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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 95/000,660      | 03/02/2012  | 7711857              | 159291-0025(857)    | 3313             |

35690                      7590                      05/14/2013  
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.  
P.O. BOX 398  
AUSTIN, TX 78767-0398

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| EXAMINER |
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WHITTINGTON, KENNETH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3992

| MAIL DATE | DELIVERY MODE |
|-----------|---------------|
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05/14/2013

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.

|  |                        |                            |  |
|--|------------------------|----------------------------|--|
| <b>Transmittal of Communication to<br/>Third Party Requester<br/><i>Inter Partes</i> Reexamination</b> | Control No.            | Patent Under Reexamination |  |
|  | 95/000,660             | 7711857                    |  |
|  | Examiner               | Art Unit                   |  |
|  | KENNETH J. WHITTINGTON | 3992                       |  |

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

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

IRELL & MANELLA, LLP  
Attn: David McPhie  
840 Newport Center Dr., Ste. 400  
Newport Beach, CA 92660

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

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

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

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

**Right of Appeal Notice  
(37 CFR 1.953)**

|                        |                            |
|------------------------|----------------------------|
| Control No.            | Patent Under Reexamination |
| 95/000,660             | 7711857                    |
| Examiner               | Art Unit                   |
| KENNETH J. WHITTINGTON | 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 21 February, 2013  
Third Party(ies) on 25 March, 2013

Patent owner and/or third party requester(s) may file a notice of appeal with respect to any adverse decision with payment of the fee set forth in 37 CFR 41.20(b)(1) within **one-month or thirty-days (whichever is longer)**. See MPEP 2671. In addition, a party may file a notice of **cross** appeal and pay the 37 CFR 41.20(b)(1) fee **within fourteen days of service** of an opposing party's timely filed notice of appeal. See MPEP 2672.

**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.

If no party timely files a notice of appeal, prosecution on the merits of this reexamination proceeding will be concluded, and the Director of the USPTO will proceed to issue and publish a certificate under 37 CFR 1.997 in accordance with this Office action.

The proposed amendment filed \_\_\_\_\_  will be entered  will not be entered\*

\*Reasons for non-entry are given in the body of this notice.

- 1a.  Claims 1,4 and 10 are subject to reexamination.
- 1b.  Claims 2,3 and 5-9 are not subject to reexamination.
2.  Claims \_\_\_\_\_ have been cancelled.
3.  Claims \_\_\_\_\_ are confirmed. [Unamended patent claims].
4.  Claims \_\_\_\_\_ are patentable. [Amended or new claims].
5.  Claims 1,4 and 10 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) or (f). The certified copy has:  
 been received.  not been received.  been filed in Application/Control No. \_\_\_\_\_.
10.  Other \_\_\_\_\_

**Attachments**

1.  Notice of References Cited by Examiner, PTO-892
2.  Information Disclosure Citation, PTO/SB/08
3.  \_\_\_\_\_

## RIGHT OF APPEAL NOTICE

This is a Right of Appeal Notice ("RAN") in the reexamination of U.S. Patent No. 7,711,857, entitled METHOD AND SYSTEM FOR DATA DEMULTIPLEXING (hereinafter the "857 Patent"). Claims 1, 4 and 10 under reexamination are pending herein and the rejections thereof are maintained as outlined below. Appeal can be taken from this RAN under 37 CFR §1.953.

### I. THE REFERENCE 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**").

### II. ACKNOWLEDGEMENT OF PAPERS

Receipt is acknowledged herein of the papers filed by Patent Owner on February 21, 2013, including remarks and a Declaration by Dr. Tze Sing Eugene Ng (hereinafter the "2.21.13 Remarks" and the "2013 Ng Declaration", respectively). Receipt is also acknowledged herein of the papers filed by the third party Requester on March 25, 2013, including comments after the Patent Owner's response, a Declaration by R. Bernhard Plattner and various Appendices (hereinafter the "3.25.13 Comments", the

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"2013 Plattner Declaration" and the "Appendices", respectively). These papers are entered under 37 C.F.R. 1.951. This action is made in full consideration of all these papers.

Requester has asserted that the Remarks and the 2013 Ng Declaration should not be entered because they raise new issues not raise prior to the Action Closing Prosecution mailed December 21, 2012 (hereinafter the "12.21.12 ACP"). However, Examiners find the 2.21.13 Remarks and the 2013 Ng Declaration do not raise new issues because they are directed to the Decasper89 rejections outlined in the ACP as well as the responses to arguments provided by both the Patent Owner and the Requester (See ACP in general). Furthermore, as noted by Patent Owner in pages 30-31 in the 2.21.13 Remarks and agreed herein, the 2.21.13 Remarks and 2013 Ng Declaration are in response to issues raised by the Requester in the Declaration by R. Bernhard Plattner filed August 13, 2012. Thus, Examiners find good and sufficient reasons to enter and consider the 2.21.13 Remarks and the 2013 Ng Declaration herein.

### 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.

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