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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/019,277	10/13/2023	8478245	GTS002	5085

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EXAMINER
REICHLE, KARIN M

ART UNIT	PAPER NUMBER
3992	

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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. *90/019,277* .

PATENT UNDER REEXAMINATION *8478245* .

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)).

Notice of Intent to Issue Ex Parte Reexamination Certificate	**Control No.** 90/019,277	**Patent Under Reexamination** 8478245	
	Examiner Karin M Reichle	**Art Unit** 3992	**AIA Status** No

-- 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 *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. *Cf.* 37 CFR 1.313(a). A Certificate will be issued in view of
   (a) ☑ Patent owner's communication(s) filed: 06 June 2024.
   (b) ☐ Patent owner's failure to file an appropriate timely response to the Office action mailed: _____.
   (c) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
   (d) ☐ The decision on appeal by the ☐ Board of Patent Appeals and Interferences ☐ Court dated _____
   (e) ☐ Other: _____.
2. The Reexamination Certificate will indicate the following:
   (a) Change in the Specification: ☐ Yes ☑ No
   (b) Change in the Drawing(s): ☐ Yes ☑ No
   (c) Status of the Claim(s):
      (1) Patent claim(s) confirmed: 1,4-5 and 16.
      (2) Patent claim(s) amended (including dependent on amended claim(s)): _____
      (3) Patent claim(s) canceled: _____.
      (4) Newly presented claim(s) patentable: _____.
      (5) Newly presented canceled claims: _____.
      (6) Patent claim(s) ☐ previously ☐ currently disclaimed: _____
      (7) Patent claim(s) not subject to reexamination: 2-3,6-15 and 17-33.
3. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
4. ☑ Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
5. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).
6. ☑ Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
7. ☐ The drawing correction request filed on _____ is: ☐approved ☐disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐None of the certified copies have
      ☐been received.
      ☐not been received.
      ☐been filed in Application No. _____.
      ☐been filed in reexamination Control No. _____.
      ☐been received by the International Bureau in PCT Application No. _____.

   * Certified copies not received: _____.
9. ☐ Note attached Examiner's Amendment.
10. ☐ Note attached Interview Summary (PTO-474).
11. ☐ Other: _____.

All correspondence relating to this 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.

/Karin Reichle/ Primary Examiner, Art Unit 3992	/JALATEE WORJLOH/ Primary Examiner, Art Unit 3992

cc: Requester (if third party requester)

Notice of Intent to Issue Reexamination Certificate

Reexamination was requested for claims 1, 4-5 and 16 of United States Patent No. 8,478,245 (hereinafter also referred to as '245 or Carion et al '245). The '245 patent was issued to Carion et al on July 2, 2013.

References Asserted in Request

(1) U.S. Patent Application No. 2006/0179118 to Stirbu (hereinafter also referred to as Stirbu or '118 (Exhibit 1004)) filed August 1, 2007 and published July 2, 2013

(2) U.S. Patent Application No. 2006/0136571 to Kloba et al (hereinafter also referred to as Kloba or '571 (Exhibit 1005)) filed January 11, 2006 and published June 22, 2006).

Other

The Declaration of Joseph C. McAlexander III, P.E. (Exhibit 1006), executed October 3, 2023 and filed October 13, 2023, and accompanying Exhibits 1007 and 1008.

June 6, 2024 Response-Arguments/Declaration/Exhibits

The June 6, 2024 response (i.e. arguments, Stuart Lipoff declaration, Exhibit A, and Exhibits B-E) was considered in its' entirety.

Concurrent Proceedings

See RXFILJKT accompanying this Notice. Note also TRAN.LET, **Information Disclosure Statement by Patent Owner**, pages 2-3 of the June 6, 2024 response

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Information Disclosure Statement

Various IDS were submitted by Patent Owner on June 6, 2024.

Prior art is evaluated in accordance with the policy of MPEP 2256, which states: "Where patents, publications, and other such items of information are submitted by a party (patent owner or requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the information. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08A and O8B or its equivalent, without an indication to the contrary in the record, do not signify that the information has been considered by the examiner any further than to the extent noted above."

Claim Interpretation

As set forth in MPEP 2240, in making the determination of whether to order reexamination, the Office will determine the proper meaning of the patent claims by giving the claims their broadest reasonable interpretation consistent with the specification (see *In re Yamamoto*, 740 F.2d 1569 (Fed. Cir. 1984)), except in the case of an expired patent (in a reexamination involving claims of an expired patent, claim construction is pursuant to the principle set forth by the court in *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316, 75 USPQ2d 1321, 1329 (Fed. Cir. 2005) (words of a claim "are generally given their ordinary and customary meaning" as understood by a person of ordinary skill in the art in question at the time of the invention, see *Ex parte Papst-Motoren*, 1 USPQ2d 1655 (Bd. Pat. App. & Inter. 1986)).

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

Claims 1, 4-5 and 16 are confirmed.

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

Independent **Claim 1** is drawn to:

A method of rendering content on a wireless device, said method comprising:

receiving an identification of ***a custom configuration*** *of a plurality of rendering blocks of said wireless device, wherein* ***said custom configuration*** *is associated with an application and configures said plurality of rendering blocks to render content in a manner* ***customized to said application****;*

receiving compiled content generated in part from execution of said application wherein said compiled content comprises render commands expressed in a syntax that is generic to said wireless device;

using a graphical user interface comprising said plurality of rendering blocks to generate renderable content based on said compiled content and **said custom configuration**; and

rendering said renderable content on said wireless device,

wherein said receiving compiled content comprises:

receiving first compiled content specific to a first page of said application; and

receiving second compiled content specific to a second page of said application,

wherein **said custom configuration** is applicable to both said first and second compiled content.

(Emphasis added.)

As an initial matter, the 6/6/2024 response addresses the scope of claim 1, specifically "custom configuration" and "customized to said application". See section IV., B., bridging pages 4-5 thereof. Accordingly, the following interpretations are adopted.[1]

Claim term	Construction
"custom configuration"	"a configuration that determines the 'look and feel' of the application"
"customized to the application"	"created or written for a specific application"

Stirbu proposes a server-site method, a client-site method, computer program products, a client, a server, a module and a system for remoting a user interface of an application between a server that executes said application and a client on which a representation of said user interface is to be rendered. Stirbu furthermore sets forth customizing the remoted UI to match the characteristic display style (the so-called look & feel) of a device platform is of particular importance. If a device platform provides an own UI framework for controlling and rendering a local UI for its local application(s), the characteristic display style may for instance be the characteristic appearance of said local UI. See, e.g., abstract and paragraphs [0002] and [0007]. Furthermore, see Section VII., and VII., A., i,. on pages 7-9 of the 6/6/2024 response and thereby, the Lipoff Declaration, Exhibit A, paragraphs 65-66. Accordingly, Stirbu does not disclose nor suggest a "custom configuration" of a plurality of rendering blocks of a wireless device which is not only associated with an application but also *"configures said plurality of rendering blocks to render content in a manner* ***customized to said application.***" (Emphasis added.) Kloba also does not teach such feature.[2]

[1] See Exhibits D and E, Exhibit B ¶ 53, and NPL 34, pages 5-15 and 17-23 and NPL 50, pages 42-44 filed 6/6/2024.
[2] See Exhibit AA of the Request, pages 13-15.

Continuing, see Section VII. And VII., A., iii., and VII., B., ii., on pages 7, 11-14, and 15-17 of the 6/6/2024 Response. For the reasons set forth in the prior paragraph with regard to "custom configuration" and "said custom configuration…configures said plurality of rendering blocks to render content in a manner customized to said application", the prior art to Stirbu and Kloba also do not teach or suggest the limitation "[r]eceiving an identification of a custom configuration of a plurality of rendering blocks of said wireless device" since the identification received is identification of the "custom configuration".[3]

See Section VII. And VII., A., ii., and VII., B., i., on pages 7, 10-11, and 14 of the 6/6/2024 Response. For the reasons set forth in the prior paragraph with regard to "custom configuration" and "said custom configuration…configures said plurality of rendering blocks to render content in a manner customized to said application", the prior art to Stirbu and Kloba also do not teach or suggest the limitation "wherein said receiving compiled content comprises: receiving first compiled content specific to a first page of said application; and receiving second compiled content specific to a second page of said application" since the "custom configuration" is applicable to both said first and second compiled content as claimed.[4]

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[3] The 6/6/2024 Response asserts "[r]eceiving an *identification* of a custom configuration is not the equivalent of receiving a custom configuration itself, when '[t]he specification and the claims consistently use the terms. . . to denote separate processes with different end results.'" *AllVoice Computing PLC v. Nuance Communs., Inc.,* 504 F.3d 1236, 1247-48 (Fed. Cir. 2007)." The Response also asserts "Stirbu does not receive an identification…at the wireless device. Stirbu is limited to always receiving only the custom configuration itself at the client…" However, note, for example, also claim 9 which depends from claim 1(i.e. further recites/limits claim 1) and recites "wherein further said identifying said custom configuration comprises receiving an identifier that identifies said custom configuration." Therefore the identification received in claim 1 is broader than (i.e. does not only include) "receiving an identifier that identifies said custom configuration."

[4] The 6/6/2024 Response asserts "…the claims that actually define the scope of the invention… require receiving ***two different*** compiled contents: first compiled content specific to a first page of said application; and second compiled content specific to a second page of said application." (Bold Emphasis added.) The Response also asserts "the ordinal numbering in the limitation-i.e., a *first* page and *second* page-makes clear that the pages must be different,…". The language "different" does not appear in the claim language "first compiled content specific to a first page of said application; and second compiled content specific to a second page of said application". The terminology "first" and "second" according to BRI is the number/quantity is two, i.e. two complied contents and two pages and one compiled content corresponds to a page and one complied content corresponds to a page.

Therefore, the invention as claimed in claim 1 is not taught or suggested by Stirbu nor any combination of Stirbu and Kloba. Claims 4-5 depend from claim 1.

Dependent **claim 16** which **depends from claim 12** sets forth:

A non-transitory computer usable medium as described in claim 12

[A non-transitory computer usable medium comprising instructions therein that when executed by a processor implement a method of rendering content on a wireless device, said method comprising:

receiving an identification of ***a custom configuration*** *of a plurality of rendering blocks of said wireless device, wherein* ***said custom configuration*** *is associated with an application and configures said plurality of rendering blocks to render content in a manner* ***customized to said application****;*

receiving compiled content generated in part from execution of said application wherein said compiled content comprises render commands expressed in a syntax that is generic to said wireless device;

using a graphical user interface comprising said plurality of rendering blocks to generate renderable content based on said compiled content and **said custom configuration**; and

rendering said renderable content on said wireless device,

wherein said receiving compiled content comprises:

receiving first compiled content specific to a first page of said application; and

receiving second compiled content specific to a second page of said application,

wherein **said custom configuration** is applicable to both said first and second compiled content. (Emphasis added.)]

wherein the complied content is specific to the rendering capabilities of said wireless device.

See Section VII., C.-D., on page 17 of the 6/6/2024 Response which assert the reasoning set forth with regard to claim 1 also applies to claim 16. Accordingly, attention is reinvited to

the preceding discussion of claim 1. Therefore, the invention as claimed in claim 16 is also not taught or suggested by Stirbu nor any combination of Stirbu and Kloba.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Conclusion

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. 5,724,092 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.

Any document filed by the Patent Owner must be served on the third party requester (or requesters in a merged proceeding) in the reexamination proceeding in the manner provided by 37 C.E.R. § 1.248. See 37 C.F.R. § 1.550(f) and MPEP § 2266.03.

Correspondence

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

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

Other useful telephone numbers:

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