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APPLICATION NO. FILING DATE		ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
90/010,856 02/09/		/09/2010	10 5893120		3502	
22850	7590	01/14/2011		EXA	MINER	
•		ICCLELLAND M	IAIER & NEUSTADT, L.L.F	P		
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DATE MAILED: 01/14/2011

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

UNITED STATES PATENT AND TRADEMARK OFFICE



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Date: [-14-1]

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS Lissi M. Marquis NOVAK DRUCE & QUIGG LLP 1000 Louisiana Street, 53rd Floor Houston, TX 77002

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO.: 90010856

PATENT NO.: 5893120

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)).

Control No. Patent Under Reexamination 90/010.856 5893120 Notice of Intent to Issue Examiner **Art Unit** Ex Parte Reexamination Certificate ALEXANDER J. 3992 KOSOWSKI -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --1. Prosecution on the merits is (or remains) closed in this ex parte reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of (a) Patent owner's communication(s) filed: 23 November 2010. (b) Patent owner's late response filed: (c) Patent owner's failure to file an appropriate response to the Office action mailed: (d) Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31). (e) 🔲 Other: Status of Ex Parte Reexamination: (f) Change in the Specification: ☐ Yes ☒ No (g) Change in the Drawing(s): ☐ Yes ⊠ No (h) Status of the Claim(s): (1) Patent claim(s) confirmed: 1,2,5 and 6. (2) Patent claim(s) amended (including dependent on amended claim(s)): 3,4,7 and 8 (3) Patent claim(s) canceled: (4) Newly presented claim(s) patentable: 9-12. (5) Newly presented canceled claims: . . (6) Patent claim(s) previously currently disclaimed: (7) Patent claim(s) not subject to reexamination: 2. Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation." 3. Note attached NOTICE OF REFERENCES CITED (PTO-892). 4. Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute). 5. The drawing correction request filed on is: approved disapproved. 6. 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 been received. not been received. been filed in Application No. been filed in reexamination Control No. been received by the International Bureau in PCT Application No. * Certified copies not received: _____ 7. Note attached Examiner's Amendment. 8. Note attached Interview Summary (PTO-474). 9. Other: _____

cc: Requester (if third party requester)

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DETAILED ACTION

This Office action addresses claims 1-8 and new claims 9-12 of United States Patent Number 5,893,120 (Nemes), for which it has been determined in the Order Granting Ex Parte Reexamination (hereafter the "Order") mailed 3/25/10 that a substantial new question of patentability was raised in the Request for *Ex Parte* reexamination filed on 2/9/10 (hereafter the "Request"). This is a response to the amendment filed 11/23/10. Claims 1-12 are allowable and/or confirmed below.

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

2) Claims 1-12 are allowable and/or confirmed.

Examiner notes that the amendment filed 11/23/10 has been considered in its entirety, including the three separately submitted affidavits from Dr. Lawrence Pileggi.

In the amendment filed 11/23/10, patent owner (PO) has defined specific structure for the means plus function system claims, and has amended all the method claims to impart similar functionality. In view of these new definitions and amendments, examiner interprets how each piece of prior art is overcome as follows:

The five issues from the non-final office action are rejections in view of Morrison,
Thatte, Morrison and Dirks, Morrison and Thatte and Dirks and Morris.

With regard to Morrison, PO has shown that there is no analysis of how Morrison provides the required record search means or searching for a target record as recited.

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With regard to Thatte, PO and Dr. Lawrence Pileggi have shown that operations in Thatte are suspended while a reconciliation process executes. Therefore, linked list access and removal of expired records cannot occur at the same time, as recited.

With regard to Dirks and Morris, PO and Dr. Lawrence Pileggi have shown that modifying the linear array (open) has table of Dirks to utilize a chained hash table such as Morris would not be obvious at such a modification would destroy the predictability of the Dirks design.

With regard to Morrison and Dirks and Morrison and Thatte, the persuasive arguments above with regard to Morrison render these rejections moot.

Therefore, the following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

Referring to claim 1, the claim is allowable over the prior art that was explained in the request and determined to raise a substantial new question of patentability in the order granting reexamination and over the prior art that was applied and discussed by the examiner in the present reexamination proceeding because that prior art does not explicitly teach an information storage and retrieval system comprising means utilizing record search means for accessing a linked list and, at the same time, removing at least some of the expired ones of the records in the linked list, in combination with the remaining elements or features of the claimed invention.

Referring to claim 3, the claim is allowable over the prior art that was explained in the request and determined to raise a substantial new question of patentability in the order granting reexamination and over the prior art that was applied and discussed by the examiner in the

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present reexamination proceeding because that prior art does not explicitly teach a method for storing and retrieving information records using a linked list comprising accessing the linked list of records to search for a target record and identifying at least some of the automatically expired ones of the records while searching for the target record, in combination with the remaining elements or features of the claimed invention.

Referring to claim 5, the claim is allowable over the prior art that was explained in the request and determined to raise a substantial new question of patentability in the order granting reexamination and over the prior art that was applied and discussed by the examiner in the present reexamination proceeding because that prior art does not explicitly teach an information storage and retrieval system comprising means utilizing record search means for inserting, retrieving and deleting records from the system and, at the same time, removing at least some expired ones of the records in the accessed linked list of records, in combination with the remaining elements or features of the claimed invention.

Referring to claim 7, the claim is allowable over the prior art that was explained in the request and determined to raise a substantial new question of patentability in the order granting reexamination and over the prior art that was applied and discussed by the examiner in the present reexamination proceeding because that prior art does not explicitly teach a method for storing and retrieving information records using a hashing technique comprising accessing a linked list of records having same hash address to search for a target record and identifying at least some of the automatically expired ones of the records while searching for the target record, in combination with the remaining elements or features of the claimed invention.

Claims 2, 4, 6 and 8-12 depend on allowable claims, and are therefore also allowable.

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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.

Conclusion

All correspondence relating to this ex parte reexamination proceeding should be directed as follows:

By U.S. Postal Service Mail to:

Mail Stop Ex Parte Reexam ATTN: Central Reexamination Unit Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

By FAX to:

(571) 273-9900 Central Reexamination Unit

By hand to:

Customer Service Window Randolph Building 401 Dulany St. Alexandria, VA 22314

By EFS-Web:

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at

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https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

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.

/Alexander J Kosowski/

Primary Examiner, Art Unit 3992

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SHEET 1 OF 4

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		FAILIN AND INC	DEMORK OFFICE	358121US91RX 90/010,856				
				INVENTOR				
LIST OF RE	EFER	ENCES CITED BY AF	PPLICANT	Richard Michael NEMES		· · · · · · · · · · · · · · · · · · ·		
			FILING DATE		GROUP			
				February 9, 2010		3992		
				U.S. PATENT DOCUMENTS				
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS		ING DATE PROPRIATE
,	AA	5,701,432	12/23/1997	Wong, et al.				
7	AB	4,695,949	09/22/1987	Thatte, et al.	ļ			
1	AC	4,989,132	01/29/1991	Mellender, et al.				
1	AD	4,996,663	02/26/1991	Nemes				
,	AE	5,043,885	08/27/1991	Robinson				
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	АН	5,991,775	11/23/1999	Beardsley, et al.				
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 	AJ	5,881,241	03/09/1999	Corbin	· ·		-	
	AK	6,243,667	06/05/2001	Kerr, et al.	 	<u> </u>		
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		Johnson, T. et al.; A	Distributed, Re	plicated, Data-Balanced Search Structur earbage Collection, Pgs. 1-18, 02/1993	e; Pgs. 1-2	7		
	AW	Johnson, T. et al.; A	Distributed, Re	plicated, Data-Balanced Search Structur	e; Pgs. 1-2	7	; No. 2; F	[⊃] gs. 126-131;
	AW AX	Johnson, T. et al.; A Appel, A. W., et al.; h Bays, C.; Some Tecl 04/1972 Bastani, F. B., et al.; Distributed Environm	Distributed, Re Hash-consing G hniques for Stru Concurrent Ma	plicated, Data-Balanced Search Structur earbage Collection, Pgs. 1-18, 02/1993	e; Pgs. 1-2	7 .al; Vol. 16.		Pgs. 126-131; sheet(s) attached
	AW AX AY	Johnson, T. et al.; A Appel, A. W., et al.; h Bays, C.; Some Tecl 04/1972 Bastani, F. B., et al.;	Distributed, Re Hash-consing G hniques for Stru Concurrent Manent; The Comp	plicated, Data-Balanced Search Structure arbage Collection, Pgs. 1-18, 02/1993 octuring Chained Hash Tables, The Committenance of Data Structures in a	puter Journ	7 .al; Vol. 16.		sheet(s) attached

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LIST OF REFERENCES CITED BY APPLICANT		ENCES CITED BY APPLICANT	Richard Mi	chael NEMES
			FILING DATE	GROUP
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		OTHER REFERENCES (Including Author, Title, Date, Pertinent	Pages, etc.)
F		Kruse, R. L., et al.; CD-ROM Prepare 717 Pgs.	ed by Mailhot, P.A.; Prentice Hall - Data St	ructures and Program Design in C++; 2000;
F	AAB		ques for High-Speed Packet Processing; F	·
F	AAC	Seligmann, J., et al.; Incremental Ma	ture Garbage Collection Using the Train A	gorithm; 1995; Pgs. 235-252
F	AAD	Bohannon, P., et al.; The Architectur	e of the Dali Main-Memory Storage Manag	er; 1997; Pgs. 115-151
,	AAE	Van Wyk, C. J., et al.; Algorithmica -	The Complexity of Hashing with Lazy Dele	etion; 1986; Pgs. 17-29
,	AAF	Szymanski, T. G., et al.; Special Fea	ture: Goalie: A Space Efficient System for	VLSI Artwork Analysis; 1985; Pgs. 64-72
	AAG	van Rijsbergen, C. J.; Department of	Computing Science - University of Glasgo	w; Information Retrieval; Pgs. 1-147
	аан	Jannick, J.; Sigmond Record, Vol. 24	4, No. 1; Implementing Deletion in B+-Tree	s; 03/1995; Pgs. 33-38
	AAI	Rusling; D. A.; The Linux Kernel; Ve	rsion 0.8-3; Pgs. 1-176	
,	LAA	Chandranmenon, G. P.; et al.; IEEE/ Processing; Pgs. 141-152; 1996	ACM Transactions on Networking, Vol. 4.	No. 2; Trading Packet Headers for Packet
,	AAK	Ramakrishna, M. V.; Hashing in Prac	ctice, Analysis of Hashing and Universal H	ashing; 1988; Pgs. 191-199
. ,	AAL	Varghese, G., et al.; Hashed and Hie Facility; 1987; Pgs. 25-38	erarchical Timing Wheels: Data Structures	for the Efficient Implementation of a Timer
F	AAM	Waldvogel, M., et al.; Scalable High	Speed IP Routing Lookups, 1997, Pgs. 25	36
,	AAN	Fagin, R., et al.; ACM Transactions of Dynamic Files; 09/1979; Pgs. 315-34		dible Hashing - A Fast Access Method for
<i>,</i>	AAO	Schmidt, J. P., et al.; On Aspects of	Universality and Performance for Closed H	lashing; 1989; Pgs. 355-366
,	AAP	Larson, P. A; Algorithms and Data S	tructures; Dynamic Hash Tables, Volume (81, No. 4; 04/1988; Pgs. 446-457
4	AAQ	Chiang, K. W., et al.; Time Efficient \	/LSI Artwork Analysis Algorithms in GÖAL	E2; 1988; Pgs. 471-476
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(Modified)		PATENT AND TRADEMARK OFFICE	358121US91RX	90/010,856			
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			February 9, 2010	3992			
		OTHER REFERENCES (Including Author, Title, Date, Pertinent	Pages, etc.)			
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	AAB	Deutsch, L. P., et al.; Communication 09/1976; Pgs. 522-526	ns of the ACM, Vol. 19, No. 9; An Efficient,	Incremental, Automatic Garbage Collector;			
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	AAD	Yao, A.; Journal of the Association fo	or Computing Machinery, Vol. 28, No. 3; SI	hould Tables be Sorted?; 07/1981; Pgs. 615-			
	AAE	Karger, D., et al; Consistent Hashing World Wide Web; 1997; Pgs. 654-66	and Random Trees: Distributed Caching l	Protocols for Relieving Hot Spots on the			
	AAF	Celis, P., et al; Information Sciences	62, The Analysis of Hashing with Lazy De	letions; 1992; Pgs. 13-26			
	AAG	Albers, S., et al.; Self-Organizing Da	Data Structures; Pgs. 1-39				
	ААН	Seltzer, M.; A New Hashing Package	e for UNIX; Winter '91; Pgs. 173-184				
	AAI	Tamassia, R.; ACM Computing Surv	eys, Vol. 28, No. 1; Data Structures; 03/19	96; Pgs. 23-26			
	AAJ	Morrison, J. A., et al; SIAM J. Comp. 1155-1164	, Vol. 16, No. 6 - A Queuing Analysis of H	ashing with Lazy Deletion; 12/1987; Pgs.			
	AAK	Dietzfelbinger, M., et al.; Dynamic Pe	erfect Hashing: Upper and Lower Bounds,	Revised Version; 01/07/1990; Pgs. 1-33			
	AAL	Kenyon-Mathieu, C.M., et al.; General 487	al Methods for the Analysis of the Maximum	m Size of Dynamic Data Structures; Pgs. 473-			
	ААМ	Mathieu, C. M., et al.; Rapports de R 23 Pgs.	techerche N°851, Maximum Queue Size a	nd Hashing with Lazy Deletion; 06/1988;			
	AAN	Aldous, D., et al.; SIAM J. Comp., Vo Revisited*; 08/1992; Pgs. 713-732	ol. 21, No. 4, Maximum Size of a Dynamic	Data Structure: Hashing with Lazy Deletion			
	AAP	Printout - Ethernet Address Resolution	on Protocol, 7 Pgs.				
	AAQ	Printout - Copyright (c) 1989, 1993 - Pgs.	The Regents of University of California; C	opyright (c) 1995 - Paul Henning Kamp; 6			
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(Modified)	PATENT AND TRADEMARK OFFICE	358121US91RX	90/010,856			
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February 9, 2010 3992						
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- A	AA Printout - Copyright (c) 1994 by Flori	an La Roche; Pgs. 1-20				
Α	AB		- Technical Report 95-81; 10/1995; 179 Pgs.			
A	AC	he BSD Callout and Timer Facilities; 11/02				
А	Foster, J. M Senior Research Fello	ow, Dept. of Engineering, Aberdeen Univer	rsity; List Processing; 1967; 54 Pgs.			
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A	Van Wyk, C. J.; Data Structures & C	Programs; 1988; 30 Pgs.	,			
A	Sessions, R., Reusable Data Structu	ata Structures For C; 1989; 33 Pgs.				
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A	AK	rogram Design, 2 nd Edition, Chapter 4; 198				
P	Varghese, G., et al., Hashed and Hi Timer Facility; 1987; Pgs. 25-38	erarchical Timing and Wheels: Data Struct	tures for the Efficient Implementation of a			
A	Xu, J.: IEEE Transactions on Comp Architecture and Performance Evalu	uters, Vol. 51, No. 9; Cost-Effective Flow T lation; 09/2002; Pgs. 1089-1099	able Designs for High-Speed Routers:			
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UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 3502

SERIAL NUM	IBER	FILING or			CLASS	GR	OUP ART	UNIT	ATTO	DRNEY DOCKET
90/010,85	56	02/09/2	-		707		3992		358121US91RX	
		RULE								
APPLICANTS 5893120, Residence Not Provided; Richard M. Nemes(OWNER), Brooklyn, NY; NOVAK DRUCE & QUIGG LLP(3RD PTY REQ), Houston, TX; Lissi M. Marquis, Houston, TX ** CONTINUING DATA **********************************										
					1997 PAT 5,893	,120				
** FOREIGN A	PPLICA	ATIONS *****	*****	*****						
** IF REQUIRE	D, FOR		LICENS	E GRA	NTED **	.		· · · · · · · · · · · · · · · · · · ·		-
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Search Notes



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Examiner

ALEXANDER J KOSOWSKI

Applicant(s)/Patent Under Reexamination

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SEARCHED

Class	Subclass	Date	Examiner
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Search Notes	Date	Examiner
Reviewed proposed prior art and patent prosecution history	3/17/10	AJK
Reviewed proposed prior art	7/20/10	AJK
Reviewed proposed prior art	1/5/11	AJK

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner

Reexamination



Application/Control No.

90010856

Certificate Date

Applicant(s)/Patent Under Reexamination 5893120

Certificate Number

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Requester Correspondence Addres	ss:	Patent Owner	⊠ Thi	rd Party
NOVAK DRUCE & QUIGG, LLP (NDQ REEXAMINATION GROUP) 1000 LOUISIANA STREET FIFTY-THIRD FLOOR HOUSTON, TX 77002		,		
LITIGATION REVIEW 🖂	(eyan	AJK niner initials)		01/05/2011 (date)
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⋈	Claims renumbered in the same order as presented by applicant							☐ CPA ☐ T.D.				☐ R.1.47			
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/ALEXANDER J KOSOWSKI/ Primary Examiner.Art Unit 3992		O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	3

Electronic Ack	knowledgement Receipt
EFS ID:	9206133
Application Number:	90010856
International Application Number:	
Confirmation Number:	3502
Title of Invention:	METHODS AND APPARATUS FOR INFORMATION STORAGE AND RETRIEVAL USING A HASHING TECHNIQUE WITH EXTERNAL CHAINING AND ON-THE-FLY REMOVAL OF EXPIRED DATA
First Named Inventor/Applicant Name:	5893120
Customer Number:	22850
Filer:	Tracy Wesley Druce/Lance Smith
Filer Authorized By:	Tracy Wesley Druce
Attorney Docket Number:	358121US91RX
Receipt Date:	11-JAN-2011
Filing Date:	09-FEB-2010
Time Stamp:	14:07:45
Application Type:	Reexam (Third Party)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Reexam - Affidavit/Decl/Exhibit Filed by	, _	3657170	no	130
·	3rd Party	echnologies_130ppdf	931530121159f7d12030c003b0bca330f54 0caff		

Warnings:

Information:

2	Reexam Certificate of Service	120_90010856_Cert_of_Servic	94402		1
2	neexam Certificate of Service	e_110111_1ppdf	d6e0ca1afba392594009842ba4d9f1de18c 7ce69	no	'
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3	Notice of concurrent proceeding(s)	120_90010856_Notice_Concur rent_Proceedings_110111_1p_	100181	no	1
_		.pdf	28d427d259259657ff7524eea591c80397fa a084		
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Information:					
		Total Files Size (in bytes):	38	51753	

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

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Docket No.: 358121US91RX

ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

RE: Control No.: 90/010,856

Inventor(s): Richard Michael NEMES

Filing Date: February 9, 2010

For: METHODS AND APPARATUS FOR INFORMATION STORAGE

AND RETRIEVAL USING A HASHING TECHNIQUE WITH EXTERNAL CHAINING AND ON-THE-FLY REMOVAL OF

EXPIRED DATA
Group Art Unit: 3992
Examiner: A. J. Kosowski

SIR:

Attached hereto for filing are the following papers:

Amendment in Ex Parte Reexamination of U.S. Patent No. 5,893,120 in Reply to Office Action of July 23, 2010 w/Exhibits A-C Statement under 37 C.F.R. §1.560

Submission under 37 C.F.R. §1.555/1.565 in Ex Parte Reexamination of U.S. Patent No. 5,893,120 w/Attachments (7)

Certificate of Service

Credit card payment is being made online (if electronically filed), or is attached hereto (if paper filed), in the amount of \$0.00 to cover any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, please charge or credit the difference to Deposit Account No. 15-0030.

Respectfully submitted,

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