

EXHIBIT 19



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NOVAK DRUCE & QUIGG, LLP

(NDQ REEXAMINATION GROUP)

1000 LOUISIANA STREET, FIFTY-THIRD FLOOR

HOUSTON, TX 77002

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/010,513.

PATENT NO. 6638313.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,513	04/23/2009	6638313	8157.012.RXUS00	1322

7590 01/15/2010

RICHARD S. MILNER
COOPER & DUNHAM LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 01/15/2010

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



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CENTRAL REEXAMINATION UNIT

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Office Action in Ex Parte Reexamination	Control No. 90/010,513	Patent Under Reexamination 6638313	
	Examiner Christopher E. Lee	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. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input checked="" type="checkbox"/> Information Disclosure Statement, PTO/SB/08. | 4. <input type="checkbox"/> _____. |

Part II SUMMARY OF ACTION

- 1a. ☒ Claims 1-4 and 9-11 are subject to reexamination.
1b. ☒ Claims 5-8 are not subject to reexamination.
2. ☐ Claims _____ have been canceled in the present reexamination proceeding.
3. ☒ Claims 11 are patentable and/or confirmed.
4. ☒ Claims 1-4, 9 and 10 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

1. This is an *Ex Parte* Reexamination of US 6,638,313 B1 (hereinafter '313 Patent).

Currently, the claims 1-4 and 9-11 are subject to reexamination.

Claim Rejections - 35 USC § 103

2. 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 negated by the manner in which the invention was made.

3. This patent under reexamination currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Patent Owner is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4 and 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mander [US 6,243,724 B1] in view of User's Guide ["Retrospect User's Guide," version 3 first edition, published by Dantz Development Corp., 1989-1995; hereinafter "Retrospect"].

Referring to claim 1, Mander discloses a method of utilizing a document stream operating system (i.e., filing system; See col. 24, lines 8-18) that in turn utilizes subsystems from at least one other operating system (i.e., Apple® Operating System; See col. 6, lines 27-29 and col. 15, lines 34-60), comprising:

- receiving documents (See col. 8, lines 15-28) from diverse applications in formats (See col. 22, lines 24-27) that are specific to the respective applications and differ as between at least some of said applications (e.g., Textual Documents, Email Documents, Spreadsheet, and Media Documents; See col. 4, lines 9-11 and col. 36, lines 46-48 and 54-55);
- automatically associating time-based indicators (i.e., date maintained by the filing system or date line (field) of the document) with the documents received in the receiving

step from the diverse applications (i.e., "order by date"; See col. 33, lines 34-43 and col. 28, lines 5-12);

- automatically creating glance views (i.e., proxy 83 of Fig. 4f) that are abbreviated versions of respective ones of said documents (i.e., the selected document 81 of Fig. 4f; See col. 9, line 54 through col. 10, line 1 and col. 12, lines 10-11);
- selectively displaying at least some of said documents (i.e., graphical representation 57 in Fig. 2d) as a receding, foreshortened stack of partly overlapping documents (i.e., stack of documents in Fig. 2d, appearing in three dimensions on said display unit; See col. 6, line 61 through col. 7, line 10) so that only a part of each of said documents in the displayed stack (i.e., each pile as a vertical collection of non-rectangular parallelograms creating the visual effect that the far corner of the stack is further away from the viewer than the near corner in Figs. 2-5, 6-13, and 22), after the first document in the stack (i.e., top of the stack showing the miniaturized first page of the document, is visible to the user (See col. 6, line 61 through col. 7, line 10);
- said displaying further including displaying a cursor or pointer and responding to a user sliding the cursor or pointer (i.e., cursor 154 of Fig. 4a) over said displayed stack to display the glance view of the document (i.e., said proxy) in the stack that is currently touched by the cursor or pointer, without requiring clicking on the document (See col. 9, line 54 through col. 10, line 1 and col. 26, line 66 through col. 27, line 40); and
- utilizing, in said document stream operating system, subsystems from said at least one other operating system for operations (i.e., said filing system on Apple® Operating System) including writing documents to storage media (See col. 24, lines 27-28), interrupt handling (See col. 28, lines 55-61) and input/output (See col. 15, lines 34-60; in fact, these are the standard features of operating system on said Apple® Operating System).

Mander does not expressly teach automatically archiving the received documents.

Retrospect discloses a method for archiving documents (See pages 151 and 155), wherein

- automatically archiving received documents (See pages 81-87 and 98; Automatic Archiving).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said method for archiving documents, as disclosed by Retrospect, in said method of utilizing a document stream operating system (i.e., filing system), as disclosed

by Mander, for the advantage of provide an important capability such that its ability to perform automatic, unattended backups (i.e., scheduling scripts to execute automatically without attending to the computer during the backups; See Retrospect, page v. Introduction).

5 *Referring to claim 2, Mander teaches*

- storing said documents as a main stream (i.e., pile) that is time-based (See proxy 190 in Fig. 4e showing time stamp of document; and also, see col. 33, lines 34-43) and
 - selectively generating a substream of documents (i.e., subpile) that are a subset of the documents in the main stream (i.e., said pile) matching selected criteria (i.e., search
- 10 result; See col. 29, lines 37-43).

Referring to claim 3, Mander teaches

- generating a substream that persists unless selectively destroyed by a user (See col. 35, lines 14-17, and col. 27, line 53 through col. 28, line 8; wherein, the use of scripts that
- 15 allow the user to instruct the system to add documents to the pile on the basis of the pile's modified script or the system or the system does so automatically after modifying the pile's script).

Referring to claim 4, Mander teaches

- generating a live substream that collects new documents that are added to said main stream and meet said criteria (See col. 35, lines 14-17, and col. 27, line 53 through col. 28, line 8; wherein, the use of scripts that allow the user to instruct the system to add documents to the pile on the basis of the pile's modified script or the system or the system does so automatically after modifying the pile's script).

25 *Referring to claim 9, Mander discloses a method of utilizing a document stream operating system (i.e., filing system; See col. 24, lines 8-18) that in turn utilizes subsystems from at least one other operating system (i.e., Apple® Operating System; See col. 6, lines 27-29 and col. 15, lines 34-60), comprising:*

- receiving documents (See col. 8, lines 15-28) from diverse applications in formats (See col. 22, lines 24-27) that are specific to the respective applications and differ as between at least some of said applications (e.g., Textual Documents, Email Documents,
- 30

Spreadsheet, and Media Documents; See col. 4, lines 9-11 and col. 36, lines 46-48 and 54-55);

- automatically associating time-based indicators (i.e., date maintained by the filing system or date line (field) of the document) with the documents received in the receiving step from the diverse applications (i.e., "order by date"; See col. 33, lines 34-43 and col. 28, lines 5-12);
- selectively displaying at least some of said documents (i.e., graphical representation in Fig. 2d) as a receding, foreshortened stack of partly overlapping documents (i.e., stack of documents in Fig. 2d, appearing in three dimensions on said display unit; See col. 6, line 61 through col. 7, line 10) so that only a part of each of said documents in the displayed stack (i.e., each pile as a vertical collection of non-rectangular parallelograms creating the visual effect that the far corner of the stack is further away from the viewer than the near corner in Figs. 2-5, 6-13, and 22), after the first document in the stack (i.e., top of the stack showing the miniaturized first page of the document, is visible to the user (See col. 6, line 61 through col. 7, line 10); and
- said displaying further including displaying a cursor or pointer and responding to a user sliding the cursor or pointer (i.e., cursor 154 of Fig. 4a) over said displayed stack to display the glance view of the document (i.e., proxy 83 of Fig. 4f) in the stack that is currently touched by the cursor or pointer (See col. 9, line 54 through col. 10, line 1),
 - wherein said glance view is an abbreviated version of the documents (See Fig. 4f and col. 26, line 66 through col. 27, line 40).

Mander does not expressly teach automatically archiving the received documents together with said time-based indicators.

Retrospect discloses a method for archiving documents (See pages 151 and 155), wherein

- automatically archiving received documents together with time-based indicators (i.e., automatic archiving backup; See pages 81-87 and 98).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included said method for archiving documents, as disclosed by Retrospect, in said method of utilizing a document stream operating system (i.e., filing system), as disclosed by Mander, for the advantage of provide an important capability such that its ability to perform automatic, unattended backups (i.e., scheduling scripts to execute automatically without attending to the computer during the backups; See Retrospect, page v. Introduction).

Referring to claim 10, Mander teaches

- utilizing subsystems from at least one other operating system for operations (i.e., said filing system on Apple® Operating System) including writing documents to storage media (See col. 24, lines 27-28) and input/output in said archiving and displaying (See col. 15, lines 34-60; in fact, these are the standard features of operating system on said Apple® Operating System).

Examiner's Comments to the claim analysis of Third Party requester

5. The Third Party requester challenges that many of the "means for" limitations in the '313 Patent should be governed by 35 U.S.C. §112(6) because said "means for" limitations are not limited to any corresponding structure that performs the claimed limitations (See the Request at page 24). However, it is noted that there is not any "means for" limitations in the '313 Patent, and furthermore, this issue has not been raised within the scope of reexamination proceedings.

See M.P.E.P. §2258, *Scope of Ex Parte Reexamination*.

The issue will not be considered in the instant reexamination proceeding. 37 CFR 1.552(c).

6. With regard to the claim 11, the Third Party requester asserts that Mander taken with Retrospect renders obviousness of the claimed invention in the claim 11. However, Mander simply discloses a method and apparatus for organizing information in a computer system with the feature of selectively searching documents meeting selected criteria, which is not suggesting the feature of selectively searching archived documents for said documents meeting selected criteria. And, although the reference Retrospect teaches the claimed subject matter "automatic archiving the received documents," Retrospect is silent upon the feature of selectively searching archived documents meeting selected criteria.

Furthermore, the Third Party requester asserts that Lucas et al. [US 5,499,330 A] taken with Tutorial Reference ["Magellan Explorer's Guide," published by Lotus Development Corp., 1989] and David P. Gobel ["Using Lotus Magellan," published by QUE Corp., 1989] renders obviousness of the claimed invention in the claim 11. However, none of the references Lucas et al., Magellan Explorer's Guide, and Using Lotus Magellan, suggests the claimed subject matters "automatically archiving the received documents together with said time-based indicators" in the claim 9, and "selectively searching said archived documents for documents meeting selected criteria" in the dependent claim 11 of the claim 9.

The Third Party requester asserts as if the references Magellan Explorer's Guide and Using Lotus Magellan disclose the argued element, i.e., archiving the received documents (See the Request at page 46). However, those references are silent upon not only the feature of automatically archiving the received documents, but also the feature of selectively searching archived documents for documents meeting selected criteria.

Thus, the Examiner believes that the Third Party requester's claim analysis fails to show teaching of the claimed invention in the claim 11 from either Mander taken with Retrospect or Lucas et al., taken with Magellan Explorer's Guide and Using Lotus Magellan.

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

7. Claim 11 is confirmed.

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

With respect to claim 11, the claim limitation of the claim 11 is deemed patentable over the prior art of record as the prior art fails to teach or suggest selectively searching said archived documents for documents meeting selected criteria.

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.

Other References Submitted by the Requester

9. One of the other references submitted by Requester, for example, Lucas et al. [US 5,499,330 A], is highly material and relevant because it seems to anticipate at least one of the claims. However, because it does not seem to anticipate or obviate any of the claims not anticipated/rendered obvious by the references discussed above, additional rejections based on it would be redundant and unnecessary at this time. Therefore, the claim rejections based upon this reference is not made at this time as such would appear to be cumulative to the claim rejections advanced herein.

Conclusion

10. The Patent Owner is reminded that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j).

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.

After filing of a request for *ex parte* reexamination by a Third Party requester, any document filed by either the Patent Owner or the Third Party requester must be served on the other party (or parties where two or more Third Party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. The document must reflect service or the document may be refused consideration by the Office. See 37 CFR 1.550(f).

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).

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 instant Patent Under Reexamination or any related patent throughout the course of this reexamination proceeding. The Third Party requester is also reminded of the ability to similarly inform the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

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 <http://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

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By FAX to: (571) 273-9900
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5

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10

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

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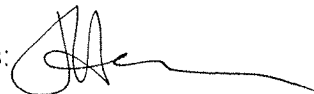
Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

20

Signed:
/Christopher E. Lee/
Primary Patent Examiner (Reexamination)
Central Reexamination Unit / Art Unit 3992

25

Conferees:



JESSICA HARRISON
SUPERVISORY PATENT EXAMINER

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (03-09)

Approved for use through 03/31/2009. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		09590014 90/010,513
	Filing Date		1999-09-17 2009-04-23
	First Named Inventor	Eric Freeman	
	Art Unit	3992	
	Examiner Name	Christopher E. Lee	
	Attorney Docket Number	8157.012.RXUS00	

U.S. PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
/CEL/	1	6243724	B1	2001-06-05	Mander et al.	
/CEL/	2	5499330		1996-03-12	Lucas et al.	

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S. PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
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NON-PATENT LITERATURE DOCUMENTS

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	09390044 90/010,513
Filing Date	1999-09-17 2009-04-23
First Named Inventor	Eric Freeman
Art Unit	3992
Examiner Name	Christopher E. Lee
Attorney Docket Number	8157.012.RXUS00

Examiner Initials*	Cite No	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, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
/CEL/	1	Retrospect User's Guide, version 3 first edition, Dantz Development Corp., Orinda, CA, 1989-1995.	<input type="checkbox"/>
/CEL/	2	Lotus Magellan Explorer's Guide, Lotus Development Corporation, Cambridge, MA, 1989.	<input type="checkbox"/>
/CEL/	3	VID P. GOBEL, Using Lotus Magellan, Que Corporation, Carmel, IN, 1989.	<input type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature	/Christopher E. Lee/	Date Considered	1/12/2010
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

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