EXHIBIT A

MAY 28, 2010 PTO OFFICE ACTION

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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

GOOGLE

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP

600 SOUTH AVENUE WEST

WESTFIELD, NJ 07090

MAILED

MAY 28 2010

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/009,670*.

PATENT NO. *6546552*.

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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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,670	01/22/2010	6546552	GOOGLE 3.6-141	4316

21839 7590 05/28/2010

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POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED: 05/28/2010

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

Office Action in Ex Parte Reexamination	Control No. 90/009,670	Patent Under Reexamination 6546552	
	Examiner ANDREW L. NALVEN	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. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☒ Information Disclosure Statement, PTO/SB/08.
3. ☐ Interview Summary, PTO-474.
4. ☐ _____.

Part II SUMMARY OF ACTION

1a. ☒ Claims 1-68 are subject to reexamination.
1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled in the present reexamination proceeding.
3. ☒ Claims 5-7, 12-13, 18-20, 25-26, 29-34, 39-41, 46-47, 52-54, 59-60, 63-68 are patentable and/or confirmed.
4. ☒ Claims 1-4,8-11,14-17,21-24,27,28,35-38,42-45,48-51,55-58,61 and 62 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)

DETAILED ACTION

I. Procedures Governing Reexamination

Proposed Amendments, Affidavits, or Declarations

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.

Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c).

Extensions of Time

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).

Concurrent Litigation

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 the patent at issue in this reexamination proceeding throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

II. Summary of the Prosecution and Reexamination Proceeding

US Patent No. 6,546,552 ("the '552 patent") was issued on April 8, 2003 from an application filed August 18, 1999. During the prosecution of the '552 patent, the claims were rejected in view of the Okuzumi and Kenji references. Following claim amendments, the claims were allowed in a notice of allowance mailed on 8/27/2002. In that notice of allowance, the Examiner stated that the reasons for allowance was the failure of the prior art to teach or suggest "generating a modified new file and using the modified new file and the modified old file to generate a difference result" (*see '552 Patent, Notice of Allowance mailed 8/27/2002, Page 2).* The limitation that most closely relates to these reasons for allowance states: "generating said difference result utilizing directly or indirectly at least said modified old program and modified new program" (*see Claim 1).*

On January 22, 2010, Third Party Requester ("Requester") submitted a request for reexamination of claims 1-68 of the '552 patent in view of the following prior art patents and publications:

1. U.S. Patent No. 5,481,713 to Wetmore et al entitled "Method And Apparatus For Patching Code Residing On A Read Only Memory Device," issued on January 2, 1996 (hereafter "Wetmore"). Wetmore was not cited in a previous examination. Wetmore qualifies as prior art under 102(b).
2. IBM Technical Disclosure Bulletin, Batalden, G.D., et al., "Maintainable ROS Code Through The Combination of ROM And EEPROM." Vol.32 No. 9A, p.273-76, published in February, 1990 (hereafter "Batalden"). Batalden was not cited in a previous examination. Batalden qualifies as prior art under 102(b).
3. U.S. Patent No. 4,111,853 to Dummermuth entitled "Jump Structure For A Digital Control System," filed on December 21, 1976, and issued on September 19, 1978 (hereafter "Dummermuth"). Dummermuth was not cited in a previous examination. Dummermuth qualifies as prior art under 102(b).
4. U.S. Patent No. 5,790,796 to Sadowsky entitled "Polymorphic Package Files To Update Software Components," filed on June 14, 1996, and issued on August 4, 1998 (hereafter "Sadowsky"). Sadowsky was not cited in a previous examination. Sadowsky qualifies as prior art under 102(b).
5. Coppieters, K., "A Cross-Platform Binary Diff," Dr. Dobb's Journal, US, San Mateo, California, pp. 32, XP 000610668, was published in May 1995 (hereafter

"Coppieters"). Coppieters was cited in, but not discussed or applied in an earlier examination. Coppieters qualifies as prior art under 102(b).

Reexamination was granted for claims 1-68 in the order mailed March 16, 2010.

III. Grounds of Rejection

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 –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (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.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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 negatived by the manner in which the invention was made.

Claims 1-4, 8-11, 14-17, 21-24, 27-28, 35-38, 42-45, 48-51, 55-58, and 61-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Wetmore. This rejection for claims 1-4, 8-11, 14-17, 21-24, 27-28, 35-38, 42-45, 48-51, 55-58, and 61-62 appears below. Further, the proposed rejection of claims 1-4, 8-11, 14-17, 21-24, 27-28, 35-38, 42-45, 48-51, 55-58, and 61-

62 set forth in the January 22, 2010 request for reexamination on pages 50-163 is incorporated by reference.

With regards to claim 1, Wetmore teaches a method for generating a compact difference result between an old executable program and a new executable program (*Wetmore, Abstract – patch resources are generated for each ROM version by comparing previous ROM versions to the new ROM version*);

each program including reference entries that contain reference that refer to other entries in the program (*Wetmore, column 5 lines 18-56; column 6 lines 47-67 – source code is compiled into a object file where the object file includes external references to other routines, the object files are linked into a final ROM image*);

the method comprising the steps of: (a) scanning the old program and for substantially each reference entry perform steps that include: (i) replacing the reference of said entry by a distinct label mark, whereby a modified old program is generated (*Wetmore, column 8 lines 1-20, the object files are used to generate a vector table object file where the entry point references are replaced with appropriate vector code*);

(b) scanning the new program and for substantially each reference entry perform steps that include: (i) replacing the reference of said entry by a distinct label mark, whereby a modified new program is generated (*Wetmore, column 10 line 65 – column 11 line 12 – when creating a Vector Patch Resource, two versions of Vectorized ROM code are compared. Hence, a new and an old program are vectorized; for a discussion of the vectorization of code see Wetmore, column 8 lines 1-20)*;

(c) generating said difference result utilizing directly or indirectly at least said modified old program and modified new program (*Wetmore, column 10 line 65 – column 11 line 12 - the object files of two versions of the vectorized code are compared to identify new or different routines).*

With regards to claim 4, Wetmore teaches the step of: (d) storing said compact difference result on a storage medium (*Wetmore, column 11 lines 34-57, vector patch resource is loaded; column 2 lines 49-60, ROM and RAM storage mediums*).

With regards to claim 8, Wetmore teaches a method for generating a compact difference result between an old executable program and a new executable program (*Wetmore, Abstract – patch resources are generated for each ROM version by comparing previous ROM versions to the new ROM version and installing the patch)*;

each program including reference entries that contain reference that refer to other entries in the program (*Wetmore, column 5 lines 18-56; column 6 lines 47-67 – source code is compiled into a object file where the object file includes external references to other routines, the object files are linked into a final ROM image)*;

the method comprising the steps of: (a) generating a modified old program utilizing at least said old program (*Wetmore, column 8 lines 1-20, the object files are used to generate a vector table object file where the entry point references are replaced with appropriate vector code)*;

(b) generating a modified new program utilizing at least said new program (*Wetmore, column 10 line 65 – column 11 line 12 – when creating a Vector Patch Resource, two versions of Vectorized ROM code are compared. Hence, a new and an old program are vectorized; for a discussion of the vectorization of code see Wetmore, column 8 lines 1-20)*,

said modified old program and modified new program have at least the following characteristics: (i) 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 (*Wetmore, Figures 3-5; column 5 lines 18-56, column 6 line 45 – column 8 line 52; column 8 lines 1-16- the invariant references are reflected as the table pointers with offsets that are included in the modified old and new programs)* ;

(c) generating said compact difference result utilizing at least said modified new program and modified old program (*Wetmore, column 10 line 65 – column 11 line 12 - the object files of two versions of the vectorized code are compared to identify new or different routines).*

With regards to claim 11, Wetmore teaches the step of: (d) storing said compact difference result on a storage medium (*Wetmore, column 11 lines 34-57, vector patch resource is loaded; column 2 lines 49-60, ROM and RAM storage mediums).*

With regards to claim 14, Wetmore teaches a system for generating a compact difference result between an old executable program and a new executable program;

each program including reference entries that contain reference that refer to other entries in the program (*Wetmore, Abstract – patch resources are generated for each ROM version by comparing previous ROM versions to the new ROM version)*;

the system comprising a processing device capable of: (a) scanning the old program and for substantially each reference entry perform steps that include: (i) replacing the reference of said entry by a distinct label mark, whereby a modified old program is generated (*Wetmore, column 8 lines 1-20, the object files are used to generate a vector table object file where the entry point references are replaced with appropriate vector code)*;

(b) scanning the new program and for substantially each reference entry perform steps that include: (i) replacing the reference of said entry by a distinct label mark, whereby a modified new program is generated (*Wetmore, column 10 line 65 – column 11 line 12 – when creating a Vector Patch Resource, two versions of Vectorized ROM code are compared. Hence, a new and an old program are vectorized; for a discussion of the vectorization of code see Wetmore, column 8 lines 1-20)*;

(c) generating said difference result utilizing directly or indirectly at least said modified old program and modified new program (*Wetmore, column 10 line 65 – column 11 line 12 - the object files of two versions of the vectorized code are compared to identify new or different routines).*

With regards to claim 17, Wetmore teaches said processor device is further capable of storing said compact difference result on a storage medium (*Wetmore, column 11 lines 34-57, vector patch resource is loaded; column 2 lines 49-60, ROM and RAM storage mediums).*

With regards to claim 21, Wetmore teaches a system for generating a compact difference result between an old executable program and a new executable program (*Wetmore, Abstract – patch resources are generated for each ROM version by comparing previous ROM versions to the new ROM version and installing the patch)*;

each program including reference entries that contain reference that refer to other entries in the program (*Wetmore, column 5 lines 18-56; column 6 lines 47-67 – source code is compiled into a object file where the object file includes external references to other routines, the object files are linked into a final ROM image)*;

the system comprising a processing device capable of: (a) generating a modified old program utilizing at least said old program (*Wetmore, column 8 lines 1-20, the object files are used to generate a vector table object file where the entry point references are replaced with appropriate vector code)*;

(b) generating a modified new program utilizing at least said new program (*Wetmore, column 10 line 65 – column 11 line 12 – when creating a Vector Patch Resource, two versions of Vectorized ROM code are compared. Hence, a new and an old program are vectorized; for a discussion of the vectorization of code see Wetmore, column 8 lines 1-20)*,

said modified old program and modified new program have at least the following characteristics: (i) 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 (*Wetmore, Figures 3-*

5; column 5 lines 18-56, column 6 line 45 – column 8 line 52; column 8 lines 1-16- the invariant references are reflected as the table pointers with offsets that are included in the modified old and new programs);

(c) generating said compact difference result utilizing at least said modified new program and modified old program (*Wetmore, column 10 line 65 – column 11 line 12 - the object files of two versions of the vectorized code are compared to identify new or different routines).*

With regards to claim 24, Wetmore teaches said processor is further capable of storing said compact difference result on a storage medium (*Wetmore, column 11 lines 34-57, vector patch resource is loaded; column 2 lines 49-60, ROM and RAM storage mediums).*

With regards to claim 27, Wetmore teaches a processing device having associated therewith a storage medium which holds compact difference result data that was generated by the method of anyone of claims 1 to 4 (*Wetmore, column 11 lines 34-57, vector patch resource is loaded; column 2 lines 49-60, ROM and RAM storage mediums).*

With regards to claim 28, Wetmore teaches a processing device having associated therewith a storage medium which holds compact difference result data that was generated by the method of anyone of claims 8 to 11 (*Wetmore, column 11 lines 34-57, vector patch resource is loaded; column 2 lines 49-60, ROM and RAM storage mediums).*

With regards to claim 35, Wetmore teaches a method for generating a compact difference result between an old data table and a new data table (*Wetmore, Abstract – patch resources are generated for each ROM version by comparing previous ROM versions to the new ROM version)*;

each data table including reference entries that contain reference that refer to other entries in the data table (*Wetmore, Abstract – patch resources are generated for each ROM version by comparing previous ROM versions to the new ROM version)*;

the method comprising the steps of: (a) scanning the old data table and for substantially each reference entry perform steps that include: (i) replacing the reference of said entry by a distinct label mark, whereby a modified old data table is generated (*Wetmore, column 8 lines 1-20, the object files are used to generate a vector table object file where the entry point references are replaced with appropriate vector code)*;

(b) scanning the new data table and for substantially each reference entry perform steps that include: (i) replacing the reference of said entry by a distinct label mark, whereby a modified new data table is generated (*Wetmore, column 10 line 65 – column 11 line 12 – when creating a Vector Patch Resource, two versions of Vectorized ROM code are compared. Hence, a new and an old program are vectorized; for a discussion of the vectorization of code see Wetmore, column 8 lines 1-20)*;

(c) generating said difference result utilizing directly or indirectly at least said modified old data table and modified new data table (*Wetmore, column 10 line 65 – column 11 line 12 - the object files of two versions of the vectorized code are compared to identify new or different routines).*

With regards to claim 38, Wetmore teaches the step of: (d) storing said compact difference result on a storage medium (*Wetmore, column 11 lines 34-57, vector patch resource is loaded; column 2 lines 49-60, ROM and RAM storage mediums).*

With regards to claim 42, Wetmore teaches a method for generating a compact difference result between an old data table and a new data table (*Wetmore, Abstract – patch resources are generated for each ROM version by comparing previous ROM versions to the new ROM version and installing the patch)*;

each data table including reference entries that contain reference that refer to other entries in the data table (*Wetmore, column 5 lines 18-56; column 6 lines 47-67 – source code is compiled into a object file where the object file includes external references to other routines, the object files are linked into a final ROM image)*;

the method comprising the steps of: (a) generating a modified old data table utilizing at least said old data table (*Wetmore, column 8 lines 1-20, the object files are used to generate a vector table object file where the entry point references are replaced with appropriate vector code)*;

(b) generating a modified new data table utilizing at least said new data table (*Wetmore, column 10 line 65 – column 11 line 12 – when creating a Vector Patch Resource, two versions of Vectorized ROM code are compared. Hence, a new and an old program are vectorized; for a discussion of the vectorization of code see Wetmore, column 8 lines 1-20)*,

said modified old data table and modified new data table have at least the following characteristics: (i) substantially each reference in an entry in said old data table that is different than corresponding entry in said new data table due to delete/insert modifications that form part of the transition between said old data table and new data table are reflected as invariant references in the corresponding entries in said modified old and modified new data tables (*Wetmore, Figures 3-5; column 5 lines 18-56, column 6 line 45 – column 8 line 52; column 8 lines 1-16- the invariant references are reflected as the table pointers with offsets that are included in the modified old and new programs)*;

(c) generating said compact difference result utilizing at least said modified new data table and modified old data table (*Wetmore, column 10 line 65 – column 11 line 12 - the object files of two versions of the vectorized code are compared to identify new or different routines).*

With regards to claim 45, Wetmore teaches the step of: (d) storing said compact difference result on a storage medium (*Wetmore, column 11 lines 34-57, vector patch resource is loaded; column 2 lines 49-60, ROM and RAM storage mediums).*

With regards to claim 48, Wetmore teaches a system for generating a compact difference result between an old data table and a new data table (*Wetmore, Abstract – patch resources are generated for each ROM version by comparing previous ROM versions to the new ROM version)*;

each data table including reference entries that contain reference that refer to other entries in the data table (*Wetmore, Abstract – patch resources are generated for each ROM version by comparing previous ROM versions to the new ROM version)*;

the system comprising a processing device capable of: (a) scanning the old data table and for substantially each reference entry perform steps that include: (i) replacing the reference of said entry by a distinct label mark, whereby a modified old data table is generated (*Wetmore, column 8 lines 1-20, the object files are used to generate a vector table object file where the entry point references are replaced with appropriate vector code)*;

(b) scanning the new data table and for substantially each reference entry perform steps that include: (i) replacing the reference of said entry by a distinct label mark, whereby a modified new data table is generated (*Wetmore, column 10 line 65 – column 11 line 12 – when creating a Vector Patch Resource, two versions of Vectorized ROM code are compared. Hence, a new and an old program are vectorized; for a discussion of the vectorization of code see Wetmore, column 8 lines 1-20)*;

(c) generating said difference result utilizing directly or indirectly at least said modified old data table and modified new data table (*Wetmore, column 10 line 65 – column 11 line 12 - the object files of two versions of the vectorized code are compared to identify new or different routines).*

With regards to claim 51, Wetmore teaches said processor device is further capable of storing said compact difference result on a storage medium (*Wetmore, column 11 lines 34-57, vector patch resource is loaded; column 2 lines 49-60, ROM and RAM storage mediums).*

With regards to claim 55, Wetmore teaches a system for generating a compact difference result between an old data table and a new data table (*Wetmore, Abstract – patch resources are generated for each ROM version by comparing previous ROM versions to the new ROM version and installing the patch)*;

each data table including reference entries that contain reference that refer to other entries in the data table (*Wetmore, column 5 lines 18-56; column 6 lines 47-67 – source code is compiled into a object file where the object file includes external references to other routines, the object files are linked into a final ROM image)*;

the system comprising a processing device capable of: (a) generating a modified old data table utilizing at least said old data table (*Wetmore, column 8 lines 1-20, the object files are used to generate a vector table object file where the entry point references are replaced with appropriate vector code)*;

(b) generating a modified new data table utilizing at least said new data table (*Wetmore, column 10 line 65 – column 11 line 12 – when creating a Vector Patch Resource, two versions of Vectorized ROM code are compared. Hence, a new and an old program are vectorized; for a discussion of the vectorization of code see Wetmore, column 8 lines 1-20)*,

said modified old data table and modified new data table have at least the following characteristics: (i) substantially each reference in an entry in said old data table that is different than corresponding entry in said new data table due to delete/insert modifications that form part of the transition between said old data table and new data table are reflected as invariant references in the corresponding entries in said modified old and modified new data tables

(Wetmore, Figures 3-5; column 5 lines 18-56, column 6 line 45 – column 8 line 52; column 8 lines 1-16- the invariant references are reflected as the table pointers with offsets that are included in the modified old and new programs);

(c) generating said compact difference result utilizing at least said modified new data table and modified old data table (*Wetmore, column 10 line 65 – column 11 line 12 - the object files of two versions of the vectorized code are compared to identify new or different routines).*

With regards to claim 58, Wetmore teaches said processor device is further capable of storing said compact difference result on a storage medium (*Wetmore, column 11 lines 34-57, vector patch resource is loaded; column 2 lines 49-60, ROM and RAM storage mediums).*

With regards to claim 61, Wetmore teaches a processing device having associated therewith a storage medium which holds compact difference result data that was generated by the method of anyone of claims 35 to 38 (*Wetmore, column 11 lines 34-57, vector patch resource is loaded; column 2 lines 49-60, ROM and RAM storage mediums).*

With regards to claim 62, Wetmore teaches a processing device having associated therewith a storage medium which holds compact difference result data that was generated by the method of anyone of claims 42 to 45 (*Wetmore, column 11 lines 34-57, vector patch resource is loaded; column 2 lines 49-60, ROM and RAM storage mediums).*

Claims 2, 3, 9, 10, 15, 16, 22, 23, 36, 37, 43, 44, 49, 50, 56, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wetmore in view of Sadowsky.

With regards to claims 2, 9, 15, 22, 36, 43, 49, and 56, Wetmore fails to teach transmitting said compact difference result over a communication network. However, Sadowsky teaches transmitting said compact difference result over a communication network (*Sadowsky, column 4 lines 49-55, communication channel may be the Internet; Figure 5 – determine appropriate update package in step 614 and then download the appropriate update package in steps 606 and 608; column 5 lines 18-54*). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to utilize Sadowsky's method of transmitting a difference result over a network because it offers the advantage of allowing simplifying the acquiring of a software update by removing the need to received disks or CD-ROMs and reducing the costs associated with transferring the disks via normal transportation channels (*Sadowsky, column 1 lines 12-23*).

With regards to claims 3, 10, 16, 23, 37, 44, 50, and 57, Wetmore as modified teaches the network includes the Internet (*Sadowsky, column 4 lines 49-55, communication channel may be the Internet*).

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

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

Regarding claims 5-7, 12-13, 18-20, 25-26, 29-34, 39-41, 46-47, 52-54, 59-60, 63-68, the prior art of record fails to teach or suggest the step of or structural element for reconstituting said new program utilizing directly or indirectly at least said compact difference result and said modified new program. The closest prior art, Wetmore, teaches that an old and a new program are vectorized to create modified old and modified new programs. The differences between the modified programs are determined to generate a compact difference result (*Wetmore, Figure 7b; column 11*). Next, the modified old program is reconstituted using NewVector loader to match the modified new program utilizing the compact different result and the modified old program (*see Wetmore, Figure 7b; column 11 lines 35-67*). However, Wetmore does not teach the reconstituting of the original, non-vectorized new program utilizing directly or indirectly at least said compact difference result and said modified new program. Accordingly, the prior art of record fails to anticipate or render obvious the above noted claims.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Information Disclosure Statement

The information disclosure statements (IDS) submitted after the mailing date of the Order Granting Ex Parte Reexamination on 16 March 2010. The submission is in compliance with the

provisions of 37 CFR 1.97. Accordingly, the IDSs are being considered by the examiner to the extent that the references have been explained by the Patent Owner.

CORRESPONDENCE

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

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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

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Conferee: JDT

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INFORMATION DISCLOSURE

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

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[1]Enter Office that issued the document, by the two-letter code.

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NON-PATENT LITERATURE DOCUMENTS

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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.
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FIFTH

INFORMATION DISCLOSURE

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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
Confirmation No.:	4316
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Confirmation No.:	4316
Attorney Docket No.	0077898-000001

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