



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/019,682	09/26/2024	7446803	5109-CPV-0077-RX	3645
27571	7590	10/17/2024	EXAMINER	
Ascenda Law Group, PC			RALIS, STEPHEN J	
2150 N First Street				
Suite 420				
San Jose, CA 95131				
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			10/17/2024	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.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Unified Patents, LLC
4445 Willard Ave.
Suite 600
Chevy Chase, MARYLAND 20815

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/019,682 .

PATENT UNDER REEXAMINATION 7446803 .

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 Request For Ex Parte Reexamination	Control No. 90/019,682	Patent Under Reexamination 7446803	
	Examiner STEPHEN J RALIS	Art Unit 3992	AIA (FITF) Status No

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

The request for *ex parte* reexamination filed 09/26/2024 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.

--	--	--

cc:Requester (if third party requester)

ORDER GRANTING REEXAMINATION OF U.S. PATENT 7,446,803

I. Notice of Pre-AIA or AIA Status

The present reexamination is being examined under the pre-AIA first to invent

5 provisions.

II. Decision on Request for Ex Parte Reexamination

In the instant request for reexamination filed 26 September 2024 (“EP Request”),
reexamination of U.S. Patent No. 7,446,803 (“‘803 Patent”) with respect to claims 1-33 was
10 requested by a Third Party Requester (“EP Requester”) under 35 U.S.C. §§ 301-307 and C.F.R. §
1.510. A substantial new question of patentability (“SNQ”) is raised by the EP Request for
reexamination and prior art cited therein for the reasons set forth below. Accordingly, the EP
Request for reexamination is **GRANTED**.

15

III. Priority

The ‘803 Patent issued on 04 November 2008, from U.S. Application No. 10/736,113
 (“‘113 Application”) filed on 15 December 2003.

Thus, the Examiner concludes that for reexamination purposes the instant ‘803 Patent
claims a priority date of 15 December 2003.

IV. Original Prosecution History

Owner filed the '113 Application with claims 1-37.

On 07 February 2007, the original examiner issued a non-Final Office action ("Feb 2007
5 Non Final Office Action") rejecting claims 1-37. Specifically, the original examiner rejected:
claims 1-7, 10, 13-22 and 25-31 and 20 under 35 U.S.C. 102(b) as being anticipated by *Fiore et al.* (International Publication No. WO 02/082275 A1)("Fiore")¹; claims 5-8, 23, 24, 32-34, 36
and 37 under 35 U.S.C. 103(a) as being unpatentable over *Fiore*, in further view of *Brown et al.*
(International Publication No. WO 01/13637 A1)("Brown"); claim 35 under 35 U.S.C. 103(a) as
10 being unpatentable over *Fiore* and *Brown*, in further view of *Arazi et al.* (U.S. Patent No.
6,330,025)("Arazi"); and claims 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over
Fiore, in further view of *Arazi*.

On 10 May 2007, Owner filed a Response to the Feb 2007 Non Final Office ("May 2007
Owner Response") including Remarks and a Claim Amendment ("May 2007 Claim
15 Amendment"). The May 2007 Claim Amendment included amendments to claims 1, 13 and 25²,
and the canceling of original claims 2, 3, 14 and 28. The May 2007 Owner Response further
included arguments to *Fiore* not teaching the claim requirements of claims 2 and 3. (See May
2007 Owner Response at 9-10).

On 06 August 2007, the original examiner issued a Final Office action ("Aug 2007 Final
20 Office Action") rejecting claims 1, 4-13, 15-27 and 29-37. Specifically, the original examiner
rejected: claims 1, 4, 10, 13-22 and 25-31 under 35 U.S.C. 102(b) as being anticipated by *Fiore*;

¹ Claims 1, 13 and 25 correlate to claims 1, 11 and 22 of the '803 Patent.

² The May 2007 Claim Amendment for claims 1, 13 and 25 added the limitations of canceled claims 2 and 3. (See May 2007 Owner Response at 9-10).

claims 5-8, 23, 24, 32-34, 36 and 37 under 35 U.S.C. 103(a) as being unpatentable over *Fiore*, in further view of *Brown*; claim 35 under 35 U.S.C. 103(a) as being unpatentable over *Fiore* and *Brown*, in further view of *Arazi*; and claims 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over *Fiore*, in further view of *Arazi*.

5 On 26 September 2007, Owner filed a Response after Final to the Aug 2007 Final Office Action (“Sept 2007 Owner Response”) including Remarks only. The Sept 2007 Owner Response provided arguments to *Fiore* not teaching the claim requirements of claim 3 (*i.e.*, a server being configured to “compare the time stamp of the data annotation to an image count when searching for the segment of the images”) added to independent claims 1, 13 and 25 in the
10 previously filed May 2007 Claim Amendment. (See Sept 2007 Owner Response at 9-12; emphasis added).

 On 15 October 2007, the original examiner issued an Advisory Action Office action (“Oct 2007 Adv Office Action”) maintain the rejections of rejecting claims 1, 4-13, 15-27 and 29-37.

15 On 07 November 2007, Owner filed a “Notice of Appeal” (“Nov 2007 NoA”). On 04 January 2008, Owner filed an “Appeal Brief” (“Jan 2008 Appeal Brief”). On 12 February 2008, Owner filed an “Supplemental Appeal Brief” (“Feb 2008 Supp Appeal Brief”).

 On 02 May 2008, the original examiner issued a Non-Final Office action (“May 2008 Non-Final Office Action”) rejecting claims 1, 4-13, 15-27 and 29-37. Specifically, the original
20 examiner rejected: claims 1, 4, 10, 13-22 and 25-31 under 35 U.S.C. 103(a) as being unpatentable over *Fiore*, in further view of *Ogawa et al.* (U.S. Patent No. 5,857,044)(“*Ogawa*”); claims 5-8, 23, 24, 32-34, 36 and 37 under 35 U.S.C. 103(a) as being unpatentable over *Fiore* and *Ogawa*, in further view of *Brown*; claim 35 under 35 U.S.C. 103(a) as being unpatentable

over *Fiore*, *Ogawa* and *Brown*, in further view of *Arazi*; and claims 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over *Fiore* and *Ogawa*, in further view of *Arazi*.

On 11 June 2008, the Office and Owner had an interview (“June 2008 Interview”) discussing the May 2008 Non-Final Office Action (see Interview Summary mailed 17 June 2008 (“June 2008 Int. Summary”)).

On 25 June 2008, Owner filed a Response to the May 2008 Non-Final Office Action (“June 2008 Owner Response”) including Remarks and a Claim Amendment (“June 2008 Claim Amendment”). The June 2008 Claim Amendment included amendments to claims 1, 13 and 25³. The June 2008 Owner Response provided arguments to neither *Fiore*, nor *Ogawa*, teaching the claim requirements of claims 1, 13 and 25 (*i.e.*, a server being configured to “directly compare the time stamp of the data annotation to an image count when searching for the segment of the images”) added to independent claims 1, 13 and 25 in the previously filed May 2007 Claim Amendment. (See June 2008 Owner Response at 9-10).

On 29 July 2008, the original examiner issued a Notice of Allowance (“July 2008 NoA”) providing reasons for allowance stating, for claim 1,

“a surveillance system comprising:...

a server arranged to synchronously store the images and the data annotation so that the data annotation can be used to search for a segment of the images;...

wherein the server [being] arranged to directly compare the time stamp of the data annotation to an image count when searching for the segment of the images, ... is neither taught or an obvious variation of the relevant prior art

³ The June 2008 Claim Amendment for claims 1, 13 and 25 added the limitations of “directly” to the ““compare the time stamp of the data annotation to an image count when searching for the segment of the images” claim requirement (See June 2008 Owner Response at 9-10).

(July 2008 NoA at 2; emphasis added). The Examiner finds that claims 13 and 25 were deemed allowable for the same reason. (*Id.* at 2-3). The July 2008 NoA further renumbered claims 1, 13 and 25 of the ‘113 Application to claims 1, 11 and 22 of the ‘803 Patent.

Thus, it appears from the record that the key features missing from the prior art at the time of allowance of independent claims 1, 13 and 25 was:

***directly** compar[ing] the time stamp of the data annotation to an image count when searching for the segment of the images*

in combination with remaining claims limitations (emphasis added).

V. *Information Disclosure Statement(s)*

EP Requester’s Information Disclosure Statement, filed on 26 September 2024, (“Sept 2024 IDS”) have been received and entered into the record.

VI. *References Cited in EP Request*

A total of eight references, in certain combinations, have been asserted in the EP Request as providing teachings relevant to the claims of the ‘803 Patent. The proposed references which make up the combinations are as follows:

- U.S. Patent No. 6,378,132 to *Grandin et al.* (“**Grandin**”) – **NEW**.⁴
- International Publication No. WO 99/04557 to *Lassiter* (“**Lassiter**”) – **NEW**.⁵
- U.S. Publication No. 2002/0145622 to *Kauffman et al.* (“**Kauffman**”) – **NEW**.⁶

⁴ This prior art reference has not been previously cited/considered in the original prosecution. Thus, the prior art is considered new art and not “old art.” (See MPEP § 2242).

⁵ *Id.*

⁶ *Id.*

- U.S. Publication No. 2002/0018135 to *Amano*. (“***Kauffman***”) – **NEW**.⁷
- International Publication No. WO 01/13637 to *Brown et al.* (“***Brown***”) – **OLD**.⁸
- U.S. Patent No. 5,219,226 to *James*. (“***James***”) – **NEW**.⁹
- U.S. Publication No. 2002/0141617 to *Yamashiro et al.* (“***Yamashiro***”) – **NEW**.¹⁰
- 5 • U.S. Publication No. 2004/0093349 to *Buinevicius et al.* (“***Buinevicius***”) – **NEW**.¹¹

VII. Substantial New Questions (SNQ) of Patentability

In view of the prosecution history asserted above, the Aug 2019 Owner Response and the Sept 2019 NoA from the ‘746 RI Application, as applied to the requested claims, will be utilized
10 to determine whether the cited references raise an SNQ.

The italicized/underlined sections of the exemplary claim 1 below are utilized by the Examiner to determine whether specific teachings of the cited references create a substantial new question of patentability in light of the prosecution history above.

Claim 1:

15

A surveillance system comprising:

a camera arranged to output images of a protected area;

20

an input device arranged to provide a data annotation; and

⁷ *Id.*

⁸ *Brown* is considered as “old art” (*i.e.*, a patent and/or printed publication already cited/considered in an earlier concluded examination of the patent being reexamined) since *Brown* was considered in the prosecution history of the ‘113 Application (see the Feb 2007 Non Final Office Action, Aug 2007 Final Office Action and May 2008 Non-Final Office Action indicating the teachings of *Brown* being utilized for rejection of dependent claims; also see the “Office Action Summary” from the Feb 2007 Non Final Office Action indicating the considered Information Disclosure Statement filed 12 April 2004 (“April 2004 IDS ‘113 Application”))). (See MPEP § 2242).

⁹ This prior art reference has not been previously cited/considered in the original prosecution. Thus, the prior art is considered new art and not “old art.” (See MPEP § 2242).

¹⁰ *Id.*

¹¹ *Id.*

a server arranged to synchronously store the images and the data annotation so that the data annotation can be used to search for a segment of the images;

wherein the server is arranged to time stamp the data annotation; and further

*wherein the server is arranged to **directly compare the time stamp of the data annotation to an image count** when searching for the segment of the images.*

The Examiner finds that prior art which teaches at least one of the italicized/underlined sections of the claims above which is **different** than the teachings discussed in the ‘113 Application would provide a new, non-cumulative technological teaching raising a substantial new question of patentability.

A. *Grandin and Kauffman* (SNQ for SNQ1-SNQ4 – EP Requester designated –

See EP Request at §§ III.B.2, III.B.4, IV.A.1-2, 5, 14)

In the present instance, there exists an SNQ based the publications of *Grandin*, alone, and/or when taken with *Kauffman*. A discussion of the specifics now follows:

The EP Request alleges to show that *Grandin*, alone, and/or when taken with *Kauffman*, for claim 1, teaches a surveillance system comprising:

[a] server [being] arranged to time stamp the data annotation; and
*wherein the server is arranged to **directly compare the time stamp of the data annotation to an image count** when searching for the segment of the images.*

(EP Request at §§ IV.A.1-2).

Similarly, the Request alleges to show that *Grandin*, alone, and/or when taken with *Kauffman*, for claim 11, teaches a method comprising:

storing data annotations in the memory;

wherein the data annotations include a time stamp; and further comprising **directly comparing the time stamp of the data annotations to an image count** when searching for the segment of the images.

(*Id.* at §§ IV.A.1, 5).

5 And moreover, the Request alleges to show that *Grandin*, alone, and/or when taken with *Kauffman*, for claim 22, teaches a surveillance method comprising:

storing data annotations in the computer readable memory;

wherein the data annotations include a time stamp; and further comprising **directly comparing the time stamp of the data annotations to an image count** when searching for the segment of the images.

10 (*Id.* at §§ IV.A.1, 14).

The Examiner finds that *Grandin* was published in 23 April 2002, which predates the effective filing date of the '803 Patent by more than one year. As such, *Grandin* qualifies as prior art under 35 U.S.C. 102(b).

15 The Examiner finds that *Kauffman* was published in 10 October 2002, which predates the effective filing date of the '803 Patent by more than one year. As such, *Kauffman* qualifies as prior art under 35 U.S.C. 102(b).

The EP Request specifically alleges to show that *Grandin* teaches a surveillance system and method comprising: utilizing multiple cameras to capture video of events and storing the video: allowing an observer to provide input as annotations with respect to the events and storing the annotations; synchronizing, in memory, the video and annotations via a time stamp and time code; searching the annotations for particular queries within the annotations; and providing the video and annotations together to a user on a display. (EP Request at §§ III.B.2; IV.A.1-2, 5, 14).

From this perspective, the Examiner finds that *Grandin* teaches a surveillance system and method comprising: utilizing multiple cameras to capture video of events and storing the video; allowing an observer to provide input as annotations with respect to the events and storing the annotations; synchronizing, in memory, the video and annotations via a time stamp and time code; searching the annotations for particular queries within the annotations; and providing the video and annotations together to a user on a display. (*Grandin* at Abstract; c.1, ll.8-13; c.3, l.67-
5 - c.4, l.6; ; c.4, l.67 – c.5, l.7; c.5, ll.48-55; c.6, ll.1-18, 23-24, 44-53; c.9, l.20 – c.10, l.53; see Figures 1, 2, 6-8). The Examiner finds that *Grandin* further teaches specifically utilizing the frames of a video and synchronizing/correlating them to exchange annotations relative to the
10 frames of a video. (c.10, l.32 – c.11, l.8; see Figure 8).

The EP Request specifically alleges to show that *Kauffman* teaches a system and method for obtaining and editing video content. (EP Request at §§ III.B.4; IV.A.1-2, 5, 14). From this perspective, the Examiner finds that *Kauffman* teaches a system and method for obtaining and editing video content in which the time code information, including time stamp and frame
15 number information, is utilized to synchronize/correlate segments of various MPEG files, one of which has annotated meta data, with each other. (*Kauffman* at Abstract; ¶¶ 0001, 007-00190023-0027; 0039-0040; 0049, 0055, 00725; see Figures 1, 2A, 2B).

Accordingly, *Grandin*, alone or in combination with *Kauffman*, teaches the material that as described above was deemed to be missing from the prior art during the original prosecution.

20 The references therefore would have been important to a reasonable examiner in determining the patentability of the claims and an SNQ is raised. These teachings are not cumulative to any written discussion on the record of the teachings of the prior art, were not previously considered

or addressed during a prior examination, and the same question was not the subject of a final holding of invalidity in the Federal Courts

Thus, it is **AGREED** that the consideration of *Grandin*, alone or in combination with *Kauffman*, raises a substantial new question of patentability of at least claims 1, 11 and 22 as pointed out above. There is a substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not these claims are patentable.

VIII. Related Prior Art

A. Lassiter

The Examiner finds that *Lassiter* is utilized by EP Requester for reading on non-SNQ claim requirements of claims 1, 11 and 22. (See EP Request at §§ III.B.3, IV.A.1-2, 5, 14). The non-SNQ claim requirements depend on the SNQ claim requirements of *Grandin*, alone or in combination with *Kauffman* which have raised an SNQ as asserted above. (See § VII.A, *supra*).

The Examiner finds that *Lassiter* was published on 28 January 1999, which predates the effective filing date of the '803 Patent by more than one year. As such, *Lassiter* qualifies as prior art under 35 U.S.C. 102(b).

Accordingly, the proposals based on *Lassiter* in combination with *Grandin*, alone or in combination with *Kauffman* are granted for the same reasons as those based on *Grandin*, alone or in combination with *Kauffman*.

B. Amano

The Examiner finds that *Amano* is utilized by EP Requester for reading on non-SNQ claim requirements of claims 4, 5, 30 and 31. (See EP Request at §§ III.B.5, IV.B.1-5). The non-

SNQ claim requirements depend on the SNQ claim requirements of *Grandin*, alone or in combination with *Kauffman* which have raised an SNQ as asserted above . (See § VII.A, *supra*).

The Examiner finds that *Amano* was published on 14 February 2002, which predates the effective filing date of the '803 Patent by more than one year. As such, *Amano* qualifies as prior art under 35 U.S.C. 102(b).

Accordingly, the proposals based on *Amano* in combination with *Grandin*, alone or in combination with *Kauffman* are granted for the same reasons as those based on *Grandin*, alone or in combination with *Kauffman*.

C. Brown

The Examiner finds that *Brown* is utilized by EP Requester for reading on non-SNQ claim requirements of claims 6-10, 20, 21, 28 and 29. (See EP Request at §§ III.B.6, IV.C.1, 2, 5, 7, 9, 10). The non-SNQ claim requirements depend on the SNQ claim requirements of *Grandin*, alone or in combination with *Kauffman* which have raised an SNQ as asserted above . (See § VII.A, *supra*).

The Examiner finds that *Brown* was published on 21 February 2001, which predates the effective filing date of the '803 Patent by more than one year. As such, *Brown* qualifies as prior art under 35 U.S.C. 102(b).

Accordingly, the proposals based on *Brown* in combination with *Grandin*, alone or in combination with *Kauffman* are granted for the same reasons as those based on *Grandin*, alone or in combination with *Kauffman*.

D. James

The Examiner finds that *James* is utilized by EP Requester for reading on non-SNQ claim requirements of claim 30. (See EP Request at §§ III.B.7, IV.D.1-2). The non-SNQ claim requirements depend on the SNQ claim requirements of *Grandin*, alone or in combination with
5 *Kauffman* which have raised an SNQ as asserted above . (See § VII.A, *supra*).

The Examiner finds that *James* was published on 15 June 1993, which predates the effective filing date of the '803 Patent by more than one year. As such, *James* qualifies as prior art under 35 U.S.C. 102(b).

Accordingly, the proposals based on *James* in combination with *Grandin*, alone or in
10 combination with *Kauffman* are granted for the same reasons as those based on *Grandin*, alone or in combination with *Kauffman*.

E. Yamashiro

The Examiner finds that *Yamashiro* is utilized by EP Requester for reading on non-SNQ
15 claim requirements of claim 32. (See EP Request at §§ III.B.8, IV.E.1). The non-SNQ claim requirements depend on the SNQ claim requirements of *Grandin*, alone or in combination with *Kauffman* which have raised an SNQ as asserted above . (See § VII.A, *supra*).

The Examiner finds that *Yamashiro* was published on 03 October 2002, which predates the effective filing date of the '803 Patent by more than one year. As such, *Yamashiro* qualifies
20 as prior art under 35 U.S.C. 102(b).

Accordingly, the proposals based on *Yamashiro* in combination with *Grandin*, alone or in combination with *Kauffman* are granted for the same reasons as those based on *Grandin*, alone or in combination with *Kauffman*.

F. Buinevicius

The Examiner finds that *Buinevicius* is utilized by EP Requester for reading on non-SNQ claim requirements of claim 33. (See EP Request at §§ III.B.9, IV.F.1). The non-SNQ claim requirements depend on the SNQ claim requirements of *Grandin*, alone or in combination with *Kauffman* which have raised an SNQ as asserted above. (See § VII.A, *supra*).

The Examiner finds that *Buinevicius* was filed on 21 November 2001, which predates the effective filing date of the claimed invention of the '803 Patent. As such, *Buinevicius* qualifies as prior art under 35 U.S.C. 102(e).

Accordingly, the proposals based on *Buinevicius* in combination with *Grandin*, alone or in combination with *Kauffman* are granted for the same reasons as those based on *Grandin*, alone or in combination with *Kauffman*.

IX. 35 U.S.C. § 325(d)

A review of the post grant history for the '803 Patent indicates that there have been no other Office post grant challenges made to the patent (Reexamination Proceedings or *Inter Partes* Review, Post Grant Review, Covered Business Method trials). Accordingly, a discretionary denial of reexamination pursuant to 35 USC 325(d) is not applicable.

X. Summary

Claims 1-33 of the '803 Patent will be reexamined as requested in the instant Order.

XI. Conclusion

Extensions of Time

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).

Waiver of Right to File Patent Owner Statement

In a reexamination proceeding, Patent Owner may waive the right under 37 C.F.R. 1.530 to file a Patent Owner Statement. The document needs to contain a statement that Patent Owner waives the right under 37 C.F.R. 1.530 to file a Patent Owner Statement and proof of service in the manner provided by 37 C.F.R. 1.248, if the request for reexamination was made by a third party requester, see 37 C.F.R. 1.550. The Patent Owner may consider using the following statement in a document waiving the right to file a Patent Owner Statement:

Patent Owner waives the right under 37 C.F.R. 1.530 to file a Patent Owner Statement.

Amendment in Reexamination Proceedings

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.

Service of Papers

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.

Notification of Concurrent Proceedings

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. 7,446,803 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.

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, Mail Stop *Ex Parte* Reexam
Knox Building
501 Dulany Street
Alexandria, VA 22314

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.
For additional questions, contact the Electronic Business Center (EBC) at
866-217-9197 (toll-free).

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

/Stephen J. Ralis/
Primary Examiner, Art Unit 3992

(571) 272-6227

Conferees:

/JAMES A MENEFEE/
Reexamination Specialist, Art Unit 3992

/H.B.P/
Hetul Patel
Supervisory Patent Reexamination Specialist, Art Unit 3992

SJR
10/11/2024