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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/019,662	09/16/2024	8407722	IVI722	1129

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EXAMINER
CHOI, WOO H

ART UNIT	PAPER NUMBER
3992	

MAIL DATE	DELIVERY MODE
03/11/2025	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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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/019,662* .

PATENT UNDER REEXAMINATION *8407722* .

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	**Control No.** 90/019,662	**Patent Under Reexamination** 8407722	
	Examiner Woo H Choi	**Art Unit** 3992	**AIA (First Inventor to File) Status** No

-- 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: _____.
   (b) ☐ Patent owner's failure to file an appropriate timely response to the Office action mailed: _____.
   (c) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
   (d) ☐ The decision on appeal by the ☐ Board of Patent Appeals and Interferences ☐ Court dated _____
   (e) ☑ Other: See Continuation Sheet.
2. The Reexamination Certificate will indicate the following:
   (a) Change in the Specification: ☐ Yes ☑ No
   (b) Change in the Drawing(s): ☐ Yes ☑ No
   (c) Status of the Claim(s):
      (1) Patent claim(s) confirmed: 1,6-7,14-17,20-23,26-29 and 32-35.
      (2) Patent claim(s) amended (including dependent on amended claim(s)): _____
      (3) Patent claim(s) canceled: _____.
      (4) Newly presented claim(s) patentable: _____.
      (5) Newly presented canceled claims: _____.
      (6) Patent claim(s) ☐ previously ☐ currently disclaimed: _____
      (7) Patent claim(s) not subject to reexamination: 2-5,8-13,18-19,24-25,30-31 and 36-37.
3. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
4. ☐ 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."
5. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).
6. ☐ Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
7. ☐ The drawing correction request filed on _____ is: ☐approved ☐disapproved.
8. ☐ 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: _____.
9. ☐ Note attached Examiner's Amendment.
10. ☐ Note attached Interview Summary (PTO-474).
11. ☐ Other: _____.

All correspondence relating to this reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

cc: Requester (if third party requester)

Continuation of 1. (e) Other: determination of patentability of claims based on the prior art documents submitted in the request for reexamination

DETAILED ACTION

Reexamination

This is an *ex parte* reexamination of U.S. Patent Number 8,407,722 ("the '722 patent"), requested by a third party requester for reexamination of claims 1, 6, 7, 14-17, 20-23, 26-29, and 32-35. All requested claims are subject to reexamination. Reference submitted in the Request and discussed herein are as follows:

- U.S. Pat. No. 6,999,991 ("Ikeda");
- U.S. Pat. No. 6,480,883 ("Tsutsumitake");
- European Pat. App. No. EP1043671 ("Bird").

Claim Construction

The '722 patent claims priority to the application 10/017,182 filed on December 14, 2001. However, the term of the '722 patent was extended by 1127 days (3 years and 32 days). Therefore, the '722 patent expired in January of 2025. Accordingly, the claim construction in this proceeding is pursuant to the principles set forth by the court in *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316, 75 USPQ2d 1321, 1329 (Fed. Cir. 2005) (words of a claim "are generally given their ordinary and customary meaning" as understood by a person of ordinary skill in the art in question at the time of the invention, see *Ex parte Papst-Motoren*, 1 USPQ2d 1655 (Bd. Pat, App. & Inter. 1986)).

Examiner's Statement of Reasons for Patentability/Confirmation

Patentability of claims 1, 6, 7, 14-17, 20-23, 26-29, and 32-35 is confirmed over the prior art of record.

With respect to the prior art documents submitted by the Requester, when considered in combination with all of the other limitations of the independent claims, the prior art or record does not teach

"**determining a node having a node type to which the update message is to be routed based on a mapping of categories of update messages to node types, the mapping controlling the amount of update message traffic through nodes of a routing network**" recited in claims 1 and 7. The specification discloses at 3:39-46 that "all messages from an input source are assigned to one or more of N categories. Also, the nodes are assigned to one or more of M types and mappings are created between message categories and node types. Each gateway keeps track of these mappings. When a gateway receives messages from input sources, the gateway identifies the categories of the messages and routes the messages to the nodes of the type to which the categories are mapped."

The Request identified Ikeda as the reference that teaches the limitation above. The Request does not rely on Tsutsumitake and Bird to teach the limitation. Ikeda discloses a push service system where update information is provided via agents organized in a hierarchical manner. See Ikeda, 19:16-23. Ikeda discloses that when a high level agent receives information about updating, it compares and analyzes data type represented by the information with the data type registered by the user terminal to determine whether there is a match and decides whether the information should be transmitted to lower level agents. The lower level agents in turn compare and analyze received information to determine whether the information should be transmitted to terminals connected to them. See Ikeda, 20:21-67 and Fig. 16. Although Ikeda discloses routing of information based on the data types of update messages, the routing decision is based on the data type registered by the user terminal, not on a mapping of categories of

messages to node types. Ikeda disclose only two node types, higher-level nodes and lower-level nodes. While Ikeda discloses that higher level nodes route messages to lower level nodes depending on whether the received information is of the type registered by the end users, Ikeda does not disclose a step of "**determining a node having a node type** to which the update message is to be routed **based on a mapping of categories of update messages to node types**" as recited in claims 1 and 7.

Other independent claims 14, 20, 26, and 32, recite a gateway device configured "**to determine a node type to which the identified category maps, and to route the update message to the node having the node type, at the routing network**". As discussed above, Ikeda does not teach any determination of a node type to which the identified category of update message maps.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Conclusion

For EFS-Web transmissions, 37 CFR 1.8(a)(1)(i) (C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR 1.6(a)(4), and (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

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.

All correspondence relating to this *ex parte* reexamination proceeding should be directed as follows:

By Patent Center: To file and manage patent submissions in Patent Center, visit: https://patentcenter.uspto.gov.

Visit https://www.uspto.gov/patents/apply/patent-center for more information about Patent Center and https://www.uspto.gov/patents/docx for information about filing in DOCX format.

By mail to: Attn: Mail Stop "Ex Parte Reexam"
Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX to: (571) 273-9900
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