EXHIBIT 1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,670	01/22/2010	6546552	GOOGLE 3.6-141	4316
BUCHANAN	7590 10/28/2010 N, INGERSOLL & RC	OONEY PC	EXAM	INER
POST OFFICI ALEXANDRI	E BOX 1404 A, VA 22313-1404		ART UNIT	PAPER NUMBER

DATE MAILED: 10/28/2010

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



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

GOOGLE

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP

600 SOUTH AVENUE WEST

WESTFIELD, NJ 07090

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/009,670.

PATENT NO. <u>6546552</u>.

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)).

	Control No.	Patent Under Reexamination
Notice of Intent to Issue	90/009,670	6546552
Ex Parte Reexamination Certificate	Examiner .	Art Unit
	ANDREW L. NALVEN	3992
The MAILING DATE of this communication appears of		•
1. Prosecution on the merits is (or remains) closed in this subject to reopening at the initiative of the Office or up issued in view of (a) Patent owner's communication(s) filed: 6/29/2 (b) Patent owner's late response filed:	con petition. Cf. 37 CFR 1.3 con petition. Cf. 37 CFR 41.31). Ident on amended claim(s)): disclaimed:	13(a). A Certificate will be mailed:
(7) Patent claim(s) not subject to reexamination	1:	
Note the attached statement of reasons for patentabilinecessary by patent owner regarding reasons for patento avoid processing delays. Such submission(s) should patentability and/or Confirmation."	entability and/or confirmation ald be labeled: "Comments C	must be submitted promptly
Note attached NOTICE OF REFERENCES CITED (P	,	
4. Note attached LIST OF REFERENCES CITED (PTO/		•
5. The drawing correction request filed on is:		d.
 6. Acknowledgment is made of the priority claim under 3 a) All b) Some* c) None of the certification in the cer	fied copies have	
7. Note attached Examiner's Amendment.		
Note attached Examiner's Amendment. Note attached Interview Summary (PTO-474).		•
Note attached interview Summary (P10-474). Other:		
о. _— ошет		
F 	/Andrew L Nalven/ Primary Examiner, Art Unit 3992	2
cc: Requester (if third party requester)		

DETAILED ACTION

The following Office action is being written for reexamination proceedings 90/009,670 (hereafter "the '9670 proceeding). The '9670 proceeding covers the reexamination of claims 1-68 of US Patent No. 6,546,552 (hereafter "the '552 patent").

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

Original claims 1-68 are confirmed as patentable.

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

The closest prior art, Wetmore, teaches a method of installing a vectorized software patch into a read only memory. Wetmore's system operates by compiling source files into object files, vectorizing the object files, linking the vectorized object files, and creating the final binary values from the linked vectorized object files. Wetmore's system fails to teach the claimed features of:

"substantially each reference in an entry in said old program that is different than corresponding entry in said new program due to delete/insert modifications that form part of the transition between said old program and new program are reflected as invariant references in the corresponding entries in said modified old and modified new programs" Claims 8, 11, 21, 24, 28, 42, 45, 55, 58, 62, and all claims dependent therefrom.

Art Unit: 3992

"for substantially each reference entry...replacing the reference...by a distinct label mark" Claims 1, 4, 14, 17, 26, 35, 38, 48, 51, 61, and all claims dependent therefrom.

Wetmore fails to teach the above noted limitations because Wetmore does not teach the creating of invariant references. Instead, Wetmore's references are symbolic and not invariant. (see Patent Owner's Remarks submitted 6/29/2010, Pages 10-12). Further, Wetmore fails to teach the claimed use of distinct label marks for the same reason as above and because Wetmore only teaches the replacement of entry points. Thus, Wetmore fails to teach replacing the reference for substantially each reference entry.

CORRESPONDENCE

All correspondence relating to this ex parte reexamination proceeding should be directed:

By EFS:

Registered users may submit via the electronic filing system EFS-Web, at

https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html.

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 Application/Control Number: 90/009,670,

Art Unit: 3992

For EFS-Web transmissions, 37 CFR 1.8(a)(1)(i) (C) and (ii) states that correspondence (except

Page 4

for a request for reexamination and a corrected or replacement request for reexamination) will be

considered timely filed if (a) it is transmitted via the Office's electronic filing system in

accordance with 37 CFR 1.6(a)(4), and (b) includes a certificate of transmission for each piece of

correspondence stating the date of transmission, which is prior to the expiration of the set period

of time in the Office action.

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:

/Andrew Nalven/

Andrew Nalven **CRU** Examiner

GAU 3992

(571) 272-3839

Conferee: ESK

Conferee:

Substitute for	form 1449/PTO & 1449B/PTO				Сот	plete if i	Known					
	SIXTH	ſ		Reexamination		SHARC	N PEI	.EG				
INF	ORMATION DISCLOS		Application of: Patent No./issued: Reexam Control No.:			6,546,552; April 8, 2003						
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				mation No.:		4316						
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Sheet	1 of 1	u.s.	PATE	NT DOCUMENT	rs_							
Examiner Initials	Document Number- Kind Code	Publication Date MM-DD-YYYY		Name of Pate of Cited			ant		Whe	iges, Co ere Rele or Figur	vant P	assages
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Examiner Initials	Include name of the author (In CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.							
ESK	JAMES J. HUNT et al., "Distributed Configuration Management via Java and the World Wide Web", University of Karlsruhe, Germany							
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Examiner Signature	Penal & Nalva	Date Considered	10/57/10
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	EIGHTH		In Re Reexamination Application of:	SHARON PELE	G
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		FOREIG	GN PATENT DOCUME	NTS						
	Foreign Patent Document		Name of Batantas as	T			ST	TATUS	-	
Examiner Initials	miner Country Code Number Publication Date A	Name of Patentee or Applicant of Cited Document	Translation	Partial Translation	Eng. Lang. Summary	Search Report	IÞER	Abstract	Cited in Spec. / Pg. No(s).	
	JP 404242829A	1992-08-31	FUJITSU LTD.						Х	
	JP 5091550A	1993-04-09	OKI ELECTRIC IND. CO., LTD./ NIPPON KOSOKU TSHUSHIN KK			-			X	

	NON-PATENT LITERATURE DOCUMENTS
Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

Examiner	Date	09/29/2010
Signature	Considered	09/29/2010
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Reexamination

Application/Control No	
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90/009,670

Certificate Date

Applicant(s)/Patent Under Reexamination 6546552

Certificate Number

C1

Requester	Correspondence Addre	ess: 🗌 Pa	tent Owner	⊠ Third Party					
GOOGLE LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090									
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 4316

SERIAL NUMB	ER	FILING or 371(c)	CLASS	GR	OUP ART	UNIT	ATTO	RNEY DOCKET
90/009,670		01/22/2010	717		3992		GO	OGLE 3.6-141
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Foreign Priority claimed Yes No 35 USC 119(a-d) conditions met Yes No Verified and ANDREW L NALVEN/ Acknowledged Examiner's Signature No Met after Allowance		STATE OR COUNTRY		IEETS WINGS	TOTAL CLAIMS 68		INDEPENDENT CLAIMS 16	
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Search Notes Application/Control No. Search Notes 90009670 Examiner Art Unit 3992

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	Nalven	3999

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(Primary Examiner)	(Date)	1	2b

EXHIBIT 2

Attorney Docket No. 0077898-000001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reexamination of	MAIL STOP: Ex Parte Reexamination			
Sharon Peleg)	Group Art Unit: 3992			
Patent No.: 6,546,552)) Examiner: Andrew L. Nalven			
Issued: April 8, 2003	Confirmation No.: 4316			
Reexamination Control No.: 90/009,670				
For: DIFFERENCE EXTRACTION) BETWEEN TWO VERSIONS OF DATA-) TABLES CONTAINING INTRA-) REFERENCES)				

COMMENTS ON STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The patent owner gratefully acknowledges the indication that all of the original claims, claims 1-68, have been confirmed by the Examiner. The patent owner wishes to note certain understandings of the Statement of Reasons for Patentability and/or Confirmation (the "Statement").

It is understood that the features identified in the claim language in quotes are to be taken in the context of claims rather than in isolation. It is also understood that the statements "Wetmore does not teach the creating of invariant references" and "Wetmore's references are symbolic and not invariant" merely identifies a set of the patent owner's arguments, and is not intended to be a complete restatement of those arguments. This is clear insofar as the section of the arguments cited by the Examiner (i.e. pages 10-12 of patent owner's remarks dated June 29, 2010) more specifically addresses the failure of Wetmore to disclose "references" (as claimed in the '552 patent) that are reflected as invariant. It is noted that the patent owner

Comments on Statement of Reasons for Patentability and/or Confirmation Reexamination Control No. 90/009,670

Attorney Docket No. 0077898-000001

Page 2

previously pointed out that Wetmore has both symbolic and numeric references,

although they do not meet the claim recitations for the reasons submitted on June

29, 2010. For instance, patent owner noted at page 11 of its June 29, 2010 remarks:

Wetmore describes creating numeric (as opposed to symbolic) references in the vector table object file, which is the *output of vectorization*. (Wetmore 8:21-52) (showing introduction of the entry: "jmp ([\$0584])" *after* vectorization took place). Accordingly, there are no "references" as claimed in the '552 Patent that are disclosed as being *input* to a vectorization process in Wetmore, because the numeric addresses that Wetmore describes are not present in the files input to Wetmore's vectorization process. Therefore, Wetmore fails to disclose that "substantially each reference in an entry in said

old program . . . are reflected as invariant."

Hence, the patent owner reads the Examiner's Statement as making

reference to the more detailed comments of the remarks submitted June 29, 2010

pages 10-12, for instance, and not an attempt to capture the patentable distinctions

in so few words. Finally, the patent holder respectfully notes that the list of

distinctions offered in the Examiner's Statement is not exhaustive but instead merely

identifies exemplary reasons confirming the patentability of the claims.

By:

In light of the fact that the Statement is easily understood as outlined above, it

is believed no remedial action is required. However, should the Examiner disagree

with any of the comments herein, he is invited to contact the undersigned via the

number listed bellow or in writing.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: November 2, 2010

Charles F. Wieland III Registration No. 33096

Customer No. 21839

703 836 6620

CERTIFICATE OF SERVICE

It is hereby certified by the undersigned that a true copy of the Comments on Statement of Reasons for Patentability and/or Confirmation filed on November 2, 2010 was transmitted via e-mail to:

Jonathan A. David, Esq.
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, New Jersey 07090

Respectfully submitted,

By:

BUCHANAN INGERSOLL & ROONEY PC

Date: November 2, 2010

Charles F. Wieland III Registration No. 33096

Customer No. 21839

703 836 6620

EXHIBIT 3

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	SIXTH	ſ		Reexamination		SHARON PELEG							
INF	ORMATION DISCLOS		Application of: Patent No./Issued: 6,548,552; April 8, 3 Reexam Control No.: 90/009,670					ril 8, 2	2003				
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Examiner Include name of the author (In CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journa serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.								
ESK	JAMES J. HUNT et al., "Distributed Configuration Management via Java and the World Wide Web", University of Karlsruhe, Germany							
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Examiner Signature	Penal & Nalva	Date Considered	10/57/10
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EIGHTH INFORMATION DISCLOSURE (use as many sheets as necessary)			In Re Reexamination Application of:	SHARON PELEG		
			Patent No./Issued:	6,546,552; April	8, 2003	
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		FOREIG	GN PATENT DOCUME	NTS							
	Foreign Patent Document		Name of Batantas as	T	STATUS						
Examiner Initials	Country Code ¹ , Number, Kind Code	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Translation	Partial Translation	Eng. Lang. Summary	Search Report	IÞER	Abstract		Cited in Spec. / Pg. No(s).
	JP 404242829A	1992-08-31	FUJITSU LTD.						Х		
	JP 5091550A	1993-04-09	OKI ELECTRIC IND. CO., LTD./ NIPPON KOSOKU TSHUSHIN KK			-			X		

	NON-PATENT LITERATURE DOCUMENTS				
Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				

Examiner	Date	09/29/2010
Signature	Considered	09/29/2010
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FIRST

INFORMATION DISCLOSURE

(use as many sheets as necessary)

(Complete if Known
In Re Reexamination Application of:	SHARON PELEG
Patent No./Issued:	6,546,552; April 8, 2003
Reexam Control No.:	90/009,670
Examiner/Group Art Unit:	Andrew L. Nalven/3992
Confirmation No.:	4316
Attorney Docket No.	0077898-000001

Sheet 1 of 5

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number- Kind Code	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Figures Appear
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1	US-4,278,837	07-14-1981	BEST	
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	US-4,464,650	08-07-1984	EASTMAN et al.	
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	US-4,542,453	09-17-1985	PATRICK et al.	
_	US-4,683,549	07-28-1987	TAKAKI	
	US-4,807,182	02-21-1989	QUEEN	
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Reexam Control No.: 90/009,670

Examiner/Group Art Unit: Andrew L. Nalven/3992

Confirmation No.: 4316

Attorney Docket No. 0077898-000001

Sheet 1 of 2

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FOURTH

INFORMATION DISCLOSURE

(use as many sheets as necessary)

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In Re Reexamination Application of:	SHARON PELEG	
Patent No./Issued:	6,546,552; April 8, 2003	
Reexam Control No.:	90/009,670	
Examiner/Group Art Unit:	Andrew L. Nalven/3992	
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Attorney Docket No.	0077898-000001	

Sheet 2 of · 2

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INFORMATION DISCLOSURE	Patent No./Issued:	6,546,552; April 8, 2003	
(use as many sheets as necessary)	Reexam Control No.:	90/009,670	
, ,	Examiner/Group Art Unit:	Andrew L. Nalven/3992	
	Confirmation No.:	4316	
	Attorney Docket No.	0077898-000001	

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Doc Code: IDS Document Description: Information Disclosure Statement filed

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	Docket Number (Optional)	Patent Number
37 CFR 1.501	GOOGLE 3.6-141	6,546,552
INFORMATION DISCLOSURE CITATION	Applicant	
IN A PATENT	Sharon Peleg	
(Sheet 1 of 1)	Issue Date	Art Unit
	April 8, 2003	N/A

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