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JUL 06 2012

CENTRAL REEXAMINATION UNIT

Transmittal of Communication to Third Party Requester
Inter Partes Reexamination

REEXAMINATION CONTROL NO. : 95001989
PATENT NO. : 8135801
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.

PTOL-2070(Rev.07-04)

ORDER GRANTING/DENYING REQUEST FOR INTER PARTES REEXAMINATION	**Control No.** 95/001,989	**Patent Under Reexamination** 8135801
	Examiner ERIC B. KISS	**Art Unit** 3992

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

The request for *inter partes* reexamination has been considered. Identification of the claims, the references relied on, and the rationale supporting the determination are attached.

Attachment(s): ☒ PTO-892 ☒ PTO/SB/08 ☐ Other: _____

1. ☒ The request for *inter partes* reexamination is GRANTED.

☒ An Office action is attached with this order.

☐ An Office action will follow in due course.

2. ☐ The request for *inter partes* reexamination is DENIED.

This decision is not appealable. 35 U.S.C. 312(c). Requester may seek review of a denial by petition to the Director of the USPTO within ONE MONTH from the mailing date hereof. 37 CFR 1.927. EXTENSIONS OF TIME ONLY UNDER 37 CFR 1.183. In due course, a refund under 37 CFR 1.26(c) will be made to requester.

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 Order.

ORDER GRANTING REQUEST FOR *INTER PARTES* REEXAMINATION

The information presented in the request for *inter partes* reexamination filed May 14, 2012, shows that there is a reasonable likelihood that the requester would prevail with respect to at least one claim of U.S. Pat. 8,135,801.

I. References Cited in the Request

The third party requester cites the following patents and printed publications:

1. Alan Neibauer, How to Do Everything With Yahoo!, 2000; pp. 3-54, 155-180, 467-491; Osborne McGraw-Hill, Berkeley, California ("Neibauer");
2. Brad Hill, Yahoo! For Dummies, 2001; pp. 23-38, 57-78, 93-101, 243-262; 2nd edition; IDG Books Worldwide, Inc., Foster City, California ("Hill");
3. U.S. Pat. 6,691,158 (Douvikas et al.);
4. U.S. Pat. 7,802,207 (Agboatwalla et al.);
5. U.S. Prov. Pat. App. 60/340,405 (Agboatwalla et al.);
6. U.S. Pat. App. Pub. 2002/0105539 (Gamzon et al.);
7. Rich Hoeg, "Virtual Accordion Clubs from Yahoo! (Minnesota Accordion Club)," posted on the Internet through Usenet on December 1, 1998 ("Club Invite");
8. U.S. Pat. 7,003,546 (Cheah);
9. David Fox et al., Web Publisher's Construction Kit with HTML 3.2, 1996; pp. 15-16; The Waite Group, Inc., Corte Madera, California ("Fox"); and
10. Freedman, The Computer Glossary: The Complete Illustrated Dictionary, 2001; 9th ed.; pp. 437-438; AMACOM, New York[1].

[1] Cited in the Request at p. 124. This reference has been listed on the attached Form PTO-892.

II. Proposed Bases for Showing a Reasonable Likelihood of Prevailing (RLP)

The third party requester asserts the following:

1. Neibauer raises an RLP as to claims 1 and 3-20, based on a proposed rejection under 35 U.S.C. § 102(b), (Request at 20, 21, 23-74);

2. Hill raises an RLP as to claims 1, 3-10, 12-15, and 17-20, based on a proposed rejection under § 102(b), (Request at 20, 21, 74-114);

3. Douvikas raises an RLP as to claims 1-5, 9-11, 13-15, and 17-20, based on a proposed rejection under § 102(e), (Request at 20, 22, 114-141);

4. Agboatwalla '207 raises an RLP as to claims 1-10 and 12-20, based on a proposed rejection under § 102(e), (Request at 20, 22, 141-181);

5. Gamzon raises an RLP as to claim 16, based on a proposed rejection under § 102(e), (Request at 20, 22, 182-188);

6. Neibauer raises an RLP as to claim 2, based on a proposed rejection under 35 U.S.C. § 103(a), (Request at 20, 21, 188-195);

7. Hill in view of Agboatwalla '207 raises an RLP as to claim 2, based on a proposed rejection under § 103(a), (Request at 20, 21, 195-200);

8. Douvikas in view of Fox raises an RLP as to claim 5, based on a proposed rejection under § 103(a), (Request at 20, 22, 200-202);

9. Neibauer in view of Club Invite raises an RLP as to claims 10 and 11, based on a proposed rejection under § 103(a), (Request at 20, 21, 203-208);

10. Douvikas in view of Cheah raises an RLP as to claims 6-8 and 12, based on a proposed rejection under § 103(a), (Request at 20, 22, 208-217);

11. Hill in view of Douvikas raises an RLP as to claims 10, 11, and 20, based on a proposed rejection under § 103(a), (Request at 20, 21, 218-225).

III. Analysis

A. Neibauer as to claims 1 and 3-20

With respect to claims 1, 3-9, and 12-19, the examiner agrees that there is a reasonable likelihood that the third party requester would prevail against these claims as being anticipated by Neibauer as evidenced by the accompanying Office action rejecting these claims.

With respect to claims 10, 11, and 20, the examiner does not agree that there is a reasonable likelihood that the third party requester would prevail.

Claims 10 and 11 are each dependent from claim 9 and further define the communication permitted to be sent by the first user to another user through the first web-based interface. Specifically, claims 10 and 11 recite:

> 10. The method of claim 9 wherein the communication comprises an email message containing a link to a web page at which the given other user will be given the option of accepting or declining the access sharing proposal from the first user.
>
> 11. The method of claim 9 wherein the communication comprises an email message containing a link to a web page at which the given other user will be given the option of becoming a registered user.

'801 patent, claims 10 and 11. The third party requester identifies two embodiments described in Neibauer as allegedly anticipating claim 10: (1) the Yahoo! Briefcase disclosure, describing emailing a link as "send[ing] the recipient a hyperlink that points to the location of the file in your Briefcase," and the File Download Box displayed when the recipient clicks on the link, (Request at 54-55 (citing Neibauer at 160-161)), and (2) the Yahoo! Clubs disclosure, describing an "Invite Friend" feature that "[l]ets you invite others to join the club," the "Join List Club"

feature described in the context of a user browsing a list of available clubs and, "When you find a club that you'd like to join," clicking on the Join List Club link, and the "Member Tools" feature described in the context of an existing member interacting with the Club page, (Request at 55 (citing Neibauer at 475, 476, 481)).

Regarding claim 10 and the Yahoo! Briefcase disclosure, the third party requester states, "The recipient has the option of accepting or declining the access by clicking 'Save' or 'Cancel' on the File Download box, as shown [on p. 160 of Neibauer]," (Request at 54-55). However, the disclosed hyperlink appears to point to the file itself, not a web page, and the File Download Box appears to be describing a feature of the user's operating system rather than any web page functionality.

Regarding claim 10 and the Yahoo! Clubs disclosure, the "e-mail with a link to follow" is disclosed as resulting from a different interface than the club creation and management pages identified by the third party requester as corresponding to the claimed "first web-based interface," and the email message is disclosed as being generated at the request of the user wishing to join a club, not the "first user" identified in the proposed rejection. *See* Neibauer at 473 ("When you find a club that you'd like to join, click Join List Club in the upper-right corner of the page. In the page that appears, select the Yahoo! Identity you want to use for the club and then indicate if you want to add the club to your profile. Then click the Receive Mail button."). Neibauer does not appear to specifically describe the format of the invitation generated by the "Invite Friend" feature mentioned on p. 481 or any web page resulting specifically from a recipient clicking a link in such an invitation.

The third party requester identifies one embodiment described in Neibauer as allegedly anticipating claim 11, *i.e.*, the Yahoo! Clubs disclosure of the "Invite Friend" feature, along with the separate description of how to become a member of Yahoo!: "You can also sign up for Yahoo! By accessing any service that requires Yahoo! Membership, such as My Yahoo!, clubs, or auctions. The enrollment process is the same; only the options you get when you finish signing up vary," (Request at 56 (citing Neibauer at 23)). However, as noted above, Neibauer does not appear to specifically describe the format of the invitation generated by the "Invite Friend" feature mentioned on p. 481 or any web page resulting specifically from a recipient clicking a link in such an invitation.

Claim 20 recites in part, "a plurality of servers configured to communicate over a network." The third party requester identifies two embodiments described in Neibauer as allegedly anticipating claim 20: (1) the Yahoo! Briefcase disclosure, "Point your browser to http://briefcase.yahoo.com/," (Request at 72 (citing Neibauer at 157)), and (2) the Yahoo! Clubs disclosure, "Access Yahoo! Clubs by clicking Clubs on the Yahoo! Home page or by going directly to http://clubs.yahoo.com/ to open the page shown in Figure 21-6," (Request at 72-73 (citing Neibauer at 473)). The examiner agrees that these descriptions implicitly disclose the existence of at least one server, *i.e.*, a web server. The third party requester then asserts for both embodiments, "One of ordinary skill in the art would understand that these services are necessarily implemented using a plurality of servers to accommodate the volume of users," (Request at 73). However, this statement finds no support in the cited portions of Neibauer and is instead mere speculation that this feature is inherently disclosed.

Because the request does not persuasively show that the features recited in claims 10, 11, and 20 may be found in the disclosure of Neibauer, the request fails to show that there is a reasonable likelihood that the third party requester would prevail against these claims as being anticipated by Neibauer.

B. Hill as to claims 1, 3-10, 12-15, and 17-20

With respect to claims 1, 3-9, 12-15, and 17-19, the examiner agrees that there is a reasonable likelihood that the third party requester would prevail against these claims as being anticipated by Hill as evidenced by the accompanying Office action rejecting these claims.

With respect to claims 10 and 20, the examiner does not agree that there is a reasonable likelihood that the third party requester would prevail.

The third party requester identifies two embodiments described in Hill as allegedly anticipating claim 10: (1) the Yahoo! Briefcase disclosure, describing emailing a link to the file in a Briefcase folder," (Request at 102 (citing Hill at 98)), and (2) the Yahoo! Clubs disclosure, describing an "Invite" feature that provides "a fill-in form that allows you to send a standard club invitation to any e-mail address," (Request at 102 (citing Hill at 249, 258-259)).

Regarding claim 10 and the Yahoo! Briefcase disclosure, the third party requester states, "The other users have the option of accepting or declining by viewing or not viewing the content upon reaching the linked-to Briefcase web page," (Request at 102). However, the disclosed link appears to point to the file itself, not a web page at which the given other user will be given the option of accepting or declining the access sharing proposal from the first user. *See* Hill at 99 (Figure 6-4, "Use the form below and we'll send an email with the URLs to the photos/documents you selected.").

Regarding claim 10 and the Yahoo! Clubs disclosure, although Hill describes a process of joining a club without an invitation, including a "Terms of Service agreement" and a "Yes! I Accept button," Hill does not appear to specifically describe the format of the invitation generated by the "Invite" feature mentioned on p. 249 or any web page resulting specifically from a recipient clicking a link in such an invitation.

Claim 20 recites in part, "a plurality of servers configured to communicate over a network." The third party requester identifies two embodiments described in Hill as allegedly anticipating claim 20: (1) the Yahoo! Briefcase disclosure, (Request at 112(citing Hill at 95)), and (2) the Yahoo! Clubs disclosure, (Request at 112 (citing Hill at 258)). The examiner agrees that these descriptions implicitly disclose the existence of at least one server, *i.e.*, a web server. The third party requester then asserts for both embodiments, "One of ordinary skill in the art would understand that these services are necessarily implemented using a plurality of servers to accommodate the volume of users," (Request at 113). However, this statement finds no support in the cited portions of Hill and is instead mere speculation that this feature is inherently disclosed.

Because the request does not persuasively show that the features recited in claims 10 and 20 may be found in the disclosure of Hill, the request fails to show that there is a reasonable likelihood that the third party requester would prevail against these claims as being anticipated by Hill.

C. Douvikas as to claims 1-5, 9-11, 13-15, and 17-20

With respect to claims 1, 3-5, 13, 15, and 17-20, the examiner agrees that there is a reasonable likelihood that the third party requester would prevail against these claims as being anticipated by Douvikas as evidenced by the accompanying Office action rejecting these claims.

With respect to claims 2, 9-11, and 14, the examiner does not agree that there is a reasonable likelihood that the third party requester would prevail.

Claim 2 recites in part, "the second web-based interface comprises a mobile web site accessible independently of the content management web site via one or more mobile devices." The third party requester cites to col. 13, lines 53-64, of Douvikas as allegedly anticipating this claim feature, (Request at 123-124).

The cited portion of Douvikas describes multiple alternate embodiments for "access to and delivery of contact information in the EBC system," other than "a Web browser interface as commonly known today." Douvikas at col. 13, lines 53-55 (emphasis added). Douvikas discloses "multi-mode access interfaces," *e.g.*, "interfaces using voice-controlled and conventional wireless PDA and or cell phones, two-way pagers, and wireless access protocol (WAP)-enabled devices." *Id.* at col. 13, lines 55-59 (emphasis added). Separately, Douvikas discloses "data delivery interface embodiments, using for example, the common alphanumeric pager, wireless markup language (WML), or voice delivery (e.g., audio playback) systems commonly used in the art." *Id.* at col. 13, lines 60-64.

The third party requester alleges that, "Delivering the first user's electronic business card (EBC) to a 'wireless PDA' or 'cell phones,' wireless application protocol (WAP) or wireless markup language (WML) devices, discloses a mobile web site accessible independently of the

content management web site via one or more mobile devices," (Request at 123-124). More specifically, the third party requester alleges that "the ability to deliver the second user interface to [a] mobile website accessible via one or more mobile devices is expressly and/or inherently disclosed in Douvikas," as evidenced by Freedman, which is a glossary providing a definition of WAP (Wireless Application Protocol):

> A standard for providing cellular phones, pagers and other handheld devices with secure access to e-mail and text-based Web pages. Introduced in 1997 by Phone.com (formerly Unwired Planet), Ericsson, Motorola and Nokia, WAP provides a complete environment for wireless applications that includes a wireless counterpart of TCP/IP and a framework for telephony integration such as call control and phone book access. WAP features the Wireless Markup Language (WML), which was derived from Phone.com's HDML and is a streamline version of HTML for small screen displays.

Freedman, The Computer Glossary: The Complete Illustrated Dictionary, 2001; 9th ed.; pp. 437-438; AMACOM, New York; (Request at 124). However, although Douvikas discloses access interfaces as including one or more mobile devices, Douvikas does not clearly disclose a mobile web site in combination with one of the disclosed mobile devices. Although Freedman describes the Wireless Application Protocol as being capable of providing access to text-based Web pages via mobile devices, Freedman falls short of showing that this feature would have been *necessarily* present, *i.e.*, inherent, in any of the alternate embodiments of Douvikas. Further, Douvikas describes WAP as "wireless access protocol" or "wireless air protocol," not as "Wireless Application Protocol," and this difference in terminology is not explained in the request. Douvikas at col. 2, line 38; col. 13, line 59.

Claims 9-11 recite in part, "wherein the first web-based interface is configured to permit the first user to control the sending of a communication to at least a given one of said other users indicating that the first user is proposing to share access to content with the given other user."

The third party requester cites Douvikas at col. 7, line 56, through col. 8, line 7, as anticipating this feature, (Request at 131). Although the cited portion of Douvikas discloses sending an email containing a signature hyperlink that directs recipients of the email to the electronic business card access and organization system, the sending of such email is controlled via a separate conventional email program, not the first web-based interface identified by the third party requester as corresponding to the Data Entry screen 710 (shown in Fig. 7A) and File Maintenance screen 310 (shown in Fig. 12) of Douvikas, (*see* Request at 115-119).

Claim 14 recites in part, "wherein the plurality of other users are individuals that with the first user and by mutual consent collectively comprise a group of members that relative to users not in said group have exclusive access to said content via the second web-based interface."

The third party requester cites Douvikas at col. 9, line 59, through col. 10, line 8, describing an example of how users can exchange cards, as evidencing the "mutual consent" aspect of claim 14, (Request at 135-136). However, in the cited example, access to the semi-private information is granted via a designation from the first user, and the other users are not required to "consent" to having such an access designation, *i.e.*, Douvikas describes one-way consent, not mutual consent. To the extent that another user, Hans also marks the first user's card with the semi-private access key, this is a separate one-way consent to share different information, *i.e.*, Hans's semi-private information, not an indication of mutual consent to share exclusive access to the first user's semi-private information.

Because the request does not persuasively show that the features recited in claims 2, 9-11, and 14 may be found expressly or inherently in the disclosure of Douvikas, the request fails to

show that there is a reasonable likelihood that the third party requester would prevail against these claims as being anticipated by Douvikas.

D. Agboatwalla '207 as to claims 1-10 and 12-20

With respect to claims 1-10 and 12-20, the examiner does not agree that there is a reasonable likelihood that the third party requester would prevail against these claims as being anticipated by Agboatwalla '207.

Claims 1-10 and 12-15 recite in part, "providing a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to designate a plurality of other users that will share access to content with the first user, in accordance with accessibility rules established by the first user; and generating a second web-based interface wherein access to the content via the second web-based interface is controlled in accordance with the accessibility rules established by the first user via the first web-based interface." '801 patent, claim 1 (emphasis added).

Claim 16 recites in part, "providing a first web site accessible to a user of the communication system, the first web site being configured to permit the user to designate at least one data source; and generating a second web site, the second web site being accessible independently of the first web site via one or more mobile devices, the second web site being configured to receive data automatically from the data source designated by the user at the first web site." '801 patent, claim 16 (emphasis added).

Claims 17-19 recite in part, "the processing element providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to designate a plurality of other users that will share access to content with

the first user, in accordance with accessibility rules established by the first user; the processing element generating a second web-based interface wherein access to the content via the second web-based interface is controlled in accordance with the accessibility rules established by the first user via the first web-based interface." '801 patent, claim 17 (emphasis added).

Claim 20 recites in part, "at least one of the servers providing at least a portion of a first web-based interface accessible to a first user, the first web-based interface being configured to permit the first user to designate a plurality of other users that will share access to content with the first user, in accordance with accessibility rules established by the first user; wherein said at least one server generates a second web-based interface wherein access to the content via the second web-based interface is controlled in accordance with the accessibility rules established by the first user via the first web-based interface." '801 patent, claim 20 (emphasis added).

In the proposed rejection of independent claims 1, 17, and 20, the third party requester identifies the "management interface which includes at least the view information screen (Fig. 11) the edit view screen (Fig. 14)," as corresponding to the claimed "first web-based interface," (Request at 142-146 (citing Agboatwalla '207 at col. 11, lines 49-59; col. 17, line 58, through col. 18, line 5; col. 18, lines 56-60; col. 19, lines 1-7 and 48-54; Figs. 11 and 14); Request at 177-178 (for claim 17, incorporating the cited disclosures applied to claim 1); Request at 180-181 (for claim 20, incorporating the cited disclosures applied to claim 1)). The third party requester identifies the views of a habitat generated on a mobile device, such as a Personal Digital Assistant (PDA) or wireless phone, as corresponding to the claimed "second web-based interface," (Request at 147-150 (citing Agboatwalla '207 at col. 16, lines 26-41; col. 27, lines 7-14 and 57-60; col. 28, lines 2-3 and 20-23; col. 29, lines 34-37; Figs. 27 and 28; Request at 177-

178 (for claim 17, incorporating the cited disclosures applied to claim 1); Request at 180-181 (for claim 20, incorporating the cited disclosures applied to claim 1)).

In the proposed rejection of independent claim 16, the third party requester identifies the "management interface," "information screen," and "edit view," as corresponding to the claimed "first web site," (Request at 170-173 (citing Agboatwalla '207 at col. 3, lines 64-66; col. 11, lines 49-59; col. 17, lines 58-60; col. 18, lines 56-60; col. 19, lines 1-7 and 48-54; Figs. 11 and 14)). The third party requester identifies the views of a habitat generated on a mobile device, such as a Personal Digital Assistant (PDA) or wireless phone, as corresponding to the claimed "second web site," (Request at 173-175 (citing Agboatwalla '207 at col. 16, lines 26-41; col. 27, lines 7-14 and 57-60; col. 28, lines 2-3 and 20-23; col. 29, lines 34-37; Figs. 27 and 28).

Regarding the first interface, the third party requester asserts that the management interface of Agboatwalla '207 "includes a number of web-based pages or screens," (Request at 142), but the cited portion of Agboatwalla '207 merely describes the information that can be selected and managed, which can be any type of information from any content source. Agboatwalla '207 at col. 11, lines 49-59. The third party requester additionally appears to rely on Fig. 11 as allegedly showing a "web-based" interface that is part of the management interface, (*e.g.*, Request at 144). Agboatwalla '207 provides the following description of Figure 11:

> FIG. 11 illustrates a view in a habitat according to one embodiment. ....
>
> FIG. 11 illustrates a view 1100 according to one embodiment. Views are the highest level of content organization in the EH. There is no limit to the number of views a user can create to customize how to see, hear, and interact with content. Each view is divided into sub-sections called windows 1102. The default Main View is the EH Home page.

Agboatwalla '207 at col. 4, lines 54-55; col. 19, lines 1-7. Agboatwalla '207 does not describe Fig. 11 as illustrating the "information screen" utilized in steps 214 and 1012 in conjunction with

the "management interface" utilized in steps 202 and 1002. There does not appear to be a sufficient basis for asserting that Fig. 11 implies that the cited "information screen" is a web-based interface.

Regarding the second interface, the third party requester relies on two different embodiments of Agboatwalla '207: (1) a disclosure that, "the user can access the [Enterprise Habitat] content from a WAP-enabled phone," and, "Illustrative phone browsers are Nokia Browser and Phone.com," and (2) a disclosure of navigating the Enterprise Habitat on a PDA, including displaying home page 2700 (illustrated in Fig. 27) and displaying content in a window (illustrated in Fig. 28). Although Figs. 27 and 28 appear to show a title bar containing the text "http://eh2...!!", Agboatwalla '207 is silent on the significance of this text or whether it is intended to represent a complete URL corresponding to a web-based interface or a web site. The illustrated text does not clearly and unequivocally disclose providing a web-based interface or web site. Agboatwalla '207 appears to suggests the use of "a Palm Query App (pqa)" or "the Avantgo Mobile Internet Service" to provide PDA access to EH content, but the technical details of these approaches and their corresponding interfaces are not specified. *See* Agboatwalla '207 at col. 27, lines 20-37.

The request fails to persuasively establish that the first/second interfaces of Agboatwalla identified by the third party requester in the proposed rejection are first/second web-based interfaces or first/second web sites.

E. Gamzon as to claim 16

With respect to claim 16, the examiner agrees that there is a reasonable likelihood that the third party requester would prevail against this claim as being anticipated by Gamzon as evidenced by the accompanying Office action rejecting this claim.

F. Neibauer as to claim 2

With respect to claim 2, the examiner agrees that there is a reasonable likelihood that the third party requester would prevail against this claim as being unpatentable over Neibauer as evidenced by the accompanying Office action rejecting this claim.

G. Hill in view of Agboatwalla '207 as to claim 2

With respect to claim 2, the examiner does not agree that there is a reasonable likelihood that the third party requester would prevail against this claim as being unpatentable over Hill in view of Agboatwalla '207.

The third party requester relies upon Agboatwalla '207 as teaching "the second web-based interface comprises a mobile web site accessible independently of the content management web site via one or more mobile devices," (Request at 199 (citing Agboatwalla '207 at col. 16, lines 26-41; col. 29, lines 34-37)). However, as noted above in subsection D, the request fails to persuasively establish that the wireless-phone/PDA interfaces of Agboatwalla identified by the third party requester in the proposed rejection are web-based interfaces or web sites.

H. Douvikas in view of Fox as to claim 5

With respect to claim 5, the examiner agrees that there is a reasonable likelihood that the third party requester would prevail against this claim as being unpatentable over Douvikas in view of Fox as evidenced by the accompanying Office action rejecting this claim.

I. Neibauer in view of Club Invite as to claims 10 and 11

With respect to claims 10 and 11, the examiner agrees that there is a reasonable likelihood that the third party requester would prevail against these claims as being unpatentable over Neibauer in view of Club Invite as evidenced by the accompanying Office action rejecting these claims.

J. Douvikas in view of Cheah as to claims 6-8 and 12

With respect to claims 6-8 and 12, the examiner agrees that there is a reasonable likelihood that the third party requester would prevail against these claims as being unpatentable over Douvikas in view of Cheah as evidenced by the accompanying Office action rejecting these claims.

K. Hill in view of Douvikas as to claims 10, 11, and 20

With respect to claims 11 and 20, the examiner agrees that there is a reasonable likelihood that the third party requester would prevail against this claim as being unpatentable over Hill in view of Douvikas as evidenced by the accompanying Office action rejecting these claims.

With respect to claim 10, the examiner does not agree that there is a reasonable likelihood that the third party requester would prevail.

Claim 10 recites in part, "an email message containing a link to a web page at which the given other user will be given the option of accepting or declining the access sharing proposal from the first user."

The third party requester cites Douvikas at col. 7, line 66, through col. 8, line 7, describing an email message containing a signature hypertext link that "enables the recipient of

the email to rapidly access the EBC system to locate the cardholder and/or obtain additional information," (Request at 219). The third party requester then asserts, "The link takes the user to a web page at which the other user will have the option of accepting or declining the sharing proposal," as recited in claim 10, and at the same web page, "the other user will have the option of becoming a registered user," as recited in claim 11, for each claim citing Douvikas at col. 5, lines 5-24, and Fig. 3A, describing a user entering the ecardfile URL (step 215 of the flowchart in Fig. 2) and receiving the Member Login screen (shown in Fig. 3A), (Request at 219-222). Regarding claim 10, the third party requesters argues, "As shown in Figure 3A above, the other user can either view the recipient's card by using the View cards interface (350), thereby accepting the proposal, or decline it by performing some other action such as becoming a member (370) or logging in," (Request at 220). Regarding claim 11, the third party requester argues, "As shown in Figure 3A above, the other user has the option of becoming a member (370)." However, Douvikas does not appear to describe the member login screen of Fig. 3A as being displayed in response to the other user clicking on the link in the email. Instead, Douvikas appears to describe the link directly connecting the other user's browser to the first user's Card. *See* Douvikas at col. 10, lines 35-39 ("When someone reads your message and wants to view your contact information, he just clicks on the HTML link and is immediately connected to your Card and your up-to-the-minute contact information." (emphasis added)). Douvikas does not appear to teach an intermediate step of giving the option of accepting or declining before the Card information is displayed.

Because the request does not persuasively show that the features recited in claim 11 are taught or reasonably suggested in the combined disclosures of Hill and Douvikas, the request

fails to show that there is a reasonable likelihood that the third party requester would prevail against this claim as being unpatentable over Hill in view of Douvikas.

IV. Conclusion

As set forth above, the request shows that there is a reasonable likelihood that the requester would prevail with respect to at least one claim of U.S. Pat. 8,135,801.

Accordingly, the request for *inter partes* reexamination is granted, and claims 1-20 will be reexamined.

All correspondence relating to this *inter partes* reexamination proceeding should be directed:

By Mail to: Mail Stop *Inter Partes* 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 St.
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

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

/Eric B. Kiss/
Primary Examiner, Art Unit 3992

Conferees:
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