

EXHIBIT C



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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

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

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)).

Office Action in Ex Parte Reexamination	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 --

- 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. 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).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input type="checkbox"/> Information Disclosure Statement, PTO/SB/08. | 4. <input type="checkbox"/> _____. |

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)

EX PARTE REEXAMINATION NON-FINAL ACTION

1. This is a non-final action in the ex parte reexamination of claims 1-24 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. Claims 1-24 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

Art Unit: 3992

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;

Art Unit: 3992

(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)

Art Unit: 3992

- (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)

Art Unit: 3992

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)

Art Unit: 3992

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)

Art Unit: 3992

- 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.)

Art Unit: 3992

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
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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


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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)).



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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 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.

Office Action in Ex Parte Reexamination	Control No. 90/010,967	Patent Under Reexamination 5315703	
	Examiner RACHNA S. DESAI	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 2 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).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input type="checkbox"/> Information Disclosure Statement, PTO/SB/08. | 4. <input type="checkbox"/> _____. |

Part II SUMMARY OF ACTION

- 1a. Claims 1-14 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 1-14 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.
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10. Other: _____

cc: Requester (if third party requester)

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.

Art Unit: 3992

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

Art Unit: 3992

“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

Art Unit: 3992

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

Art Unit: 3992

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 negated 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".

Art Unit: 3992

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

Art Unit: 3992

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

Art Unit: 3992

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

Art Unit: 3992

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 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Bernstein.

Art Unit: 3992

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.

Art Unit: 3992

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 33-51 which 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

Art Unit: 3992

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

Art Unit: 3992

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 33-51 which 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

Art Unit: 3992

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

Art Unit: 3992

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

Art Unit: 3992

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

