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(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.: U022-0007RE

Date: November 9, 2021

1. ☒ This is a request for *ex parte* reexamination pursuant to 37 CFR 1.510 of patent number 9,587,040
issued March 7, 2017. The request is made by:
☐ patent owner. ☐ third party requester.
2. ☒ The name and address of the person requesting reexamination is:
Unified Patents, LLC
1875 Connecticut Avenue NW, Floor 10
Washington, DC 20009
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. 12-0769.
5. ☒ Any refund should be made by ☐ check or ☐ credit to Deposit Account No. 12-0769.
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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This collection of information is required by 37 CFR 1.510. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) a request for reexamination. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 18 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop *Ex Parte* Reexam, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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8. ☐ Nucleotide and/or Amino Acid Sequence Submission
If applicable, items a. – c. are required.
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM (2 copies) or CD-R (2 copies) **or**
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies.
9. ☐ A copy of any disclaimer, certificate of correction or reexamination certificate issued in the patent is included.
10. ☒ Reexamination of claim(s) 1, 4-6, and 9-11 is requested.
11. ☒ A copy of every patent or printed publication relied upon is submitted herewith including a listing thereof on Form PTO/SB/08, PTO-1449, or equivalent.
12. ☒ An English language translation of all necessary and pertinent non-English language patents and/or printed publications is attached.
13. ☒ The attached detailed request includes at least the following items:
- a. A statement identifying each substantial new question of patentability based on prior patents and printed publications. 37 CFR 1.510(b)(1).
- b. An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited art to every claim for which reexamination is requested. 37 CFR 1.510(b)(2).
14. ☐ A proposed amendment is included (only where the patent owner is the requester). 37 CFR 1.510(e).
15. ☒ It is certified that the statutory estoppel provisions of 35 U.S.C. 315(e)(1) or 35 U.S.C. 325(e)(1) do not prohibit requester from filing this *ex parte* reexamination request. 37 CFR 1.510(b)(6).
16. Service
- a. ☒ It is certified that a copy of this request (if filed by other than the patent owner) has been served in its entirety on the patent owner as provided in 37 CFR 1.33(c).
- The name and address of the party served are:
- Gerald T. Gray, Leydig, Voit & Mayer, Ltd.
- Two Prudential Plaza, Suite 4900, 180 North Stetson Avenue
- Chicago, IL 60601
- Date of Service: November 9, 2021
- OR**
- b. ☐ A duplicate copy is enclosed since service on patent owner was not possible. An explanation of the efforts made to serve patent owner is **attached**. See MPEP 2220.

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17. Correspondence Address: Direct all communication about the reexamination to:



The address associated with Customer Number:

29150

OR



Firm or Individual Name _____
(at the address identified below)

Address

City

State

Zip

Country

Telephone

Email

18. ☐ The patent is currently the subject of the following concurrent proceeding(s):

- a. ☐ Copending reissue Application No. _____
- b. ☐ Copending reexamination Control No. _____
- c. ☐ Copending Interference No. _____
- d. ☐ Copending litigation styled: _____

WARNING : Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

/James D. Stein/

Authorized Signature

November 9, 2021

Date

James D. Stein

Typed/Printed Name

63782

Registration No.



For Patent Owner Requester



For Third Party Requester

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.