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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/019,166	02/17/2023	7103640		7777

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Reichman Jorgensen Lehman & Feldberg LLP
100 Marine Parkway
Suite 300
Redwood City, CA 94065

EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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3992

MAIL DATE	DELIVERY MODE
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04/04/2023

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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WASHINGTON, DC 20015

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/019,166 .

PATENT UNDER REEXAMINATION 7103640 .

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. 90/019,166	Patent Under Reexamination 7103640	
	Examiner CHARLES R CRAVER	Art Unit 3992	AIA (FITF) Status No
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address-- The request for <i>ex parte</i> reexamination filed <u>02/17/2023</u> 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: <u>ORDER</u> 1. ☐ The request for <i>ex parte</i> 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.			
/CHARLES R CRAVER/ Reexamination Specialist, Art Unit 399			
cc:Requester (if third party requester)			

U.S. Patent and Trademark Office
PTOL-471G(Rev. 01-13)

Office Action in *Ex Parte* Reexamination

Part of Paper No. 20230327

DECISION ORDERING EX PARTE REEXAMINATION

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

I. Summary

A Substantial New Question of Patentability (SNQ) affecting claims 17, 18, and 24 of U.S. Patent 7,103,640 B1 to Overton *et al.* (hereinafter "the '640 Patent") is raised by the Request for reexamination filed February 17, 2023 by the Requester for the reasons set forth below.

Reexamination has been requested of claims 17, 18, and 24 of the '640 Patent. The '640 Patent to Overton *et al.* issued September 5, 2006 based on U.S. Patent Application Ser. No. 09/661,222 filed September 9, 2000, with an earliest possible effective filing date of July 8, 1998. The '640 Patent is still enforceable.

II. Related Proceedings and Matters

The '640 Patent under this determination is currently under litigation. See, *inter alia*, *Kove IO, Inc. v. Amazon Web Services, Inc.*, 1:18-cv-08175 (N.D. Ill.).

The '640 Patent is not currently subject to a Reissue proceeding, nor is it subject to a pending post-grant proceeding before the Patent Trial and Appeal Board.

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 the instant '640 Patent throughout the course of this reexamination proceeding.

Information Disclosure Statement

Where the IDS citations are submitted but not described, the examiner is only responsible for cursorily reviewing the references. The initials of the examiner on the PTO-1449 indicate only that degree of review unless the reference is either applied against the claims, or discussed by the examiner as pertinent art of interest, in a subsequent office action.

See Guidelines for Reexamination of Cases in View of *In re Portola Packaging, Inc.*, 110 F.3d 786, 42 USPQ2d 1295 (Fed. Cir. 1997), 64 FR at 15347, 1223 Off. Gaz. Pat. Office at 125 (response to comment 6).

Consideration by the examiner of the information submitted in an IDS means that the examiner will consider the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. The initials of the examiner placed adjacent to the citations on the PTO-1449 or PTO/SB/08A and 08B or its equivalent mean that the information has been considered by the examiner to the extent noted above.

Regarding IDS submissions MPEP 2256 recites the following: "Where patents, publications, and other such items of information are submitted by a party (patent owner) 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."

Declaration

The Examiner notes the Declaration of Sylvia D. Hall-Ellis, Ph.D under 37 C.F.R. § 1.132 as to the publication date of the OracleNamesAdminGuide reference as well as the Declaration of Joseph B. Greene under 37 C.F.R. § 1.132. The Examiner further notes as to the Hall-Ellis Declaration that affidavits or declarations or other written evidence which explain the contents or pertinent dates of prior art patents or printed publications in more detail may be considered in reexamination. MPEP 2258 I. E. In any subsequent action on the merits the Greene Declaration will be addressed inasmuch as it is relied upon by Requestor in any proposed rejections.

III. Request

In the Request, Requester asserts that an SNQ is raised over claims of the '640 Patent by the following references:

U.S. Patent 6,473,781 B1 to Skagerwall *et al.* ("Skagerwall");

U.S. Patent 6,185,601 B1 to Wolff ("Wolff");

Oracle Names Administrator's Guide, Release 2.0 (Oracle Corp., Redwood City, CA), published 1996 ("OracleNamesAdminGuide");

Joseph B. Greene, Oracle 8 Server: Unleashed, 1st ed. (Sams Publishing, Indianapolis, Ind.) ISBN: 0672312076, January 1998 ("OracleUnleashed");

Maarten van Steen, et al., "Locating Objects in Wide-Area Systems," IEEE Communications Magazine, Vol. 36, Issue 1, pp. 104-09, ISBN: 0163-6804 (January 1998) ("Steen");

In the Request, Requester asserts that an SNQ is raised over issued claims 1-18 by the above references as follows¹:

SNQ 1) Requester asserts that Skagerwall and Wolff together raise a substantial new question of patentability as to claims 17, 18, and 24 of the '640 Patent.

SNQ 2) Requester asserts that OracleNamesAdminGuide, OracleUnleashed, and Steen together raise a substantial new question of patentability as to claims 17, 18, and 24 of the '640 Patent.

SNQ 3) Requester asserts that Steen and Wolff together raise a substantial new question of patentability as to claims 17, 18, and 24 of the '640 Patent.

SNQ 4) Requester asserts that Steen, Wolff, and Skagerwall altogether raise a substantial new question of patentability as to claims 17, 18, and 24 of the '640 Patent.

¹ The Request combines SNQs 3 and 4 together, however the Examiner has separated them here for clarity.

IV. Patent Background

Issued independent claims 17 and 18 are as follows:

17. A system for retrieving data location information for data stored in a distributed network, the system comprising:

a plurality of data repositories configured to store data, wherein the data is associated with a respective identifier string in each data repository;

a data location server network having a plurality of data location servers, each of the plurality of data location servers containing location strings associated with respective identifier strings and each of the plurality of data location servers having computer executable code configured to execute the following steps:

in response to receiving a data location request from a client to retrieve a location string associated with an identification string provided in the data location request, transmitting a redirect message to the client if the identification string is not associated with a location string at the data location server, wherein the redirect message contains information for use by the client to calculate a location of a different data location server in the plurality of data location servers, wherein the different data location server contains the location string.

18. A system for retrieving data location information for data stored in a distributed network, the system comprising:

a data repository configured to store data, wherein the data is associated with an identifier string;

a client responsive to a data query to query a data location server for location information associated with the identifier string;

a data location server network comprising a plurality of data location servers, at least one of the plurality of data location servers containing location information associated with the

identifier string, wherein each of the plurality of data location servers comprises computer executable code configured to execute the following steps in response to receiving a data location request from the client:

if the data location server contains the location string associated with the identification string provided in the data location request, the data location server transmits location information for use by the client to calculate a location of the data associated with the identification string;

if the data location server does not contain the location string associated with the identification string, the location server transmits a redirect message to the client, wherein the redirect message contains redirect information for use by the client to calculate a location of a different data location server in the plurality of data location servers, wherein the different data location server contains the location string.

The '640 Patent teaches towards a device and method for locating data stored in a distributed network wherein, in response to a client query for particular data associated with an identifier, a location server in a non-hierarchical network of location servers retrieves a network address of an element storing the data. If the location server does not contain the location information, it sends a redirect notice to the client that may be used to determine another location server to query. '640 Patent at Abstract and at 2:12-27, 14:29-31.

In the prosecution of the instant '640 Patent, the underlying 09/661,222 Application was filed September 13, 2000 with claims 1-6 with claims 1, 5, and 12 being independent. Following a non-final rejection mailed February 25, 2004 rejecting all claims over U.S. Patent 5,764,906 to Edelstein *et al.* and U.S. Patent 6,418,441 to Call,

an amendment filed August 25, 2004 amended independent claims 1, 5, and 12 requiring a request, response, and redirect message (claim 1), the first server being responsive to a client request to provide a redirect message (claim 5), and a step of responding to the client with a redirect message (claim 12). Following a subsequent rejection rejecting claims 1-4 and 17-18 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, rejecting claims 1-23 as indefinite, and rejecting claims 1-23 over the Beitz NPL reference, U.S. Patent 5,950,173 to Perkowski, U.S. Patent 5,978,773 to Hudetz, and the Call reference, Patent Owner further amended the claims August 9, 2005, canceling claims 1-23 and adding new claims 24-49, claims 23, 33, 41, and 42 being independent. A notice of allowability was subsequently mailed November 14, 2005 including an Examiner's amendment to change claim numbering. No reasons for allowance were provided.

Notably, following payment of the issue fee, a certificate of correction was requested and granted, adding a benefit under 35 U.S.C. § 120 as a continuation-in-part of U.S. Patent Application Ser. No. 09/111,896 filed July 8, 1998.

Subsequent Reexaminations

The '640 Patent has been subject to two previous *ex parte* reexamination requests.

In the first, *ex parte* reexamination 90/014,552, reexamination of claims 17, 18, and 24 were requested over a number of references which do not overlap with this request. The 90/014,552 *ex parte* reexamination request was denied September 9, 2020.

In the second *ex parte* reexamination, reexamination was ordered in *ex parte* reexamination proceeding 90/019,036 over references including one which overlaps with the instant proceeding, namely OracleNamesGuide.

On November 2, 2002, Public Law 107-273 was enacted. Title III, Subtitle A, Section 13105, part (a) of the Act revised the reexamination statute by adding the following new last sentence to 35 U.S.C. 303(a) and 312(a):

"The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office."

For any reexamination ordered on or after November 2, 2002, the effective date of the statutory revision, reliance on previously cited/considered art, i.e., "old art," does not necessarily preclude the existence of a substantial new question of patentability (SNQ) that is based exclusively on that old art. Rather, determinations on whether a SNQ exists in such an instance shall be based upon a fact-specific inquiry done on a case-by-case basis. Here, the OracleNamesGuide reference is asserted with another two references that were not previously discussed by the Office or applied by the Examiner against the instant claims and is being read in a new light.

Thus references that teach more than the prior art of record with regard to the claims, particularly the matter added to attain allowance of the claims, may be considered to be non-cumulative to the record.

V. Claim Construction and Filing Date

The instant '640 patent is expired. In a reexamination proceeding involving claims of an expired patent, claim construction 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) should be applied since the expired claim are not subject to amendment. See *Ex parte Papst-Motoren*, 1 USPQ2d 1655 (Bd. Pat. App. & Inter. 1986). The statutory presumption of validity, 35 U.S.C. 282, has no application in reexamination. *In re Etter*, 756 F.2d 852, 225 USPQ 1 (Fed. Cir. 1985).

37 C.F.R. § 1.530(j) states, "No enlargement of claim scope. No amendment may enlarge the scope of the claims of the patent or introduce new matter. No amendment may be proposed for entry in an expired patent. Moreover, no amendment, other than the cancellation of claims, will be incorporated into the patent by a certificate issued after the expiration of the patent." (emphasis added). Thus, because the patent is expired no amendments of the claims will be allowed aside from the cancellation of claims.

Requester asserts that the instant claims are not entitled to the earliest effective filing date claimed, namely that of the parent 09/111,896 non-provisional application of which the instant '640 Patent is a continuation-in-part. Request at 9-10.

Rejections may be made in reexamination proceedings based on intervening patents or printed publications where the patent claims under reexamination are entitled

only to the filing date of the patent and are not supported by an earlier foreign or United States patent application whose filing date is claimed. For example, under 35 U.S.C. 120, the effective date of these claims would be the filing date of the application which resulted in the patent. Intervening patents or printed publications are available as prior art under *In re Ruscetta*, 255 F.2d 687, 118 USPQ 101 (CCPA 1958), and *In re van Langenhoven*, 458 F.2d 132, 173 USPQ 426 (CCPA 1972). See MPEP § 211. See also *In re NTP, Inc.*, 654 F.3d 1268, 99 USPQ2d 1500 (Fed. Cir. 2011) (holding that the Office is not prohibited from performing a 35 U.S.C. 112 written description priority analysis during reexamination). See MPEP § 2258 I. C.

Here Requester asserts that various limitations in claims 17 and 18 are not disclosed in the parent non-provisional application in such a manner that one of ordinary skill in the art would have determined the inventor of the '640 Patent claims to have been in possession of the claimed invention as of the earlier filing date, as follows:

1. A location string specifying data entity location, as required by elements 17.c,
 2. 18.d, and 18.h;
 3. The contents of the location servers be indexed, as required by claim 24;
 4. The contents of the location servers be organized according to a hash table, as required by claim 24;
 5. Each location server having information to calculate which location server contains the requested location information, as required by claim elements 17.f2 and 18.h;
 6. Returning/sending a redirect message if the location server lacks the requested location information, as required by elements 17.f2 and 18.h;
- and

7. The redirect message comprises information for calculating the location of a location server known to have the requested location information, as required by claim elements 17.f2 and 18.h.

Request at 9-10.

Here the Examiner agrees as to at least claims 17 and 18 (the independent claims at issue), that the instant claims are not supported by the 09/111,896 Patent application for the reasons set forth in the Request at 9-10 and thus intervening art such as Skagerwall and OracleUnleashed may apply in this proceeding. It is also noted that, even if the claims were fully supported by the parent application, at least one SNQ asserted by Requestor, namely SNQ 3, would apply as it is based solely on non-intervening art.

VI. Prior Art References

Skagerwall

Skagerwall teaches generally towards a location server network with a flat architecture, including further a system of directory servers for provisioning information related to tagged objects. Data objects stored on application servers are associated with object data stored on the directory servers including retrieval information using a tag. Skagerwall at FIG 1, 1:9-13, 4:12-20, 9:18-31, and 10:39-40.

Skagerwall is prior art under pre-AIA 35 USC 102(e) as intervening art.

Wolff

Wolff teaches towards load rebalancing on a distributed network whereby a network server may provide a redirect message to a client to provide the client with information as to another server which may satisfy the request. Wolff at 5:25-38.

Wolff is prior art under pre-AIA 35 USC 102(e).

OracleNamesAdminGuide

OracleNamesAdminGuide teaches towards location server networks using various architectures using name servers between clients requesting data and servers storing data requested by the clients. A name server utilizes a name associated with the request to provide a network location for the appropriate node associated with the name to allow a connection. OracleNamesAdminGuide at 20-23, 33-44, 52-53, and 128-129.

OracleNamesAdminGuide is prior art under pre-AIA 35 USC 102(b).

OracleUnleashed

OracleUnleashed teaches towards the Oracle system through version 8.1, notably including lookup systems in relational database management systems, including transparency to the client such that the user need not know specific location information for data in the system but rather a gateway node will map a data request to different physical machines in the network on which the requested data resides. Users of a client device will query location information on a relational database like Oracle8 and determine the location of data. OracleUnleashed at 38-45, 85, 179, 273, and 452.

OracleUnleashed is prior art under pre-AIA 35 USC 102(a) as intervening art.

Steen

Steen teaches towards using various topologies in a location server network, wherein a directory system is used to resolve an object name to another string of information which may comprise location information for a contact record, wherein a client may use the string of information to obtain object contact address information. Steen at Abstract and at 104-108.

Steen is prior art under pre-AIA 35 USC 102(a).

VII. SNQs Raised by the Request

Substantial New Question of Patentability

For "a substantial new question of patentability" (SNQ) 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; it is not necessary that the prior art establish a prima facie case of unpatentability; and

B. The same question of patentability as to the claim has not been decided by the Office in a previous examination or pending reexamination of the patent or in a final holding of invalidity by the Federal Courts in a decision on the merits involving the claim.

SNQ 1) Requester asserts that Skagerwall and Wolff together raise a substantial new question of patentability as to claims 17, 18, and 24 of the '640 Patent.

As noted above, the Skagerwall and Wolff references together disclose a similar system to that of claims 17, 18, and 24 of the '640 Patent, notably as to the limitations in independent claims 17 and 18 as to returning a redirect message if a location server lacks location information for the desired identification information comprising information for use to determine a location of a different data location server. As further noted by Requester in pp. 28-31 (describing Skagerwall), pp. 31-32 (describing Wolff), and pp. 73-96 (in detail describing application of the references to the claims) of his Request, the references would thus have been considered by a reasonable Examiner to be germane to patentability of the claims. The Skagerwall and Wolff references thus raise a substantial new question of patentability over claims 17, 18, and 24 of the '640 Patent, said question not having been decided in a previous examination of the Patent, nor considered in holding of invalidity by Federal Court.

SNQ 2) Requester asserts that OracleNamesAdminGuide, OracleUnleashed, and Steen together raise a substantial new question of patentability as to claims 17, 18, and 24 of the '640 Patent.

As noted above, the OracleNamesAdminGuide, OracleUnleashed, and Steen references together disclose a similar system to that of claims 17, 18, and 24 of the '640 Patent, notably as to the limitations in independent claims 17 and 18 as to returning a redirect message if a location server lacks location information for the desired identification information comprising information for use to determine a location of a different data location server. As further noted by Requester in pp. 37-72 (describing the

two Oracle references), pp. 32-37 (describing Steen), and pp. 96-176 (in detail describing application of the references to the claims) of his Request, the references would thus have been considered by a reasonable Examiner to be germane to patentability of the claims. The OracleNamesAdminGuide, OracleUnleashed, and Steen references thus raise a substantial new question of patentability over claims 17, 18, and 24 of the '640 Patent, said question not having been decided in a previous examination of the Patent, nor considered in holding of invalidity by Federal Court.

SNQ 3) Requester asserts that Steen and Wolff together raise a substantial new question of patentability as to claims 17, 18, and 24 of the '640 Patent.

As noted above, the Steen and Wolff references together disclose a similar system to that of claims 17, 18, and 24 of the '640 Patent, notably as to the limitations in independent claims 17 and 18 as to returning a redirect message if a location server lacks location information for the desired identification information comprising information for use to determine a location of a different data location server. As further noted by Requester in pp. 31-32 (describing Wolff), pp. 32-37 (describing Steen), and pp. 197-220 (in detail describing application of the references to the claims) of his Request, the references would thus have been considered by a reasonable Examiner to be germane to patentability of the claims. The Steen and Wolff references thus raise a substantial new question of patentability over claims 17, 18, and 24 of the '640 Patent, said question not having been decided in a previous examination of the Patent, nor considered in holding of invalidity by Federal Court.

SNQ 4) Requester asserts that Steen, Wolff, and Skagerwall altogether raise a substantial new question of patentability as to claims 17, 18, and 24 of the '640 Patent.

As noted above, the Steen, Wolff, and Skagerwall references together disclose a similar system to that of claims 17, 18, and 24 of the '640 Patent, notably as to the limitations in independent claims 17 and 18 as to returning a redirect message if a location server lacks location information for the desired identification information comprising information for use to determine a location of a different data location server. As further noted by Requester in pp. 28-31 (describing Skagerwall), pp. 31-32 (describing Wolff), pp. 32-37 (describing Steen), and pp. 197-220 (in detail describing application of the references to the claims) of his Request, the references would thus have been considered by a reasonable Examiner to be germane to patentability of the claims. The Steen, Wolff, and Skagerwall references thus raise a substantial new question of patentability over claims 17, 18, and 24 of the '640 Patent, said question not having been decided in a previous examination of the Patent, nor considered in holding of invalidity by Federal Court.

VIII. Conclusion

A substantial new question of patentability is thus raised over issued claims 17, 18, and 24 for the reasons set forth above. Reexamination is hereby ordered over claims 17, 18, and 24 of the '836 Patent.

It is noted that Requester has only requested reexamination of claims 17, 18, and 24 of the '640 Patent. The Office's determination in both the order for reexamination and the examination stage of the reexamination under 35 U.S.C. 302 will generally be limited solely to a review of the claim(s) for which reexamination was requested. If the Requester was interested in having all of the claims reexamined, requester had the opportunity to include them in its request for reexamination. However, if the Requester chose not to do so, those claim(s) for which reexamination was not requested will generally not be reexamined by the Office. It is further noted that 35 U.S.C. 302 requires that "[t]he request must set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested." If the Requester fails to apply the art to certain claims, then the Requester is not statutorily entitled to reexamination of such claims.

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 reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

The Patent Owner is again 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 the instant '836 Patent throughout the course of this reexamination proceeding.

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

By Mail to: Mail Stop *Ex Parte* Reexam
 Central Reexamination Unit
 Commissioner for 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 Street
 Alexandria, VA 22314

Effective July 9, 2007, the U.S. Patent and Trademark Office began accepting requests for reexamination, and "follow-on" papers (i.e., subsequent correspondence in reexamination proceedings) submitted via the Office's Web-based electronic filing system (EFS-Web). The Office has updated the Legal Framework for EFS-Web to set forth that requests for reexamination, and proper reexamination "follow-on" papers (see MPEP § 2267) are permitted to be submitted using EFS-Web. The current version of the Legal Framework for EFS-Web is at: **[www.uspto.gov/patents- application- process/filing-online/legal-framework-efs-web](http://www.uspto.gov/patents-application-process/filing-online/legal-framework-efs-web)**.

After the filing of the request for *ex parte* reexamination, any letters sent to the U.S. Patent and Trademark Office relating to the resulting *ex parte* reexamination proceeding should identify the proceeding by the number of the patent undergoing reexamination,

Application/Control Number: 90/019,166
Art Unit: 3992

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the reexamination request control number assigned, the art unit, and the name of the examiner.

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

Signed:

/CHARLES R CRAVER/
Reexamination Specialist, Art Unit 3992

Conferees:
/JOSHUA D CAMPBELL/
Primary Examiner, Art Unit 3992

/ALEXANDER J KOSOWSKI/
Supervisory Patent Examiner, Art Unit 3992

Reexamination 	Application/Control No. 90/019,166	Applicant(s)/Patent Under Reexamination 7103640
	Certificate Date	Certificate Number

Requester Correspondence Address: ☐ Patent Owner ☒ Third Party
FISCH SIGLER LLP 5301 WISCONSIN AVENUE NW SUITE 400 WASHINGTON, DC 20015

LITIGATION REVIEW ☒	CC (examiner initials)	27 March 2023 (date)
Case Name		Director Initials
Kove IO, Inc. v. Amazon Web Services, Inc., 1:18-cv-08175 (N.D. Ill.)		

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
NONE	

/CHARLES R CRAVER/ Reexamination Specialist, Art Unit 3992	
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<i>Search Notes</i> 	Application/Control No. 90/019,166	Applicant(s)/Patent Under Reexamination 7103640
	Examiner CHARLES R CRAVER	Art Unit 3992

CPC - Searched*		
Symbol	Date	Examiner

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
file history, family and file wrapper search	03/27/2023	cc
litigation search	03/27/2023	cc
PTAB P-TACTS search, *no appeals or AIA trials found*	03/27/2023	cc

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

/CHARLES R CRAVER/ Reexamination Specialist, Art Unit 3992	
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PTO/SB/08a (07-09)

Approved for use through 05/31/2024. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known	
		Application Number	Not Yet Assigned
		Filing Date	09-13-2000
		First Named Inventor	John K. Overton
		Art Unit	N/A
		Examiner Name	Not Yet Assigned
Sheet 1	of 5	Attorney Docket Number	

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	5	US- 6,473,781	10-27-1998	Skagerwall	
	8	US- 7,233,978	06-19-2007	Overton	
	6	US- 6,185,601	04-15-1998	Wolff	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
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		Application Number	Not Yet Assigned		
		Filing Date	09-13-2000		
		First Named Inventor	John K. Overton		
		Art Unit	N/A		
		Examiner Name	Not Yet Assigned		
Sheet	2	of	5	Attorney Docket Number	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	5	LARRY NEUMANN & MARY OWEN, Oracle Names Administrator's Guide, Release 2.0 (1996 Oracle Corp., Redwood City, CA) (223 pages)	
	6	Joseph B. Greene, Oracle8 Server Unleashed, (Sams Publishing, Indianapolis, Ind.), published August 2, 1998 (Part 1-241 pages, Part 2-241 pages, Part 3-241 pages, Part 4-241 pages)	
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	12	Departments of Informatics, Oracle V2, Virtual Exhibitions in Informatics, University of Klagenfurt (September 30, 2019) (2 pages)	
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	16	Kove IO, Inc. v. Amazon Web Services, Inc., 1:18-cv-08175 (N.D. Ill.), Kove's Memorandum in Opposition to Amazon Web Services, Inc.'s Motion for Judgment on the Pleadings (22 pages)	

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		Examiner Name	Not Yet Assigned		
Sheet	3	of	5	Attorney Docket Number	

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	17	Kove IO, Inc. v. Amazon Web Services, Inc., 1:18-cv-08175 (N.D. Ill.), Joint Claim Construction Chart (Updated) (7 pages)	
	18	Declaration of Sylvia D. Hall-Ellis, Ph.D. Under 37 C.F.R. § 1.132 Regarding Publication of Oracle Names Administrator's Guide, Release 2.0 and Oracle8 Server Unleashed (67 pages)	
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	21	Amazon Web Services, Inc., v. Kove IO, Inc., IPR2020-00276, Paper 23 (Decision) (PTAB March 19, 2020) (25 pages)	
	22	Oracle - Investor Relations — FAQ, Frequently Asked Questions (5 pages)	
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	25	Kove IO, Inc. v. Amazon Web Services, Inc., 1:18-cv-08175 (N.D. Ill.), Motion For Addl Claim Construction (Updated), D.I. 484 (November 28, 2022)	
	26	Kove IO, Inc. v. Amazon Web Services, Inc., 1:18-cv-08175 (N.D. Ill.), Motion For Addl Claim Construction, D.I. 539 (November 28, 2022)	
	27	Kove IO, Inc. v. Amazon Web Services, Inc., 1:18-cv-08175 (N.D. Ill.), Minute Entry, D.I. 580 (January 14, 2023)	

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	4	Maarten van Steen et al., "Locating Objects in Wide-Area Systems," IEEE Communications Magazine, Vol. 36, Issue 1, pp. 104-09 (Jan. 1998) ("Steen") (6 pages)	

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	4	Maarten van Steen et al., "Locating Objects in Wide-Area Systems," IEEE Communications Magazine, Vol. 36, Issue 1, pp. 104-09 (Jan. 1998) ("Steen") (6 pages)	

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Bibliographic Data

Application No: 90/019,166

Foreign Priority claimed: ☐ Yes ☒ No

35 USC 119 (a-d) conditions met: ☐ Yes ☒ No ☐ Met After Allowance

Verified and Acknowledged: /CHARLES R CRAVER/

Examiner's Signature

Initials

Title:

NETWORK DISTRIBUTED TRACKING WIRE TRANSFER
PROTOCOL

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
02/17/2023	709	3992	
RULE			

APPLICANTS

INVENTORS

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Andrew Landers Ramos FISCH SIGLER LLP (3rd Pty Req), Washington, DC, UNITED STATES

CONTINUING DATA

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09661222 has PRO of 60153709 09/14/1999

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