



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/016,185	04/15/2026	10321320	RALEP007C11C3C2C3C2RX1	7797
106963	7590	07/14/2026		
Headwater Research LLC C/O Farjami & Farjami LLP 26522 La Alameda Ave., Suite 360 Mission Viejo, CA 92691			EXAMINER COPPOLA, JACOB C	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			07/14/2026	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

FITCH EVEN TABIN & FLANNERY, LLP
120 SOUTH LASALLE STREET
SUITE 2100
CHICAGO, IL 60603-3406

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

REEXAMINATION CONTROL NO. 90/016,185.

PATENT UNDER REEXAMINATION 10321320.

ART UNIT 3992.

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

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

Order Granting Request For Ex Parte Reexamination	Control No. 90/016,185	Patent Under Reexamination 10321320	
	Examiner JACOB C COPPOLA	Art Unit 3992	AIA (FITF) Status No

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

The request for *ex parte* reexamination filed 15 April 2026 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) ☐ PTO-892, b) ☐ PTO/SB/08, c) ☐ Other: _____

1. ☒ The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

/JACOB C. COPPOLA/
Primary Examiner, Art Unit 3992

/KENNETH WHITTINGTON/
Primary Examiner, Art Unit 3992

cc:Requester (if third party requester)

ORDER GRANTING REEXAMINATION OF U.S. PATENT 10,321,320

TABLE OF CONTENTS

1. ACKNOWLEDGEMENT OF REQUEST FOR REEXAMINATION	2
2. PROSECUTION HISTORY OF THE '320 PATENT	3
2.1. Initial Examination.....	3
2.2. Prior Inter Partes Review	4
3. PRIORITY	5
4. INFORMATION CONSIDERED	5
5. CLAIM INTERPRETATION	6
6. SUBSTANTIAL NEW QUESTION OF PATENTABILITY	6
6.1. Proposed SNQ 1.....	7
6.2. Proposed SNQs 2–9	8
7. 35 USC § 325(d).....	8
8. PATENT OWNER STATEMENT (OPTIONAL)	9
9. WAIVER OF RIGHT TO FILE PATENT OWNER STATEMENT.....	9
10. NOTICE OF OTHER PROCEEDINGS.....	10
11. NOTICE RE PATENT OWNER’S CORRESPONDENCE ADDRESS.....	10
12. CONCLUSION	11

1. ACKNOWLEDGEMENT OF REQUEST FOR REEXAMINATION

An *ex parte* request for reexamination (“**Request**”) of claims 1–18 (“**Challenged Claims**”) of U.S. Patent No. 10,321,320 (“**’320 Patent**”) was received on 15 April 2026, based on the following prior art patents and/or publications:

- a) U.S. Patent Application Publication No. 2002/0023010 (Ex. C; “**Rittmaster**”);
- b) U.S. Patent Application Publication No. 2006/0268696 (Ex. D; “**Konstantinov**”);
- c) Tanenbaum et al., “Distributed Systems: Principles and Paradigms,” published 2007 (Ex. E; “**Distributed Systems**”);

- d) Tanenbaum, “Computer Networks,” published 2003 (Ex. F; “**Computer Networks**”);
- e) U.S. Patent No. 8,064,934 (Ex. K; “**Klassen**”);
- f) U.S. Patent No. 7,082,615 (Ex. L; “**Ellison**”);
- g) U.S. Patent No. 7,184,554 (Ex. M; “**Freese**”);
- h) U.S. Patent No. 6,085,098 (Ex. N; “**Moon**”);
- i) U.S. Patent Application Publication No. 2008/0215883 (Ex. O; “**Fok**”);
- j) U.S. Patent Application Publication No. 2006/0129691 (Ex. S; “**Coffee**”);
- k) U.S. Patent Application Publication No. 2005/0108397 (Ex. T; “**Basso**”); and
- l) Australian Application No. 2007200530 (Ex. U; “**Shenfield**”).

2. PROSECUTION HISTORY OF THE '320 PATENT

The '320 Patent issued on 11 June 2019, from U.S. Application No. 15/582,350 (“**'350 Application**”), filed on 28 April 2017, claiming earliest priority to U.S. Provisional Application No. 61/206,354 (see below section titled “PRIORITY” for a complete listing of priority applications).

2.1. Initial Examination

During prosecution of the '350 Application, the examiner in charge of prosecuting the '350 Application (“**examiner of record**”) allowed the '350 Application, including claims 2–19 (which became patent claims 1–18),¹ on first action. See Notice of Allowability mailed on 04 April 2019 (“**April 2019 NOA**”). In his reasons for allowance, the examiner of

¹ See IFW of the '350 Application, Issue Classification form mailed 04 April 2019, p. 5 of 5.

record stated “Claims 2-19 are allowed as all the cited prior art, either alone or in combination, does not disclose Applicant’s inventive claim language.” *Id.* at p. 2. The examiner of record did not elaborate on the meaning of “Applicant’s inventive claim language.” *Id.* Therefore, it appears that claims 1–18 of the '320 Patent were allowed over the prior art because the prior art did not teach practically any or all of the claim limitations in the body of independent claim 1. Because the limitations of independent claim 1 (noted in the reasons for allowance) form the basis of allowance over the prior art during the initial examination, these limitations are relevant in determining whether any of the prior art presented in the Request raises a substantial new question of patentability (“SNQ”). The limitations noted above will be considered below in evaluating the Request’s proposed SNQs.

2.2. Prior Inter Partes Review

The '320 Patent was involved in a first *inter partes* review (“IPR”) proceeding. See IPR proceeding no. 2026-00106 (“**106 IPR**”). Particularly, a petition for *inter partes* review of the '320 Patent was filed by Amazon on 10 November 2025 (see paper no. 1; “**106 IPR Petition**”). The '106 IPR was granted institution by the Office on 28 April 2026 (see paper no. 12; “**106 IPR Decision Granting Institution**”).

The '320 Patent was also involved in a second *inter partes* review (“IPR”) proceeding. See IPR proceeding no. 2026-00153 (“**153 IPR**”). Particularly, a petition for *inter partes* review of the '320 Patent was filed by Target on 25 November 2025 (see paper no. 3; “**153 IPR Petition**”). The '153 IPR was discretionarily denied institution by the Office on 23 March 2026 (see paper no. 10; “**153 IPR Decision Discretionarily Denying Institution**”).

3. PRIORITY

Domestic Priority. The Examiner finds the '320 Patent contains a claim for benefit of domestic priority under 35 USC §§ 120 or 119(e) to at least the following U.S. parent applications:

- (1) Application No. 15/239,398, filed on 17 August 2016, now U.S. Patent No. 9,641,957;
- (2) Application No. 14/979,233, filed on 22 December 2015, now U.S. Patent No. 9,532,161;
- (3) Application No. 14/667,353, filed on 24 March 2015, now U.S. Patent No. 9,232,403;
- (4) Application No. 14/263,604, filed on 28 April 2014, now U.S. Patent No. 9,037,127;
- (5) Application No. 12/380,780, filed on 02 March 2009, now U.S. Patent No. 8,839,388;
- (6) Provisional application No. 61/206,354, filed on 28 January 2009;
- (7) Provisional application No. 61/206,944, filed on 04 February 2009;
- (8) Provisional application No. 61/207,393, filed on 10 February 2009; and
- (9) Provisional application No. 61/207,739, filed on 13 February 2009.

4. INFORMATION CONSIDERED

The declaration by Dr. Sam Malek, submitted by the Requester, has been considered by the Examiner.

All other documents properly made of record in this reexamination proceeding have been fully considered.

5. CLAIM INTERPRETATION

During examination, claims are given the broadest reasonable interpretation consistent with the specification and limitations in the specification are not read into the claims. See MPEP § 2111, MPEP § 2111.01 and *In re Yamamoto et al.*, 222 USPQ 934 (Fed. Cir. 1984). Under a broadest reasonable interpretation, words of the claim must be given their plain meaning, unless such meaning is inconsistent with the specification. See MPEP § 2111.01 I. Moreover, it is improper to import claim limitations from the specification, e.g., a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment. See MPEP § 2111.01 II. Therefore, unless otherwise noted below, the Examiner will interpret the limitations of the Challenged Claims using the broadest reasonable interpretation.

6. SUBSTANTIAL NEW QUESTION OF PATENTABILITY

Based on the analysis below, the Examiner concludes that a substantial new question of patentability affecting the Challenged Claims of the '320 Patent is raised by the Request.

The Request proposes the following substantial new questions of patentability (SNQs) based on the above-identified prior art:

SNQ 1—Rittmaster for claims 1–3, 5–7, 10, 12–13, and 15–18;²

SNQ 2—Rittmaster and Distributed Systems and/or Computer Networks for claims 1–7, 10, 12–13, and 15–18;³

² See Request at § II.C.

³ See Request at § II.D.

SNQ 3—Rittmaster and Shenfield for claims 1–7, 10, 12–13, and 15–18;⁴

SNQ 4—Rittmaster, Klassen, and Konstantinov for claims 1–7, 10, 12–13, and 15–18;⁵

SNQ 5—Rittmaster (as in any of SNQ Grounds 1–4) and Freese for claims 8–9;⁶

SNQ 6—Rittmaster (as in any of SNQ Grounds 1–4) and Freese and/or Moon for claim 11;⁷

SNQ 7—Rittmaster (as in any of SNQ Grounds 1–4) and Ellison for claim 14;⁸

SNQ 8—Rittmaster (as in any of SNQ Grounds 1–4) and Fok and/or Ellison for claim 17;⁹ and

SNQ 9—Rittmaster (as in any of SNQ Grounds 1–4) and Coffee and/or Basso for claim 18.¹⁰

For the reasons that follow in the subsections below, the Request to reexamine the Challenged Claims on the basis of SNQs 1–9 is **GRANTED**.

6.1. Proposed SNQ 1

Prior art publication of Rittmaster, which is directed to system and process for distribution of information on a communication network (title), is identified by the Request as allegedly teaching limitations that previously distinguished the claims from the cited prior art

⁴ See Request at § II.E.

⁵ See Request at § II.F.

⁶ See Request at § II.G.

⁷ See Request at § II.H.

⁸ See Request at § II.I.

⁹ See Request at § II.J.

¹⁰ See Request at § II.K.

during the initial examination. See Request at pp. 35–39, discussion of element 1[d] and element 1[e] of independent claim 1. The Examiner agrees with the findings in the Request at *id.*

Therefore, the Request establishes that Rittmaster would have been considered important in determining the patentability of the Challenged Claims, i.e., the publication of Rittmaster provides a new technological teaching(s) (as discussed in the Request at *id.*) coinciding with, or at least related to, at least one limitation that previously rendered the claims patentable over the prior art in the initial examination. Therefore, since a reasonable examiner would consider these teachings of Rittmaster to be important in determining the patentability of the Challenged Claims, and because Rittmaster was not previously considered during the initial examination, prior art to Rittmaster alone raises a substantial new question of patentability for the Challenged Claims.

6.2. Proposed SNQs 2–9

As determined *supra*, Rittmaster alone raises a substantial new question of patentability for the Challenged Claims. Therefore, for the same reasons as above, the various prior art reference combinations of SNQs 2–9, which are all based on Rittmaster, also raise a substantial new question of patentability for the Challenged Claims.

7. 35 USC § 325(d)

After considering the record, and in view of all relevant considerations, it is determined that denial under 35 U.S.C. § 325(d) of the request for reexamination is not appropriate under the specific facts of this case.

8. PATENT OWNER STATEMENT (OPTIONAL)

In response to this Order for Reexamination, the Patent Owner is given a two (2) month period to file an optional Patent Owner Statement in accordance with 37 CFR § 1.530(b) and (c). The Patent Owner Statement must clearly point out why the patent claims are believed to be patentable, considering the cited prior art patents or printed publications alone or in any reasonable combination. In addition, the Patent Owner may utilize the Patent Owner Statement to introduce amendments. A copy of the Patent Owner Statement must be served on the Third Party Requester. See MPEP § 2249.

If a Patent Owner Statement is timely filed and served on the Third Party Requester, the Third Party is given the opportunity to reply within two (2) months from the date of service in accordance with 37 CFR § 1.535. The reply need not be limited to the issues raised in the Patent Owner Statement and may include additional prior art patents and printed publications as well as any issue appropriate for reexamination. A copy of the reply must be served on the Patent Owner. If no Patent Owner Statement is filed, no reply is permitted from the Third Party Requester. See MPEP § 2251.

9. WAIVER OF RIGHT TO FILE PATENT OWNER STATEMENT

In a reexamination proceeding, Patent Owner may waive the right under 37 CFR § 1.530 to file a Patent Owner Statement for the purposes of expediting prosecution; see MPEP § 2249. The document should contain a statement that Patent Owner waives the right under 37 CFR § 1.530 to file a Patent Owner Statement and proof of service in the manner provided by 37 CFR

Art Unit: 3992

§ 1.248, if the request for reexamination was made by a third party requester; see 37 CFR

§ 1.550(f). The Patent Owner may consider using the following statement in a document waiving the right to file a Patent Owner Statement:

WAIVER OF RIGHT TO FILE PATENT OWNER STATEMENT

Patent Owner hereby waives the right under 37 CFR § 1.530 to file a Patent Owner Statement.

10. NOTICE OF OTHER PROCEEDINGS

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 Patent No. 10,321,320 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.

11. NOTICE RE PATENT OWNER'S CORRESPONDENCE ADDRESS

37 CFR § 1.33(c) states:

(c) All notices, official letters, and other communications for the patent owner or owners in a reexamination or supplemental examination proceeding will be directed to the correspondence address in the patent file.

The correspondence address for any pending reexamination proceeding not having the same correspondence address as that of the patent is, by way of this revision to 37 CFR § 1.33(c), automatically changed to that of the patent file as of the effective date.

This change is effective for any reexamination proceeding which is pending before the Office as of May 16, 2007, including the present reexamination proceeding, and to any reexamination proceeding which is filed after that date.

Parties are to take this change into account when filing papers, and direct communications accordingly.

In the event the patent owner's correspondence address listed in the papers (record) for the present proceeding is different from the correspondence address of the patent, it is strongly encouraged that the patent owner affirmatively file a Notification of Change of Correspondence Address in the reexamination proceeding and/or the patent (depending on which address patent owner desires), to conform the address of the proceeding with that of the patent and to clarify the record as to which address should be used for correspondence.

Telephone Numbers for reexamination inquiries:

Reexamination (571) 272-7703

Central Reexam Unit (CRU) (571) 272-7705

12. CONCLUSION

Extensions of time under 37 CFR § 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR § 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 USC § 305 requires that *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).

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

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

By Mail: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By Fax: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Knox Building
501 Dulany Street
Alexandria, VA 22314

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

Any inquiry concerning this communication should be directed to Jacob C. Coppola at (571) 270-3922. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew J. Fischer can be reached at (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-9900.

Information regarding the status of this proceeding may be obtained from the USPTO's Patent Center. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent-center> for more information about Patent Center and <https://www.uspto.gov/patents/docx> for information about filing in DOCX format. For additional questions, contact the Electronic Business Center (EBC)

Art Unit: 3992

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.

General inquiries may also be directed to the Central Reexamination Unit customer service line at (571) 272-7705.

/JACOB C. COPPOLA/
Primary Examiner, Art Unit 3992

Conferees:

/KENNETH WHITTINGTON/
Primary Examiner, Art Unit 3992

/ANDREW J. FISCHER/
Supervisory Patent Reexamination Specialist, Art Unit 3992