

EXHIBIT B



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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MAILED

MAY 28 2010

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/010,972.

PATENT NO. 6,411,947 B2 ET.

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)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No.	Patent Under Reexamination	
	90/010,972	6,411,947 B2 ET	
	Examiner	Art Unit	
	MARY STEELMAN	3992	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The request for *ex parte* reexamination filed 29 April 2010 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) PTO-892, b) PTO/SB/08, c) Other: _____

1. The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

- a) by Treasury check or,
- b) by credit to Deposit Account No. _____, or
- c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

MICHAEL BELL HOWREY LLP 1299 PENNSYLVANIA AVE. N.W. WASHINGTON, DC 20004		/M. Steelman/ Primary Examiner CRU 3992
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cc:Requester (if third party requester)

Art Unit: 3992

DECISION

No substantial new question of patentability is raised by the request for reexamination and prior art cited therein for the reasons set forth below. The request indicates that Requester considers that a substantial new question of patentability is raised as to claims 31 and 33 based on an obvious combination of Allen with the CBR Express User's Guide and Allen in combination with the CBR Express Reference Manual. Additionally, the request indicates that Requester considers that a substantial new question of patentability is raised as to claim 33 based on an obvious combination of Allen in combination with Watson.

Claims 31 and 33 are dependent on claim 30, where the question of patentability has already been decided for parent claim 30 in a previous reexamination proceeding (90/009155) of the patent. Claim 30 was confirmed because prior art USPN 5,581,664 to Allen does not teach assigning a score to each stored case model which is compared. Instead '664 Allen stores a weighted value (score) in a match table. Therefore, the Allen reference fails to provide any new, non-cumulative technical teaching that was not previously considered and discussed on the record during the prosecution of the application that resulted in the patent for which reexamination is requested, and during the prosecution of any other prior proceeding involving the patent for which reexamination is requested. See MPEP 2216 and MPEP 2242.

Accordingly, the request for reexamination is DENIED.

Art Unit: 3992

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

Any inquiry concerning this communication should be directed to Mary Steelman, Central Reexamination Unit at telephone number 571-272-3704.


/M. Steelman/

M. Steelman

Conferees:

Primary Examiner

CRU 3992


JESSICA HARRISON
SUPERVISOR, PATENT EXAMINER

Notice of References Cited	Application/Control No. 90/010,972	Applicant(s)/Patent Under Reexamination 6,411,947 B2 ET AL.	
	Examiner MARY STEELMAN	Art Unit 3992	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-5,581,664	12-1996	Allen et al.	706/46
	B US-			
	C US-			
	D US-			
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
U	The knowledge engineering review Case-Based Reasoning Cambridge University Press Vol. 9 Number 4 December 1994, p. 327-354 "Case Based Reasoning: A Review, 1994, Ian Watson and Farhi Marir.
V	CBR2 CBR Express for Windows Reference Manual Inference 1990-1995 TOC, Preface, Chapter 2 & p. 13-18 (total 12 pages)
W	CBR2 CBR Express for Windows User's Guide Inference 1990-1995 TOC, Preface, Chapter 1-5, Appendix, Index
X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.