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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/002,126	08/31/2012	7831926	SV.95002126	1137

59860 7590 02/10/2025
LAW OFFICE OF R. ALAN BURNETT
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EXAMINER

BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
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3992

MAIL DATE	DELIVERY MODE
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02/10/2025

PAPER

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

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



THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

February 10, 2025

JOHN S. PRATT, ESQ.
KILPATRICK TOWNSEND & STOCKTON LLP
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ATLANTA, GA 30309

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95002126
PATENT NO. : 7831926
ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.



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For Patent Owner

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For Third Party Requester

Inter Partes Reexamination Proceeding
Control No. 95/002,126
Filed: August 31, 2012
For: U.S. Patent No. 7,831,926

DECISION *SUA SPONTE*
TERMINATING
REEXAMINATION
PROCEEDING

The above-identified reexamination proceeding is before the Director of the Central Reexamination Unit (CRU) for the purpose of concluding the reexamination proceeding on the grounds that all of the claims in US 7,831,926 ('926 patent) under reexamination in this proceeding (claims 1-88) were previously cancelled by the Office. Claims 1-88 of the '926 patent were previously cancelled in totality in *Inter Partes* Review proceedings IPR2013-00004 & IPR2014-00257 (claims 30, 31, 40, 41, 43, 52, 55, 59, 72 and 75), *Ex Parte* Reexamination proceeding 90/009,995 (claims 1-28, 32-39, 42, 44-51, and 69) and *Inter Partes* Reexamination proceeding 95/000,635 (claims 29, 53, 54, 56-58, 60-68, 70, 71, 73, 74, and 76-88).

STATEMENT OF RELEVANT FACTS

1. Patent No. 7,831,926 (the '926 patent) issued on November 9, 2010 and contained claims 1-88.
2. A request for *inter partes* reexamination of claims 1-88 of the '926 patent was filed by a third party requester on August 31, 2012 and assigned control No. 95/002,126 (the '126 proceeding).
3. An Order granting reexamination of claims 1-88 of the '926 patent was mailed on November 26, 2012.

4. Concurrently with the ‘126 proceeding, the ‘926 patent was also the subject of *Inter Partes* Reexamination proceeding 95/000,635 (the ‘635 proceeding), *Ex Parte* Reexamination proceeding 90/009,995 (the ‘995 proceeding), and *Inter Partes* Review proceeding IPR2013-00004 and *Inter Partes* Review proceeding IPR2023-00257.
5. In light of IPR2013-00004, which was subsequently joined with IPR2013-00257, the Patent Trial and Appeal Board (PTAB) mailed an Order on December 21, 2012 staying the ‘126 proceeding, the ‘635 proceeding, and the ‘995 proceeding.
6. The PTAB issued a final written decision in IPR2013-00004 & IPR2013-00257 on March 27, 2014 holding claims 30, 31, 40, 41, 43, 52, 55, 59, 72, and 75 of the ‘926 patent unpatentable.
7. The United States Court of Appeals for the Federal Circuit (CAFC) issued a decision on February 9, 2015 affirming the PTAB’s final written decision in IPR2013-00004 & IPR2013-00257, which issued as a mandate on April 2, 2015.
8. The PTAB issued an Order that the stay of the ‘126 proceeding, the ‘635 proceeding, and the ‘995 proceeding be lifted on November 27, 2015.
9. The Office issued an *Inter Partes* Review Certificate US 7,831,926 K1, cancelling claims 30, 31, 40, 41, 43, 52, 55, 59, 72, and 75 of the ‘926 patent, on January 15, 2016.
10. The Office issued an *Ex Parte* Reexamination Certificate US 7,831,926 C1 in the ‘995 proceeding, cancelling claims 1-28, 32-39, 42, 44-51, and 69 of the ‘926 patent, on December 6, 2021.
11. The PTAB issued a decision on April 6, 2022 in the ‘126 proceeding and the ‘635 proceeding affirming the rejection of claims 64 and 66 and holding claims 29 and 78 of the ‘926 patent unpatentable.
12. The CAFC issued a decision on June 6, 2024 affirming the PTAB’s decision in the ‘126 proceeding and the ‘635 proceeding, which issued as a mandate on September 3, 2024.
13. The Office issued an *Inter Partes* Reexamination Certificate US 7,831,926 C2 in the ‘635 proceeding, cancelling claims 29, 53, 54, 56-58, 60-68, 70, 71, 73, 74, and 76-88 of the ‘926 patent, on December 10, 2024.

DECISION

As all of the claims (claims 1-88) of the ‘926 patent under reexamination in the ‘126 proceeding have been cancelled by the entirety of *Inter Partes* Review Certificate US 7,831,926 K1 (issued January 15, 2016), *Ex Parte* Reexamination Certificate US 7,831,926 C1 (issued December 6, 2021), and *Inter Partes* Reexamination Certificate US

7,831,926 C2 (issued December 10, 2024), the ‘126 proceeding is hereby terminated since there are no longer any enforceable claims in the proceeding.

The ‘126 proceeding will be processed by the support staff of the CRU for conclusion of the proceeding. The CRU will mail the present decision and process the reexamination file to update the Image File Wrapper (IFW) records for the ‘126 proceeding. The file will be assigned a 421 status (Reexam Terminated – Decision). A copy of the Patent Data Portal (PDP) “Application Number Information” screen and the “Contents” screen will be printed, the printed copy will be annotated by adding the comment “PROCEEDING CONCLUDED,” and the annotated copy will then be scanned into the IFW using the miscellaneous letter document code.

CONCLUSION

1. Reexamination control No. 95/002,126 is hereby **TERMINATED**. All prosecution of the proceeding is therefore terminated and the proceeding will be concluded.
2. Upon the mailing of this decision, the support staff of the CRU will process the reexamination as discussed above to conclude the ‘126 proceeding.
3. Telephone inquiries related to this decision should be directed to Stephen Stein, Managing Quality Assurance Specialist, at (571) 272-1544.

/David P. Ruschke/
David P. Ruschke, Director
Central Reexamination Unit