 23:10.

Falls teaches that even though the system is disconnected from the network communications, a "virtual network" will allow the mobile device to continue normal operations. Falls at Abstract and 3:16-35. The questionnaire can then be synchronized upon reestablishing the network connection. Falls at Abstract and 3:16-35. Further, Falls teaches that the mobile devices can be disconnectable from the server, and that the cards transmitted can be synchronized after a disconnection occurs. Falls at Abstract, 3:16-35, 5:21-31, and 35:47-63.

Since these teachings are directly related to subject matter considered as the basis for allowability of the patent claims, it is considered that a reasonable examiner would consider evaluation of the teachings of Benigno in view of Falls as important in deciding patentability of at least claims 1-14.

Issue 5

The Requester alleges Benigno in view of Rappaport raises a substantial new question of patentability regarding claims 1-14 under 35 U.S.C. 103(a).

Benigno teaches a questionnaire based on creating a standard of care for treatment of patients that keeps nurses and doctors in constant communication. Benigno at 46:4-9 and 22-24. The nurse is able to answer questions in the questionnaire and based on the responses provided by the patient, the information is updated in the server and subsequent questions are asked. Benigno at 12:17-31. This also allows for individual questions to be used throughout multiple questionnaires, thereby increasing efficiency of the questionnaire database. *Id.* The individual questions are "tokenized representations" that are communicated between the server and the mobile device via wireless network connections. Benigno at 19:10-24, 13:1-10, and 46:4-9. The mobile device can be disconnected from the network communications due to losing the connection as is inevitable in wireless communication or due to the nurse closing the connection. Benigno at 46:4-24 and FIG.1A. Further, as shown in FIG. 1B, the modem of the system dials at the beginning of each communication step 102, 105, and 110. Dialing each time is only necessary if the modem is disconnected. The nurse

can continue to input data into the questionnaire, even though the system is disconnected from the network communications. Benigno at 46:16-28. The questionnaire is then stored. Benigno at 23:10.

Rappaport teaches that the number of channels available for cellular sessions is limited, and data transfers can be interrupted (i.e., terminated) to allow for real-time communication. Rappaport at 7:44-63. Furthermore, Rappaport teaches that the data can be processed while the data connection is not in use, because the mobile device continues to function "undisturbed by link failures" and "in a manner that is transparent to end users." Rappaport at 2:44-58. Accordingly, the mobile devices can continue to process data in a transparent manner, as if the data connection is still available, in anticipation of reestablishing the connection.

Since these teachings are directly related to subject matter considered as the basis for allowability of the patent claims, it is considered that a reasonable examiner would consider evaluation of the teachings of Benigno in view of Rappaport as important in deciding patentability of at least claims 1-14.

Issue 6

The Requester alleges Wright in view of Warthen, Rappaport, Brookler and Rossman raises a substantial new question of patentability regarding claims 1, 2, 5-7, and 11-14 under 35 U.S.C. 103(a).

Wright and Warthen teach a system that creates a questionnaire and tokenizes that data of that questionnaire. Wright at ABSTRACT and 13:38-67; Warthen at ABSTRACT and 2:1-11.

Rappaport teaches that the number of channels available for cellular sessions is limited, and data transfers can be interrupted (i.e., terminated) to allow for real-time communication. Rappaport at 7:44-63. Furthermore, Rappaport teaches that the data can be processed while the data connection is not in use, because the mobile device continues to function "undisturbed by link failures" and "in a manner that is transparent to end users." Rappaport at 2:44-58. Accordingly, the mobile devices can continue to process data in a transparent manner, as if the data connection is still available, in anticipation of reestablishing the connection.

Brookler teaches that the tokenized data can be transmitted using multiple network connections, and processed at the server. See paragraph [0033] and figure 1.

Rossmann teaches a report can be printed. See page 11, lines 4-8.

Since these teachings are directly related to subject matter considered as the basis for allowability of the patent claims, it is considered that a reasonable examiner would consider evaluation of the teachings of Wright in view of Warthen, Rappaport, Brookler and Rossman as important in deciding patentability of at least claims 1, 2, 5-7, and 11-14.

Conclusion

Extensions of Time

6. Extensions of time under 37 CFR 1.136(a) will not be permitted in these 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).

Amendment in Reexamination Proceedings

7. Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR § 1.52(a) and (b), and must contain any fees required by 37 CFR § 1.20(c). See MPEP § 2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Submissions

8. If the patent owner fails to file a timely and appropriate response to any Office action or any written statement of an interview required under 37 CFR § 1.560(b), the

ex parte reexamination proceeding will be terminated, and the Director will proceed to issue a certificate under 37 CFR §1.570 in accordance with the last Office action.

Service of Papers

9. After the filing of a request for reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. See 37 CFR 1.550(f).

Notification of Concurrent Proceedings

10. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 7,822,816 B2 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 §§ 2207, 2282 and 2286.

Correspondence

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

By Mail to: Mail Stop *Ex Parte* Reexam
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

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Any inquiry concerning this communication should be directed to the Central Reexamination Unit at telephone number 571-272-7705.

/Rachna S Desai/
Primary Examiner
Central Reexamination Unit – Art Unit 3992

Conferees:

/Adam L Basehoar/
Primary Examiner, Art Unit 3992

/Alexander J Kosowski/

Supervisory Patent Examiner, Art Unit 3992