

Exhibit 7



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,965	04/28/2010	5455854	2607.272REX0/RGS/RDC	8066

26111 7590 01/13/2011

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

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/13/2011

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



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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

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)).

**Supplemental Notice of Intent to Issue
Ex Parte Reexamination Certificate**

Control No.

90/010,965

Patent Under Reexamination

5455854

Examiner

Deandra M. Hughes

Art Unit

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: 10 January 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: 1-24.

(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:

/Deandra M Hughes/
Primary Examiner, Art Unit 3992

cc: Requester (if third party requester)

U.S. Patent and Trademark Office
PTOL-469 (Rev. 05-10)

Notice of Intent to Issue Ex Parte Reexamination Certificate

Part of Paper No 20110112

SUPPLEMENTAL EX PARTE REEXAMINATION NIRC

1. This is an *ex parte* reexamination of U.S. Patent No. **5,455,854**. Original patent **claims 1-24** are under reexamination.
2. This supplemental NIRC is in response to the two IDSs filed Jan. 10, 2011 and PO's supplemental statement of the interview held Dec. 21, 2010. PO's supplemental statement of the interview has been entered and the IDSs filed Jan. 10, 2011 have been considered as set forth below.
3. The 37 C.F.R. §1.132 Declaration of Michael R. Dilts filed Dec. 22, 2010 has been entered.
4. Patent Owner's ("PO") remarks filed Dec. 23, 2010 have been entered. PO's arguments are persuasive. As such, the rejections of **claims 1-24** in the non-final action mailed Oct. 28, 2010 are withdrawn and **claims 1-24** are confirmed as patentable.
6. The two information disclosure statements (IDSs) filed on Jan. 10, 2011 have been considered by the examiner. Documents which fail to constitute patents or printed publications have been lined through on the Form PTO/SB/08 so as not to be published on the reexamination certificate, but have been considered by the examiner to the extent noted below.

Consideration by the examiner of the information submitted in an IDS means that the examiner will consider the documents in the same manner the party filing the information citation has explained the content and relevance of the information. Information which complies with information disclosure requirements of 37 C.F.R. §1.98 but which is in a non-English language will be considered in view of the concise

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explanation submitted (see MPEP §609.04(a), subsection III) and insofar as it is understood on its face, e.g. drawings, chemical formulas, in the same manner that non-English language information in Office search files is considered by examiners in conducting searches. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08A and 08B or its equivalent, without any indication to the contrary in the record, means that the information has been considered by the examiner to the extent noted above. See MPEP §§609.05(b), 2256, and 2656.

In addition, items were lined through because they did not comply with 37 CFR §1.98(b)(5) which requires that "each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication."

Conclusion

7. 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

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

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the electronic filing system EFS-Web, at:

<https://portal.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.

9. 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.

Signed:

/Deandra M. Hughes/

Deandra M. Hughes
Primary Examiner
Central Reexamination Unit 3992
(571) 272-6982

Jan. 12, 2010

Conferees:

APR
ESK