I hereby certify that this correspondence is being filed using EFS-Web addressed to: Mail Stop Ex Parte Reexam, Central Reexamination Unit, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 15, 2011 Signature: /Robert T. Neufeld/
Atty. Reg. No. 48,394

Docket No. 13557.112021
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reexamination of:

Li Gong

Patent No.: 6,125,447

Issue Date: September 26, 2000

For: PROTECTION DOMAINS TO PROVIDE SECURITY IN A COMPUTER SYSTEM

Control No.: Not yet Assigned

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

REQUEST FOR *EX PARTE* REEXAMINATION UNDER 37 C.F.R. § 1.510

Mail Stop Ex Parte Reexam
Attn: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

King & Spalding, LLP (hereinafter, "Requester") submits, under the provisions of 37 C.F.R. § 1.510 *et seq.*, a Request for Reexamination (hereinafter, "Request") of Claims 1-24 of U.S. Patent No. 6,125,447 (hereinafter "the '447 patent") entitled "Protection Domains to Provide Security in a Computer System," issued to Li Gong on September 26, 2000. A copy of the '447 patent is provided as Exhibit 1 to the Request.

In support of its request, Requester provides the following:

- The $2520.00 fee for requesting *ex parte* reexamination set forth in 37 C.F.R. § 1.20(c)(1) (37 C.F.R. § 1.510(a));

- A statement pointing out each substantial new question of patentability based on prior patents and printed publications (37 C.F.R. § 1.510(b)(1));

- An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited prior art to every claim for which reexamination is requested (37 C.F.R. § 1.510(b)(2));

- A copy of every patent or printed publication relied upon or referred to in paragraphs (b)(1) and (b)(2) of 37 C.F.R. § 1.510, accompanied by an English language translation of all the necessary and pertinent parts of any non-English language patent or printed publication (37 C.F.R. § 1.510(b)(3));

- A copy of the entire patent including the front face, drawings, and specification/claims (in double column format) for which reexamination is requested, and a copy of any disclaimer, certificate of correction, or reexamination certificate issued in the patent. All copies must have each page plainly written on only one side of a sheet of paper ((37 C.F.R. § 1.510(b)(4)) (Exhibit 1); and

- A certification that a copy of the request has been served in its entirety on the patent owner at the address as provided for in 37 C.F.R. § 1.33(c). The name and address of the party served must be indicated. If service was not possible, a duplicate copy must be supplied to the Office ((37 C.F.R. § 1.510(b)(5)).

Pursuant to 35 U.S.C. § 303, the prior art references discussed in this Request raise a "substantial new question of patentability" with respect to claims 1-24 of the '447 patent.

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I. INTRODUCTION

Requester requests reexamination of claims 1-24 of the '447 patent under 35 U.S.C. §§ 302-307 and 37 C.F.R. § 1.510 *et seq*. The application for the '447 patent was filed on December 11, 1997. Sun Microsystems, Inc. is the assignee of record for the '447 patent. Substantial new questions of patentability exist with respect to each of the claims of the '447 patent based on references and combinations laid out in detail below and not before the Patent Office during original examination.

The claims of the '447 patent relate to "maintaining and enforcing security rules [in a computer system by] using protection domains." *See* '447 patent, at Abstract and Claims. More specifically, the claims of the '447 patent relate to associating protection domains to classes of objects (or sources of code). *See, e.g.*, '447 patent, claim 1 ("establishing an association between said one or more protection domains and one or more classes of one or more objects."). Requester has identified at least two sets of prior art references -- (a) U.S. Patent No. 5,412,717 to Fischer ("Fischer"), and (b) an article by Theodore Goldstein entitled "The Gateway Security Model in the Java Electronic Commerce Framework" ("Goldstein") in view of an article by Rawn Shah entitled "Java APIs: Playing Monopoly with Java via the JECF ("Shah") -- which separately anticipate each of the claims of the '447 patent. Copies of Fischer, Goldstein, and Shah are attached hereto as Exhibits 2, 3, and 4, respectively.

Fischer was not cited to nor considered by the Examiner during prosecution of the '447 patent. Although U.S. Patent No. 5,311,591 to Fischer ("the '591 patent"), which shares a similar specification to Fischer, was cited by the patent owner in an information disclosure statement in the original examination, a substantial new question of patentability still exists. See 35 U.S.C. § 312(a) ("The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or

considered by the Office."). While the Examiner initialed the information disclosure statement, there is no evidence that the Examiner considered any of the technical teachings of the '591 patent to a greater degree than documents are generally considered during a search of Office file records. *See* M.P.E.P. 609. Indeed, the '591 patent was not applied in any rejection of the claims or discussed on the record at all during prosecution of the '447 patent.

U.S. Patent No. 5,758,153 to Atsatt et al. ("Atsatt") was the only reference applied and discussed during prosecution of the '447 patent. Atsatt is directed to an object oriented file system in an object oriented operating system. Atsatt teaches using protection domains to control access to files. See Atsatt, at Col. 9, ll. 40-49; Applicant's Amendment and Response dated November 19, 1999, at p. 10-11, copies of which pages are attached hereto as Exhibit 5 to this Request. According to Atsatt, before a user is allowed to access a file, a lookup is performed on an access control list ("ACL") file, which associates user objects with permissions. *See* Atsatt, at Col. 12, ll. 21-40 and Col. 25, l. 58 to Col. 26, l. 20. Each user object is an instantiation of the class TCredentials. *See id.* Thus, the ACL associates protection domains with *users* (which are internally represented by objects that are instances of the class TCredentials).

In contrast, Fischer discloses a method for providing computer system security, including associating protection domains with object-oriented program structures, such as classes of objects and sources of code – as recited in the claims of the '447 patent. This association of protection domains to classes of objects or sources of code is the sole distinction that permitted the allowance of the application that resulted in the '447 patent. *See* Interview Summary dated May 5, 2000, a copy of which is attached hereto as Exhibit 6 to this Request; Notice of Allowance dated May 24, 2000, at p. 2, a copy of which page is attached hereto as Exhibit 7 to

this Request. Therefore, Fischer provides new, non-cumulative technological teachings that were not previously considered by the U.S. Patent and Trademark Office (the "Patent Office") during prosecution of the application that resulted in the '447 patent. Accordingly, Fischer raises a substantial new question that greatly differs from those raised during prosecution of the '447 patent.

Goldstein in view of Shah also raises a substantial new question that greatly differs from those raised during prosecution of the '447 patent. Neither Goldstein nor Shah was cited to nor considered by the Examiner during prosecution of the '447 patent, and neither Goldstein nor Shah is cumulative to information cited to or considered by the Examiner during prosecution of the '447 patent. Goldstein describes a "Gateway" extension to the Java security model, for use in the Java Electronic Commerce Framework ("JECF"). *See* Goldstein, at 1. According to Goldstein, an application called a "cassette" is associated with a set of permissions (*i.e.*, a protection domain) represented by "Roles." See id. at 7-8, 10, 13-14, and Figs. 1 and 5-6.

As would have been recognized by a person of ordinary skill in the art reviewing Goldstein,[1] the Roles are objects that represent and/or contain the specific authorizations (*e.g.*, permissions) for a particular cassette as well as a digital signature (based on a public/private key pair) corresponding to the creator of the cassette. *See id.* at 13; Shah ("[R]oles dictate the available resources and security levels and control [the] program's interface to the JECF code. A local database contains these access control lists and role information. Each . . . cassette with its specific roles must be signed by a trusted authority before use to guarantee the identity of the originator."). The Roles may be defined on a per-package basis so that any class that is part of the package (*e.g.*, a cassette package) is necessarily associated with the protection domain. *See*

[1] See M.P.E.P. § 2131.01(III) (An extra reference or evidence can be used in an anticipation rejection to show an inherent characteristic of the concept taught by the primary reference).

Goldstein, at 10 ("All classes in a package have access to package-private data members and methods. . . . Packages are a natural choice for creating a security principal."). In addition, Goldstein discloses establishing an association between the protection domain of a user's cassette with a class corresponding to a protected resource such as a JECF database. *See id.* at 11-12. Therefore, Goldstein in view of Shah discloses a method for providing computer system security, which includes associating protection domains with object-oriented program structures, such as classes of objects and sources of code, as recited in the claims of the '447 patent.

At least in view of (a) Fischer and (b) Goldstein in view of Shah, and the substantial new questions of patentability that they raise, Requester respectfully requests the issuance of an order for reexamination, and further requests that claims 1-24 of the '447 patent be canceled. Requester respectfully requests that this Request be afforded special dispatch in accordance with 35 U.S.C. § 305 and 37 C.F.R. § 1.550. Requester further respectfully requests that the Director provide an order of action dates to accompany the decision ordering reexamination of the '447 patent.

II. STATEMENT UNDER 37 C.F.R. § 1.510 (B)(1) POINTING OUT SUBSTANTIAL NEW QUESTIONS OF PATENTABILITY

The prior art references described herein raise substantial new questions of the patentability of the claims of the '447 patent. Section II.A provides an overview of the '447 patent. Section II.B summarizes certain aspects of the law regarding reexamination. Section II.C summarizes the evidentiary standards applicable to reexamination. Section II.D identifies the prior art relied upon in this Request. Section II.E provides a list of other supporting documents discussed in this Request. Section II.F provides a summary of pending litigation involving the '447 patent. Section II.G provides an identification of the substantial new

questions of patentability raised in this Request. Section II.H provides an overview of the substantial new questions of patentability raised in this Request.

A. Overview of the '447 Patent

The claims of the '447 patent relate to providing computer system security using protection domains, which are associated with object classes or sources of code. See '447 patent, at Abstract. The independent claims are claims 1, 7, 10, 16, 19.

Claim 1 recites:

> 1. A method for providing security, the method comprising the steps of:
> establishing one or more protection domains, wherein a protection domain is associated with zero or more permissions;
> establishing an association between said one or more protection domains and one or more classes of one or more objects; and
> determining whether an action requested by a particular object is permitted based on said association between said one or more protection domains and said one or more classes.

Claim 7 recites:

> 7. A method of providing security, the method comprising the steps of:
> establishing one or more protection domains, wherein a protection domain is associated with zero or more permissions;
> establishing an association between said one or more protection domains and one or more sources of code; and
> in response to executing code making a request to perform an action, determining whether said request is permitted based on a source of said code making said request and said association between said one or more protection domains and said one or more sources of code.

Claim 10 recites:

> 10. A computer-readable medium carrying one or more sequences of one or more instructions, the one or more sequences of the one or more instructions including instructions which, when executed by one or more processors, causes the one or more processors to perform the steps of:
> establishing one or more protection domains, wherein a protection domain is associated with zero or more permissions;
> establishing an association between said one or more protection domains and one or more classes of one or more objects; and

determining whether an action requested by a particular object is permitted based on said association between said one or more protection domains and said one or more classes.

Claim 16 recites:

16. A computer-readable medium carrying one or more sequences of one or more instructions, wherein the execution of the one or more sequences of the one or more instructions causes the one or more processors to perform the steps of:

establishing one or more protection domains, wherein a protection domain is associated with zero or more permissions;

establishing an association between said one or more protection domains and one or more sources of code; and

in response to executing code making a request to perform an action, determining whether said request is permitted based on a source of said code making said request and said association between said one or more protection domains and said one or more sources of code.

Claim 19 recites:

19. A computer system comprising:

a processor;

a memory coupled to said processor;

one or more protection domains stored as objects in said memory, wherein each protection domain is associated with zero or more permissions;

a domain mapping object stored in said memory, said domain mapping object establishing an association between said one or more protection domains and one or more classes of one or more objects; and

said processor being configured to determine whether an action requested by a particular object is permitted based on said association between said one or more protection domains and said one or more classes.

According to the Background of the Invention section of the '447 patent, "computer systems are vulnerable to users who may intentionally or unintentionally cause the computer system to malfunction." *See id.* at Col. 1, ll. 31-34. "One way to compromise the security of a computer system is to cause the computer system to execute software that performs harmful actions on the computer system." *Id.* at Col. 1, ll. 34-36.

The Background of the Invention section of the '447 patent describes certain conventional measures for preventing execution of software that tampers with a computer's

resources. These measures include a so-called "sand box method," which allows all code to be executed but places certain restrictions on code loaded from remote sources outside the control of system administrators. *See id.* at Col. 1, l. 60 to Col. 2, l. 6. According to the applicant, this approach is "not very granular because all remote code is restricted to the same limited set of resources," and "[v]ery often, there is a need to permit remote code from one source access to one set of computer resources while permitting remote code from another source access to another set of computer resources." *See id.* at Col. 2, ll. 10-22.

Another conventional measure disclosed in the Background of the Invention section of the '447 patent is establishing sets of permissions for different "principals," *i.e.*, processes, objects, and threads. *See id.* at Col. 2, ll. 23-34. According to the applicant, this measure typically requires developing complex security software, which must often be updated to meet changing security requirements. *See id.* at Col. 2, ll. 32-43.

The claims of the '447 patent are directed to an alternative computer security system, which involves using "protection domains" to organize, represent, and maintain security policies that apply to a computer system. *See id.* at Col. 2, ll. 52-56. Each protection domain is associated with zero or more permissions. *See id.* "Each 'permission' is an authorization by the computer system that allows a principal to perform a particular action or function. *Id.* at Col. 2, ll. 27-28. "An association is established between the protection domains and classes of objects that may be invoked by the computer system." *Id.* at Col. 2, ll. 57-62. When an object requests an action, a determination whether the action is permitted is based on the association between the protection domains and classes. *See id.* at Col. 2, ll. 64-65. For example, if object OA is in class CA, and class CA is associated with protection domain PA, a determination whether to permit a requested action by object OA will be based on the permissions in protection domain PA. *See id.*

at Col. 2, l. 66 to Col. 3, l. 8. According to the applicant, this use of protection domains "provides a relatively simple mechanism to implement otherwise complex security policies." See id. at Col. 6, ll. 40-45.

The '447 patent issued from U.S. Patent Application No. 08/988,439 ("the '439 application"), filed December 11, 1997. The following is a summary of the pertinent portions of the prosecution file history for the '439 application. As originally filed, the '439 application included claims 1-24, of which claims 1, 7, 10, 16, and 19 were independent claims. The Patent Office issued a first Office Action on the merits on August 25, 1999, rejecting each of claims 1-24 under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) as being anticipated by, or obvious in view of, Atsatt. In addition, Claim 10 was objected to for certain informalities. The applicant filed a response to the Office Action on November 19, 1999, amending Claim 10 to address the informalities and traversing each of the rejections. In particular, the applicant argued that Atsatt did not disclose or suggest a system that associates protection domains and object classes. See Response dated November 19, 1999, at page 11 (Exhibit 5).

On February 16, 2000, the Patent Office issued a final Office Action, maintaining all of the claim rejections based on Atsatt. After an interview on May 5, 2000, the Examiner withdrew the claim rejections and issued a Notice of Allowance on May 24, 2000. The Examiner emphasized that the allegedly novel aspect of the claims was the association of protection domains to classes of objects:

> [T]he novelty of the claims, when read as a whole, are the steps and means for establishing an association between one or more protection domains and one or more classes of one or more objects (or sources of code) and determining whether an action requested by an object is permitted base on this association.

See Notice of Allowance dated May 24, 2000, at page 2 (Exhibit 7).

B. Aspects of the law governing reexamination

1. Citation of prior art

"Any person at any time may file a request for reexamination by the Office of any claim of any patent on the basis of any prior art cited under the provisions of section 301." 35 U.S.C. § 302. Section 301 limits prior art to "patents or printed publications." 35 U.S.C. § 301.

MPEP 2128 classifies a reference as a printed publication if it is accessible to the public:

> A reference is proven to be a 'printed publication' 'upon a satisfactory showing that such *document* has been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising reasonable diligence, can locate it.'

In re Wyer, 655 F.2d 221, 210 USPQ 790 (CCPA 1981) (quoting *I.C.E. Corp. v. Armco Steel Corp.*, 250 F. Supp. 738, 743, 148 USPQ 537, 540 (SDNY 1966)).

2. "Old" prior art can raise a significant new question of patentability

The fact that a prior art reference was cited or even previously considered by an examiner does not preclude use of that reference to find a substantial new question of patentability. *See* 35 U.S.C. § 303(a); MPEP Section 2258.01; *see also In re Swanson*, 540 F.3d 1368, 1380-81 (Fed. Cir., Sept. 4, 2008) (holding that consideration of a prior art reference in previous litigation and in an original examination does not preclude a finding of a SNQ based on the same prior art reference in reexamination).

A combination of such "old art" and art newly cited during the reexamination proceeding may raise a SNQ. *See* MPEP Section 2258.01. The Patent Office may even find a SNQ based exclusively on previously cited references.

> For example, a SNQ may be based solely on old art where the old art is being presented/viewed in a new light, or in a different way, as compared with its use in the earlier concluded examination(s),

> in view of a material new argument or interpretation presented in the request.

See id.

3. Claims of the patent are to be broadly construed

In a reexamination proceeding, claims are to be given their broadest construction consistent with the specification. *See In re Icon Health & Fitness, Inc.*, 496 F.3d 1374, 1379 (Fed. Cir. 2007) ("During reexamination, as with original examination, the PTO must give claims their broadest reasonable construction consistent with the specification.").

C. Evidentiary standards

If the prior art patents and printed publications raise a substantial question of patentability of at least one claim of the patent, then a substantial new question of patentability is present. *See* MPEP 2242. A prior art patent or printed publication raises a substantial question of patentability where there is a substantial likelihood that a reasonable examiner would consider the prior art patent or printed publication important in deciding whether or not the claim is patentable. Id.

D. Prior art patents and printed publications relied upon in this Request

In accordance with 37 C.F.R. § 1.510, reexamination of claims 1-24 of the '447 patent is requested in view of the prior art patent and printed publication listed below, which raise substantial new questions of patentability.

1. U.S. Patent No. 5,412,717 to Fischer, issued May 2, 1995 ("Fischer"), provided as Exhibit 2 hereto.

2. Theodore Goldstein, *The Gateway Security Model in the Java Electronic Commerce Framework*, November 29, 1996 ("Goldstein"), provided as Exhibit 3 hereto.

3. Rawn Shah, *Java APIs: Playing Monopoly with Java via the JECF*, December 1, 1996 ("Shah"), provided as Exhibit 4 hereto.

This Request will demonstrate how claims 1-24 of the '447 patent are anticipated by each of (a) Fischer, and (b) Goldstein in view of Shah.

E. Supporting documents discussed in this Request

The following claim charts are provided to assist the Examiner in understanding this Request:

1. Claim Chart based on Fischer, provided as Exhibit 8.

2. Claim Chart based on Goldstein in view of Shah, provided as Exhibit 9.

F. Current Litigation

Requester is aware of at least one current litigation matter involving the '447 patent. On August 12, 2010, Oracle America, Inc. filed a complaint in the U.S. District Court for the Northern District of California alleging that Google Inc. is infringing the '447 patent. The case is styled *Oracle America, Inc. v. Google Inc.*, Civil Action No.: 3:10-cv-03561. A Joint Case Management Statement for the case provides for a claim construction hearing in the case to take place on April 20, 2011. Fact discovery will end July 29, 2011 and dispositive motions are due September 8, 2011.

G. Identification of Substantial New Questions of Patentability

In this Request, substantial new questions of patentability for claims 1-24 of the '447 patent are identified in accordance with 37 CFR § 1.510(b)(1) as follows:

1. Claims 1-24 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by Fischer.

2. Claims 1-24 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by Goldstein in view of Shah.

H. Overview of Substantial New Questions of Patentability

The '447 patent is directed to a computer security system, which uses protection domains to organize, represent, and maintain security policies that apply to a computer system. See id. at

Col. 2, ll. 52-56. Independent claims 1, 10, and 19 are directed to methods, computer systems, or computer-readable mediums that establish an association between one or more protection domains and one or more classes of one or more objects. Independent claims 7 and 16 are directed to a method and a computer-readable medium, respectively, that each establish an association between one or more protection domains and one or more sources of code. Requester submits that each of (a) Fischer, and (b) Goldstein in view of Shah discloses each of the features of these claims.

Fischer

U.S. Patent No. 5,412,717 to Fischer, a copy of which is provided as Exhibit 2 hereto, issued May 2, 1995 from an application filed on May 15, 1992. Because Fischer issued on May 2, 1995 -- more than a year before December 11, 1997, the earliest priority date for the '447 patent -- Fischer is prior art under 35 U.S.C § 102(b). Fischer was not in front of the Patent Office during the prosecution of the application that matured into the '447 patent nor is it cumulative to the prior art considered by the Patent Office during prosecution. As set forth above, in Section I of this Request, although Fischer is similar to the '591 patent, which was cited by the applicant during prosecution, neither Fischer nor the '591 patent were applied in any rejection of the claims or discussed on the record during prosecution. However, a reasonable examiner would have considered the teachings of Fischer to be important in determining whether the claims of the '447 patent were patentable at least because Fischer discloses each of the allegedly "novel" claim features cited by the Examiner when he allowed the application that resulted in the '447 patent.

Fischer is directed to providing computer system security using a set of authorities and/or restrictions referred to as "program authorization information" or "PAI." *See* Fischer, at Col. 2,

ll. 16-30. The PAI is assigned to a program to be executed, "to thereby delineate the types of resources and functions that the program is allowed to utilize." *See id.* This PAI for the program may be combined, as appropriate, with PAI associated with a calling program. *See id.* at Col. 19, ll. 40-54. "The PAI defines the range of operations that a program may execute and/or defines those operations that a program cannot perform." *See id.* at Col. 2, ll. 34-36. As illustrated in at least Figure 3C of Fischer, the program can include an object-oriented data structure. *See id.* at Fig. 3C and Col. 7, l. 49 to Col. 8, l. 2. Therefore, Fischer discloses establishing an association between one or more protection domains, *i.e.*, PAI, and one or more classes of one or more objects, *i.e.*, a class represented by the object-oriented data structure, as recited in independent claims 1, 10, and 19 of the '447 patent.

Fischer also discloses establishing an association between one or more protection domains and one or more sources of code, as recited in independent claims 7 and 16 of the '447 patent. For example, according to Fischer, the PAI can be associated with a signer of a digital certificate (*see* Fischer, at Col. 6, ll. 25-35 and Fig. 2) or a manufacturer of a program (*see* Fischer, at Col. 9, ll. 3-8 and Col. 16, ll. 12-25). A detailed comparison of Fischer with the claims of the '447 patent is provided below and in the claim chart in Exhibit 8.

Goldstein in view of Shah

Goldstein discloses a Java gateway security model, which includes protection domains represented by Roles. Shah clarifies that these Roles inherently include objects that represent and/or contain specific authorizations for a set of code, as well as a digital signature corresponding to the creator of the code. Because Goldstein was published on November 11, 29, 1996 -- more than a year before December 11, 1997, the earliest priority date for the '447 patent -- Goldstein is prior art under 35 U.S.C § 102(b). Because Shah was published on December 1,

1996 -- more than a year before December 11, 1997 -- Shah also is prior art under 35 U.S.C. § 102(b). Neither Goldstein nor Shah was in front of the Patent Office during the prosecution of the application that matured into the '447 patent. In addition, neither Goldstein nor Shah is cumulative to the prior art considered by the Patent Office during prosecution.

As set forth above, in Section I of this Request, Goldstein discloses defining Roles on a per-package basis so that all classes in a package have access to package-private data members and methods. *See* Goldstein, at 10. Goldstein also discloses establishing an association between the protection domain of a user's cassette with a class corresponding to a protected resource such as a JECF database. *See id.* at 11-12. Therefore, Goldstein (in view of Shah) discloses providing computer system security, which includes associating protection domains with object-oriented program structures, such as classes of objects and sources of code, as recited in the claims of the '447 patent.

III. DETAILED EXPLANATION UNDER 37 C.F.R. § 1.510(B)(2) OF THE PERTINENCY AND MANNER OF APPLYING THE CITED PRIOR ART TO EVERY CLAIM FOR WHICH REEXAMINATION IS REQUESTED

The detailed explanation herein under 37 C.F.R. § 1.510(b)(2) is set forth in the attached detailed claim charts. This detailed explanation describes the pertinence and manner of applying the prior art references to the claims of the '447 patent.

A. Rejections of Claims

1. Claims 1-24 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by Fischer.

As set forth above in Section II.H, Fischer is prior art to the '447 patent under 35 U.S.C. § 102(b). Fischer was not in front of the Patent Office during the prosecution of the application that matured into the '447 patent nor is it cumulative to the prior art considered by the Patent

Office during the prosecution of the '447 patent. As set forth in detail in the claim chart attached as Exhibit 8, Fischer discloses each of the elements of claims 1-24 of the '447 patent.

2. Claims 1-24 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by Goldstein in view of Shah.

As set forth above in Section II.H, each of Goldstein and Shah is prior art to the '447 patent under 35 U.S.C. § 102(b). Neither Goldstein nor Shah was in front of the Patent Office during the prosecution of the application that matured into the '447 patent. In addition, neither Goldstein nor Shah is cumulative to the prior art considered by the Patent Office during the prosecution of the '447 patent. As set forth in detail in the claim chart attached as Exhibit 9, Goldstein (in view of Shah) discloses each of the elements of claims 1-24 of the '447 patent.

IV. CONCLUSION

For the reasons provided herein, Requester respectfully submits that the prior art submitted herewith raises substantial new questions of patentability as to claims 1-24 of the '447 patent because, as discussed above, claims 1-24 of the '447 patent are anticipated by each of the prior art references discussed herein. Accordingly, reexamination of claims 1-24 of the '447 patent is respectfully requested, finally rejecting these claims.

The undersigned further notes the standards set forth at 37 C.F.R. 1.550(f) wherein the reexamination Requester will be sent copies of Office actions issued during the reexamination proceedings as well as served (by the patent owner) with any document filed in the reexamination proceeding in accordance with 37 C.F.R. 1.248. (*See* MPEP §§ 2264 and 2266.)

If the Patent Office determines that a fee and/or other relief is required, Requester petitions for any required relief including authorizing the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 11-0980** referencing Docket No. 13557.112021.

As identified in the attached Certificate of Service and in accordance with 37 C.F.R. §§ 1.33(c) and 1.510(b)(5), a copy of the present request is being served to the address of the attorney or agent of record.

February 15, 2011

Respectfully submitted,

By / Robert T. Neufeld /
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