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92045	7590	11/14/2024	EXAMINER	
The Caldwell Firm, LLC			ROSWELL, MICHAEL	
PO Box 59655				
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Dallas, TX 75229				
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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. 90/019,646 .

PATENT UNDER REEXAMINATION 10656754 .

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. 90/019,646	Patent Under Reexamination 10656754	
	Examiner MICHAEL R ROSWELL	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 *ex parte* reexamination filed 09/05/2024 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: Substitute Disclosure Form

1. ☒ The request for *ex parte* 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.

/MICHAEL ROSWELL/ Primary Examiner, Art Unit 3992		
cc:Requester (if third party requester)		

DECISION ON REQUEST FOR EX PARTE REEXAMINATION

This Office action is in response to a request for reexamination of claims 2, 83, 85, 86, 101, 108-115, 118-120, 123-127, 130-132, 134, 136, 137, 142-148, 150-186, 188, 193, 195, 196, 198, 205-208, 217-221, 225, 230, and 232 of US Patent 10,656,754 (“the ‘754 Patent”), submitted by Third Party Requester (3PR) on 5 September 2024.

A substantial new question of patentability affecting claims 2, 83, 85, 86, 101, 108-115, 118-120, 123-127, 130-132, 134, 136, 137, 142-148, 150-186, 188, 193, 195, 196, 198, 205-208, 217-221, 225, 230, and 232 of US Patent 10,656,754 is raised by the request for *ex parte* reexamination.

The Requester did not request reexamination of claims 1, 3-82, 84, 87-100, 102-107, 116, 117, 121, 122, 128, 129, 133, 135, 138-141, 149, 187, 189-192, 194, 197, 199-204, 209-216, 222-224, 226-229, 231, and 233-365 of the ‘754 Patent and did not assert the existence of a substantial new question of patentability for such claims. Subsequently, claims 1, 3-82, 84, 87-100, 102-107, 116, 117, 121, 122, 128, 129, 133, 135, 138-141, 149, 187, 189-192, 194, 197, 199-204, 209-216, 222-224, 226-229, 231, and 233-365 will not be reexamined. The Office’s determination in both the order for reexamination and the examination stage of the reexamination ordered will generally be limited solely to a review of the claim(s) for which reexamination was requested (see MPEP §§ 2240 and 2243). Additionally, if a Requester fails to set forth the pertinency and manner of applying the cited art to a claim as required by 37 CFR 1.510(b), that claim will generally not be reexamined¹.

¹ See *Sony Computer Entertainment America Inc. v. Dudas*, 85 USPQ2d 1594 (E.D. Va 2006). The decision of the District Court upheld the Office’s discretion to not reexamine claims in an *Inter Partes* Reexamination proceeding other than those claims for which reexamination had specifically been requested.

Scope of Reexamination

Claims 2, 83, 85, 86, 101, 108-115, 118-120, 123-127, 130-132, 134, 136, 137, 142-148, 150-186, 188, 193, 195, 196, 198, 205-208, 217-221, 225, 230, and 232 **will be** reexamined as requested.

Claims 1, 3-82, 84, 87-100, 102-107, 116, 117, 121, 122, 128, 129, 133, 135, 138-141, 149, 187, 189-192, 194, 197, 199-204, 209-216, 222-224, 226-229, 231, and 233-365 **are not** subject to reexamination.

Information Disclosure Statement

Regarding Information Disclosure Statement (IDS) submissions, MPEP § 2256 recites: “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 normally be limited by the degree to which the party filing the information citation has explained the content and relevance of the document. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08 or its equivalent, without an indication to the contrary in the record, do not signify that the document has been considered by the examiner any further than to the extent noted above.”

Accordingly, the IDS submission filed by 3PR on 5 September 2024 has been considered by the Examiner only within the scope required by MPEP § 2256, unless otherwise noted.

Summary of Prosecution History

US Application 16/438,455

The '754 Patent was filed as US Application 16/438,455 ("the '455 Application") on 11 June 2019, claiming an earliest priority date from provisional patent application 61/515,835, filed 5 August 2011. The '455 Application originally presented claims 1-16, including independent claims 1, 9, and 16.

The Office mailed a first action on 1 August 2019, principally rejecting claims 1-15 on the grounds of statutory double patenting, and claim 16 on the grounds of non-statutory double patenting.

Patent Owner filed a response to the first action on 6 September 2019, amending at least independent claim 1, cancelling claims 8-16, and adding new claims 17-202. A substitute amendment to the claims was filed 23 September 2019, amending independent claim 1, cancelling claims 2-16, and adding claims 17-237. Patent Owner filed a series of terminal disclaimers between 6 September 2019 and 20 November 2019 in an effort to obviate the outstanding double patenting rejections.

Subsequent to a 19 November 2019 interview, a Notice of Allowability was mailed indicating allowance of claims 1, 17-234, and 238-242. The Notice of Allowability included an Examiner's Amendment amending at least independent claims 1 and 17, cancelling claims 235-237, and adding new claims 238-242. The Notice of Allowability included an examiner's statement for reasons of allowance, which emphasized the following similar limitations from independent claims 1 and 17 (see 27 November 2019 Notice of Allowability at 26):

during detection of at least a portion of the gesture before a completion thereof is detected, blur, based on a change in the magnitude of the gesture being detected on the [display/touchscreen], at least a portion of the at least one other object

As such, limitations relating to blurring at least a portion of “other” objects on a display during detection of a gesture and “based on” a change in the magnitude of the gesture are central to patentability.

On 13 January 2020, Patent Owner filed an amendment to clarify existing claims, as well as add new claims 243-384.

Claims 1, 17-234, 238-240, and 242-384 were subsequently allowed by the Office on 7 February 2020, noting the reasons for allowance of 27 November 2019.

US Patent 10,656,754 was published 19 May 2020, with 365 claims.

Prior Art Cited in the Request

The instant Request indicates that the following four (4) prior art references present substantial new questions of patentability with respect to claims 2, 83, 85, 86, 101, 108-115, 118-120, 123-127, 130-132, 134, 136, 137, 142-148, 150-186, 188, 193, 195, 196, 198, 205-208, 217-221, 225, 230, and 232:

- **Beaumier** – US Publication 2011/0283236, filed 17 November 2011
- **Chaudhri** – US Publication 2009/0198359, published 6 August 2009
- **Wang** – US Publication 2012/0206399, filed 24 March 2011
- **Shiplacoff** – US Publication 2010/0095240, published 15 April 2010

As noted in the Request at 12, none of the prior art in the Request was applied during prosecution of the ‘754 Patent.

Affidavits, Declarations, or Other Written Evidence

The Examiner recognizes the declaration of Dr. Andrew Cockburn (Appendix C), referenced in support of Third Party Requester. The declaration has been considered and made of record. The Examiner further notes 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)), but any rejection must be based upon the prior art patents or printed publications as explained by the affidavits or declarations or other written evidence.

Substantial New Questions of Patentability

The presence or absence of a “substantial new question of patentability” determines whether or not reexamination is ordered. For a substantial new question of patentability 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 claims, 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; and (B) the same question of patentability as to the claim has not been decided by the Office in an earlier concluded examination or review of the patent, raised to or by the Office in a pending reexamination or supplemental examination of the patent, or decided in a final holding of invalidity (after all appeals) by a federal court in a decision on the merits involving the claim. If a reexamination proceeding was terminated/vacated without resolving the substantial question of patentability question, it can be re-presented in a new reexamination request. It is not necessary that a “prima facie” case of unpatentability exist as to the claim in order for a substantial new question of patentability to be present. Thus, a substantial new question of patentability as to a patent claim could be present even if the examiner would not necessarily

reject the claim as either fully anticipated by, or obvious in view of, the prior art patents of printed publications (see MPEP § 2242(I)).

The instant request includes three proposed grounds of rejection, reproduced herein:

Ground	754 Patent Claims	Basis for Unpatentability and Proposed Ground of Rejection (35 U.S.C. § 103)
1	2, 101, 108-115, 118-120, 123-127, 130-132, 134, 136, 137, 142-148, 150-185, 225, 230, and 232	Beaumier in view of Chaudhri
2	83, 85, 86, 186, 188, 193, 195, 196, 198, and 205-207	Beaumier in view of Chaudhri and Wang
3	208 and 217-221	Beaumier in view of Chaudhri, Wang, and Shiplacoff

Of the requested claims, claims 2 and 225 are independent, with both being rejected under proposed ground 1.

SNQ 1: Claims 2, 101, 108-115, 118-120, 123-127, 130-132, 134, 136, 137, 142-148, 150-185, 225, 230, and 232

The Request proposes a rejection of claims 2, 101, 108-115, 118-120, 123-127, 130-132, 134, 136, 137, 142-148, 150-185, 225, 230, and 232 over Beaumier in view of Chaudhri. Claims 2 and 225 are independent, and are discussed in the Request at 32-46 and 231-233. In the reproductions below, limitations determined to be central to patentability are italicized.

Claim 2 recites:

An apparatus, comprising:

at least one non-transitory memory;
a touch screen; and
one or more processors in communication with the at least one non-transitory memory,
and the touch screen, wherein the one or more processors execute instructions in the at least
one non-transitory memory, to cause the apparatus to:

display an object and at least one other object;
detect at least part of a gesture on the touch screen; and
*during detection of at least a portion of the gesture before a completion thereof is
detected, blur, based on a change in a magnitude of the gesture being detected on the
touch screen, at least a portion of the at least one other object.*

Beaumier and Chaudhri

The Beaumier reference generally discloses a “digital jukebox” device that allows a user
to interact with the system through touch screen means. The touch screen of Beaumier
includes objects (artist/album artwork, song title labels, etc., at [0084]) that are manipulable
through touch gestures (swipe, press and hold, etc., at [0058]).

Chaudhri generally discloses a portable electronic device having a touch screen display
for allowing a user to manipulate an associated graphical user interface, utilizing gestures
similar to those disclosed by Beaumier.

Regarding the limitation *during detection of at least a portion of the gesture before a
completion thereof is detected, blur, based on a change in a magnitude of the gesture being
detected on the touch screen, at least a portion of the at least one other object*, it is noted that
the claim does not explicitly define the “completion” of a gesture, or to what extent an object is
blurred “based on” a change in the magnitude of a gesture.

The specification of the ‘754 Patent does not provide a standard for the “completion” of a
gesture. For example, the specification variously states that a gestures with two contact points

“is completed by altering the contact pressures on the two contact points such that the pressure exerted on [contact point] 2004 now exceeds that being exerted on [contact point] 2002” (see the ‘754 Patent at col. 62, lines 9-24), but also that such a gesture “is completed by ending one of both contacts, or by performing a different gesture” (*infra* at col. 63, lines 35-48). As a result, the broadest reasonable interpretation (BRI) of the term gesture “completion” is the performance of a different gesture.

The term “based on” similarly provides no definition as to the correlation between the change in magnitude of a gesture and the blur effect itself. The examiner contends that the BRI of the limitation “blur, based on a change in magnitude of the gesture being detected on the touch screen” is analogous to implementing any level of a blur effect in response to any change in magnitude of an associated gesture.

With respect to the limitations determined to be central to patentability, both Beaumier and Chaudhri have been demonstrated *supra* to be related to touch screen graphical user interfaces. Beaumier and Chaudhri both similarly disclose touch input gestures that may have a measurable magnitude; for example, Beaumier discusses the holding of a touch for a time period greater than a threshold. With regard to a blurring effect, Beaumier discloses that upon the selection of an album jacket object, background user interface (UI) elements may be blurred to help bring focus to the selected object. See Beaumier at [0127]. Furthermore, Beaumier states at [0102] that “[p]ressing and holding” a particular object “may indicate a selection”.

As such, it is agreed that Beaumier and Chaudhri raise an SNQ as to claims 2 and 225 of the ‘754 Patent. Inasmuch as claims 101, 108-115, 118-120, 123-127, 130-132, 134, 136, 137, 142-148, 150-185, 230, and 232 depend from either independent claim 2 or 225, Beaumier and Chaudhri raise an SNQ as to such claims. There is substantial likelihood that a reasonable examiner would consider these teachings important in deciding whether or not these claims are patentable.

The Beaumier and Chaudhri references were not of record in the prior original examination and thus were not previously discussed by the examiner nor applied to any of the claims in the prior original examination

Accordingly, Beaumier and Chaudhri raise a substantial new question of claims 2, 101, 108-115, 118-120, 123-127, 130-132, 134, 136, 137, 142-148, 150-185, 225, 230, and 232. Such question has not been decided in a previous examination of the '754 Patent, nor was there a final holding of invalidity by the Federal courts regarding the '754 Patent.

SNQ 2: Claims 83, 85, 86, 186, 188, 193, 195, 196, 198, and 205-207

The Request proposes a rejection of claims 83, 85, 86, 186, 188, 193, 195, 196, 198, and 205-207 over Beaumier in view of Chaudhri and Wang (see Request at 238). Claims 83, 85, 86, 186, 188, 193, 195, 196, 198, and 205-207 depend from independent claim 2 either directly or as part of a chain of dependency.

Wang discloses systems and methods for processing touch screen inputs. Taken alone, Wang is not sufficient to raise an SNQ with respect to the subject matter identified as central to the patentability of the '754 Patent. However, when taken in combination with Beaumier and Chaudhri, and in light of the application of Wang to claims depending from independent claim 2, such combination is sufficient to raise an SNQ with respect to claims 83, 85, 86, 186, 188, 193, 195, 196, 198, and 205-207.

The Beaumier, Chaudhri, and Wang references were not of record in the prior original examination and thus were not previously discussed by the examiner nor applied to any of the claims in the prior original examination

Accordingly, Beaumier, Chaudhri, and Wang raise a substantial new question of claims 83, 85, 86, 186, 188, 193, 195, 196, 198, and 205-207. Such question has not been decided in a previous examination of the '754 Patent, nor was there a final holding of invalidity by the Federal courts regarding the '754 Patent.

SNQ 3: Claims 208 and 217-221

The Request proposes a rejection of claims 208 and 217-221 over Beaumier in view of Chaudhri, Wang, and Shiplacoff. Claims 208 and 217-221 depend from independent claim 2 either directly or as part of a chain of dependency.

Shiplacoff discloses a device having a touch-sensitive screen that accepts gesture-based input. Taken alone, Shiplacoff is not sufficient to raise an SNQ with respect to the subject matter identified as central to the patentability of the '754 Patent. However, when taken in combination with Beaumier, Chaudhri, and Wang, and in light of the application of Shiplacoff to claims depending from independent claim 2, such combination is sufficient to raise an SNQ with respect to claims 208 and 217-221.

The Beaumier, Chaudhri, Wang, and Shiplacoff references were not of record in the prior original examination and thus were not previously discussed by the examiner nor applied to any of the claims in the prior original examination

Accordingly, Beaumier, Chaudhri, Wang, and Shiplacoff raise a substantial new question of claims 208 and 217-221. Such question has not been decided in a previous examination of the '754 Patent, nor was there a final holding of invalidity by the Federal courts regarding the '754 Patent.

35 USC 325(d)

35 USC 325(d) states in part that “[i]n determining whether to institute or order a proceeding under this chapter, chapter 30, or chapter 31, the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office.” Thus, in order for the Director to exercise discretion as to whether to Order a reexamination proceeding under chapter 30, the

request must first be determined to be based on the same or substantially the same prior art or arguments that previously were presented to the Office.

A review of the post grant history of the '754 patent indicates that the patent was the subject of a seven prior AIA petitions. On June 28, 2024, petitioner Apple, Inc. concurrently filed seven petitions seeking, collectively, *inter partes* review of claims 1, 2, 8, 10, 16, 24-30, 32-40, 42-44, 46, 47, 52, 57-83, 88, 90, 94, 95, 97-101, 104, 117, 122, 186, 187, 189, 191, 192, 197, 199-204, 208-216, 223-225 and 230 of the '754 patent (IPR2024-101086, IPR2024-01114, IPR2024-01115, IPR-2024,01116, IPR2024-01117, IPR2024-01117, IPR2024-01118, IPR2024-01119). The grounds asserted by as raising a reasonable likelihood in prevailing (RLP) in showing the unpatentability of the claims for each IPR petition are as follows:

IPR2024-01086

RLP #	Claims Challenged	35 USC §	References
1	2, 8, 10, 16, 24, 26, 224	103	Ahn, Chaudhri '842

IPR-2024-01114

RLP #	Claims Challenged	35 USC §	References
1	2, 27-30, 32-36, 38, 40, 42-44, 46, 47, 52, 57, 59	103	Ahn, Chaudhri '842

IPR2024-01115

RLP #	Claims Challenged	35 USC §	References
1	2, 27, 37, 58, 60-64, 67-79, 223	103	Ahn, Chaudhri '842

IPR2024-01116

RLP #	Claims Challenged	35 USC §	References
1	2, 27, 186, 187, 189, 191, 192, 197, 199-204, 225, 230	103	Ahn, Chaudhri '842

IPR2024-01117

RLP #	Claims Challenged	35 USC §	References
1	2, 27	103	Ahn, Chaudhri '842
2	25, 65, 66, 101, 104, 117, 122	103	Ahn, Chaudhri '842, Hinkley

IPR2024-01118

RLP #	Claims Challenged	35 USC §	References
1	2	103	Ahn, Chaudhri '842
2	83, 88, 90, 94, 95	103	Ahn, Chaudhri '842, Hinkley
3	80-82	103	Ahn, Chaudhri '842, Shipalcoff
4	97-100	103	Ahnm Chaudhri '842, Hinkley, Shipalcoff

IPR2024-01119

RLP #	Claims Challenged	35 USC §	References
1	2	103	Ahn, Chaudhri '842
2	1, 208-216	103	Ahn, Chaudhri '842, Shipalcoff

The Patent Trial and Appeal Board (PTAB) has not yet issued a decision on the institution of *inter partes* review in any of the seven petitions. Accordingly, the merits of the newly presented references of Ahn, Chaudhri '842, Hinkley and Shipalcoff have not been addressed by the PTAB.

A comparison between the prior art and arguments presented in the current *ex parte* reexamination Request (90/019,646) and the prior *inter partes* review petitions (IPR2024-

101086, IPR2024-01114, IPR 2024-01115, IPR-2024,01116, IPR2024-01117, IPR2024-01117, IPR2024-01118, IPR2024-01119) indicates that the instant request is not based on the same or substantially the same prior art or arguments as were previously presented to the Office.

As stated above, the instant request asserts the following grounds as raising an SNQ to claims 2, 83, 85, 86, 101, 108-115, 118-120, 123-127, 130-132, 134, 136, 137, 142-148, 150-186, 188, 193, 195, 196, 198, 205-208, 217-221, 225, 230, and 232 of the '754 patent:

SNQ #	Claims Challenged	Basis	References
1	2, 101, 108-115, 118-120, 123-127, 130-132, 134, 136, 137, 142-148, 150-185, 225, 230, 232	103	Beaumier, Chaudhri '359
2	83, 85, 86, 186, 188, 193, 195, 196, 198, 205-207	103	Beaumier, Chaudhri '359, Wang
3	208, 217-221	103	Beaumier, Chaudhri '359, Wang, Shiplacoff

As an initial matter, none of the grounds asserted as raising an SNQ in the current *ex parte* reexamination Request (90/019,646) are based on identical grounds asserted in the prior IPR petition and the arguments in the Request relate to these prior art combinations. Thus, the Request is not based on the same prior art or arguments previously presented to the Office.

In addition, the Request is also not based on substantially the same prior art or arguments as were previously presented to the Office. The prior art references of Beaumier, Chaudhri '359 and Wang are materially different references than presented in the seven IPR petitions, as noted above, and thus present different disclosures than the Ahn, Chaudhri '842 and Hinkley references presented in the seven prior IPR petitions (IPR2024-101086, IPR2024-01114, IPR 2024-01115, IPR-2024,01116, IPR2024-01117, IPR2024-01117, IPR2024-01118, IPR2024-01119). The Shiplacoff reference is presented in both the instant *ex parte* reexamination request (90/019,646) and two of the seven IPR petitions (IPR2024-01118 and IPR2024-01119). However, Shiplacoff is presented in combination with different references in

the instant *ex parte* reexamination request (Beaumier, Chaudhri '359 and Wang) than in the two IPR petitions (Ahn, Chaudhri '842 and Hinckly).

However, to the extent that the references of Beaumier, Chaudhri '359 and Wang presented in the current *ex parte* reexamination Request (90/019,646) are considered to be substantially similar to the references of Ahn, Chaudhri '842 and Hinckly presented in the seven prior IPR petitions (IPR2024-101086, IPR2024-01114, IPR 2024-01115, IPR-2024,01116, IPR2024-01117, IPR2024-01117, IPR2024-01118, IPR2024-01119), the Examiner as delegated by the Director declines to exercise discretion to reject this request in view of the following facts:

- 1.) There has been no finding of serial abusive Office challenges to the '754 patent by Third Party Requester²;
- 2.) The fact that the PTAB has not yet issued a decision on the institution of *inter partes* review in the seven IPR petitions and therefore has not yet considered the merits of references presented in the IPR petitions;
- 3.) The fact that there is minimal additional burden on the Office in examining the claims of the '754 patent in view of the grounds determined to raise an SNQ; and
- 4.) The fact that there is a strong public interest that the prior art references of Beaumier, Chaudhri '359, Wang and Shiplacoff, which are determined to raise an SNQ over claims 2, 83, 85, 86, 101, 108-115, 118-120, 123-127, 130-132, 134, 136, 137, 142-148, 150-186, 188, 193, 195, 196, 198, 205-208, 217-221, 225, 230, and 232 of the '754 patent, be fully considered by the Office to fully address the patentability of the challenged claims.

² It is noted that all seven of the prior IPR petitions were filed on the same day, June 28, 2024 and that there are over 200 claims in the '754 patent. In addition, while there are a total of seven prior IPR petitions, the seven petitions challenge different claims of the '754 patent but yet present the same prior art references. In light of these facts, the seven IPR petitions can be considered to collectively challenging the claims of the '754 patent in the same fashion as a single IPR petition.

Accordingly, *Ex Parte* Reexamination is Ordered based on the determination that cited Beaumier, Chaudhri '359, Wang and Shiplacoff references raise an SNQ to the '754 patent for the reasons set forth above.

Conclusion

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 USC 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

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 US Patent 10,656,754 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.

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

Electronically:

Registered users may submit via Patent Center at <https://patentcenter.uspto.gov/>

By Mail to:

Mail Stop *Ex Parte* Reexam
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For electronic transmissions, 37 CFR 1.8(a)(1)(i)(C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the USPTO patent electronic filing system in accordance with 37 CFR 1.6(a)(4), and (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

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

/MICHAEL ROSWELL/
Primary Examiner, Art Unit 3992

Conferees:

/ADAM L BASEHOAR/
Primary Examiner, Art Unit 3992

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