

Exhibit H



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,858	12/22/2005	5838906	6620-66570-01	4371

30080 7590 09/10/2008

LAW OFFICE OF CHARLES E. KRUEGER
P.O. BOX 5607
WALNUT CREEK, CA 94596-1607

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/10/2008

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



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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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)).

Notice of Intent to Issue Ex Parte Reexamination Certificate	Control No.	Patent Under Reexamination	
	90/007,858	5838906	
	Examiner	Art Unit	
	JOSEPH R. POKRZYWA	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 June 2008.**
 - (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: _____.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): 1-10
 - (3) Patent claim(s) cancelled: _____.
 - (4) Newly presented claim(s) patentable: 11-14.
 - (5) Newly presented cancelled claims: _____.
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).
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
PTOL-469 (Rev.08-06)

Notice of Intent to Issue Ex Parte Reexamination Certificate

Part of Paper No 20080808

DETAILED ACTION

Response to Amendment

1. Patent Owner's amendment was received on 6/23/08, and has been entered and made of record. The examiner notes that claims 1-10 originally issued in U.S. Patent Number 5,838,906 (hereafter "the '906 Patent"). With the current amendment dated 6/23/08, claims 1, 4, 5, 6, 9, and 10 were amended and claims 11-14 were newly added. Thus, currently, claims 1-14 are pending, and are the subject of the current reexamination proceeding.

Brief Summary of the Instant Proceedings

2. 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").

Art Unit: 3992

3. Subsequently, the Patent Owner submitted a Declaration under 37 CFR 1.131 on 10/1/07, which establishes the invention prior to August 16, 1994, being the date utilized as the publication date of the previously cited Viola reference. With that, in the Office action dated 4/18/08, the examiner withdrew the rejection of claims 1-10 as being anticipated by the Viola reference, but maintained the rejection of claims 1-3 and 6-8 as being unpatentable over Cohen in view of NCSA Mosaic. Finally, the Patent Owner submitted the current amendment dated 6/23/08, which amends claims 1 and 6, and places the noted patentable claims 4, 5, 9, and 10 in independent form.

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

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

Claims 1-14 are deemed as patentable, as amended.

With the amendment dated 6/23/08, *claims 1, 4, 5, 6, 9, and 10* are independent.

With respect to independent *claims 1 and 6*, in the examiner's opinion, based on the prior art of record, it would not have been obvious to have the system, as claimed, include the features of an embed text format being parsed by the browser to automatically invoke the executable

Art Unit: 3992

application to execute on the client workstation in order to display the object and enable an end-user to directly interact with the object within a display area created at the first location within the portion of the hypermedia document within the browser controlled window. The examiner notes that the closest prior art, Cohen (U.S. Patent Number 5,367,621), utilizes the IBM BookManager system, whereby Cohen teaches of the AUTOLAUNCH function, which automatically launches an object, whereby the system can automatically invoke multimedia objects, such as “photographic quality graphics, motion video, or sound”, as read in col. 2, lines 50-66.

However, Cohen does not specifically disclose the feature of allowing an end-user to directly interact with the object within the display area of the browser window after the object is automatically invoked. Cohen shows that the graphic 190', as seen in Fig. 4b is automatically invoked. However, there is no indication that an end-user can directly interact with this graphic. Further, the specification of Cohen discusses inserting an audio object “eleph_sound.Audio 1 – Elephant's trumpet” and a movie object “eleph_movie.Motion Picture of African Elephant family”, as seen in Fig. 1b. But these examples are not automatically invoked using the AUTOLAUNCH function, and if they would be set to AUTOLAUNCH, there is no indication in Cohen that would provide the function allowing the end-user to directly interact with the automatically invoked object.

As noted in the specification of the '906 Patent in col. 7, lines 12-15 “Also, the user is able to rotate, scale and otherwise reposition the viewpoint with respect to these images without

Art Unit: 3992

exiting the hypermedia browser software.” There is no indication in Cohen that the BookManager READ program allows the end-user to perform this direct interaction of the object once the multimedia is launched automatically. Further, the examiner can find no other teaching in the prior art of record that would motivate one of ordinary skill in the art to modify the Cohen teachings so as to allow the end-user to directly interact with the automatically invoked object. Therefore, because of this feature that was added in the amendment dated 6/23/08, the invention defined in claims 1 and 6 is rendered as patentable.

With respect to independent *claims 4, 5, 9, and 10*, 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.

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

Art Unit: 3992

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. Therefore, because of these features, the invention defined in now independent claims 4, 5, 9, and 10 is rendered as patentable.

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.

Art Unit: 3992

Conclusion

4. ALL correspondence relating to this ex parte reexamination proceeding should be directed as follows:

Please mail any communications to:

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

Please FAX any communications to:

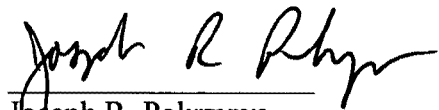
(571) 273-9900
Central Reexamination Unit

Please hand-deliver any communications to:

Customer Service Window
Attn: Central Reexamination Unit
Randolph Building, Lobby Level
401 Dulany Street
Alexandria, VA 22314

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.

Signed:



Joseph R. Pokrzywa
Primary Patent Examiner
Central Reexamination Unit 3992
(571) 272-7410

Conferees :

ESK
RGF