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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,543.

PATENT NO. 4707592.

ART UNIT 3928.

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)).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,543	05/16/2005	4707592	2174.001USX	7578

7590 08/01/2005
Paul N. Ware
c/o Ware Enterprises, Inc.
1090 Barker Road S W
Rome, GA 30165

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 08/01/2005

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

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/007,543	Patent Under Reexamination 4707592	
	Examiner Karl D. Frech	Art Unit 2876	

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

The request for *ex parte* reexamination filed 16 May 2005 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-1449, c) Other: _____

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

RESPONSE TIMES ARE SET AS FOLLOWS:

10/1/05 DV ✓

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.

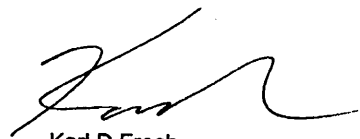
12/1/05 DV ✓

2. The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

- a) by Treasury check or,
- b) by credit to Deposit Account No. _____, or
- c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).



Karl D Frech
Primary Examiner
Art Unit: 2876

cc:Requester (if third party requester)

1. A substantial new question of patentability affecting claims 1,2 and 4 of United States Patent Number 4,707,592 to Ware is raised by the request for *ex parte* reexamination.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

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. 4,707,592 throughout the course of this reexamination proceeding.

The request indicates that Requester considers that Claims 1-4 are unpatentable over Tamada et al 4,757,543. The request further indicates that Requester considers that Claims 1-3 are unpatentable over Frid 4,472,626. The request further indicates that Requester considers that Claims 2 and 4 are unpatentable over Frid 4,472,626 taken with Ohmae et al 4,630,200.

It is agreed that the consideration of Tamada raises a substantial new question of patentability as to claims 1-4 of the Ware Patent. As pointed out on pages 3-8 of the request, Tamada either explicitly teaches all the elements of the Claims 1-4 of Ware, or such elements are inherent within Tamada. Tamada was not present in the prosecution

Art Unit: 2876

of the application which became the Ware Patent. Further there is a substantial likelihood that a reasonable examiner would consider the Tamada reference important in deciding whether or not the claims are patentable. Accordingly, Tamada raises a substantial new question of patentability as to Claims 1-4, which question has not been decided in a previous examination of the Ware Patent.

It is agreed that the consideration of Frid raises a substantial new question of patentability as to Claims 1-3 of the Ware Patent. As pointed out on pages 8-12 of the request, Frid explicitly teaches all the elements of Claims 1-3 of Ware. Frid was not present in the prosecution of the application which became the Ware Patent. Further there is a substantial likelihood that a reasonable examiner would consider the Frid reference important in deciding whether or not the claims are patentable. Accordingly, Frid raises a substantial new question of patentability as to Claims 1-3, which question has not been decided in a previous examination of the Ware Patent.

It is agreed that consideration of Frid taken with Ohmae raises a substantial new question of patentability as to Claims 2 and 4 of the Ware Patent. As pointed out on pages 8-12 of the request, Frid explicitly teaches all the elements of Claims 1 and 2 of Ware. Claim 2 is dependent upon Claim 1 and Claim 4 is dependent upon Claim 3 which in turn is dependent upon Claim 1. As pointed out on pages 12-14 of the request, Ohmae discloses a card reader terminal which includes a keyboard into which a PIN is entered and prints a receipt. Ohmae discloses printing date of transaction on the receipt. Frid and Ohmae were not present in the prosecution of the application which became the Ware Patent. Further there is a substantial likelihood that a reasonable

Art Unit: 2876

examiner would consider Frid taken with Ohmae important in deciding whether or not the claims are patentable. Accordingly, Frid taken with Ohmae raises a substantial new question of patentability as to Claims 2 and 4, which question has not been decided in a previous examination of the Ware Patent.

Claims 1-26 will be reexamined.



Karl D. Frech
Primary Examiner
Technology Center Art Unit 2876

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)	Complete if Known	
	Application Number	Unknown 90/007,543 (Reexam of US 4,707,592)
	Filing Date	Even Date Herewith
	First Named Inventor	Paul N. Ware
	Group Art Unit	Unknown 2876
Examiner Name	Unknown FRECH	
Sheet 1 of 1	Attorney Docket No: 2174.001USX	

US PATENT DOCUMENTS				
Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
KOF	US-4,472,626	09/18/1984	Frid, S.	01/12/1982
KOF	US-4,630,200	12/16/1986	Ohmae, K., et al.	02/29/1984
KOF	US-4,757,543	07/12/1988	Tamada, M., et al.	09/02/1986

FOREIGN PATENT DOCUMENTS				
Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ²

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No ¹	Include name of the author (In CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁴

EXAMINER *Karl D. Frech* DATE CONSIDERED *7/26/05*

Substitute Disclosure Statement Form (PTO-1449)
 * EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 806. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional) ² Applicant is to place a check mark here if English language Translation is attached

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Complete if Known		
			Application Number	90/007,634	
			Filing Date	7/19/2005	
			First Named Inventor		
			Art Unit	2111	
			Examiner Name	Khanh Dang	
Sheet	2	of	2	Attorney Docket Number	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
1007		Wenzel, "IEEE Standard for Communicating Among Processors and Peripherals Using Shared Memory (DMA)" IEEE Std 1212.1-1993. New York 1/31/1994. ("IEEE Standard")	
		Claim Chart comparing the '547 patent claims to the IEEE Standard and including references to the '918, '172, '564, 319, '162, '268, 'and '816 Patents	
		MicroUnity's Markman Brief from MicroUnity Systems Engineering, Inc. v. Dell, Inc., et al. No. 2:04-CV-120 (TJW) (E.D. Tex. 2004))	
		J. L. Hennessy and D. A. Patterson, Computer Architecture: A Quantitative Approach, 2nd ed., Morgan Kaufmann Publishers, Inc., 1996, p.496	
		Certificate of Correction from the '547 patent	
		File Wrapper of the '547 patent	
		Amendment B from the File Wrapper of the '547 patent	
		Examiner's Amendment from the File Wrapper of the '547 patent	

Examiner Signature	<i>Khanh Dang</i>	Date Considered	7/28/05
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.