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CONTROL NO.	FILING DATE	PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
95/000131	02/14/2006	6614729	

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS TX 75201-2980

EXAMINER

Majid A. Banankhah

ART UNIT PAPER

3992

DATE MAILED:

03/06/2007

**INTER PARTES REEXAMINATION
COMMUNICATION**

BELOW/ATTACHED YOU WILL FIND A COMMUNICATION FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE OFFICIAL(S) IN CHARGE OF THE PRESENT REEXAMINATION PROCEEDING.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this communication.



DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

JASON SCHULTZ
ELECTRONIC FRONTIER FOUNDATION
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SAN FRANCISCO CA 94110

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NUMBER 95/000,131.

PATENT NUMBER 6,614,729.

TECHNOLOGY CENTER 3999.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

**NOTICE OF INTENT TO ISSUE
INTER PARTES REEXAMINATION
CERTIFICATE**

Control No.	Patent Under Reexamination	
95/000,131	6614729	
Examiner	Art Unit	
Majid A. Banankhah	3992	

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

1. Prosecution on the merits is (or remains) closed in this *inter partes* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office, or upon petition. A Reexamination Certificate will be issued in due course in view of:
 - a. The communication filed on _____ by _____.
 - b. Patent owner's failure to file an appropriate timely response to the Office action dated 25 July 2006.
 - c. The failure to timely file an Appeal with fee by all parties to the reexamination proceeding entitled to do so. 37 CFR 1.959 and 41.61.
 - d. The failure to timely file an Appellant's Brief with fee by all parties to the reexamination proceeding entitled to do so. 37 CFR 41.66(a).
 - e. The decision on-appeal by the Board of Patent Appeals and Interferences Court dated _____
 - f. Other: _____
2. The Reexamination Certificate will indicate the following:
 - a. Change in the Specification: Yes No
 - b. Change in the Drawings: Yes No
 - c. Status of the Claims:
 - (1) Patent claim(s) confirmed: _____.
 - (2) Patent claim(s) amended: _____.
 - (3) Patent claim(s) cancelled: 1-5.
 - (4) Patent claim(s) previously currently disclaimed: _____
 - (5) New claim(s) patentable: _____.
3. Note attached statement of reasons for patentability and/or confirmation.
4. Note attached NOTICE OF REFERENCE CITED, PTO-892.
5. Note attached LIST OF REFERENCES CITED, PTO-1449 or PTO/SB/08.
6. The drawings filed on _____ are are not acceptable.
7. Acknowledgment is made of the claim for priority under 35 U.S.C. § 119(a) - (d) or (f).
The certified copy has been received, not been received,
 been filed in Application/Control No. _____ filed on _____.
8. Note Examiner's Amendment (attachment).
9. Other (attachment).

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

DETAILED ACTION

No Response to the Non Final Office Action Received by the Office

Patent owner has not responded to the non-final office action mailed on March 31, 2006.

Patent owner has responded to the copy of the non-final office action mailed along with the "Decision Serving Reexamination Request, Re-mailing Order to Reexamine, Vacating Office Action, and Mailing New Action Mailed" on July 26, 2006.

Examiner's Amendment

An Examiner's amendment to the record appears below. The changes made by this Examiner's amendment will be reflected in the reexamination certificate to be issue in due course.

✓
Claims 1-5 have been cancelled.

Claims 1-5 (all live claims in the proceeding) were subject to rejection in the non-final office action mailed in March 31, 2006, and the re-mailing of the non-final office action mailed on July 26, 2006. The patent owner failed to timely file a response to the non-final office action. Accordingly, claims 1-5 have been cancelled. See MPEP § 2671(III)(A)(1), 2687(I)(A), and 2687(II)(A).

In the event that the failure to reply to the July 26, 2006 re-mailing of the non-final first office action on the merits resulted from a failure to receive that communication, then a petition to withdraw the NIRC (37 CFR 1.181, no fee) should be filed. To be successful, the petition

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must make a showing akin to that discussed at MPEP 711.03(C)(I)(A) (non-receipt of Office correspondence). Failure to file such petition timely may result in publication of the Reexam Certificate before consideration can be given to the petition.

Art Unit: 3992

How to Communicate with the USPTO

All correspondence relating to this *Inter Partes* Reexamination proceeding should be directed:

Please mail any communications to:

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

Please FAX any communications to:

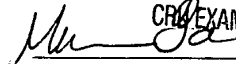
(571) 273-9900
Central Reexamination Unit

Please hand-deliver any communications to:

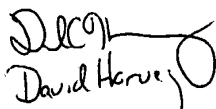
Customer Service Window
Attn: Central Reexamination Unit
Randolph Building, Lobby Level
401 Dulany Street
Alexandria, VA 22314

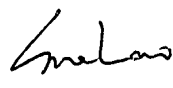
Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:


MAJID A. BANANKHAH
CRU EXAMINER-AU 3992

Majid Banankhah
CRU Examiner
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David Harvey
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OPQA