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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/014,583	09/25/2020	7594168	XPR.001US1 Re Exam	9192
167264	7590	07/14/2021	EXAMINER	
Lowenstein & Weatherwax LLP 1880 Century Park East Suite 815 Los Angeles, CA 90067			CAMPBELL, JOSHUA D	
			ART UNIT	PAPER NUMBER
			3992	
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			07/14/2021	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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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/014,583 .

PATENT UNDER REEXAMINATION 7594168 .

ART UNIT 3992 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

<b>Notice of Intent to Issue Ex Parte Reexamination Certificate</b>	<b>Control No.</b> 90/014,583	<b>Patent Under Reexamination</b> 7594168	
	<b>Examiner</b> JOSHUA D CAMPBELL	<b>Art Unit</b> 3992	<b>AIA Status</b> No

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

1.  Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. *Cf.* 37 CFR 1.313(a). A Certificate will be issued in view of
  - (a)  Patent owner's communication(s) filed: 3 June 2021.
  - (b)  Patent owner's failure to file an appropriate timely response to the Office action mailed: \_\_\_\_\_.
  - (c)  Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
  - (d)  The decision on appeal by the  Board of Patent Appeals and Interferences  Court dated \_\_\_\_\_
  - (e)  Other: \_\_\_\_\_.
2. The Reexamination Certificate will indicate the following:
  - (a) Change in the Specification:  Yes  No
  - (b) Change in the Drawing(s):  Yes  No
  - (c) Status of the Claim(s):
    - (1) Patent claim(s) confirmed: 1-6.
    - (2) Patent claim(s) amended (including dependent on amended claim(s)): \_\_\_\_\_
    - (3) Patent claim(s) canceled: \_\_\_\_\_.
    - (4) Newly presented claim(s) patentable: \_\_\_\_\_.
    - (5) Newly presented canceled claims: \_\_\_\_\_.
    - (6) Patent claim(s)  previously  currently disclaimed: \_\_\_\_\_
    - (7) Patent claim(s) not subject to reexamination: \_\_\_\_\_.
3.  A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_\_.
4.  Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
5.  Note attached NOTICE OF REFERENCES CITED (PTO-892).
6.  Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
7.  The drawing correction request filed on \_\_\_\_\_ is:  approved  disapproved.
8.  Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None of the certified copies have
    - been received.
    - not been received.
    - been filed in Application No. \_\_\_\_\_.
    - been filed in reexamination Control No. \_\_\_\_\_.
    - been received by the International Bureau in PCT Application No. \_\_\_\_\_.

\* Certified copies not received: \_\_\_\_\_.
9.  Note attached Examiner's Amendment.
10.  Note attached Interview Summary (PTO-474).
11.  Other: \_\_\_\_\_.

**All correspondence** relating to this 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.

/JOSHUA D CAMPBELL/  
Primary Examiner, Art Unit 3992

cc: Requester (if third party requester)

### DETAILED ACTION

- 1) This Office action addresses claims 1-6 of United States Patent Number 7,594,168 (hereinafter “Rempell”) for which it has been determined in the Order Granting Ex Parte Reexamination mailed October 28, 2020, regarding Reexamination Control No. 90/014,583 (hereinafter the “Order”) that a substantial new question of patentability was raised in the Request for *Ex Parte* reexamination filed on September 25, 2020 (hereinafter the “Request”).
- 2) This reexamination prosecution is now terminated, and this action is a Notice of Intent to Issue Ex Parte Reexamination Certificate (NIRC).
- 3) The rejection of claims 1-4 and 6 under pre-AIA 35 U.S.C. 103(a) as being unpatentable over VDM in view of Cook et al. has been withdrawn in view of applicant’s response.
- 4) The declarations of Glenn Weadock and Bridget Smith have been considered.

### *Priority Claim*

- 5) Based on a review of the Rempell patent, the examiner finds the Rempell patent claims the following domestic priority:

Continuation of application No. 09/454,061, filed on  
Dec. 2, 1999, now Pat. No. 6,546,397.

To the extent that the claims of the Rempell patent are supported by a parent application, the claims will have the priority date of the parent application. In the instant case claims 1-6 have been granted the priority date of December 2, 1999.

*Status of Claims*

- 6) Original Claims 1-6 are patentable.

*Information Disclosure Statement*

- 7) Where the IDS citations are submitted but not described, the examiner is only responsible for cursorily reviewing the references. The initials of the examiner on the PTO-1449 indicate only that degree of review unless the reference is either applied against the claims, or discussed by the examiner as pertinent art of interest, in a subsequent office action.

See Guidelines for Reexamination of Cases in View of *In re Portola Packaging, Inc.*, 110 F.3d 786, 42 USPQ2d 1295 (Fed. Cir. 1997), 64 FR at 15347, 1223 Off. Gaz. Pat. Office at 125 (response to comment 6).

Consideration by the examiner of the information submitted in an IDS means that the examiner will consider the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search. The initials of the examiner placed adjacent to the citations on the PTO-1449 or PTO/SB/08A and 08B or its equivalent mean that the information has been considered by the examiner to the extent noted above.

Regarding IDS submissions MPEP 2256 recites the following: "Where patents, publications, and other such items of information are submitted by a party (patent owner or requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the information."

Accordingly, the IDS submissions have been considered by the Examiner only with the scope required by MPEP 2256, unless otherwise noted. The items which have been crossed out on the information disclosure statements have not been considered.

***Statement of Reasons for Patentability***

8) Claims 1-6 are patentable over the prior art that was explained in the request and determined to raise a substantial new question of patentability in the order granting reexamination because the art of record does not teach:

*accept user input to associate a style with objects of the plurality of web pages, wherein each web page comprises at least one button object or at least one image object, and wherein the at least one button object or at least one image object is associated with a style that includes values defining transformations and time lines for the at least one button object or at least one image object; and wherein each web page is defined entirely by each of the plurality of objects comprising that web page and the style associated with the object, produce a database with a multidimensional array comprising the objects that comprise the web site including data defining, for each object, the object style, an object number, and an indication of the web page that each object is part of, and provide the database to a server accessible to web browser;*

(as found in claim 1)

9) Regarding the limitation listed above, the references do not properly disclose “*wherein each web page is defined entirely by each of the plurality of objects comprising that web page and the style associated with the object*” in conjunction with “*produce a database with a multidimensional array comprising the objects that comprise the web site including data defining, for each object, the object style, an object number, and an indication of the web page that each object is part of, and provide the database to a server accessible to web browser*” as found in claim 1. These limitations require that the web page is defined “entirely” by only the plurality of objects and the style associated with each object, which does not allow for any additional content, information, or formatting outside of the objects themselves, the object’s styles, object numbers, and an indication of the web page that the object is a part of be included in the required multidimensional array data structure or used to define said web page. Additionally, none of the references teach the “multidimensional array” structure as required in the

limitations provided above including specifically in said array “*data defining, for each object, the object style, an object number, and an indication of the web page that each object is part of*”. The limitations above also require “*wherein each web page comprises at least one button object or at least one image object, and wherein the at least one button object or at least one image object is associated with a style that includes values defining transformations and time lines for the at least one button object or at least one image object*”. The specification provides the following definition of what constitutes an image object style, button object style, and paragraph object styles:

The following settings can be initialized and changed for image object styles.

a) The following settings are initialized for all image object states (Normal, mouse Over, mouse Down) and can be changed:

- (1) resize factor.
- (2) rotation factor.
- (3) main animation type, speed, number of animation steps (resolution) and number of cycles.
- (4) image processing factors. (brightness, contrast, etc.)
- (5) 3d effects and their color values.
- (6) web page centering attribute.
- (7) web page scaling attribute.

b) The following actions are initialized and can be changed.

- (1) sound effects and audio channels.
- (2) video files and video channels
- (3) text button and image pop ups and their attributes (See 1.a above and 2.a below.)
- (4) click events.

c) The following transformation settings are initialized and can be changed.

- (1) the initial delay
- (2) up to three transformations can be defined with the following settings:
  - (a) which image states should the transformation be from and into.

- (b) the speed of the transformation.
  - (c) any delay before the next transformation.
  - (3) whether the transformation(s) should occur simultaneously with the enter and exit time line animation or after the enter and before the exit animations.
- d) The following time line settings are initialized and can be changed.
- (1) the initial delay before the image object's appearance.
  - (2) the enter animation type, speed, and animation resolution.
  - (3) the delay after the enter animation and the main animation.
  - (4) the exit animation type, speed, and animation resolution.
  - (5) the initial delay, after the entrance of the parent object, before the child text button and image object's appearance(s).
  - (6) the child object(s) enter animation type, speed, and animation resolution.
  - (7) the delay after the child object(s) enter animation.
  - (8) the child object(s) exit animation type, speed, and animation resolution.

The following settings can be initialized and changed for text button object styles.

e) The following attributes are initialized for all text button object states (normal, mouse over, mouse down) and can be changed:

- (1) all font specifications.
  - (2) vertical state.
  - (3) all color specifications.
  - (4) 3d effects and their color values.
  - (5) web page centering attribute.
  - (6) font processing attributes (available in java 2)
  - (7) scale, shear, and rotate (available in java 2)
- f) The following actions are initialized and can be changed.



- (1) sound effects and audio channels.
  - (2) video files and video channels
  - (3) text button and image pop ups
  - (4) click events.
- g) The following transformation settings are initialized and can be changed.
- (1) the initial delay
  - (2) up to three transformations can be defined with the following settings:
    - a) which image states should the transformation be from and into.
    - b) the delay before the next transformation.
  - (3) whether the transformation(s) should occur simultaneously with the enter and exit time line animation or after the enter and before the exit animations.
- h) The time line settings are the same as those defined for image objects. They also are initialized and can be changed.

The following settings can be initialized and changed for paragraph styles. The following attributes are and can be changed:

- i) all font specifications.
- j) all color specifications.
- k) 3d effects and their color values.
- l) web page centering attribute.
- m) the look of hot links, including the text and background colors when the link is active and when the mouse is over the link.

The applicant's most recent response appears to imply that these citations are merely examples, however based on the actual language of the specification regarding these citations it is abundantly clear that these citations are actually definitions for what "can be initialized or changed" or in other words, what

constitutes image object styles, button object styles, and paragraph object styles. Any broader version of these terms would not fall in line with the clear intention of the specification as it was filed. The claims specifically require at least one button or image object that is associated with an object style that includes values defining transformations and time lines for said at least one object. Thus, if the at least one object is an image object the claims must include values for the elements found in items “c)” and “d)” above and if the at least one object is a button object the claims must include values for the elements found in items “g)” and “h)” above. These styles would once again need to be then provided in the claimed multidimensional array data structure as discussed above. None of the references considered in this reexamination proceeding properly disclose at least the discussed limitations of claimed invention, either alone or in combination.

10) Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

### *Conclusion*

All correspondence relating to this ex parte reexamination proceeding should be directed as follows:

By U.S. Postal Service Mail to:

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

By FAX to:

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Central Reexamination Unit

By hand to:

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By EFS-Web:

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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.

/JOSHUA D CAMPBELL/  
Primary Examiner, Art Unit 3992

Conferees:

/RSD/

/ALEXANDER J KOSOWSKI/  
Supervisory Patent Examiner, Art Unit 3992