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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. 90/019,948 .

PATENT UNDER REEXAMINATION 11695823 .

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)).

Office Action in Ex Parte Reexamination	Control No. 90/019,948	Patent Under Reexamination 11695823	
	Examiner B. JAMES PEIKARI	Art Unit 3992	AIA (First Inventor to File) Status Yes

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

- a. ☒ Responsive to the communication(s) filed on 06 May 2025.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

b. ☐ This action is made FINAL.

c. ☐ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c)**. If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. ☐ Notice of References Cited by Examiner, PTO-892. | 3. ☐ Interview Summary, PTO-474. |
| 2. ☐ Information Disclosure Statement, PTO/SB/08. | 4. ☐ _____. |

Part II SUMMARY OF ACTION

- 1a. ☒ Claims 1-4,8,15 and 19 are subject to reexamination.
- 1b. ☒ Claims 5-7,9-14 and 16-18 are not subject to reexamination.
2. ☐ Claims _____ have been canceled in the present reexamination proceeding.
3. ☐ Claims _____ are patentable and/or confirmed.
4. ☒ Claims 1-4,8,15 and 19 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ The drawings, filed on _____ are acceptable.
7. ☐ The proposed drawing correction, filed on _____ has been (7a) ☐ approved (7b) ☐ 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
1 ☐ been received.
2 ☐ not been received.
3 ☐ been filed in Application No. _____.
4 ☐ been filed in reexamination Control No. _____.
5 ☐ been received by the International Bureau in PCT application No. _____.
* See the attached detailed Office action for a list of the certified copies not received.
9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate 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.
10. ☐ Other: _____

cc: Requester (if third party requester)

***EX PARTE* REEXAMINATION NON-FINAL ACTION**

Claims affecting claims 1-4, 8, 15 and 19 of U.S. Patent Number 11,695,823 (the '823 patent) are pending in this reexamination proceeding.

Priority

The '823 patent matured from U.S. Patent Application No. 17/142,983 (the '983 application), filed on January 6, 2021. The '823 patent claims priority through a string of continuations to a provisional application filed June 13, 2013.

The effective filing date of the '983 patent is after March 16, 2013. Consequently, AIA provisions apply.

Prior or Concurrent Proceedings

On February 17, 2025, petitioner Microsoft Corporation filed a petition seeking *inter partes* review of claims 1-5, 7, 8, 12-15, 18 and 19 of the '823 patent. Petition IPR2025-00618 was granted review by the Patent Trial and Appeal Board (PTAB) on September 30, 2025.

Also of note are court proceedings *Edge Networking Systems, LLC v. Microsoft Corporation* (W.D. Tex., Case No. 1:24cv215, Feb. 29, 2024) (open) and *Edge Networking Systems LLC v. Amazon.com, Inc., et al.* (E.D. Tex., Case No. 2:24cv887, Nov. 1, 2024) (open).

Note the Litigation Reminder below.

Prosecution Summary

The following is a brief summary of the prosecution to date in this *ex parte* reexamination proceeding:

- On May 6, 2025, a request for *ex parte* reexamination of claims 1-4, 8, 15 and 19 of the '823 patent was filed by a third party requestor.
- On July 22, 2025, the USPTO mailed a decision granting *ex parte* reexamination and ordering reexamination of claims 1-4, 8, 15 and 19.

References

The references discussed herein are as follows:

- (1) U.S. Patent Application Publication No. 2012/0278454 to Stewart et al.
("Stewart")
- (2) U.S. Patent Application Publication No. 2013/0054682 to Malik et al.
("Malik").

Claim Rejections – Relevant Statutes

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections – Detailed Explanation

Claims 1-4, 8, 15 and 19 are rejected under pre-AIA 35 U.S.C. 103(a) as obvious over Stewart.

Stewart is directed to a gateway device application development system wherein a gateway device may provide reported information to and receive commands from a cloud server, which may be in communication with other devices which may be used to view reported information of or control the managed devices.

In the Stewart system, the cloud server may also be configured to install applications, e.g., for execution by the cloud server, the gateway device, and/or other devices. The Stewart system determines a plurality of applications to install, provides those applications to the gateway device over a wide area network, then the gateway device executes those applications. Note Figure 1B, below:

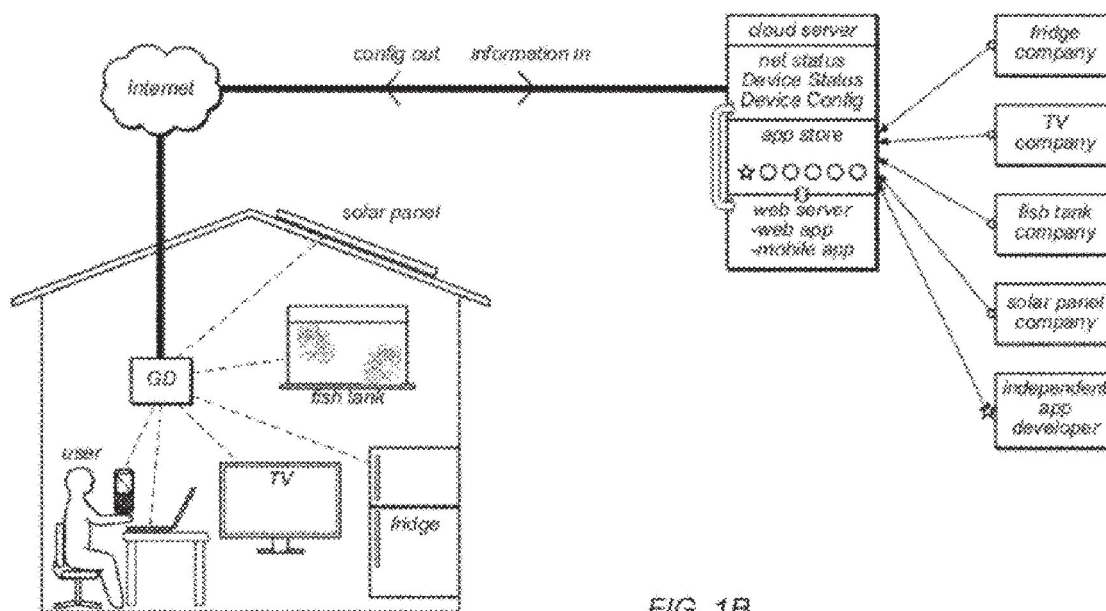
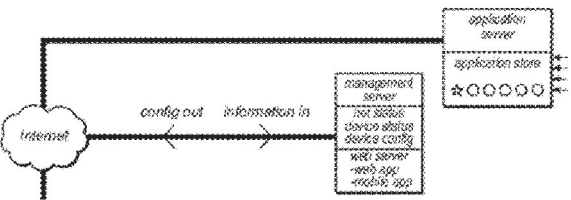
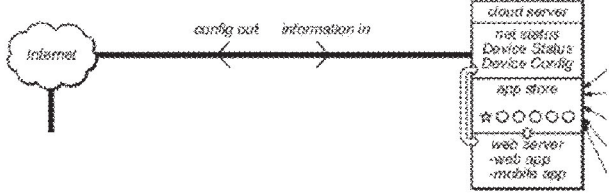


FIG. 1B

Stewart teaches the claims as described below:

The '823 patent	Stewart
1. A system comprising:	Note Figures 1A and 1B and ¶ [0043], "FIGS. 1A and 1B illustrate various exemplary systems that may implement embodiments described herein. However, these systems are exemplary only and other systems and configurations are envisioned."
a programmable network device adapted to host a plurality of network device applications;	¶ [0009], "the gateway device and the plurality of premise devices may be connected to a same network (e.g., a local area network, possibly provided by the gateway device)." ¶ [0043], "Gateway Device—refers to a device that is configured to couple to a wide area network, such as the Internet, and also couple (either wired or wirelessly) to one or more devices, and which is configurable with one or more application programs to monitor and/or control the one or more devices."
a programmable cloud device adapted to host a plurality of cloud applications,	¶ [0055], "The one or more servers (which may be a "cloud server" or "cloud servers") may provide various functionality for the convenience store, the gateway device, and/or other devices or users, as desired." Note Figure 1A, where the cloud device is made up of a distinct application server for cloud applications and a management server:  Or note Figure 1B, where the cloud device may be a combination of the application and management servers:

	
wherein the plurality of network device applications and the plurality of cloud applications are in secure communication with each other to form distributed applications; and	Note Figures 1A and 1B which show the network device and the cloud device in communication with each other through the Internet. ¶ [0054], “The computer system may be in communication with a server, referred to as a management server (e.g., a cloud server, as described below). The management server may be located on the Internet, or may be in direct communication with the gateway device (e.g., without accessing the Internet), and/or both, as desired. The gateway device may be in direct communication with the management server to report information gathered by the devices or perform control actions, among other possibilities.” ¶ [0100], “The gateway device may also include secure logic, which may be configured to store and handle any information that requires security, such as isolation from the application logic where other applications are executed.”
wherein the plurality of network device applications and plurality of cloud applications device form unified capabilities enabling a plurality of upper layer application programming interfaces (APIs) to program the plurality of network device applications and plurality of cloud applications independent of network device hardware and cloud device hardware.	¶ [0011], “a software development kit (SDK) or application programming interface (API) may be used to develop applications that can be installed on the gateway device. As noted above, <u>these applications may also be executable by other devices as well</u>. For example, the applications may be executable by the gateway device, a server, <u>and/or other devices (e.g., user devices)</u>.” (emphasis added) ¶ [0106], “The SDK and/or API may allow the developer to develop an application that is compatible with the gateway

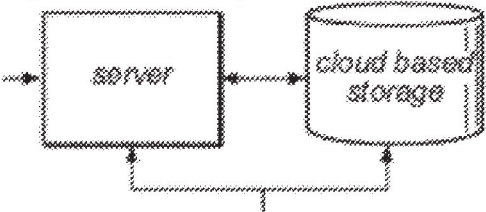
	device, the management server, and/or other devices that may execute portions of the application.” See below with regard to “upper layer”.
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With regard to claim 1, Stewart teaches every limitation of the claim but fails to specifically mention that the application programming interfaces (APIs) are indeed “upper layer”.

However, Stewart does explicitly teach that, ¶ [0106], “the SDK or API may be downloaded as executable program instructions (e.g., when downloaded as a development environment) and/or as documentation. For example, the SDK may include a compiler and/or simulator for compiling and testing the application, e.g., as it is developed. For example, the simulator may allow the developer to test execution on a simulated gateway device, simulated management server, simulated other device, or any combination (e.g., in order to test distributed execution of the application).”

Therefore, it would have been obvious to one of ordinary skill in the art that the Stewart APIs could (and very often should) run at an “upper layer” relative to the hardware and firmware of the Stewart system, since this is what gives the benefit of being more easily programmable in a development environment or in a testing/simulation environment, as disclosed by Stewart.

The '823 patent	Stewart
2. The system of claim 1, wherein the programmable network device and the programmable cloud device each include an access network interface unit configured to send and receive communications and a processor with a memory associated with the access network interface unit.	Regarding the network device, ¶ [0050], “the gateway device may itself include logic (e.g., circuitry such as an ASIC or FPGA and/or a processor and memory storing program instructions) to perform these wide area network connectivity functions.”

	Regarding the cloud device, note the server (which requires a processor) and storage shown in Figure 2:  ¶ [0097], “the gateway device may include a device interface for coupling to various devices, e.g., managed by the gateway device. For example, the interface may include various wired connections for coupling with the premise devices (e.g., USB, Rs232, Rs485, etc., LONtalk, Ethernet ports, etc.). The interface may also couple to one or more switches, hubs, external routers, or external networks (wireless or wired, as desired) to couple to (and potentially mange) further devices. For example, as shown, the interface may include an Ethernet connection to a device (e.g., a switch) that connects to both a WiFi network and another device.”
3. The system of claim 1 further comprising: an application management portal capable of managing life cycles of the distributed applications; and an infrastructure application marketplace in communication with the application management portal, said infrastructure marketplace capable of providing tested and certified distributed applications to the application management portal.	Regarding management of the life cycles of distributed applications, ¶ [0228], “when such an application is selected for installation, the original application may be removed and replaced with the new application (e.g., in response to user input confirming the replacement or automatically, as desired). ... the replacement application may be purely functional (e.g., not associated with new hardware or a specific hardware device) and the user may simply wish to replace the original default software application with a different third party application (e.g., which is better or that the user prefers).” Regarding the infrastructure application marketplace in communication with the application portal, ¶ [0013], “A user may

	browse (using a web browser) through a plurality of available applications in the application store and then select desired applications for installation, e.g., on the gateway device, the server, and/or other devices.” ¶ [0072], “the management server may include a database of available interfaces (e.g., associated with each application that is configured for execution on the management server) and, in response to an application being installed, associate the interface (or application portion) with the gateway device or user for which the application was installed.” ¶ [0116], “the locally installed program may retrieve the list of applications available from the application server and provide them for selection on a display of a client used by the user. In one embodiment, the user may access the application server (via webpage, application, or other mechanism) to visit a “store” of applications, which may be referred to as an application store, app store, PACKAGE WAREHOUSE™, PACKAGE STORE™, etc.” Regarding providing tested and certified distributed applications to the application management portal, ¶ [0106], “The SDK and/or API may allow the developer to develop an application that is compatible with the gateway device, the management server, and/or other devices that may execute portions of the application... the SDK may include a compiler and/or simulator for compiling and testing the application, e.g., as it is developed. For example, the simulator may allow the developer to test execution on a simulated gateway device, simulated management server, simulated other device, or any combination (e.g., in order
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	to test distributed execution of the application).” ¶ [0108], “an administrator of the application server (or other authorized user) may review the source code, test execution of the application, etc. in order to ensure that the application behaves as it is intended and/or will not cause any issues for users installing the application (e.g., on gateway devices, the management server, or other devices).”
4. The system of claim 3, wherein the application management portal is capable of at least one of the group consisting of: receiving new applications from the infrastructure application marketplace; testing said distributed applications prior to deployment; provisioning said distributed applications; and deprovisioning said distributed applications.	Regarding receiving new applications from the infrastructure application marketplace, ¶ [0013], “A user may browse (using a web browser) through a plurality of available applications in the application store and then select desired applications for installation, e.g., on the gateway device, the server, and/or other devices.” Regarding testing said distributed applications prior to deployment, ¶ [0106], “The SDK and/or API may allow the developer to develop an application that is compatible with the gateway device, the management server, and/or other devices that may execute portions of the application... the SDK may include a compiler and/or simulator for compiling and testing the application, e.g., as it is developed. For example, the simulator may allow the developer to test execution on a simulated gateway device, simulated management server, simulated other device, or any combination (e.g., in order to test distributed execution of the application).” ¶ [0108], “an administrator of the application server (or other authorized user) may review the source code, test execution of the application, etc. in order to ensure that the application behaves as it is intended and/or will not cause any

	issues for users installing the application (e.g., on gateway devices, the management server, or other devices)." Regarding provisioning said distributed applications, ¶ [0108], "after the application has been developed, the application may be submitted to an application server (or "server"). For example, the developer may upload the application (e.g., in a compiled form and/or in source code form) to the application server. An approval process may be required before the application is available for installation on gateway devices, the management server, other devices, etc." Regarding deprovisioning said distributed applications, ¶ [0228], "when such an application is selected for installation, the original application may be removed and replaced with the new application (e.g., in response to user input confirming the replacement or automatically, as desired). ... the replacement application may be purely functional (e.g., not associated with new hardware or a specific hardware device) and the user may simply wish to replace the original default software application with a different third party application (e.g., which is better or that the user prefers)."
8. The system of claim 3 further comprising: a distributed notification service wherein notice of a predetermined event is sent from at least one of the plurality of network device applications to at least one of the plurality of cloud applications.	¶ [0016], "Once the gateway device has been configured with one or more applications, and hence has the ability to manage the coupled premise devices (e.g., via the installed applications), it may provide information reported by the premise devices to a server and/or control the premise devices in response to messages." ¶ [0053], "the gateway device may provide status messages (e.g., containing reported information) or control messages

	(e.g., for controlling one or more devices) regarding the plurality of devices of the convenience store to the computer system.” ¶ [0070], “the gateway device may be initially configured to report information gathered by any devices with which it can communicate. The management server, in turn, may be configured to provide such information to one or more users.”
15. The system of claim 1 further comprising: a distributed content service wherein contents generated by the at least one of the plurality of network device applications are shared with at least one of the plurality of cloud applications.	¶¶ [0055]-[0056], “As shown in FIG. 1A (and as discussed above), the gateway device may be in communication with one or more servers (e.g., which may be a single server or a server farm, as desired) over the Internet connection. The one or more servers (which may be a “cloud server” or “cloud servers”) may provide various functionality for the convenience store, the gateway device, and/or other devices or users, as desired. For example, the management server may be configured to receive and store information regarding the premise devices managed by the gateway device and possibly status information of the gateway device or the convenience store. ... The reported information may indicate a current condition of the premise device, a condition of the environment of the location near the premise device, any data measured by the premise device, etc. For example, the management server may store the current temperature (and/or a history of temperatures) for a first refrigeration device at the convenience store. The management server may also receive messages regarding various transactions performed by a first POS device at the convenience store and store information regarding those transactions. The management server may also receive messages regarding the fuel level in a first fuel tank at the convenience store and store the current level (or a

	history of fuel levels) in response to the message.”
19. A system comprising: a programmable network device adapted to host a plurality of network device applications; a programmable cloud device adapted to host a plurality of cloud applications, wherein the plurality of network device applications and the plurality of cloud applications are in secure communication with each other to form distributed applications; wherein the plurality of network device applications and plurality of cloud applications form unified capabilities enabling a plurality of upper layer application programming interfaces (APIs) to program the plurality of network device applications and plurality of cloud applications independent of network device hardware and cloud device hardware; an application management portal capable of managing life cycles of the plurality of network device applications and plurality of cloud applications; and an infrastructure application marketplace in communication with the application management portal, said infrastructure marketplace capable of providing tested distributed applications to the application management portal.	[Note the teachings of Stewart with regard to claims 1 and 3 above]

Claims 1-4, 15 and 19 are rejected under pre-AIA 35 U.S.C. 103(a) as obvious over Malik.

Malik discloses deploying software modules using a device management platform and providing, at one or more server computers, a file server configured to host a plurality of feature modules, a module manager configured to maintain the plurality of feature modules, and a manifest server configured to maintain a plurality of “manifests”. Each manifest conveys the feature module components that at least one endpoint should have installed.

The Malik system provides one or more agents to a plurality of endpoints, where the agents are configured to communicate with the one or more server computers to receive at least one manifest and subsequently receive a subset of the plurality of feature modules from the file server. An execution engine is configured to execute a plurality of scripts contained in the feature modules and the agents report data from the feature modules to the one or more servers.

Malik teaches the claims as described below:

The '823 patent	Malik
1. A system comprising:	Note Figure 1, which is ¶ [0016], “a system diagram of an exemplary MDM system”
a programmable network device adapted to host a plurality of network device applications;	¶ [0031], “In addition to allowing customers of an MDM platform to selectively purchase and deploy features, in some embodiments, a user of MDM platform may be able to deploy third-party applications and feature packs or develop its own features and applications.” ¶ [0032], “A feature module may include the executable code and/or data

	necessary to implement a feature of an MDM platform. These can include new standalone applications or scripts, or may include functionality added to existing applications on an endpoint device or updates to these existing applications.” ¶ [0033], “Feature modules may be applications, or modules added to existing MDM applications. In some embodiments, feature modules are additional applications that can be installed on an endpoint. Feature modules may communicate with components on a network”
a programmable cloud device adapted to host a plurality of cloud applications,	¶ [0038], “the system can be implemented on a plurality of servers, including cloud-based systems which may deploy the system on a plurality of servers on a dynamic basis, allowing for greater scalability” ¶ [0030], “In some embodiments, a cloud-based approach is used. Agents can be installed on endpoint devices. These agents can facilitate installation of applications/feature modules on-demand. This can allow an organization to selectively add features and applications to endpoint devices without a complicated manual rollout.”
wherein the plurality of network device applications and the plurality of cloud applications are in secure communication with each other to form distributed applications; and	¶¶ [0047]-[0048], “Agents can be provided for downloading updates in a secure manner from any suitable server resources. For example, communication between agents on endpoints and servers can utilize encryption, such as by utilizing secure socket layer (SSL) or HTTPS communication. The agent can also authenticate any server involved in the delivery of feature modules. This can prevent attacks whereby untrusted servers provide malicious or unsecure feature modules that may leave an endpoint vulnerable. In some embodiments, encryption and

	authentication can also provide security to server resources by authenticating agents prior to allowing the agents access to modules. This may allow a vendor of an MDM system to prevent unauthorized access to features to require payment for these features. By providing an encrypted and authenticated system, agents and servers can operate confidently that the endpoints and servers are who they purport to be and are secure. Agents may also communicate with more than one server. In some embodiments, a cloud-based approach is used, whereby agents can communicate with any number of servers on the Internet to deploy and manage feature modules. By using a cloud-based approach, an MDM system and the deployment and distribution system can be scaled to meet demand. For example, where a new update that broadly applies to a great number of endpoints is needed, a cloud-based content delivery system may be used to scale up to meet the temporary demand for the large number of downloads that are required to deploy the feature modules to all endpoints.”
wherein the plurality of network device applications and plurality of cloud applications device form unified capabilities enabling a plurality of upper layer application programming interfaces (APIs) to program the plurality of network device applications and plurality of cloud applications independent of network device hardware and cloud device hardware.	¶ [0048], “In some embodiments, a cloud-based approach is used, whereby agents can communicate with any number of servers on the Internet to deploy and manage feature modules. By using a cloud-based approach, an MDM system and the deployment and distribution system can be scaled to meet demand. For example, where a new update that broadly applies to a great number of endpoints is needed, a cloud-based content delivery system may be used to scale up to meet the temporary demand for the large number of downloads that are required to deploy the feature modules to all endpoints.”

	¶ [0084], “Reporting component can allow deployed modules to report back status related to their installation as well as report back information to server components during normal execution. This can allow developers of modules to take advantage of APIs as part of the MDM platform that allow reporting of information gathered by modules.” ¶ [0088], “At step 145 endpoint agent 140 provides APIs that can be accessed by a developer of a feature module to pass data from the endpoint to server. By invoking these APIs, at step 146, the feature modules executing in the scripting engine can collect data and command the scripting engine to report data back to server.” ¶ [0090], “Upload server 150 can be a software module running on cloud-based server infrastructure that handles incoming messages from a plurality of upload managers executing on a plurality of endpoints.” See below with regard to “upper layer”.
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With regard to claim 1, Malik teaches every limitation of the claim but fails to specifically mention that the application programming interfaces (APIs) are indeed “upper layer”.

However, Malik does explicitly teach that, ¶¶ [0088]-[0089], “At step 145 endpoint agent 140 provides APIs that can be accessed by a developer of a feature module to pass data from the endpoint to server. By invoking these APIs, at step 146, the feature modules executing in the scripting engine can collect data and command the scripting engine to report data back to server... At step 148, upload manager 144 aggregates

data collected by modules executing on the scripting engine and prepares it for upload.

In some embodiments, this can include aggregating, identifying higher priority messages, reformatting messages to optimize transfer, compressing data, etc. At step 148, aggregated message packets are formed from the data queued for upload by the scripting engine. These message packets are then queued by priority to facilitate transfer to the server.”

Therefore, it would have been obvious to one of ordinary skill in the art that the Malik APIs could (and very often should) run at an “upper layer” relative to the hardware and firmware of the Malik system, since this is what gives the benefit of running as a feature module that may be invoked by a developer, as disclosed by Malik.

The '823 patent	Malik
2. The system of claim 1, wherein the programmable network device and the programmable cloud device each include an access network interface unit configured to send and receive communications and a processor with a memory associated with the access network interface unit.	¶ [0035], “As used herein, endpoint devices can include any endpoint devices suitable for accessing or interacting with corporate resources. This may include PCs, laptops, mobile devices, smart phones, tablets, network clients, or the like. Endpoints can be understood to have a processor, memory (which may include magnetic, optical, solid state, or remote memory) for storing data and instructions, and a communication circuit to allow communication with a network, either wirelessly or via a network cable.” ¶ [0039], “The components of an MDM system on a server and the feature modules can include software operating on one or more processors. This software can include software instructions, written in any suitable manner stored on non-transient computer readable media, such as optical, magnetic, solid-state memory devices, or local or remote storage.

	Computing devices, as described herein can be understood to have one or more processors, memory, and communication devices. Software components can be stored locally or remotely, and be stored in non-transient memory.”
3. The system of claim 1 further comprising: an application management portal capable of managing life cycles of the distributed applications; and an infrastructure application marketplace in communication with the application management portal, said infrastructure marketplace capable of providing tested and certified distributed applications to the application management portal.	Regarding managing the life cycles of the distributed applications, this includes both adding distributed applications ¶ [0032], “A feature module may include the executable code and/or data necessary to implement a feature of an MDM platform. These can include new standalone applications or scripts, or may include functionality added to existing applications on an endpoint device or updates to these existing applications”; ¶ [0032], “Feature modules may be applications, or modules added to existing MDM applications. In some embodiments, feature modules are additional applications that can be installed on an endpoint.” and removing distributed applications ¶ [0032], “This can allow an organization select features for use with a mobile device management (MDM) platform to target the needs of an organization, and allow features to be added or removed as the needs of the organization change.” Regarding the infrastructure application marketplace in communication with the application management portal, ¶ [0031], “In addition to allowing customers of an MDM platform to selectively purchase and deploy features, in some embodiments, a user of MDM platform may be able to deploy third-party applications and feature packs” Regarding said infrastructure marketplace capable of providing tested and certified distributed applications to

	the application management portal, ¶ [0045], “an update can be provided to a group of endpoints and the group of endpoints can act as a real-world beta testing group for these updates. This may greatly reduce the amount of development time required for producing reliable, new or updated feature modules.”
4. The system of claim 3, wherein the application management portal is capable of at least one of the group consisting of: receiving new applications from the infrastructure application marketplace; testing said distributed applications prior to deployment; provisioning said distributed applications; and deprovisioning said distributed applications.	Regarding receiving new applications from the infrastructure application marketplace and provisioning said distributed applications, ¶ [0032], “A feature module may include the executable code and/or data necessary to implement a feature of an MDM platform. These can include new standalone applications or scripts, or may include functionality added to existing applications on an endpoint device or updates to these existing applications” Regarding testing said distributed applications prior to deployment, ¶ [0045], “an update can be provided to a group of endpoints and the group of endpoints can act as a real-world beta testing group for these updates. This may greatly reduce the amount of development time required for producing reliable, new or updated feature modules.” Regarding deprovisioning said distributed application, ¶ [0032], “This can allow an organization select features for use with a mobile device management (MDM) platform to target the needs of an organization, and allow features to be added or removed as the needs of the organization change.”
15. The system of claim 1 further comprising: a distributed content service wherein contents generated by the at least one of	¶ [0030], “In some embodiments, a cloud-based approach is used. Agents can be installed on endpoint devices. These agents can facilitate installation of

the plurality of network device applications are shared with at least one of the plurality of cloud applications.	applications/feature modules on-demand. This can allow an organization to selectively add features and applications to endpoint devices without a complicated manual rollout.” ¶ [0048], “Agents may also communicate with more than one server. In some embodiments, a cloud-based approach is used, whereby agents can communicate with any number of servers on the Internet to deploy and manage feature modules.”
19. A system comprising: a programmable network device adapted to host a plurality of network device applications; a programmable cloud device adapted to host a plurality of cloud applications, wherein the plurality of network device applications and the plurality of cloud applications are in secure communication with each other to form distributed applications; wherein the plurality of network device applications and plurality of cloud applications form unified capabilities enabling a plurality of upper layer application programming interfaces (APIs) to program the plurality of network device applications and plurality of cloud applications independent of network device hardware and cloud device hardware; an application management portal capable of managing life cycles of the plurality of network device applications and plurality of cloud applications; and an infrastructure application marketplace in communication with the application management portal, said infrastructure marketplace capable of providing tested distributed applications to the application management portal.	[Note the teachings of Malik with regard to claims 1 and 3 above]

Examiner's Statement of Reasons for Patentability/Confirmation

None of the claims subject to reexamination have been confirmed at this time.

Amendment in Reexamination Proceedings

Patent Owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c).

In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions will be governed by the requirements of 37 CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced. See MPEP § 2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Service of Papers

After filing of a request for *ex parte* reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. The document must reflect service or the document may be refused consideration by the Office. See 37 CFR 1.550(f).

Extensions of Time

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 *ex parte* 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).

Litigation Reminder

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 patent 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:

By Mail to: Mail Stop *Ex Parte* 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 to: Customer Service Window
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For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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.

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