

Exhibit 10



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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 12/21/2010

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/21/2010

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



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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)).

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

All participants (USPTO personnel, patent owner, patent owner's representative):

- | | |
|---|---|
| (1) <i><u>Deandra M. Hughes, Primary Examiner</u></i> | (3) <i><u>Christina Leung, Primary Examiner</u></i> |
| (2) <i><u>Eric Keasel, SPE</u></i> | (4) <i><u>Patent Owner's Representatives (see attached)</u></i> |

Date of Interview: 14 December 2010

Type: a) Telephonic b) Video Conference
c) Personal

Exhibit shown or demonstration conducted: d) Yes e) No.
If Yes, brief description: _____

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.
Any other agreement(s) are set forth below under "Description of the general nature of what was agreed to..."

Claim(s) discussed: 1-24.

Identification of prior art discussed: NextStepI, NextStepII.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: (SEE ATTACHED)

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims patentable, if available, must be attached. Also, where no copy of the amendments that would render the claims patentable is available, a summary thereof must be attached.)

A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION MUST INCLUDE PATENT OWNER'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. (See MPEP § 2281). IF A RESPONSE TO THE LAST OFFICE ACTION HAS ALREADY BEEN FILED, THEN PATENT OWNER IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO PROVIDE THE MANDATORY STATEMENT OF THE SUBSTANCE OF THE INTERVIEW (37 CFR 1.560(b)). THE REQUIREMENT FOR PATENT OWNER'S STATEMENT CAN NOT BE WAIVED. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).

/Deandra M Hughes/ Primary Examiner, Art Unit 3992		
cc: Requester (if third party requester)		

PO's Representatives were David A. Wilson, PhD (Technical Expert), Michael R. Dilts (Inventor), R. "Chip" Lutton (Reg. No. 39,756), Robert G. Sterne (Reg. No. 28,912), Glenn J. Perry (Reg. No. 28,458), Richard D. Coller III, (Reg. No. 60,390), Salvador M. Bezos (Reg. No. 60,889).

The following is a brief summary of PO's arguments which the Examiner indicated were likely to obviate the rejections of the non-final office action mailed Oct. 28, 2010.

- (1) NeXTSTEP does not disclose or make obvious an "object-oriented operating system" because NeXTSTEP is object-oriented software operated on a procedural operating system.
- (2) NeXTSTEP does not disclose or make obvious "storing status information in the data of the telephony object" because NeXTSTEP II at 13-16, 13-22, and 13-32 discloses that there are no instance variables for the telephony objects NXPhone, NXPhoneChannel, and NXPhoneCall.
- (3) NeXTSTEP does not fairly suggest to one of ordinary skill in the art the claimed "object-oriented operating system" because NeXTSTEP does not inform a person of ordinary skill in the art how to make and use its Phone Server.

Further, PO noted that in the application (08/108,877), which became the '854 patent, PO agreed to further amend the claims to distinguish between the claimed 'object oriented operating system' and object-oriented programming. (Interview summary of June 27, 1995) As such, it was agreed that PO would reference the Jun. 27, 1995 interview in his remarks on the Non-Final Office Action of this Reexamination proceeding.

/Deandra M Hughes/
Primary Examiner, Art Unit 3992