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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/008,343	11/27/2006	6415335		3417

7590 01/25/2007

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/25/2007

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



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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

Public Patent Foundation  
1375 Broadway, Suite 600  
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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO 90/008343

PATENT NO. 6,415,335

ART UNI 3993

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)).

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<b>Order Granting / Denying Request For Ex Parte Reexamination</b>	<b>Control No.</b> 90/008,343	<b>Patent Under Reexamination</b> 6415335	
	<b>Examiner</b> Scott L. Weaver	<b>Art Unit</b> 3992	

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

The request for *ex parte* reexamination filed 27 November 2006 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/SB/08,      c)  Other: Decision on Request

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)).

cc:Requester ( if third party requester )

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***Decision on Request for Ex Parte Reexamination***

Reexamination has been requested for claims 1-29 of United States Patent Number 6,415,335 to Lowery et al. issued on July 2, 2002 from divisional application No. 09/234,048 claiming priority to the 5,894,554 patent to Lowery filed on April 23, 1996 and subject of reexamination control number 90/008,342.

A substantial new question of patentability affecting claims 1-29 of United States Patent Number 6,415,335 to Lowery is raised by the request for reexamination filed on November 27, 2006 for the reasons set forth below.

***The References Cited in The Request***

The Request identifies the following documents as providing teachings relevant to claims 1-29 of United States Patent Number 6,415,335 to Lowery.

Exhibit A: U.S. Patent 5,701,451 to Rogers et al. which issued on December 23, 1997 from application filed on date of June 7, 1995.

The 5,701,451 patent to Rogers has not previously been made of record during prosecution of the application which became the 6,415,335 patent to Lowery and as such has not been previously considered nor addressed during an 'examination' of the application which became the 6,415,335 patent to Lowery, nor in a final holding of invalidity by the Federal Courts.

***Issues Raised in the Request***

The request indicates that the requestor considers:

-Claims 1-29 of the 6,415,335 patent to Lowery may be unpatentable over Rogers alone with details provided on pages 3-10 of the request.

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The 6,415,335 patent to Lowery discloses management of dynamic web page generation requests to a web server with the request intercepted and routed from web server to a page server such as to release the web server from processing the request and so that the web server may process other requests concurrently. A dynamically generated web page with data dynamically retrieved from one or more data sources is generated from the intercepted request and sent back to the requesting client or stored on machine accessible to web server for later retrieval (col. 2, ln. 21-32; col. 4, ln. 54-62; col. 5, ln. 38-48; col. 6, ln. 19-31).

Claim 1 is representative:

1. A computer-implemented method for managing a dynamic Web page generation request to a Web server, said computer-implemented method comprising the steps of:  
routing a request from a Web server to a page server, said page server receiving said request and releasing said Web server to process other requests wherein said routing step further includes the steps of:  
intercepting said request at said Web server and routing said request to said page server;  
processing said request, said processing being performed by said page server while said Web server concurrently processes said other requests;  
and  
dynamically generating a Web page in response to said request, said Web page including data dynamically retrieved from one or more data sources.
2. The computer-implemented method in claim 1 wherein said step of routing said request includes the steps of:  
routing said request from said Web server to a dispatcher; and  
dispatching said request to said page server.

The examiner did not indicate a reasons for allowance during prosecution of the application which became the 6,415,335 patent to Lowery.

Requester takes the position that Rogers describes web server receiving request for web page from client (col.4,ln.52-60; col.5,ln.28-35), a control program agent acting to intercept the request (col.4,ln.44-51; col.12,ln.49-53) and route the intercepted request to an open data interpretation system server (ODAS) (page server) (Figure 7, col.5,ln.10-22). The processing of the request by the ODAS server enabled the web server to process other requests concurrently (figure 11; col.5,ln.10-16; col.14,ln.33-43) . And data from various data sources was used to generate the dynamic web page of the intercepted request (col.5,ln.28-39; col.5,ln.45-53; col.7,ln.42-29).

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It is agreed that the description of the system in the Rogers 5,701,451 patent as presented in the request raise a substantial new question of patentability with respect to at least claim 1 of the 6,415,335 patent to Lowery . The Rogers 5,701,451 patent describing the dynamic generation of a web page from various data sources responsive to a request received at a web page server was not before the office during any previous examination of the application which became the 6,415,335 patent to Lowery. There is a substantial likelihood that a reasonable examiner would have considered the Rogers 5,701,451 patent describing these features important in making a decision as to the patentability of claims 1-29 during the examination of the application which became the 6,415,335 patent to Lowery.

All claims 1-29 of the 6,415,335 patent to Lowery will be reexamined as requested in the request filed on 11/27/2006.

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 *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

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 U.S. Patent Number 6,151,606 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.

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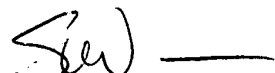
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Randolph Building, Lobby Level

401 Dulany Street

Alexandria, VA 22314

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.



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