

# Exhibit 6



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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            03/29/2011

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

EXAMINER

ART UNIT            PAPER NUMBER

DATE MAILED: 03/29/2011

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



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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

MAILED

MAR 29 2011

CENTRAL REEXAMINATION UNIT

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/010,967.

PATENT NO. 5315703.

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.	Patent Under Reexamination	
90/010,967	5315703	
Examiner	Art Unit	
RACHNA S. DESAI	3992	

-- 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: 23 February 2011.
  - (b)  Patent owner's late response filed: \_\_\_\_\_.
  - (c)  Patent owner's failure to file an appropriate response to the Office action mailed: \_\_\_\_\_.
  - (d)  Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
  - (e)  Other: \_\_\_\_\_.

Status of *Ex Parte* Reexamination:

(f) Change in the Specification:  Yes  No

(g) Change in the Drawing(s):  Yes  No

(h) Status of the Claim(s):

(1) Patent claim(s) confirmed: 1-14.

(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.  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."
3.  Note attached NOTICE OF REFERENCES CITED (PTO-892).
4.  Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
5.  The drawing correction request filed on \_\_\_\_\_ is:  approved  disapproved.
6.  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: \_\_\_\_\_.
7.  Note attached Examiner's Amendment.
8.  Note attached Interview Summary (PTO-474).
9.  Other: \_\_\_\_\_.

/Rachna S Desai/  
Primary Examiner, Art Unit 3992

cc: Requester (if third party requester)

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### **DETAILED ACTION**

1. This Office action addresses claims 1-14 of United States Patent Number 5,315,703 (Matheny), for which it has been determined in the Order Granting Ex Parte Reexamination (hereafter the "Order") mailed 07/14/2010 that a substantial new question of patentability was raised in the Request for Ex Parte reexamination filed on 04/28/2010 (hereafter the "Request"). This is a response to the arguments filed 02/23/2011 in response to the Non-final Office Action mailed on 12/23/2010. Claims 1-14 are allowable and/or confirmed below.

#### ***Information Disclosure Statement***

2. Where patents, publications, and other such items of information are submitted by a party (patent owner or requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will normally be limited by the degree to which the party filing the information citation has explained the content and relevance of the information. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08A or 08B or its equivalent, without an indication to the contrary in the record, do not signify that the information has been considered by the examiner any further than to the extent noted above.

The Information Disclosure Statements filed February 23, 2011, have been given due consideration. Documents which fail to constitute patents or printed publications

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have been lined through on the Form PTO/SB/08a so as not to be published on the reexamination certificate, but have been considered by the examiner to the extent noted above.

### **STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION**

3. Claims 1-14 are allowable and/or confirmed below.

4. Examiner notes the amendment filed on 02/23/2011 has been considered in its entirety, including the two affidavits from Dr. David A. Wilson and David R. Anderson.

The Cohen Reference ("E. Cohen, D. Soni, R. Gluecker, W. Hasling, R. Schwanke, M. Wagner, "Version Management in Gypsy" (ACM 1988) pages 201-215") does not disclose the claimed method or system. The Examiner agrees with Patent Owner's argument that Cohen fails to teach "receiving the notification by the at least one of the plurality of objects" because the subscriber is not an object, the program receiving the notification is not the object, and the actual "subscription" is also not an object. See PO Response on pp. 9-12 and Wilson Declaration at paragraphs 26-31.

Examiner further agrees with PO's argument that Cohen further fails to disclose a connection object. Neither the Event Manager nor the Type Manager in Cohen is a "connection object". See PO Response on pages 12-15 and Wilson Declaration at paragraphs 33-38.

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Furthermore, Bernstein does not provide any teaching or suggestion regarding the connection object or receiving notification by at least one of the plurality of objects.

6. The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

Referring to claim 8, the claim is allowable over the prior art that was explained in the request and determined to raise a substantial new question of patentability in the order granting reexamination and over the prior art that was applied and discussed by the examiner in the present reexamination proceeding because that prior art does not explicitly disclose a "connection object" and "receiving notification by at least one of the plurality of objects."

Referring to claim 1, the claim is allowable over the prior art that was explained in the request and determined to raise a substantial new question of patentability in the order granting reexamination and over the prior art that was applied and discussed by the examiner in the present reexamination proceeding because that prior art does not explicitly disclose a "connection object" and "the plurality of objects to receive the notification".

Claims 2-7 and 9-14 depend on allowable claims, and are therefore also allowable.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by

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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**

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

By EFS-Web:

Registered users of EFS-Web may alternatively submit such correspondence via 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.



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Any inquiry concerning this communication should be directed to Central  
Reexamination Unit at telephone number 571-272-4099.

/Rachna S Desai/  
Primary Examiner, Art Unit 3992

Handwritten signature of Rachna S Desai, consisting of stylized initials 'ASD' and a flourish.