

# Exhibit 2006

in LG Electronics Inc. v. Mondis Technology Ltd, IPR2015-00938

Decision Instituting *Ex Parte* Reexamination 90/013,478 (mailed May 27, 2015)



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/013,478	03/27/2015	6549970		6631

37509 7590 05/27/2015  
DECHERT LLP  
P.O. BOX 390460  
MOUNTAIN VIEW, CA 94039-0460

EXAMINER
----------

GAGLIARDI, ALBERT J

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

3992

MAIL DATE	DELIVERY MODE
-----------	---------------

05/27/2015

PAPER

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

The time period for reply, if any, is set in the attached communication.



**DO NOT USE IN PALM PRINTER**

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

MAYER BROWN LLP

P.O. BOX 2828

CHICAGO, IL 60690

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/013,478.

PATENT NO. 6549970.

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)).

The present application is being examined under the pre-AIA first to invent provisions.

## **DECISION GRANTING EX PARTE REEXAMINATION**

### ***Decision on Request***

A substantial new question of patentability affecting claims 1-17, 22, 24, 26 and 29 of US Patent 6,549,970 to Arai *et al.* (hereafter *Arai '970*) is raised by the Third Party request for *ex parte* reexamination.

### ***Principal References Cited in the Request***

Nadan – US 5,321,750 (*Nadan*)

Wasti *et al.* – EP 0 525 363 B1 (*Wasti*)

Takui, Satoru – EP 0 498 995 (*Satoru Takui*)

Lien *et al.* – US 5,386,567 (*Lien*)

Baji *et al.* – US 5,027,400 (*Baji*)

Welk – US 4,549,172 (*Welk*)

Takashi – JP H4-37787 (*Takahashi*)

Schmidt *et al.* – US 5,285,197 (*Schmidt*)

### ***Issues Raised by Request***

#### **Issue A – *Nadan***

The requester alleges (pages 41-59) that *Nadan* alone raises a substantial new question of patentability regarding at least claims 1-4, 14-17 and 22.

#### **Issue B – *Nadan* in view of *Schmidt***

The requester alleges (pages 59-68) that *Nadan* in view of *Schmidt* raises a substantial new question of patentability regarding at least claims 5-13.

#### **Issue C – *Nadan* in view of *Takahashi***

The requester alleges (pages 69-75) that *Nadan* in view of *Takashi* raises a substantial new question of patentability regarding at least claims 24, 26 and 29 5-13.

#### **Issue D – *Wasti***

The requester alleges (pages 75-102) that *Wasti* alone (anticipation) raises a substantial new question of patentability regarding at least claims 1-17 and 22.

#### **Issue E – *Wasti***

The requester alleges (pages 102-104) that *Wasti* alone (obviousness) raises a substantial new question of patentability regarding at least claims 1-17 and 22.

#### **Issue F – *Wasti* in view of *Takahashi***

The requester alleges (pages 104-111) that *Wasti* in view if *Takashi* raises a substantial new question of patentability regarding at least claims 24, 26 and 29.

#### **Issue G – *Baji***

The requester alleges (pages 111-119) that *Baji* alone (anticipation) raises a substantial new question of patentability regarding at least claim 22.

**Issue H – *Lien***

The requester alleges (pages 119-124) that *Lien* alone (anticipation) raises a substantial new question of patentability regarding at least claim 22.

**Issue I – *Lien***

The requester alleges (page 124) that *Lien* alone (obviousness) raises a substantial new question of patentability regarding at least claim 22.

**Issue J – *Satoru Takui* in view of *Lien***

The requester alleges (pages 124-135) that *Satoru Takui* in view of *Lien* raises a substantial new question of patentability regarding at least claims 1-4, 16, 17 and 22.

**Issue K – *Satoru Takui* in view of *Lien* and *Schmidt***

The requester alleges (pages 135-141) that *Satoru Takui* in view of *Lien* and *Schmidt* raises a substantial new question of patentability regarding at least claims 5-14.

**Issue L – *Satoru Takui* in view of *Lien* and Admitted Prior Art**

The requester alleges (pages 141-147) that *Satoru Takui* in view of *Lien* and the admitted prior art raises a substantial new question of patentability regarding at least claims 15, 24, 26 and 29.

**Issue M – *Satoru Takui* in view of *Welk***

The requester alleges (pages 147-162) that *Satoru Takui* in view of *Welk* raises a substantial new question of patentability regarding at least claims 1-4, 14, 16-17 and 22.

**Issue N – *Satoru Takui* in view of *Welk* and *Schmidt***

The requester alleges (pages 162-168) that *Satoru Takui* in view of *Welk* and *Schmidt* raises a substantial new question of patentability regarding at least claims 5-13.

Art Unit: 3992

**Issue O – Satoru Takui in view of Welk and Admitted Prior Art**

The requester alleges (pages 168-175) that *Satoru Takui* in view of *Welk* and the admitted prior art raises a substantial new question of patentability regarding at least claims 15, 24, 26 and 29.

***The Arai '970 Patent***

The *Arai '970* patent is generally directed to a display unit with a communication control circuit for enabling bi-directional communication with an externally connected computer, wherein the control circuit may compare identification information previously stored in the display and the computer, and prohibit communication between the computer with respect to the display control. Claims 1, 22, and 24 are representative:

**Claim 1.** A display unit having a communication control circuit for communicating with an externally connected computer, wherein said communication control circuit comprises: comparing means for comparing a first identification information which is previously stored in said display unit and a second identification information which is previously stored in said computer and is sent from said computer; and a communication prohibition means for prohibiting communication between said computer with respect to display control of said

Art Unit: 3992

display unit, when said first and second identification information do not match as a result of the comparison by said comparing means; wherein said communication control circuit enables bi-directional communication with said display unit and said computer.

**Claim 22.** A method of communicating between a display unit and a video source from which video signals are sent to the display unit for display, the method comprising the steps of: communicating display unit information stored in a memory of the display unit from the display unit to the video source, wherein said display unit information includes an identification number for uniquely identifying the display unit; and sending a signal from the video source to the display unit, wherein said signal is generated based on the display unit information, wherein information is bi-directionally communicated with the video source and the display unit.



Art Unit: 3992

**Claim 24.** A display unit according to claim 23,  
further comprising a deflection circuit, wherein the  
processor generates control signals for the deflection  
circuit.

### ***Pertinent Prosecution History***

Claims 1-17, 22, 24, 26 and 29 are the current<sup>1</sup> claims of the *Arai '970* patent which issued April 15, 2003 from Application No. 09/732,291 filed on December 8, 2000.

The *Arai '970* patent is part of a large family of applications, with a long priority chain that extends back to Application No. 08/190,848, filed February 3, 1994. **The *Arai '970* patent is expired.** The prosecution history chain includes Continuation-in-Part application No. 09/265,363, filed March 10, 1999.

During the original prosecution of the 09/732,291 application, the examiner issued a Non-Final action (7/5/2001) in which at least application claims 3, 6, 11 and 17 and 18-35 were considered to contain allowable subject matter. The examiner indicated that the claims were considered allowable because the cited prior art did not fairly suggest a communications control circuit that enable bi-directional communication with the display and computer.

In an Amendment and Response (12/05/2001) applicant amended the claims in accordance with the previous office action such that application claims 1, 2, 4, 5, 7-10, and 12-16 were asserted to be allowable; maintained allowable claims 18-26, and presented new claims

---

<sup>1</sup> The current claims reflect the status as a result of IP Reexam 95/000,457, though the Certificate was not issued at time of the Order.

Art Unit: 3992

36-39 asserted to be allowable. Previously objected to claims 3, 6, 11 and 17, and allowable claims 27-35 were cancelled.

A first Notice of Allowance (4/22/2002) was issued indicating claims 1-26 (renumbered) as allowed. The examiner reiterated that the claims were considered allowable because the cited prior art did not fairly suggest a communications control circuit that enabled bi-directional communication with the display and computer.

Following a first RCE and Amendment, a second Notice of Allowance (6/28/2002) was issued also indicating claims 1-26 (renumbered) as allowed. Following a second RCE and Amendment (8/5/2002) adding 3 new claims (renumbered as claims 27-29), and another Amendment (9/24/2002) amending original claim 23 (before renumbering), a third Notice of Allowance (10/2/2002) was issued indicating claims 1-29 (renumbered) as allowed.

The *Arai* '970 patent was the subject of *Inter Partes* reexamination proceeding 95/000,457. As a result of the previous reexamination proceeding claims 19-21, 23, 25, 27 and 28, have been/will be cancelled; and claim 22 has/will be confirmed as patentable. Claims 1-17, 24, 26 and 29 were not subject to the previous reexamination proceeding.

In confirming claim 22 as patentable, the examiner indicated in the Action Closing Prosecution (9/2/2011) that the cited prior art relied upon did not fairly suggest the limitation wherein the display unit information includes an identification number for uniquely identifying the display module (ACP at pages 15-16 and 25-27). At least the *Schmidt* and *Moriconi* references were cited and relied upon in the previous reexamination proceeding, and are considered as "old art" relative to currently requested claim 22.

The Arai '970 patent was also the subject of court proceeding *Mondis Tech, Ltd v. LG Electronics, Inc., et al.*, 2:07-cv-565-TJW (E.D. Tex.) wherein patent claim 18 was finally determined to be invalid.

In addition to the 95/000,457 proceeding, several related patents in the same patent family have been the subject of recent *Inter Partes* reexamination proceedings. These include: Arai *et al.* 7,089,342 (95/000458); Arai *et al.* 6,513,088 (95/000,459); Arai *et al.* 7,475,180 (95/000,480); and Arai *et al.* 7,475,181 (95/000,481). In these related proceedings, the Patent Trial and Appeals Board adopted specific claim constructions for several common terms found in the related patents.<sup>2</sup>

Subsequent to the issuance of the NIRC in the 95/000,457 IP proceeding, a new *ex parte* Reexamination Request (90/013,388) was filed (11/3/2014) and granted (12/24/2014) for claims 1-17, 22, 24, 26 and 29.

A Non-Final Office Action was issued (4/10/2015) rejecting each of claims 1-17, 22, 24, 26 and 29.

### ***Substantial New Question***

In view of the prosecution history, it is considered that for claims 1-17, 22, 24, 26 and 29, the a prior art reference (or combination of references) that teaches or suggests at least a display unit with a communication control circuit for communicating with an externally connected computer, wherein the communication control circuit is configured to allow for comparing identification information previously stored in the display with identification information

---

<sup>2</sup> A listing of the terms can be found in the 90/013,388 Request at pages 4-7.

Art Unit: 3992

previously stored in the computer, and further wherein the a communication control circuit enables bi-directional communication with the display unit and the computer would raises a substantial new question of patentability.

With regard to previously reexamined claim 22, it is considered that the prior art reference or combination of references would also need to teach or suggest at least the additional limitation wherein the information stored in the display includes an identification number for uniquely identifying the display unit in order to raise a substantial new question of patentability.

With regard to claims 24, 26 and 29, it is considered that the prior art reference or combination of references would also need to teach or suggest at least the additional limitation of the display unit including a deflection circuit, wherein the control processor for the display generates control signals for the deflection signal in order to raise a substantial new question of patentability.

Note: This request for reexamination is being made before the conclusion of earlier filed reexamination proceeding 90/013,388. In order for this subsequent request for reexamination to be granted, this request must independently provide at least one substantial new question of patentability which is different from that raised in the pending reexamination (see MPEP §2242).

## ***Detailed Analysis***

### **Issue A – Nadan**

The *Nadan* patent is a new reference not previously applied against any of claims 1-4, 14-17 and 22 during the prosecution of the Arai '090 patent application, or any of the subsequent reexamination proceedings.

The *Nadan* patent is directed to a system for distribution and display of information, wherein the information is distributed in a secure and restricted manner (col. 1, lines 24-28).

*Nadan* teaches, among other things, a system including a computer (encoder – 12) which communicates with one or more displays (decoder receivers -16), wherein each of the decoder has stored therein at least a unique display identification (DID) code and an information identification (IID) code (col. 8, lines 37-48). *Nadan* teaches that only video information messages sent from the computer that include a DID<sub>R</sub> code that matches the stored DID<sub>O</sub> code will be processed and decoded (see e.g., (col. 23, lines 13-14; col. 24, lines 37-43). *Nadan* further teaches that each decoder may include a unique polling ID such that bi-directional communication between a decoder and the system host is enabled for purposes of issuing messages to a specific decoder or requesting information from a specific decoder (col. 36, lines 8-68). *Nadan* also teaches that the poll message may originate from either the host or the decoder and that any such message will include the unique polling ID (col. 37, lines 52-57). Since these teachings are directly related to subject matter considered as the basis for allowability of at least claims 1-4, 14-17 and 22, a reasonable examiner would consider evaluation of the *Nadan* reference as important in determining the patentability of the claims. As such, it is agreed that the *Nadan* reference raises a substantial new question of patentability with respect to at least claims 1-4, 14-17 and 22 of the *Arai* '970 patent.

It is further noted that the *Nadan* reference is considered to raise a substantial new question of patentability which is new and different from that raised in the pending 90/013,388 proceeding. The examiner notes that in the 90/013,388 proceeding, only the Satoru Takui – EP 0 498 995 alone (i.e., as a single-reference) was considered to raise a substantial new question of

Art Unit: 3992

patentability of at least claims 1-4, 14-17 and 22. That is to say, only *Satoru Takui* and *Nadan* are considered as independently disclosing or suggesting all of the important limitations of claims 1-4, 14-17 and 22 that were determined to be the basis for patentability of the requested claims. Nevertheless, the subject matter of the *Satoru Takui* and *Nadan* patents is so very different (initial ID setting and control of a plurality of series connected projection TVs versus a system for distribution and display of information, wherein the information is distributed in a secure and restricted manner) that a reasonable examiner would consider the *Nadan* reference as independently providing a substantial new question of patentability which is different from (i.e., not cumulative to) the new questions of patentability raised in the pending 90/013,388 proceeding as required by MPEP §2242.

**Issue B – *Nadan* in view of *Schmidt***

As noted above, *Nadan* is considered to raise a substantial new question of patentability with regard to at least claims 1-4, 14-17 and 22. As to claims 5-13, it is noted that during the original prosecution of the *Arai '970* patent, independent claims 5 and 9 were considered allowable for the same as the reasons as independent claim 1. As such, it is agreed that the *Nadan* reference, either alone or in view *Schmidt*, raises a substantial new question of patentability with respect to at least claims 5-13 of the *Arai '970* patent.

**Issue C – *Nadan* in view of *Takahashi***

Claims 24, 26 and 29 are dependent claims that depend from claims 23, 25 and 27. Claims 24, 26 and 29 add the limitation that the display unit includes a deflection circuit wherein the processor for controlling the display unit generates control signals for the deflection circuit. As to claims 23, 25 and 27, it is noted that during the original prosecution of the *Arai '970*

Art Unit: 3992

patent, claims 23, 25 and 27 were considered allowable for the same as the reasons as independent claim 1, and as such, it is considered that the *Nadan* reference raises a substantial new question of patentability with respect to at least claims 23, 25 and 27 of the *Arai '970* patent.

As to the limitation wherein the display includes a deflection circuit, wherein the processor for controlling the display unit generates control signals for the deflection circuit, *Takashi* teaches, as was is well known in the art, that when a display is of the cathode ray tube type (CRT), such displays would typically include a processor (20) and a deflection circuit (18) wherein the processor for control the display unit would generate control signals for the deflection circuit (see generally Fig. 1).

Since *Takahashi* teaches the additional subject matter of claims 24, 26 and 29, reasonable examiner would consider evaluation of the *Nadan* and *Takahashi* references as important in determining the patentability of the claims. As such, it is agreed that the *Nadan* and *Takahashi* references raise a substantial new question of patentability with respect to claims 24, 26 and 29 of the *Arai '970* patent.

#### **Issues D and E – Wasti**

The *Wasti* reference is a new reference not previously applied against any of claims 1-17 and 22 during the prosecution of the *Arai '970* patent application or any of the subsequent reexamination proceedings.

The *Wasti* reference is directed to a computer system and network of video display controllers (60) for use with a plurality of standard commercial television receivers [0013], [0016], wherein a logic array (U8) of the display controller stores an identification code unique to a particular controller, such as a serial number, for use by the remote central computer such

Art Unit: 3992

that bidirectional communication may be established between the particular display terminal and the central computer [0026]. Since the *Wasti* reference teaches the subject matter considered as the basis for allowability of patent claims 1-17 and 22, a reasonable examiner would consider evaluation of the *Wasti* reference as important in determining the patentability of the claims. As such, it is agreed that the *Wasti* alone raises a substantial new question of patentability regarding at least claims 1-17 and 22.

**Issue F – *Wasti* in view of *Takahashi***

As noted above with regard to Issue C, claims 24, 26 and 29 are dependent claims that depend from claims 23, 25 and 27, wherein claims 24, 26 and 29 add the limitation that the display unit includes a deflection circuit wherein the processor for controlling the display unit generates control signals for the deflection circuit.

As to claims 23, 25 and 27, it is noted that during the original prosecution of the *Arai* '970 patent, claims 23, 25 and 27 were considered allowable for the same as the reasons as independent claim 1, and as such, it is considered that the *Wasti* reference raises a substantial new question of patentability with respect to at least claims 23, 25 and 27 of the *Arai* '970 patent.

As to the limitation wherein the display includes a deflection circuit, wherein the processor for controlling the display unit generates control signals for the deflection circuit, *Takashi* teaches, as was is well known in the art, that when a display is of the cathode ray tube type (CRT), such displays would typically include a processor (20) and a deflection circuit (18) wherein the processor for control the display unit would generate control signals for the deflection circuit (see generally Fig. 1).



Art Unit: 3992

**Issue G – Baji**

The *Baji* patent is a new reference not previously applied against claim 22 during the prosecution of the Arai '970 patent application, or any of the subsequent reexamination proceedings.

The *Baji* patent is directed to an advertisement or commercial based bidirectional multimedia broadcast system (such as ISDN or cable television) able to cope with the various needs of different subscribers (col. 1, lines 5-12). *Baji* teaches, among other things, a broadcasting system including a head end broadcasting station (115) and a subscriber systems (116) for each subscriber, the subscriber system includes at least a network terminal (111), a video signal decoder (112), television monitor (114) and a terminal controller (113) for communicating with the broadcast station (col. 1, line 25 to col. 2, line 3), wherein each subscriber has a subscriber code (col. 9, lines 64-66) for uniquely identifying each subscriber system such that each subscriber system may request desired program and desired advertisement information from the broadcast station (114) head end (col. 4, lines 13-18), the request including the terminal identification code (col. 14, lines 17-29). Since these teachings are directly related to subject matter considered as the basis for allowability of dependent patent claim 22, a reasonable examiner would consider evaluation of the *Baji* reference as important in determining the patentability of the claims. As such, it is agreed that the *Baji* reference raises a substantial new question of patentability with respect to at least claim 22 of the Arai '970 patent.

It is further noted that the *Baji* reference, like the *Nadan* reference noted with regard to Issue A above, is considered to raise a substantial new question of patentability which is new and

Art Unit: 3992

different from that raised in the pending 90/013,388 proceeding in view of the different subject matter as compared with the *Satoru Takui* reference.

**Issues H and I – Lien**

The *Lien* patent is a new reference not previously applied against claim 22 during the prosecution of the *Arai '970* patent application or any of the subsequent reexamination proceedings.

The *Lien* patent is directed to a computer system for the “hot plugging” of various peripheral devices, the system being able to automatically connect and configure various devices (col. 1, lines 51-55), and further wherein the adapters may take the form of LCD monitors (col. 6, lines 41-50). *Lien* further discloses that the adapter information may include adapter “identity (ID)” information, and other attribute information (col. 3, lines 63-67). *Lien* further discloses that the stored ID information is read out to the computer so that the computer may conduct a setup process to establish proper communication (col. 5, lines 16-24). Since these teachings are directly related to subject matter considered as the basis for allowability of claim 22, a reasonable examiner would consider evaluation of the *Lien* reference as important in determining the patentability of the claims. As such, it is agreed that the *Lien* reference raises a substantial new question of patentability with respect to at least claims 22 of the *Arai '970* patent.

**Issues J and K – Satoru Takui in view of Lien alone or further in view of Schmidt**

The *Satoru Takui* reference is old prior art that has already been determined to raise a substantial new question of patentability with regard to at least claims 1-17 and 22 and as such, it is considered *Satoru Takui* alone or in view of *Lien* or *Schmidt* necessarily raises a substantial

Art Unit: 3992

new question of patentability of claims 1-17 and 22 for at least the same reasons as already noted in the 90/013,388 proceeding.

**Issues M and N – *Satoru Takui* in view of *Welk* alone or further in view of *Schmidt***

The *Satoru Takui* reference is old prior art that has already been determined to raise a substantial new question of patentability with regard to at least claims 1-17 and 22 and as such, it is considered *Satoru Takui* alone or in view of *Welk* or *Schmidt* necessarily raises a substantial new question of patentability of claims 1-17 and 22 for at least the same reasons as already noted in the 90/013,388 proceeding.

**Issues L and O – *Satoru Takui* in view of (*Lien* or *Welk*) and Admitted Prior Art**

The *Satoru Takui* reference is old prior art that has already been determined to raise a substantial new question of patentability with regard to at least claims 1-17 and 22. As noted above with regard to Issue C, claims 24, 26 and 29 are dependent claims that depend from claims 23, 25 and 27, wherein claims 24, 26 and 29 add the limitation that the display unit includes a deflection circuit wherein the processor for controlling the display unit generates control signals for the deflection circuit.

As to claims 23, 25 and 27, it is noted that during the original prosecution of the *Arai* '970 patent, claims 23, 25 and 27 were considered allowable for the same as the reasons as independent claim 1, and as such, it is considered that the *Satoru Takui* reference raises a substantial new question of patentability with respect to at least claims 23, 25 and 27 of the *Arai* '970 patent.

As to the limitation wherein the display includes a deflection circuit, wherein the processor for controlling the display unit generates control signals for the deflection circuit, the

Art Unit: 3992

*Arai '970* admits that it was known in the prior art to control the display position and size on a screen by adjusting the control signal for the deflection circuit (col. 2, lines 11-13). As such, it is agreed that *Satoru Takui* in view of *Lien or Schmidt* and the admitted prior art raises a substantial new question of patentability of claims 24, 26 and 29.

## ***Conclusion***

### **Extensions of Time**

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).

### **Waiver of Right to File Patent Owner Statement**

In a reexamination proceeding, Patent Owner may waive the right under 37 C.F.R. 1.530 to file a Patent Owner Statement. The document needs to contain a statement that Patent Owner waives the right under 37 C.F.R. 1.530 to file a Patent Owner Statement and proof of service in the manner provided by 37 C.F.R. 1.248, if the request for reexamination was made by a third party requester, see 37 C.F.R. 1.550(f). The Patent Owner may consider using the following statement in a document waiving the right to file a Patent Owner Statement:

Patent Owner waives the right under 37 C.F.R. 1.530 to file a Patent Owner Statement.

### **Amendment in Reexamination Proceedings**

Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR § 1.52(a) and (b), and must contain any fees required by 37 CFR § 1.20(c). See MPEP § 2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

### **Submissions**

If the patent owner fails to file a timely and appropriate response to any Office action or any written statement of an interview required under 37 CFR § 1.560(b), the *ex parte* reexamination proceeding will be terminated, and the Director will proceed to issue a certificate under 37 CFR § 1.570 in accordance with the last Office action.

### **Service of Papers**

After the filing of a request for reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. See 37 CFR 1.550(f).

### **Notification of Concurrent Proceedings**

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. 6,549,970 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

Art Unit: 3992

proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Art Unit: 3992

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

By Mail to: Mail Stop *Ex Parte* Reexam  
Attn: Central Reexamination Unit  
Commissioner of 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

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at <https://efs.uspto.gov/efile/myportal/efs-registered>.

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 should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:

/Albert J Gagliardi/  
Examiner, Art Unit 3992

Conferees:

/D.M.H./, PE AU3992  
/WHC/, SPRS, Art Unit 3992

<b>Order Granting Request For Ex Parte Reexamination</b>	<b>Control No.</b> 90/013,478	<b>Patent Under Reexamination</b> 6549970
	<b>Examiner</b> Albert J. Gagliardi	<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 27 March 2015 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: \_\_\_\_\_

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.

/Albert J Gagliardi/ Primary Examiner, Art Unit 3992		
cc:Requester ( if third party requester )		