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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/933,161	10/31/2007	Edward BALASSANIAN	PA1062US	3327
80641	7590	02/14/2011		
Gard and Kaslow LLP 4 Main Street, Suite 120 Los Altos, CA 94022			EXAMINER KHATRI, ANIL	
			ART UNIT	PAPER NUMBER
			2191	
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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.

Office Action Summary	Application No.	Applicant(s)	
	11/933,161	BALASSANIAN, EDWARD	
	Examiner	Art Unit	
	Anil Khatri	2191	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/31/07 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The use of the trademark Java, VB etc has been noted in this application. It should be capitalized TM wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks. Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29

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USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 22 of U.S. Patent No. 7,774,740. Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite similar claim language and scope of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a

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patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al USPN 5,923,885.

Regarding claim 1

Johnson et al teaches

receiving on server computer a request from a client computer for an applet in a form selected from a plurality forms (column 6, line 6, Typically the server provides data and software that is accessible to the various clients which are in communication with the server, either directly or through a device such as a router. The construction, maintenance, and operation of the server, router, and various client machines will be well known to those of skill in the art. In particular, however, the server 208 will be configured to provide data that is compatible with browser software such as that used to view data on the World Wide Web as described above. In particular, the data provided by the server will be in the form of pages of data that can be examined using typical browser software. In one embodiment, the server and clients are configured to exchange not only data but computer software applications and, more particularly, software in the form of "applets", such as those written in the Java programming language available from Sun Microsystems of Mountain View, Calif. The term "applet"

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as used herein refers to a software code that is executed in the context of software already running on the remote computer (see Flannagan 1996). In one embodiment, the software in context with which the applet runs is the above-described browser software. Typically, applets provide additional functionalities to browser software by performing various computational tasks which the browser software itself is not configured to perform. Thus, users who download applets can provide the browser software with additional functionalities that are not otherwise available to the browser software);

compiling applet into selected form from a local resource comprising at least one source module and one compiler which acts on source module to produce selected form (column 8, line 13, one embodiment of a method by which the aforementioned transformation is accomplished is shown at 400 in FIG. 4. As shown therein, the user first loads the browser software at step 402. In one embodiment, the browser software is installed on the local client machine and is executed by the user directly from the client. Alternatively, the browser can be provided remotely across the network in which case the client machine is configured to respond more like a terminal than a stand-alone computing platform. The implementation of either configuration, and other configurations, will be apparent to those of skill in the art. Upon loading the browser, the user loads a web page which contains the desired applet to be executed at step 404. The loading of such web pages is performed using methods that are familiar to those of skill in the art. Upon loading the desired applet, the browser interface is

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transformed at step 406 such that a new interface is provided to the user which includes functionalities and displays that are consistent with the functionality of the applet as illustrated above with respect to FIGS. 3A and 3B. At step 408 the user operates the application, e.g., the applet, using the transformed interface after which the user terminates the applet at step 410 from a command generated and passed to the applet through the modified browser interface. Finally, at step 412, the browser interface is returned to its original configuration from which the user may either select another applet to be loaded into the client computer, and which may transform the browser interface again according to the sequence just described, or the user may terminate operation of the computer, or the user may execute software that is installed on the local machine); and

transmitting applet in selected form to client computer (column 8, line 43, Step 406 of FIG. 4, the transformation of the browser interface into a new interface that functions in accordance with the applet, is illustrated in greater detail at 500 in FIG. 5. At step 502 the applet which is now executing on the client computer, having been loaded from the remote server using standard techniques, acquires new properties settings that will be used to define the new functionalities to be presented in the transformed browser interface. The settings are typically stored on the server on which the applet is stored. However, the settings may be provided at other locations, such as different servers, or may be stored on the client computer system itself. At step 504 the applet communicates the new properties settings to the browser as will be described in greater

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detail below. Upon the communication of the new properties settings to the browser, at step 506 the applet requests the browser to update its interface using the new settings. At step 508 the browser transforms its interface as it updates its interface through the new properties settings that have been provided by the applet. This transformation relies on the same mechanisms used to construct the original browser interface and therefore will not be described in greater detail as such operations will be familiar of those of skill in the art) and (column 9, line 50, Step 412 of FIG. 4 in which the browser interface is restored following these termination of the applet, is shown in greater detail at 700 in FIG. 7. At step 702 a determination is made as to whether the applet or the browser is responsible for maintaining a copy of the original browser interface settings. If the applet has the original settings, then those settings are communicated to the browser, e.g., using the methods just described with respect to FIG. 6, or by redirecting the browser to a copy of the original properties table that has been placed in memory at a location different from the modified original table. At step 706 the applet then sends a "update interface" message to the browser to cause the browser to consult the copy of the original table to thereby restore its original settings and interface. Alternatively, if the browser is responsible for maintaining a copy of the original settings then the applet sends a "restore settings" message to the browser at step 708 which command is followed by the above-described "update interface" command to thereby cause the browser to restore its original interface. In conjunction with this the applet ceases execution and the user is returned to the browser interface such as shown in FIG. 3A from which the browser can select additional information through the browser).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anil Khatri/

Primary Examiner, Art Unit 2191