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Pepper Hamilton LLP/Boston Attn: Boston IP Docketing Department 125 High Street 19th Floor Boston, MA 02110-2736			RIMELL, SAMUEL G	
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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.



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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/013,988.

PATENT NO. 7552124.

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)).

Sam Rimell

Primary Examiner

Art Unit: 3992

Art Unit: 3992

DECISION ON REQUEST FOR *EX PARTE* REEXAMINATION

A request for reexamination affecting claims 6-10 of U.S. Patent 7,552,124 has been received and considered. A substantial new question of patentability has been raised with respect to claims 6-10 by the request. Detailed rationale for this finding is set forth in this action.

References Asserted by Requester as Raising Substantial New Questions of Patentability

- U.S. Patent 5,937,383 to Ittycheriah et al, published August 10, 1999, filed June 4, 1997, priority claim to February 2, 1996.
- U.S. Patent 7,003,463 to Maes et al, published February 21, 2006, filed June 25, 2001, priority claim to January 27, 1999.
- U.S. Patent 7,027,975 to Pazandak et al, published April 11, 2006, filed August 8, 2000.
- US Patent 7,085,708 to Manson, published August 1, 2006, filed June 18, 2001, priority claim to September 23, 2000.
- US Pre-Grant Publication 2002/0072918 to White et al, published June 13, 2002, priority claim to April 12, 1999.
- US Pre-Grant Publication 2003/0046061 to Preston et al, published March 6, 2003, Priority claim to January 30, 2001.

Availability of Prior Art Cited in This Proceeding

The availability of the prior art under 35 USC 102 and 35 USC 103 is reviewed as one part of the analysis of whether a given reference would be important to a reasonable examiner (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*”).

Summary of Prosecution History for US Patent 7,552,124

The application was filed on 6/17/2004. Claims 1-20 were the original claims.

The USPTO issued a non-final office action on September 22, 2006. Claims 1-20 were rejected under 35 USC 102(e) as being anticipated by Pazandak et al (U.S. Patent 7,027,975, published April 11, 2006, filed August 8, 2000).

Applicant submitted a response with remarks and amendments on March 16, 2007. Claims 2-3 and 12-13 were cancelled.

The USPTO issued a non-final office action on June 4, 2007. Claims 1, 4-11 and 14-20 were rejected under 35 USC 102(e) as being anticipated by Pazandak et al.

Applicant submitted an RCE response with remarks and amendments on November 29, 2007. Claims 4-6 and 14-16 were further cancelled.

The USPTO issued a Notice of Allowance on February 20, 2009. Claims 1, 7-11 and 17-20 were indicated as allowed. The allowed claims 11 and 17-20 were re-numbered as claims 6-10 in the issued patent.

Claim 11 (re-numbered as issued claim 6) was amended as follows prior to allowance:

A system for programming a mobile communication device based on a high-level code comprising operative language, the system comprising:

means for receiving a high-level code comprising one or more keywords, wherein the high-level code is provided by a user of a mobile communication device to control the operation of the mobile communication device without having to select from menu items provided by an operating system running on the mobile communication device;

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