

Exhibit 8

April 28, 2010 Order entered by the USPTO Granting *ex parte* reexamination of U.S. Patent No. 7,469,381.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,963	04/28/2010	7469381	0919/01028	8062

61725            7590            07/14/2010  
Morgan Lewis & Bockius LLP/ AI  
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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 Ex Parte Reexamination</b>	<b>Control No.</b> 90/010,963	<b>Patent Under Reexamination</b> 7469381	
	<b>Examiner</b> Christina Y. Leung	<b>Art Unit</b> 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/ Primary Examiner, Art Unit 3992		
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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 1-20** of United States Patent 7,469,381 to **Ording**.

### *References Cited in the Request*

**Glimpse** (Forlines et al., "Glimpse: A Novel Input Model for Multi-Level Devices," Conference on Human Factors in Computing Systems CHI '05, Association for Computing Machinery, 2005, pp. 1375-1378)

**Inside Out** (Millhollon et al., "Microsoft Office Word 2003 Inside Out," Microsoft Press, 2004, pp. 13-16, 93, 762-765, 802-804)

**Robbins** (US 2005/0195154 A1)

**Zimmerman** (US 6,690,387 A)

### *Issues Raised by the Request*

#### **Issue 1**

The request alleges that Glimpse in combination with Inside Out raises a substantial new question of patentability with respect to claims 1-11, 13, 14, 16, 17, 19, and 20.

#### **Issue 2**

The request alleges that Glimpse in combination with Inside Out and Robbins raises a substantial new question of patentability with respect to claims 1-11, 13-17, 19, and 20.

#### **Issue 3**

The request alleges that Glimpse in combination with Inside Out, Robbins, and Zimmerman raises a substantial new question of patentability with respect to claims 5, 9, 11, 12, 15, and 18.

### *The Ordning Patent*

The Ordning patent is generally directed to method and computer-readable instructions for displaying an electronic document on a touch screen display in response to movement of an object on or near the touch screen. Claim 1 is representative:

1. A computer-implemented method, comprising:

at a device with a touch screen display:

displaying a first portion of an electronic document;

detecting a movement of an object on or near the touch screen display;

in response to detecting the movement, translating the electronic document displayed on the touch screen display in a first direction to display a second portion of the electronic document, wherein the second portion is different from the first portion;

in response to an edge of the electronic document being reached while translating the electronic document in the first direction while the object is still detected on or near the touch screen display:

displaying an area beyond the edge of the document, and displaying a third portion of the electronic document, wherein the third portion is smaller than the first portion; and

in response to detecting that the object is no longer on or near the touch screen display, translating the electronic document in a second direction until the area beyond the edge of the

electronic document is no longer displayed to display a fourth portion of the electronic document, wherein the fourth portion is different from the first portion.

### ***Prosecution History***

Claims 1-20 are the current claims of the Ording patent, which issued 23 December 2008 from application 11/956,969 filed 14 December 2007. Application 11/956,969 claims priority to provisional applications 60/937,993 filed 29 June 2007; 60/946,971 filed 28 June 2007; 60/945,858 filed 22 June 2007; 60/879,469 filed 08 January 2007; 60/883,801 filed 07 January 2007; and 60/879,253 filed 07 January 2007.

**14 December 2007:** Applicant originally filed claims 1-20.

**18 April 2008:** The Office granted Applicant's petition for accelerated examination.

**30 April 2008:** Applicant filed an examination support document, citing Zimmerman (US 6,690,387 A), Kwatinetz (US 5,495,566 A), Pallakoff (US 2005/0012723 A1), and Miller ("Personal Java Application Environment," 1999) as references deemed most closely related to the claims.

**02 June 2008:** Examiner initiated an interview with Applicant and discussed Zimmerman, Microsoft Word screenshots, and Collins (US 2008/0104544 A1). Applicant agreed to amend the independent claims to include "in response to detecting that the object is no longer on or near the touch screen display, translating the document in a second direction until the area beyond the edge of the document is no longer displayed."

**04 August 2008:** Examiner initiated an interview with Applicant and discussed Photo Mesa screenshots and Jaeger (US 2004/0027398 A1). Applicant proposed amended claims, and Examiner agreed that they were allowable over the cited art.

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**29 October 2008:** Examiner amended claims 1, 2, 19, and 20 by Examiner's amendment and allowed claims 1-20, noting that:

“In regards to the independent claims 1, 19 and 20, the prior art found does not teach in response to an edge of the electronic document being reached while translating the electronic document in the first direction while the object is still detected on or near the touch screen display: displaying an area beyond the edge of the document, and displaying a third portion of the electronic document, wherein the third portion is smaller than the first portion; and in response to detecting that the object is no longer detected on or near the touch screen display, translating the electronic document in a second direction until the area beyond the edge of the electronic document is no longer displayed to display a fourth portion of the electronic document, wherein the fourth portion is different from the first portion; in combination with all of the other claim limitations.”

#### *Detailed Analysis*

**Claims 1-20** 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 independent claims 1, 19, and 20 in the 29 October 2008 Examiner's amendment and highlighted in Examiner's reasons for allowance. Specifically, these limitations include displaying an area beyond the edge of the document, and displaying a third portion of the electronic document, wherein the third portion is smaller than the first portion, if the edge of the electronic document is reached while translating the electronic document in the first direction while the object is still detected on or near the touch screen display; and translating the electronic document in a second direction until the area

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beyond the edge of the electronic document is no longer displayed to display a fourth portion of the electronic document, wherein the fourth portion is different from the first portion, in response to detecting that the object is no longer on or near the touch screen.

### **Issues 1-3**

Glimpse, Inside Out, and Robbins are new prior art. Zimmerman was previously cited by the examiner but was not considered in combination with Glimpse, Inside Out, and Robbins. Glimpse teaches, among other things, translating an electronic document on a touch screen in a first direction to display a second portion of the document different from the first portion when an object is on or near the touch screen. Glimpse further teaches translating the document in a second direction to display another portion of the document, different from the first portion, when the object is no longer on or near the touch screen (i.e., Glimpse teaches panning back to a saved state when contact is broken with the screen; page 1377). Inside Out teaches, among other things, displaying an area beyond the edge of an electronic document and displaying a portion of the document smaller than a first portion if the edge of the document is reached while translating the document in a first direction (page 764).

Since these teachings are directly related to subject matter considered the basis for allowability of claims 1-20, a reasonable examiner would consider evaluation of Glimpse in combination with Inside Out important in determining the patentability of the claims. Therefore, Glimpse in combination with Inside Out only, or with Inside Out and further references, raises a substantial new question of patentability with respect to claims 1-20.



***Conclusion***

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. 7,469,381 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

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

/Christina Y. Leung/

Primary Examiner, Art Unit 3992

/D. M. H./

Primary Examiner, Art Unit 3992

ESIC

Substitute for form 1449/PTO (Revised 07/2007)  <b>INFORMATION DISCLOSURE          STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	11/956,969
				Filing Date	December 14, 2007
				Patent Number	7,469,381 (Exhibit A)
				Issue Date	December 23, 2008
				First Named Inventor	Ording
				Art Unit	2174
Examiner Name	B. Pesin				
Sheet	1	of	1	Attorney Docket Number	0919/01028
<b>U. S. PATENT DOCUMENTS</b>					
Examiner Initials*	Cite No.	Document Number Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages of Relevant Figures Appear
/CL/	1	US-2005/0195154 A1 (Exhibit D)	09-08-2005	Robbins et al.	
/CL/	2	US-6,690,387 B2 (Exhibit E)	02-10-2004	Zimmerman et al.	
<b>OTHER DOCUMENTS</b>					
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/	3	FORLINES et al., Glimpse: A Novel Input Model for Multi-Level Devices, April 2005, 6 pages total, Mitsubishi Electric Research Laboratories, Cambridge, MA (Exhibit B)			
/CL/	4	MILLHOLLON et al., Microsoft Office Word 2003 Inside Out, 2003, Microsoft Press, Redmond, Washington, pages 93, 762-765. (Exhibit C)			
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.