



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
90/007007	04/19/04	5,579,517	

PUBLIC PATENT FOUNDATION

1375 BROADWAY, SUITE 600

NEW YORK, NY 10018

EXAMINER

CHARLES L. RONES

ART UNIT	PAPER
2175	6

DATE MAILED: 04 JUNE 2004

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

Commissioner of Patents and Trademarks



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

JUN - 4 2004

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,007.

PATENT NO. 5579517.

ART UNIT 2175.

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(e)).

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(e)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No.	Patent Under Reexamination	
	90/007,007	5579517	
	Examiner	Art Unit	
	Charles L. Rones	2175	

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

The request for *ex parte* reexamination filed 19 April 2004 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) PTO-892, b) PTO-1449, c) Other: _____

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

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

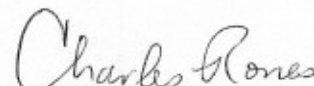
For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

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

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

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

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


Charles L. Rones
Primary Examiner
Art Unit: 2175

cc:Requester (if third party requester)

Notice of References Cited	Application/Control No. 90/007,007	Applicant(s)/Patent Under Reexamination 5579517	
	Examiner Charles L. Rones	Art Unit 2175	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-5,579,517	11-1996	Reynolds et al.	707/200
B	US-5,083,264	01-1992	Platteter et al.	714/5
C	US-5,307,494	04-1994	Yasumatsu et al.	707/200
D	US-5,367,671	11-1994	Feigenbaum et al.	707/1
E	US-			
F	US-			
G	US-			
H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
M	US-			

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
O					
P					
Q					
R					
S					
T					

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
U	
V	
W	
X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Reexamination

1. A substantial new question of patentability affecting claims 1-4 of United States Patent Number 5,579,517 ('517) is raised by the request for reexamination.
2. Reexamination is requested for claims 1 and 4 of Patent Number 5,579,517 as obvious over Yasumatsu et. al., United States Patent Number 5,307,494 ("Yasumatsu") in view of Feigenbaum et. al. United States Patent Number 5,367,671 ('Feigenbaum').
3. Reexamination is requested for claims 2 and 3 of Patent Number 5,579,517 as obvious over Yasumatsu et. al., United States Patent Number 5,307,494 ("Yasumatsu") in view of Platteter et. al. United States Patent Number 5,083,264 ('Platteter').
4. The prior art references Yasumatsu, Feigenbaum and Platteter qualify as prior art under 35 U.S.C § 102(e) or 102(b).
5. Although Yasumatsu was cited prior art whose relevancy to the patentability of the claims was discussed in prior USPTO proceedings, the Platteter reference was not cited and is not cumulative of the art of record in the original file.

Art Unit: 2175

Claim 2. Platteter: col. 4, lines 3-18 ("On machine power up, the Operating System is loaded from disk to memory of controller");

Platteter taught storing a checksum of an object ("file") in a directory entry ("header sector") associated with that object. Platteter: Fig. 5, element 252; col. 4, lines 48-49; col. 5, lines 1620; Thus, it would have been obvious to one of ordinary skill in the art that, in order to associate one object to another, such as a first directory entry to a second directory entry, one could store a checksum of the first object, the first directory entry, in the second object, the second directory entry.

6. A reasonable examiner would have found this issue material to the patentability of the claimed invention.

7. Accordingly, a substantial new issue of patentability, which has not been previously addressed, has been raised by the submission of the Platteter ('264) reference. In particular, storing a checksum of the short filename in the directory entry.

8. All claims are subject to reexamination.

9. It is noted that issues not within the scope of reexamination proceedings have been raised. On pages 1-2 the requester raises issues of "significant public harm" and "the '517 patent stands as a potential impediment to the development and use of Free Software because Free Software users are denied the ability to interchange media with machines or devices running Microsoft owned or licensed software."

10. These issues will not be considered in a reexamination proceeding since they are not grounds on which to grant a reexamination. 37 CFR 1.552 (c).

Art Unit: 2175

11. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 5,579,517 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 §§ 2207, 2282 and 2286.

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

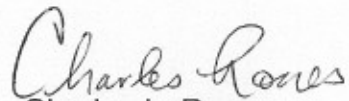
Information Regarding Communication with the USPTO

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2175

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles L. Roncs
Primary Examiner
Art Unit 2175

June 3, 2004