

# **EXHIBIT 7**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,856	02/09/2010	5893120	358121US91RX	3502

22850 7590 01/14/2011

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/14/2011

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



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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

Date: 1-14-11

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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)).

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**Notice of Intent to Issue  
Ex Parte Reexamination Certificate**

<b>Control No.</b> 90/010,856	<b>Patent Under Reexamination</b> 5893120	
<b>Examiner</b> ALEXANDER J. KOSOWSKI	<b>Art Unit</b> 3992	

-- 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: \_\_\_\_\_

### **DETAILED ACTION**

1) 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://portal.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

