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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/001,261	11/13/2009	7,139,761 B2	LTI0002-RXM	5286

74877 7590 04/29/2013
Bey & Cotropia PLLC (General)
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213 Bayly Court
Richmond, VA 23229

EXAMINER

HUGHES, DEANDRA M

ART UNIT	PAPER NUMBER
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3992

MAIL DATE	DELIVERY MODE
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04/29/2013

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.

Transmittal of Communication to Third Party Requester <i>Inter Partes</i> Reexamination	Control No.	Patent Under Reexamination	
	Examiner	Art Unit	
	95/001,261	7,139,761 B2 ET AL.	
	Deandra M. Hughes	3992	

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

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Cooley Godward Kronish LLP
Patent Group - Suite 1100
777 - 6th Street, N.W.
Washington, DC 20001

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

Art Unit: 3992

DETERMINATION UNDER 37 CFR §41.77(d)

1. This is an *inter partes* reexamination of USP **7,139,761 B2**.
2. In the decision of **Appeal No. 2012-009270** mailed Oct. 17, 2012 ("Decision"), the PTAB entered new grounds of rejection as follows. (*pg. 12*)

We reverse the Examiner's decision not to maintain the rejection of claims 2, 3, 5, 6, 8, 10, 12, and 13 under 35 U.S.C. § 102(b) as anticipated by Hess; claims 2, 3, 5, 6, 8, 10, 12-15, 24, 26, 29, 33, and 34 under 35 U.S.C. § 103(a) as unpatentable over Hess and Dourish; and claims 10, 12-15, 24, 26, 33 and 34 under 35 U.S.C. § 103(a) as unpatentable over Hess and Microsoft.

3. Pursuant to 37 CFR §41.77 (b)(1), Patent Owner ("PO") requested reopening of prosecution before the examiner for consideration of the amendments to **claims 2, 3, 5, 6, 8, 10, 12-15, 24, 26, 29, 33, and 34**. (*Request to Reopen Prosecution filed Nov. 16, 2012*)
4. PO's request to reopen prosecution before the examiner under 37 C.F.R. §41.77(d) was granted-in-part by the PTAB on March 18, 2013 as follows:

Accordingly, Patent Owner's Request is GRANTED-IN-PART. This matter will be remanded to the Examiner for consideration of claims 2, 3, 5, 6, 8, 10, 12-15, 24, 26, 29, 33, and 34 in view of the newly submitted claim amendments pertaining to the new grounds of rejection as enumerated in our prior Decision dated October 17, 2012 and for consideration of Requester's proposed rejections.

Patent Owner's arguments and/or evidence pertaining to claims 1, 4, 7, 9, 11, 16, 21, 23, 25, 31, and 32 will not be entered and will not be considered.

Art Unit: 3992

5. As such, PO's response and the amendments to **claims 2, 3, 5, 6, 8, 10, 12-15, 24, 26, 29, 33, and 34**, which were filed on Nov. 16, 2012, have been entered. Third Party Requester's ("3PR") remarks filed on Dec. 17, 2012 pursuant to 37 C.F.R. §41.77(c) have been entered.

6. 3PR's proposed rejections of **claims 2, 3, 5, 6, 8, 10, 12-15, 24, 26, 29, 33, and 34** are adopted. (*see Remarks at pgs. 6-48*)

Information Disclosure Statement

7. The information disclosure statement filed December 17, 2012 has been considered.

Conclusion

8. This is a DETERMINATION UNDER 37 CFR 41.77(d); see MPEP 2682 II(b).

The time periods and other requirements pertaining to comments on this determination are identified in 37 CFR 41.77(e). No further amendments to the claims are permitted by 37 CFR 41.77(e). The time periods for response may not be extended. See 37 CFR 41.77(g). Following the expiration of the time periods for response, the proceeding will be returned to the BPAI for reconsideration pursuant to 37 CFR 41.77(f). Formal requirements of comments and replies are governed by reexamination laws and policies, such as 37 CFR 1.943, 1.947, and 1.948.

9. Any paper filed by either PO or 3PR must be served on the other party in the reexamination proceeding in the manner provide by 37 CFR 1.248. See 37 CFR 1.903 and MPEP 2666.06.

Art Unit: 3992

10. All correspondence relating to this *inter partes* reexamination proceeding should be directed:

By Mail to: Mail Stop *Inter Partes* 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

11. Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at:

<https://efs.uspto.gov/efile/myportal/efs-registered>

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.

12. The patent owner is reminded of the continuing responsibility under 37 CFR 1.985(a) to apprise the Office of any litigation activity, or other concurrent proceeding, involving this 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

Art Unit: 3992

activity or proceeding throughout the course of this reexamination proceeding. See MPEP §2686 and 2686.04.

13. 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/
Reexamination Specialist, AU3992

Conferees:

/Christina Y. Leung/
Primary Examiner, Art Unit 3992

/Daniel J Ryman/
Supervisory Patent Examiner, Art Unit 3992