First, the USPTO's allegation that "the supplemental reply would not have been subject to favorable consideration by the examiner" is entirely unexplained. The USPTO presents no analysis/evidence as to why the Examiner would not have favorably considered the Supplemental Response dated March 21, 2022, or the Supplemental Response dated May 20, 2022.

Second, the USPTO's allegation that "[a]bsent the favorable consideration of the petition under 37 CFR 1.182, the supplemental reply would not have been subject to favorable consideration by the examiner" is simply wrong as it does not reflect the issues addressed by the Petition under 37 C.F.R. § 1.182 dated May 20, 2022 (hereinafter "Petition dated May 20, 2022"), and the issues raised by the Examiner. The disposition of the Petition dated May 20, 2022, would not and did not address any of the currently-pending issues previously raised by the Examiner during prosecution of the '461 Application. The Petition dated May 20, 2022, requested the withdrawal of a Terminal Disclaimer filed on August 27, 2013. However, whether or not this Terminal Disclaimer was withdrawn would not have impacted prosecution of the '461 application.

The Office Action dated August 25, 2020,[4] contained the last statement of the issues identified by the Examiner during prosecution of the '461 Application. This Office Action included a rejection of all of the pending claims under 35 U.S.C. § 101 and all of the pending claims under 35 U.S.C. § 102. Notably, there was no rejection for obviousness-type double patenting being made by the Examiner or any other rejection that would have been impacted by the previously-filed Terminal Disclaimer being withdrawn or not withdrawn. Consequently, the USPTO's finding in the Redetermination Decision that "[a]bsent the favorable consideration of the

[4] See Appendix J of the Reconsideration Request.

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petition under 37 CFR 1.182, the supplemental reply would not have been subject to favorable consideration by the examiner" is unsupported and simply wrong.

The third problem with USPTO's analysis is that the USPTO has presented no evidence to support the USPTO's finding that alleged reasonable effort/action that Applicant could have undertaken (i.e., do nothing) would have reasonably concluded prosecution. Under Supernus, the USPTO is to point to an "identifiable effort in which the applicant could have engaged to conclude prosecution." The USPTO's analysis contains no explanation as to how *doing nothing* (i.e., "await[ing] the Office's response") would have concluded prosecution.

Establishing that Applicant *failed to undertake* those reasonable efforts/actions *during the period of time*

To be clear, the "period of time" for which the USPTO has alleged that Applicant has failed to undertake in reasonable efforts/action to conclude prosecution is from January 19, 2021 (i.e., the filing of the Response to the Notice of Informal or Non-Responsive Amendment) and May 20, 2022, which is the date of the Second Supplemental Response. The difference between these two dates is 486 days. Accordingly, the analysis as to what actions Applicant took or failed to take is confined to that "period of time."

The USPTO stated that "await[ing] a favorable decision for the petition" or "await[ing] the Office's response constitutes" an *action that Applicant failed* to take "in lieu of submitting the supplemental reply." However, *awaiting a response* from the USPTO was an action undertaken by Applicant during the identified "period of time" (i.e., January 19, 2021 to May 20, 2022). The

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USPTO states that awaiting was taken "**in lieu of** submitting the supplemental reply" (emphasis added). However, this statement inaccurately characterizes the options available to Applicant during the period of time. Awaiting an action from the USPTO was not an alternative (i.e., "in lieu of") to filing a supplemental response during the period of time – rather, Applicant did both.

Also, as noted above, the Petition under 37 C.F.R. § 1.182 was filed May 20, 2022. Accordingly, the amount of time, during the "period of time" (i.e., January 19, 2021 through May 20, 2022) that Applicant failed "await[] a favorable decision on the petition under 37 CFR 1.182," as alleged by the USPTO, is 0 days – not 486 days since the Petition was filed the same day (May 20, 2022) that the "period of time" ended.

Additionally, the USPTO argues that "applicant could have ... awaited the Office's response to reply filed January 19, 2022 [sic] prior to submission of the amended [sic] claims." To be clear, the Response was filed January 19, 2021 – not January 19, 2022, as alleged by the USPTO. Of note, Applicant filed a First Supplemental Response on March 21, 2022. Assuming, for sake of argument, that "await[ing] the Office's response to the reply filed January 19, 202[1]" was a reasonable action that Applicant could have performed, then this alleged awaiting action **was undertaken by Applicant** for the period that spanned January 19, 2022, through March 21, 2022. The only "period of time" that the USPTO can allege that Applicant failed to "await[] the Office's response to the reply filed January 19, 202[1]", is the period between the filing of the First Supplemental Response on March 21, 2022, and the filing of the Second Supplemental Response on May 20, 2022, which is 60 days – not 486 days.

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Accordingly, *even if* the USPTO did not err as to the first and second Supernus findings identified above, the USPTO can only argue that the "period of time" for which Applicant did not "await[] the Office's response to reply" would be between March 21, 2022, and May 20, 2022, which is 60 days – not 486 days. This point aside, the USPTO erred as to both the first and second Supernus findings, as discussed above. Consequently and pursuant to the requirements set forth in Supernus the USPTO has not established that the 486 days can be properly reduced, as *applicant delay*, from the PTA to which Applicant is otherwise entitled.

Applicant did not fail to engage in reasonable efforts – delay was caused by Patent Office

In Supernus, the Federal Circuit addressed the prior decision of Gilead Scis., Inc. v. Lee, 778 F.3d 1341 (Fed. Cir. 2015), as follows:

> *Gilead* ruled only that the regulation reasonably drew no line between actual and potential delay and could include a supplemental IDS. It did not hold the regulation was reasonable in reducing PTA for periods during which there was no failure to engage in reasonable efforts to conclude prosecution. *Gilead* simply did not address the precondition—failure to engage in reasonable efforts—at issue here.

Supernus at 1357 (emphasis added).

Importantly, the Federal Circuit narrowed the application of Gilead to instances in which a precondition to reducing PTA for *applicant delay* pursuant to subsection (c)(8) was met – that precondition being an identification by the USPTO of efforts/actions that could have reasonably been taken by Applicant to conclude prosecution.

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The USPTO's analysis fails to address the statement in Supernus, reproduced above, that "[t]his understanding of the plain language makes practical sense and is consistent with the legislative history because Congress intended the PTA statute to discourage dilatory conduct by patent applicants and reward applicants that take action to conclude prosecution of the patent" (emphasis added). As chronicled on pages 11-13 of the Reconsideration Request, Applicant performed a number of actions that each constituted attempts to reasonably conclude prosecution. Moreover, the USPTO cannot point to any action performed by Applicant during the "period of time" (i.e., January 19, 2021 through May 20, 2022) that could be considered dilatory. Rather, every action undertook by Applicant was a reasonable attempt to conclude prosecution. A timeline of the actions taken between January 19, 2021 through May 20, 2022 are contained in the following table.

Date	Applicant Action	USPTO Action
08/25/20		Office Action
11/25/20	Initial Response to Office Action dated 08/25/20	
01/19/21		Improper Office Action refusing to enter Initial Response
01/19/21	Proper Response to Office Action dated 01/19/21	
05/25/21		2nd Improper Office Action refusing to enter Initial Response
06/04/21	Proper Petition under 1.144	
09/06/21		Petition Granted
11/15/21	Request to interview Examiner	
11/16/21		Examiner acknowledging application not properly returned to active docket
03/17/22		Examiner indicating application returned to active docket
03/21/22	1st Supplemental Amendment filed/email to Examiner to request interview on 03/25	

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03/25/22		Examiner cancels interview/reschedules for 03/29
03/29/22		Examiner indicates need to reschedule interview
03/29/22	Applicant attempts to reschedule interview	
04/01/22	Applicant attempts to reschedule interview	
04/04/22	Applicant attempts to reschedule interview	
05/13/22	Applicant received Notice of Allowance (NOA) in '489 Related Application	
05/20/22	2nd Supplemental Amendment filed based upon NOA in '489 Related Application/Petition under 1.182 filed	

As noted above, the issues raised by the Examiner were found in the Office Action dated August 25, 2020, and Applicant timely responded to the issues raised in that Office Action in an Initial Amendment dated November 25, 2020. As stated on page 11 of the Reconsideration Request, on January 19, 2021, Applicant traversed the Examiner's position (newly-presented on January 19, 2021) that the claims presented in the Initial Amendment dated November 25, 2020, were drawn to a non-elected invention and the Initial Amendment would not be entered. In further support of Applicant's arguments, on May 25, 2021, Applicant filed a Petition under 37 C.F.R. § 1.144. This Petition was subsequently granted on September 15, 2021. These proper actions taken by Applicant represent reasonable efforts by Applicant to enter, into the record, the Initial Amendment dated November 25, 2020, and this Initial Amendment was a reasonable attempt to conclude prosecution. Consequently, any delay from the beginning of the time period at issue (i.e., January 19, 2021), to when the Petition was granted (i.e., September 15, 2021), is a direct result of the USPTO improperly not entering the Initial Amendment dated November 25, 2020, over that time period.

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As further discussed by Applicant in the Reconsideration Request, after the Petition was granted on September 15, 2021, Applicant contacted the Examiner to set up an interview on November 15, 2021. In an email dated November 16, 2021[5], the Examiner indicated that "I just realized this isn't currently 'on' my active docket ... [c]an we table this until it is moved to my active docket?" Reference is made to an email dated March 17, 2022[6], which states "Examiner Kolosowski just called to let us know the application was back up on her docket, and she is ready to re-schedule the interview." Consequently, any delay from when the Petition was granted (i.e., September 15, 2021), to when the application was placed on the Examiner's active (i.e., March 17, 2022), is a direct result of the USPTO improperly not placing the '461 Application in the Examiner's active docket over that time period.

Additionally and with reference to an email dated March 29, 2022[7], the Examiner wrote "I apologize, I need to reschedule this again." Applicant followed up with emails dated March 29, 2022, and April 1, 2022 to reschedule the interview, which were not responded to. During this time period, on March 21, 2022, Applicant filed the First Supplemental Amendment to address some minor issues with the claims. However, none of these changes impacted the arguments previously presented in the Initial Amendment dated November 25, 2020, and did not impact substantive prosecution of the '461 Application.

At the same time Applicant was attempting to interview the Examiner regarding the '461 Application, Applicant was also prosecuting related U.S. Application No. 13/946,489 (hereinafter

[5] See Appendix F of the Reconsideration Request.
[6] See Appendix G of the Reconsideration Request.
[7] See Appendix H of the Reconsideration Request.

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the '489 Related Application). After engaging with a different Examiner, Alexandru Cirnu, with a series of interviews in late-April/early-May of 2022, Applicant filed an Amendment with a new set of claims on April 29, 2022, in the '489 Related Application, and on May 13, 2022, a Notice of Allowance was issued in the '489 Related Application. Since the '489 Related Application contained a rejection very similar to a rejection presented in the '461 Application, Applicant recrafted the claims in the '461 Application using the same approach that was able to overcome the similar rejection in the '489 Related Application. These recrafted claims were presented in the Second Supplemental Amendment dated May 20, 2022 – just 7 days after the Notice of Allowance in the '489 Related Application was issued. While Applicant presented new claims in the present '461 Application, Applicant maintained the same arguments that were previously presented in the Initial Amendment dated November 25, 2020.

On May 26, 2022, Applicant was finally able to conduct an interview with Examiner Kolosowski in which Applicant both informed Examiner Kolosowski of the Notice of Allowance in the '489 Related Application and discussed the claims presented in the Second Supplemental Amendment. Ultimately, the claims presented in the Second Supplemental Amendment were allowed. Notably, the claims presented in the Second Supplemental Amendment were indirectly the result of the number of interviews conducted with Examiner Cirnu during late-April/early-May of 2022. Only after those claims were allowed on May 13, 20022, was Applicant reasonably certain that a similar approach could be used to conclude prosecution in the '461 Application.

As argued above, there is nothing in the record that supports a finding that Applicant failed to engage in reasonable efforts to conclude prosecution or could have, but did not, engage in

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reasonable efforts/actions to conclude prosecution. On the contrary, Applicant continually made reasonable efforts to conclude prosecution. The filing on January 19, 2021, and the Petition filed May 25, 2021, -- both traversing the Examiner's refusal to enter in the Initial Amendment dated November 25, 2020 (itself a reasonable effort to conclude prosecution) were reasonable efforts to conclude prosecution. Applicant's attempt to interview the Examiner after the Petition was granted – both in November of 2021 and March/April of 2022, were reasonable efforts to conclude prosecution. The filing of the First and Second Supplemental Amendments were also reasonable efforts to conclude prosecution.

While the record shows that Applicant was continually diligent in attempting to conclude prosecution, the opposite can be said about the USPTO. The Examiner improperly refused to enter into the record the Initial Amendment of November 25, 2020 – this improper refusal being confirmed by the Decision on Petition dated September 15, 2021. Additionally, although the Examiner was aware that the application was not yet in the Examiner's "active docket" at least as early as November 15, 2021, no apparent efforts were made to place the application back on the Examiner's active docket until March of 2022 – a delay of 4 months. Moreover, while Applicant attempted to perform an interview in March of 2022, the Examiner was unable to perform this interview until late May of 2022. Finally, the only time Applicant was reasonably certain that a possible alternative approach to concluding prosecution was on May 13, 2022, after the Notice of Allowance was issued in the '489 Related Application. And the mere 7-day delay between the receipt of this Notice of Allowance in the '489 Related Application and the filing of the Second Supplemental Amendment on May 20, 2022, in the '461 Application is not unreasonable.

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Returning to the Federal Circuit's statement in Supernus that "Congress intended the PTA statute to discourage dilatory conduct by patent applicants and reward applicants that take action to conclude prosecution of the patent," Applicant performed multiple actions that were each reasonable attempts to conclude prosecution. However, the USPTO's findings in the Redetermination Decision do not "reward" Applicant for taking these actions. Rather, the USPTO improperly punishes Applicant for: (i) the Examiner initially not properly entering the amendment, (ii) the USPTO's docketing system not properly placing the application in the Examiner's active docket after the Petition to have the amendment entered was granted, (iii) the Examiner not following up to place the application in the Examiner's active docket after discovering that the application was not placed in the Examiner's active docket, and (iv) the Examiner not responding to multiple requests to schedule an interview.

Based upon the foregoing, Patentee respectfully submits that a finding cannot be made that "applicant failed to engage in reasonable efforts to conclude prosecution" from the period of January 19, 2021, through May 20, 2022. Consequently, the 486 days indicated as being Applicant delay is incorrect. The proper number should be 0 days – not 486 days. Therefore, Patentee respectfully requests that an additional 486 days be added to the 2352 days of PTA already indicated in the proposed Certificate of Correction accompanying the Redetermination Decision.

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CONCLUSION

Consistent with the arguments made in Sections I and II above, Patentee requests that 57 days (as discussed in Section I) and 486 days (as discussed in Section III) be added to the 2352 days of PTA already indicated in the proposed Certificate of Correction accompanying the Redetermination Decision. This would result in a new total PTA of 2895 days.

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PRAYER FOR RELIEF

Pursuant to 37 C.F.R. § 1.705, Patentee respectfully requests that Overall PTA for U.S. Patent No. 11,763,316 be adjusted to 2895 days.

Please charge any shortage in fees due, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 503611, and please credit any excess fees to such deposit account.

Date: May 14, 2024

Respectfully submitted,

/Scott D. Paul/
Scott D. Paul
Registration No. 42,984
CUSTOMER NUMBER 55246

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Attorney Docket No.: 8201-0013 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 55246
Thomas DISTEFANO III	:	Confirmation Number: 9140
Application No.: 13/946,461	:	Group Art Unit: 3622
Filed: July 19, 2013	:	Examiner: K. Kolosowski-Gager

For: SERVER SYSTEM CONFIGURED TO PROVIDE GRAPHICAL USER INTERFACE FOR MODIFYING WEB PAGES TO INCLUDE HYPERLINKS

PETITION TO WITHDRAW TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.182

Director
Office of Petitions
US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions to withdraw from the above-identified U.S. Patent Application No. 13/946,461 (hereinafter the "Present Application") the Terminal Disclaimer filed on August 27, 2013 with regard to U.S. Patent Nos. 7,996,259, 8,335,713, 8,417,567, 8,442,860, 8,412,570, and 8,423,399.

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STATEMENT OF FACTS

On July 19, 2013, the Present Application was filed. On the same day, a Preliminary Amendment was filed in which claims 1-21 were cancelled and new claims 22-41 were presented (Attachment A).

On August 27, 2013, a Terminal Disclaimer was filed with regard to U.S. Patent Nos. 7,996,259, 8,335,713, 8,417,567, 8,442,860, 8,412,570, and 8,423,399 (Attachment B).

After filing an Appeal Brief on July 5, 2019, Examiner Kolosowski-Gager issued an Examiner's Answer on October 18, 2019. In response to the Examiner's Answer, on November 25, 2020, Applicant filed an Amendment in which previously-presented claims 21-46 were cancelled and new claims 47-66 were presented (Attachment C).

In related U.S. Patent Application No. 13/946,489 (hereinafter the '489 Application), from April 27-29th of 2022, a series of discussions between Applicant's representative and Examiner Cirnu were conducted both telephonically and via email, in which a new set of claims were proposed. Additionally, Applicant raised the issue of the propriety of obviousness-type double patenting rejections with regard to a number of issued patents within the same patent family, which Examiner Cirnu addressed. A copy of the email is included as Attachment D.

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In the related '489 Application, on April 29, 2022, Applicant filed an amendment in which old claims 41-58 were cancelled and new claims 59-73 were presented consistent with the proposed claims previously-presented to Examiner Cirnu (Attachment E).

On May 20, 2022, in the Present Application, Applicant filed a Second Supplemental Amendment in which old claims 47-68 were cancelled and new claims 69-94 were presented (Attachment F).

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STATEMENT OF LAW

Reference is made to MPEP 1490(VIII), entitled "WITHDRAWING A RECORDED TERMINAL DISCLAIMER," the relevant portion of which is reproduced below:

> If timely requested, a recorded terminal disclaimer may be withdrawn before the application in which it is filed issues as a patent, or if a terminal disclaimer is filed in a reexamination proceeding, before the reexamination certificate issues. After a patent or reexamination certificate issues, a recorded terminal disclaimer will not be nullified.
>
> A. Before Issuance of Patent or Reexamination Certificate
> While the filing and recordation of an unnecessary terminal disclaimer has been characterized as an "unhappy circumstance" in *In re Jentoft*, 392 F.2d 633, 157 USPQ 363 (CCPA 1968), there is no statutory prohibition against nullifying or otherwise canceling the effect of a recorded terminal disclaimer which was erroneously filed before the patent issues. Likewise, a terminal disclaimer that was erroneously filed in a reexamination proceeding may be withdrawn before issuance of the reexamination certificate. Because the terminal disclaimer would not take effect until the patent is granted (or the reexamination certificate is published), and the public has not had the opportunity to rely on the terminal disclaimer, relief from this unhappy circumstance may be available by way of petition or by refiling the application (other than by refiling it as a CPA).
>
> Under appropriate circumstances, consistent with the orderly administration of the examination process, the nullification of an erroneously filed recorded terminal disclaimer may be addressed by filing a petition under 37 CFR 1.182 requesting withdrawal of the recorded terminal disclaimer. Petitions seeking to reopen the question of the propriety of the double patenting rejection that prompted the filing of the terminal disclaimer have not been favorably considered. The filing of a continuing application other than a CPA, while abandoning the application in which the terminal disclaimer has been filed, will typically nullify the effect of a terminal disclaimer. The filing of a Request for Continued Examination (RCE) of an application under 37 CFR 1.114 will not nullify the effect of a terminal disclaimer, because a new application has not been filed, but rather prosecution has been continued in the existing application.

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ARGUMENT

Applicant's position is that the new claims presented in the Second Supplemental Amendment dated May 20, 2022 (Attachment F) are substantially different than the claims originally presented for prosecution in the Preliminary Amendment dated July 19, 2013 (Attachment A). Because of this substantial difference, the Terminal Disclaimer filed on August 27, 2013 (Attachment B) with regard to U.S. Patent Nos. 7,996,259, 8,335,713, 8,417,567, 8,442,860, 8,412,570, and 8,423,399 involving the claims originally presented for prosecution are unnecessary as to the currently-presented claims.

Applicant is not requesting that the previously-filed Terminal Disclaimer be withdrawn for the purpose of reopening any question of the propriety of a prior double patenting rejection.[1] Consistent with the facts indicated above, the claims at issue when the previously-filed Terminal Disclaimer was filed on August 27, 2013, have been cancelled and substantially new claims have been presented. A side-by-side listing of the previously-presented independent claim subject to the Terminal Disclaimer and the new independent claim is found in Attachment G. Applicant's position is that the new and currently-presented claims have obviated the need for the previously-filed Terminal Disclaimer.[2]

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[1] The Terminal Disclaimer was filed prior to any Office Action being issued, and consequently, the Terminal Disclaimer could not have been responsive to a double-patenting rejection.

[2] See the Decision on Petition dated March 11, 2005, in U.S. Application No. 09/938,669, in which a petition to withdrawal previously filed Terminal Disclaimers was granted where "petition alleges ...claims previously covered by those Terminal Disclaimers have been cancelled." See also the Decision on Petition dated December 22, 2009, in U.S. Application No. 11/593,426, in which petition to withdrawal a previously-filed Terminal Disclaimer was granted where "Petitioner asserts that[] amendments made in this application obviate the necessity for the terminal disclaimer filed in the instant application."

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'489 Application

The present Petition is being filed concurrently with a Petition in related U.S. Application No. 13/946,489 (hereinafter the '489 Application).[3] The '489 Application is related to the Present Application with substantially-similar claims. A comparison of the currently-pending independent claims found in the the Present Application and the '489 Application is provided in Attachment H.

Referring to a discussion between Applicant's representative and Examiner Cirnu found in Attachment D, Examiner Cirnu indicated that the new and currently-presented claims would overcome the previously-pending rejection under 35 U.S.C. § 101. Examiner Cirnu[4] also indicated that he "do[es] not see any obviousness-type double patenting issues regarding any of Patents 1-14 that you have listed in your email," which includes U.S. Patent Nos. 7,996,259 (#12), 8,335,713 (#11), 8,417,567 (#9), 8,442,860 (#7), 8,412,570 (#10),and 8,423,399 (#8),[5] which are all of the patents subject to the Terminal Disclaimer filed on August 27, 2013.

While directed to different inventions, both applications share many of the same limitations (see Attachment H), and the arguments presented in the Petition in the '489 Application are substantially similar to the arguments presented in the present Petition of the Present Application. Accordingly, Applicant respectfully submits that both petitions in the Present Application and the '489 Application be granted for substantially the same reasons.

---

[3] The '489 Application is currently being examined by Examiner Cirnu.

[4] Examiner Cirnu was the fourth examiner to examine the Present Application and apparently acted to ensure that nothing was missed by the past examiners by relooking at all of the related applications to determine if any obviousness-type double patenting issues existed as to the present claims.

[5] The numbers after each patent correspond to the number of the Patents listed in the email contained in Attachment D.

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In the Amendment dated November 25, 2020, Applicant referenced an interview with Examiner Kolosowski-Gager regarding Applicant's intent to file the present Petition. Applicant also explicitly requested that "the Examiner review the previously-disclaimed patents and to confirm, in the written record, Applicant's position that the previously-filed Terminal Disclaimer is unnecessary with respect to the currently-presented claims." Similar requests were presented in the Supplemental Amendment dated March 21, 2022, and Second Supplemental Amendment dated May 20, 2022.

Granting the Withdrawal is consistent "with the orderly administration of the examination process"

Referring to the Petition Decision dated March 10, 2009, in U.S. Patent Application No. 29/271, 203, the Patent Office stated the following:

> In this case, petitioner could clearly file a continuing application in order to indirectly nullify the terminal disclaimer. However, such an action would not only place a burden on petitioner, but would burden the Office by forcing the Office to devote limited resources to the processing of a brand new application, docketing the new application, and taking similar steps. Therefore, granting the instant petition would be "consistent with the orderly administration of the examination process."

Similarly, while Applicant could file a Continuation Application in the Present Application to nullify the Terminal Disclaimer, this would unnecessarily burden Applicant and unnecessarily burden the Patent Office in processing this new Continuation Application. The Present Application has already been substantively examined. Thus, granting the instant petition is consistent with the Patent Office's orderly administration of the examination process.

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PRAYER FOR RELIEF

Consistent with the guidance found in MPEP 1490(VIII), Applicant respectfully requests that the present Petition be granted and the Terminal Disclaimer filed on August 27, 2013, be withdrawn in the Present Application.

Please charge any shortage in fees due, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 503611, and please credit any excess fees to such deposit account.

Date: May 20, 2022

Respectfully submitted,

/Scott D. Paul/
Scott D. Paul
Registration No. 42,984
CUSTOMER NUMBER 55246

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Attorney Docket No.: 8201-0013 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 55246
Thomas DISTEFANO III	:	Confirmation Number: Not yet assigned
Application No.: Not yet assigned	:	Group Art Unit: Not yet assigned
Filed: July 19, 2013	:	Examiner: Not yet assigned

For: RECIPROCAL INSERTION OF IDENTIFICATION ELEMENTS FOR WEB PAGES (as amended)

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following Amendment and Remarks are submitted herewith.

Application No.:

AMENDMENTS TO THE SPECIFICATION

Please amend the Title of the Invention as follows:

~~METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS PROVIDING E-COMMERCE TOOLS~~ RECIPROCAL INSERTION OF IDENTIFICATION ELEMENTS FOR WEB PAGES

Please insert the following paragraph prior to the "BACKGROUND OF THE INVENTION" on page 1 of the specification.

CROSS-REFERENCE TO RELATED APPLICATIONS

[0000.1] This application is a Continuation of U.S. Patent No. 13/763,128, filed on February 8, 2013, which is a Continuation of U.S. Patent No. 13/669,027, filed on November 5, 2012 (now U.S. Patent No. 8,423,399), which is a Continuation of U.S. Application No. 13/206,483 (now U.S. Patent No. 8,335,713), filed on August 9, 2011, which is a Continuation of U.S. Application No. 09/589,551 (now U.S. Patent No. 7,996,259), filed on June 7, 2000.

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Application No.:

Please delete the Abstract and insert therefore:

A method, within and by a computer hardware system that is configured to serve a first web page associated with a first user and a second web page associated with a second user, includes the following. A reciprocal arrangement is established between the first web page and the second web page based upon both the first and second users opting to participate in the reciprocal arrangement. A second functional identification element associated with the first entity is included within the second web page and based upon the reciprocal arrangement. A first functional identification element associated with the second entity is included within the first web page and based upon the reciprocal arrangement. The second functional identification element includes a link to the first web page, and the first functional identification element includes a link to the second web page.

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AMENDMENTS TO THE CLAIMS

Claims 1-21 (Cancelled)

22. (New) A method, within and by a computer hardware system that is configured to serve a first web page associated with a first user and a second web page associated with a second user, comprising:

establishing a reciprocal arrangement between the first web page and the second web page based upon both the first and second users opting to participate in the reciprocal arrangement;

including, within the second web page and based upon the reciprocal arrangement, a second functional identification element associated with the first entity; and

including, within the first web page and based upon the reciprocal arrangement, a first functional identification element associated with the second entity, wherein

the second functional identification element includes a link to the first web page, and

the first functional identification element includes a link to the second web page.

23. (New) The method of claim 22, wherein

the first web page is stored in a database; and

the second web page is stored in the database.

24. (New) The method of claim 22, further comprising

receiving, from a third user, a request for the first web page;

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dynamically generating, using a database, the first web page; and

serving, to the third user, the dynamically-generated first web page.

25. (New) The method of claim 22, wherein

the first web page includes one or more web pages.

26. (New) The method of claim 22, further comprising

including, within the first web page, a web asset provided by a third party separate from the computer hardware system.

27. (New) The method of claim 26, further comprising

causing, based upon the web asset being included within the first web page site, the third party to be compensated.

28. (New) The method of claim 26, wherein

the web asset is a functional application.

29. (New) The method of claim 22, further comprising

providing, to the first user, at least one recommended web page, associated with the computer hardware system, into which the second functional identification element is to be included.

30. (New) The method of claim 22, wherein

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the second functional identification element includes an image.

31. (New) The method of claim 30, further comprising

receiving, from the first user, the image.

32. (New) A webpage implementation server system that is configured to serve a first web page associated with a first user and a second web page associated with a second user, comprising:

a database storing information associated with the first and second web pages;

a computer hardware system configured to perform:

establishing a reciprocal arrangement between the first web page and the second web page based upon both the first and second users opting to participate in the reciprocal arrangement;

including, within the second web page and based upon the reciprocal arrangement, a second functional identification element associated with the first entity; and

including, within the first web page and based upon the reciprocal arrangement, a first functional identification element associated with the second entity, wherein

the second functional identification element includes a link to the first web page, and

the first functional identification element includes a link to the second web page.

33. (New) The server system of claim 32, wherein

the first web page is stored in the database; and

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the second web page is stored in the database.

34. (New) The server system of claim 32, wherein the computer hardware system is further configured to perform

receiving, from a third user, a request for the first web page;

dynamically generating, using the database, the first web page; and

serving, to the third user, the dynamically-generated first web page.

35. (New) The server system of claim 32, wherein

the first web page includes one or more web pages.

36. (New) The server system of claim 32, wherein the computer hardware system is further configured to perform

including, within the first web page, a web asset provided by a third party separate from the computer hardware system.

37. (New) The server system of claim 36, wherein the computer hardware system is further configured to perform

causing, based upon the web asset being included within the first web page site, the third party to be compensated.

38. (New) The server system of claim 36, wherein

the web asset is a functional application.

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39. (New) The server system of claim 32, wherein the computer hardware system is further configured to perform:

providing, to the first user, at least one recommended web page, associated with the computer hardware system, into which the second functional identification element is to be included.

40. (New) The method of claim 32, wherein

the second functional identification element includes an image.

41. (New) The method of claim 40, wherein the computer hardware system is further configured to perform

receiving, from the first user, the image.

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REMARKS

Applicant has cancelled claims 1-21 to remove these claims from further consideration in this application. Applicant is not conceding in this application that those claims are not patentable over the prior art cited by the Examiner, as the present claim cancellations are only for facilitating expeditious prosecution of the present application. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Applicant has introduced new claims 22-41, and Applicant respectfully submits that the present Amendment does not generate any new matter issue.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 503611, and please credit any excess fees to such deposit account.

Date: July 19, 2013

Respectfully submitted,

/Scott D. Paul/
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Doc Code: DIST.E.FILE **Document Description: Electronic Terminal Disclaimer - Filed**	PTO/SB/26 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**
Application Number	13946461
Filing Date	19-Jul-2013
First Named Inventor	THOMAS DISTEFANO
Attorney Docket Number	8201-0013
Title of Invention	RECIPROCAL INSERTION OF IDENTIFICATION ELEMENTS FOR WEB PAGES

☒ Filing of terminal disclaimer does not obviate requirement for response under 37 CFR 1.111 to outstanding Office Action

☒ This electronic Terminal Disclaimer is not being used for a Joint Research Agreement.

Owner	Percent Interest
PT 259, LLC	100%

The owner(s) with percent interest listed above in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent number(s)

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as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

(◉) Terminal disclaimer fee under 37 CFR 1.20(d) is included with Electronic Terminal Disclaimer request.

( ) I certify, in accordance with 37 CFR 1.4(d)(4), that the terminal disclaimer fee under 37 CFR 1.20(d) required for this terminal disclaimer has already been paid in the above-identified application.

( ) Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

( ) Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

(◉) Applicant(s) status remains as SMALL ENTITY.

( ) Applicant(s) status remains as other than SMALL ENTITY.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

(◉) An attorney or agent registered to practice before the Patent and Trademark Office who is of record in this application

Registration Number 42984

( ) A sole inventor

( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

( ) A joint inventor; all of whom are signing this request

( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/SCOTT D. PAUL/
Name	SCOTT D. PAUL

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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AMENDMENTS TO THE CLAIMS

Claims 1-46 (Cancelled)

47. (New) A method performed within and by a server system configured to modify and serve web pages, comprising:

receiving, from a first client device associated with a first user and via a graphical user interface provided by the server system, information indicating a selection of a web asset to be used in a first website associated with the first user;

receiving, from the first client device and via the graphical user interface, a first identification associated with a second website to create a first hyperlink from the first website to the second website;

storing, within a computer database system of the server system, first information indicating that the first identification was received;

receiving, from a second client device associated with the second website, a second identification associated with the first website to create a second hyperlink from the second website to the first website;

storing, within the computer database system, second information indicating that the second identification was received;

modifying the first website to include the web asset;

modifying the first website to include the first hyperlink to the second website based upon both the first information indicating that the first identification was received and the second information indicating that the second identification was received; and

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modifying the second website to include the second hyperlink to the first website based upon both the first information indicating that the first identification was received and the second information indicating that the second identification was received;

serving, in response to a web page request from a third client device, a first web page of the first website to the third client device, wherein

the second website is associated with a second user,

the graphical user interface is configured to display identifiers respectively associated with a plurality of previously-created websites that were previously-created by other users of the server system,

the first identification is based upon a selection associated with the second website, and

the selection associated with the second website is performed using the graphic user interface and is from the plurality of the previously-created websites displayed within the graphical user interface.

48. (New) The method of claim 47, wherein

the graphical user interface is configured to receive an entry associated with the first identification within an entry field box.

49. (New) The method of claim 47, wherein

the graphical user interface is configured to present respective selection boxes adjacent the identifiers respectively associated with the plurality of the previously-created websites.

50. (New) The method of claim 47, wherein

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the server system is configured to identify the plurality of the previously-created websites based upon a receipt, by the server system, of a request generated by the graphical user interface for suggested linking locations for the first website.

51. (New) The method of claim 47, wherein

the graphical user interface is configured to receive information supplied by the first user within at least one information collection field of the graphical user interface, and

the server system is configured to select the plurality of the previously-created websites to be displayed to the first user based upon the information supplied by the first user within the at least one information collection field of the graphical user interface.

52. (New) The method of claim 51, wherein

the information supplied by the first user within the at least one information collection field of the graphical user interface and used to select the plurality of the previously-created websites includes at least one of a group consisting of:

a name of the first user,

an email address of the first user,

a hobby of the first user,

a business of the first user, and

an interest of the first user.

53. (New) The method of claim 51, wherein

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the server system is configured to select the plurality of the previously-created websites by searching information previously-supplied by the other users and stored within the server system, and

the searching is performed by a search engine using the information supplied by the first user within the at least one information collection field of the graphical user interface.

54. (New) The method of claim 51, wherein

the server system is configured to validate the information provided within the at least one information collection field of the graphical user interface.

55. (New) The method of claim 47, wherein

the first website of the first user includes a plurality of web pages including the first web page.

56. (New) The method of claim 47, wherein

the graphical user interface includes:

a primary display screen in which the web asset is displayed, and

an editing platform in a secondary display screen and configured to

edit the web asset and

display an edited version of the web asset.

57. (New) A server system configured to modify and serve web pages, comprising:

a hardware database system, and

a hardware system configured to perform:

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receiving, from a first client device associated with a first user and via a graphical user interface provided by the server system, information indicating a selection of a web asset to be used in a first website associated with the first user;

receiving, from the first client device and via the graphical user interface, a first identification associated with a second website to create a first hyperlink from the first website to the second website;

storing, within the hardware database system, first information indicating that the first identification was received;

receiving, from a second client device associated with the second website, a second identification associated with the first website to create a second hyperlink from the second website to the first website;

storing, within the hardware database system, second information indicating that the second identification was received;

modifying the first website to include the web asset;

modifying the first website to include the first hyperlink to the second website based upon both the first information indicating that the first identification was received and the second information indicating that the second identification was received; and

modifying the second website to include the second hyperlink to the first website based upon both the first information indicating that the first identification was received and the second information indicating that the second identification was received;

serving, in response to a web page request from a third client device, a first web page of the first website to the third client device, wherein

the second website is associated with a second user,

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the graphical user interface is configured to display identifiers respectively associated with a plurality of previously-created websites that were previously-created by other users of the server system,

the first identification is based upon a selection associated with the second website, and

the selection associated with the second website is performed using the graphic user interface and is from the plurality of the previously-created websites displayed within the graphical user interface,.

58. (New) The server system of claim 57, wherein

the graphical user interface is configured to receive an entry associated with the first identification within an entry field box.

59. (New) The server system of claim 57, wherein

the graphical user interface is configured to present respective selection boxes adjacent the identifiers respectively associated with the plurality of the previously-created websites.

60. (New) The server system of claim 57, wherein

the hardware system is configured to identify the plurality of the previously-created websites based upon a receipt, by the hardware system, of a request generated by the graphical user interface for suggested linking locations for the first website.

61. (New) The server system of claim 57, wherein

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the graphical user interface is configured to receive information supplied by the first user within at least one information collection field of the graphical user interface, and

the hardware system is configured to select the plurality of the previously-created websites to be displayed to the first user based upon the information supplied by the first user within the at least one information collection field of the graphical user interface.

62. (New) The server system of claim 61, wherein

the information supplied by the first user within the at least one information collection field of the graphical user interface and used to select the plurality of the previously-created websites includes at least one of a group consisting of:

a name of the first user,

an email address of the first user,

a hobby of the first user,

a business of the first user, and

an interest of the first user.

63. (New) The server system of claim 61, wherein

the hardware system is configured to select the plurality of the previously-created websites by searching information previously-supplied by the other users and stored within the server system, and

the searching is performed by a search engine using the information supplied by the first user within the at least one information collection field of the graphical user interface.

64. (New) The server system of claim 61, wherein

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