UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
WHITTINGTON, KENNETH

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

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Transmittal of Communication to Third Party Requester
Inter Partes Reexamination

REEXAMINATION CONTROL NUMBER *95/000,660*.

PATENT NUMBER *7711857*.

TECHNOLOGY CENTER *3999*.

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 <u>cannot</u> 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.

PTOL-2070 (Rev.07-04)

Implicit Exhibit 2006
Juniper v. Implicit
JNPR-IMPL_30024_02292816

ORDER GRANTING/DENYING REQUEST FOR INTER PARTES REEXAMINATION	Control No. 95/000,660	Patent Under Reexamination 7711857
	Examiner KENNETH J. WHITTINGTON	Art Unit 3992

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

The request for *inter partes* reexamination has been considered. Identification of the claims, the references relied on, and the rationale supporting the determination are attached.

Attachment(s): ☐ PTO-892 ☒ PTO/SB/08 ☐ Other: _____

1. ☒ The request for *inter partes* reexamination is GRANTED.

    ☒ An Office action is attached with this order.

    ☐ An Office action will follow in due course.

2. ☐ The request for *inter partes* reexamination is DENIED.

This decision is not appealable. 35 U.S.C. 312(c). Requester may seek review of a denial by petition to the Director of the USPTO within ONE MONTH from the mailing date hereof. 37 CFR 1.927. EXTENSIONS OF TIME ONLY UNDER 37 CFR 1.183. In due course, a refund under 37 CFR 1.26(c) will be made to requester.

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 this Order.

DECISION GRANTING INTER PARTES REEXAMINATION

The request for inter partes reexamination filed March 2, 2012 (hereinafter the "Request") establishes a reasonable likelihood that requester will prevail (hereinafter "RLP") with respect to at least one of the claims 1, 4 and 10 of United States Patent No. 7,711,857 (Balassanian), entitled METHOD AND SYSTEM FOR DATA MULTIPLEXING (hereinafter the '857 Patent). Accordingly, reexamination is GRANTED.

I. The References Cited Herein

(1) PFEIFER et al., Generic Conversion of Communication Media for Supporting Personal Mobility, Multimedia Telecommunication and Applications, COST 237 Workshop, Nov. 25-27, 1996, Exhibit 3 to the Request (hereinafter referred to as "**Pfeifer96**").

(2) NORTHERN TELECOM, Digital Switching Systems, ISDN Primary Rate User-Network Interface Specification, NA011, Std 08.01, Aug. 1998, Exhibit 4 to the Request (hereinafter referred to as "**ISDN98**").

(3) NELSON et al., The Data Compression Book, 2nd Edition, Nov. 6, 1995, M&T Books, New York, NY, Exhibit 5 to the Request (hereinafter referred to as "**Nelson**").

(4) COX, Superdistribution: objects as property on the electronic frontier; June 4, 1996, Addison-Wesley Publishing, Reading, MA, Exhibit 6 to the Request (hereinafter referred to as "**Cox**").

(5) FRANZ, Job and Stream Control in Heterogeneous Hardware and Software Architectures, April 22, 1998, Berlin, DE, Exhibit 7 to the Request (hereinafter referred to as "**Franz98**").

(6) van der MEER, Dynamic Configuration Management of the Equipment in Distributed Communication Environments, Oct. 6, 1996, Technische Universitat Berlin, DE, Exhibit 8 to the Request (hereinafter referred to as "**Meer96**").

(7) Information Sciences Institute, RFC:793, Transmission Control Protocol, DARPA Internet Program Protocol Specification, Sept. 1981, Marina Del Rey, California, Exhibit 9 to the Request (hereinafter referred to as "**RFC793**").

(8) ARBANOWSKI, Generic Description of Telecommunication Services and Dynamic Resource Selection in Intelligent Communication Environments, Oct. 6, 1996 Berlin, DE, Exhibit 11 to the Request (hereinafter referred to as "**Arbanowski96**").

(9)   PFEIFER et al., Resource Selection in Heterogeneous Communication Environments using the Teleservice Descriptor, Dec. 19, 1997, Lisbon, Portugal, Exhibit 12 to the Request (hereinafter referred to as "**Pfeifer97**").

(10)   LI et al, Active Gateway: A Facility for Video Conferencing Traffic Control, Feb. 1, 1997, Computer Science Technical Reports, Paper 1349, Exhibit 48 to the Request (hereinafter referred to as "**Li**").

(11)   LAWSON, Cisco NetFlow Switching speeds traffic routing, InfoWorld, July 7, 1997, ProQuest Center, pg. 19, Exhibit 16 to the Request (hereinafter referred to as "**NetFlow**")

(12)   BELLARE et al., A Concrete Security Treatment of Symmetric Encryption: Analysis of the DES Modes of Operation, IEEE, October 20-22, 1997, Exhibit 17 to the Request (hereinafter referred to as "**Bellare97**").

(13)   BELLARE et al., XOR MACS: New Methods for Message Authentication Using Finite Pseudorandom Functions, CRYPTO '95, LNCS 963, pp. 15-28, 1995, Berlin Heidelberg DE, Exhibit 18 to the Request (hereinafter referred to as "**Bellare95**").

(14)   IBM Raleigh Center, Local Area Network Concepts and Products: Routers and Gateways, 1st Ed., May 1996, Research Triangle Park, NC, Exhibit 19 to the Request (hereinafter referred to as "**IBM96**").

(15)   NATIONAL INST. OF STDS AND TECH., CheckPoint FireWall-1 White Paper, Version 2.0, Sept. 1995, Germany, Exhibit 20 to the Request (hereinafter referred to as "**Checkpoint**").

(16)   BELLISSARD et al., Dynamic Reconfiguration of Agent-Based Applications, Proceedings of ACM European SIGOPS Workshop, Sinatra, Sept. 1998, Exhibit 23 to the Request (hereinafter referred to as "**Bellissard**").

(17)   FRASER et al., DTE Firewalls Phase Two Measurement and Evaluation Report, TIS Report #0682, July 22, 1997, Glenwood, MD, Exhibit 24 to the Request (hereinafter referred to as "**Fraser**").

(18)   DECASPER et al., Router Plugins A Software Architecture of Next Generation Routers, Proceedings of ACM SIGCOMM '98, Sept. 10, 1998, Vancouver B.C., Exhibit 25 to the Request (referred to as "**Decasper98**").

(19)   ATKINSON, Security Architecture for the Internet Protocol, RFC: 1825, Standard Track, Naval Research Lab., Aug. 1995, Exhibit 26 to the Request (hereinafter referred to as "**RFC1825**").

(20)   KARN et al, RFC: 1829: The ESP DES-CBC Transform, Aug.1995, Exhibit 27 to the Request (hereinafter referred to as "**RFC1829**").

(21)   DEERING & HINDEN, Internet Protocol, Version 6 (IPv6) Specification, RFC: 1883, Standards Track, Dec. 1995, Exhibit 28 to the Request (hereinafter "**RFC1883**").

(22)   DECASPER, Crossbow A Toolkit for Integrated Services over Cell SwitchedIPv6, IEEE ATM'97 Workshop Proeedings, May 25-28, 1997, Lisboa, Portugal, Exhibit 30 to the Request (hereinafter referred to as "**Decasper97**").

(23)   MOSBERGER, Scout: A Path-Based Operating System, Dissertation submitted
        to Dept of Computer Science, 19971 University of Arizona, Exhibit 31 to the
        Request (hereinafter referred to as "**Mosberger**").

(24)   KRUPCZAK et al., Implementing Communication Protocols in Java, IEEE
        Comminication Magazine, October 1998, Exhibit 32 to the Request (hereinafter
        referred to as "**HotLava**").

(25)   FIUCZYNSKI et al., An Extensible Protocol Architecture for Application-Specific
        Networking, Jan. 22, 1996, Department of Computer Science and Engineering,
        Seattle, WA, Exhibit 33 to the Request (hereafter referred to as "**Plexus**").

(26)   MUHUGUSA et al., COMSCRIPT*: An Environment for the Implementation of
        Protocol Stacks and their Dynamic Reconfiguration, December 1994, Exhibit 34
        to the Request (hereinafter referred to as "**ComScript**").

(27)   WETHERALL et al., The Active IP Option, Telemedia Networks and Systems
        Group, Lab for Computer Science, Sept. 11, 1996, MIT, Exhibit 47 to the
        Request (hereinafter referred to as "**Wetherall**").

(28)   ALAM et al., U.S. Patent No. 6,104,500 (2000), Exhibit 14 to the Request
        (hereinafter referred to as "**Alam**").

(29)   YUN, U.S. Patent No. 5,298,674 (1994), Exhibit 14 to the Request (hereinafter
        referred to as "**Yun**").

(30)   KERR et al., U.S. Patent No. 6,243,667 (2001), Exhibit 15 to the Request
        (hereinafter referred to as "**Kerr**").

(31)   SHWED et al. U.S. Patent No. 5,835,726 (1998), Exhibit 21 to the Request
        (hereinafter referred to as "**Shwed**").

(32)   DIETZ et al., U.S. Patent No. 6,651,099 (2003), Exhibit 22 to the Request
        (hereinafter referred to as "**Dietz**").

II.   Identification of Every Claim for Which Reexamination is Requested

The third party Requester (hereinafter the "Requester") has cited the above

references and combinations thereof that Requester believes establish that there is a

reasonable likelihood that the requester will prevail with respect to at least one of the

claims challenged in the request, i.e., one of claims 1, 4 and 10, as outlined in the

Request.

III. Reasonable Likelihood to Prevail (RLP) on the Issue of Patentability

The claims for which reexamination is requested will be utilized to show whether

the above-cited references, taken together with the explanation provided by Requester,

are found to satisfy, or not to satisfy, the burden of establishing that there is a

reasonable likelihood that the requester will prevail with respect to at least one of the

patent claims.

IV. Issues Raising/Not Raising RLPs

Issues 1-61 outlined below correspond to the proposed issues raised in the

Request. The subheadings (V.A.1, V.A.2, etc.) correspond to the subheadings outlined

in pages 33-285 of the Request.

Issue 1

V.A.1. Proposed Rejections of Decasper98 Anticipating Claims 1, 4 and 10—

RLP

Rejections of claims 1, 4 and 10 as being anticipated by Decasper98 were

proposed by the Requester as set forth in pages 33-48 of the Request. It is agreed

herein that these proposed rejections **satisfy** the burden that there is a reasonable

likelihood that the requestor will prevail to at least one of the claims as evidenced by the

accompanying Office Action rejecting these claims.

Issue 2

V.A.2. Proposed Rejections of Decasper98 Rendering Obvious Claims 1, 4 and

10--**RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 were

proposed by the Requester as set forth in pages 48-58 of the Request. It is agreed

herein that these proposed rejections **satisfy** the burden that there is a reasonable

likelihood that the requestor will prevail to at least one of the claims as evidenced by the

accompanying Office Action rejecting these claims.

Issue 3

V.A.3. Proposed Rejection of Decasper98 in view of RFC1825 and RFC1829

Rendering Obvious Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of

RFC1825 and RFC1829 are proposed by the Requester as set forth in pages 59-63 of

the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be

disclosed, inherent or obvious over Decasper98 alone".

It is initially noted that Requester has not provided the analysis of an obvious

rejection. Requester has not asserted which aspects are missing and thus Requester

has again not identified any deficiencies of Decasper98 nor any differences between the

claims and Decasper98 (See Part A1 wherein Requester asserts that Decasper98

anticipates these claims). Thus, the Request has not outlined why or how Decasper98

in view of RFC1825 and RFC1829 renders the claims obvious.

It is also noted that again Requester has done nothing more than provide more detail of the disclosure of Decaspser98. Decasper98 specifically states that it implements IP Security such as that of RFC1825 as one of its plug-ins (See Decasper98 Part 2, page 2, col. 2 incorporating endnote 2 for RFC1825). It is further noted that RFC1825 incorporates the use of ESP DES-CBC Transform algorithm of RFC1829 (See RFC1825 at page 10). Thus, the disclosure of Decasper98 incorporates, directly and indirectly, the disclosures of RFC1825 and RFC1829.

Requester in this proposed combination is merely adding more detail to the teachings of Decasper98 which are not necessary to reject the claims because as noted above, the proposed anticipation/obvious rejections applying Decasper98 alone already raises an RLP as noted above in Issues 1 and 2 (See also accompanying Office Action for respective anticipation rejection). Thus these proposed obvious rejections are merely cumulative thereto.

Accordingly, since the proposed obvious rejections applying Decasper98 in view of RFC1825 and RFC 1829 fail to provide the analysis necessary for an obvious rejection and is merely cumulative of the anticipation/obvious rejection because it teaches nothing further than the anticipation rejection, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 4

V.A.4. Proposed Rejection of Decasper98 in view of RFC1883 Rendering

Obvious Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of

RFC1883 are proposed by the Requester as set forth in pages 63-65 of the Request "if

certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent

or obvious over Decasper98 alone".

It is initially noted that Requester has not provided the analysis of an obvious

rejection. Requester has not asserted which aspects are missing and thus Requester

has again not identified any deficiencies of Decasper98 nor any differences between the

claims and Decasper98 (See Part A1 wherein Requester asserts that Decasper98

anticipates these claims). Thus, the Request has not outlined why or how Decasper98

in view of RFC1883 renders the claims obvious.

Requester further has not proposed a proper modification of Decasper98 in view

of RFC1883 to arrive at the claims. Decasper98 teaches a router platform having a

plurality of components/plug-ins for processing of data packets of a flow/message,

wherein the router keeps stores of a flow path through the components/plug-ins based

on a first packet for quicker processing of later packets through the flow path (See

Decasper98 Part 3.2 and rejection of claims 1, 4 and 10 in Issue 1 of the accompanying

Office Action). RFC1883 also teaches a router platform using IPv6 protocols to store a

flow-handling state of a flow path through processing components for a flow based on a

first packet for use when processing subsequent packets of the flow (See RFC1883

pages 28-29). Thus, the applied portions of both references are directed to similar

storing of flow handling states for flows through processing components/plug-ins in a

router platform. There is no teaching from RFC1883 to provide such a router flow-

handling state storage with respect to component/plug-ins of routers as proposed in the

Request. Thus, the teaching is not applicable to the plug-ins of Decasper98.

Furthermore, Requester in this proposed combination (assuming the teachings

are combinable) is merely adding more detail to the teachings of Decasper98 to which

is not necessary to reject the claims because as noted above in Issues 1 and 2, the

proposed anticipation/obvious rejections applying Decasper98 alone already raise an

RLP (See also accompanying Office Action for respective anticipation rejections). Thus

these proposed obvious rejections are merely cumulative thereto.

Accordingly, since the proposed obvious rejection applying Decasper98 in view

of RFC1883 fails to provide the analysis necessary for an obvious rejection, is merely

cumulative of the anticipation/obvious rejections and the teachings are not properly

combinable to arrive at the claimed invention, the proposed rejections **do not satisfy**

the burden of establishing that there is a reasonable likelihood that the requester will

prevail with respect to at least one of the patent claims.

Issue 5

V.A.5. Proposed Rejection of Decasper98 in view of Decasper97 Rendering

Obvious Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of Decasper97 are proposed by the Requester as set forth in pages 65-68 of the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent or obvious over Decasper98 alone".

It is initially noted that Requester has again not provided the analysis of an obvious rejection. Requester has not asserted which aspects are missing and thus Requester has again not identified any deficiencies of Decasper98 nor any differences between the claims and Decasper98 (See Part A1 wherein Requester asserts that Decasper98 anticipates these claims). Thus, the Request has not outlined why or how Decasper98 in view of Decasper97 renders the claims obvious.

Requester further has not proposed any modifications of Decasper98 in view of Decasper97 to arrive at the claims. Rather the Request simply identifies the teachings of both references as being compatible and concludes their teachings render the claims obvious or "confirm" the claims' obviousness. Thus, the Request has not provided any analysis of how these references are combined and a reason to make such combination.

Furthermore, Requester in this proposed combination, assuming they are combinable in some manner, is merely adding more detail to the teachings of Decasper98 to "confirm obviousness" (See Request at page 66) which are not necessary to reject the claims because as noted above in Issues 1 and 2, the proposed anticipation.obvious rejections applying Decasper98 alone already raises an RLP (See

also accompanying Office Action for respective anticipation rejections). Thus these

proposed obvious rejections are merely cumulative thereto.

Requester further states that one having ordinary skill in the art would be aware

of both stateful encryption and stateful authentication in view of Bellare97 and Bellare95

references (See pages 66-67 and footnotes thereof). Requester asserts these

references are used solely to explain the prior art, however, Requester in these pages

also states a counter used in these stateful features would record state information as

recited in the claims. Thus, Requester has directly applied the teachings of these

footnote references and thus it is unclear which references are actually applied in the

proposed rejection because Requester's positions are contradictory.

Accordingly, since the proposed obvious rejections applying Decasper98 in view

of Decasper97 fail to provide the analysis necessary for an obvious rejection, are

merely cumulative of the anticipation/obvious rejections and it is unclear which

references are actually applied in the rejections, the proposed rejections **do not satisfy**

the burden of establishing that there is a reasonable likelihood that the requester will

prevail with respect to at least one of the patent claims.

Issue 6

V.A.6. Proposed Rejection of Decasper98 in view of Decasper97, Bellare97 and

Bellare95 Rendering Obvious Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of

Decasper97, Bellare97 and Bellare95 are proposed by the Requester as set forth in

pages 68-71 of the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent or obvious over Decasper98 in view of Decasper97".

It is initially noted that Requester has not provided the analysis of an obvious rejection. Requester has not asserted which aspects are missing and thus Requester has again not identified any deficiencies of Decasper98 nor any differences between the claims and Decasper98 (See Part A1 wherein Requester asserts that Decasper98 anticipates these claims). Thus, the Request has not properly outlined why or how Decasper98 in view of Decasper97, Bellare97 and Bellare95 renders the claims obvious.

Requester further has not proposed any modifications of Decasper98 in view of Decasper97, Ballare97 and Bellare95 to arrive at the claims. Rather the Request simply identifies the teachings of the references and concludes their teachings render the claims obvious. Thus, the Request has not provided any analysis of what this combination of references would be to allow for a determination of whether it would render the claims obvious.

Furthermore, Requester in this proposed combination, assuming the references are combinable, is merely adding more detail to the teachings of Decasper98 which are not necessary to reject the claims because as noted above in Issues 1 and 2, the proposed anticipation/obvious rejections applying Decasper98 alone already raises an RLP (See also accompanying Office Action for respective anticipation rejection). Thus these proposed obvious rejections are merely cumulative thereto.

Finally, it is not clear how the counters of Bellare95 and Bellare97 teach any modification of Decasper98 or Decasper97. The counter in Bellare97 is used in an encryption scheme for communications between a sender and receiver to change the encryption after each message is sent (See Bellare97 at page 397). Similarly the counter in Bellare95 is used in an authentication scheme for communications between a sender and receiver to change the authentication after each message is sent (See Bellare95 pages 21-22). Decasper98 involves a series of packets of a flow passing through a component/plug-in a router. Accordingly, it is unclear, nor has Requester outlined, how the teachings are compatible and how such encryption and authentication schemes in communications within and between two devices can be incorporated and/or implemented into the series of router plug-ins of Decasper98 as proposed by Requester. Further analysis of how the teachings of these references would be combined is necessary before a determination of whether they raise an RLP.

Accordingly, since the proposed obvious rejection applying Decasper98 in view of Decasper97, Bellare97 and Bellare95 fails to provide the proper analysis necessary for an obvious rejection, is merely cumulative of the anticipation/obvious rejections applying Decasper98 along and the teachings are not properly combination as proposed by Requester, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 7

V.A.7. Proposed Rejection of Decasper98 in view of IBM96 Rendering Obvious

Claims 1, 4 and 10—**RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of

IBM96 were proposed by the Requester as set forth in pages 71-74 of the Request. It is

agreed herein that these proposed rejections **satisfy** the burden that there is a

reasonable likelihood that the requestor will prevail to at least one of the claims as

evidenced by the accompanying Office Action rejecting these claims.

Issue 8

V.A.8. Proposed Rejection of Decasper98 in view of IBM96 and Nelson

Rendering Obvious Claims 1, 4 and 10—**RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of

IBM96 and Nelson were proposed by the Requester as set forth in pages 74-78 of the

Request. It is agreed herein that these proposed rejections **satisfy** the burden that

there is a reasonable likelihood that the requestor will prevail to at least one of the

claims as evidenced by the accompanying Office Action rejecting these claims.

Issue 9

V.A.9. Proposed Rejection of Decasper98 in view of RFC1825, RFC1829,

Decasper97, Bellare97, Bellare95, IBM96 and Nelson Rendering Obvious

Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of RFC1825, RFC1829, Decasper97, Bellare97, Bellare95, IBM96 and Nelson are proposed by the Requester as set forth in pages 78-80 of the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent or obvious over Decasper98 alone or in combinations" outlined in other portions of the Request.

The Request in these pages reiterates the same teachings outlined in the prior sections of the Request (See Parts V.A.2, V.A.3 and V.A.5-V.A.8 of the Request) and suggests without any reason or analysis therefor that they are combinable to arrive at the claimed invention. Secondly, without any analysis of the proposed combination, the scope of the proposed combination is unclear for consideration in view of the claims. Additionally, for the same reasons as outlined above in Issues 2, 3, 5 and 6 (corresponding to the noted parts of the Request), one or more of the individual parts of this proposed combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying Decasper98 in view of RFC1825, RFC1829, Decasper97, Bellare97, Bellare95, IBM96 and Nelson fail to provide the proper analysis necessary for an obvious rejection, the scope of the combination of teachings is not provided and one or more individual parts of the proposed combination fail to raise an RLP, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 10

V.A.10.   Proposed Rejection of Decasper98 in view of Fraser Rendering

Obvious Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of

Fraser are proposed by the Requester as set forth in pages 80-85 of the Request "if

certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent

or obvious over Decasper98 alone".

It is initially noted that Requester has not provided the analysis of an obvious

rejection. Requester has not asserted which aspects are missing and thus Requester

has again not identified any deficiencies of Decasper98 nor any differences between the

claims and Decasper98 (See Part A1 wherein Requester asserts that Decasper98

anticipates these claims). In fact, Requester repeatedly states Decasper98 otherwise

teaches the features of the claims (See last two lines of page 80 and second full

paragraph of page 81). Thus, it is unclear what further teachings of Fraser can add to

the proposed rejection applying Decasper98 alone.

Furthermore, the portion of Fraser relied upon by Requester does not provide the

proposed modification of Decasper98. Decasper98 is a router architecture used for

dynamically identifying a sequence of plug-ins in the router. This is dynamically

controlled by the AIU, which implements a packet classifier, fast flow detection and

binding between plug-ins creating and maintaining a flow path through a router (See

Decasper98 Part 5). Thus, the AIU dynamically creates the flow path for packets of

message based on the first packet of the message (See Decasper98 Part 3.2). In

contrast, Fraser teaches a firewall policy module for monitoring the traffic between two or more hosts in a communication system (See Fraser Part 1.1 and FIG. 1 and disclosure related thereto). As noted by Requester, this firewall policy module is dynamic in that it allows for minor changes without having to reboot (See Fraser at page 37 and pages 82-83 of the Request). Thus, the disclosure of Fraser is concerned with making changes to a firewall policy.

Requester takes the position that because changes to the firewall policies of Fraser can be dynamic, then it would be obvious to make AIU operation of the router of Decasper98 also dynamic. However, Fraser does not provide any teaching nor does Requester provide any reason for using these dynamically changeable firewall policies to dynamically create and maintain flow paths within a router. These apparatus and methods are distinct in operation, architecture and structure and are used in distinct ways. Thus, there is no teaching in Fraser to modify the already dynamic nature of the AIU in Decasper98.

It is further noted that the AIU in Decasper98 otherwise operates dynamically by creating the path on the fly during passing of the first packet through the plug-ins (See Decasper98 Parts 3, 5.1 and 5.2). Thus, there is no reason to modify Decasper98 to operate dynamically as suggested by Requester because it already operates as such.

Accordingly, since the proposed obvious rejection applying Decasper98 in view of Fraser fails to provide the analysis necessary for an obvious rejection (identifies no differences between claims and Decasper98 and notes there is no differences) and there is no teaching or reason in Fraser or otherwise to modify Decasper98 as

proposed, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 11

V.A.11.   Proposed Rejection of Decasper98 in view of Fraser, RFC1825 and

RFC1829 Rendering Obvious Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of Fraser, RFC1825 and RFC1829 are proposed by the Requester as set forth in page 85 of the Request based on the combinations already proposed by the Request in Parts V.A.3 and V.A.10.

The Request in these pages references the same teachings outlined in the prior sections of the Request (See Parts V.A.3 and V.A.10 of the Request) and suggests without any reason or analysis therefor that they are combinable to arrive at the claimed invention. Secondly, without any analysis of the proposed combination, the scope of the proposed combination is unclear for consideration in view of the claims. Additionally, for the same reasons as outlined above in Issues 3 and 10 (corresponding to the noted parts of the Request), the individual parts of this proposed combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying Decasper98 in view of Fraser, RFC1825 and RFC1829 fail to provide the proper analysis necessary for an obvious rejection, the scope of the combination of teachings is not provided and the

individual parts of the proposed combination fail to raise an RLP, the proposed

rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood

that the requester will prevail with respect to at least one of the patent claims.

Issue 12

V.A.12.   Proposed Rejection of Decasper98 in view of Bellissard Rendering

             Obvious Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of

Bellissard are proposed by the Requester as set forth in pages 85-90 of the Request "if

certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent

or obvious over Decasper98 alone".

It is initially noted that Requester has not provided the analysis of an obvious

rejection. Requester has not asserted which aspects are missing and thus Requester

has again not identified any deficiencies of Decasper98 nor any differences between the

claims and Decasper98 (See Part A1 wherein Requester asserts that Decasper98

anticipates these claims). In fact, Requester repeatedly states Decasper98 otherwise

teaches the features of the claims (See third paragraph in page 86 and fifth paragraph

of page 86). Thus, it is unclear what further teachings of Bellissard can add to the

proposed rejection applying Decasper98 alone.

Furthermore, the portion of Bellissard relied upon by Requester does not provide

the proposed modification of Decasper98. Requester takes the position that Bellissard

"underscores the dynamic operation" of the claims construction (See Request at page

86). Decasper98 is a router architecture used for dynamically identifying a sequence of plug-ins in the router. This is dynamically controlled by the AIU, which implements a packet classifier, fast flow detection and binding between plug-ins creating and maintaining a flow path through a router (See Decasper98 Part 5). Thus, the AIU dynamically creates the flow path for packets of message based on the first packet of the message (See Decasper98 Part 3.2). There is no reconfiguration of any application. In contrast, Bellissard teaches a method for dynamically reconfiguration of an application while still in operation (See Bellissard Part 1.2 and Abstract). Thus, the disclosure of Bellissard is not concerned with flows or flow paths.

Requester takes the position that because the application reconfiguration in Bellissard is dynamic, then it would be obvious to make AIU operation of the router of Decasper98 also dynamic. However, Bellissard does not provide any teaching nor does Requester provide any reason for using these dynamically changeable application configurations to dynamically create and maintain flow paths within a router. The dynamic aspect of Decasper98 has nothing to do with application reconfiguration. Thus, these apparatus and methods are distinct in operation, architecture and structure and are used in distinct ways. Accordingly, there is no teaching in Bellissard to modify the already dynamic nature of the AIU in Decasper98.

It is further noted that the AIU for the router in Decasper98 otherwise operates dynamically by creating the path on the fly during passing of the first packet through the plug-ins (See Decasper98 Parts 3, 5.1 and 5.2). Thus, there is no reason to modify

Decasper98 to operate dynamically as suggested by Requester because it already
operates as such.

Accordingly, since the proposed obvious rejection applying Decasper98 in view
of Bellissard fails to provide the analysis necessary for an obvious rejection (identifies
no differences between claims and Decasper98 and notes there is no differences) and
there is no teaching or reason in Bellissard or otherwise to modify Decasper98 as
proposed, the proposed rejections **do not satisfy** the burden of establishing that there
is a reasonable likelihood that the requester will prevail with respect to at least one of
the patent claims.

Issue 13

V.A.13.   Proposed Rejection of Decasper98 in view of Bellissard, RFC1825

               and RFC1829 Rendering Obvious Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of

Bellissard, RFC1825 and RFC1829 are proposed by the Requester as set forth in page

90 of the Request based on the combinations already proposed by the Request in Parts

V.A.3 and V.A.12.

The Request in these pages references the same teachings outlined in the prior

sections of the Request (See Parts V.A.3 and V.A.12 of the Request) and suggests

without any reason or analysis therefor that they are combinable to arrive at the claimed

invention. Secondly, without any analysis of the proposed combination, the scope of

the proposed combination is unclear for consideration in view of the claims.

Additionally, for the same reasons as outlined above in Issues 3 and 12 (corresponding

to the noted parts of the Request), the individual parts of this proposed combination do

not raise RLPs.

Accordingly, since the proposed obvious rejections applying Decasper98 in view

of Bellissard, RFC1825 and RFC1829 fail to provide the proper analysis necessary for

an obvious rejection, the scope of the combination of teachings is not provided and the

individual parts of the proposed combination fail to raise an RLP, the proposed

rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood

that the requester will prevail with respect to at least one of the patent claims.

Issue 14

V.A.14.   Proposed Rejection of Decasper98 in view of Wetherall Rendering

Obvious Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of

Wetherall are proposed by the Requester as set forth in pages 91-97 of the Request "if

certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent

or obvious over Decasper98 alone".

It is initially noted that Requester has not provided the analysis of an obvious

rejection. Requester has not asserted which aspects are missing and thus Requester

has again not identified any deficiencies of Decasper98 nor any differences between the

claims and Decasper98 (See Part A1 of the Request wherein Requester asserts that

Decasper98 anticipates these claims). Thus, the Request has not properly outlined why or how Decasper98 in view of Wetherall renders the claims obvious.

It is further noted that Wetherall relied upon by Requester does not provide the proposed modification of Decasper98. Decasper98 is a router architecture used for dynamically identifying a sequence of plug-ins in the router. This is dynamically controlled by the AIU, which implements a packet classifier, fast flow detection and binding between plug-ins creating and maintaining a flow path through a router (See Decasper98 Part 5). Thus, the AIU dynamically creates the flow path for packets of message based on the first packet of the message (See Decasper98 Part 3.2).

In contrast, Wetherall teaches the idea of a method of encapsulating program fragments in datagrams to allow for a node within the network to execute the program as it receives the datagrams (See Wetherall Part 1). The nodes can be active routers along the path of the datagrams (See Wetherall page 36). However, Wetherall does not provide any detail of how these routers and/or other nodes would be modified to be able to accept and operate these programs upon receipt, rather the disclosure to Wetherall is directed to the structures of the datagrams and their proposed use. Thus, Wetherall at most teaches a modification of the datagrams being sent to have encapsulated programs, but does not teach any modifications of the associated nodes, i.e., routers, that would receive such datagrams.

It is thus unclear what it the combination Requester is proposing. Decasper98 relates to a router architecture. Wetherall relates to the structure of a datagram. There is further no teaching in either reference nor is any suggested by Requester how to

accommodate the router architecture of Decasper98 to be able to take advantage of the encapsulated programs. Such a modification is beyond of the disclosures of both references.

Furthermore, the embedded programs outlined in Wetherall are for causing the router to execute it, there is no disclosure on what happens to the plug-ins or other components within the router. Thus, there is further no teaching in Wetherall to modify any of the internal structures of the router of Decasper98, nor has Requester identified such.

Requester takes the position that because Decasper98 emphasizes that its architecture is extensible to permit new components to by dynamically loaded at run time, it would be an obvious target for the teachings of Wetherall (See Request at bottom of page 93). However, Wetherall suggests nothing about loading new components in a router, it only teaches of providing a vehicle for transferring programs within datagrams.

Finally, since there is no teaching to modify any of the internal structures of Decasper98, its structure and operation would remain the same and thus this proposed rejection is merely cumulative of the anticipation rejection suggested in Part V.A.1 of the Request (See Issue 1 above).

Accordingly, since the proposed obvious rejection applying Decasper98 in view of Wetherall fails to provide the analysis necessary for an obvious rejection (identifies no differences between claims and Decasper98) and there is no teaching or reason in Wetherall or otherwise to modify Decasper98 as proposed as proposed and the

proposed combination would at most be merely cumulative of the anticipation rejection,

the proposed rejections **do not satisfy** the burden of establishing that there is a

reasonable likelihood that the requester will prevail with respect to at least one of the

patent claims.

Issue 15

V.A.15.   Proposed Rejection of Decasper98 in view of Wetherall, RFC1825

and RFC1829 Rendering Obvious Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of

Wetherall, RFC1825 and RFC1829 are proposed by the Requester as set forth in page

97 of the Request based on the combinations already proposed by the Request in Parts

V.A.3 and V.A.14.

The Request in these pages references the same teachings outlined in the prior

sections of the Request (See Parts V.A.3 and V.A.14 of the Request) and suggests

without any reason or analysis therefor that they are combinable to arrive at the claimed

invention. Secondly, without any analysis of the proposed combination, the scope of

the proposed combination is unclear for consideration in view of the claims.

Additionally, for the same reasons as outlined above in Issues 3 and 14 (corresponding

to the noted parts of the Request), the individual parts of this proposed combination do

not raise RLPs.

Accordingly, since the proposed obvious rejections applying Decasper98 in view

of Wetherall, RFC1825 and RFC1829 fail to provide the proper analysis necessary for

an obvious rejection, the scope of the combination of teachings is not provided and the

individual parts of the proposed combination fail to raise an RLP, the proposed

rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood

that the requester will prevail with respect to at least one of the patent claims.

Issue 16

V.A.16.   Proposed Rejections of Decasper98 in view of RFC1825,

RFC1829, RFC1883, Decasper97, Bellare97, Bellare95, IBM96,

Nelson, Fraser, Bellissard and Wetherall Rendering Obvious

Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over these references are

proposed by the Requester as set forth in pages 97-100 of the Request based on the

combinations already proposed by the Request in Parts V.A.2 through V.A.15 in various

combinations thereof.

The Request in these pages references the same teachings outlined in the prior

sections of the Request (See Parts V.A.2 through V.A.15 of the Request) and suggests

without any reason or analysis therefor that they are combinable to arrive at the claimed

invention. Secondly, without any analysis of the proposed combination, the scope of

the proposed combination is unclear for consideration in view of the claims.

Additionally, for the same reasons as outlined above in Issues 2-15 (corresponding to

the noted parts of the Request), the individual parts and various combinations of this

proposed combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying RFC1825,

RFC1829, RFC1883, Decasper97, Bellare97, Bellare95, IBM96, Nelson, Fraser,

Bellissard and Wetherall fail to provide the proper analysis necessary for an obvious

rejection, the scope of the combination of teachings is not provided and the individual

parts of the proposed combination fail to raise an RLP, the proposed rejections **do not**

satisfy the burden of establishing that there is a reasonable likelihood that the

requester will prevail with respect to at least one of the patent claims.

Issue 17

V.B.1.   Proposed Rejections of Mosberger Anticipating Claims 1, 4 and

10—**NO RLP**

Rejections of claims 1, 4 and 10 as being anticipated by Mosberger are proposed

by the Requester as set forth in pages 102-113 of the Request.

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a
sequence of components for processing a plurality of packets of the message ...,
wherein analyzing the data type of the first packet of the message to dynamically
identify the sequence of components includes selecting individual components to form
the sequence of components after the first packet of the message is received;
      storing an indication of each of the identified components so that the sequence
does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these

claims in this consideration is that the system dynamically identifies a sequence of

components, i.e., a path, based on header information in the first packet of the message

after it is received, and then storing this path so it does not have to be re-identified for subsequent packets of the message.

Mosberger discloses a path based operating system for accommodating communication centric systems (See Mosberger at page 13). The system streamlines the communication by creating paths for communication between two modules and through other modules (See Mosberger FIG. 2.6 and disclosure related thereto, note path created between the display module and the FDDI module). At the start-up or boot of the system, i.e, runtime, a set of paths are created for all of the invariant modules of the system (See Part 2.2.3 at page 41 and Part 2.2.3.5). Then during operation, the paths are incrementally extended dynamically to facilitate communication with the desired end module (See Part 2.2.3.2). When the path is extended incrementally, it is done dynamically based on the contents of the package being communicated (See Part 3.4.2 at page 88).

However, there is no disclosure or suggestion that this path extension is a sequence of components dynamically identified based on a first packet which is stored so it does not have to be re-identified for subsequent packets of the message. As noted in Mosberger at Part 3.4.2 and referring to FIG. 3.6, during incremental extending, a module (IP) will buffer the fragment until the entire datagram has been reassembled (See bottom of page 87). At that point, the module (IP) makes a dynamic routing decision to where the send the complete datagram (See same portion of page 87). Thus, in view of the above, the system of Mosberger either creates a set of paths at the booting of the system, i.e., before the first packet is received, or alternatively, the paths

are incrementally extended to the next module when all the packets of the message are received in a present module at the end of the path, i.e., no storing to avoid re-identifying for later packets. Either scenario in Mosberger is thus distinct from the path creation required in the claims and thus fails to teach each and every limitation in the claims in the manner as recited in the claims.

Accordingly, because Mosberger fails to disclose each and every feature of claims 1, 4 and 10 both as proposed by Requester and upon review of the disclosure of Mosberger, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 18

V.B.2.   Proposed Rejections of Mosberger Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Mosberger are proposed by the Requester as set forth in pages 113-119 of the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or inherent over Mosberger".

However, as noted above in Issue 17, Mosberger fails to disclose dynamically identifying a sequence of components, i.e., a path, based on the first packet of the message after it is received and then storing this path so it does not have to be re-identified for subsequent packets of the message. Since Mosberger fails to disclose

these features, it would likewise fail to teach these features. It is further noted that the Request does not provide any teaching or reason to modify Mosberger to arrive at these features.

Accordingly, since the proposed obvious rejections applying Mosberger fail to teach all the features of claims 1, 4 and 10, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 19

V.B.3.   Proposed Rejections of Mosberger in view of HotLava Rendering

Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Mosberger in view of HotLava are proposed by the Requester as set forth in pages 119-126 of the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or inherent, or obvious over Mosberger".

It initially noted that upon reviewing the detail of this proposed rejection, the only modification of Mosberger in view of HotLava is to apply the "Java-based mechanism for extending the module graph at runtime" to satisfy the perceived shortcoming of Mosberger with respect to the dynamically identifying limitation (See Request at pages 120 and 123).

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a sequence of components for processing a plurality of packets of the message ...,

wherein analyzing the data type of the first packet of the message to dynamically identify the sequence of components includes selecting individual components to form the sequence of components after the first packet of the message is received;
    storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these claims in this consideration is that the system dynamically identifies a sequence of components, i.e., a path, based on header information in the first packet of the message after it is received, and then storing this path so it does not have to be re-identified for subsequent packets of the message.

However, as noted above in Issues 17 and 18, Mosberger fails to disclose or teach these features of claims 1, 4 and 10. Further, HotLava is not being applied in the Request to modify Mosberger to arrive at these features. Nor does HotLava disclose or teach these features (See Issue 20 below). Accordingly, this combination as proposed fails to teach these features as well.

Accordingly, since the proposed obvious rejections applying Mosberger in view of HotLava fails to teach all the features of claims 1, 4 and 10, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 20

V.B.4.   Proposed Rejections of HotLava Anticipating Claims 1, 4 and 10—

             NO RLP

Rejections of claims 1, 4 and 10 as being anticipated by HotLava are proposed

by the Requester as set forth in page 126 of the Request.

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a
sequence of components for processing a plurality of packets of the message ...,
wherein analyzing the data type of the first packet of the message to dynamically
identify the sequence of components includes selecting individual components to form
the sequence of components after the first packet of the message is received;
        storing an indication of each of the identified components so that the sequence
does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these

claims in this consideration is that the system dynamically identifies a sequence of

components, i.e., a path, based on header information in the first packet of the message

after it is received, and then storing this path so it does not have to be re-identified for

subsequent packets of the message.

HotLava teaches method and apparatus for implementing communications

protocols in Java to allow for communication and data transfer across one or more

protocols (See HotLava page 95-97). The protocols choose how entities like messages

are handled and transported within the underlying systems (See page 96). As shown in

FIG. 4 at page 96 of HotLava, various systems models with protocol graphs are shown

on how to transport messages through the operating systems. When an application in

the system wishes to send data a buffer is created and a thread is attached to it to

escort it through the protocol graph (See page 96).

However, HotLava does not mention or disclose any features relating to a first

packet of a message or how subsequent packets of a message are handled or

processed. It further does not disclose identifying a sequence of components for processing after any first packet is received. Nor does HotLava disclose storing such sequence so it does not have to be re-identified for later packets of the message.

Accordingly, HotLava does not disclose the identified features of claim 1 and thus does not disclose the similar recitations recited in each of claims 4 and 10. Because HotLava fails to disclose each and every feature of the claims either as proposed by Requester or upon review of the disclosure of HotLava, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 21

V.B.5.   Proposed Rejections of Mosberger in view of Plexus Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Mosberger in view of Plexus are proposed by the Requester as set forth in pages 127-128 of the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or inherent, or obvious over Mosberger".

It initially noted that upon reviewing the explicit detail of this proposed rejection, the only modification of Mosberger in view of Plexus is to apply the "dynamic module-loading facility" to the Scout architecture of Mosberger by incorporating the dynamically changeable protocol graphs of Plexus (See Request at pages 127-128). This involves

updating and/or changing the applications or modules within the architecture (See

Plexus page 56).

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a
sequence of components for processing a plurality of packets of the message ...,
wherein analyzing the data type of the first packet of the message to dynamically
identify the sequence of components includes selecting individual components to form
the sequence of components after the first packet of the message is received;
storing an indication of each of the identified components so that the sequence
does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these

claims in this consideration is that the system dynamically identifies a sequence of

components, i.e., a path, based on header information in the first packet of the message

after it is received, and then storing this path so it does not have to be re-identified for

subsequent packets of the message.

However, as noted above in Issues 17 and 18, Mosberger fails to disclose or

teach these features of claims 1, 4 and 10. Further, Plexus is not being applied in the

Request to modify Mosberger to arrive at these features. Nor does Plexus disclose or

teach these features. Accordingly, this combination as proposed fails to teach these

features as well.

Accordingly, since the proposed obvious rejections applying Mosberger in view of

Plexus fails to teach all the features of claims 1, 4 and 10, the proposed rejections **do**

not satisfy the burden of establishing that there is a reasonable likelihood that the

requester will prevail with respect to at least one of the patent claims.

Issue 22

V.B.6.   Proposed Rejections of Mosberger in view of ComScript Rendering

Obvious Claims 1, 4 and 10--No RLP.

Rejections of claims 1, 4 and 10 as being obvious over Mosberger in view of

ComScript are proposed by the Requester as set forth in pages 129-130 of the Request

"if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or

inherent, or obvious over Mosberger".

It initially noted that upon reviewing the explicit detail of this proposed rejection,

the only modification of Mosberger in view of ComScript is to apply the "dynamic

module-loading facility" to the Scout architecture of Mosberger by incorporating the

dynamically configurable or reconfigurable protocol stacks (See ComScript at page 1).

This involves updating and/or changing the modules within the stack architecture so it

can be reconfigured (See ComScript at pages 6-7).

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a
sequence of components for processing a plurality of packets of the message ...,
wherein analyzing the data type of the first packet of the message to dynamically
identify the sequence of components includes selecting individual components to form
the sequence of components after the first packet of the message is received;
        storing an indication of each of the identified components so that the sequence
does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these

claims in this consideration is that the system dynamically identifies a sequence of

components, i.e., a path, based on header information in the first packet of the message

after it is received, and then storing this path so it does not have to be re-identified for subsequent packets of the message.

However, as noted above in Issues 17 and 18, Mosberger fails to disclose or teach these features of claims 1, 4 and 10. Further, Comscript is not being applied in the Request to modify Mosberger to arrive at these features. Nor does Comscript disclose or teach these features. Accordingly, this combination as proposed fails to teach these features as well.

Accordingly, since the proposed obvious rejections applying Mosberger in view of ComScript fails to teach all the features of claims 1, 4 and 10, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 23

V.C.1.   Proposed Rejections of Pfeifer96 Anticipating Claims 1, 4 and 10—

NO RLP

Rejections of claims 1, 4 and 10 as being anticipated by Pfeifer96 are proposed by the Requester as set forth in pages 131-149 of the Request.

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a sequence of components for processing a plurality of packets of the message ...,
wherein analyzing the data type of the first packet of the message to dynamically identify the sequence of components includes selecting individual components to form the sequence of components after the first packet of the message is received;
storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these claims in this consideration is that the system dynamically identifies a sequence of components, i.e., a path, based on the first packet of the message after it is received, and then storing this path so it does not have to be re-identified for subsequent packets of the message.

Pfeifer96 discloses a personal communication support system for providing access to information in various forms, which may require the information to be converted from one form into another for presentation to the end user (See Pfeifer96 Part 1, particularly at page 105). The conversion is performed through a string of converters that are dynamically arranged in a particular order to provide the desired output format (See Part 3.1, note particularly FIG. 5 and disclosure thereto). The system begins with a communication request or invitation to a second user (B) from a first user (A) (See FIG. 13 and Part 6.4). If the request or invitation is accepted by second user (B), the location of the second user (B) is retrieved and the Resource Configurator is invoked. This resource configurator dynamically selects and configures one or more converters in a chain or path to convert the information based on the locations of the users and media desired (See Part 6.4, page 127).

However, nowhere in Pfeifer96 is there a disclosure or teaching of multiple packets of a message or any specific disclosure relating to the processing of a first packet and subsequent packets of a message. Rather, once the request message is accepted and the chain of converters are creates, then the message stream or packets of the message are sent. Thus, there is no disclosure or suggestion that this chain or

path is a sequence of components dynamically identified based on a first packet after

the first packet is received which is stored so it does not have to be re-identified for

subsequent packets of the message. There is no mention of storing this sequence for

use of other packets in the same message or for other messages. Particularly there is

no mention of what happens for subsequent packets of the same message.

Requester takes the position that voice call over an ISDN network as illustrated

in Pfeifer96 at pages 109 and 111 would have packets of a message. Request also

notes that Pfeifer96 discloses application in a TCP/IP-based environment. While such

statements may or may not be true, Pfeifer96 does not discuss the recited features of

the claims relating to the first and subsequent packets of a message noted above.

Pfeifer does not address the concept of a message having multiple packets. It does not

address determining the sequence of converters after the first packet is received--rather

this sequence is determined based on the acceptance of an invitation or request (See

above and Part 6.4). The message and thus the first and subsequent packets thereof

are sent through the chain of converters after the sequence is determined by the

resource configurator (See again Part 6.4).

Accordingly, Pfeifer96 does not teach the identified features of claim 1 and thus

the similar recitations recited in each of claims 4 and 10. Because Pfeifer96 fails to

disclose each and every feature of the claims either as proposed by Requester or upon

review of the disclosure of Pfeifer96, the proposed rejections **do not satisfy** the burden

of establishing that there is a reasonable likelihood that the requester will prevail with

respect to at least one of the patent claims.

Issue 24

V.C.2.   Proposed Rejections of Pfeifer96 Rendering Obvious Claims 1, 4

and 10--**NO RLP**.

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 are proposed by

the Requester as set forth in pages 149-163 of the Request "if certain aspects recited in

claims 1, 4 and 10 ... are not deemed to be disclosed or inherent over Pfeifer96".

However, as noted above in Issue 23, Pfeifer96 fails to disclose dynamically

identifying a sequence of components, i.e., a path, based on the first packet of the

message after it is received and then storing this path so it does not have to be re-

identified for subsequent packets of the message. Since Pfeifer96 fails to disclose

these features, it would likewise fail to teach these features. It is further noted that the

Request does not provide any teaching or reason to modify Pfeifer96 to arrive at these

features.

Requester suggests that it was obvious to support incoming communications

from any mainstream device over any mainstream medium, including those which are

"inherently packetized" (See Request at pages 150-152). While such may or may not

be true, this does not address the manner to which these packets are used as recited in

the claims.

Requester also suggests that the sequence of converters in Pfeifer96 are

chained together after the first packet is received (See Request at page 153). However,

as noted above in Issue 23, Pfeifer96 does not detail what happens to various packets

of a message, either the first or subsequent packages thereof. Second, the converter

chain, or sequence of components, is determined at the request or invitation of

information, not after any portion or packet of a message is received or information

transferred.

Accordingly, since the proposed obvious rejections applying Pfeifer96 fail to

teach all the features of claims 1, 4 and 10, the proposed rejections **do not satisfy** the

burden of establishing that there is a reasonable likelihood that the requester will prevail

with respect to at least one of the patent claims.

Issue 25

V.C.3.   Proposed Rejections of Pfeifer96 in view of ISDN89 and Nelson

Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96, ISDN98 and

Nelson are proposed by the Requester as set forth in pages 163-171 of the Request "if

certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or

inherent, or obvious over Pfeifer96 alone".

In the proposed combination, the Request applies the teachings of ISDN98 to

further illustrate that voice calls or fax transmissions that would be received in Pfeifer98

would comprise packets of a message (See Request at page 164). The Request also

applies ISDN98 and Nelson to teach modifications of the particular converters of

Pfeifer96 to be used in the converter chain which are capable of storing "state

information" (See Request at pages 164-170).

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a sequence of components for processing a plurality of packets of the message ...., wherein analyzing the data type of the first packet of the message to dynamically identify the sequence of components includes selecting individual components to form the sequence of components after the first packet of the message is received;
storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these claims in this consideration is that the system dynamically identifies a sequence of components, i.e., a path, based on the first packet of the message after it is received, and then storing this path so it does not have to be re-identified for subsequent packets of the message.

However, as noted above in Issues 23 and 24, Pfeifer96 fails to disclose or teach these features of the claims. It is further noted that the Request does not apply the teachings of ISDN98 or Nelson to modify Pfeifer96 to arrive at these features. Nor do ISDN98 and Nelson teach such features to suggest a modification of Pfeifer96 upon review thereof. Accordingly, this combination as proposed fails to teach these features as well.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of ISDN98 and Nelson fail to teach all the features of claims 1, 4 and 10, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 26

VC.4.   Proposed Rejections of Pfeifer96 in view of Arbanoski96 Rendering

Obvious Claims 1, 4 and 10--**NO RLP**.

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of

Arbanoski96 are proposed by the Requester as set forth in pages 171-179 of the

Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be

disclosed or inherent, or obvious over Pfeifer96".

In the proposed combination, the Request applies the teachings of Arbanoski96

to further illustrate that the communications system such as that of Pfeifer96 would

comprise packets of a message (See Request at page 172-173 and 177). The Request

also applies Arbanoski96 to further illustrate the dynamic identification of a sequence of

components and storing such sequence based on a service request (See Request at

pages 173-176 and 177-179). Arbanowski96 teaches similar dynamic identification of a

sequence of components based on a service request as that of Pfeifer96 (See

Arbanoski96 at Parts 4.2-4.3).

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a
sequence of components for processing a plurality of packets of the message ...,
wherein analyzing the data type of the first packet of the message to dynamically
identify the sequence of components includes selecting individual components to form
the sequence of components after the first packet of the message is received;
        storing an indication of each of the identified components so that the sequence
does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these

claims in this consideration is that the system dynamically identifies a sequence of

components, i.e., a path, based on the first packet of the message after it is received, and then storing this path so it does not have to be re-identified for subsequent packets of the message.

However, as noted above in Issues 23 and 24, Pfeifer96 fails to disclose or teach these features of the claims. It is further noted that the Request does not apply the teachings of Arbanowski96 to modify Pfeifer96 to arrive at these features. Nor does Arbanowski96 teach such features to suggest such a modification of Pfeifer96. Accordingly, this combination as proposed fails to teach these features as well.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of Arbanoski96 fail to teach all the features of claims 1, 4 and 10, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 27

V.C.5.   Proposed Rejections of Pfeifer96 in view of Pfeifer97 Rendering

Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of Pfeifer97 are proposed by the Requester as set forth in pages 180-187 of the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or inherent, or obvious over Pfeifer96".

In the proposed combination, the Request applies the teachings of Pfeifer97 to further illustrate that the communications system such as that of Pfeifer96 would

comprise packets of a message (See Request at pages 181 and 185). The Request

also applies Pfeifer97 to further illustrate the dynamic identification of a sequence of

components and storing such sequence based on a service request (See Request at

pages 181-184 and 185-186). Pfeifer97 teaches similar dynamic identification of a

sequence of components based on a service request as that of Pfeifer96, but further

elaborates on the request part with the use of a teleservice descriptor to initiate a

service request (See Pfeifer97 at Part 3).

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a
sequence of components for processing a plurality of packets of the message ...,
wherein analyzing the data type of the first packet of the message to dynamically
identify the sequence of components includes selecting individual components to form
the sequence of components after the first packet of the message is received;
        storing an indication of each of the identified components so that the sequence
does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these

claims in this consideration is that the system dynamically identifies a sequence of

components, i.e., a path, based on the first packet of the message after it is received,

and then storing this path so it does not have to be re-identified for subsequent packets

of the message.

However, as noted above in Issues 23 and 24, Pfeifer96 fails to disclose or teach

these features of the claims. It is further noted that the Request does not apply the

teachings of Pfeifer97 to modify Pfeifer96 to arrive at these features. Nor does

Pfeifer97 teach such features to suggest such a modification of Pfeifer96. Accordingly,

this combination as proposed fails to teach these features as well.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of

Pfeifer97 fail to teach all the features of claims 1, 4 and 10, the proposed rejections **do**

not satisfy the burden of establishing that there is a reasonable likelihood that the

requester will prevail with respect to at least one of the patent claims.

Issue 28

V.C.6.   Proposed Rejections of Pfeifer96 in view of Cox Rendering Obvious

Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of Cox

are proposed by the Requester as set forth in pages 187-192 of the Request "if certain

aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or inherent, or

obvious over Pfeifer96".

Cox, in the portion applied by Requester, teaches a Superdistribution or

invocation metering system that is used to monitor the use of software components and

convert the use thereof into financial amounts due (See Cox at Parts 6.8 and 7.4), i.e., a

billing system for use of software components based on the number of times used. In

the proposed combination, the Requester applies the Superdistribution or invocation

metering system outlined in Cox into the communication system of Pfeifer96 (See

Request at page 190). Requester suggests this would allow such a system to monitor

the store so called state information (See Request at pages 191-192).

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a
sequence of components for processing a plurality of packets of the message ...,

wherein analyzing the data type of the first packet of the message to dynamically identify the sequence of components includes selecting individual components to form the sequence of components after the first packet of the message is received;

storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these claims in this consideration is that the system dynamically identifies a sequence of components, i.e., a path, based on the first packet of the message after it is received, and then storing this path so it does not have to be re-identified for subsequent packets of the message.

However, as noted above in Issues 23 and 24, Pfeifer96 fails to disclose or teach these features of the claims. It is further noted that the Request does not apply the teachings of Cox to modify Pfeifer96 to arrive at these features. Nor does Cox teach such features to suggest such a modification of Pfeifer96. Accordingly, this combination as proposed fails to teach these features as well.

It is further noted that the "state information" recited in the claims relates "to the processing of the component with the packet for use when processing the next package of the message" (See claims 1, 4 and 10). There is nothing about this invocation metering that reads on this feature of the claims. The metering is not stored for use in processing packets of a message, rather it is merely a system to count the number of times the component is used to allow for appropriate billing. Accordingly, this combination does not teach the state information of the claims as well.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of Cox fail to teach all the features of claims 1, 4 and 10, the proposed rejections **do not**

satisfy the burden of establishing that there is a reasonable likelihood that the

requester will prevail with respect to at least one of the patent claims.

Issue 29

V.C.7.   Proposed Rejections of Pfeifer96 in view of Meer96 Rendering

Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of

Meer96 are proposed by the Requester as set forth in pages 192-197 of the Request "if

certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or

inherent, or obvious over Pfeifer96".

Meer96, as noted by Requester, is being applied in the rejection to reinforce and

confirm the analysis of claims 1, 4 and 10 presented by Requester (See Request at

page 193). The portion of Meer96 relied upon in the Request provides more detail to

the communication system that is outlined in Pfeifer96. Requester applies the

teachings of Meer96 to further define and teach the use of state information that is

stored for each of the components as recited in the claims (See Request at pages 193-

196).

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a
sequence of components for processing a plurality of packets of the message ...,
wherein analyzing the data type of the first packet of the message to dynamically
identify the sequence of components includes selecting individual components to form
the sequence of components after the first packet of the message is received;
storing an indication of each of the identified components so that the sequence
does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these

claims in this consideration is that the system dynamically identifies a sequence of

components, i.e., a path, based on the first packet of the message after it is received,

and then storing this path so it does not have to be re-identified for subsequent packets

of the message.

However, as noted above in Issues 23 and 24, Pfeifer96 fails to disclose or teach

these features of the claims. It is further noted that the Request does not apply the

teachings of Meer96 to modify Pfeifer96 to arrive at these features. Nor does Meer96

teach such features to suggest such a modification of Pfeifer96. Accordingly, this

combination as proposed fails to teach these features as well.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of

Meer96 fail to teach all the features of claims 1, 4 and 10, the proposed rejections **do

not satisfy** the burden of establishing that there is a reasonable likelihood that the

requester will prevail with respect to at least one of the patent claims.

Issue 30

V.C.8.   Proposed Rejections of Pfeifer96 in view of Meer96 and RFC793

              Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of

Meer96 and RFC793 are proposed by the Requester as set forth in pages 197-198 of

the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be

disclosed or inherent, or obvious over Pfeifer96 in view of Meer96".

The combination of Pfeifer96 in view of Meer96 was proposed in the Request at Part V.C.7. As further noted in the Request at page 197, RFC793 is only cited to confirm background knowledge regarding stateful information for this combination, and is thus not applied to teach anything regarding processing of multiple packets of a message.

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a sequence of components for processing a plurality of packets of the message ..., wherein analyzing the data type of the first packet of the message to dynamically identify the sequence of components includes selecting individual components to form the sequence of components after the first packet of the message is received;
storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these claims in this consideration is that the system dynamically identifies a sequence of components, i.e., a path, based on the first packet of the message after it is received, and then storing this path so it does not have to be re-identified for subsequent packets of the message.

However, as noted above in Issue 29, Pfeifer96 in view of Meer96 fails to disclose or teach these features of the claims. It is further noted that the Request does not apply the teachings of RFC793 to modify Pfeifer96 in view of Meer96 to arrive at these features. Nor does RFC793 teach such features to suggest such a modification thereof. Accordingly, this combination as proposed fails to teach these features as well.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of Meer96 and RFC793 fail to teach all the features of claims 1, 4 and 10, the proposed

rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood

that the requester will prevail with respect to at least one of the patent claims.

Issue 31

V.C.9.   Proposed Rejections of Pfeifer96 in view of Franz98 Rendering

Obvious Claims 1, 4 and 10--**NO RLP**.

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of

Franz98 are proposed by the Requester as set forth in pages 198-204 of the Request "if

certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or

inherent, or obvious over Pfeifer96".

Franz98, as noted by Requester, is being applied in the rejection to reinforce and

confirm the analysis of claims 1, 4 and 10 presented by Requester (See Request at

page 199). The portion of Franz98 relied upon in the Request provides more detail to

the communication system that is outlined in Pfeifer96. Requester applies the

teachings of Meer96 to further define and teach the use of state information that is

stored for each of the components as recited in the claims (See Request at pages 190-

203). Finally, it is noted that Franz98 teaches its operation parallels that of the iPCSS,

which is used in Pfeifer96, namely a path or chain of converters is created after the

request for communication is detected and accepted, not after the first data packet of

the message is received (See Franz98 Part 2.3 from pages 12-16).

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a
sequence of components for processing a plurality of packets of the message ...,

wherein analyzing the data type of the first packet of the message to dynamically identify the sequence of components includes selecting individual components to form the sequence of components after the first packet of the message is received;
        storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these claims in this consideration is that the system dynamically identifies a sequence of components, i.e., a path, based on the first packet of the message after it is received, and then storing this path so it does not have to be re-identified for subsequent packets of the message.

However, as noted above in Issues 23 and 24, Pfeifer96 fails to disclose or teach these features of the claims. It is further noted that the Request does not apply the teachings of Frans98 to modify Pfeifer96 to arrive at these features. Nor does Frans98 teach such features to suggest such a modification of Pfeifer96. Accordingly, this combination as proposed fails to teach these features as well.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of Franz98 fail to teach all the features of claims 1, 4 and 10, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 32

V.C.10.   Proposed Rejections of Pfeifer96 in view of ISDN98, Nelson, Cox, Meer96, RFC793 and Franz98 Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of

ISDN98, Nelson, Cox, Meer96, RFC793 and Franz98 are proposed by the Requester

as set forth in pages 204-205 of the Request "if certain aspects recited in claims 1, 4

and 10 ... are not deemed to be disclosed or inherent, or obvious over Pfeifer96 alone

or in combination with the various grounds above".

The Request in these pages references the same teachings outlined in the prior

sections of the Request (See Parts V.C.1 through V.C.9 of the Request) and suggests

without any reason or analysis therefor that they are combinable to arrive at the claimed

invention. Secondly, without any analysis of the proposed combination, the scope of

the proposed combination is unclear for consideration in view of the claims.

Additionally, for the same reasons as outlined above in Issues 23-31 (corresponding to

the noted parts of the Request), the individual parts of this proposed combination do not

raise RLPs.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of

ISDN98, Nelson, Cox, Meer96, RFC793 and Franz98 fail to provide the proper analysis

necessary for an obvious rejection, the scope of the combination of teachings is not

provided and the individual parts of the proposed combination fail to raise an RLP, the

proposed rejections **do not satisfy** the burden of establishing that there is a reasonable

likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 33

V.C.11.   Proposed Rejections of Pfeifer96 in view of Wetherall Rendering

Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in Wetherall are

proposed by the Requester as set forth in pages 205-212 of the Request "if certain

aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or inherent, or

obvious over Pfeifer96 alone".

As noted above, Pfeifer96 discloses a personal communication support system

for providing access to information in various forms, which may require the information

to be converted from one form into another for presentation to the end user (See

Pfeifer96 Part 1, particularly at page 105). The conversion is performed through a string

of converters that are dynamically arranged in a particular order to provide the desired

output format (See Part 3.1, note particularly FIG. 5 and disclosure thereto). The

system begins with a communication request or invitation to a second user (B) from a

first user (A) (See FIG. 13 and Part 6.4). If the request or invitation is accepted by

second user (B), the location of the second user (B) is retrieved and the Resource

Configurator is invoked. This resource configurator dynamically selects and configures

one or more converters in a chain or path to convert the information based on the

locations of the users and media desired (See Part 6.4, page 127). Then the data in the

message is transmitted from user B to user A.

Wetherall teaches the idea of a method of encapsulating program fragments in

packets to allow for a node within the network to execute the program as it receives the

datagrams (See Wetherall Part 1). The nodes can be active routers along the path of

the datagrams (See Wetherall page 36). Wetherall does not, however, disclose or

teach identifying a sequence of components or converters. The Request applies the

teachings of Wetherall to modify the "packets" of the video stream sent to Pfeifer96 to

contain both data and one or more programs for performing coding and/or other

conversions on that video stream (See Request at carryover paragraph of pages 208-

209).

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a
sequence of components for processing a plurality of packets of the message ...,
wherein analyzing the data type of the first packet of the message to dynamically
identify the sequence of components includes selecting individual components to form
the sequence of components after the first packet of the message is received;
storing an indication of each of the identified components so that the sequence
does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these

claims in this consideration is that the system dynamically identifies a sequence of

components, i.e., a path, based on the first packet of the message after it is received,

and then storing this path so it does not have to be re-identified for subsequent packets

of the message.

However, as noted above in Issues 23 and 24, Pfeifer96 fails to disclose or teach

these features of the claims. It is further noted that the Request does not apply the

teachings of Wetherall to modify Pfeifer96 to arrive at these features. Nor does

Wetherall teach such features to suggest such a modification of Pfeifer96. Accordingly,

this combination as proposed fails to teach these features as well.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of

Wetherall fail to teach all the features of claims 1, 4 and 10, the proposed rejections **do**

not satisfy the burden of establishing that there is a reasonable likelihood that the

requester will prevail with respect to at least one of the patent claims.

Issue 34

V.C.12.   Proposed Rejections of Pfeifer96 in view of Wetherall, ISDN98 and

              Nelson Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of

Wetherall, ISDN98 and Nelson are proposed by the Requester as set forth in page 212

of the Request.

The Request in these pages references the same teachings outlined in the prior

sections of the Request (See Parts V.C.3 and V.C.11 of the Request) and suggests

without any reason or analysis therefor that they are combinable to arrive at the claimed

invention. Secondly, without any analysis of the proposed combination, the scope of

the proposed combination is unclear for consideration in view of the claims.

Additionally, for the same reasons as outlined above in Issues 25 and 33

(corresponding to the noted parts of the Request), the individual parts of this proposed

combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of

Wetherall, ISDN98 and Nelson fail to provide the proper analysis necessary for an

obvious rejection, the scope of the combination of teachings is not provided and the

individual parts of the proposed combination fail to raise an RLP, the proposed

rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood

that the requester will prevail with respect to at least one of the patent claims.

Issue 35

V.C.13.   Proposed Rejections of Pfeifer96 in view of Li Rendering Obvious

Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in Li are

proposed by the Requester as set forth in pages 212-219 of the Request "if certain

aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or inherent, or

obvious over Pfeifer96".

As noted above, Pfeifer96 discloses a personal communication support system

for providing access to information in various forms, which may require the information

to be converted from one form into another for presentation to the end user (See

Pfeifer96 Part 1, particularly at page 105). The conversion is performed through a string

of converters that are dynamically arranged in a particular order to provide the desired

output format (See Part 3.1, note particularly FIG. 5 and disclosure thereto). The

system begins with a communication request or invitation to a second user (B) from a

first user (A) (See FIG. 13 and Part 6.4). If the request or invitation is accepted by

second user (B), the location of the second user (B) is retrieved and the Resource

Configurator is invoked. This resource configurator dynamically selects and configures

one or more converters in a chain or path to convert the information based on the

locations of the users and media desired (See Part 6.4, page 127). Then the data in the

message is transmitted from user B to user A.

Li teaches a method of encapsulating program fragments (Tcl scripts) in packets

for an active gateway for video conferencing systems (See Li Parts 1 and 3.2). The

encapsulated programs are used by the active networks to enable dynamic

reconfiguration of parameters and policies of the network, such as quality of service and

reallocation of resources (See Li at Part 4.1). The Request applies the teachings of Li

to modify Pfeifer96 such that its configuration techniques are dynamic (See Request at

page 216). The Request suggests by using the "packets" with encapsulated Tcl scripts

as taught by Li in Pfeifer96 would permit the quality of service parameters for the

message to be contained in the first packet itself (See same page of Request).

However, as noted above, Pfeifer does not concern packets; it merely discusses

transmitting streams of data after a sequence of converters is identified (See Pfeifer96

at page 127). It is also noted that Li does not teach any particular features related to a

first and subsequent packets of a message, rather the teachings are directly to packets

in general. Li also does not teach features related to developing a sequence of

converters or other components based on a first packet or otherwise.

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a
sequence of components for processing a plurality of packets of the message ...,
wherein analyzing the data type of the first packet of the message to dynamically
identify the sequence of components includes selecting individual components to form
the sequence of components after the first packet of the message is received;
        storing an indication of each of the identified components so that the sequence
does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these claims in this consideration is that the system dynamically identifies a sequence of components, i.e., a path, based on the first packet of the message after it is received, and then storing this path so it does not have to be re-identified for subsequent packets of the message.

However, as noted above in Issues 23 and 24, Pfeifer96 fails to disclose or teach these features of the claims. It is further noted that the Request does not apply the teachings of Li to modify Pfeifer96 to arrive at these features. Nor does Li teach such features to suggest such a modification of Pfeifer96. Accordingly, this combination as proposed fails to teach these features as well.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of Li fail to teach all the features of claims 1, 4 and 10, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 36

V.C.14.   Proposed Rejections of Pfeifer96 in view of Li, ISDN98 and Nelson

              Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of Li, ISDN98 and Nelson are proposed by the Requester as set forth in page 219 of the Request.

The Request in these pages references the same teachings outlined in the prior sections of the Request (See Parts V.C.3 and V.C.13 of the Request) and suggests without any reason or analysis therefor that they are combinable to arrive at the claimed invention. Secondly, without any analysis of the proposed combination, the scope of the proposed combination is unclear for consideration in view of the claims. Additionally, for the same reasons as outlined above in Issues 25 and 35 (corresponding to the noted parts of the Request), the individual parts of this proposed combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of Li, ISDN98 and Nelson fail to provide the proper analysis necessary for an obvious rejection, the scope of the combination of teachings is not provided and the individual parts of the proposed combination fail to raise an RLP, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 37

V.C.15.   Proposed Rejections of Pfeifer96 in view of Wetherall and Li

Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of Wetherall and Li, are proposed by the Requester as set forth in pages 219-220 of the Request.

The Request in these pages references the same teachings outlined in the prior

sections of the Request (See Parts V.C.11 and V.C.13 of the Request) and suggests

without any reason or analysis therefor that they are combinable to arrive at the claimed

invention. The Request only outlines some speculative features of such a combination

(See Request at page 220, first paragraph). Secondly, without any analysis of the

proposed combination, the scope of the proposed combination is unclear for

consideration in view of the claims. Additionally, for the same reasons as outlined

above in Issues 33 and 35 (corresponding to the noted parts of the Request), the

individual parts of this proposed combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of

Wetherall and Li fail to provide the proper analysis necessary for an obvious rejection,

the scope of the combination of teachings is not provided and the individual parts of the

proposed combination fail to raise an RLP, the proposed rejections **do not satisfy** the

burden of establishing that there is a reasonable likelihood that the requester will prevail

with respect to at least one of the patent claims.

Issue 38

V.C.16.   Proposed Rejections of Pfeifer96 in view of Wetherall, Li, ISDN98

                and Nelson Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of

Wetherall, Li, ISDN98 and Nelson are proposed by the Requester as set forth in page

220 of the Request.

The Request in these pages references the same teachings outlined in the prior

sections of the Request (See Parts V.C.3 and V.C.15 of the Request) and suggests

without any reason or analysis therefor that they are combinable to arrive at the claimed

invention. Secondly, without any analysis of the proposed combination, the scope of

the proposed combination is unclear for consideration in view of the claims.

Additionally, for the same reasons as outlined above in Issues 25 and 37

(corresponding to the noted parts of the Request), the individual parts of this proposed

combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of

Wetherall, Li, ISDN98 and Nelson fail to provide the proper analysis necessary for an

obvious rejection, the scope of the combination of teachings is not provided and the

individual parts of the proposed combination fail to raise an RLP, the proposed

rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood

that the requester will prevail with respect to at least one of the patent claims.

Issue 39

V.C.17.   Proposed Rejections of Pfeifer96 in view of Pfeifer97 and Alam

               Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of

Pfeifer97 and Alam are proposed by the Requester as set forth in pages 220-221 of the

Request.

The proposed combination of Pfeifer96 in view of Pfeifer97 is outlined in Part V.C.5 of the Request. As noted above in Issue 27, this combination does not raise an RLP because this combination does not teach dynamically identifying a sequence of components, i.e., a path, based on the first packet of the message after it is received and then storing this path so it does not have to be re-identified for subsequent packets of the message in the manner as recited in claims 1, 4 and 10.

Alam teaches a method of identifying a fax recipient email from a character recognition program scanning the fax and converting the fax into an email for sending to the recipient (See Alam col. 5, line 42 to col. 6, line 17). The Request in this proposal applies the teachings of Alam to the combination of Pfeifer96 in view of Pfeifer97 to suggest that when a fax is received, a processing can be "capable of determining that user's location and routing the communication to a terminal in the user's vicinity" (See Request at page 221).

However, this proposed combination fails to provide the analysis required for an obvious rejection. Requester has not identified any deficiencies of Pfeifer96 in view of Pfeifer97 nor any differences between the claims and this combination. Requester further has not proposed any modifications of Pfeifer96 in view of Pfeifer97 in view of the teachings of Alam to arrive at the claims nor does the Request provide any analysis how the references would be combined. Thus, the Request has not outlined why or how the teachings of Alam along with this combination render the claims obvious.

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a sequence of components for processing a plurality of packets of the message ...,

wherein analyzing the data type of the first packet of the message to dynamically identify the sequence of components includes selecting individual components to form the sequence of components after the first packet of the message is received;
    storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these claims in this consideration is that the system dynamically identifies a sequence of components, i.e., a path, based on the first packet of the message after it is received, and then storing this path so it does not have to be re-identified for subsequent packets of the message.

As noted above in Issue 27, Pfeifer96 in view of Pfeifer97 fails to disclose or teach these features of the claims. It is further noted that the Request does not apply the teachings of Alam to modify Pfeifer96 in view of Pfeifer97 to arrive at these features. Nor does Alam teach such features to suggest such a modification. Accordingly, this combination as proposed fails to teach these features as well.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of Pfeifer97 and Alam fail to teach all the features of claims 1, 4 and 10 and the Request does not provide the analysis necessary for obvious rejections, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 40

V.C.18.   Proposed Rejections of Pfeifer96 in view of Pfeifer97 and Yun Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of Pfeifer97 and Yun are proposed by the Requester as set forth in pages 221-222 of the Request.

The proposed combination of Pfeifer96 in view of Pfeifer97 is outlined in Part V.C.5 of the Request. As noted above in Issue 27, this combination does not raise an RLP because this combination does not teach dynamically identifying a sequence of components, i.e., a path, based on the first packet of the message after it is received and then storing this path so it does not have to be re-identified for subsequent packets of the message in the manner as recited in claims 1, 4 and 10.

Yun teaches a method for discriminating an audio signal as an ordinary vocal of musical sound in an audio system and separates the signal along such lines (See Yun col. 1, lines 47 to col. 2, line 13). The Request in this proposal applies the teachings of Yun to the combination of Pfeifer96 in view of Pfeifer97 to suggest using the music/vocal discriminator in the apparatus of the noted combination.

However, this proposed combination fails to provide the analysis required for an obvious rejection. Requester has done nothing more than outlined a feature/advantage of the disclosure of Yun. Requester has not identified any deficiencies of Pfeifer96 in view of Pfeifer97 nor any differences between the claims and this combination. Requester further has not proposed any modifications of Pfeifer96 in view of Pfeifer97 in view of Yun to arrive at the claims nor does the Request provide any analysis how the references would be combined to make the combination. Thus, the Request has not

outlined why or how the teachings of Yun along with this combination would render the

claims obvious.

Claim 1, requires the steps:

"analyzing the data type of a first packet of the message to dynamically identify a
sequence of components for processing a plurality of packets of the message ...,
wherein analyzing the data type of the first packet of the message to dynamically
identify the sequence of components includes selecting individual components to form
the sequence of components after the first packet of the message is received;
    storing an indication of each of the identified components so that the sequence
does not need to be re-identified for subsequent packets of the message"

Claims 4 and 10 make similar recitations. The features of importance in these

claims in this consideration is that the system dynamically identifies a sequence of

components, i.e., a path, based on the first packet of the message after it is received,

and then storing this path so it does not have to be re-identified for subsequent packets

of the message.

As noted above in Issue 27, Pfeifer96 in view of Pfeifer97 fails to disclose or

teach these features of the claims. It is further noted that the Request does not apply

the teachings of Yun to modify Pfeifer96 in view of Pfiefer97 to arrive at these features.

Nor does Yun teach such features to suggest such a modification thereof. Accordingly,

this combination as proposed fails to teach these features as well.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of

Pfeifer97 and Yun fail to teach all the features of claims 1, 4 and 10 and the Request

does not provide the analysis necessary for an obvious determination, the proposed

rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood

that the requester will prevail with respect to at least one of the patent claims.

Issue 41

V.C.19.   Proposed Rejections of Pfeifer96 in view of Meer96, Arbanowski96,

Pfeifer97 and Franz98 Rendering Obvious Claims 1, 4 and 10—

NO RLP

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of

Meer96, Arbanowski96, Pfeifer97 and Franz98 are proposed by the Requester as set

forth in page 222 of the Request.

The Request in these pages references the same teachings outlined in the prior

sections of the Request (See Parts V.C.1, V.C.2, V.C.4, V.C.5, V.C.7 and V.C.9 of the

Request) and suggests without any reason or analysis therefor that they are combinable

to arrive at the claimed invention. Secondly, without any analysis of the proposed

combination, the scope of the proposed combination is unclear for consideration in view

of the claims. Additionally, for the same reasons as outlined above in Issues 23, 24, 26,

27, 29 and 31 (corresponding to the noted parts of the Request), the individual parts of

this proposed combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of

Meer96, Arbanowski96, Pfeifer97 and Franz98 fail to provide the proper analysis

necessary for an obvious rejection, the scope of the combination of teachings is not

provided and the individual parts of the proposed combination fail to raise an RLP, the

proposed rejections **do not satisfy** the burden of establishing that there is a reasonable

likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 42

V.C.20.   Proposed Rejections of Pfeifer96 in view of Meer96, Arbanowski96,

Pfeifer97, Franz98, ISDN98, Nelson, Cox, RFC793, Alam and Yun

Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Pfeifer96 in view of

Meer96, Arbanowski96, Pfeifer97, Franz98, ISDN98, Nelson, Cox, RFC793, Alam and

Yun are proposed by the Requester as set forth in page 222 of the Request "if certain

aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or inherent, or

obvious over Pfeifer96 alone or in combination with the various grounds of rejection

present above".

The Request in these pages references the same teachings outlined in the prior

sections of the Request (See Parts V.C.1 through V.C.10 and V.C.17 through V.C.19 of

the Request) and suggests without any reason or analysis therefor that they are

combinable to arrive at the claimed invention. Secondly, without any analysis of the

proposed combination, the scope of the proposed combination is unclear for

consideration in view of the claims. Additionally, for the same reasons as outlined

above in Issues 23-32 and 39-41 (corresponding to the noted parts of the Request), the

individual parts of this proposed combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying Pfeifer96 in view of

Meer96, Arbanowski96, Pfeifer97, Franz98, ISDN98, Nelson, Cox, RFC793, Alam and

Yun fail to provide the proper analysis necessary for an obvious rejection, the scope of

the combination of teachings is not provided and the individual parts of the proposed

combination fail to raise an RLP, the proposed rejections **do not satisfy** the burden of

establishing that there is a reasonable likelihood that the requester will prevail with

respect to at least one of the patent claims.

Issue 43

V.D.1.   Proposed Rejections of Kerr Anticipating Claims 1, 4 and 10—

NO RLP

Rejections of claims 1, 4 and 10 as being anticipated by Kerr are proposed by

the Requester at pages 224-233 of the Request.

Kerr discloses a method and system for switching in networks responsive to flow

patterns which occurs inside a router within a network (See Kerr FIG. 1, item 140 and

col. 1, lines 48-49). Once the router recognizes a new flow, it determines the proper

treatment for the packets in that message flow and caches the information for the same

treatment of later packets of the message flow (See col. 1, lines 52-55 and col. 4, lines

12-19). The router determines the proper treatment based on header information stored

in the packets of the message (See FIG. 4 and col. 6, line 65 to col. 7, line 54). Such

treatment can include determining output ports, access control, accounting procedures,

encryption and any special treatment (See col. 4, lines 20-47).

Each of claims 1, 4 and 10 require analyzing the data type or headers of a first

packet "to dynamically identify a sequence of components for processing a plurality of

packets of the message" …, "selecting individual components to form the sequence of

components after the first packet of the message is received" and "storing an indication

of each of the identified components so that the sequence does not need to be re-

identified for subsequent packets of the message".

However, the Request does not indicate what are the "components" in Kerr that

read on the components recited in the claims. It is presumed herein that such

components would be those required for proper treatment of the packets noted above

(i.e., determination of output ports, access control, accounting procedures, encryption

and any special treatment).

Requester then takes the position that Kerr discloses dynamically identifying a

"sequence of components for processing a plurality of packets of the message" (See

Request at pages 226-228). However, while Kerr appears to disclose dynamically

determining a proper treatment of processing the packets, there is nothing in Kerr that

determines or identifies any sequence of such components. No determination of any

order of the various components in the "proper treatment" is disclosed or inherent

therein. Nor does Kerr require any such a sequence.

It is further noted that while Kerr discloses dynamically determining the proper

treatment after the first packet of the message is received, there is nothing in Kerr to

disclose or suggest any "selection" of components to form the sequence after such

packet is received. As noted before, there is no identification of any sequence.

Because Kerr fails to describe any selection of components to form the sequence

and fails to also identify or determine any sequence, then there would be no further

storing of any indication of the identified components to avoid a re-identification of the sequence.

Therefore, Kerr fails to disclose each and every limitation of the claims in the manner as outlined in the claims and the proposed rejections do not anticipate the claims.

Accordingly, since the proposed anticipation rejections applying Kerr fail to disclose all the features of claims 1, 4 and 10, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 44

V.D.2.   Proposed Rejections of Kerr Rendering Obvious Claims 1, 4 and

10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr are proposed by the Requester as set forth in pages 233-239 of the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or inherent over Kerr".

However, as noted above in Issue 33, Kerr fails to disclose analyzing the data type or headers of a first packet "to dynamically identify a sequence of components for processing a plurality of packets of the message" ..., "selecting individual components to form the sequence of components after the first packet of the message is received" and "storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message" as recited in

each of claims 1, 4 and 10. Since Kerr fails to disclose these features, it would likewise fail to teach these features. It is further noted that the Request does not provide any teaching or reason to modify Kerr to arrive at these features.

The Request suggests that the limitation "sequence of components" is obvious because Kerr teaches various distinct operations to be performed on its packets and these operations would be organized as distinct components (See Request at page 234). Presumably these components would thus be those operations performed during the proper treatment in Kerr (Note proper treatment in Kerr can include determining output ports, access control, accounting procedures, encryption and any special treatment. See Kerr at col. 4, lines 20-47). Even assuming this position is accurate, it is does not address the features of the claims. As noted above in Issue 33, Kerr does not disclose or teach any identification of a sequence of these components or any selection of these components after receiving the first packet and thus does not disclose or teach any storing of an indication of these components as recited in the claims.

The Request also suggests that the limitation of "storing a indication of ... the identified components" is obvious in view of Kerr because Kerr discloses entering "information regarding such treatment in a data structure pointed to by the new entry in the flow table" (See Request at page 235). However, the Request in this cite ignores the full text of this feature, which is "storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message". These "identified components" are those that were selected to form the sequence. Thus, to store an indication of them would require a

determination of a sequence. As noted above, there is no identification or determination

of any sequence of components disclosed or taught in Kerr and thus Kerr does not

teach or suggest any "identified components" and therefore there is no suggestion in

Kerr to store an indication of these "identified components".

Accordingly, since the proposed obvious rejections applying Kerr fail to teach all

the features of claims 1, 4 and 10, the proposed rejections **do not satisfy** the burden of

establishing that there is a reasonable likelihood that the requester will prevail with

respect to at least one of the patent claims.

Issue 45

V.D.3.   Proposed Rejections of Kerr in view of NetFlow Rendering Obvious

Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of NetFlow

are proposed by the Requester as set forth in pages 239-241 of the Request "if certain

aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent or

obvious over Kerr".

NetFlow as asserted by Request is a publication illustrating how the architecture

of Kerr manifested itself in a product (See Request at page 240). The Request then

suggests the disclosures of NetFlow and Kerr are consistent with each other (See same

page).

It is first noted that Requester has not provided any proper analysis for an

obvious rejection. The Request has not identified any deficiencies of Kerr nor any

differences between the claims and Kerr. The Request does not propose any modifications of Kerr in view of NetFlow or otherwise to arrive at the claims. Thus, the Request has not outlined why or how this combination renders the claims obvious.

Additionally as noted above in Issues 43 and 44, Kerr fails to disclose or teach analyzing the data type or headers of a first packet "to dynamically identify a sequence of components for processing a plurality of packets of the message" ..., "selecting individual components to form the sequence of components after the first packet of the message is received" and "storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message" as recited in each of claims 1, 4 and 10. Similarly NetFlow also fails to teach these features, rather as even noted in the Request, it is merely a product embodiment of the disclosure of Kerr. It is further noted that the Request does not apply the teachings of NetFlow to modify Kerr to arrive at these features. Accordingly, this combination as proposed fails to teach these features as well.

Accordingly, since the proposed obvious rejections applying Kerr in view of NetFlow fail to teach all the features of claims 1, 4 and 10 and the Request has not provided any analysis for an obvious rejection, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 46

V.D.4.   Proposed Rejections of Kerr in view of RFC1825 and RFC1829

Rendering Obvious Claims 1, 4 and 10--No RLP.

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of RFC1825

and RFC1829 are proposed by the Requester as set forth in pages 241-244 of the

Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be

disclosed, inherent or obvious over Kerr alone".

It is initially noted that Requester has not provided the analysis of an obvious

rejection. The Request not asserted which aspects are missing and thus Requester has

again not identified any deficiencies of Kerr nor any differences between the claims and

Kerr. Rather, the Request merely states the teachings of RFC1825 and RFC1829 are

used to "supplement" that of Kerr (See Request at page 241) to teach the use of state

information.

Additionally as noted above in Issues 43 and 44, Kerr fails to disclose or teach

analyzing the data type or headers of a first packet "to dynamically identify a sequence

of components for processing a plurality of packets of the message" ..., "selecting

individual components to form the sequence of components after the first packet of the

message is received" and "storing an indication of each of the identified components so

that the sequence does not need to be re-identified for subsequent packets of the

message" as recited in each of claims 1, 4 and 10. Similarly RFC1825 and RFC1829

also fail to teach these features. It is finally noted that the Request does not apply the

teachings of RFC1825 and RFC1829 to modify or supplement Kerr to arrive at these features. Accordingly, this combination as proposed fails to teach these features.

Accordingly, since the proposed obvious rejections applying Kerr in view of RFC1825 and RFC1829 fail to teach all the features of claims 1, 4 and 10 and the Request has not provided the required analysis for an obvious rejection, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 47

V.D.5.　　　Proposed Rejections of Kerr in view of Bellare97 and Bellare95

Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of Bellare97 and Bellare95 are proposed by the Requester as set forth in pages 245-248 of the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent or obvious over Kerr".

It is initially noted that Requester has not provided the analysis of an obvious rejection. The Request has not asserted which aspects are missing and thus Requester has again not identified any deficiencies of Kerr nor any differences between the claims and Kerr. Rather, the Request merely states the teachings of Bellare97 and Bellare95 are used to supplement that of Kerr (See Request at page 245) for use of state information.

Additionally as noted above in Issues 43 and 44, Kerr fails to disclose or teach analyzing the data type or headers of a first packet "to dynamically identify a sequence of components for processing a plurality of packets of the message" ..., "selecting individual components to form the sequence of components after the first packet of the message is received" and "storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message" as recited in each of claims 1, 4 and 10. Similarly Bellare97 and Bellare95 also fail to teach these features. It is finally noted that the Request does not apply the teachings of Bellare97 and Bellare95 to modify Kerr to arrive at these features. Accordingly, this combination as proposed fails to teach these features as well.

Finally, it is not clear how the counters of Bellare95 and Bellare97 teach any modification of Kerr. The counter in Bellare97 is used in an encryption scheme for communications between a sender and receiver to change the encryption after each message is sent (See Bellare97 at page 397). Similarly the counter in Bellare95 is used in an authentication scheme for communications between a sender and receiver to change the authentication after each message is sent (See Bellare95 pages 21-22). Kerr involves a series of packets of a flow passing through a router (See discussion of Kerr in Issues 43 and 44 above). Accordingly, it is unclear how the teachings are compatible and how such encryption and authentication schemes in communications between two separate devices can be incorporated and/or implemented into a single component of a flow-through router as taught in Kerr. The Request does not address how these distinct teachings are combined.

Accordingly, since the proposed obvious rejections applying Kerr in view of Bellare97 and Bellare95 fail to teach all the features of claims 1, 4 and 10 and the Request has not provided the required analysis for an obvious rejection or outlined how the teachings are combined, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 48

V.D.6.   Proposed Rejections of Kerr in view of IBM96 Rendering Obvious

Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of IBM96 are proposed by the Requester as set forth in pages 248-251 of the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent or obvious over Kerr alone".

It is initially noted that Requester has not provided the analysis of an obvious rejection. Requester has again not identified any deficiencies of Kerr nor any differences between the claims and Kerr. Rather, the Request merely states the teachings of IBM96 are used to supplement that of Kerr. Particularly, the Request applies the teachings of IBM96 to provide a compression algorithm as one of the components of the router of Kerr (See Request at page 249, middle paragraph, and page 250, third paragraph).

However, regardless of the merits of this combination, as noted above in Issues 43 and 44, Kerr fails to disclose or teach analyzing the data type or headers of a first packet "to dynamically identify a sequence of components for processing a plurality of packets of the message" ..., "selecting individual components to form the sequence of components after the first packet of the message is received" and "storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message" as recited in each of claims 1, 4 and 10. IBM96 also fail to teach these features. It is additionally noted that the Request does not apply the teachings of IBM96 to modify Kerr to arrive at these features. Thus, these features are not taught individually in these references or in the combination thereof proposed in the Request.

Accordingly, since the proposed obvious rejections applying Kerr in view of IBM96 fail to teach all the features of claims 1, 4 and 10 and the Request has not provided the required analysis for an obvious rejection, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 49

V.D.7.   Proposed Rejections of Kerr in view of IBM96 and Nelson

Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of IBM96 are proposed by the Requester as set forth in pages 251-254 of the Request "if certain

aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent or obvious over Kerr in view of IBM96".

It is initially noted that Requester has not provided the analysis of an obvious rejection. Requester has again not identified any deficiencies of Kerr in view of IBM96 nor any differences between the claims and this combination. Rather, the Request merely states the teachings of Nelson are used to supplement that of Kerr in view of IBM96. Particularly, the Request applies the teachings of IBM96 to provide a compression algorithm as one of the components of the router of Kerr (See Request at page 249, middle paragraph, and page 250, third paragraph for the proposed combination of Kerr in view of IBM96). The Request further applies the teachings of Nelson to provide more detail of this compression algorithm (See Request at page 251, fourth full paragraph and page 253, last full paragraph).

However, regardless of the merits of this combination, as noted above in Issues 43 and 44, Kerr fails to disclose or teach analyzing the data type or headers of a first packet "to dynamically identify a sequence of components for processing a plurality of packets of the message" ..., "selecting individual components to form the sequence of components after the first packet of the message is received" and "storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message" as recited in each of claims 1, 4 and 10. Similarly both IBM96 and Nelson also fail to teach these features. It is additionally noted that the Request does not apply the teachings of IBM96 and Nelson to modify

Kerr to arrive at these features. Thus, these features are not met individually in these references or in the combination thereof proposed in the Request.

Accordingly, since the proposed obvious rejections applying Kerr in view of IBM96 and Nelson fail to teach all the features of claims 1, 4 and 10 and the Request has not provided the required analysis for an obvious rejection, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 50

V.D.8.   Proposed Rejections of Kerr in view of RFC1825, RF1829,

                Bellare97, Bellare95, IBM96 and Nelson Rendering Obvious Claims

                1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of RFC1825, RF1829, Bellare97, Bellare95, IBM96 and Nelson are proposed by the Requester as set forth in pages 254-255 of the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or inherent, or obvious over Kerr alone or in combination with the various grounds of rejection present above".

The Request in these pages references the same teachings outlined in the prior sections of the Request (See Parts V.D.1, V.D.2 and V.D.4 through V.D.7 of the Request) and suggests without any reason or analysis therefor that they are combinable to arrive at the claimed invention. Secondly, without any analysis of the proposed combination, the scope of the proposed combination is unclear for consideration in view

of the claims. Additionally, for the same reasons as outlined above in Issues 43, 44 and 46-49 (corresponding to the noted parts of the Request), the individual parts of this proposed combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying Kerr in view of RFC1825, RF1829, Bellare97, Bellare95, IBM96 and Nelson fail to provide the proper analysis necessary for an obvious rejection, the scope of the combination of teachings is not provided and the individual parts of the proposed combination fail to raise an RLP, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 51

V.D.9.   Proposed Rejection of Kerr in view of Fraser Rendering Obvious

              Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of Fraser are proposed by the Requester as set forth in pages 255-260 of the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent or obvious over Kerr alone".

It is initially noted that Requester has not provided the analysis of an obvious rejection. Requester has again not identified any deficiencies of Kerr nor any differences between the claims and the disclosure of Kerr. In fact, Requester explicitly states Kerr otherwise teaches the features of the claims (See Request at page 256, last

full paragraph). Thus, it is unclear what further teachings of Fraser can add to the proposed rejection applying Kerr alone.

Furthermore, the portion of Fraser relied upon by Requester does not provide the proposed modification of Kerr. Kerr discloses a router that dynamically identifies the proper treatment of packets of a message flow that are passing through the router between a source device and destination device (See Kerr col. 3, lines 57-67 and col. 4, lines 12-19 and see FIG. 1, note router 140 between source device 120 and destination device 130). In contrast, Fraser teaches a firewall policy module for monitoring the traffic between two or more hosts in a communication system (See Fraser Part 1.1 and FIG. 1 and disclosure related thereto). As noted by Requester, this firewall policy module is dynamic in that it allows for minor changes without having to reboot (See Fraser at page 37 and pages 82-83 of the Request). Thus, the disclosure of Fraser is concerned with making dynamic changes to a firewall policy.

Requester takes the position that because changes to the firewall policies of Fraser can be dynamic, then it would be obvious to make the operation of the router of Kerr also dynamic. However, Fraser does not provide any teaching nor does Requester provide any reason for using these dynamically changeable firewall policies to dynamically determine proper treatment of message packets passing through a router. These apparatus and methods are distinct in operation, architecture and structure and are used in distinct ways. Thus, there is no teaching in Fraser to modify the already dynamic nature of the router in Kerr.

Furthermore, regardless of the merits of this combination, as noted above in Issues 43 and 44, Kerr fails to disclose or teach analyzing the data type or headers of a first packet "to dynamically identify a sequence of components for processing a plurality of packets of the message" ..., "selecting individual components to form the sequence of components after the first packet of the message is received" and "storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message" as recited in each of claims 1, 4 and 10. Similarly Fraser also fails to teach these features. It is additionally noted that the Request does not apply the teachings of Fraser to modify Kerr to arrive at these features. Thus, these features are not met individually in these references or in the combination thereof proposed in the Request.

Accordingly, since the proposed obvious rejection applying Kerr in view of Fraser fails to provide the analysis necessary for an obvious rejection (identifies no differences between claims and Kerr and notes there is no differences), there is no teaching in Fraser or otherwise to modify Kerr as proposed, and the proposed combination does not teach all the features of the claims, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 52

V.D.10.   Proposed Rejections of Kerr in view of Fraser, Bellare97 and Bellare95 Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of Fraser, Bellare97 and Bellare95 are proposed by the Requester as set forth in page 260 of the Request.

The Request in these pages references the same teachings outlined in the prior sections of the Request (See Parts V.D.1, V.D.2, V.D.5 and V.D.9 of the Request) and suggests without any reason or analysis therefor that they are combinable to arrive at the claimed invention. Secondly, without any analysis of the proposed combination, the scope of the proposed combination is unclear for consideration in view of the claims. Additionally, for the same reasons as outlined above in Issues 43, 44, 47 and 51 (corresponding to the noted parts of the Request), the individual parts of this proposed combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying Kerr in view of Fraser, Bellare97 and Bellare95 fail to provide the proper analysis necessary for an obvious rejection, the scope of the combination of teachings is not provided and the individual parts of the proposed combination fail to raise an RLP, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 53

V.D.11.   Proposed Rejection of Kerr in view of Bellissard Rendering Obvious Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of Bellissard are proposed by the Requester as set forth in pages 260-264 of the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent or obvious over Decasper98 alone".

It is initially noted that Requester has not provided the analysis of an obvious rejection. Requester has again not identified any deficiencies of Kerr nor any differences between the claims and the disclosure of Kerr. Requester also specifically states Kerr renders alone the teaching for which Bellisard is being applied (See Page 261 of the Request, 2nd full paragraph). Thus, it is unclear what further teachings of Bellissard can add to the proposed rejection applying Kerr alone.

Furthermore, the portion of Bellissard relied upon by Requester does not provide the proposed modification of Kerr. Kerr discloses a router that dynamically identifies the proper treatment of packets of a message flow that are passing through the router between a source device and destination device based on analyzing the first packet of the message (See Kerr col. 3, lines 57-67 and col. 4, lines 12-19 and see FIG. 1, note router 140 between source device 120 and destination device 130). There is no reconfiguration of any application. In contrast, Bellissard teaches a method for dynamically reconfiguration of an application while still in operation by modifying the architecture of the application which includes adding/removing modules and modifying the interconnection pattern (See Bellissard Part 1.2 and Abstract).

Requester takes the position that because the application reconfiguration in Bellissard is dynamic, then it would be obvious to use such dynamically reconfiguration

in the router of Kerr (See Request at pages 262-263). Requester asserts that since the

router of Kerr would thus be dynamically reconfigurable, it would clearly encompass

adding or removing certain components of Kerr during operation (See page 262).

However, regardless of the merits of this combination, as noted above in Issues

43 and 44, Kerr fails to disclose or teach analyzing the data type or headers of a first

packet "to dynamically identify a sequence of components for processing a plurality of

packets of the message" ..., "selecting individual components to form the sequence of

components after the first packet of the message is received" and "storing an indication

of each of the identified components so that the sequence does not need to be re-

identified for subsequent packets of the message" as recited in each of claims 1, 4 and

10. Similarly Bellissard also fails to teach these features—there is nothing in Bellissard

that teaches its dynamic reconfiguration is performed after receiving the first packet of a

message, its dynamic reconfiguration identifies a sequence of components or any such

storing of an indication of the identified components in the sequence. Thus, these

features are not met individually in these references or in the combination thereof as

proposed in the Request.

Accordingly, since the proposed obvious rejection applying Kerr in view of

Bellissard fails to provide the analysis necessary for an obvious rejection (identifies no

differences between claims and Kerr and notes there is no differences) and the

proposed combination does not teach all the features of the claims, the proposed

rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood

that the requester will prevail with respect to at least one of the patent claims.

Issue 54

V.D.12.   Proposed Rejections of Kerr in view of Bellissard, Bellare97 and

Bellare95 Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of Bellissard,

Bellare97 and Bellare95 are proposed by the Requester as set forth in page 264 of the

Request.

The Request in these pages references the same teachings outlined in the prior

sections of the Request (See Parts V.D.1, V.D.2, V.D.5 and V.D.11 of the Request) and

suggests without any reason or analysis therefor that they are combinable to arrive at

the claimed invention. Secondly, without any analysis of the proposed combination, the

scope of the proposed combination is unclear for consideration in view of the claims.

Additionally, for the same reasons as outlined above in Issues 43, 44, 47 and 53

(corresponding to the noted parts of the Request), the individual parts of this proposed

combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying Kerr in view of

Bellissard, Bellare97 and Bellare95 fail to provide the proper analysis necessary for an

obvious rejection, the scope of the combination of teachings is not provided and the

individual parts of the proposed combination fail to raise an RLP, the proposed

rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood

that the requester will prevail with respect to at least one of the patent claims.

Issue 55

V.D.13.   Proposed Rejection of Kerr in view of Wetherall Rendering Obvious

Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of Wetherall

are proposed by the Requester as set forth in pages 264-270 of the Request "if certain

aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent or

obvious over Kerr alone".

It is initially noted that Requester has not provided the analysis of an obvious

rejection. Requester has again not identified any deficiencies of Kerr nor any

differences between the claims and the disclosure of Kerr.

It is further noted that Wetherall relied upon by Requester does not provide the

proposed modification of Kerr. Kerr discloses a router that dynamically identifies the

proper treatment of packets of a message flow that are passing through the router

between a source device and destination device based on analyzing the first packet of

the message (See Kerr col. 3, lines 57-67 and col. 4, lines 12-19 and see FIG. 1, note

router 140 between source device 120 and destination device 130).

In contrast, Wetherall teaches the idea of a method of encapsulating programs

fragments in datagrams to allow for a node within the network to execute the program

as it receives the datagrams (See Wetherall Part 1). The nodes can be active routers

along the path of the datagrams (See Wetherall page 36). However, Wetherall does not

provide any detail of how these routers and/or other nodes would be modified to be able

to accept and operate these programs upon receipt, rather the disclosure to Wetherall is

directed to the structures of the datagrams and their proposed use. Thus, Wetherall at most teaches a modification of the datagrams being sent to have encapsulated programs, but does not teach any modifications of the associated nodes, i.e., routers, that would receive such datagrams.

It is thus unclear what it the combination Requester is proposing. Kerr's disclosure relates to a router architecture. Wetherall's disclosure relates to the structure of a datagram. There is no teaching in either reference nor is any suggested by Requester how to accommodate the router architecture of Kerr to be able to take advantage of the encapsulated programs. Such a modification is beyond of the disclosures of both references.

Furthermore, the embedded programs outlined in Wetherall are for causing the router to execute it, there is no disclosure on what happens to the components within the router. Thus, there is further no teaching in Wetherall to modify any of the internal structures of the router of Kerr, nor has Requester identified such. The Request merely assumes the manner to which each of the components of the router of Kerr would be modified without any basis from the references themselves.

Additionally, regardless of the merits of this combination, as noted above in Issues 43 and 44, Kerr fails to disclose or teach analyzing the data type or headers of a first packet "to dynamically identify a sequence of components for processing a plurality of packets of the message" ..., "selecting individual components to form the sequence of components after the first packet of the message is received" and "storing an indication of each of the identified components so that the sequence does not need to

be re-identified for subsequent packets of the message" as recited in each of claims 1, 4 and 10. Wetherall also fails to teach these features as its disclosure is concerned with encapsulating programs fragments in packets of a message---there is nothing about identifying a sequence of components, selecting such identified components after receiving a first packets nor storing an indication of such identified components as recited in these claims. Thus, these features are not met individually in these references or in the combination thereof as proposed in the Request.

Accordingly, since the proposed obvious rejection applying Kerr in view of Wetherall fails to provide the analysis necessary for an obvious rejection (identifies no differences between claims and Kerr), there is no teaching in Wetherall or otherwise to modify Kerr as proposed as proposed and the proposed combination nonetheless fails to teach all the feature of claims 1, 4 and 10, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 56

V.D.14.   Proposed Rejections of Kerr in view of Wetherall, Bellare97 and

                Bellare95 Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of Wetherall, Bellare97 and Bellare95 are proposed by the Requester as set forth in page 270 of the Request.

The Request in these pages references the same teachings outlined in the prior

sections of the Request (See Parts V.D.5 and V.D.13 of the Request) and suggests

without any reason or analysis therefor that they are combinable to arrive at the claimed

invention. Secondly, without any analysis of the proposed combination, the scope of

the proposed combination is unclear for consideration in view of the claims.

Additionally, for the same reasons as outlined above in Issues 47 and 55

(corresponding to the noted parts of the Request), the individual parts of this proposed

combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying Kerr in view of

Wetherall, Bellare97 and Bellare95 fail to provide the proper analysis necessary for an

obvious rejection, the scope of the combination of teachings is not provided and the

individual parts of the proposed combination fail to raise an RLP, the proposed

rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood

that the requester will prevail with respect to at least one of the patent claims.

Issue 57

V.D.15.   Proposed Rejections of Kerr in view of RFC1825, RF1829,

               Bellare97, Bellare95, IBM96, Nelson Fraser, Bellissard and

               Wetherall Rendering Obvious Claims 1, 4 and 10--**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of RFC1825,

RF1829, Bellare97, Bellare95, IBM96, Nelson Fraser, Bellissard and Wetherall are

proposed by the Requester as set forth in pages 271-273 of the Request "if certain

aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed or inherent, or obvious over Kerr alone or in combination with the various grounds of rejection presented above".

The Request in these pages references the same teachings outlined in the prior sections of the Request (See Parts V.D.1, V.D.2 and V.D.4 through V.D.14 of the Request) and suggests without any reason or analysis therefor that they are combinable to arrive at the claimed invention. Secondly, without any analysis of the proposed combination, the scope of the proposed combination is unclear for consideration in view of the claims. Additionally, for the same reasons as outlined above in Issues 43, 44, 46-56 (corresponding to the noted parts of the Request), the individual parts of this proposed combination do not raise RLPs.

Accordingly, since the proposed obvious rejections applying Kerr in view of RFC1825, RF1829, Bellare97, Bellare95, IBM96, Nelson Fraser, Bellissard and Wetherall fail to provide the proper analysis necessary for an obvious rejection, the scope of the combination of teachings is not provided and the individual parts of the proposed combination fail to raise an RLP, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 58

V.D.16.   Proposed Rejection of Kerr in view of Checkpoint and Shwed

           Rendering Obvious Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of

Checkpoint and Shwed are proposed by the Requester as set forth in pages 273-275 of

the Request "if certain aspects recited in claims 1, 4 and 10 ... are not deemed to be

disclosed, inherent or obvious over Kerr".

Kerr discloses a router that dynamically identifies the proper treatment of packets

of a message flow that are passing through the router between a source device and

destination device (See Kerr col. 3, lines 57-67 and col. 4, lines 12-19 and see FIG. 1,

note router 140 between source device 120 and destination device 130). Checkpoint

teaches firewall policy for a device (router) providing connection between a local

network and the internet (See Checkpoint page 2). This firewall policy examines all

aspects of packets of information passing there through and only allows processing and

passing if the packets comply with security policies (See Checkpoint at page 14 and see

Request at page 274). Similarly, Shwed also teaches a firewall policy for a connection

device (router) that only allows the passing and processing of packets if they are pre-

authorized (See Shwed at least at col. 2, lines 32-65 and see Request at pages 274-

275). The Request takes the position that both of these firewall policies are highly

configurable and thus dynamic.

Requester then suggests that since these firewall policies of Checkpoint and

Shwed are dynamic and configurable, this would provide a teaching to modify Kerr to

make its operation also dynamic to read on the claims (See Request at pages 273).

However, at noted above in Issues 43 and 44, it is not disputed that Kerr already

operates dynamically based on the first packets of a message received. This is also

recognized by Requester in the proposed rejections applying Kerr alone (See Request at Parts V.D.1 and V.D.2). Accordingly, this proposed rejection is merely cumulative of the proposed rejections applying Kerr alone and adds nothing further.

Additionally, regardless of the merits of this combination, as noted above in Issues 43 and 44, Kerr fails to disclose or teach analyzing the data type or headers of a first packet "to dynamically identify a sequence of components for processing a plurality of packets of the message" ..., "selecting individual components to form the sequence of components after the first packet of the message is received" and "storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message" as recited in each of claims 1, 4 and 10. Similarly both Checkpoint and Shwed also fail to teach these features—rather they are directed to firewall policies. It is additionally noted that the Request does not apply the teachings of Checkpoint and Shwed to modify Kerr to arrive at these features. Thus, these features of the claims are not met individually in these references or in the combination thereof proposed in the Request.

Accordingly, since the proposed obvious rejections applying Kerr in view of Checkpoint and Shwed are merely cumulative of other rejections proposed by Requester and the proposed combination does not teach all the features of the claims, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 59

V.D.17.   Proposed Rejection of Kerr in view of Dietz Rendering Obvious

Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of Dietz are

proposed by the Requester as set forth in pages 275-277 of the Request "if certain

aspects recited in claims 1, 4 and 10 ... are not deemed to be disclosed, inherent or

obvious over Kerr".

Kerr discloses a router that dynamically identifies the proper treatment of packets

of a message flow that are passing through the router between a source device and

destination device (See Kerr col. 3, lines 57-67 and col. 4, lines 12-19 and see FIG. 1,

note router 140 between source device 120 and destination device 130). Similarly,

Dietz teaches a method and an apparatus for monitoring traffic through a network

device which is accomplished by analyzing the packets of a flow to determine a flow

signature for the flow, looking up a signature in a table to determine the appropriate

application program of the flow thereof and applying the application program thereof

(See Dietz at col. 6, line 1 to col. 7, line 21).

Requester takes the position that since Kerr and Dietz are similar in some

respects, "it would have been obvious to jointly consider their combined teachings".

However, this is not the analysis required for an obvious rejection. The Request does

not identify any missing elements in Kerr, does not outline or teach the proposed

modification/combination of Kerr and Dietz necessary to arrive at the claimed invention

and has not provide any explanation as why the claimed invention would have been obvious (See MPEP §707.02(j)).

Additionally, regardless of the merits of this combination, as noted above in Issues 43 and 44, Kerr fails to disclose or teach analyzing the data type or headers of a first packet "to dynamically identify a sequence of components for processing a plurality of packets of the message" ..., "selecting individual components to form the sequence of components after the first packet of the message is received" and "storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message" as recited in each of claims 1, 4 and 10. Similarly Dietz also fail to teach these features—its disclosure fails to mention or discuss any sequence of components for processing. It is additionally noted that the Request does not apply the teachings Dietz to modify Kerr to arrive at these features. Thus, these features of the claims are not met individually in these references or in the combination thereof proposed in the Request.

Accordingly, since the Request does not provide the analysis necessary to outline proper obvious rejections and the proposed combination otherwise does not teach all the features of the claims, the proposed rejections applying Kerr in view of Dietz **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 60

V.D.18.   Proposed Rejections of Kerr in view of Pfeifer96 Rendering

Obvious Claims 1, 4 and 10—**RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of Pfeifer96

were proposed by the Requester as set forth in pages 278-284 of the Request. It is

agreed herein that these proposed rejections **satisfy** the burden that there is a

reasonable likelihood that the requestor will prevail to at least one of the claims as

evidenced by the accompanying Office Action rejecting these claims.

Issue 61

V.D.19.   Proposed Rejection of Kerr in view of Pfeifer96, ISDN98 and

Nelson Rendering Obvious Claims 1, 4 and 10—**NO RLP**

Rejections of claims 1, 4 and 10 as being obvious over Kerr in view of Pfeifer96,

ISDN98 and Nelson are proposed by the Requester as set forth in page 285 of the

Request.

However, the Request does not provide any detail of the proposed rejection. The

Request refers to Parts V.D.18 and V.C.3 of the Request as how to combine, but this is

not sufficient herein. In Part V.C.3, the proposed rejection was over Pfeifer96 in view of

ISDN98 and Nelson. In Part V.D.18, the proposed rejection was over Kerr in view of

Pfeifer96. It is thus unclear which reference is the base reference herein since each

Part therein refers to either Kerr or Pfeifer96 as a base reference. There is likewise no

analysis as to what is modified or combined and reasons thereof. For example, ISDN98

and Nelson were used to modify Pfeifer96 in Part V.C.3 and thus it is not clear if they are still applied in this manner or do they now modify Kerr or even Pfeifer96 in view of Kerr. The Request is thus silent as to the manner of this combination and thus there is not a sufficient analysis to make any determination of whether this proposed combination would render claims 1, 4 and 10 obvious.

Accordingly, since the Request has not provided any detail or analysis as to how Kerr in view of Pfeifer96, ISDN98 and Nelson would be combined for any determination of obvious with respect to claims 1, 4 and 10, the proposed rejections **do not satisfy** the burden of establishing that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

V.   Summary of Issues Raising RLPs

These Issues raising likelihoods of prevailing on the merits will be considered in an Office Action mailed herewith or in due course.

Issue 1   V.A.1 - Proposed Rejections of Decasper98 Anticipating Claims 1, 4 and 10

Issue 2   V.A.2 - Proposed Rejections of Decasper98 Rendering Obvious Claims 1, 4 and 10.

Issue 7   V.A.7 - Proposed Rejection of Decasper98 in view of IBM96 Rendering Obvious Claims 1, 4 and 10

Issue 8   V.A.8 - Proposed Rejection of Decasper98 in view of IBM96 and Nelson Rendering Obvious Claims 1, 4 and 10

Issue 60   V.D.18 - Proposed Rejections of Kerr in view of Pfeifer96 Rendering

Obvious Claims 1, 4 and 10

VI.   Scope of Reexamination

Claims 1, 4 and 10 will be reexamined as requested in the Request.

VII.   Litigation in Relation to U.S. Patent No. 7,711,857

It is noted that open litigation was found in relation to the '857 Patent which is subject to this re-examination proceeding. *Implicit Networks, Inc. v. Juniper Networks, Inc.*, 3:10cv4234 (U.S. Dist. California North.). A motion to stay litigation pending reexamination of patents in suit was filed February 20, 2012.

Other open litigation includes *Implicit Networks, Inc. v. Hewlett-Packard Co.*, 3:10cv3746 (U.S. Dist. California North.); *Implicit Networks, Inc. v. Cisco Systems, Inc.*, 5:10cv3606 (U.S. Dist. California North.) and *Implicit Networks, Inc. v. F5 Networks, Inc.*, 3:10cv3365 (U.S. Dist. California North.).

The patent owner is reminded of the continuing responsibility under 37 CFR 1.985(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving the '614 Patent 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 § 2686 and 2686.04.

VIII.   Conclusion

Extensions of time under 37 CFR 1.136(a) will not be permitted in inter partes

reexamination proceedings because the provisions of 37 CFR 1.136 apply only to "an

applicant" and not to the patent owner in a reexamination proceeding. Additionally, 35

U.S.C. 314(c) requires that inter partes reexamination proceedings "will be conducted

with special dispatch" (37 CFR 1.937). Patent owner extensions of time in inter partes

reexamination proceedings are provided for in 37 CFR 1.956. Extensions of time are

not available for third party requester comments, because a comment period of 30 days

from service of patent owner's response is set by statute. 35 U.S.C. 314(b)(3).

All correspondence relating to this inter partes reexamination proceeding should

be directed as follows:

By U.S. Postal Service Mail to:

**Mail Stop Inter Partes Reexam
ATTN: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

By FAX to:

**(571) 273-9900
Central Reexamination Unit**

By hand to:

**Customer Service Window Randolph Building
401 Dulany St.
Alexandria, VA 22314**

For EFS-Web 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.
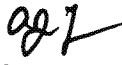
       Any inquiry concerning this communication or earlier communications from the

Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should

be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:

/KENNETH J WHITTINGTON/
Primary Examiner, Art Unit 3992

Conferees:

/Salman Ahmed/

ANDREW J. FISCHER
Supervisory Patent Reexamination Specialist
CRU -- Art Unit 3992

PTO/SB/08a (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known	
Application Number	New
Filing Date	March 2, 2012
First Named Inventor	7,711,857
Art Unit	3992
Examiner Name	Unknown

| Sheet | 1 | of | 6 | Attorney Docket Number | 159291-0025(857) |

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number — Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/KJW/	14	US- 5,298,674 A	03-29-1994	Yun	
/KJW/	13	US- 6,104,500 A	08-15-2000	Alam	
/KJW/	15	US- 6,243,667 B1	06-05-2001	Kerr	
/KJW/	21	US- 5,835,726 A	11-10-1998	Shwed	
/KJW/	22	US- 6,651,099 B1	11-18-2003	Dietz	
/KJW/	49	US- 6,629,163 B1	09-30-2003	Balassanian	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] Number[4] Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]

Examiner Signature	/Kenneth Whittington/	Date Considered	04/28/2012

*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] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 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.

Substitute for form 1449/PTO	Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT *(Use as many sheets as necessary)*	Application Number	New
	Filing Date	March 2, 2012
	First Named Inventor	7,711,857
	Art Unit	3992
	Examiner Name	Unknown
Sheet	2	of	6	Attorney Docket Number	159291-0025(857)

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]
/KJW/	3	PFEIFER et al., Generic Conversion of Communication Media for Supporting Personal Mobility,Multimedia Telecommunication and Applications, COST 237 Workshop, Nov. 25-27, 1996	
	4	NORTHERN TELECOM, Digital Switching Systems, ISDN Primary Rate User-Network Interface Specification, NA011, Std 08.01, Aug. 1998	
	5	NELSON et al., The Data Compression Book, 2nd Edition, Nov. 6, 1995, M&T Books, New York, NY	
	6	COX, Superdistribution: objects as property on the electronic frontier; June 4, 1996, Addison-Wesley Publishing, Reading, MA	
	7	FRANZ, Job and Stream Control in Heterogeneous Hardware and Software Architectures, April 22, 1998, Berlin, DE	
	8	van der MEER, Dynamic Configuration Management of the Equipment in Distributed Communication Environments, Oct. 6, 1996, Technische Universitat Berlin, DE	
	9	Information Sciences Institute, RFC:793, Transmission Control Protocol, DARPA Internet Program Protocal Specification, Sept. 1981, Marina Del Rey, California	
	11	ARBANOWSKI, Generic Description of Telecommunication Services and Dynamic Resource Selection in Intelligent Communication Environments, Oct. 6, 1996, Berlin, DE	
	12	PFEIFER et al., Resource Selection in Heterogeneous Communication Environments using the Teleservice Descriptor, Dec. 19, 1997, Lisboa, Portugal	
	48	LI et al, Active Gateway: A Facility for Video Conferencing Traffic Control, Feb. 1, 1997, Computer Science Technical Reports, Paper 1349	

Examiner Signature	/Kenneth Whittington/	Date Considered	04/28/2012

Substitute for form 1449/PTO **INFORMATION DISCLOSURE STATEMENT BY APPLICANT** *(Use as many sheets as necessary)*	Complete if Known	
	Application Number	New
	Filing Date	March 2, 2012
	First Named Inventor	7,711,857
	Art Unit	3992
	Examiner Name	Unknown

Sheet	3	of	6	Attorney Docket Number	159291-0025(857)

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]
/KJW/	16	LAWSON, Cisco NetFlow Switching speeds traffic routing, InfoWorld, July 7, 1997, ProQuest Center, pg. 19	
	17	BELLARE et al., A Concrete Security Treatment of Symmetric Encryption: Analysis of the DES Modes of Operation, IEEE, October 20-22, 1997	
	18	BELLARE, XOR MACS: New Methods for Message Authentication Using Finite Pseudorandom Functions, CRYPTO '95, LNCS 963, pp. 15-28, 1995, Berlin Heidelberg DE	
	19	IBM Raleigh Center, Local Area Network Concepts and Products: Routers and Gateways, 1st Ed., May 1996, Research Triangle Park, NC	
	20	NATIONAL INST. OF STDS AND TECH., CheckPoint FireWall-1 White Paper, Version 2.0, Sept. 1995, Germany	
	23	BELLISSARD et al., Dynamic Reconfiguration of Agent-Based Applications, Proceedings of ACM European SIGOPS Workshop, Sinatra, Sept. 1998	
	24	FRASER et al., DTE Firewalls Phase Two Measurement and Evaluation Report, TIS Report #0682, July 22, 1997, Glenwood, MD	
	25	DECASPER et al., Router Plugins A Software Architecture of Next Generation Routers, Proceedings of ACM SIGCOMM '98, Sept. 10, 1998, Vancouver B.C.	
	26	ATKINSON, Security Architecture for the Internet Protocol, RFC: 1825, Standard Track, Naval Research Lab., Aug. 1995	
	27	KARN et al, RFC: 1829: The ESP DES-CBC Transform, Aug.1995	

Examiner Signature	/Kenneth Whittington/	Date Considered	04/28/2012

*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.

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Implicit Exhibit 2006
Juniper v. Implicit

Substitute for form 1449/PTO	Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT *(Use as many sheets as necessary)*	Application Number	New
	Filing Date	March 2, 2012
	First Named Inventor	7,711,857
	Art Unit	3992
	Examiner Name	Unknown
Sheet	4	of	6	Attorney Docket Number	159291-0025(857)

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]
/KJW/	28	DEERING & HINDEN, Internet Protocol, Version 6 (IPv6) Specification, RFC: 1883, Standards Track, Dec. 1995	
	29	HUITEMA, IPv6: The New Internet Protocol, Oct. 28, 1997, Prentice-Hall, Upper Saddle River, NJ	
	30	DECASPER, Crossbow A Toolkit for Integrated Services over Cell Switched IPv6, IEEE ATM'97 Workshop Proeedings, May 25-28, 1997, Lisboa, Portugal	
	31	MOSBERGER, Scout: A Path-Based Operating System, Dissertation submitted to Dept of Computer Science, 1997, University of Arizona	
	32	KRUPCZAK et al., Implementing Communication Protocols in Java, IEEE Comminication Magazine, October 1998	
	33	FIUCZYNSKI et al., An Extensible Protocol Architecture for Application-Specific Networking, Jan. 22, 1996, Department of Computer Science and Engineering, Seattle, WA	
	34	MUHUGUSA et al., COMSCRIPT*: An Environment for the Implementation of Protocol Stacks and their Dynamic Reconfiguration, December 1994	
	47	WETHERALL et al., The Active IP Option, Tlemedia Networks and Systems Group, Lab for Computer Science, Sept. 11, 1996, MIT	
	41	Information Science Institute, RFC: 791, Internet Protocol, DARPA Internet Program Protocol Specification, September 1981	
	42	J. Reynolds et al., Netork Working Group, RFC: 1700, Assigned Numbers, October 1994	

Examiner Signature	/Kenneth Whittington/	Date Considered	04/28/2012

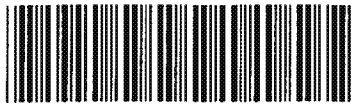| Substitute for form 1449/PTO	Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT *(Use as many sheets as necessary)*	Application Number	New
	Filing Date	March 2, 2012
	First Named Inventor	7,711,857
	Art Unit	3992
	Examiner Name	Unknown
Sheet 5 of 6	Attorney Docket Number	159291-0025(857)

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]
/KJW/	36A	"First Amended Complaint and Demand for Jury Trial", filed Dec. 1, 2010, in Implicit Networks, Inc. v Juniper Networks, Inc., Case No. 3:10-cv-4234 SI, N.D. of California	
	36B	"Plaintiff's 1/10/2012 Amended Disclosure of Asserted Claims and Infringement Contentions", filed Jan. 10, 2012, in Implicit Networks v Juniper Networks, Case #3:10-cv-4234 SI	
	36C	"Implicit Networks, Inc., U.S. Patent No. 6,629,163 Claims Chart, Implicit Networks, Inc. v Juniper Networks, Inc., Security Flow Based Processing"	
	36D	"Implicit Networks, Inc., U.S. Patent No. 6,629,163 Claims Chart, Implicit Networks, Inc. v Juniper Networks, Inc., Application Acceleration and Optimization"	
	37A	"Plaintiff's Opening Claim Construction Brief" filed Nov. 28, 2011, in Implicit Networks, Inc. v Juniper Networks, Inc., Case No. 3:10-cv-4234 SI, in U.S. District Court	
	37B	"Defendant's Claim Construction Brief Pursuant to Patent L.R. 4-5(b), filed Dec. 12, 2011, in Implicit Networks, Inc. v Juniper Networks, Inc., Case No. 3:10-cv-4234 SI	
	37C	"Plaintiff's Reply to Defendant's Responsive Claim Construction Brief", filed Dec. 19, 2011, in Implicit Networks, Inc. v Juniper Networks, Inc., Case No. 3:10-cv-4234 SI	
	37D	Implicit Networks Technical Tutorial, Claim Construction Hearing, January 17, 2012	
	37E	Defendants' Technology Tutorial, Claim Construction Hearing, January 17, 2012	
	37F	2012-01-17 Technical Tutorial - Transcript of Proceedings, Case No. C 10-4234 SI, in U.S. District Court, Northern District of California	

Examiner Signature	/Kenneth Whittington/	Date Considered	04/28/2012

*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.

Implicit Exhibit 2006
Juniper v. Implicit
JNPR-IMPL_30024_02292922

PTO/SB/08b (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
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Substitute for form 1449/PTO	Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT *(Use as many sheets as necessary)*	Application Number	New
	Filing Date	March 2, 2012
	First Named Inventor	7,711,857
	Art Unit	3992
	Examiner Name	Unknown

Sheet	6	of	6	Attorney Docket Number	159291-0025(857)

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]
/KJW/	37I	Transcript of Proceedings, Claim Construction Hearing - Jan. 18, 2012 Case No. C 10-4234 SI, in U.S. District Court, Northern District of California	
	37J	Transcript of Proceedings, Claim Construction Hearing - Jan. 19, 2012 Case No. C 10-4234 SI, in U.S. District Court, Northern District of California	
	37G	Implicit Networks, Inc., Claim Construction Hearing Slides - Jan. 18-19, 2012	
	37H	(Juniper Networks, Inc.) Claim Construction Presentation - Jan. 18-19, 2012	
	36E	"Implicit Networks, Inc., U.S. Patent No. 7,711,857 Claims Chart, Implicit Networks, Inc. v Juniper Networks, Inc., Security Flow Based Processing"	
	36F	"Implicit Networks, Inc., U.S. Patent No. 7,711,857 Claims Chart, Implicit Networks, Inc. v Juniper Networks, Inc., Application Acceleration and Optimization"	
	39	Claim Construction Order, Case No. C 10-4234 SI, in U.S. District Court, Northern District of California	
	50	Transcript of David Mosberger, Ph.D., Sept. 16, 2011	

Examiner Signature	/Kenneth Whittington/	Date Considered	04/28/2012

*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.
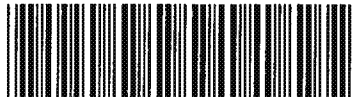
Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	95000660	7711857
	Examiner	**Art Unit**
	KENNETH J WHITTINGTON	3992

SEARCHED

Class	Subclass	Date	Examiner
none			

SEARCH NOTES

Search Notes	Date	Examiner
File history of 95/000659 reviewed.	4/27/2012	KJW
File history of 90/010356 reviewed.	4/27/2012	KJW
History of 90/000660 reviewed.	4/27/2012	KJW
Filed histories of 11/933022, 10/636314 and 09/474664 reviewed.	4/27/2012	KJW
Documents cited in IDS reviewed.	4/27/2012	KJW

INTERFERENCE SEARCH

Class	Subclass	Date	Examiner
none			

	/KENNETH J WHITTINGTON/ Primary Examiner.Art Unit 3992

U.S. Patent and Trademark Office
Page 110 of 145

Part of Paper No. : 20120418
Implicit Exhibit 2006
Juniper v. Implicit
JNPR-IMPL_30024_02292924

Reexamination	Application/Control No.	Applicant(s)/Patent Under Reexamination
‖‖‖‖‖‖‖‖‖	95000660	7711857
	Certificate Date	Certificate Number

Requester Correspondence Address:	☐ Patent Owner	☒ Third Party

IRELL & MANELLA, LLP
ATTN: David McPhie
840 Newport Center Drive, STE 400
Newport Beach, CA 92660

LITIGATION REVIEW ☒	KJW (examiner initials)	(date)
Case Name		**Director Initials**
Implicit Networks, Inc. v. Juniper Networks, Inc. 3:10cv4234		CoJ for I.Y.
Implicit Networks, Inc. v. Hewlett-Packard Co., 3:10cv3746		CoJ for I.Y.
Implicit Networks, Inc. v. Cisco Systems, Inc. 5:10cv3606		CoJ for I.Y.
Implicit Networks, Inc. v. F5 Networks, inc. 3:10cv3365		CoJ for I.Y.

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	**NUMBER**
1. none	

	/KENNETH J WHITTINGTON/
	Primary Examiner.Art Unit 3992

DOC CODE RXFIL JKT

Implicit Exhibit 2006
Juniper v. Implicit
JNPR-IMPL_30024_02292925

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/000,660	03/02/2012	7711857	159291-0025(857)	3313

55959 7590 05/10/2012			EXAMINER	
Newman Du Wors LLP			WHITTINGTON, KENNETH	
1201 Third Avenue, Suite 1600				
SEATTLE, WA 98101		ART UNIT	PAPER NUMBER	
		3992		

MAIL DATE	DELIVERY MODE
05/10/2012	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.

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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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ATTN: David McPhie
840 Newport Center Dr., Ste. 400
Newport Beach, CA 92660

Transmittal of Communication to Third Party Requester
Inter Partes Reexamination

REEXAMINATION CONTROL NUMBER *95/000,660*.

PATENT NUMBER *7711857*.

TECHNOLOGY CENTER *3999*.

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 <u>cannot</u> 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.

PTOL-2070 (Rev.07-04)

OFFICE ACTION IN INTER PARTES REEXAMINATION	Control No. 95/000,660	Patent Under Reexamination 7711857
	Examiner KENNETH J. WHITTINGTON	Art Unit 3992

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

Responsive to the communication(s) filed by:
Patent Owner on _____
Third Party(ies) on <u>02 March, 2012</u>

RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:

For Patent Owner's Response:
 <u>2</u> MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.
For Third Party Requester's Comments on the Patent Owner Response:
 30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

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 this Office action.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892
2. ☐ Information Disclosure Citation, PTO/SB/08
3. ☐ _____

PART II. SUMMARY OF ACTION:

1a. ☒ Claims <u>1,4 and 10</u> are subject to reexamination.
1b. ☒ Claims <u>2,3 and 5-9</u> are not subject to reexamination.
2. ☐ Claims _____ have been canceled.
3. ☐ Claims _____ are confirmed. [Unamended patent claims]
4. ☐ Claims _____ are patentable. [Amended or new claims]
5. ☒ Claims <u>1,4 and 10</u> are rejected.
6. ☐ Claims _____ are objected to.
7. ☐ The drawings filed on _____ ☐ are acceptable ☐ are not acceptable.
8. ☐ The drawing correction request filed on _____ is: ☐ approved. ☐ disapproved.
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:
 ☐ been received. ☐ not been received. ☐ been filed in Application/Control No <u>95000660</u>.
10. ☐ Other _____

DETAILED ACTION

This Office Action addresses claims 1, 4 and 10 of U.S. Patent No. 7,771,857 (hereinafter the "'857 Patent"), entitled METHOD AND SYSTEM FOR DATA MULTIPLEXING, for which it has been determined in the Decision Granting inter partes Reexamination (hereinafter the "Order") that there is a reasonable likelihood that the Requester will prevail for at least one claim based on the references and combinations thereof outlined in the Request for Reexamination filed on March 2, 2012 (hereinafter the "Request"). Claims 1, 4 and 10 are rejected herein.

I.   The References Cited Herein

(1)   DECASPER et al., Router Plugins A Software Architecture of Next Generation Routers, Proceedings of ACM SIGCOMM '98, Sept. 10, 1998, Vancouver B.C., Exhibit 25 to the Request (referred to as "**Decasper98**").

(2)   IBM Raleigh Center, Local Area Network Concepts and Products: Routers and Gateways, 1st Ed., May 1996, Research Triangle Park, NC, Exhibit 19 to the Request (hereinafter referred to as "**IBM96**").

(3)   NELSON et al., The Data Compression Book, 2nd Edition, Nov. 6, 1995, M&T Books, New York, NY, Exhibit 5 to the Request (hereinafter referred to as "**Nelson**").

(4)   KERR et al., U.S. Patent No. 6,243,667 (2001), Exhibit 15 to the Request (hereinafter referred to as "**Kerr**").

(5)   PFEIFER et al., Generic Conversion of Communication Media for Supporting

Personal Mobility, Multimedia Telecommunication and Applications, COST 237

Workshop, Nov. 25-27, 1996, Exhibit 3 to the Request (hereinafter referred to as

"**Pfeifer96**").

II.   Rejections Proposed in the Request Raising Reasonable Likelihoods

The references above have been asserted in the Request and confirmed in the

Order as providing disclosures and/or teachings relevant to the claims of the '857

Patent. These references were applied alone or combined in the Request and Order to

outline several rejections of the claims. A summary of the proposed rejections for which

this reexamination is granted is provided below. These the rejections will be treated

herein as either adopted, adopted as modified or not adopted. The section headings

below in Part IV (Issue 1, Issue 7, etc.) refer to corresponding section numbers/letters in

Part IV of the Order.

Issue 1   Proposed Rejections of Claims 1, 4 and 10 as Being Anticipated by
               Decasper98

Issue 2   Proposed Rejections of Claims 1, 4 and 10 as Being Obvious Over
               Decasper98

Issue 7   Proposed Rejections of Claims 1, 4 and 10 as Being Obvious Over
               Decasper98 in view of IBM96

Issue 8   Proposed Rejections of Claims 1, 4 and 10 as Being Obvious Over
               Decasper98 in view of IBM96 and Nelson

Issue 60   Proposed Rejections of Claims 1, 4 and 10 as Being Obvious Over Kerr in
               view of Pfeifer96

III.   Statutory Basis for the Rejections

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

IV.   Rejections

Issue 1

Proposed Rejections of Claims 1, 4 and 10 as Being Anticipated by Decasper98

The rejections of claims 1, 4 and 10 as being anticipated by Decasper98 are

adopted as outlined in the Request (See pages 33-48) and summarized below.

Claims 1, 4 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Decasper98.

Regarding claim 1, Decasper98 discloses **a method in a computer system for processing packets of a message** (See Decasper at page 1, Abstract, note system is software based and thus would be useable in a computer system, embodied in a router. Note also Part 3 that the flows processed in the router correspond to the message and thus the packets thereof correspond to such packets of a message), **the method comprising:**

receiving a packet of the message and a data type of the message (See part 5.1 thereof, note packet has data and a six-tuple for filter matching to create a flow path);

analyzing the data type of a first packet of the message to dynamically identify a sequence of components for processing a plurality of packets of the message such that the output format of the components of the sequence match the input format of the next component in the sequence (See Parts 3.2 and 5.1. and FIG. 3 reprinted below for reference. Note packet six-tuples are analyzed to provide the data type of the packet that is used to identify the proper instance for each of the components/plug-ins using filter tables. Once the plug-ins are identified, the particular flow through the components/plug-ins is stored in a flow table. This process is done dynamically, because either the flow path is already provided in the flow table or a new flow path is created based on the data type of the incoming packet. Thus, a new path is creatable during run time on the fly. Finally, the output format of the components/plug-

ins of the sequence would necessarily or inherently match the input format of the next

component/plugin--otherwise the later plug-ins would not be able to perform its
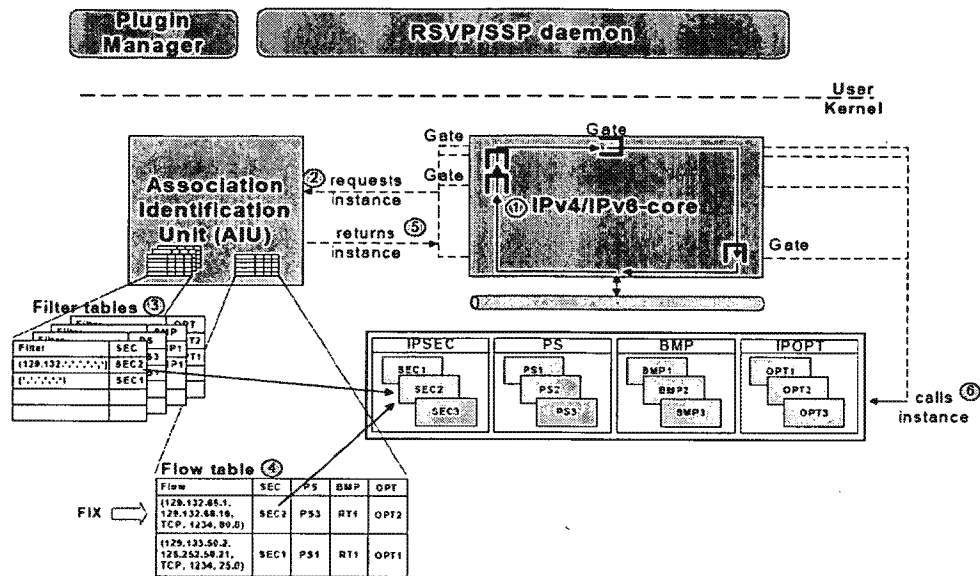
processing),

Figure 3. : System Architecture and Data Path

<u>Decasper FIG. 3</u>

wherein analyzing the data type of the first packet of the message to

dynamically identify the sequence of components includes selecting individual

components to form the sequence of components after the first packet of the

message is received (See above discussion. Note particularly first sentence of page 6

in Part 3.2 which states the process of creating a flow path "is executed only for the first

packet arriving on the uncached flow. Subsequent packages follow a faster path

because of the cached entry in the flow table");

storing an indication of each of the identified components so that the

sequence does not need to be re-identified for subsequent packets of the

message (See pages 5-6, Part 3.2, note that once the entry in the flow table for the new

flow is created for the first packet, all subsequent packets from that flow uses the same

flow entry which contains the pointers to the appropriate plug-ins for all the gates, the

pointers are not re-identified);

for each of a plurality of components in the identified sequence:

performing the processing of each packet by the identified component (See

Part 3.2, first paragraph, note each plug-in implements processing of the packet); **and**

storing state information relating to the processing of the component with

the packet for use when processing the next packet of the message (See Part 5.2,

note flow record 1, which states in each flow record recorded in the hash table has

space for a plug-in instance bound to the flow and "private data for that plug-in instance

... used by the plugins to store per-flow soft state." Thus, there is data, i.e., state

information, used by the plug-ins generated from the data of the first packet that is

stored in the hash table used to store a pointer to a queue of packets for each flow).

Regarding claim 4, Decasper98 discloses **a method in a computer system for**

processing a message, the message having a plurality of headers (See Decasper

at page 1, Abstract, note system is software based and thus would be useable in a

computer system, embodied in a router. Note also Part 3 that the flows processed in

the router correspond to a message and thus the packets thereof correspond to such

packets of the message. Note also the packets for the flow have a plurality of headers or six-tuples for processing thereof), **the method comprising:**

analyzing the plurality of headers of a first packet of the message to dynamically identify a sequence of components for processing a plurality of packets of the message such that the output format of the components of the sequence match the input format of the next component in the sequence (See Parts 3.2 and 5.1 and see FIG. 3 reprinted above for reference. Note packet six-tuples are analyzed to provide the data type of the packet that is used to identify the proper instance for each of the components/plug-ins using filter tables. Once the plug-ins are identified, the particular flow through the components/plug-ins is stored in a flow table. This process is done dynamically, because either the flow path is already provided in the flow table or a new flow path is created based on the data type of the incoming packet. Thus, a new path is creatable during run time on the fly. Finally, the output format of the components/plug-ins of the sequence would necessarily or inherently match the input format of the next component/plugin--otherwise the later plug-ins would not be able to perform its processing),

wherein analyzing the plurality of headers of the first packet of the message to dynamically identify the sequence of components includes selecting individual components to form the sequence of components after the first packet of the message is received (See above discussion. Note particularly first sentence of page 6 in Part 3.2 which states the process of creating a flow path "is executed only for

the first packet arriving on the uncached flow. Subsequent packages follow a faster

path because of the cached entry in the flow table");

storing an indication of each of the identified components so that the

sequence does not need to be re-identified for subsequent packets of the

message (See pages 5-6, Part 3.2, note that once the entry in the flow table for the new

flow is created for the first packet, all subsequent packets from that flow uses the same

flow entry which contains the pointers to the appropriate plug-ins for all the gates, the

pointers are not re-identified);

for each of a plurality of components in the identified sequence:

performing the processing of each packet by the identified component (See Part

3.2, first paragraph, note each plug-in implements processing of the packet); **and**

storing state information relating to the processing of the component with

the packet for use when processing the next packet of the message (See Part 5.2,

note flow record 1, which states in each flow record recorded in the hash table has

space for a plug-in instance bound to the flow and "private data for that plug-in instance

... used by the plugins to store per-flow soft state." Thus, there is data, i.e., state

information, used by the plug-ins generated from the data of the first packet that is

stored in the hash table used to store a pointer to a queue of packets for each flow).

Regarding claim 10, Decasper discloses **a computer readable storage**

medium, other than a data transmission medium, containing instructions for

processing packets of a message (See Decasper at page 1, Abstract, note system is

software based and thus would be useable in a computer system, embodied in a router.

Since it is software based, it would be located on a storage medium for use thereof.

Note also Part 3 that the flows processed in the router correspond to the message and

thus the packets thereof correspond to such packets of a message), **the instructions**

comprising at least one computer-executable module configured to perform the

steps of the method as recited in claim 1 (See discussion above with respect to claim

1 since the remaining recitations of claim 10 match those of claim 1).

Issue 2

Proposed Rejections of Claims 1, 4 and 10 as Being Obvious Over Decasper98

The rejections of claims 1, 4 and 10 as being obvious over Decasper98 are

adopted as modified as outlined in the Request (See pages 48-58) and clarified below.

Claims 1, 4 and 10, as understood by the Examiner are alternatively rejected

under 35 U.S.C. 103(a) as being unpatentable over Decasper98 (See MPEP §2112 (III)

expressly authorizing alternative §102/§103 rejections when the question of inherency is

present in the anticipation rejection).

As noted above, it is the principle position that each of claims 1, 4 and 10 are

anticipated because Decasper98 discloses each and every feature of these claims.

This position includes a determination that the sequence is determined such that "the

output format of the components/plug-ins of the sequence match the input format of the

next component in the sequence" would be necessary or inherent to the operation of the

router of Decasper98.

However, if this feature is not inherent, it would have nonetheless been obvious

to a person having ordinary skill in the art at the time the invention was made to modify

the router components/plug-ins of Decasper98 such that for each sequence of

components/plug-ins, the output format of each component/plug-in would match the

input format of the next component/plug-in in the sequence. One having ordinary skill in

the art would do so to allow each component/plug-in in a sequence to be able to accept

the data packet in a format that it can process, i.e., compatible formats between

components/plug-ins. Particularly, such compatibility among components would allow

for the packets to move along the flow paths in the router of Decasper98 for processing

at each component/plug-in stage therein. Otherwise, the components/plug-ins may not

be able to perform their processing as desired.

Issue 7

Proposed Rejections of Claims 1, 4 and 10 as Being Obvious Over Decasper98
in view of IBM96

The rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of

IBM96 are **adopted** as outlined in the Request (See pages 71-74) and summarized

below.

Claims 1, 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Deccasper98 in view of IBM96.

Regarding each of these claims, Decaspser98 discloses or teaches the features

of each of these claims as noted above in Issue 1. Decasper98 further teaches that its

router plug-ins can comprises plug-ins implementing various algorithms, but does

not provide the particular details of each possible algorithm thereof. IBM96 teaches **a**

router platform having an algorithm therein for compression or decompression of

data passing through the router, the compression algorithm being an LZ based

compression algorithm, particularly LZ77 (See IBM96 pages 84 and 95-96). It would

have been obvious to provide the compression algorithm taught by IBM96 as one of the

plug-ins in the router of Decasper98. One having ordinary skill in the art would do so

because as noted in Decasper98, it contemplates that additional plug-ins (router

algorithms) can be added as its router plug-ins in its router architecture (See

Decasper98 at pages 2, 3, 6 and 11) and furthermore, the compression algorithms

allows for decompression and/or compression of data to and from the router. It being

well known in the art to compress data for faster data transmission and processing. As

a result of this combination, the particular router plug-in for compression as taught in the

combination would store additional state information comprising a dictionary or table for

compressing or decompressing the data (See Request at page 73 citing Nelson for

details of this compression algorithm).

Issue 8

<u>Proposed Rejections of Claims 1, 4 and 10 as Being Obvious Over Decasper98</u>

<u>in view of IBM96 and Nelson</u>

The rejections of claims 1, 4 and 10 as being obvious over Decasper98 in view of IBM96 and Nelson are **adopted** as outlined in the Request (See pages 74-78) and summarized below.

Claims 1, 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deccasper98 in view of IBM96 and Nelson.

Regarding each of these claims, Decaspser98 discloses or teaches the features of each of these claims as noted above in Part A1. Decasper98 further teaches that its **router plug-ins can comprises plug-ins implementing various algorithms**, but does not provide the particular details of each possible algorithm thereof. IBM96 teaches **a router platform having an algorithm therein for compression or decompression of data passing through the router, the compression algorithm being an LZ based compression algorithm, particularly LZ77** (See IBM96 pages 84 and 95-96). Nelson outlines **the detail of these LZ compression algorithms and also teaches or suggests the use of other compression algorithms** (See Request at pages 75-76 citing Nelson for compression algorithms in each of chapters 2-9). It would have been obvious to provide the compression algorithm taught by IBM96 or one of the compression algorithms of Nelson as one of the plug-ins in the router of Decasper98. One having ordinary skill in the art would do so because as noted in Decasper98, it contemplates that additional plug-ins (router algorithms) can be added as its router plug-ins in its router architecture (See Decasper98 at pages 2, 3, 6 and 11) and furthermore, the compression algorithms allows for decompression and/or compression of data to and from the router. It being well known in the art to compress data for faster

data transmission and processing.   As a result of this combination, the particular router

plug-in for compression as taught in the combination would store additional state

information comprising a dictionary or table for compressing or decompressing the data

as needed passing through the router (See Nelson pages 18-22 for details of these

compression/decompression algorithms using adaptive algorithms which store data in

table/dictionary form that is updated after each data packet is received for use in later

processing of data packets).

Issue 60

Proposed Rejections of Claims 1, 4 and 10 as Being Obvious Over Kerr in view

of Pfeifer96

The rejections of claims 1, 4 and 10 as being obvious over Kerr in view of

Pfeifer96 are **adopted as modified** below as outlined in the Request (See pages 278-

284) and further clarified below.

Claims 1, 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kerr in view of Pfiefer96.

Regarding claim 1, Kerr teaches **a method in a computer system for**

processing packets of a message (See Kerr FIG. 1, note router 140 in computer

network would be the computer system as recited since it processes packets of

message as noted at least col. 3, line 36 to col. 6, line 27), **the method comprising:**

receiving a packet of the message and a data type of the message (See FIG.
2A reprinted below for reference. Note step 222 and col. 3, lines 57-57, note the router
40 receives a first packet 150 of the message flow 160);

**analyzing the data type of the first packet of the message to dynamically
identify a proper treatment via various components processing a plurality of
packets of the message such that the out format of the components of the
sequence of the components match the input format of the next component in the
sequence, wherein the analyzing the data type of the first packet of the message
to dynamically identify the proper treatment occurs after the first packet is
received** (See FIG. 2A and disclosure related thereto and col. 3, line 57 to col. 5, line 4,
note that the router develops an entry for the first packet 150 of the message flow which
identifies the proper treatment for the message flow after the first packet is received.
This entry is stored so that the proper treatment does not need to be re-identified for
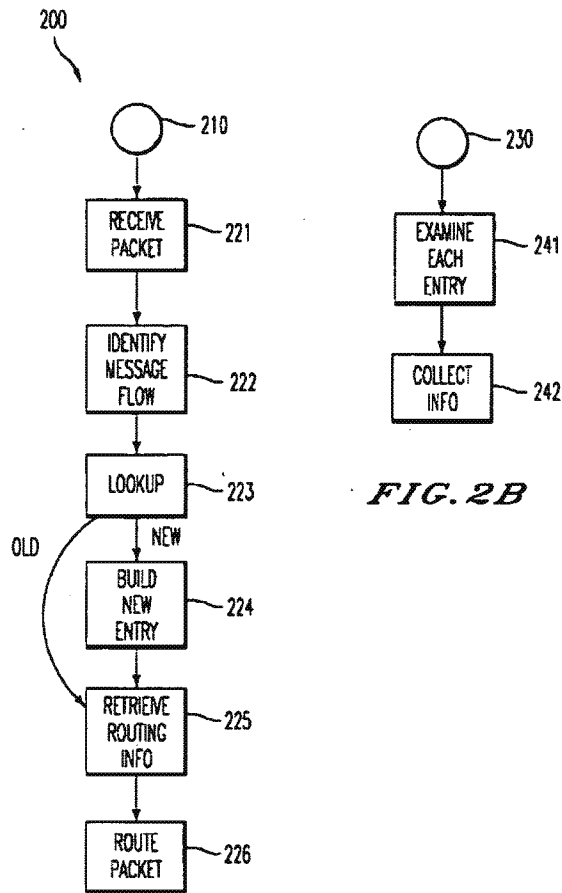subsequent packets of the message flow);

FIG. 2A

FIG. 2B

Kerr FIGS. 2A and 2B

storing an indication of the proper treatment so that the proper treatment does not need to be re-identified for subsequent packets of the message (See col. 3, line 57 to col. 5, line 4, note the entry for the proper treatment associated with the message flow is stored in a flow cache which avoids a re-identification of the proper treatment for later packets in the message flow);

for each of a plurality of components in the proper treatment: performing processing of each packet by the component (See col. 4, lines 20-47, note that the

router performs destination switching, access control, accounting options, encryption and other special treatments including at least an authentication, each of these being a component of the proper treatment and each performing some processing on the packets of the message flow); **and**

   storing state information relating to the processing of the component with the packet for use when processing the next packet of the message (See col. 4, line 1 to col. 5, line 4, note the entry in the flow cache provides the proper treatment of the packets of the message flow based on the first packet received. This entry would comprise state information that would be used to determine and/or control the processing among each of the components applying the proper treatment).

   However, Kerr does not explicitly teach any identification of a sequence of components as part of its proper treatment of a message flow. Pfeifer96 teaches **a method in a computer system for processing packets of a message** (See Pfeifer96, note the iPCSS architecture outlined in Parts 5 and 6 thereof would read on a computer. See also general architecture shown in FIG. 11 reprinted below), **the method comprising:**
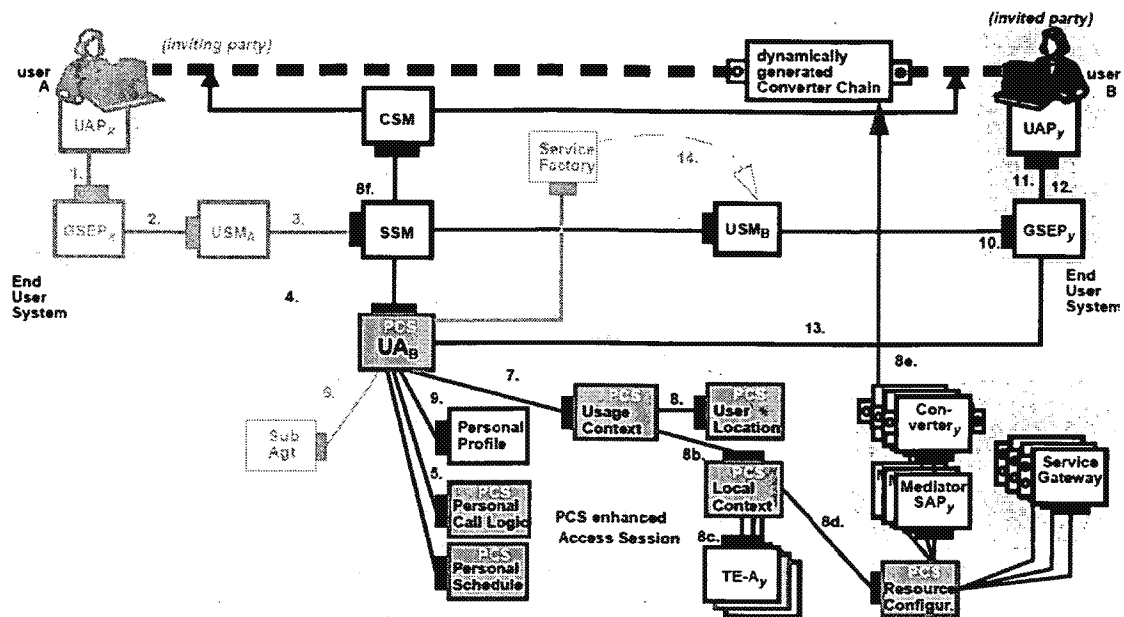
Fig. 11.   Components of the PCS-enhanced TINA Access Session

Pfeifer96 FIG. 11

receiving a packet of the message and a data type of the message (See

Pfeifer at page 127, note a request message is received by the iPCSS which includes

data type, destination and source);

analyzing the data type of the request message to dynamically identify a

sequence of components for processing a plurality of packets of the message

such that the output format of the components of the sequence match the input

format of the next component in the sequence, wherein analyzing the data type of

the message to dynamically identify the sequence of components includes

selecting individual components to form the sequence of components after the

request message is received (See pages 126-127, note after the request message is

received, the resource configurator determines a proper sequence of converters for

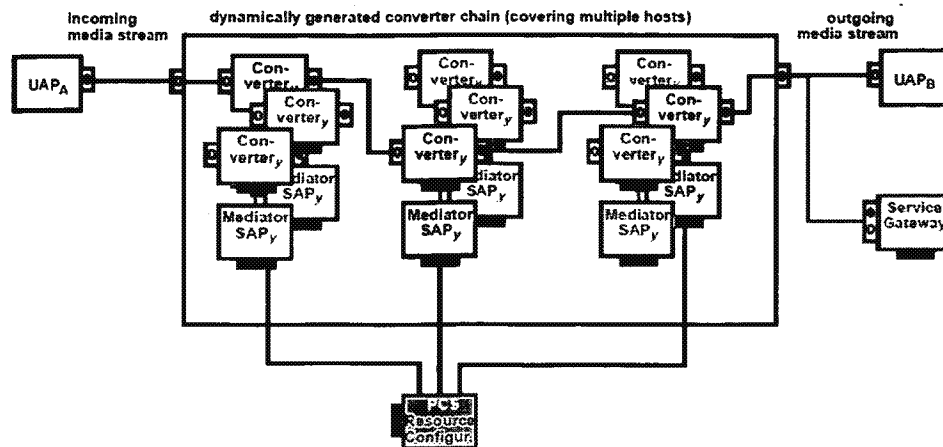providing format conversion of the message streams as illustrated below in FIG. 12);

Fig. 12.   Converter chain, configured for a specific task

Pfeifer96 FIG. 12

storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message (Note an indication of each of the identified component would be stored to maintain the sequence during at least use thereof);

for each of a plurality of components in the identified sequence:

performing the processing of the message by the identified component (See FIGS. 4 and 5, note each converter in the chain would perform processing or conversion on the message); **and**

storing state information relating to the processing of the component for the message (See FIGS. 4 and 5 and disclosure thereto, note that for the converters, there would be information stored relating to the operation of the converters based on quality of service analysis. See also the analysis provide in the Request at pages 144-147 thereof).

As noted above in Kerr, its proper treatment within its router architecture comprises multiple processing stages or components including a special treatment, but does not specifically outline the detail or structure thereof. It would thus have been obvious at the time the invention was made to apply the conversion architecture of Pfiefer96 as part of the proper treatment of messages in the router of Kerr. This would imply that the special treatment of Kerr would be a group of converters in addition to the other components of the proper treatment. Furthermore, in view of Pfeifer96, based on the source, destination and format of the message, a sequence of converters would be dynamically identified to process the message, i.e., information already analyzed within Kerr. Thus, when the first packet of a message is received in the router of Kerr and is analyzed for its data type, source and destination, it would dynamically identify the proper treatment of all the packets of the message and in view of Pfeifer, would also identify a sequence of converters within the special treatment for any necessary data conversion.

One having ordinary skill in the art would make such a combination to provide additional processing or conversion of the message to a format that can be accepted by devices connected to the router (See Pfeifer96 through pages 120-124) and further to allow the information to be delivered from the router in any form (See Pfeifer96 at Part5, page 117 and see also page 119).

Regarding claim 4, Kerr teaches **a method in a computer system for processing a message, the message comprising a plurality of headers** (See Kerr FIG. 1, note router 140 in computer network would be the computer system as recited

since is processes packets of message as noted at least col. 3, line 36 to col. 6, line

27), **the method comprising:**

analyzing the plurality of headers of the first packet of the message to

dynamically identify a proper treatment via various components processing a

plurality of packets of the message such that the out format of the components of

the sequence of the components match the input format of the next component in

the sequence, wherein the analyzing the plurality of headers of the first packet of

the message to dynamically identify the proper treatment occurs after the first

packet is received (See FIG. 2A reprinted above and disclosure related thereto and

col. 3, line 57 to col. 5, line 4, note that the router develops an entry for the first packet

150 of the message flow which identifies the proper treatment for the message flow

after the first packet is received. This entry is stored so that the proper treatment does

not need to be re-identified for subsequent packets of the message flow);

storing an indication of the proper treatment so that the proper treatment

does not need to be re-identified for subsequent packets of the message (See col.

3, line 57 to col. 5, line 4, note the entry for the proper treatment associated with the

message flow is stored in a flow cache which avoids a re-identification of the proper

treatment for later packets in the message flow);

for each of a plurality of components in the proper treatment: performing

processing of each packet by the component (See col. 4, lines 20-47, note that the

router performs destination switching, access control, accounting options, encryption

and other special treatments including at least an authentication, each of these being a

component of the proper treatment and each performing some processing on the

packets of the message flow); **and**

storing state information relating to the processing of the component with

the packet for use when processing the next packet of the message (See col. 4,

line 1 to col. 5, line 4, note the entry in the flow cache provides the proper treatment of

the packets of the message flow based on the first packet received. This entry would

comprise state information that would be used to determine and/or control the

processing among each of the components applying the proper treatment).

However, Kerr does not explicitly teach any identification of a sequence of

components as part of its proper treatment of a message flow. Pfeifer96 teaches **a**

method in a computer system for processing packets of a message (See Pfeifer96,

note the iPCSS architecture outlined in Parts 5 and 6 thereof would read on a computer.

See also general architecture shown in FIG. 11 reprinted above), **the method**

comprising:

receiving a packet of the message and a data type of the message (See

Pfeifer at page 127, note a request message is received by the iPCSS which includes

data type, destination and source);

analyzing the data type of the request message to dynamically identify a

sequence of components for processing a plurality of packets of the message

such that the output format of the components of the sequence match the input

format of the next component in the sequence, wherein analyzing the data type of

the message to dynamically identify the sequence of components includes

selecting individual components to form the sequence of components after the request message is received (See pages 126-127, note after the request message is received, the resource configurator determines a proper sequence of converters for providing format conversion of the message streams as illustrated in FIG. 12 reprinted above);

storing an indication of each of the identified components so that the sequence does not need to be re-identified for subsequent packets of the message (Note an indication of each of the identified component would be stored to maintain the sequence during at least use thereof);

for each of a plurality of components in the identified sequence:

performing the processing of the message by the identified component (See FIGS. 4 and 5, note each converter in the chain would perform processing or conversion on the message); **and**

storing state information relating to the processing of the component for the message (See FIGS. 4 and 5 and disclosure thereto, note that for the converters, there would be information stored relating to the operation of the converters based on quality of service analysis. See also the analysis provide in the Request at pages 144-147 thereof).

As noted above in Kerr, its proper treatment within its router architecture comprises multiple processing stages or components including a special treatment, but does not specifically outline the detail or structure thereof. It would thus have been obvious at the time the invention was made to apply the conversion architecture of

Pfiefer96 as part of the proper treatment of messages in the router of Kerr. This would

imply that the special treatment of Kerr would be a group of converters in addition to the

other components of the proper treatment. Furthermore, in view of Pfeifer96, based on

the source, destination and format of the message, a sequence of converters would be

dynamically identified to process the message, i.e., information already analyzed within

Kerr. Thus, when the first packet of a message is received in the router of Kerr and is

analyzed for its data type, source and destination, it would dynamically identify the

proper treatment of all the packets of the message and in view of Pfeifer, would also

identify a sequence of converters within the special treatment for any necessary data

conversion.

One having ordinary skill in the art would make such a combination to provide

additional processing or conversion of the message to a format that can be accepted by

devices connected to the router (See Pfeifer96 through pages 120-124) and further to

allow the information to be delivered from the router in any form (See Pfeifer96 at Part5,

page 117 and see also page 119).

Regarding claim 10, Kerr teaches **a computer readable storage medium, other**

than a data transmission medium, containing instructions for processing packets

of a message (See Kerr FIG. 1, note router 140 in computer network would be the

computer system as recited since is processes packets of message as noted at least

col. 3, line 36 to col. 6, line 27. Such processing would have some medium to store the

instructions thereof), **the instructions comprising at least one computer-executable**

module configured to:

receive a packet of the message and a data type of the message (See FIG. 2, step 222 and col. 3, lines 57-57, note the router 40 receives a first packet 150 of the message flow 160);

analyze the data type of the first packet of the message to dynamically identify a proper treatment via various components processing a plurality of packets of the message such that the out format of the components of the sequence of the components match the input format of the next component in the sequence, wherein the analyzing the data type of the first packet of the message to dynamically identify the proper treatment occurs after the first packet is received (See FIG. 2A reprinted above and disclosure related thereto and col. 3, line 57 to col. 5, line 4, note that the router develops an entry for the first packet 150 of the message flow which identifies the proper treatment for the message flow after the first packet is received. This entry is stored so that the proper treatment does not need to be re-identified for subsequent packets of the message flow);

store an indication of the proper treatment so that the proper treatment does not need to be re-identified for subsequent packets of the message (See col. 3, line 57 to col. 5, line 4, note the entry for the proper treatment associated with the message flow is stored in a flow cache which avoids a re-identification of the proper treatment for later packets in the message flow);

for each of a plurality of components in the proper treatment: perform processing of each packet by the component (See col. 4, lines 20-47, note that the router performs destination switching, access control, accounting options, encryption

and other special treatments including at least an authentication, each of these being a

component of the proper treatment and each performing some processing on the

packets of the message flow); **and**

store state information relating to the processing of the component with

the packet for use when processing the next packet of the message (See col. 4,

line 1 to col. 5, line 4, note the entry in the flow cache provides the proper treatment of

the packets of the message flow based on the first packet received. This entry would

comprise state information that would be used to determine and/or control the

processing among each of the components applying the proper treatment).

However, Kerr does not explicitly teach any identification of a sequence of

components as part of its proper treatment of a message flow. Pfeifer96 teaches **a**

computer system with a method therein for processing packets of a message

(See Pfeifer96, note the iPCSS architecture outlined in Parts 5 and 6 thereof would read

on a computer. See also general architecture shown in FIG. 11 reprinted above)**, the**

method comprising:

receiving a packet of the message and a data type of the message (See

Pfeifer at page 127, note a request message is received by the iPCSS which includes

data type, destination and source);

analyzing the data type of the request message to dynamically identify a

sequence of components for processing a plurality of packets of the message

such that the output format of the components of the sequence match the input

format of the next component in the sequence, wherein analyzing the data type of

the message to dynamically identify the sequence of components includes

selecting individual components to form the sequence of components after the

request message is received (See pages 126-127, note after the request message is

received, the resource configurator determines a proper sequence of converters for

providing format conversion of the message streams as illustrated in FIG. 12 reprinted

above);

storing an indication of each of the identified components so that the

sequence does not need to be re-identified for subsequent packets of the

message (Note an indication of each of the identified component would be stored to

maintain the sequence during at least use thereof);

for each of a plurality of components in the identified sequence:

performing the processing of the message by the identified component

(See FIGS. 4 and 5, note each converter in the chain would perform processing or

conversion on the message); and

storing state information relating to the processing of the component for

the message (See FIGS. 4 and 5 and disclosure thereto, note that for the converters,

there would be information stored relating to the operation of the converters based on

quality of service analysis. See also the analysis provide in the Request at pages 144-

147 thereof).

As noted above in Kerr, its proper treatment within its router architecture

comprises multiple processing stages or components including a special treatment, but

does not specifically outline the detail or structure thereof. It would thus have been

obvious at the time the invention was made to apply the conversion architecture of Pfiefer96 as part of the proper treatment of messages in the router of Kerr. This would imply that the special treatment of Kerr would be a group of converters in addition to the other components of the proper treatment. Furthermore, in view of Pfeifer96, based on the source, destination and format of the message, a sequence of converters would be dynamically identified to process the message, i.e., information already analyzed within Kerr. Thus, when the first packet of a message is received in the router of Kerr and is analyzed for its data type, source and destination, it would dynamically identify the proper treatment of all the packets of the message and in view of Pfeifer, would also identify a sequence of converters within the special treatment for any necessary data conversion.

One having ordinary skill in the art would make such a combination to provide additional processing or conversion of the message to a format that can be accepted by devices connected to the router (See Pfeifer96 through pages 120-124) and further to allow the information to be delivered from the router in any form (See Pfeifer96 at Part5, page 117 and see also page 119).

V. Litigation in Relation to U.S. Patent No. 7,711,857

It is noted that open litigation was found in relation to the '857 Patent which is subject to this re-examination proceeding. *Implicit Networks, Inc. v. Juniper Networks, Inc.*, 3:10cv4234 (U.S. Dist. California North.). A motion to stay litigation pending

reexamination of patents in suit was filed February 20, 2012 but Examiner is not aware

of any decision/order thereon.

Other open litigation includes *Implicit Networks, Inc. v. Hewlett-Packard Co.*,

3:10cv3746 (U.S. Dist. California North.); *Implicit Networks, Inc. v. Cisco Systems, Inc.*,

5:10cv3606 (U.S. Dist. California North.) and *Implicit Networks, Inc. v. F5 Networks,

Inc.*, 3:10cv3365 (U.S. Dist. California North.).

The patent owner is reminded of the continuing responsibility under 37 CFR

1.985(a), to apprise the Office of any litigation activity, or other prior or concurrent

proceeding, involving the '614 Patent 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 § 2686 and 2686.04.

VI.   Conclusion

In order to ensure full consideration of any amendments, affidavits or

declarations, or other documents as evidence of patentability, such documents must be

submitted in response to this Office action. Submissions after the next Office action,

which is intended to be an Action Closing Prosecution (ACP), will be governed by 37

CFR 1.116(b) and (d), which will be strictly enforced.

Extensions of time under 37 CFR 1.136(a) will not be permitted in inter partes

reexamination proceedings because the provisions of 37 CFR 1.136 apply only to "an

applicant" and not to the patent owner in a reexamination proceeding. Additionally, 35

U.S.C. 314(c) requires that inter partes reexamination proceedings "will be conducted

with special dispatch" (37 CFR 1.937). Patent owner extensions of time in inter partes

reexamination proceedings are provided for in 37 CFR 1.956. Extensions of time are not

available for third party requester comments, because a comment period of 30 days

from service of patent owner's response is set by statute. 35 U.S.C. 314(b)(3).

All correspondence relating to this inter partes reexamination proceeding should

be directed as follows:

By U.S. Postal Service Mail to:

> **Mail Stop Inter Partes Reexam**
> **ATTN: Central Reexamination Unit**
> **Commissioner for Patents**
> **P.O. Box 1450**
> **Alexandria, VA 22313-1450**

By FAX to:

> **(571) 273-9900**
> **Central Reexamination Unit**

By hand to:

> **Customer Service Window Randolph Building**
> **401 Dulany St.**
> **Alexandria, VA 22314**

For EFS-Web 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.
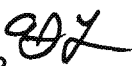
Any inquiry concerning this communication or earlier communications from the

Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should

be directed to the Central Reexamination Unit at telephone number (571) 272-7705.
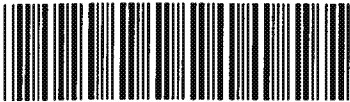
Signed:

/KENNETH J WHITTINGTON/
Primary Examiner, Art Unit 3992

Conferees:

/Salman Ahmed/

ANDREW J. FISCHER
Supervisory Patent Reexamination Specialist
CRU -- Art Unit 3992

	Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
		95000660	7711857
	‖‖‖‖‖ barcode ‖‖‖‖‖	Examiner	Art Unit
		KENNETH J WHITTINGTON	3992

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant   ☐ CPA   ☐ T.D.   ☐ R.1.47

CLAIM		DATE								
Final	Original	04/30/2012								
	1	✓								
	2									
	3									
	4	✓								
	5									
	6									
	7									
	8									
	9									
	10	✓								

U.S. Patent and Trademark Office

Implicit Exhibit 2006
Juniper v. Implicit