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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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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.



1/25/07

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO 90/008342

PATENT NO. 5,894,554

ART UNI 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)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/008,342	Patent Under Reexamination 5894554	
	Examiner Scott L. Weaver	Art Unit 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)

Art Unit: 3992

Decision on Request for Ex Parte Reexamination

Reexamination has been requested for claims 1-11 of United States Patent Number 5,894,554 to Lowery et al. issued on April 13, 1999 from application No. 08/636,477 filed on April 23, 1996.

A substantial new question of patentability affecting claims 1-11 of United States Patent Number 5,894,554 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 1-11 of United States Patent Number 5,894,554 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.

Rogers has not previously been made of record during prosecution of the application which became the 5,894,554 patent to Lowery and as such has not been previously considered nor addressed during an 'examination' of the application which became the 5,894,554 patent to Lowery, nor in a final holding of invalidity by the Federal Courts. The Rogers patent listed above is not cumulative to the prior art of record.

Issues Raised in the Request

The request indicates that the requestor considers:

-Claims 1-11 of the 5,894,554 patent to Lowery may be unpatentable over Rogers alone with details provided on pages 3-7 of the request.

The 5,894,554 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.21-33; col.4,ln.54-62; col.5,ln.38-48; col.6,ln.21-32).

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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 said request from said 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, routing said request from said Web server to a dispatcher, and dispatching 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.

The examiner did not indicate reasons for allowance during prosecution of the application which became the 5,894,554 patent to Lowery. The record indicates that the prior art of record did not teach or suggest 'dynamically generating a Web page in response to a request wherein the Web page includes data dynamically retrieved from one or more data sources, as claimed'.

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 routing 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).

It is agreed that the description of the system in the Rogers patent as presented in the request raise a substantial new question of patentability with respect to at least claim 1 of the 5,894,554 patent to Lowery . The Rogers reference describing the dynamic generation of a web page from various data sources responsive to an intercepted request at a web page server was not before the office during any previous examination of the application which became the 5,894,554 patent to Lowery. There is a substantial likelihood that a reasonable examiner would have considered the Rogers reference describing these features important in making a decision as to the patentability of claims 1-11 during the examination of the application which became the 5,894,554 patent to Lowery.

There is a substantial likelihood that a reasonable examiner would have considered the Rogers reference describing these features important in making a decision as to the patentability of claims 1-11 during the examination of the application which became the 5,894,554 patent to Lowery.

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All claims 1-11 of the 5,894,554 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.

Please mail any communications to:
Attn: Mail Stop "Ex Parte Reexam"
Central Reexamination Unit
Commissioner for Patents
P. O. Box 1450
Alexandria VA 22313-1450

Please FAX any communications to:
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Central Reexamination Unit


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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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