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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/015,054	06/08/2022	10698989	2090-0003-REX	1008
142179	7590	03/04/2025	EXAMINER	
Hard IP LLC (General)			TON, MY TRANG	
10 Notch Hill Drive				
Livingston, NJ 07039				
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			03/04/2025	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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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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New York, NY 10010

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

REEXAMINATION CONTROL NO. 90/015,054 .

PATENT UNDER REEXAMINATION 10698989 .

ART UNIT 3992 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Notice of Intent to Issue Ex Parte Reexamination Certificate	Control No. 90/015,054	Patent Under Reexamination 10698989	
	Examiner MY TRANG TON	Art Unit 3992	AIA (First Inventor to File) Status No

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

1. ☒ Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. *Cf.* 37 CFR 1.313(a). A Certificate will be issued in view of
 - (a) ☐ Patent owner's communication(s) filed: _____.
 - (b) ☒ Patent owner's failure to file an appropriate timely response to the Office action mailed: 05 November 2024.
 - (c) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - (d) ☐ The decision on appeal by the ☐ Board of Patent Appeals and Interferences ☐ Court dated _____
 - (e) ☐ Other: _____.
2. The Reexamination Certificate will indicate the following:
 - (a) Change in the Specification: ☐ Yes ☒ No
 - (b) Change in the Drawing(s): ☐ Yes ☒ No
 - (c) Status of the Claim(s):
 - (1) Patent claim(s) confirmed: _____.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): _____
 - (3) Patent claim(s) canceled: 1-9.
 - (4) Newly presented claim(s) patentable: _____.
 - (5) Newly presented canceled claims: _____.
 - (6) Patent claim(s) ☐ previously ☐ currently disclaimed: _____
 - (7) Patent claim(s) not subject to reexamination: _____.
3. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
4. ☐ Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
5. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).
6. ☐ Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
7. ☐ The drawing correction request filed on _____ is: ☐ approved ☐ disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have
 - ☐ been received.
 - ☐ not been received.
 - ☐ been filed in Application No. _____.
 - ☐ been filed in reexamination Control No. _____.
 - ☐ been received by the International Bureau in PCT Application No. _____.

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

All correspondence relating to this reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

/MY TRANG TON/ Primary Examiner, Art Unit 3992	
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cc: Requester (if third party requester)

NOTICE OF INTENT TO ISSUE REEXAMINATION CERTIFICATE (NIRC)

Status of the Proceeding

This is an ex parte reexamination of U.S. Patent No. 10,698,989 ("**the**
5 **base Patent**").

On November 5, 2024 the Office issued a non-final Office action
("**November 2024 Non-Final Action**"). Claims 1-9 were rejected under 35
U.S.C § 103.

The statutory period for response has passed and the Office has not
10 received a reply from the Patent Owner. Examiners note that 37 C.F.R. § 1.550
(d) states:

*"If the patent owner fails to file a timely and appropriate response to any
Office action or any written statement of an interview required under §
1.560(b), the prosecution in the ex parte reexamination proceeding will be
15 a terminated prosecution, and the Director will proceed to issue and
publish a certificate concluding the reexamination proceeding under §
1.570 in accordance with the last action of the Office."*

- 37 C.F.R. § 1.550 (d).

20 Because the Office issued the November 2024 Non-Final Action and
because the statutory period for reply has passed without a response from the
Patent Owner, prosecution in the ex-parte reexamination proceeding will be
terminated and a certificate is being issued in accordance with the November
2024 Non-Final Action.

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Status of Claims

Based upon the November 2024 Non-Final Action the status of the claims is as follows:

- 5 1. Claims 1-9 were pending and under reexamination.
2. Claims 1-9 stood rejected in the November 2024 Non-Final Action.
3. As result of this Office action, and in accordance with MPEP §
 2287 II, an Examiner's Amendment cancelling claims 1-9 appears below.

10

Examiner Amendment

An Examiner's amendment to the record appears below. The changes made by this Examiner's amendment will be reflected in the reexamination certificate to issue in due course.

Please cancel claims 1-9.

15

The present Notice of Intent to Issue Reexamination Certificate (NIRC) is issued in accordance with 37 CFR 1.570.

Conclusion

20

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

Electronically: Registered users may submit via the electronic filing system
Patent Center at <https://patentcenter.uspto.gov/>.

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

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.

Signed:

/MY TRANG TON/
Primary Examiner, Art Unit 3992

Conferees:

/KENNETH WHITTINGTON/
Primary Examiner, Art Unit 3992

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3992