EXHIBIT 20

UNITED STATES PATENT AND TRADEMARK OFFICE

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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS
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CENTRAL REEXAMINATION UNIT

Transmittal of Communication to Third Party Requester
Inter Partes Reexamination

REEXAMINATION CONTROL NO. : 95001172
PATENT NO. : 6725427
TECHNOLOGY CENTER : 3999
ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070(Rev.07-04)

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/001,172	04/23/2009	6,725,427	8157.012.427	1247

7590   09/28/2009

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EXAMINER
LEE, CHRISTOPHER E

ART UNIT	PAPER NUMBER
3992	

MAIL DATE	DELIVERY MODE
09/28/2009	PAPER

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

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Transmittal of Communication to Third Party Requester Inter Partes Reexamination	Control No.	Patent Under Reexamination	
	95/001,172	6,725,427	
	Examiner	Art Unit	
	Christopher E. Lee	3992	

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

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it <u>cannot</u> be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

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

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE ☒ 2 MONTH(S) ☐ THIRTY DAYS FROM THE MAILING DATE OF THIS LETTER. EXTENSIONS OF TIME FOR PATENT OWNER ARE GOVERNED BY 37 CFR 1.956.

Each time the patent owner responds to this Office action, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it <u>cannot</u> be extended. See also 37 CFR 1.947.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

OFFICE ACTION IN INTER PARTES REEXAMINATION	Control No. 95/001,172	Patent Under Reexamination 6,725,427	
	Examiner Christopher E. Lee	Art Unit 3992	

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

Responsive to the communication(s) filed by:
Patent Owner on _____
Third Party(ies) on _____

RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:

For Patent Owner's Response:
     2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.
For Third Party Requester's Comments on the Patent Owner Response:
     30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892
2. ☐ Information Disclosure Citation, PTO/SB/08
3. ☐ _____

PART II. SUMMARY OF ACTION:

1a. ☒ Claims <u>1,2,5,7-10,13,15-19,22,24-26,29,31-34,37 and 39</u> are subject to reexamination.
1b. ☒ Claims <u>3,4,6,11,12,14,20,21,23,27,28,30,35,36 and 38</u> are not subject to reexamination.
2. ☐ Claims _____ have been canceled.
3. ☐ Claims _____ are confirmed. [Unamended patent claims]
4. ☐ Claims _____ are patentable. [Amended or new claims]
5. ☒ Claims <u>1,2,5,7-10,13,15-19,22,24-26,29,31-34,37 and 39</u> are rejected.
6. ☐ Claims _____ are objected to.
7. ☐ The drawings filed on _____   ☐ are acceptable   ☐ are not acceptable.
8. ☐ The drawing correction request filed on _____ is: ☐ approved.   ☐ disapproved.
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:
         ☐ been received.   ☐ not been received.   ☐ been filed in Application/Control No _____.
10. ☐ Other _____

DETAILED ACTION
Inter Partes Reexamination

1.   This first Office Action on the merits is being mailed after the order granting *Inter Partes* Reexamination of United States Patent Number US 6,725,427 B2, which issued to Freeman et al. [hereinafter '427 Patent]. Currently, all of the claims 1,2,5,7-10,13,15-19,22,24-26,29,31-34,37 and 39 are subject to reexamination in this *Inter Partes* Reexamination.

Reexamination Procedures

2.   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 an Action Closing Prosecution (ACP), will be governed by 37 CFR 1.116(b) and (d), which will be strictly enforced.

Statutory Basis for Grounds of Rejections - 35 USC §102 and §103

3.   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 –
>
> (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.

4.   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.

5.   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).

5   ***Third Party requester's Grounds of Rejections***
Ground #1
    • Claims 16-19, 22, 24-26, 29, 31-34, 37, and 39 of the '427 Patent to be unpatentable
       over Mander et al. [US 6,243,724 A; hereinafter "Mander"]
Ground #2
10   • Claims 1, 2, 5, 7-10, 13, and 15 of the '427 Patent to be unpatentable over Mander taken
       with User's Guide ["Retrospect User's Guide," version 3 first edition, published by Dantz
       Development Corp., 1989-1995; hereinafter "Retrospect"]
Ground #3
    • Claims 1, 2, 5, 7-10, 13, 15-19, 22, 24-26, 29, 31-34, 37, and 39 of the '427 Patent to be
15   unpatentable over Tutorial Reference ["Magellan Explorer's Guide," published by Lotus
       Development Corp., 1989; hereinafter "Magellan Explorer's Guide"] taken with David P.
       Gobel ["Using Lotus Magellan," published by QUE Corp., 1989; hereinafter "Using Lotus
       Magellan"] and Lucas et al. [US 5,499,330 A; hereinafter "Lucas"]

20   ***Analysis of Proposed Third Party Requester's Rejections***
Re. Ground #1: Mander
6.   Summary of Adoption of the proposed claim rejections in the request:
    • Adopted - Claims 16-19, 22, 24, 24-26, 29, 31-34, 37, and 39
    • Not Adopted - None
25 7.   <u>Claims 16-19, 22, 24, 24-26, 29, 31-34, 37, and 39 are rejected under 35 U.S.C. §102(e)</u>
<u>as being anticipated by Mander.</u>
    Referring to claim 16, Mander discloses a controlling operating system utilizing
subsystems (i.e., filing system; See col. 24, lines 8-18) from another operating system (i.e.,
Apple® Operating System) running a computer (i.e., Macintoshi®; See col. 6, lines 27-29),
30 comprising:
    • a document organizing facility (i.e., means for organizing information in a computer; See
       col. 33, lines 25-28)

○ associating selected indicators (i.e., date maintained by the filing system or date line (field) of the document) with received or created documents (i.e., order by date; See col. 33, lines 34-63) and

○ creating information (i.e., content of proxy) specifying glance views (i.e., proxy 83 of Fig. 4f) of the respective documents (i.e., the selected document 81 of Fig. 4f) and information specifying document representations (i.e., graphical representation of pile 80 in Fig. 4f) of the respective documents (i.e., said selected document; See col. 10, lines 17-23 and 45-50);

• a display facility (i.e., display controller 18 and display device 19 in Fig. 1) displaying at least selected ones of said document representations (See Figs. 2a-d and col. 5, lines 58-62 and col. 7, lines 1-6);

○ said display facility (i.e., said display controller and display device) further displaying a cursor or pointer (i.e., cursor 154 of Fig. 4a) and responding to a user sliding without clicking the cursor or pointer over a portion of a displayed document representation to display the glance view (i.e., said proxy) of the document whose document representation (i.e., said pile) is touched by the cursor or pointer (See col. 9, line 54 through col. 10, line 1 and col. 16, line 66 through col. 27, line 40); and

• said controlling operating system utilizing subsystems from said another 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).

Referring to claim 17, Mander teaches that

• said selected indicators (i.e., time-based indicators) are time-based (i.e., order by date; See step 957 and col. 33, lines 34-43).

Referring to claim 18, Mander teaches

• said display facility (i.e., display controller 18 and display device 19 in Fig. 1) displaying said document representations (i.e., graphical representations 50, 55, 57, and 59 in Figs. 2a-d) as a receding, foreshortened stack of partly overlapping document representations (i.e., three-dimensional representation of partly overlapping icons) such that only a part

of most document representations in the displayed stack is visible to a user (See Figs. 2a-d).

Referring to claim 19, Mander teaches said document organizing facility (i.e., means for

5   organizing information in a computer; See col. 33, lines 25-28)

- receiving said document in formats specific to heterogeneous applications (e.g., Textual Documents, Email Documents, Spreadsheet, and Media Documents; See col. 4, lines 9-11, col. 36, lines 46-48 and 54-55) and

- creating said information (i.e., content of proxy) specifying said glance views (i.e., proxy

10   83 of Fig. 4f) to enable display of the glance views in a consistent format (i.e., a miniature of the first page of the actual document serving as said proxy; See col. 7, lines 1-10).

Referring to claim 22, Mander teaches said display of said glance view (i.e., displaying

15   proxy) comprising

- an abbreviated version of the respective document (See Fig. 4f, col. 9, line 54 through col. 10, line 1, and col. 12, lines 10-11).

Referring to claim 24, Mander teaches said display of a glance view (i.e., displaying

20   proxy) comprising

- important words, pictures, and/or sounds (e.g., most characteristic words in Fig. 4f) of the respective document (i.e., the selected document 81 of Fig. 4f) resulting from complex analysis of the document (See col. 10, lines 15-27 and 31-35).

25   *Referring to claim 25,* Mander discloses a document stream operating system utilizing subsystems (i.e., filing system; See col. 24, lines 8-18) from another operating system (i.e., Apple® Operating System) running a computer (i.e., Macintoshi®; See col. 6, lines 27-29), comprising:

- a document organizing facility (i.e., means for organizing information in a computer; See

30   col. 33, lines 25-28)

  o associating chronological indicators (i.e., date maintained by the filing system or date line (field) of the document) with documents (i.e., order by date; See col. 33, lines 34-

63) received from diverse applications in diverse formats (e.g., Textual Documents, Email Documents, Spreadsheet, and Media Documents; See col. 4, lines 9-11, col. 36, lines 46-48 and 54-55) and

o creating information (i.e., content of proxy) specifying glance views (i.e., proxy 83 of Fig. 4f) of the respective documents (i.e., the selected document 81 of Fig. 4f) and information specifying document representations (i.e., graphical representation of pile 80 in Fig. 4f) of the respective documents (i.e., said selected document; See col. 10, lines 17-23 and 45-50);

- a display facility (i.e., display controller 18 and display device 19 in Fig. 1) displaying at least selected ones of said document representations (See Figs. 2a-d and col. 5, lines 58-62 and col. 7, lines 1-6) as a receding, foreshortened stack of partly overlapping document representations such that only a part each document representation except the first one in the displayed stack is visible to a user (i.e., displaying documents in a three-dimensional stack of partly overlapping icons of the same side wherein only part of most document representations below the top document in the stack is visible; See Figs. 2a-d);

o said display facility (i.e., said display controller and display device) further displaying a cursor or pointer (i.e., cursor 154 of Fig. 4a) and responding to a user sliding without clicking the cursor or pointer over said displayed stack of document representations to display the glance view (i.e., said proxy) of the document whose document representation (i.e., said pile) is currently touched by the cursor (See col. 9, line 54 through col. 10, line 1 and col. 16, line 66 through col. 27, line 40); and

- said document stream operating system utilizing subsystems from said another 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).

Referring to claim 26, Mander teaches

- said document organizing facility (i.e., means for organizing information in a computer; See col. 33, lines 25-28) associates said chronological indicators (i.e., date maintained by the filing system or date line (field) of the document) with documents (i.e., order by

date; See col. 33, lines 34-63) at the time of receipt or creation of said documents
without requiring a user to name the documents (e.g., email documents that are not
named by the user (See col. 8, lines 14-36).

5   *Referring to claim 29,* Mander teaches said display of a glance view (i.e., displaying
proxy) comprising

- an abbreviated version of the respective document (i.e., miniature of the first page of the
  document; See col. 9, line 54 through col. 10, line 1, and col. 12, lines 10-11).

10   *Referring to claim 31,* Mander teaches said display of a glance view (i.e., displaying
proxy) comprising

- important words, pictures, and/or sounds (e.g., most characteristic words in Fig. 4f) of
  the respective document (i.e., the selected document 81 of Fig. 4f) resulting from
  complex analysis of the document (See col. 10, lines 15-27 and 31-35).

15

Referring to claim 32, Mander discloses a method of displaying heterogeneous
documents (e.g., Textual Documents, Email Documents, Spreadsheet, and Media Documents)
from different applications (See col. 4, lines 9-11, col. 36, lines 46-48 and 54-55) in a receding,
foreshortened stack of selected document representations of said documents (i.e., displaying
20   documents in a three-dimensional stack of partly overlapping icons of the same side wherein
only part of most document representations below the top document in the stack is visible; See
Figs. 2a-d and col. 7, lines 1-6) and providing a set of commands applicable to the document
representations in the stack (i.e., a set of keywords or attributes relating to he document; See
col. 7, lines 1-10), comprising:

25   - first displaying document representations of said documents (i.e., icons in Figs. 2a-d)
             received from different applications as a receding, foreshortened stack of partly
             overlapping document representations (i.e., said three-dimensional stack of partly
             overlapping icons of the same side) such that only a part of each of most document
             representations in the displayed stack is visible to the user (i.e., a miniature of the first
30   page of the document; See col. 7, lines 1-6);
           - said stack (i.e., said three-dimensional stack of pile) being in a time order related to
             respective time-based indicators (i.e., order by date; See col. 33, lines 34-43)

automatically associated with the documents at the time of receipt or creation thereof (See col. 28, lines 5-12);

- subsequently, while displaying the stack of document representations (i.e., graphical representations 50, 55, 57, and 59 in Figs. 2a-d), responding automatically to touching a document representation in the stack with a user-operated cursor or pointer (i.e., cursor 154 of Fig. 4a), without further action by the user, to display separately from the displayed stack of document representations, a glance view of the document (i.e., proxy) whose document representation (i.e., pile) is currently touched by the cursor or pointer (i.e., said cursor), said glance view being displayed while the displayed stack of document representations remains visible (See col. 9, line 54 through col. 10, line 1 and col. 16, line 66 through col. 27, line 40); and

- concurrently with displaying said glance view (i.e., said proxy), displaying in the same display a set of command buttons (i.e., pull down menu), said command buttons being responsive to user clicks to cause respective operations to be performed on the document whose glance view is displayed at the time (See col. 19, line 63 through col. 20, line 9).

Referring to claim 33, Mander teaches said displaying of document representations (i.e., graphical representations 50, 55, 57, and 59 in Figs. 2a-d) comprising

- displaying at least the top line of each document whose document representation is displayed in the stack (i.e., a miniature of the first page of the actual document serving as said proxy; See col. 7, lines 1-10).

Referring to claim 34, Mander teaches

- visually identifying attributes of selected documents in the displayed stack of document representations by markings that are visible in the displayed stack (See col. 7, lines 60-63, wherein a different color could be used for various documents and a different texture could be used for different documents to convey information to the user), each marking being common to a class of documents (i.e., Color, Exaggerated features, and Icons; See col. 20, lines 40-43, col. 11, lines 57-60, and col. 11, line 65 through col. 12, line 3)..

Referring to claim 37, Mander teaches said display of said glance view (i.e., displaying proxy) comprising

- an abbreviated version of the respective document (See Fig. 4f, col. 9, line 54 through col. 10, line 1, and col. 12, lines 10-11).

5

Referring to claim 39, Mander teaches said display of a glance view (i.e., displaying proxy) comprising

- important words, pictures, and/or sounds (e.g., most characteristic words in Fig. 4f) of the respective document (i.e., the selected document 81 of Fig. 4f) resulting from

10   complex analysis of the document (See col. 10, lines 15-27 and 31-35).

These rejections were proposed by the Third Party requester in the request for reexamination at pages 23-44 and at pages 36-80 of Claim Chart CC-A, and they are being __adopted__ essentially as proposed in the request.

15

Re. Ground #2: Mander in view of Retrospect

8.   Summary of Adoption of the proposed claim rejections in the request:

- Adopted - Claims 1, 2, 5, 7-10, 13, and 15
- Not Adopted - None

20   9.   Claims 1, 2, 5, 7-10, 13, and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mander in view of Retrospect.

Referring to claim 1, Mander discloses a stream-based operating system utilizing subsystems (i.e., filing system; See col. 24, lines 8-18) from another operating system (i.e., Apple® Operating System) running a computer (i.e., Macintoshi®; See col. 6, lines 27-29),

25   comprising:

- a document organizing facility (i.e., means for organizing information in a computer; See col. 33, lines 25-28)) receiving documents (See col. 8, lines 15-28) created by diverse applications in diverse formats (See col. 22, lines 24-27) specific to the respective applications (e.g., Textual Documents, Email Documents, Spreadsheet, and Media

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

  o said document organizing facility (i.e., said means for organizing information in a computer)

- automatically associating respective selected indicators (i.e., date maintained by the filing system or date line (field) of the document) with the received documents (See col. 20, lines 40-43 and col. 28, lines 5-12), and

- automatically creating information (i.e., content of proxy) specifying respective glance views (i.e., proxy 83 of Fig. 4f) of said documents (i.e., the selected document 81 of Fig. 4f) and respective document representations (i.e., graphical representation of pile 80 in Fig. 4f) of said documents (i.e., said selected document; See col. 10, lines 17-23 and 45-50);

- a display facility (i.e., display controller 18 and display device 19 in Fig. 1) displaying at least selected document representations (i.e., graphical representations 50, 55, 57, and 59 in Figs. 2a-d; See col. 5, lines 58-62 and col. 7, lines 1-6) as a receding, foreshortened stack of partly overlapping document representations (i.e., three-dimensional representation of partly overlapping icons) such that only a part of each displayed document representation, after the first in the stack, is visible to the user (See Figs. 2a-d);

  o said display facility (i.e., said display controller and display device) further displaying a cursor or pointer (i.e., cursor 154 of Fig. 4a) and responding to user-controlled sliding without clicking of the cursor over said displayed stack to display a glance view (i.e., said proxy) of a document whose document representation (i.e., said pile) is currently touched by the cursor or pointer (See col. 9, line 54 through col. 10, line 1 and col. 16, line 66 through col. 27, line 40); and

- said stream-based operating system utilizing subsystems from said another 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 disclose automatically archiving the documents and indicators in consistent format for selective retrieval.

Retrospect discloses archiving software for archiving documents associated with a timestamp older than a specified time (See pages 151 and 155), wherein

- automatically archiving documents and indicators (See pages 81-87 and 98; Automatic Archiving) in consistent format (i.e., archive file retaining all the attributes of the original files; See page 104) for selective retrieval (See page 140; browsing tool for selective retrieval).

5   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 archiving software, as disclosed by Retrospect, in said stream-based operating 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,
10   page v. Introduction).

        Referring to claim 2, Mander teaches that
- said selected indicators (i.e., time-based indicators) are time-based (i.e., order by date; See step 957 and col. 33, lines 34-43).

15

        Referring to claim 5, Mander teaches said display of said glance view (i.e., displaying proxy) comprising
- an abbreviated version of the respective document (See Fig. 4f, col. 9, line 54 through col. 10, line 1, and col. 12, lines 10-11).

20

        Referring to claim 7, Mander teaches said display of a glance view (i.e., displaying proxy) comprising
- important words, pictures, and/or sounds (e.g., most characteristic words in Fig. 4f) of the respective document (i.e., the selected document 81 of Fig. 4f) resulting from
25   complex analysis of the document (See col. 10, lines 15-27 and 31-35).

        Referring to claim 8, Mander discloses a controlling operating system utilizing subsystems (i.e., filing system; See col. 24, lines 8-18) from another operating system (i.e., Apple® Operating System) running a computer (i.e., Macintoshi®; See col. 6, lines 27-29),
30   comprising:
- a document organizing facility (i.e., means for organizing information in a computer; See col. 33, lines 25-28)) receiving documents (See col. 8, lines 15-28) from diverse

applications in diverse formats (See col. 22, lines 24-27) specific to the respective 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);

- said document organizing facility (i.e., said means for organizing information in a
5 computer)
  - o automatically associating selected indicators (i.e., date maintained by the filing system or date line (field) of the document) with the received documents (See col. 20, lines 40-43 and col. 28, lines 5-12), and
  - o automatically creating information (i.e., content of proxy) specifying respective glance
10 views (i.e., proxy 83 of Fig. 4f) of said documents (i.e., the selected document 81 of Fig. 4f) and respective document representations (i.e., graphical representation of pile 80 in Fig. 4f) of said documents (i.e., said selected document; See col. 10, lines 17-23 and 45-50);
- a display facility (i.e., display controller 18 and display device 19 in Fig. 1) displaying at
15 least selected ones of said document representations (i.e., graphical representations 50, 55, 57, and 59 in Figs. 2a-d; See col. 5, lines 58-62 and col. 7, lines 1-6);
  - o said display facility (i.e., said display controller and display device) further displaying a cursor or pointer (i.e., cursor 154 of Fig. 4a) and responding to user-controlled sliding without clicking of the cursor or pointer over the displayed document
20 representations to display at least a glance view (i.e., said proxy) of a document whose document representation (i.e., said pile) is currently touched by the cursor or pointer (See col. 9, line 54 through col. 10, line 1 and col. 16, line 66 through col. 27, line 40); and
- said controlling operating system utilizing subsystems from said another operating
25 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 disclose automatically archiving the documents and indicators in
30 consistent format for selective retrieval.

Retrospect discloses archiving software for archiving documents associated with a timestamp older than a specified time (See pages 151 and 155), wherein

- automatically archiving documents and indicators (See pages 81-87 and 98; Automatic Archiving) in consistent format (i.e., archive file retaining all the attributes of the original files; See page 104) for selective retrieval (See page 140; browsing tool for selective retrieval).

5   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 archiving software, as disclosed by Retrospect, in said controlling operating 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,

10   page v. Introduction).

      Referring to claim 9, Mander teaches that

- said selected indicators (i.e., time-based indicators) are time-based (i.e., order by date; See step 957 and col. 33, lines 34-43).

15

      Referring to claim 10, Mander teaches

- said display facility (i.e., display controller 18 and display device 19 in Fig. 1) displaying said document representations (i.e., graphical representations 50, 55, 57, and 59 in Figs. 2a-d) as a receding, foreshortened stack of partly overlapping document representations

20   (i.e., three-dimensional representation of partly overlapping icons) such that only a part each but the first document representation in the displayed stack is visible to a user (See Figs. 2a-d).

      Referring to claim 13, Mander teaches said display of said glance view (i.e., displaying

25   proxy) comprising

- an abbreviated version of the respective document (See Fig. 4f, col. 9, line 54 through col. 10, line 1, and col. 12, lines 10-11).

      Referring to claim 15, Mander teaches said display of a glance view (i.e., displaying

30   proxy) comprising

- important words, pictures, and/or sounds (e.g., most characteristic words in Fig. 4f) of the respective document (i.e., the selected document 81 of Fig. 4f) resulting from complex analysis of the document (See col. 10, lines 15-27 and 31-35).

5   *These rejections were proposed by the Third Party requester in the request for reexamination at pages 44-62 and at pages 1-36 of Claim Chart CC-A, and they are being **adopted** essentially as proposed in the request.*

Re. Ground #3: Magellan Explorer's Guide in view of Using Lotus Magellan and Lucas

10   10.   Summary of Adoption of the proposed claim rejections in the request:

- Adopted - None
- Not Adopted - Claims 1, 2, 5, 7-10, 13, 15-19, 22, 24-26, 29, 31-34, 37, and 39

11.   The proposed rejections of claims 1, 2, 5, 7-10, 13, 15-19, 22, 24-26, 29, 31-34, 37, and 39 under 35 U.S.C. §103(a) as being unpatentable over Magellan Explorer's Guide in view of

15   Using Lotus Magellan and Lucas are **not adopted** for the reasons as noted below.

Magellan Explorer's Guide discloses a stream-based operating system (i.e., Magellan Program) utilizing subsystems (i.e., DOS; See pages 4-5) from another operating system (i.e., IBM PC-DOS version 2.1 through 3.3 or Microsoft MS-DOS® version 2.1 through 3.31; See page 13) running a computer (i.e., IBM® PC or compatible computer or IBM PS/2® Series

20   Computer; See page 12), comprising: a document organizing facility (i.e., File Management of said Magellan Program) receiving documents (See page 191, Viewing Network Files) created by diverse applications in diverse formats (e.g., 1-2-3 worksheet) specific to the respective applications (i.e., Lotus 1-2-3, dBase III, Microsoft Word, WordPerfect, etc.; See pages 209-211); a display facility (i.e., two-window Magellan screen display) displaying at least selected

25   document representations (See page 4); and said stream-based operating system (i.e., said Magellan Program) utilizing subsystems from said another operating system for operations (i.e., said IBM PC-DOS version 2.1 through 3.3 or Microsoft MS-DOS® version 2.1 through 3.31; See page 13) including writing documents to storage media, interrupt handling and input/output (in fact, these are the standard features of operating system on said IBM PC-DOS version 2.1

30   through 3.3 or Microsoft MS-DOS® version 2.1 through 3.31; See back cover, wherein it states "Plus Magellan offers a full complement of DOS utilities that allows you to copy, move, delete, back up, and otherwise organize files as you choose.").

Additionally, Using Lotus Magellan discloses a stream-based operating system (i.e., using Magellan program; See page 1, Introduction), wherein a document organizing facility (i.e., Magellan's window screen display; See page 38, Fig. 1.21) automatically associating respective selected indicators (i.e., Time/Date) with received documents (See page 70), automatically

5   archiving the documents and indicators in consistent format for selective retrieval (i.e., Magellan as a backup program by an archiving command; See pages 75-76, 88-91, and 278), and automatically creating information specifying respective glance views (i.e., zoomed list window) of said documents and respective document representations of said documents (See page 37, lines 8-13). Therefore, the combination of Magellan Explorer's Guide and Using Lotus Magellan

10   (in fact, both of the references describe aspects of the components of Magellan program) provides a fuller picture of the functionality of the Magellan program.

However, the combination of Magellan Explorer's Guide and Using Lotus Magellan still does not teach said selected document representations as a receding, foreshortened stack of partly overlapping document representations such that only a part of each displayed document

15   representation, after the first in the stack, is visible to the user; said display facility further displaying a cursor or pointer and responding to user-controlled sliding without clicking of the cursor over said displayed stack to display a glance view of a document whose document representation is currently touched by the cursor or pointer.

Lucas teaches a display facility (i.e., three dimensional workspace) displaying at least

20   selected document representations (See col. 5, lines 14-16) as a receding, foreshortened stack of partly overlapping document representations such that only a part of each displayed document representation, after the first in the stack, is visible to the user (See Figs. 1, 3, and 5); said display facility further displaying a cursor or pointer (i.e., mouse cursor 21 of Fig. 1). Furthermore, the Third Party requester alleges that Lucas teaches said display facility

25   responding to user-controlled sliding without clicking of the cursor over said displayed stack to display a glance view of a document whose document representation is currently touched by the cursor or pointer, or while displaying the stack of document representations, responding automatically to touching a document representation in the stack with a user-operated cursor or a pointer, without further action by the user, to display separately from the displayed stack of

30   document representations, a glance view of the document whose document representation is currently touched by the cursor or pointer, said glance view being displayed while the displayed stack of document representations remains visible. However, the Examiner believes that not

only the reference Lucas, but also other references Magellan Explorer's Guide and Using Lotus
Magellan, are silent upon the recited limitations "said display facility responding to user-
controlled sliding without clicking of the cursor over said displayed stack to display a glance
view of a document whose document representation is currently touched by the cursor or

5   pointer," and "while displaying the stack of document representations, responding automatically
to touching a document representation in the stack with a user-operated cursor or a pointer,
without further action by the user, to display separately from the displayed stack of document
representations, a glance view of the document whose document representation is currently
touched by the cursor or pointer, said glance view being displayed while the displayed stack of

10   document representations remains visible." In particular, Lucas discloses a document
movement around a workspace using cursor with mouse button operation (i.e., with clicking of
the cursor; See col. 6, lines 45-67), and furthermore, the document movement operation is not
in fact displaying a glance view of a document whose document representation is currently
touched by the cursor or pointer, but a mere dragging document (i.e., the act of moving the

15   corresponding screen object for the document).

          *In conclusion, the request fails to indicate any proper teaching from Magellan Explorer's
Guide in view of Using Lotus Magellan and Lucas suggesting obviousness of the claimed
subject matters "said display facility responding to user-controlled sliding without clicking of the
cursor over said displayed stack ...," and "... responding automatically to touching a document*

20   *representation in the stack with a user-operated cursor or a pointer, without further action by the
user, ... a glance view of the document whose document representation is currently touched by
the cursor or pointer ..." Therefore, the respective claims 1, 8, 16, 25, and 32 is* not *deemed to
be obvious over Magellan Explorer's Guide in view of Using Lotus Magellan and Lucas, and the
rejection of claims 1, 8, 16, 25, and 32 proposed by the Third Party requester in the Claim Chart*

25   *CC-B, are* **not adopted***.
*Furthermore, at least, since the claims 2, 5, and 7 are dependent claims of the claim 1, the
claims 9, 10, 13, and 15 are dependent claims of the claim 8, the claims 17-19, 22, and 24 are
dependent claims of the claim 16, the claims 26, 29, and 31 are dependent claims of the claim
25, and the claims 33, 34, 37, and 39 are dependent claims of the claim 1, the claims 2, 5, 7, 9,*

30   *10, 13, 15, 17-19, 22, 24, 26, 29, and 31 are* not *deemed to be obvious over Magellan
Explorer's Guide in view of Using Lotus Magellan and Lucas, and thus, the rejection of claims 2,*

5, 7, 9, 10, 13, 15, 17-19, 22, 24, 26, 29, and 31 proposed by the Third Party requester in the
Claim Chart CC-B, are **not adopted.**

Conclusion

5   12.   Any paper filed with the USPTO, i.e., any submission made, by either the Patent Owner
or the Third Party requester must be served on every other party in the reexamination
proceeding, including any other Third Party requester that is part of the proceeding due to
merger of the reexamination proceedings. As proof of service, the party submitting the paper to
the Office must attach a Certificate of Service to the paper, which sets forth the name and
10 address of the party served and the method of service. Papers filed without the required
Certificate of Service may be denied consideration. 37 CFR 1.903; MPEP 2666.06.

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), must be formally
presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR
15 1.20(c).

Amendments in an *inter partes* reexamination proceeding are made in the same manner
that amendments in an *ex parte* reexamination are made. MPEP 2666.01. See MPEP 2250 for
guidance as to the manner of making amendments in a reexamination proceeding.

The Patent Owner is reminded that any proposed amendment to the specification and/or
20 claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j). And, the Patent
Owner is reminded of the continuing responsibility under 37 CFR 1.985(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
25 Office of any such activity or proceeding throughout the course of this reexamination
proceeding. See MPEP §§ 2686 and 2286.04.

All correspondence relating to this *inter partes* reexamination proceeding should be
directed:

30 By EFS: Registered users may submit via the electronic filing system EFS-Web, at
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(except for a request for reexamination and a corrected or replacement request for

15 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

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expiration of the set period of time in the Office action.

20   Any inquiry concerning this communication or earlier communications from the

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directed to the Central Reexamination Unit at telephone number (571) 272-7705.
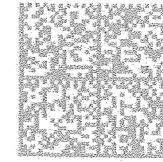

          Signed:

25   /Christopher E. Lee/

          Primary Patent Examiner (Reexamination)
          Central Reexamination Unit / Art Unit 3992

30   Conferees:

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