

EXHIBIT 5

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

Control No. 90/010,891	Patent Under Reexamination 6,101,531	
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: _____.
 - (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: 1-3, 5, 6 and 11.
- (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: 4 and 7-10.

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: _____.

/s/ Deandra M Hughes/
Primary Examiner, Art Unit 3992

cc: Requester (if third party requester)

EX PARTE REEXAMINATION NIRC

1. Reexamination of claims 1-3, 5-6, and 11 of **USP 6,101,531 (5 31 patent)** has been ordered.

References Cited in this Action

2. USP 5,742,905 to Pepe et al. published Apr. 21, 1998 ("**Pepe**")
3. USP 5,742,905 to Hamalainen et al. published Sep. 01, 1998 ("**Hamalainen**")

Reasons for Confirming Claims as Patentable

4. Claims 1-3, 5-6, and 11 are confirmed as patentable over the prior art of record in this proceeding.

5. The '**531 patent** is a system which includes a communications server for establishing and maintaining a virtual session, via a *session-less* communication path with a client communications unit on the one hand and a *session-oriented* communications path with a host server on the other hand. (col. 2:55-67 to col. 3:1-13) The communications server and the client communications unit are coupled via a tariffed network or connection. (Id.) However, the virtual session, via a session-less oriented communication protocol between the communications server and the client communications unit, permits remote access to the host server without the expense of a circuit switched connection on the tariffed network. (Id.)

Pepe discloses a method of communicating data units over a network (fig. 1) between a client communications unit (#30) and a host device (OFFICE) via a communications server (#40). However, this method does not communicate data units over a *wireless network* because the network of **Pepe** is a wireline network (#29)

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between the communication server (#30) and the host server (OFFICE) and wireless (#39) between the client communications unit (#30) and the communications server (#40). As such, **claims 1-3, 5-6, and 11** are confirmed as patentable over **Pepe** because **Pepe** does not disclose or suggest a method of communicating data units over a wireless network between a client communications unit and a host device via a communications server in combination with the other features set forth in the claims.

Conclusion

6. All correspondence relating to this *inter partes* 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

7. 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

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proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

8. 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:

Conferees:

/Deandra M. Hughes/
Primary Examiner, AU3992

Q
ESK