

EXHIBIT 3

DOCKET NO: 358121US91RX

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE REEXAMINATION OF :
U.S. PATENT NO. 5,893,120

INVENTOR: : EXAMINER: A. J. KOSOWSKI
RICHARD MICHAEL NEMES

CONTROL NO: 90/010,856 :

FILED: FEBRUARY 9, 2010 : GROUP ART UNIT: 3992

FOR: METHODS AND APPARATUS FOR :
INFORMATION STORAGE AND
RETRIEVAL USING A HASHING
TECHNIQUE WITH EXTERNAL
CHAINING AND ON-THE-FLY
REMOVAL OF EXPIRED DATA

PETITION UNDER 37 C.F.R. §1.550(c)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Pursuant to 37 C.F.R. §1.550(c), Patent Holder requests a two month extension of time to submit a response to the July 23, 2010 Rejection in *ex parte* reexamination of U.S. Patent No. 5,893,120. Upon grant of this request, the two-month extension will reset the due date to November 23, 2010.

STATEMENT OF FACTS

1. U.S. Patent No. 5,893,120 was filed on January 2, 1997. The '120 Patent issued on April 6, 1999.

2. A Request for *Ex Parte* Reexamination of the '120 Patent was filed on February 9, 2010. The *ex parte* reexamination request was assigned Reexamination Control No. 90/010,856 (The '856 proceeding).

3. On March 25, 2010, *ex parte* reexamination of the '120 patent was ordered.

4. A first action was issued on July 23, 2010.

POINT FOR REVIEW

MPEP § 1.550 (C) states that:

(C) The time for taking any action by a Patent Holder in an ex parte reexamination proceeding will be extended only for sufficient cause and for a reasonable time specified. Any request for such extension must be filed on or before the day on which action by the Patent Holder is due, but in no case will the mere filing of a request effect any extension. Any request for such extension must be accompanied by the petition fee set forth in § 1.17(g). See § 1.304(a) for extensions of time for filing a notice of appeal to the U.S. Court of Appeals for the Federal Circuit or for commencing a civil action. (emphasis added)

A response to the Outstanding Action in the above-captioned reexamination is due to be filed on September 23, 2010. Thus, this request for extension is filed on or before the day on which action by the Patent Holder is due.

The petition fee set forth in 37 C.F.R. §1.17 (g) is provided herewith.

As noted in more detail below, Patent Holder requires additional time, of a reasonable duration, to allow for completion of an adequate response to the Official Action of July 23, 2010. The need for additional time is the result of a significant and unexpected health problem of a majority shareholder of Patent Owner Bedrock Computer Technologies (3 shareholders total).

Attached is a declaration of the President of Bedrock Computer Technologies, Mr. David Garrod, outlining the efforts to complete the response to date, and the impact of the health issue of a fellow shareholder on the ongoing effort. (Exhibit A)

As detailed in Exhibit A, a majority shareholder (wishing to remain anonymous for obvious reasons of privacy) is relied upon for planning, analyzing and formulating Bedrock's response to the office action. This shareholder is considered to be the most knowledgeable Bedrock person concerning the prior-art references that the Office has applied in this

reexamination and is have relied on concerning the technical content of the applied prior-art references. Exhibit A ¶ 4

On or about July 29, 2010, this shareholder was admitted to a hospital with symptoms of severe anemia. Routine blood test taken during that hospital stay revealed abnormalities suggestive of some form of leukemia. But, the diagnosis could not be confirmed without further testing, including genetic analysis of bone marrow tissue. Exhibit A ¶ 5

On August 16, 2010, the shareholder learned the results of the bone marrow tests, which revealed that he was suffering from chronic myelogenous leukemia (CML). Because CML is not a common cancer, the shareholder was referred to a major university medical center for consultation. His first appointment at the major university medical center took place on August 20, 2010. As a result, the shareholder commenced chemotherapy treatment, which is on going and expected to continue indefinitely. Since commencing treatment, the shareholder has had to deal with the side effects of the chemotherapy, and is subject to regular blood monitoring, typically several times per week. This is expected to significantly decrease as the treatment ramps into a steady-state phase. Though Bedrock has endeavored to work diligently on a response to the office action since receiving it, extraordinary distractions attributable to the intervening CML diagnosis and treatment have significantly impaired their ability to meaningfully formulate a complete response by the presently set deadline of Sept. 23, 2010. Exhibit A ¶¶ 6-9.

It is expected that by late October the stricken shareholder's CML treatment will have entered a steady-state phase that will permit substantial resumption of all his activities, including assisting in formulating a complete response to the office action. Exhibit A ¶ 10.

Therefore, to complete the efforts to date and to account for the unexpected, and extraordinary health issues of Bedrock's technical personnel throughout August-October, a two month extension is justified to finalize an adequate response advancing all outstanding issues.

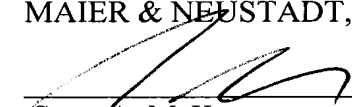
Patent Holder respectfully submits that sufficient cause is shown to extend the response for a reasonable time, in this case, two-months.

ACTION REQUESTED

Patent Holder requests a two month extension of time under 37 C.F. R. § 1.550(c) from the current due date of September 23, 2010 to effectively extend the date for filing a response in this case to November 23, 2010 to allow time for the health of the Patent Owner to recover from recent chemotherapy treatment. The required petition fee of \$200.00 is being made online by credit card payment and any further charges may be made against the Attorney of Record's Deposit Account No. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



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EXHIBIT A

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DECLARATION UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Mr. David Garrod declares:

1. I am the President of Bedrock Computer Technologies, LLC, assignee of the '120 Patent. I am also one of three shareholders in the company.

2. As President of Bedrock, I am the primary point of contact between Bedrock and Oblon Spivak, counsel for Bedrock in this reexamination.

3. I work with Bedrock's counsel in planning, analyzing and formulating Bedrock's response to the office action, mailed July 23, 2010. Assisting and collaborating with me in these important duties is one of my fellow shareholders. This fellow shareholder does not wish to have

Control No. 90/010,856

Declaration under 37 C.F.R. §1.132

his personal information and health issues made public, thus his identity is withheld for privacy reasons. Collectively, this fellow shareholder and I hold the majority interest in Bedrock.

4. Since receiving the July 23 office action, I have worked extensively with my fellow shareholder in planning, analyzing and formulating Bedrock's response to the office action. This has included many in-person meetings with my fellow shareholder, since receiving the office action. Moreover, as a result of the time he has independently dedicated outside of our meetings, I consider my fellow shareholder to be one of the most knowledgeable persons concerning the prior-art references that the Office has applied in this reexamination. I have relied on, and continue to rely on, my fellow shareholder's counsel concerning the technical content of the applied prior-art references.

5. On or about July 29, 2010, my fellow shareholder was admitted to a hospital with symptoms of severe anemia. Routine blood tests taken during that hospital stay revealed abnormalities suggestive of some form of leukemia, but the diagnosis could not be confirmed without further testing, including genetic analysis of bone marrow tissue.

6. On August 16, 2010, my fellow shareholder learned the results of the bone marrow tests, which revealed that he was suffering from chronic myelogenous leukemia (CML).

7. Because CML is not a common cancer, my fellow shareholder was referred to a major university medical center for consultation. His first appointment at the major university medical center took place on August 20, 2010. As a result, my fellow shareholder commenced chemotherapy treatment, which is on going and expected to continue indefinitely.

8. Since commencing treatment, my fellow shareholder has had to deal with the side effects of the chemotherapy, and is subject to regular blood monitoring, typically several times per week. This is expected to significantly decrease as the treatment ramps into a steady-state phase.

9. Though my fellow shareholder and I have endeavored to work diligently on Bedrock's response to the office action since receiving it, distractions attributable to the intervening CML diagnosis and treatment have significantly impaired our ability to meaningfully assist Bedrock's counsel in formulating a complete response by the presently-set deadline of Sept. 23, 2010.

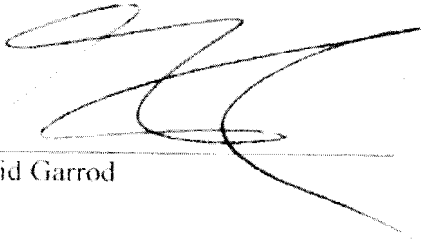
10. It is expected that by late October, my fellow shareholder's CML treatment will have entered a steady-state phase that will permit substantial resumption of all his activities, including assisting me and Bedrock's counsel in formulating a complete response to the office action.

11. I am registered to practice before the USPTO, but am not counsel of record in this reexamination. As such, in addition to the penalties outlined below, my statements herein are also subject to USPTO ethics provisions.

I declare that all statements made herein are true to the best of my knowledge; and further that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the '120 Patent.

Date:

Sept. 13, 2010



David Garrod