Exhibit F

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED: 04/18/2008

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

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APR 18 2008

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/007,858*.

PATENT NO. *5838906*.

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)).

Ex Parte Reexamination Communication	Control No. 90/007,858	Patent Under Reexamination 5838906	
	Examiner Joseph R. Pokrzywa	Art Unit 3992	

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS LETTER. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c). If the specified period for response is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Joseph R. Pokrzywa
Primary Examiner
Art Unit: 3992

cc: Requester (if third party requester)

Office Action in Ex Parte Reexamination	Control No. 90/007,858	Patent Under Reexamination 5838906	
	Examiner Joseph R. Pokrzywa	Art Unit 3992	

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

a☒ Responsive to the communication(s) filed on *01 October 2007* . b☒ This action is made FINAL.
c☐ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire *2* month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

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

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☒ Information Disclosure Statement, PTO/SB/08.
3. ☐ Interview Summary, PTO-474.
4. ☐ _____.

Part II SUMMARY OF ACTION

1a. ☒ Claims *1-10* are subject to reexamination.
1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled in the present reexamination proceeding.
3. ☒ Claims *4,5,9 and 10* are patentable and/or confirmed.
4. ☒ Claims *1-3 and 6-8* are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ The drawings, filed on _____ are acceptable.
7. ☐ The proposed drawing correction, filed on _____ has been (7a)☐ approved (7b)☐ disapproved.
8. ☐ 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
   1☐ been received.
   2☐ not been received.
   3☐ been filed in Application No. _____ .
   4☐ been filed in reexamination Control No. _____.
   5☐ been received by the International Bureau in PCT application No. _____.
   * See the attached detailed Office action for a list of the certified copies not received.
9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.
10. ☐ Other: _____

cc: Requester (if third party requester)

DETAILED ACTION

Summary of Current Proceedings

1. Claims 1-10 of U.S. Patent Number 5,838,906 (hereafter "the '906 Patent") remain subject to reexamination.

2. A previous reexamination certificate for the '906 Patent (in reexamination number 90/006,831) was issued June 6, 2006.

3. Within the current reexamination proceeding, an Office action dated 7/30/07 rejected claims 1-10 with the references of "A Brief Overview of the VIOLA Engine, and it's applications", written by Pei Wei, noted as "Viola", and rejected claims 1-3 and 6-8 with the reference of Cohen et al. (U.S. Patent Number 5,367,621), noted as "Cohen", when viewed with "Introducing NCSA Mosaic", noted as "NCSA Mosaic".

Oath/Declaration

4. The Patent Owner submitted arguments on 10/1/07 and submitted a Declaration under 37 CFR 1.131, which establishes the invention prior to August 16, 1994, being the date utilized as the publication date of the Viola reference noted above.

5. With this, the Declaration filed on 10/1/07 under 37 CFR 1.131 is sufficient to overcome the Viola reference utilized in the rejection noted in the Office action dated 7/30/07. The examiner notes that the Viola reference lists on the first page, titled "The Viola Home Page" (being TT 05441), that "Vintage Viola screendumps" are included from "applications of the old viola (1991)". However, the examiner cannot find any other documents in the record that disclose the specific teachings of the Viola browser, as described in the previous Office action dated 7/30/07, that establish a date prior to August 16, 1994. Therefore, the rejection of claims 1-10, as indicated in the previous Office action under 35 U.S.C. 102(e), as being anticipated by Viola, has been withdrawn.

Response to Arguments

6. Patent Owner's arguments filed 10/1/07, with respect to the Cohen reference, have been fully considered, but they are not persuasive.

7. First, regarding much of the Patent Owner's arguments, which beginning on page 1, the Patent Owner states that the claim construction set forth in the Markman ruling in the related litigation, which was affirmed by the U.S. Court of Appeals for the Federal Circuit, is utilized in the subsequent remarks. For instance, the Patent Owner argues on page 10 that Cohen fails to expressly teach of the feature of "interactive processing", whereby the Patent Owner interprets the limitation as being the processing of the user utilizing a mouse or keyboard or similar device, to change the structure or presentation of an object. However, the examiner notes that this is not the proper standard for claim construction during examination before the Office, as recognized by the Courts.

8. In this regard, MPEP 2111 [R-5], under the title, "CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION" states:

> During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's *en banc* decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard...

9. MPEP 2111 continues,

> See also *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the **PTO is not required, in the course of prosecution, to interpret claims in applications in the same manner as a court would interpret claims in an infringement suit**. Rather, the "PTO applies to verbiage of the proposed claims the **broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art**, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification.").
>
> The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).
>
> [Emphasis added].

10. Continuing, MPEP 2111.01 [R-5] states under heading "I. THE WORDS OF A CLAIM MUST BE GIVEN THEIR "PLAIN MEANING" UNLESS **>SUCH MEANING IS INCONSISTANT WITH< THE SPECIFICATION":

> **>Although< claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is **not the mode of claim interpretation to be applied during examination**. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004) **(The USPTO uses a different standard for construing claims than that used by district courts; during examination the USPTO must give claims their broadest reasonable interpretation >in light of the specification<.)**. This means that the words of the claim must be given their plain meaning unless **>the plain meaning is inconsistant with< the specification.[Emphasis added].

11. If the Patent Owner wishes the claims to be narrowed based upon the Court's construction of the claim terms, then the claims must be amended accordingly. The case law above makes clear that claims during examination are interpreted broadly not narrowly. To incorporate the limitations into the claims would countermand the case law prohibiting reading of limitations from the specification into the claims during examination. The same standard applies to issued patents under reexamination because, the statutory presumption of validity, 35 U.S.C. 282, has no application in reexamination (*In re Etter*, 756 F.2d 852, 225 USPQ 1 (Fed. Cir. 1985)).

12. With this, in response to the Patent Owner's arguments on page 10, which argue that Cohen fails to expressly teach of the feature that "enable[s] interactive processing of said object", whereby, as noted above, the Patent Owner defines "interactive processing" as being a processing of the user utilizing the mouse or keyboard or similar device, that changes the structure or presentation of the object, thus being an interactive process. However, the current claim language does not specify this. Further, there is no requirement that the "interactive processing" be a process performed by the "user".

13. Further, on pages 10 and 11 of the Patent Owner's arguments, the Patent Owner additionally provides sections in the specification of the '906 Patent that describe the "interactive processing". However, the examiner notes that it is improper to import features found in the specification into the claim language. In this regard, MPEP 2111.01 [R-5] states under the heading "II. IT IS IMPROPER TO IMPORT CLAIM LIMITATIONS FROM THE SPECIFCATION":

> "Though understanding the claim language may be aided by explanations contained in the written description, **it is important not to import into a claim limitations that are not part of the claim**. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment." *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004). [Emphasis added.]

14. Currently, claim 1 states "said embed text format is parsed by said browser to automatically invoke said executable application to execute on said client workstation in order to display said object and *enable interactive processing of said object* within a display area created at said first location within the portion of said first distributed hypermedia document ...". With this, the reference of Cohen states in column 9, lines 41-49, that "The profile 300 includes the hardware types for a particular I/O function, characteristics for each hardware type, and the software drivers, which **enable** the application programs and I/O handler programs to **interact** with the particular I/O hardware or software." [Emphasis added]. Thus, Cohen recognizes that the application programs perform an interactive process with the particular I/O hardware or software, and are enabled by the profile 300. There is no limitation in the current claim language that particularly requires that the process of interactive processing includes the function that the user, by using a mouse or keyboard or similar input device, can change the structure or presentation of the object, as argued. If the Patent Owner wishes that this function be considered, the Patent Owner must add the particular language to the claim.

15. Further, as noted by the Patent Owner on page 11 of the arguments, the previous Reexamination proceeding stated in the Reasons for Patentability/Confirmation mailed 09/27/05 on page 4 that:

> To be consistent with the specification, the claimed "interactive processing" necessarily requires some capability of ongoing real-time manipulation and control by the user of the object displayed within the browser-controlled window.

However, that Reasons for Patentability/Confirmation mailed 9/27/05 continues with:

> In particular, the claimed "interactive processing," when properly construed in a manner consistent with the specification, requires:
>
> > "Interprocess communication between the hypermedia browser and the embedded application program is ongoing after the program object has been launched" [see instant '906 patent, col. 7, lines 1-4].

16. As similarly noted above, in column 9, lines 39-49, Cohen sates that "FIG. 5 depicts **the user's** workstation profile 300, which characterizes the input and output devices which are available to the workstation 200 in FIG. 4. The profile 300 includes the hardware types for a particular I/O function, characteristics for each hardware type, and the software drivers, which **enable** the application programs and I/O handler programs to **interact** with the particular I/O hardware or software." [Emphasis added]. Thus, with this, Cohen is seen as teaching of interprocess communication that is "ongoing after the program object is launched", whereby through the user's profile 300, there is "**some capability** of ongoing real-time manipulation and control by the user" [Emphasis added].

Thus, as mentioned above, there is no specific limitation in the current claim language that requires the interactive processing be the process where the user, by using a mouse or keyboard or similar input device, can change the structure or presentation of the object. As described above, Cohen is seen as teaching, in a broad and reasonable manner, without reading limitations from the specification of the '906 Patent, the claimed "interactive processing" limitation, as currently worded in independent claims 1 and 6.

17. Continuing, in response to the Patent Owner's arguments regarding the "embed text format", whereby the Patent Owner argues on pages 15 and 16 that Cohen does not teach of the "embed text format", which, as claimed, is located at a first location in said first distributed hypermedia document, and which specifies the location of at least a portion of an object external to the first distributed hypermedia document. The Patent Owner continues, arguing that the LDESC tag of Cohen "is not located at a first location in the document where a display window is created", and the link tag :L of Cohen "lacks the claimed feature that the embed text format specifies the location of at least a portion of an object external to the first distributed hypermedia document".

18. First, the examiner notes that independent claims 1 and 6 do not particularly require tags "located at a first location in the document where a display window is created", as argued, but rather require the "embed text format" be "located at a first location in said first distributed hypermedia document", having "an object within a display area **created at said first location** within the portion of said first distributed hypermedia document being displayed in said first browser-controlled window". Thus,

the display area for the object that is within the displayed portion of said first distributed hypermedia document is "created at said first location". With this, the current claim language does not necessarily require that the "said first location" is within the displayed portion of the hypermedia document, or that the "said first location" is within the created "display area", as the claim only that states that a display area for said object is "created at said first location".

19. Therefore, with this interpretation, Cohen can be interpreted that the :LDESC tag seen in Fig. 1a can be considered as an :embed text format". Particularly, Cohen states in col. 3, lines 23 and 24, referring to Fig. 1a, that a "display area" is created within "the link description tags 102 of the softcopy book file 100", being at the :LDESC tag location, which is within the hypermedia document. Further, as seen in Figs. 4b and 4c, the display buffer 238 includes the chart 190', titled "Worldwide Elephant Population", and the text 174'. Continuing, in col. 9, lines 20-26, Cohen states that "The display buffer 238 stores the resulting picture displayed on the monitor display screen 208." Thus, the created "display area" will be displayed within a portion of the hypermedia document that is displayed in the browser-controlled window, as seen in Figs. 4b and 4c.

20. However, the examiner also notes that the term "embed text format" is not particularly defined in the specification of the '906 Patent. Thus, the phrase "embed text format" will be given the "plain meaning" of the phrase. In the specification of the '906 Patent, in col. 12, line 54-col. 13, line 36, an HTML tag format is described "to embed a link to an application program within a hypermedia document". Therefore, the plain

meaning of the phrase "embed text format", being consistent with the specification, will thus be viewed as a format that can embed a link, being text, to an application program within a hypermedia document.

21. Continuing, with this, an alternate interpretation of the claim language is also seen. Particularly, claim 1 requires a format, being characterized as embedding text. Thus, the format of Cohen, has a multimedia hypertext link tag, which is text, is embedded in the document, as seen in Fig. 1b. Further the format includes a corresponding link description tag, which is seen in Fig. 1a. Therefore, as an example, in the link 164 seen in Fig. 1b, the embedded text contains "eleph_movie". The format of Cohen further specifies in Fig. 1a that the tag 120 includes the embedded text "eleph_movie", whereby the object "family_clip.vid" is stored "external" to the workstation. Thus, with this, Cohen is seen as teaching of an "embed text format" that is "located at a first location in said first distributed hypermedia document", being seen in Fig. 1b, whereby the format "specifies the location of at least a portion of an object external to the first distributed hypermedia document", as seen in Fig. 1a. Further, Cohen is seen in Figs. 4b and 4c, that the object, being in this case "population.gph", seen in Fig. 1a at tag 150, is within a display area created at said first location, as seen in Fig. 1b at portion 172, within the portion of said first distributed hypermedia document being displayed in said first browser-controlled window, whereby Cohen states in col. 9, lines 20-26, that "The display buffer 238 stores the resulting picture displayed on the monitor display screen 208." Thus, the "embed text format", as currently worded in independent claims 1 and 6, can be interpreted as being taught by Cohen.

22. Continuing, in response to Patent Owner's arguments on page 17, which state that Cohen fails to expressly teach of the claimed element of "a display area created at said first location within the portion of said first distributed hypermedia document being displayed in said first browser-controlled window". As noted in the previous Office action, the IBM BookManager READ program can be considered as a "browser", as the functionality is equivalent. Further, the displays produced when utilizing the BookManager READ program can be subsequently interpreted as "browser controlled windows". This is further seen in a newly introduced reference of "How People Use Softcopy Documentation: A Case Study", written by Dave Hendry et al., whereby as seen on page 87 in Figure 6, the display of a book is within a "browser controlled window". As seen in Figure 6, using the BookManager READ/DOS 1.2 program, the displayed page of a book's "Table of Contents" includes page controls on the bottom of the page, noted as "F1=Help F3=Exit F7=Bkwd F8=Fwd F10=Actions", and also includes various headings for other browser controls, noted as "Books GoTo Search Notes serVices Options Help". With this, the BookManager READ program, which is taught by Cohen, is seen as inherently displaying a page of a book with these various controls, which can thus be equated to a browser-controlled window.

23. Thus, the items that are to be displayed, as shown in Figs. 4b and 4c of Cohen, would inherently include page controls, as well as the drop-down headings across the top of the displayed page, as seen in the controls for the BookManager READ program. This display can be considered as a "browser-controlled window". Further, as seen in Figs. 4b

and 4c, Cohen is teaching that the object to be displayed (noted as the graph 190', being the "population.gph", as seen in Figs. 1a and 1b) would be displayed in the same window as the text 174'. Therefore, the reference of Cohen can be interpreted as teaching the claimed features of "a display area created at said first location within the portion of said first distributed hypermedia document being displayed in said first browser-controlled window."

24. Continuing, in response to Patent Owner's arguments on page 19, whereby the Patent Owner argues that Cohen fails to explicitly teach of the claimed element of type information, associated with the object, utilized by the browser to identify and locate an executable application external to the first distributed hypermedia document. The term "type information" can be understood in a broad and reasonable interpretation as being information regarding the type of object. As seen in Fig. 1a, Cohen is seen as teaching of object data (being "family_clip.vid", "trumpet.aud", and/or "population.gph"). With this, as also seen in Fig. 1a, Cohen teaches of "type information" being the information that describes the type of object, such as "CD Video File Format A" or "GOCA Format C", as well as "STORE=external" or "OBJTYPE=video". Further, as read in col. 9, lines 39-53, "The profile 300 includes the hardware types for a particular I/O function, characteristics for each hardware type..." Thus, this "information" is utilized to identify and locate an executable application external to the first distributed hypermedia document

25. Further, as seen in Figs. 7a-7c, Cohen shows that the executable applications of "video.exe", "audio.exe", and "graph.exe", as seen in steps 504, 534, and 564, respectively, are each started. The method continues with the data string being parsed by the BookManager READ program, which as discussed above, is equivalent to a browser, to find the required hardware and software support, as read in steps 506, 536, and 566, via the profile 300 seen in Fig. 5. Finally, as an example, in step 584 in Fig. 7c, the diagram states "If workstation profile includes required graphics support, then output data string to graphics support and access object at store location and output object to graphics support", with the corresponding text in col. 13, line 52-col. 14, line 10, wherein "In this case, the required support is the GOCA Format C characteristic, which the workstation profile indicates is present in the workstation 200." Thus, Cohen is seen as teaching of type information, associated with the object, that is utilized by the browser to identify and locate an executable application external to the first distributed hypermedia document.

Information Disclosure Statements

26. First, it is noted that the Court documents submitted on 10/15/07 have been considered by the examiner. However, the citations listed in the Information Disclosure Statement dated 10/15/07 within the "Other Prior Art – Non Patent Literature Documents" section of the various Court papers and documents have been indicated as having a line through their citations. The indicated Court documents are not considered as "Prior Art" documents, since the Court documents are each dated June-August 2007, which is not prior to the filing date of the '906 Patent of Oct. 17, 1994. Thus, the citations of these Court documents should not be listed in the Information Disclosure Statements.

27. Continuing, the examiner notes that 37 CFR 1.98, having the heading "Content of information disclosure statement", under Section (b)5 states:

> Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

With this, the Information Disclosure Statements filed on 10/31/07 and 1/8/08, both include listings in the "Other Prior Art - Non Patent Literature Documents" section that do not conform with 37 CFR 1.98 (b)5. As an example, the first listing noted in the IDS dated 10/31/07 is cited as "DTX1031-c.pdf (MS_SUPP1205 002 part 1)" and the first listing in the IDS dated 1/8/08 is cited as "DX273-text.pdf". These listings do not identify the "publisher, author (if any), title, relevant pages of the publication, date, and place of publication".

28. Further, MPEP 609.05(b) states:

> The information contained in information disclosure statements **which comply with both the content requirements of 37 CFR 1.98** and the requirements, based on the time of filing the statement, of 37 CFR 1.97 **will be considered by the examiner**. Consideration by the examiner of the information submitted in an IDS means that the examiner will consider the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. The initials of the examiner placed adjacent to the citations on the ** PTO/SB/08A and 08B or its equivalent mean that the information has been considered by the examiner to the extent noted above. [emphasis added]

With this, the above noted citations in the Information Disclosure Statements dated 10/31/07 and 1/8/08 do not comply with the content requirement of 37 CFR 1.98. Therefore, the information has not been considered by the examiner and has been indicated so by the line through the citations.

Claim Rejections - 35 USC § 102

29. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

30. **Claims 1-3 and 6-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen *et al.* (U.S. Patent Number 5,367,621, hereafter "Cohen"), when viewed with "Introducing NCSA Mosaic", written by the Software Development Group, National Center for Supercomputing Applications, University of Illinois at Urbana-Champaign, December 1993, being the Defendant's Trial Exhibit Number 226 (hereafter referred to as "NCSA Mosaic").

31. As noted in the previous Office action dated 7/30/07, MPEP 2131.01 states in part:

> Normally, only one reference should be used in making a rejection under 35 U.S.C. 102. However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to:
>
> (A) Prove the primary reference contains an "enabled disclosure; "
> (B) Explain the meaning of a term used in the primary reference; or
> (C) Show that a characteristic not disclosed in the reference is inherent.

Thus, in the instant rejection of independent ***claims 1 and 6***, the secondary reference of NCSA Mosaic is being utilized to show that the BookManager READ product of the primary reference of Cohen can be considered as a "browser application", therein proving that the Cohen reference has an "enabled disclosure". A full discussion follows below.

Regarding ***claim 1***, Cohen discloses a method for running an application program in a computer network environment, comprising:

providing at least one client workstation and one network server coupled to said network environment, wherein said network environment is a distributed hypermedia environment [*see col. 4, lines 20-55, wherein "The link tags described herein specify hypertext links which are created within on-line documents and between on-line documents....Hypertext links connect elements in one part of an on-line document to elements in another part of the same document or in a separate on-line document or in an external file or database."; also see col. 9, lines 27-30, wherein "The softcopy book file 100 can be downloaded from a host through the LAN interface 210 to the workstation 200"*];

executing, at said client workstation, a browser application [*whereby workstation 200 executes the BookManager READ program seen in Figs. 6-7c, which can be interpreted as a "browser application", as further discussed below*], that parses a first distributed hypermedia document to identify text formats included in said distributed hypermedia document and for responding to predetermined text formats to initiate processing specified by said text formats [*see col. 2, lines 10-26; also see Figs. 1a and 1b; also see col. 6, lines 7-64*];

utilizing said browser to display, on said client workstation, at least a portion of a first hypermedia document received over said network from said server, wherein the portion of said first hypermedia document is displayed within a first browser-controlled window on said client workstation [*see col. 10, lines 12-29, wherein "In step 410, the page of text from the softcopy book is displayed on the display 208."*],

wherein said first distributed hypermedia document includes an embed text format [*interpreted as the multimedia link description tags LDESC included within the document, see col. 5, lines 8-38, wherein "The BookMaster tags are improved upon, in accordance with the invention, to provide a new multimedia link description tag LDESC in the prologue of the document..."; also see col. 7, lines 22-30, wherein "The link tag :L and its matching end tag :eL enclose a word or phrase in the body of the document that the author wants to create a link from. The LID attribute refers to one or more LDESC document link tags."*], located at a first location in said first distributed hypermedia document, that specifies the location of at least a portion of an object external to the first distributed hypermedia document [*see Fig. 4a, wherein the Internal Graphics Object 110, seen in Fig. 1e, is external to the Book Text with Tags 104, seen in Fig. 1b; also see col. 8, lines 16-26, wherein "the external video object 195 which would be stored in another storage medium separate from that for the softcopy book file 100"; also see col. 15, lines 31-43, wherein The resulting invention provides a generalized link from a reference point within an organized hierarchy of text in a softcopy on-line book, to an arbitrary multimedia object within the softcopy book, or alternately from external files or external data bases."*],

wherein said object has type information associated with it utilized by said browser to identify and locate an executable application external to the first distributed hypermedia document [*see Fig. 1a, whereby the external executable application is specified as "DATA = 'graph.exe\GOCA FORMAT C'", seen in Fig. 1a, wherein the graph.exe program is external to the hypermedia document*], and

wherein said embed text format is parsed by said browser to automatically invoke said executable application to execute on said client workstation in order to display said object and enable interactive processing of said object within a display area created at said first location within the portion of said first distributed hypermedia document being displayed in said first browser-controlled window [*see steps 410-426 in Fig. 6 and steps 562-578 in Fig. 7c; also see col. 10, lines 33-60, wherein "In step 412, the link tags are located in the softcopy book text. In particular, the link tags 164, 168, and 172 in the book text of Fig. 1b are located. Then in step 414, a determination is made as to whether any link tags have a link description with the AUTOLAUNCH parameter equaling "yes" in the corresponding link descriptor tag....In step 416 of Fig. 6, if an AUTOLAUNCH parameter is equal to "yes", then the program gets the DATA string from the link description. Reference to Fig. 1a will show that the link description tag 150 has the DATA = 'graph.exe \ GOCA Format C'.... With reference to the graphic object type link descriptor 150 of Fig. 1a, the string 'graph.exe \GOCA Format C' is output by the softcopy book READ program 400 to begin execution of the specified I/O handler program, namely graph.exe, whose flow diagram handler program is shown in Fig. 7c."; also see col. 13, lines 52-67, wherein "In step 566, the data string is parsed to identify if the graphic software support specified by the author in the link descriptor 150, is present in this workstation."*].

However, Cohen does not expressly state that the application run by the workstation that parses the text data and invokes the object to enable interactive processing of the object within a display area, is specifically a **browser application**.

Contrarily, Cohen does state in col. 1, lines 29-40 that "The BookManager READ product can then manage, search, and show the on-line books created by BookManager Build." It is noted that this is the same functionality as a browser application. Furthermore, NCSA Mosaic discloses a method for running an application program in a computer network environment, whereby the method utilizes a browser to display, on said client workstation, at least a portion of a first hypermedia document received over said network from said server, wherein the portion of said first hypermedia document is displayed within a first browser-controlled window on said client workstation [*see Fig. 1; also see page 463, col. 1, 1st paragraph, wherein "As a distributed hypermedia browser designed for information discovery and retrieval, NCSA Mosaic provides a unified interface to the diverse protocols, data formats, and information archives used on the Internet."*] Further, as read on page 463, col. 1, 3rd paragraph, NCSA Mosaic states "The NCSA Mosaic interface is based on the idea of hypermedia, where electronic links known as hyperlinks are embedded in richly formatted documents that can include full-color images and sounds. **These documents are presented to users like the pages of an interactive, scrollable, online book.**" [Emphasis added.]

Thus, at the time of the invention, one of ordinary skill in the art would consider the BookManager READ program of Cohen as a "browser application". The NCSA Mosaic browser application, which presents hypermedia documents "that can include full color images and sounds" to users in "pages like an interactive, scrollable, on-line book", include the same basic functions as the BookManager READ product, which also presents full color images and sounds within hypermedia documents, and manages,

searches, and shows on-line books to users. Therefore, the BookManager READ product, taught by Cohen, can be considered as an equivalent to a browser application, as shown by the NCSA Mosaic reference, thus obtaining the invention as specified in claim 1.

Regarding ***claim 2***, Cohen discloses the method discussed above in claim 1, and further teaches that said executable application is a controllable application [*see the discussion throughout col. 11, line 30-col. 14, line 20, whereby the executable application, being the I/O handler programs are "controllable"*] and further comprising the step of:

interactively controlling said controllable application on said client workstation via inter-process communications between said browser and said controllable application [*see Figs. 7a-7c; also see the discussion throughout col. 11, line 30-col. 14, line 20, wherein the client computer interactively controls the handler programs, whereby alternate media can be utilized if the capabilities of the handler programs are not appropriate to handle the media; also see col. 15, lines 36-43*].

Regarding ***claim 3***, Cohen discloses the method discussed above in claim 2, and further teaches that the communications to interactively control said controllable application continue to be exchanged between the controllable application and the browser even after the controllable application program has been launched [*see Figs. 6, and 7a-7c; also see the discussion throughout col. 11, line 30-col. 14, line 20, wherein the client computer interactively controls the handler programs, whereby alternate media*

can be utilized if the capabilities of the handler programs are not appropriate to handle the media; also see col. 15, lines 36-43].

Regarding ***claim 6***, Cohen discloses a computer program product for use in a system having at least one client workstation and one network server coupled to said network environment, wherein said network environment is a distributed hypermedia environment [*see col. 4, lines 20-55, wherein "The link tags described herein specify hypertext links which are created within on-line documents and between on-line documents....Hypertext links connect elements in one part of an on-line document to elements in another part of the same document or in a separate on-line document or in an external file or database."; also see col. 9, lines 27-30, wherein "The softcopy book file 100 can be downloaded from a host through the LAN interface 210 to the workstation 200"*], the computer program product comprising:

a computer usable medium having computer readable program code physically embodied therein [*see col. 9, lines 6-13, wherein "Also stored in the memory 220 is the softcopy book READ program 400 of Fig. 6, the I/O handler programs 500, 530, and 560 of Figs. 7a, 7b, and 7c, respectively, and the drivers and operating system 590. The CPU 204 of Fig. 4, executes the instructions embodied in the program 400 and in the handler programs 500, 530, and 560, in accordance with the invention."*], said computer program product further comprising:

computer readable program code for causing said client workstation to execute a browser application [*whereby workstation 200 executes the BookManager READ program seen in Figs. 6-7c, which can be interpreted as a "browser application", as*

further discussed below] to parse a first distributed hypermedia document to identify text formats included in said distributed hypermedia document and to respond to predetermined text formats to initiate processes specified by said text formats [*see col. 2, lines 10-26; also see Figs. 1a and 1b; also see col. 6, lines 7-64*];

computer readable program code for causing said client workstation to utilize said browser to display, on said client workstation, at least a portion of a first hypermedia document received over said network from said server, wherein the portion of said first hypermedia document is displayed within a first browser-controlled window on said client workstation [*see col. 10, lines 12-29, wherein "In step 410, the page of text from the softcopy book is displayed on the display 208."*],

wherein said first distributed hypermedia document includes an embed text format [*interpreted as the multimedia link description tags LDESC included within the document, see col. 5, lines 8-38, wherein "The BookMaster tags are improved upon, in accordance with the invention, to provide a new multimedia link description tag LDESC in the prologue of the document..."; also see col. 7, lines 22-30, wherein "The link tag :L and its matching end tag :eL enclose a word or phrase in the body of the document that the author wants to create a link from. The LID attribute refers to one or more LDESC document link tags."*], located at a first location in said first distributed hypermedia document, that specifies the location of at least a portion of an object external to the first distributed hypermedia document [*see Fig. 4a, wherein the Internal Graphics Object 110, seen in Fig. 1e, is external to the Book Text with Tags 104, seen in Fig. 1b; also see col. 8, lines 16-26, wherein "the external video object 195 which would be stored in another storage medium separate from that for the softcopy book file 100"; also see col. 15, lines*

31-43, wherein The resulting invention provides a generalized link from a reference point within an organized hierarchy of text in a softcopy on-line book, to an arbitrary multimedia object within the softcopy book, or alternately from external files or external data bases."],

wherein said object has type information associated with it utilized by said browser to identify and locate an executable application external to the first distributed hypermedia document [*see Fig. 1a, whereby the external executable application is specified as "DATA = 'graph.exe\GOCA FORMAT C'", seen in Fig. 1a, wherein the graph.exe program is external to the hypermedia document*], and

wherein said embed text format is parsed by said browser to automatically invoke said executable application to execute on said client workstation in order to display said object and enable interactive processing of said object within a display area created at said first location within the portion of said first distributed hypermedia document being displayed in said first browser-controlled window [*see steps 410-426 in Fig. 6 and steps 562-578 in Fig. 7c; also see col. 10, lines 33-60, wherein "In step 412, the link tags are located in the softcopy book text. In particular, the link tags 164, 168, and 172 in the book text of Fig. 1b are located. Then in step 414, a determination is made as to whether any link tags have a link description with the AUTOLAUNCH parameter equaling "yes" in the corresponding link descriptor tag....In step 416 of Fig. 6, if an AUTOLAUNCH parameter is equal to "yes", then the program gets the DATA string from the link description. Reference to Fig. 1a will show that the link description tag 150 has the DATA = 'graph.exe \ GOCA Format C'.... With reference to the graphic object type link descriptor 150 of Fig. 1a, the string 'graph.exe \GOCA Format C' is output by the*

softcopy book READ program 400 to begin execution of the specified I/O handler program, namely graph.exe, whose flow diagram handler program is shown in Fig. 7c."; *also see col. 13, lines 52-67, wherein "In step 566, the data string is parsed to identify if the graphic software support specified by the author in the link descriptor 150, is present in this workstation."*].

However, Cohen does not expressly state that the application run by the workstation that parses the text data and invokes the object to enable interactive processing of the object within a display area, is specifically a **browser application**. Contrarily, Cohen does state in col. 1, lines 29-40 that "The BookManager READ product can then manage, search, and show the on-line books created by BookManager Build." It is noted that this is the same functionality as a browser application. Furthermore, NCSA Mosaic discloses a method for running an application program in a computer network environment, whereby the method utilizes a browser to display, on said client workstation, at least a portion of a first hypermedia document received over said network from said server, wherein the portion of said first hypermedia document is displayed within a first browser-controlled window on said client workstation [*see Fig. 1; also see page 463, col. 1, 1st paragraph, wherein "As a distributed hypermedia browser designed for information discovery and retrieval, NCSA Mosaic provides a unified interface to the diverse protocols, data formats, and information archives used on the Internet."*] Further, as read on page 463, col. 1, 3rd paragraph, NCSA Mosaic states "The NCSA Mosaic interface is based on the idea of hypermedia, where electronic links known as hyperlinks are embedded in richly formatted documents that can include full-

color images and sounds. **These documents are presented to users like the pages of an interactive, scrollable, online book.**" [Emphasis added.]

Thus, at the time of the invention, one of ordinary skill in the art would consider the BookManager READ program of Cohen as a "browser application". The NCSA Mosaic browser application, which presents hypermedia documents "that can include full color images and sounds" to users in "pages like an interactive, scrollable, on-line book", include the same basic functions as the BookManager READ product, which also presents full color images and sounds within hypermedia documents, and manages, searches, and shows on-line books to users. Therefore, the BookManager READ product, taught by Cohen, can be considered as an equivalent to a browser application, as shown by the NCSA Mosaic reference, thus obtaining the invention as specified in claim 6.

Regarding ***claim 7***, Cohen discloses the computer program product discussed above in claim 6, and further teaches that said executable application is a controllable application [*see the discussion throughout col. 11, line 30-col. 14, line 20, whereby the executable application, being the I/O handler programs are "controllable"*] and further comprising:

computer readable program code for causing said client workstation to interactively control said controllable application on said client workstation via inter-process communications between said browser and said controllable application [*see Figs. 7a-7c; also see the discussion throughout col. 11, line 30-col. 14, line 20, wherein*

the client computer interactively controls the handler programs, whereby alternate media can be utilized if the capabilities of the handler programs are not appropriate to handle the media; also see col. 15, lines 36-43].

Regarding ***claim 8***, Cohen discloses the computer program product discussed above in claim 7, and further teaches that the communications to interactively control said controllable application continue to be exchanged between the controllable application and the browser even after the controllable application program has been launched [*see Figs. 6, and 7a-7c; also see the discussion throughout col. 11, line 30-col. 14, line 20, wherein the client computer interactively controls the handler programs, whereby alternate media can be utilized if the capabilities of the handler programs are not appropriate to handle the media; also see col. 15, lines 36-43*].

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

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

Claims 4, 5, 9, and 10 are confirmed as patentable.

33. With respect to dependent ***claims 4 and 9***, the examiner believes that it would not have been obvious to one of ordinary skill in the art at the time of the invention to have the method and computer program product, as claimed, further include the features of issuing one or more commands to the network server from the client workstation, executing the one or more instructions on the network server, and sending the information from the network server to the client workstation in response to the executed instructions, and processing the information at the client workstation to interactively control the application.

34. As discussed above, the prior art of Cohen can be interpreted as teaching of a system that includes an embed text format that specifies a location of at least a portion of the object external to a hypermedia document, which is further utilized to identify and locate an executable application that is external to the hypermedia document. However, Cohen does not explicitly teach if the external application is located at a server, whereby the instructions would be executed at the server, with the client workstation and server performing the process defined in claims 4 and 9, respectively. Further, the examiner can

find no other teaching that would motivate one of ordinary skill in the art to modify the Cohen teachings so perform these features.

Conclusion

35. **THIS ACTION IS MADE FINAL.**

A shortened statutory period for response to this action is set to expire TWO MONTHS from the mailing date of this action.

Extensions of time under 37 CFR 1.136(a) do not apply in reexamination proceedings. The provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Further, in 35 U.S.C. 305 and in 37 CFR 1.550(a), it is required that reexamination proceedings "will be conducted with special dispatch within the Office."

Extensions of time in reexamination proceedings are provided for in 37 CFR 1.550(c). A request for extension of time must be filed on or before the day on which a response to this action is due, and it must be accompanied by the petition fee set forth in 37 CFR 1.17(g). The mere filing of a request will not effect any extension of time. An extension of time will be granted only for sufficient cause, and for a reasonable time specified.

The filing of a timely first response to this final rejection will be construed as including a request to extend the shortened statutory period for an additional month, which will be granted even if previous extensions have been granted. In no event

however, will the statutory period for response expire later than SIX MONTHS from the mailing date of the final action. See MPEP § 2265.

36. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 5,838,906 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

NOTICE RE PATENT OWNER'S CORRESPONDENCE ADDRESS

Effective May 16, 2007, 37 CFR 1.33(c) has been revised to provide that:

The patent owner's correspondence address for all communications in an *ex parte* reexamination or an *inter partes* reexamination is designated as the correspondence address of the patent.

> *Revisions and Technical Corrections Affecting Requirements for Ex Parte and Inter Partes Reexamination*, 72 FR 18892 (April 16, 2007)(Final Rule)

The correspondence address for any pending reexamination proceeding not having the same correspondence address as that of the patent is, by way of this revision to 37 CFR 1.33(c), automatically changed to that of the patent file as of the effective date.

This change is effective for any reexamination proceeding which is pending before the Office as of May 16, 2007, including the present reexamination proceeding, and to any reexamination proceeding which is filed after that date.

Parties are to take this change into account when filing papers, and direct communications accordingly.

In the event the patent owner's correspondence address listed in the papers (record) for the present proceeding is different from the correspondence address of the patent, it is strongly encouraged that the patent owner affirmatively file a Notification of Change of Correspondence Address in the reexamination proceeding and/or the patent (depending on which address patent owner desires), to conform the address of the proceeding with that of the patent and to clarify the record as to which address should be used for correspondence.

Telephone Numbers for reexamination inquiries:

Reexamination and Amendment Practice	(571) 272-7703
Central Reexam Unit (CRU)	(571) 272-7705
Reexamination Facsimile Transmission No.	(571) 273-9900

37. **All** correspondence relating to this ex parte reexamination proceeding should be directed:

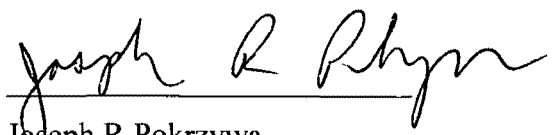
By Mail to: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication should be directed to the Central Reexamination Unit at telephone number 571-272-7705.

Signed:



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