

# Exhibit 19



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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

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/14/2011

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

**Defendants' Exhibit**  
Exhibit No. 147F  
Case No. 6:09-cv-00269-LED



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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

Date: 1-14-11

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)).

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

Control No. 90/010,856	Patent Under Reexamination 5893120	
Examiner ALEXANDER J. KOSOWSKI	Art Unit 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: \_\_\_\_\_

cc: Requester (if third party requester)  
U.S. Patent and Trademark Office

### **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





06/24/10

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. <b>358121US91RX</b>		CONTROL NO. <b>90/010,856</b>	
LIST OF REFERENCES CITED BY APPLICANT				INVENTOR <b>Richard Michael NEMES</b>			
				FILING DATE <b>February 9, 2010</b>		GROUP <b>3992</b>	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
AA	5,701,432	12/23/1997	Wong, et al.				
AB	4,695,949	09/22/1987	Thatte, et al.				
AC	4,989,132	01/29/1991	Mellender, et al.				
AD	4,996,663	02/26/1991	Nemes				
AE	5,043,885	08/27/1991	Robinson				
AF	5,765,174	06/09/1998	Bishop				
AG	5,778,430	07/07/1998	Ish, et al.				
AH	5,991,775	11/23/1999	Beardsley, et al.				
AI	6,119,214	09/12/2000	Dirks				
AJ	5,881,241	03/09/1999	Corbin				
AK	6,243,667	06/05/2001	Kerr, et al.				
AL							
AM							
AN							
<b>FOREIGN PATENT DOCUMENTS</b>							
	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION			
				YES	NO		
AO							
AP							
AQ							
AR							
AS							
AT							
AU							
AV							
<b>OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	AW	Johnson, T. et al.; A Distributed, Replicated, Data-Balanced Search Structure; Pgs. 1-27					
	AX	Appel, A. W., et al.; Hash-consing Garbage Collection; Pgs. 1-18; 02/1993					
	AY	Bays, C.; Some Techniques for Structuring Chained Hash Tables; The Computer Journal; Vol. 16.; No. 2; Pgs. 126-131; 04/1972					
	AZ	Bastani, F. B., et al.; Concurrent Maintenance of Data Structures in a Distributed Environment; The Computer Journal; Vol. 31; No. 2; 1988; Pgs. 165-174				<input checked="" type="checkbox"/> Additional References sheet(s) attached	
Examiner /Alexander Kosowski/					Date Considered 01/05/2011		
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /AK/

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 358121US91RX		CONTROL NO. 90/010,856	
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				FILING DATE February 9, 2010		GROUP 3992	
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AAA	Kruse, R. L., et al.; CD-ROM Prepared by Mailhot, P.A.; Prentice Hall - Data Structures and Program Design in C++; 2000; 717 Pgs.					
	AAB	Kirsch, A., et al; Hash-Based Techniques for High-Speed Packet Processing; Pgs. 1-40					
	AAC	Seligmann, J., et al.; Incremental Mature Garbage Collection Using the Train Algorithm; 1995; Pgs. 235-252					
	AAD	Bohannon, P., et al.; The Architecture of the Dali Main-Memory Storage Manager; 1997; Pgs. 115-151					
	AAE	Van Wyk, C. J., et al.; Algorithmica - The Complexity of Hashing with Lazy Deletion; 1986; Pgs. 17-29					
	AAF	Szymanski, T. G., et al.; Special Feature: Goalie: A Space Efficient System for VLSI Artwork Analysis; 1985; Pgs. 64-72					
	AAG	van Rijsbergen, C. J.; Department of Computing Science - University of Glasgow; Information Retrieval; Pgs. 1-147					
	AAH	Jannick, J.; Sigmond Record, Vol. 24, No. 1; Implementing Deletion in B+-Trees; 03/1995; Pgs. 33-38					
	AAI	Rusling; D. A.; The Linux Kernel; Version 0.8-3; Pgs. 1-176					
	AAJ	Chandranmenon, G. P.; et al.; IEEE/ACM Transactions on Networking, Vol. 4, No. 2; Trading Packet Headers for Packet Processing; Pgs. 141-152; 1996					
	AAK	Ramakrishna, M. V.; Hashing in Practice, Analysis of Hashing and Universal Hashing; 1988; Pgs. 191-199					
	AAL	Varghese, G., et al.; Hashed and Hierarchical Timing Wheels: Data Structures for the Efficient Implementation of a Timer Facility; 1987; Pgs. 25-38					
	AAM	Waldvogel, M., et al.; Scalable High Speed IP Routing Lookups; 1997; Pgs. 25-36					
	AAN	Fagin, R., et al.; ACM Transactions on Database Systems, Vol. 4, No. 3; Extendible Hashing - A Fast Access Method for Dynamic Files; 09/1979; Pgs. 315-344					
	AAO	Schmidt, J. P., et al.; On Aspects of Universality and Performance for Closed Hashing; 1989; Pgs. 355-366					
	AAP	Larson, P. A; Algorithms and Data Structures; Dynamic Hash Tables, Volume 31, No. 4; 04/1988; Pgs. 446-457					
	AAQ	Chiang, K. W., et al.; Time Efficient VLSI Artwork Analysis Algorithms in GOALIE2; 1988; Pgs. 471-476					
Examiner						Date Considered	
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

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				FILING DATE February 9, 2010		GROUP 3992	
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AAA	Maurer, W. D., et al.; Computing Surveys, Vol. 7, No. 1; Hash Table Methods; 03/1975; Pgs. 5-19					
	AAB	Deutsch, L. P., et al.; Communications of the ACM, Vol. 19, No. 9; An Efficient, Incremental, Automatic Garbage Collector; 09/1976; Pgs. 522-526					
	AAC	Graham, S. L., et al.; Communications of the ACM, Vol. 21, No. 7; Pseudochaining in Hash Tables; 07/1978; Pgs. 554-557					
	AAD	Yao, A.; Journal of the Association for Computing Machinery, Vol. 28, No. 3; Should Tables be Sorted?; 07/1981; Pgs. 615-628					
	AAE	Karger, D., et al; Consistent Hashing and Random Trees: Distributed Caching Protocols for Relieving Hot Spots on the World Wide Web; 1997; Pgs. 654-663					
	AAF	Celis, P., et al; Information Sciences 62, The Analysis of Hashing with Lazy Deletions; 1992; Pgs. 13-26					
	AAG	Albers, S., et al.; Self-Organizing Data Structures; Pgs. 1-39					
	AAH	Seltzer, M.; A New Hashing Package for UNIX; Winter '91; Pgs. 173-184					
	AAI	Tamassia, R.; ACM Computing Surveys, Vol. 28, No. 1; Data Structures; 03/1996; Pgs. 23-26					
	AAJ	Morrison, J. A., et al; SIAM J. Comp., Vol. 16, No. 6 - A Queuing Analysis of Hashing with Lazy Deletion; 12/1987; Pgs. 1155-1164					
	AAK	Dietzfelbinger, M., et al.; Dynamic Perfect Hashing: Upper and Lower Bounds, Revised Version; 01/07/1990; Pgs. 1-33					
	AAL	Kenyon-Mathieu, C.M., et al.; General Methods for the Analysis of the Maximum Size of Dynamic Data Structures; Pgs. 473-487					
	AAM	Mathieu, C. M., et al.; Rapports de Recherche N°851, Maximum Queue Size and Hashing with Lazy Deletion; 06/1988; 23 Pgs.					
	AAN	Aldous, D., et al.; SIAM J. Comp., Vol. 21, No. 4, Maximum Size of a Dynamic Data Structure: Hashing with Lazy Deletion, Revisited*; 08/1992; Pgs. 713-732					
	AAP	Printout - Ethernet Address Resolution Protocol; 7 Pgs.					
	AAQ	Printout - Copyright (c) 1989, 1993 - The Regents of University of California; Copyright (c) 1995 - Paul Henning Kamp; 6 Pgs.					
Examiner				Date Considered			
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

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				FILING DATE February 9, 2010		GROUP 3992	
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AAA	Printout - Copyright (c) 1994 by Florian La Roche; Pgs. 1-20					
	AAB	Brown, E. W.; Execution Performance Issues in Full-Text Information Retrieval - Technical Report 95-81; 10/1995; 179 Pgs.					
	AAC	Costello, A. M., et al.; Redesigning the BSD Callout and Timer Facilities; 11/02/1995; 12 Pgs.					
	AAD	Foster, J. M. - Senior Research Fellow, Dept. of Engineering, Aberdeen University; List Processing; 1967; 54 Pgs.					
	AAE	Printout - Wavelan Pcmcia driver, Jean II-HPLB '96; Pgs. 1-78					
	AAF	Van Wyk, C. J.; Data Structures & C Programs; 1988; 30 Pgs.					
	AAG	Sessions, R., Reusable Data Structures For C; 1989; 33 Pgs.					
	AAH	Frakes, W. B., et al.; Information Retrieval Data Structures & Algorithms, Chapter 13; 1992; Pgs. 293-305					
	AAI	Weiss, M. A.; Data Structures and Algorithm Analysis in C; 23 Pgs.					
	AAJ	Keshav, S.; On the Efficient Implementation of Fair Queuing; Pgs. 1-20					
	AAK	Kruse, R. L.; Data Structures and Program Design, 2 <sup>nd</sup> Edition, Chapter 4; 1987, 1984; Pgs. 104-155					
	AAL	Varghese, G., et al.; Hashed and Hierarchical Timing and Wheels: Data Structures for the Efficient Implementation of a Timer Facility; 1987; Pgs. 25-38					
	AAM	Xu, J.; IEEE Transactions on Computers, Vol. 51, No. 9; Cost-Effective Flow Table Designs for High-Speed Routers: Architecture and Performance Evaluation; 09/2002; Pgs. 1089-1099					
	AAN						
	AAO						
	AAP						
	AAQ						
Examiner				/Alexander Kosowski/		Date Considered 01/05/2011	
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BIB DATA SHEET

CONFIRMATION NO. 3502

<b>SERIAL NUMBER</b> 90/010,856	<b>FILING or 371(c) DATE</b> 02/09/2010	<b>CLASS</b> 707	<b>GROUP ART UNIT</b> 3992	<b>ATTORNEY DOCKET NO.</b> 358121US91RX		
<b>APPLICANTS</b> 5893120, Residence Not Provided; Richard M. Nemes(OWNER), Brooklyn, NY; NOVAK DRUCE & QUIGG LLP(3RD PTY REQ), Houston, TX; Lissi M. Marquis, Houston, TX						
<b>** CONTINUING DATA *****</b> This application is a REX of 08/775,864 01/02/1997 PAT 5,893,120						
<b>** FOREIGN APPLICATIONS *****</b>						
<b>** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **</b>						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Met after Allowance	<b>STATE OR COUNTRY</b>	<b>SHEETS DRAWINGS</b>	<b>TOTAL CLAIMS</b>	<b>INDEPENDENT CLAIMS</b>
Verified and Acknowledged	<i>[Signature]</i> Examiner's Signature	Initials			8	4
<b>ADDRESS</b> OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314 UNITED STATES						
<b>TITLE</b> METHODS AND APPARATUS FOR INFORMATION STORAGE AND RETRIEVAL USING A HASHING TECHNIQUE WITH EXTERNAL CHAINING AND ON-THE-FLY REMOVAL OF EXPIRED DATA						
<b>FILING FEE RECEIVED</b> 2520	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit			


<b>Search Notes</b> 	<b>Application/Control No.</b> 90010856	<b>Applicant(s)/Patent Under Reexamination</b> 5893120
	<b>Examiner</b> ALEXANDER J KOSOWSKI	<b>Art Unit</b> 3992

<b>SEARCHED</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>

<b>SEARCH NOTES</b>		
<b>Search Notes</b>	<b>Date</b>	<b>Examiner</b>
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

<b>INTERFERENCE SEARCH</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>

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<b>Reexamination</b> 	Application/Control No. 90010856	Applicant(s)/Patent Under Reexamination 5893120
	Certificate Date	Certificate Number <b>C1</b>

<b>Requester Correspondence Address:</b>	<input type="checkbox"/> Patent Owner	<input checked="" type="checkbox"/> Third Party
<p>NOVAK DRUCE &amp; QUIGG, LLP  (NDQ REEXAMINATION GROUP)  1000 LOUISIANA STREET  FIFTY-THIRD FLOOR  HOUSTON, TX 77002</p>		

LITIGATION REVIEW <input checked="" type="checkbox"/>	AJK (examiner initials)	01/05/2011 (date)
Case Name		Director Initials
609-CV-269 (Bedrock Computer v. Softlayer Technologies)		<b>NDQ P. IP</b>

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1. None	

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