EXHIBIT C

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,965	04/28/2010	5455854	0919/01030	8066

26111   7590   10/28/2010

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER

DATE MAILED: 10/28/2010

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Scott E. Brient
Brient Intellectual Property Law, LLC
2300 Lakeview Parkway, Suite 700
Apharetta, GA 30009

MAILED

OCT 2 8 2010

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/010,965*.

PATENT NO. *5455854*.

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)).

PTOL-465 (Rev.07-04)

	Control No. 90/010,965	Patent Under Reexamination 5455854
Office Action in Ex Parte Reexamination		
	Examiner Deandra M. Hughes	Art Unit 3992	

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

a☐ Responsive to the communication(s) filed on _____ .   b☐ This action is made FINAL.

c☒ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire <u>2</u> month(s) from the mailing date of this letter.
Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**
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Part I   THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.   3. ☐ Interview Summary, PTO-474.

2. ☐ Information Disclosure Statement, PTO/SB/08.   4. ☐ _____.

Part II   SUMMARY OF ACTION

1a. ☒ Claims *1-24* are subject to reexamination.

1b. ☐ Claims _____ are not subject to reexamination.

2. ☐ Claims _____ have been canceled in the present reexamination proceeding.

3. ☐ Claims _____ are patentable and/or confirmed.

4. ☒ Claims *1-24* are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ The drawings, filed on _____ are acceptable.

7. ☐ The proposed drawing correction, filed on _____ has been (7a)☐ approved (7b)☐ 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

　　1☐ been received.

　　2☐ not been received.

　　3☐ been filed in Application No. _____ .

　　4☐ been filed in reexamination Control No. _____.

　　5☐ been received by the International Bureau in PCT application No. _____.

　　* See the attached detailed Office action for a list of the certified copies not received.

9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.

10. ☐ Other: _____

cc: Requester (if third party requester)

U.S. Patent and Trademark Office
PTOL-466 (Rev. 08-06)   Office Action in Ex Parte Reexamination   Part of Paper No. 20100927

EX PARTE REEXAMINATION NON-FINAL ACTION

1.   This is a non-final action in the ex parte reexamination of <u>claims 1-24</u> of USP

5,455,854 ("'854 patent").

References Cited in this Action

2.   Sixtensson et al. "Reuse in the Telecommunication Domain Using Object
        Oriented Technology and ADA". Washington ADA Symposium Proceeding. June
        1990. pgs. 231-239. ("**Sixtensson**")

3.   Cohen et al. "Version Management in Gypsy". Siemens Research and
        Technology Laboratories. 1988. ("**Cohen**")

4.   NeXTSTEP™ Object-Oriented Programming and the Objective Language.
        NeXTSTEP Developer's Library Release 3. Addison-Wesley Publishing
        Company. April 1993. ("**NextStepI**")

5.   NeXTSTEP™ General Reference. NeXTSTEP Developer's Library Release 3.
        Addison-Wesley Publishing Company. April 1993. ("**NextStepII**")

6.   "NeXTSTEP™ Programming Interface Summary. Developer's Library Release 3.
        Addison-Wesley Publishing Company. April 1993. ("**NextStepIII**")

7.   "Programming the Display PostScript ® System with NeXTSTEP™". Addison-
        Wesley Publishing Company. April 1993. ("**PostScript**")

8.   USP 4,625,081 to Lotito published Nov. 26, 1986. ("**Lotito**")

Claim Rejections

9.   <u>Claims 1-24</u> are rejected under 35 U.S.C. §103(a) as being unpatentable over

NextStepI in view of **NextStepII**.

        NextStepI does not anticipate each and every feature of the claims in the four-

corners of the reference. However, **NextStepI** and **NextStepII** are volumes in the same

developer series (Release 3) for the object-oriented programming language of

NeXTSTEP. **NextStepII** teaches those claim features that are absent in **NextStepI**. As

such, it would have been obvious to one of ordinary skill in the art to combine the

disclosures of these two references because they are volumes in a single developer's

library dedicated to NeXTSTEP.

The combined disclosures of **NextStepI** and **NextStepII** are as follows.

Apparatus Claims 1-12

As to claim **claim 1**, the combination of **NextStepI** and **NextStepII** discloses a
telephony apparatus, comprising:

   (a)   a processor;

           *("The phone line must be attached to the user's computer." NextStepII, pg. 13-3.
           The user's computer inherently contains a processor.)*

   (b)   a storage attached to and controlled by the processor;

           *(A computer inherently has memory which is attached and controlled by the
           computer's processor.)*

   (c)   an object oriented operating system

           (Nextstep is object-oriented software. See Title Page.)

           -       supporting encapsulation, polymorphism and inheritance including
                   objects;

                   *(Encapsulation, polymorphism, and inheritance are disclosed in
                   NextStepI, pgs. 12 to 16)*

           -       each of the objects containing logic and data resident in the storage
                   and controlling operations of the processor;

                   *(The insight of object oriented programming is to combine state and
                   behavior-data and operations on data-in a high-level unit, an object, and
                   to give it language to support. An object is a group of related functions
                   and a data structure serves those functions. The functions are known as
                   the object's methods and the files of its data structure are its instance
                   variables. NextStepI, pg. 5)*

   (d)   a display attached to the processor under the control of the object oriented
           operating system;

(Computers are inherently attached to a display and a processor. Further, a computer with an object oriented operating system, is inherently under the control of the object oriented operating system.)

   (e)   a telephony element attached to the processor;

("The phone line must be attached to the user's computer." NextStepII, pg. 13-3. The phone line is the telephony element.)

   (f)   a telephony object

("NXPhoneCall object handles the work of making or receiving a call, and transmitting and receiving data during a call." NextStepII, pg. 13-16.)

-     including logic for interfacing the telephony element to the processor and

(The insight of object oriented programming is to combine state and behavior-data and operations on data-in a high-level unit, an object, and to give it language to support. An object is a group of related functions and a data structure serves those functions. The functions are known as the object's methods and the files of its data structure are its instance variables. NextStepI, pg. 5)

-     including data for storing status information associated with the telephony element in the telephony object, and

("The object must be informed about the channels." NextStepII, pg. 13-8, 1st ¶)

-     representative of the telephony element under the control of the object-oriented operating system,

("An NXPhone object corresponds to a telephone line that's connected to the user's computer." NextStepII , pg. 13-16)

-     stored in the storage and

(Data is inherently stored in the memory of a computer.)

-     displayed on the display;

("Applications that display a user interface and respond to events listen for phone input just as they list for other remote input, between events." NextStepII, pg. 13-8)

    (g)   **means for controlling the telephony element by the object oriented operating system**

    (the computer is the means for controlling)

    -    **utilizing the logic in the telephony object to interface the telephony element to the processor by**

    ("An NXPhone object corresponds to a telephone line that's connected to the user's computer." NextStepII, pg. 13-16)

    ·   **initiating a call connection**

    ("making a call", NextStepII, pg. 13-16, 2nd ¶)

    ·   **monitoring call progress**

    ("a run message to the NXPhone object causes the application to wait for remote message that announce activity on the line"; NextStepII, pg. 13-16, 3rd ¶)

    ·   **activating call features and**

    ("The notifications the NXPhoneCall object receives from the Phone Server correspond to the kinds of feedback you normally get over the phone line-a dial tone, a busy signal or the sound of the phone ringing on the other end, the noise when the phone is answered and the other party says "hello", and the click when its hung up again." NextStepII, pg. 13-10, 6th ¶. The Examiner considers the busy signal or sound of the phone ringing on the other end to be call progress tones, which PO identifies as a call feature in the Abstract of the '854 patent.)

    ·   **storing status information in the data of the telephony object.**

    ("To begin using the Phone Kit, an application first creates an NXPhone instance and an NXPhoneChannel for each channel that will be used. The NXPhone object must be informed about the channels." Further, see the instance variables of NextStepII, pg. 13-8)

As to **claim 2**, the combination discloses the apparatus as recited in **claim 1**, including means for translating information received from the telephony element into information the object oriented operating system can utilize.

("Data transmitted during a call is converted to an analog signal for the POTS line, and analog data received during a call is converted to digital data. NextStepII, pg. 13-6. The object oriented operating system inherently uses digital data.)

As to **claim 3**, the combination discloses the apparatus as recited in **claim 1**, including means for translating information received from the telephony object into information the telephony element can utilize.

("Data transmitted during a call is converted to an analog signal for the POTS line, and analog data received during a call is converted to digital data. NextStepII, pg. 13-6. The object oriented operating system inherently uses digital data.)

As to **claim 4**, the combination discloses the apparatus as recited in **claim 1**, including means for attaching the telephony element to the processor.

("The phone line must be attached to the user's computer." NextStep II, pg. 13-3)

As to **claim 5**, the combination discloses the apparatus as recited in **claim 4**, including means for connecting a telephone line to the processor.

("The phone line must be attached to the user's computer." NextStepII, pg. 13-3)

As to **claim 6**, the combination discloses the apparatus as recited in **claim 4**, including means for connecting a handset to the processor.

("The phone line must be attached to the user's computer." NextStepII, pg. 13-3. Phone lines inherently have handsets.)

As to **claim 7**, the combination discloses the apparatus as recited in **claim 4**, including means for setting up a call to the processor.

(The Phone Server. NextStepII, pg. 13-6)

As to **claim 8**, the combination discloses the apparatus as recited in **claim 4**, including means for passing information between the telephony element and the processor.

("An NXPhone object corresponds to a telephone line that's connected to the user's computer." NextStepII, pg. 13-16)

As to **claim 9**, the combination discloses the apparatus as recited in **claim 8**, including means for exchanging DTMF tones between the telephony element and the processor.

("Data transmitted during a call is converted to an analog signal for the POTS line, and analog data received during a call is converted to digital data. NextStepII, pg. 13-6. The user's computer is the means for exchanging.)

As to **claim 10**, the combination discloses the apparatus as recited in **claim 1**, including means for enabling features of the telephony element via the telephony object.

(The user's computer is the means for enabling features of the telephony element via the telephony object.)

As to **claim 11**, the combination discloses the apparatus as recited in **claim 1**, including means for servicing queries between a telephony element and the object-oriented operating system.

(The Phone Server. NextStepII, pg. 13-6)

As to **claim 12**, the combination discloses the apparatus as recited in **claim 1**, including means for exchanging notification information between a telephony element and the object-oriented operating system.

(The Phone Server. NextStepII, pg. 13-6)

[The remainder of this page is intentionally left blank]

Method Claims 13-24

As to **claim 13**, the combination discloses a method for enabling telephony elements on a computer system including a processor with an attached storage, display and telephony element, comprising the steps of:

(NextStepI is object-oriented software which includes a phone kit which offers a way to connect an application to a telephone line, to initiate and receive calls over the line, and to transmit and receive data during a call as disclosed in NextStepII. pg. 13-3.)

(a)   controlling operations of the processor with an object oriented operating system

(NextStepI is object-oriented software. See title page.)

- supporting encapsulation, polymorphism and inheritance including objects

(Encapsulation, polymorphism, and inheritance are disclosed in NextStepI, pgs. 12 to 16)

- each of the objects containing logic and data resident in the storage;

(The insight of object oriented programming is to combine state and behavior-data and operations on data-in a high-level unit, an object, and to give it language to support. An object is a group of related functions and a data structure serves those functions. The functions are known as the object's methods and the files of its data structure are its instance variables. NextStepI, pg. 5)

(b)   creating a telephony object

("NXPhoneCall object handles the work of making or receiving a call, and transmitting and receiving data during a call." NextStepII, pg. 13-16.)

- including logic for interfacing the telephony element to the processor and

(The insight of object oriented programming is to combine state and behavior-data and operations on data-in a high-level unit, an object, and to give it language to support. An object is a group of related functions and a data structure serves those functions. The functions are known as the object's methods and the files of its data structure are its instance variables. NextStepI, pg. 5)

- including data for storing status information associated with the telephony element in the telephony object, and

("The object must be informed about the channels." NextStepII, pg. 13-8, 1st ¶)

- representative of the telephony element under the control of the object-oriented operating system

("An NXPhone object corresponds to a telephone line that's connected to the user's computer." NextStepII, pg. 13-16)

- stored in the storage; and

(Data is inherently stored in the memory of a computer.)

- displayed on the display; and

("Applications that display a user interface and respond to events listen for phone input just as they list for other remote input, between events." NextStepII, pg. 13-8)

(c)   controlling the telephony element by the object-oriented operating system

(the computer is the means for controlling)

- utilizing logic in the telephony object to interface the telephony element to the processor by

("An NXPhone object corresponds to a telephone line that's connected to the user's computer." NextStepII, pg. 13-16)

- initiating a call connection

("making a call", NextStepII, pg. 13-16, 2nd ¶)

- monitoring call progress

("a run message to the NXPhone object causes the application to wait for remote message that announce activity on the line"; NextStepII, pg. 13-16, 3rd ¶)

- activating call features and

("The notifications the NXPhoneCall object receives from the Phone Server correspond to the kinds of feedback you normally get over the

> *phone line-a dial tone, a busy signal or the sound of the phone ringing on the other end, the noise when the phone is answered and the other party says "hello", and the click when its hung up again." NextStepII, pg. 13-10, 6th ¶. The Examiner considers the busy signal or sound of the phone ringing on the other end to be call progress tones, which PO identifies as a call feature in the Abstract of the '854 patent.)*

- storing status information in the data of the telephony object.

> *("To begin using the Phone Kit, an application first creates an NXPhone instance and an NXPhoneChannel for each channel that will be used. The NXPhone object must be informed about the channels." Further, see the instance variables of NextStepII, pg. 13-8)*

As to **claim 14**, the combination discloses the method as recited in **claim 13**, including the step of translating information received from the telephony element into information the object oriented operating system can utilize.

> *("Data transmitted during a call is converted to an analog signal for the POTS line, and analog data received during a call is converted to digital data. NextStepII, pg. 13-6. The object oriented operating system inherently uses digital data.)*

As to **claim 15**, the combination discloses the method as recited in **claim 13**, including the step of translating information received from the telephony object into information the telephony element can utilize.

> *("Data transmitted during a call is converted to an analog signal for the POTS line, and analog data received during a call is converted to digital data. NextStepII, pg. 13-6. The object oriented operating system inherently uses digital data.)*

As to **claim 16**, the combination discloses the method as recited in **claim 13**, including the step of attaching the telephony element to the processor.

> *("The phone line must be attached to the user's computer." NextStep II, pg. 13-3)*

As to **claim 17**, the combination discloses the method as recited in **claim 16**, including the step of connecting a telephone line to the processor.

> *("The phone line must be attached to the user's computer." NextStepII, pg. 13-3)*

As to **claim 18**, the combination discloses the method as recited in **claim 16**, including the step of connecting a handset to the processor.

> *("The phone line must be attached to the user's computer." NextStepII, pg. 13-3. Phone lines inherently have handsets.)*

As to **claim 19**, the combination discloses the method as recited in **claim 16**, including the step of setting up a call to the processor.

(The Phone Server. NextStepII , pg. 13-6)

As to **claim 20**, the combination discloses the method as recited in **claim 16**, including the step of passing information between the telephony element and the processor.

("An NXPhone object corresponds to a telephone line that's connected to the user's computer." NextStepII , pg. 13-16)

As to **claim 21**, the combination discloses the method as recited in **claim 20**, including the step of exchanging DTMF tones between the telephony element and the processor.

("Data transmitted during a call is converted to an analog signal for the POTS line, and analog data received during a call is converted to digital data. NextStepII, pg. 13-6. The user's computer is the means for exchanging.)

As to **claim 22**, the combination discloses the method as recited in **claim 13**, including the step of enabling features of the telephony element via the telephony object.

(The user's computer is the means for enabling features of the telephony element via the telephony object.)

As to **claim 23**, the combination discloses the method as recited in **claim 13**, including the step of exchanging status information between a telephony element and the object-oriented operating system.

(The Phone Server. NextStepII , pg. 13-6)

As to **claim 24**, the combination discloses the method as recited in **claim 13**, including the step of exchanging notification information between a telephony element and the object-oriented operating system.

(The Phone Server. NextStepII , pg. 13-6)

Conclusion

10. All correspondence relating to this *ex parte* reexamination proceeding should be

directed:

By Mail to: Mail Stop *Ex Parte* 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://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html.

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. 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.

/Deandra M. Hughes/, Primary Examiner, CRU 3992

ESK

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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Brient Intellecutal Property Law LLC
2300 Lakeview Parkway, Suite 700
Alpharetta, GA 30009

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DEC 23 2010

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/010,967*.

PATENT NO. *5315703*.

ART UNIT *3992*.

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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,967	04/28/2010	5315703	2607.271REX0/RGS/RDC	8070

26111	7590	12/23/2010

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER

DATE MAILED: 12/23/2010

Please find below and/or attached an Office communication concerning this application or proceeding.

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

a☐ Responsive to the communication(s) filed on _____ .   b☐ This action is made FINAL.
c☒ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire **2** month(s) from the mailing date of this letter.
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3. ☐ Claims _____ are patentable and/or confirmed.

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5. ☐ Claims _____ are objected to.

6. ☐ The drawings, filed on _____ are acceptable.

7. ☐ The proposed drawing correction, filed on _____ has been (7a)☐ approved (7b)☐ 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

   1☐ been received.

   2☐ not been received.

   3☐ been filed in Application No. _____ .

   4☐ been filed in reexamination Control No. _____.

   5☐ been received by the International Bureau in PCT application No. _____.

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10. ☐ Other: _____

cc: Requester (if third party requester)
U.S. Patent and Trademark Office
PTOL-466 (Rev. 08-06)   Office Action in Ex Parte Reexamination   Part of Paper No. 20101214

DETAILED ACTION

Reexamination

1.   An Ex Parte Reexamination has been granted for claims 1-14 of U.S. Patent No.

5,315,703 (hereafter "the '703 patent"). See Order, mailed 07/14/2010.

References Submitted by Requester

2.   The following references have been cited as establishing a substantial new

question of patentability. See Order, mailed 07/14/2010.

E. Cohen, D. Soni, R. Gluecker, W. Hasling, R. Schwanke, M. Wagner, "Version
Management in Gypsy" (ACM 1988) pages 201-215 (hereafter "Cohen").

Bernstein et al., US 5,204,947, 04/20/1993 (filed 10/31/90).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in
public use or on sale in this country, more than one year prior to the date of application for patent in
the United States.

4.   Claims 8, 9, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated

by Cohen.

Regarding claim 8, Cohen discloses ***a method for implementing an object-***

oriented notification framework system. See page 201 "Introduction" which

discloses a Version Manager of the Gypsy programming support environment, and its

integration with the object-oriented extension of Unix on which it is built and an event

manager which provides support for monitoring changes to objects and for triggering

actions when an event occurs. See also page 210, "9. Event Management".

Cohen discloses ***connecting a plurality of objects to a notification source.***

See page 201, "Introduction" which discloses Gypsy provides support for developers to

produce and maintain systems built from multiple components. Gypsy further includes

a Version Manager which stores, organizes, and selectively retrieves versions of

objects. Integrated with version management are components for workspace,

configuration, and event management. See also page 210, "9. Event Management"

which discloses monitoring changes to objects and for triggering actions when an event

occurs. A user expresses interest in the event by making a subscription, consisting of a

target object, a condition, and an action. For the action, the subscriber chooses to

either receive notification or to supply a program which will be executed when the event

occurs.

Cohen discloses ***storing connection information for the plurality of objects***

in a connection object of an object-oriented operating system. See pages 210-211

"9. Event Management" which discloses the user expresses interest in an event by making a subscription, consisting of a target object, a condition, and an action.

Cohen discloses *registering connection information, including registration information indicative of a notification status, in the connection object of the object-oriented operating system.* See pages 210-211 which discloses a user expresses interest in an event by making a subscription, consisting of a target object, a condition, and an action. For the action, the subscriber can choose to receive notification, or to supply a program which will be executed when the event occurs. The event can be a recurring event or a one-time event (i.e. notification status). The Event Manager posts a subscription to the target object's type manager which is responsible for associating it with the target object.

Cohen discloses *selectively dispatching notification to at least one of the plurality of objects based on the registration information stored in the connection object of the object-oriented system.* See pages 210-211 "9. Event Management" where the Gypsy Event Manager provides support for monitoring changes to objects, and for triggering actions when an event occurs. When an event is detected, the type manager signals the Event Manager, which then triggers the action associated with the subscription. The action is executed under the authority of the subscribing user. A user must have previously expressed an interest in an event by making the subscription, consisting of a target object, a condition, and an action. For the action, the subscriber may choose either to receive notification, or to supply a program which will be executed when the event occurs. Before triggering the action, the Event Manager first checks the

authority list of the targeted object to ensure that the subscriber still has the right to access it.

Cohen discloses *receiving the notification by the at least one of the plurality of objects to receive the notification and take action based on the notification.* See pages 210-211, "9. Event Management" which discloses a user expresses an interest in an event by making the subscription, consisting of a target object, a condition, and an action. For the action, the subscriber may choose either to receive notification, or to supply a program which will be executed when the event occurs. When an event is detected, the type manager signals the Event Manager, which then triggers the action associated with the subscription. Before triggering the action, the Event Manager first checks the authority list of the targeted object to ensure that the subscriber still has the right to access it.

Regarding claim 9, Cohen discloses *notifying a plurality of objects.* See pages 210-211, "9. Event Management" which discloses monitoring changes to objects and triggering actions when an event occurs. A subscriber can choose to either receive notification or not.

Regarding claim 13, Cohen discloses *removing an object as an action based on the notification.* See pages 210, "9. Event Management" where the Gypsy Event Manager provides support for monitoring changes to objects and for triggering actions when an event occurs. For the action, the subscriber may choose to either receive

notification or to supply a program which will be executed when the event occurs. An

one-time event subscription is canceled when the event occurs. After a one-time

subscription is completed, the Event Manager triggers an action and the subscription is

then canceled, removing the object from future notifications.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1-2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Cohen.

     Regarding claim 1, Cohen discloses *an object-oriented notification*

framework system. See page 201 "Introduction" which discloses a Version Manager

of the Gypsy programming support environment, and its integration with the object-

oriented extension of Unix on which it is built and an event manager which provides

support for monitoring changes to objects and for triggering actions when an event

occurs. See also page 210, "9. Event Management".

Cohen discloses *means for connecting a plurality of objects to a notification
source.* See page 201, "Introduction" which discloses Gypsy provides support for
developers to produce and maintain systems built from multiple components. Gypsy
further includes a Version Manager which stores, organizes, and selectively retrieves
versions of objects. Integrated with version management are components for
workspace, configuration, and event management. See also page 210, "9. Event
Management" which discloses monitoring changes to objects and for triggering actions
when an event occurs. The means for connecting is accomplished by the user
expressing interest in the event by making a subscription, consisting of a target object, a
condition, and an action. For the action, the subscriber chooses to either receive
notification or to supply a program which will be executed when the event occurs.

Cohen discloses *storing connection information for the plurality of objects
in a connection object of an object-oriented operating system.* See pages 210-211
"9. Event Management" which discloses the user expresses interest in an event by
making a subscription, consisting of a target object, a condition, and an action.

Cohen discloses *means for registering connection information, including
registration information indicative of a notification status, in the connection
object of the object-oriented operating system.* See pages 210-211 which discloses
a user expresses interest in an event by making a subscription, consisting of a target
object, a condition, and an action which is a means for registering connection
information. For the action, the subscriber can choose to receive notification, or to
supply a program which will be executed when the event occurs. The event can be a

recurring event or a one-time event (i.e. notification status). The Event Manager posts a

subscription to the target object's type manager which is responsible for associating it

with the target object.

Cohen discloses *means for selectively dispatching notification to at least*

one of the plurality of objects based on the registration information stored in the

connection object of the object-oriented system. See pages 210-211 "9. Event

Management" where the Gypsy Event Manager provides support for monitoring

changes to objects, and for triggering actions when an event occurs. When an event is

detected, the type manager signals the Event Manager, which then triggers the action

associated with the subscription (which is a means for selectively dispatching

notification). The action is executed under the authority of the subscribing user. A user

must have previously expressed an interest in an event by making the subscription,

consisting of a target object, a condition, and an action. For the action, the subscriber

may choose either to receive notification, or to supply a program which will be executed

when the event occurs. Before triggering the action, the Event Manager first checks the

authority list of the targeted object to ensure that the subscriber still has the right to

access it.

Cohen discloses *means for the at least one of the plurality of objects to*

receive the notification and take action based on the notification. See pages 210-

211, "9. Event Management" which discloses a user expresses an interest in an event

by making the subscription, consisting of a target object, a condition, and an action. For

the action, the subscriber may choose either to receive notification, or to supply a

program which will be executed when the event occurs. When an event is detected, the

type manager signals the Event Manager, which then triggers the action associated with

the subscription which is a means for at least one of the plurality of objects to receive

notification and take action based on the notification. Before triggering the action, the

Event Manager first checks the authority list of the targeted object to ensure that the

subscriber still has the right to access it.

Cohen discloses *storing connection information for the plurality of objects in a*

connection object of an object-oriented operating system. See pages 210-211 "9.

Event Management" which discloses the user expresses interest in an event by making

a subscription, consisting of a target object, a condition, and an action. However,

Cohen does not expressly disclose a "memory means" for storing this connection

information. It would have been obvious to try and store the connection information in

the known memory means with a reasonable expectation of success because a person

of ordinary skill in the art had good reason to pursue the known options of storage within

his or her technical grasp and a memory means was a known means for storing

information.

Regarding claim 2, Cohen discloses *notifying a plurality of objects*. See

pages 210-211, "9. Event Management" which discloses monitoring changes to objects

and triggering actions when an event occurs. A subscriber can choose to either receive

notification or not. Cohen does not expressly disclose a *"processor means"* for

notifying a plurality of objects. However, processors are the primary element in carrying

out a computer's functions. Therefore, it would have been obvious to one of ordinary

skill in the art at the time of the invention to include a processor within the object-

oriented operating system of Cohen in order to facilitate the various functions of the

system.

        Regarding claim 6, Cohen discloses *removing an object as an action based*

on the notification. See pages 210, "9. Event Management" where the Gypsy Event

Manager provides support for monitoring changes to objects and for triggering actions

when an event occurs. For the action, the subscriber may choose to either receive

notification or to supply a program which will be executed when the event occurs. An

one-time event subscription is canceled when the event occurs. After a one-time

subscription is completed, the Event Manager triggers an action and the subscription is

then canceled, removing the object from future notifications. Cohen does not expressly

disclose *a "processor means"* for removing an object as an action based on the

notification. However, processors are the primary element in carrying out a computer's

functions. Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to include a processor within the object-oriented operating system

of Cohen in order to facilitate the various functions of the system.

7.   **Claims 3-5, 7, 10-12, and 14are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Cohen in view of Bernstein.

Regarding claim 3, Cohen discloses sending a notification to a user and triggering an action based on the notification. Cohen does not disclose a processor means for changing a color of an object as an action based on the notification. However, Bernstein discloses *a processor means for changing a color of an object.* See column 2, lines 33-51 and column 7, lines 35-53 which discloses link markers having a variety of appearances including changing colors of underlying data and processors. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have changed the color of an object, as suggested by Bernstein, within the system of Cohen in order to alert a subscribing individual that they have received notification of changes to an object that the individual is monitoring.

Regarding claim 4, Cohen discloses sending a notification to a user and triggering an action based on the notification. Cohen does not disclose a processor means for highlighting an object as an action based on the notification. However, Bernstein discloses *a processor means for highlighting an object.* See column 2, lines 33-45 which discloses link markers can have different appearance styles including highlight frames and highlight areas. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have highlighted an object, as suggested by Bernstein, within the system of Cohen in order to alert a subscribing individual that they have received notification of changes to an object that the individual is monitoring.

Regarding claim 5, Cohen discloses sending a notification to a user and triggering an action based on the notification. Cohen does not disclose a processor means for reverse videoing an object as an action based on the notification. However, Bernstein discloses ***a processor means for reverse videoing an object.*** See column 2, lines 33-51which discloses LMS provides link markers that can have different appearance styles including highlight areas which are also transparent in that the patterns of the underlying data will be changed (also sometimes known as reverse video). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have reverse video an object, as suggested by Bernstein, within the system of Cohen in order to alert a subscribing individual that they have received notification of changes to an object that the individual is monitoring.

Regarding claim 7, Cohen discloses sending a notification to a user and triggering an action based on the notification. Cohen does not disclose a processor means for reverse videoing an object as an action based on the notification. However, Bernstein discloses ***a processor means for opening a window associated with an object as an action based on the notification.*** See column 33, lines 38 through column 34, line 1 which discloses a windowing computer display system in which data from one or more applications may be displayed in separate windows. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have opened a new window on a display screen, as suggested by Bernstein, within the

system of Cohen in order to visually alert a subscribing individual that they have
received notification of changes to an object that the individual is monitoring.

Regarding claim 10, Cohen discloses sending a notification to a user and
triggering an action based on the notification. Cohen does not disclose a processor
means for changing a color of an object as an action based on the notification.
However, Bernstein discloses *changing a color of an object.* See column 2, lines 33-
51 and column 7, lines 35-53 which discloses link markers having a variety of
appearances including changing colors of underlying data. It would have been obvious
to a person of ordinary skill in the art at the time of the invention to have changed the
color of an object, as suggested by Bernstein, within the system of Cohen in order to
alert a subscribing individual that they have received notification of changes to an object
that the individual is monitoring.

Regarding claim 11, Cohen discloses sending a notification to a user and
triggering an action based on the notification. Cohen does not disclose a processor
means for highlighting an object as an action based on the notification. However,
Bernstein discloses *highlighting an object.* See column 2, lines 33-45 which discloses
link markers can have different appearance styles including highlight frames and
highlight areas. It would have been obvious to a person of ordinary skill in the art at the
time of the invention to have highlighted an object, as suggested by Bernstein, within

the system of Cohen in order to alert a subscribing individual that they have received

notification of changes to an object that the individual is monitoring.

Regarding claim 12, Cohen discloses sending a notification to a user and

triggering an action based on the notification. Cohen does not disclose a processor

means for reverse videoing an object as an action based on the notification. However,

Bernstein discloses *reverse videoing an object.* See column 2, lines 33-51which

discloses LMS provides link markers that can have different appearance styles including

highlight areas which are also transparent in that the patterns of the underlying data will

be changed (also sometimes known as reverse video). It would have been obvious to a

person of ordinary skill in the art at the time of the invention to have reverse video an

object, as suggested by Bernstein, within the system of Cohen in order to alert a

subscribing individual that they have received notification of changes to an object that

the individual is monitoring.

Regarding claim 14, Cohen discloses sending a notification to a user and

triggering an action based on the notification. Cohen does not disclose a processor

means for reverse videoing an object as an action based on the notification. However,

Bernstein discloses *opening a window associated with an object as an action*

based on the notification. See column 33, lines 38 through column 34, line 1 which

discloses a windowing computer display system in which data from one or more

applications may be displayed in separate windows. It would have been obvious to a

person of ordinary skill in the art at the time of the invention to have opened a new

window on a display screen, as suggested by Bernstein, within the system of Cohen in

order to visually alert a subscribing individual that they have received notification of

changes to an object that the individual is monitoring.

Conclusion

Submissions

8.   In order to ensure full consideration of any amendments, affidavits or

declarations, or other documents as evidence of patentability, such documents must be

submitted in response to this Office action. Submissions after the next Office action,

which is intended to be a final action, will be governed by the requirements of 37

CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly

enforced.

Notification of Concurrent Proceedings

9.   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. 5,315,703, 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.

Extension of Time

10.   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

reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)).

Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR

1.550(c).

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

12.   Any inquiry concerning this communication should be directed to Examiner

Rachna Desai at telephone number 571-272-4099.

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

Conferees:

Fred Ferris