

EXHIBIT C



10/14/08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Stone, et al

Reexamination Control No.: 95/001,061

U.S. Patent No.: 6,446,045

Reexamination Request Filed: July 7, 2008

For: METHOD FOR USING COMPUTERS
TO FACILITATE AND CONTROL
THE CREATING OF A PLURALITY
OF FUNCTIONS

Examiner: Jeffrey L. Gellner

Technology Center/Art Unit: 3993

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REQUEST FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.956

Attn: Mail Stop "Inter Partes Reexam"
Central Reexamination Unit
Office of Patent Legal Administration
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.956, the patent owner respectfully requests an extension of time of one month to respond to the Office Action mailed September 25, 2008. The current deadline for response is November 25, 2008. A one-month extension would extend the deadline to December 25, 2008, or more precisely, to the first non-Holiday weekday after December 25, 2008.

The reason for the requested one month extension of time arises for two reasons. First, the September 25, 2008 Office Action was mailed to the wrong address for Patent Owner's Attorney of Record, Henry Croskell, despite the fact that the PTO had been duly notified of the changed address. As described in Mr. Croskell's attached Declaration, Mr. Croskell and Patent Owner sent a change of address form to the PTO approximately 14 months ago. That change of address form updated his prior address of:

Henry Croskell
6817 Cliffbrook
Dallas, TX 75240

to

Henry Croskell
7714 Village Trail Drive
Dallas, Texas 75254

Despite this change of address form, the PTO still mailed the '045 Office Action to Mr. Croskell's former address.

Because the Office Action was mailed to the former address, Patent Owner and its counsel did not learn of the Office Action until the afternoon of October 8, 2008 – 12 days after the Office Action was mailed.

Second, and perhaps even more critically, Patent Owner requests a one month extension due to the complexity and breadth of the Office Action rejection, as follows:

1. In the Reexamination Request, the Requester identified 20 different prior art combinations as raising a substantial new question (SNQ) of patentability. The 20 different prior art combinations raised 461 new grounds of rejection.
2. The Reexamination Request was 50 pages long, with Appendices A-1 – A-8 spanning another 433 pages. Thus, the Request for Reexamination spanned approximately 483 pages.
3. The Reexamination Request was filed on July 7, 2008. Approximately two and half months after the Reexamination Request was filed, the PTO confirmed that a SNQ of patentability existed as to all of the claims of the '045 patent. The PTO adopted without modification 14 of the 461 grounds of rejection proposed by the Requester, and adopted with modification 140

grounds of rejection. Thus the current Office Action adopted 154 grounds of rejection proposed by the Requester.

4. In addition, the PTO identified 7 more prior art combinations as raising a substantial new question (SNQ) of patentability as to claim 11, and added 7 additional grounds of rejection based on these combinations. As a result, there are a total 161 grounds of rejection for this patent. The September 25, 2008 Office Action is 189 pages in length.
5. The Patent Owner is currently involved in a lawsuit in the Eastern District of Texas involving this patent, the '025, the '059 and the '587 patent. All of these patents are involved in reexamination proceedings instituted by the Requester in this Reexamination.

The patent owner requests the one month extension to permit analysis and rebuttal to the unusually lengthy Reexamination Request and Office Action. Absent the additional time to respond, it will be extremely difficult for Patent Owner to fully address the numerous rejections that have been presented in this matter. Unlike Requester, Patent Owner is a much smaller enterprise, with far fewer resources at its disposal to address the various reexaminations and litigation that are all active at this time. The fact that the Office Action was sent to the wrong address, of course, means that Patent Owner has already lost time in preparing its Response.

In view of the reasons stated above, an extension of time of one month is requested to allow the patent owner a fair opportunity to respond to the present Office Action.

Respectfully submitted,

Heim, Payne & Chorush, LLP

A handwritten signature in black ink, appearing to read "Michael F. Heim", with a long horizontal flourish extending to the right.

Michael F. Heim
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Date: October 14, 2008