

Exhibit 6

July 14, 2010 Order entered by the USPTO granting *ex parte* reexamination of U.S. Patent No. 5,315,703.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 90/010,967      | 04/28/2010  | 5315703              | 0919/01032          | 8070             |

7590 07/14/2010

JAMES A. WARD, PATENT COUNSEL OBJECT  
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EXAMINER

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

DATE MAILED: 07/14/2010

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

|  |                                       |  |  |
|--|---------------------------------------|--|--|
| <b>Order Granting / Denying Request For<br/>Ex Parte Reexamination</b> | <b>Control No.</b><br>90/010,967      | <b>Patent Under Reexamination</b><br>5315703 |  |
|  | <b>Examiner</b><br>Christina Y. Leung | <b>Art Unit</b><br>3992                      |  |

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

The request for *ex parte* reexamination filed 28 April 2010 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a)  PTO-892,      b)  PTO/SB/08,      c)  Other: \_\_\_\_\_

1.  The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2.  The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 ( c ) will be made to requester:

- a)  by Treasury check or,
- b)  by credit to Deposit Account No. \_\_\_\_\_, or
- c)  by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

|   |  |  |
|---|--|--|
| /Christina Y. Leung/<br>Primary Examiner, Art Unit 3992 |  |  |
| cc:Requester ( if third party requester )               |  |  |

## DECISION GRANTING EX PARTE REEXAMINATION

### *Decision on the Request*

The present request for *ex parte* reexamination raises a substantial new question of patentability with respect to **claims 1-14** of United States Patent 5,315,703 to Matheny.

### *References Cited in the Request*

**Cohen** (Cohen et al., "Version Management in Gypsy," ACM, pp. 201-215, 1988)

**Bernstein** (US 5,204,947 A)

### *Issues Raised by the Request*

#### **Issue 1**

The request alleges that Cohen alone raises a substantial new question of patentability with respect to claims 1, 2, 6, 8, 9, and 13.

#### **Issue 2**

The request alleges that Cohen in view of Bernstein raises a substantial new question of patentability with respect to claims 1-14.

### *The Matheny Patent*

The Matheny patent is generally directed to a system for an object based notification system. Claim 1 is representative:

1. An object-oriented notification framework system, comprising:
  - (a) means for connecting a plurality of objects to a notification source;
  - (b) memory means for storing connection information for the plurality of objects in a connection object of an object-oriented operating system;

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(c) means for registering connection information, including registration information indicative of a notification status, in the connection object of the object-oriented operating system;

(d) means for selectively dispatching notification to at least one of the plurality of objects based on the registration information stored in the connection object of the object-oriented system; and

(e) means for the at least one of the plurality of objects to receive the notification and take action based on the notification.

### *Prosecution History*

Claims 1-14 are the current claims in the Matheny patent, which issued 24 May 1994 from application 07/996,782 filed 23 December 1992.

**23 December 1992:** Applicant originally filed claims 1-14.

**27 July 1993:** Examiner rejected claims 1, 2, 8, and 9 under 35 U.S.C. 102 as being anticipated by Microsoft Systems Journal ("Microsoft Systems Journal, A Presentation Manager Primer," vol. 5, no. 1, p. 14, January 1990); and claims 3-7 and 10-14 under 35 U.S.C. 103 as being unpatentable over Microsoft Systems Journal in view of Microsoft Windows User's Guide ("Microsoft Windows User's Guide," version 3, pp. 52 and 83-85, 1990-1992).

**17 September 1993:** Applicant amended claims 1-8 and added new claims 15-23.

**13 December 1993:** Examiner amended claims 3 and 10 to correct informalities and canceled claims 15-23 by Examiner's Amendment. Examiner allowed claims 1-14 without an explicit statement of reasons for allowance.

### *Detailed Analysis*

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**Claims 1-14** will be reexamined. In view of the prosecution history, a substantial new question of patentability is raised by the evaluation of a prior art reference (or a combination of prior art references) that teaches the features and limitations added to the claims in the 17 September 1993 amendment. Specifically, these limitations include means for registering connection information, including registration information indicative of a notification status, in the connection object of the object-oriented system; and means for selectively dispatching notification to at least one of the plurality of objects based on the registration information stored in the connection object of the object-oriented system.

### **Issues 1 and 2**

Cohen is new prior art. Cohen teaches, among other things, means for registering connection information including registration information indicative of a notification status (i.e., Cohen discloses that an action associated with an event may comprise a notification; page 210, "9. Event Management") Cohen also teaches means for selectively dispatching notification to at least one of the plurality of objects based on the registration information (i.e., Cohen discloses that an Event Manager triggers an action such as notification when an event is detected; pages 210-211, "9.1. Object-Oriented Event Handling"). Since these teachings are directly related to subject matter considered the basis for allowability of claims 1-14, a reasonable examiner would consider evaluation of Cohen important in determining the patentability of the claims. Therefore, Cohen, alone or in view of Bernstein, raises a substantial new question of patentability with respect to claims 1-14.

### ***Conclusion***

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Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

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. 5,315,703 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

**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.

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/Christina Y. Leung/

Primary Examiner, Art Unit 3992

/D. M. H./

Primary Examiner, Art Unit 3992

ESK



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|--|---------|----|---|--------------------------|-----------------------|--|
| Substitute for form 1449/PTO<br>(Revised 07/2007)<br><br><b>INFORMATION DISCLOSURE<br/>         STATEMENT BY APPLICANT</b><br><i>(Use as many sheets as necessary)</i> |         |    |   | <b>Complete if Known</b> |                       |  |
|  |         |    |   | Application Number       | 07/996,782            |  |
|  |         |    |   | Filing Date              | Dec. 23, 1992         |  |
|  |         |    |   | Patent Number            | 5,315,703 (Exhibit A) |  |
|  |         |    |   | Issue Date               | May 24, 1994          |  |
|  |         |    |   | First Named Inventor     | Matheny et al.        |  |
|  |         |    |   | Art Unit                 | 2317                  |  |
| Examiner Name  | D. Shaw |    |   |                          |                       |  |
| Sheet  | 1       | of | 1 | Attorney Docket Number   | 0919/01032            |  |

**U. S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. | Document Number<br>Number - Kind Code (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>of Relevant Figures<br>Appear |
|--------------------|----------|--|--------------------------------|--|--|
| /CL/               | 1        | US-5,204,947 (Exhibit C)                         | 04-20-1993                     | Bernstein et al.                                   |  |
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**OTHER DOCUMENTS**

| Examiner Initials* | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s) , volume-issue number(s), publisher, city and/or country where published. | English Language Translation Attached |
|--------------------|----------|--|---------------------------------------|
| /CL/               | 2        | COHEN et al., Version Management in Gypsy, 1988, Pages 201-215, ACM (Exhibit B)  |                                       |
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|--------------------|-------------------|-----------------|------------|
| Examiner Signature | /Christina Leung/ | Date Considered | 07/08/2010 |
|--------------------|-------------------|-----------------|------------|

\*Examiner: Initial if reference 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.