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EXAMINER	
ESCALANTE, OVIDIO	

ART UNIT	PAPER NUMBER
3992	

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11/17/2021	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.

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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/014,880* .

PATENT UNDER REEXAMINATION *10469614* .

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)).

Order Granting Request For Ex Parte Reexamination	Control No.	Patent Under Reexamination	
	90/014,880	10469614	
	Examiner	Art Unit	AIA (FITF) Status
	OVIDIO ESCALANTE	3992	Yes

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

The request for *ex parte* reexamination filed 10/09/2021 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.

cc:Requester (if third party requester)

REASONS FOR SUBSTANTIAL NEW QUESTION OF PATENTABILITY DETERMINATION

I. Review of Facts

1. A request for *ex parte* reexamination of claims 1-29 of U.S. Patent 10,469,614 issued to Shribman on November 5, 2019 (hereinafter the '614 patent) was filed on October 9, 2021 and assigned control number 90/014,880 ("the '880 Request").

2. The '614 patent was filed on December 10, 2018 and is based upon U.S. Patent Application No. 16/214,433.

3. On October 18, 2021, the Office mailed a "Notice of Assignment of Reexamination Request" indicating the '880 Request was granted a filing date.

II. Pertinent History of the '614 Patent.

4. The '614 patent was filed as U.S. Patent application No. 16/214,433 ("the '433 application) on December 10, 2018.

5. During prosecution of the '433 application, the Examiner issued a first office action on January 24, 2019.

The Examiner rejected claims 1-10 and 13-28 as being unpatentable over Sigurdsson et at US Patent Pub. 2007/0174246 and Chauhan et al US Patent Pub. 2010/0262650. Claims 11-12 were rejected over Sigudsson, Chauhan and Bhatia et al. US Patent Pub. 2013/0171964 and claims 29-30 were rejected over Sigurdsson, Chauhan and Deng US Patent Pub. 2006/0047844.

In response to the Examiner's rejection, the Patent Owner argued that the applied prior art references did not render obvious the claims at issue based on arguments over analogous art, improper combining, improper rationale for combining and for lack of specific teachings directed to various limitations.

The Examienr subseuqntly issued a Final Rejection which maintinaed the rejectiosn in view of the Patent Owner's arguments.

The Patent Owner is response filed an amendment which added connections to the Internet as well as adding "responsive to being in the first state, receiving, by the client device, a request from the server; and performing a task, by the client device, in response to the receiving of the request form the server" to claim 1.

The Examiner, in response, issue a non-final office action which added Jackowski et al. US Patent Pub 2013/0304796 to address the newly added limitatons.

The Patent Owner, in their June 18, 2019 resposne continued to argue against the combination of Sigurdsson and Chauhan. In addition, the claim was amended to emphasize and actions performed by the client device.

The Examiner issued a Final Rejeciton which objected to claim 29 and maintained the rejection to the claims.

The Patent Owner, submitted a claim amendment which incoroparted the allowable subject matter of claim 29. The amendment added "fetching over the Internet a first content identified by a first content identifier from a web server".

The Examiner issued an advisory action on July 23, 2019.

ON July 27, 2019 the Patent Owner submitted a further amendment which added:

Wherein the method is furher for featching over the Internet a first content identified by a first content identifier from a web server, and the task comprising:

Receving the first content identifier from the server; sending the first coent identifier to the web server; redeving the first content from the web server in resppsne to the sending of the first content identifier; and sending the received first content to the server.

The Examiner subsequently issue a Notice of Allowance and stated:

> The prior art of record fails to teach or fairly suggest, in response to periodically or continuously determining whether a resource, associated with a criterion in a client/tunnel device that communicates with a first server over the Internet, utilization satisfies the criterion, the client/tunnel device receiving a content request from the first server, retrieving content identified by a content ID from a web server, implementing the client/tunnel device to perform the task of receiving, by the client/tunnel device, the first content identifier from the first server; sending, by the client/tunnel device, the first content identifier to the web server; receiving, by the client/tunnel device, the first content from the web server in response to the sending of the first content identifier; and sending, by the client/tunnel device, the received first content to the first server, in the specific manner and combinations recited in claims 1-28 and 30.
>
> The closest related prior art are cited to state the general state of the art and are not considered to teach the distinguishing features noted above. The prior art includes:
>
> (i) US Pat Binder (US 9,177,157), which teaches utilizing relay servers as intermediate nodes for transmitting a plurality of content segments, stored in various relay servers, anonymously to a requesting device;
>
> (ii) US PG Pub Dorso et al (US 2011/0066924), which discloses using relay servers serving as intermediate nodes for routing requested data among peer nodes; and
>
> (iii) NPL document "Anonymous Connections and Onion Routing" — Reed et al, Naval Research Laboratory, 04/1998.
>
> After thorough review of related prior art, the application has been deemed allowable because of the limitations of in response to periodically or continuously determining whether a resource, associated with a criterion in a client/tunnel device that communicates with a first server over the Internet, utilization satisfies the criterion, the client/tunnel device receiving a content request from the first server, retrieving content identified by a content ID from a web server, implementing the client/tunnel device to perform the task of receiving, by the client/tunnel device, the first content identifier from the first server; sending, by the client/tunnel device, the first content identifier to the web server; receiving, by the client/tunnel device, the first content from the web server in response to the sending of the first content identifier; and sending, by the client/tunnel device, the received first content to the first server, recited in the specific manner and combinations recited within the claims.

6. On September 4, 2020, a petition for *Inter Partes* Review of U.S. Patent No. 10,469,614 was filed. Several Grounds of Rejection were set forth in view of Mithyantha US Patent 8,972,602, MorphMix – A Peer-to-Peer based System for Anonymous Internet Access, and RFC 2616.

7. On February 17, 2021 the institution of the IPR Proceeding was denied in view of the Fintiv factors.

III. The '614 Patent.

8. The '614 Patent is directed to a system and method for improving Internet Communication by using Intermediate Nodes.

Independent claims 1 of the '614 patent is repeated below:

1. A method for use with a resource associated with a criterion in a client device that communicates with a first server over the Internet, the client device is identified in the Internet using a first identifier and is associated with first and second state according to a utilization of the resource, the method comprising:

initiating, by the client device, communication with the first server over the Internet in response to connecting to the Internet, the communication comprises sending, by the client device, the first identifier to the first server over the Internet;

when connected to the Internet, periodically or continuously determining whether the resource utilization satisfies the criterion;

responsive to the determining that the utilization of the resource satisfies the criterion, shifting to the first state or staying in the first state;

responsive to the determining that the utilization of the resource does not satisfy the criterion, shifting to the second state or staying in the second state;

responsive to being in the first state, receiving, by the client device, a request from the first server; and

performing a task, by the client device, in response to the receiving of the request from the first server,

wherein the method is further configured for fetching over the Internet a first content identified by a first content identifier from a web server that is distinct from the first server, and the task comprising:

receiving, by the client device, the first content identifier from the first server;

sending, by the client device, the first content identifier to the web server;

receiving, by the client device, the first content from the web server in response to the sending of the first content identifier; and

sending, by the client device, the received first content to the first server.

IV. Determination of the '880 Request

9. Claims 1-29 of the '614 patent will be the basis for deciding whether or not a "substantial new question of patentability" (SNQ) is present. See 37 CFR 1.620(a).

V. Criteria for the '880 Request Determination.

10. Whether a substantial new question of patentability (SNQ) affecting any of claims 1-29 of the '614 patent is raised by the 9 prior art references presented in the '880 Request. See 35 U.S.C. 257(a), MPEP §2242

VI. Prior Art References

10. The '880 Request requests ex parte reexamination in view of the following cited prior art references, submitted with the '880 Request and re-cited below:

1) Shribman et al. US Patent Pub. 2011/0087733

2) Liu US Patent Pub. 2010/0082513

3) Sigurdsson et al. US Patent Pub. 2007/0174246

4(Chauhan US Patent Pub. 2010/0262650

5) Bhatia US Patent Pub. 2013/0171964

6) Ebata US Patent 6,513,061

7) Mithyantha US Patent 8,972,602

8) Morphmix – A Peer-to-Peer based System for Anonymous Internet Access.

9) RFCs 2616, 791, and 793

VII. Prior Art Analysis

11. SNQ standard as set forth in MPEP 2242:

For "a substantial new question of patentability" to be present, it is only necessary that: (A) the prior art patents and/or printed publications raise a substantial question of patentability regarding at least one claim, i.e., the teaching of the (prior art) patents and printed publications is such that a reasonable examiner would consider the teaching to be important in deciding whether or not the claim is patentable; and (B) the same question of patentability as to the claim has not been decided by the Office in an earlier concluded examination or review of the patent, raised to or by the Office in a pending reexamination or supplemental examination of the patent, or decided in a final holding of invalidity (after all appeals) by a federal court in a decision on the merits involving the claim. If a reexamination proceeding was terminated/vacated without resolving the substantial question of patentability question, it can be re-presented in a new reexamination request. It is not necessary that a *"prima facie"* case of unpatentability exist as to the claim in order for "a substantial new question of patentability" to be present as to the claim. Thus, "a substantial new question of patentability" as to a patent claim could be present even if the examiner would not necessarily reject the claim as either fully anticipated by, or obvious in view of, the prior art patents or printed publications.

With respect to **Shirbmann**, this publication was cited in an IDS during the original prosecution of instant patent. This publication, however, was not relied upon by the Examiner to support a patentability determination during the prosecution of the underlying patent prosecution.

With respect to **Sigurdsson,** this prior art reference was cited and applied during the original prosecution of the application which became the underlying patent.

With respect to **Chauhan** this prior art reference was cited and applied during the original prosecution of the application which became the underlying patent.

With respect to **Bhatia,** this prior art reference was cited and applied during the original prosecution of the application which became the underlying patent.

In accordance to MPEP 2242, with respect to the above cited prior art references, in a decision to order reexamination made on or after November 2, 2002, reliance on old art does not necessarily preclude the existence of a substantial new question of patentability that is based exclusively on that old art. See Public Law 107-273, 116 Stat. 1758, 1899-1906 (2002), which expanded the scope of what qualifies for a substantial new question of patentability upon which a reexamination may be based. Determinations on whether a substantial new question of patentability exists in such an instance shall be based upon a fact-specific inquiry done on a case-by-case basis. For example, a substantial new question of patentability may be based solely on old art where the old art is being presented/viewed in a new light, or in a different way, as compared with its use in the earlier examination(s), in view of a material new argument or interpretation presented in the request.

With respect to **Morphmix and Mithyantha,** these prior art references were not cited or applied during the original prosecution of the application which became the underlying patent. It is noted that these references were cited in IPR2020-01506. However, the IPR proceeding was not instituted due to reasons unrelated to the teachings of the prior art. In addition, no final concluded review of the patent was set forth during IPR2020-01506/

With respect to **RFCs**, it is noted that although this prior art was cited during the prosecution of the underlying patent and in IPR2020-01506, the prior art was not relied or addressed by the Examiner IN addition, no concluded review result from the consideration of **RFC2616.**

VIII. Prior Art References Raising a Substantial Question of Patentability

As set forth above, during the original prosecution of the underlying patent, the teachings directed to "fetching over the Internet a first content identified by a first content identifier from a web server that is distinct from the first server, receiving, by the client device, the first content identifier from the first server; sending, by the client device, the first content identifier to the web server; receiving, by

the client device, the first content from the web server in response to the sending of the first content identifier; and sending, by the client device, the received first content to the first server" was considered important in determining the patentability of the instant claims and therefore, those limitations will be the basis for determining whether the cited references raise a SNQ as to claims 1-23.

Ground 1:

Shribman alone or in view of Liu, Sigurdsson or Chauhan, Bhatia, Ebata

As set forth above, the limitations directed to "wherein the method is further configured for fetching over the Internet a first content identified by a first content identifier from a web server that is distinct from the first server, and the task comprising: receiving, by the client device, the first content identifier from the first server; sending, by the client device, the first content identifier to the web server; receiving, by the client device, the first content from the web server in response to the sending of the first content identifier; and sending, by the client device, the received first content to the first server" is considered important in determining whether a substantial new question of patentability exists.

Shribman is directed to a system for increasing network communication speed for users, while lower network congestion for content owners and ISPs.

In addition, Shribman, with reference to Figure 10 and paragraph [0089] and with respect to "*wherein the method is further configured for fetching over the Internet a first content identified by a first content identifier from a web server that is distinct from the first server*", discloses with reference to blocks 400-406 that the selected agent sends the request directly to the server and the selected agent the stores the information it receives from the server in its database. As discloses in paragraph [0081], the URL is used as the content identifier.

With respect to "*receiving, by the client device, the first content identifier from the first server*"

With reference to Figure 9, the "client" sends the request to the "agent". As set forth above, the Request takes the position that the client 102 corresponds to the first server.

With respect to "*sending, by the client device, the first content identifier to the web server*" as shown by block 400 on Figure 10, the selected agent ("client device") sends the request directly to the server.

With respect to "*receiving, by the client device, the first content from the web server in response to the sending of the first content identifier*", Shribman discloses in paragraph [0089] that the selected agent ("client device") stores the informaotn it receives from the server (both the headers of the request, as well as chunks of the response itself) (first content) in the database.

With respect to "*sending, by the client device, the received first content to the first server*", Shribmann discloses in paragraph [0089] that the agent ("client device") provides itself as the only peer for these chunks (first content)" and that "[t]his list is then sent back to the client ("first server").

The examiner notes that the above citations, which addresses teachings directed to Shribmann with respect "fetching over the Internet a first content identified by a first content identifier from a web server that is distinct from the first server, receiving, by the client device, the first content identifier from the first server; sending, by the client device, the first content identifier to the web server; receiving, by the client device, the first content from the web server in response to the sending of the first content identifier; and sending, by the client device, the received first content to the first server" were not previously cited in any previous examination or review of the patent for **claims 1-29.** Accordingly, a reasonable examiner would consider this teaching important in determining the patentability of claims 1-29.

Accordingly **Shribman alone or in view of Liu, Sigurdsson or Chauhan, Bhatia, Ebata** raise a Substantial New Question of Patentability.

Ground 2:

Mithyantha alone or in view of Internet Standards, Standard Practices for Application Startup Configuration

As set forth above, the limitations directed to "wherein the method is further configured for fetching over the Internet a first content identified by a first content identifier from a web server that is distinct from the first server, and the task comprising: receiving, by the client device, the first content identifier from the first server; sending, by the client device, the first content identifier to the web server; receiving, by the client device, the first content from the web server in response to the sending of the first content identifier; and sending, by the client device, the received first content to the first server" is considered important in determining whether a substantial new question of patentability exists.

Mithyantha discloses that "a device 200a-200m" may comprises a status monitor 704a-704m for monitoring its own health and the health of devices on the network. See col. 56, lines 61 – col. 57, line 4. In addition, Mithyantha discloses the appliance executes a monitoring agent 197 which monitors, measures and collects data on a predetermined frequency. See col. 11, lines 46-50.

With respect to *fetching over the Internet a first content identified by a first content identifier from a web server that is distinct from the first server,* Mithyantha discloses a system that can be used to fetch web content from a web server over the Internet. As disclosed in col. 10, lines 45-51, 60-62, a HTTP request for web content can be created at a "web browser" on client 102. This request is sent to upstream router 700 that directs the request to "first server" appliance/device 200 and thereafter "client device" alliance/device 200.

The appliance/device ("client device") acting as a proxy or access server, then forwards the HTTP request to the "web server" 106. See col. 4, lines 64-65, col. 7, lines 1-18; col. 56, lines 7-23; figure 1B and 7A.

With respect to *receiving, by the client device, the first content identifier from the first server,* Mithyantha discloses the appliance/device 200' ("client device") receives the HTTP web request from the appliance/device 200 ("first server"). See col. 3, lines 45-47, col. 4, lines 64-65; Figure 1B

With respect to *sending, by the client device, the first content identifier to the web server,* Mithyantha discloses the appliance/device 200' ("client device"), serving as a proxy, sends the HTTP request to any of "web server" 106a-n. See col. 4, lines 64-65, col. 6, lines 52-53, col. 9, lines 15-17, 53-55; and col. 23, lines 57-58.

With respect to *receiving, by the client device, the first content from the web server in response to the sending of the first content identifier,* Mithyantha discloses after the client device sends the request to the web servers 106a-n, the client device (i.e. appliance/device 200') receives, the first content from the web server.

With respect to *sending, by the client device, the received first content to the first server,* Mithyantha discloses that after the client device receives the first content the client device ("appliance/device 200'), still serving as a proxy, sends the content to the first server (appliance/device 200) so that the first content can be forwarded to the originator of the HTTP request of client 102. See col. 4, lines 64-65, col. 6, lines 52-53, col. 9, lines 15-17, 53-55; and col. 23, lines 57-58.

The examiner notes that the above citations, which addresses teachings directed to Mithyantha with respect to "fetching over the Internet a first content identified by a first content identifier from a web server that is distinct from the first server, receiving, by the client device, the first content identifier from the first server; sending, by the client device, the first content identifier to the web server; receiving, by the client device, the first content from the web server in response to the sending of the first content identifier; and sending, by the client device, the received first content to the first server" were not previously cited in any previous examination or review of the patent for **claims 1-29.** Accordingly, a reasonable examiner would consider this teaching important in determining the patentability of claims 1-29.

Accordingly **Mithyantha alone or in view of Internet Standards** raise a Substantial New Question of Patentability.

Ground 3:

MorphMix and Standard Practices for Application Startup Configuration

As set forth above, the limitations directed to "wherein the method is further configured for fetching over the Internet a first content identified by a first content identifier from a web server that is distinct from the first server, and the task comprising: receiving, by the client device, the first content identifier from the first server; sending, by the client device, the first content identifier to the web server; receiving, by the client device, the first content from the web server in response to the sending of the first content identifier; and sending, by the client device, the received first content to the first server" is considered important in determining whether a substantial new question of patentability exists.

With respect to *fetching over the Internet a first content identified by a first content identifier from a web server that is distinct from the first server,* Morphmix discloses a system to anonymously fetch content from a web server over the Internet. At pg. 104, Morphmix discloses HTTP request fro web content are made from a client application which sends the request to a node (a). That HTTP request is sent to a first server (node(b)) that then directs the request to a client device (node (c)). See pages 104-105 The client device (node(c)) then forwards the HTTP request to a web server. The sought-after first content is returned via the same path: "sending data back from the server to the client works exactly in the opposite way." See page 105.

With respect to *receiving, by the client device, the first content identifier from the first server,* Morphmix discloses the first server (node (b)), forwards the first content identifier (in the payload application data) to the client device (i.e. the final node (c)). See pages 104-105. The application data sent to the web server includes the data identifying the requested web page. As disclosed on page 107, "[I]n the case of web browsing, embedded objects in a web page are automatically requested by the browser." Morphmix discloses that HTTP referrer headers, part of HTTP requests, include "the URL of the page the user is downloading." See pages 3-4

With respect to *sending, by the client device, the first content identifier to the web server,* Morphmix discloses after the client device receives the first content identifier, the client device (node(c)),

sends the application data (AD) (which contains the first content identifier, i.e. URL) to the web server (server (s)). See pages 103-105 and Figure 5.4, steps 11-12.

With respect to *receiving, by the client device, the first content from the web server in response to the sending of the first content identifier,* Morphmix discloses node (c) receives, the first content (e.g. web page content) from web server (s). See pages 103-105 (step 12) ("Sending data back form the server to the client works exactly in the opposite way.").

With respect to *sending, by the client device, the received first content to the first server,* Morphmix discloses after the client device receives the first content (e.g. web page), "client device" (node (c)), sends that content to "first server" node (b), which provides the first content up the same path to the requesting web browser. See pages 103-105.

The examiner notes that the above citations, which addresses teachings directed to MorphMix with respect to "fetching over the Internet a first content identified by a first content identifier from a web server that is distinct from the first server, receiving, by the client device, the first content identifier from the first server; sending, by the client device, the first content identifier to the web server; receiving, by the client device, the first content from the web server in response to the sending of the first content identifier; and sending, by the client device, the received first content to the first server" was not previously cited in any previous examination or review of the patent for **claims 1-29.** Accordingly, a reasonable examiner would consider this teaching important in determining the patentability of claims 1-29.

Accordingly **Morphmix and Standard Practices** raise a Substantial New Question of Patentability.

X. Conclusion

12. For the reasons given above, the present request for exparte reexamination raises a substantial new question affecting claims 1-29 of the '614 patent.

13. Claims 1-29 were not subject to a final holding of invalidity by a federal court or by the Office in a previous examination over the same issue.

Extension of Time

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. 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.

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. Notification of Concurrent Proceedings

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. 10,469,614 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.

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

By EFS: registered users may submit via the electronic filing system EFS-Web, at https://efs.uspto.gov/efile/myportal/efs-registered.

By Mail to: Mail Stop Ex Parte Reexam
Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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

By hand: Customer Service Window
Attn: Central Reexamination Unit
Randolph Building, Lobby Level

401 Dulany Street
Alexandria, VA 22314

For EFS-Web transmissions, 37 CFR 1.8(a)(1)(i) (C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR 1.6(a)(4), and (b) includes a certificate of transmission for each piece of correspondence stating the data of transmission, which is prior to the expiration of the set period of time in the Office action.

Any inquiry by the patent owner concerning this communication or earlier communications from the 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.

__/Ovidio Escalante/_____
Ovidio Escalante
Primary Examiner
Central Reexamination Unit - Art Unit 3992
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