

# **EXHIBIT A**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,304	05/23/2012	7,469,381	P4304USREX2/063266-5682US	4807
61725	7590	10/15/2012	EXAMINER	
Morgan Lewis & Bockius LLP/ AI			BONSHOCK, DENNIS G	
2 Palo Alto Square			ART UNIT	PAPER NUMBER
3000 El Camino Real, Suite 700			3992	
Palo Alto, CA 94306			MAIL DATE	DELIVERY MODE
			10/15/2012	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.



**DO NOT USE IN PALM PRINTER**

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

BRYAN CAVE LLP

1290 AVENUE OF THE AMERICAS

NEW YORK, NY 10104

**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/012,304.

PATENT NO. 7,469,381.

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>Office Action in Ex Parte Reexamination</b>	Control No. 90/012,304	Patent Under Reexamination 7,469,381
	Examiner DENNIS BONSHOCK	Art Unit 3992

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

- a  Responsive to the communication(s) filed on \_\_\_\_\_.      b  This action is made FINAL.  
c  A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892.      3.  Interview Summary, PTO-474.  
2.  Information Disclosure Statement, PTO/SB/08.      4.  \_\_\_\_\_.

**Part II SUMMARY OF ACTION**

- 1a.  Claims 1-20 are subject to reexamination.  
1b.  Claims \_\_\_\_\_ are not subject to reexamination.  
2.  Claims \_\_\_\_\_ have been canceled in the present reexamination proceeding.  
3.  Claims \_\_\_\_\_ are patentable and/or confirmed.  
4.  Claims 1-20 are rejected.  
5.  Claims \_\_\_\_\_ are objected to.  
6.  The drawings, filed on \_\_\_\_\_ are acceptable.  
7.  The proposed drawing correction, filed on \_\_\_\_\_ has been (7a)  approved (7b)  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  
1  been received.  
2  not been received.  
3  been filed in Application No. \_\_\_\_\_.  
4  been filed in reexamination Control No. \_\_\_\_\_.  
5  been received by the International Bureau in PCT application No. \_\_\_\_\_.  
\* See the attached detailed Office action for a list of the certified copies not received.  
9.  Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.  
10.  Other: \_\_\_\_\_

cc: Requester (if third party requester)

**NON-FINAL OFFICE ACTION**

***ex parte* Reexamination**

This is an *ex parte* reexamination of U.S. Patent Number: 7,469,381. This action addresses patent claims 1-20 for which it has been determined in the Order Granting *ex parte* Reexamination mailed 7-25-2012 that a substantial new question of patentability was raised in the Request for *ex parte* reexamination filed 5-23-2012.

Availability of References as Prior Art:

Claims 1-20 are reexamined on the basis of the following references:

Lira – PCT Publication no. WO 03/081458 by Luigi Lira

Ording '975 - U.S. Patent No. 7,786,975 issued to Ording et al.

Van Den Hoven – PCT Publication no. WO 01/029702 by Elise A. W. H. Van Den

Hoven

Rejections:

The following rejections are utilized by the Examiner below, referencing the proposed prior art listed on pages 23-85 of the Request:

Rejection A: Claims 1-6, 8-12, 16, 19, and 20 as being anticipated by Lira

Rejection B: Claims 7 and 13-15 as being obvious over Lira

Rejection D: Claims 1-5, 7-13, and 15-20 as being anticipated by Ording

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### REJECTIONS OVER LIRA

With respect to the following rejections over Lira, the "edge of the electronic document" has been shown to be capable of being construed as an internal edge, as opposed to being limited to the outer edge of a document as a whole. The Courts agree with the Examiner's independently formulated interpretation, as can be seen in the April 4, 2012 Order Construing Disputed Claim Terms of the '381 Patent issued by the Federal District Court for the Northern District of California in *Apple Inc. v. Samsung Elecs. Co.*, 5:11-CV-01846-LHK, ECF No. 849 (Exhibit 7), where it was decided that "an electronic document can be embedded in another electronic document, and there for the "edge of an electronic document" is not limited to "external" edges." Under Lira, whole documents (webpages) further contain individual images and column based text portions (see page 11, line 27 through column 12, line 2 and in figure 8A), that are internal to the webpage as a whole, where bounce back is effected responsive to the window being misaligned with the column based sub-document content (see page 15, lines 18-31). Furthermore, under Lira, the column in which the display window is located over could be an outside column where when the window is moved away from the document and over an outside boundary, the bounce back could be responsive to the document as a whole, moving from the whitespace on the top, bottom, and sides of the webpage back over the webpage.

#### REJECTION A:

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***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 –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-12, 16, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lira.

The following claim mappings in the Request are incorporated by reference:

Claims 1-6 (Request Pages 23-38, Exhibit 6, Part A, Pages 1-18)

Claims 8-12 (Request Pages 39-41, Exhibit 6, Part A, Pages 21-24)

Claim 16 (Request Pages 42-43, Exhibit 6, Part A, Page 26)

Claims 19-20 (Request Pages 26-37, Exhibit 6, Part A, Pages 26-30)

**REJECTION B:**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 7 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lira.

The following claim mappings in the Request are incorporated by reference:

Claims 7 (Request Pages 43-44, Exhibit 6, Part B, Pages 1-6)

Claims 13-15 (Request Pages 45-47, Exhibit 6, Part B, Pages 1-2, 6-9)

## REJECTIONS OVER ORDING

### REJECTION D:

#### *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 –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9-13, and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ording '975.

The following claim mappings in the Request are incorporated by reference:

Claims 1-5 (Request Pages 61-77, Exhibit 6, Part D, Pages 1-20)

Claims 9-13 (Request Pages 78-80, Exhibit 6, Part D, Pages 22-27)

Claims 15-18 (Request Pages 80-85, Exhibit 6, Part D, Pages 27-36)



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Claims 19-20 (Request Pages 61-77, Exhibit 6, Part D, Pages 33-38)

### **Summary**

Claims 1-20 are rejected.

### **Litigation Reminder**

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 Number: 7,469,381 throughout the course of this reexamination proceeding. The third part 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.

### **Response to this Action**

In order to ensure full consideration of any amendments, affidavits, or declarations, or other document as evidence of patentability, such documents must be submitted in response to this Office Action. Submissions after the next Office Action, which is intended to be a Final Action, will be governed by the requirements of 37 CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced.

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**Conclusion**

**Extensions of time under 37 CFR 1.136(a) do not apply in reexamination proceedings.** The provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Further, in 35 U.S.C. 305 and in 37 CFR 1.550(a), it is required that reexamination proceedings "will be conducted with special dispatch within the Office."

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 this patent throughout the course of this reexamination proceeding. The requester is also reminded of the ability to similarly appraise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP § § 2207, 2282, and 2286.

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

By Mail to: Mail Stop Ex Parte Reexam  
Central Reexamination Unit  
Commissioner for Patents  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Art Unit: 3992

By FAX to: (571) 273-9900

Central Reexamination Unit

By hand: Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

By EFS-Web:

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at

<https://efs.uspto.gov/efile/myportal/efs-registered>

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are “soft scanned” (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the “soft scanning” process is complete.

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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/Dennis G. Bonshock/

Primary Examiner, Art Unit 3992

/FOF/

ALEXANDER J. KOSOWSKI  
Supervisory Patent Reexamination Specialist  
CRU -- Art Unit 3992



<b>Search Notes</b>  	<b>Application/Control No.</b> 90012304	<b>Applicant(s)/Patent Under Reexamination</b> 7,469,381
	<b>Examiner</b> DENNIS BONSHOCK	<b>Art Unit</b> 3992

<b>SEARCHED</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>

<b>SEARCH NOTES</b>		
<b>Search Notes</b>	<b>Date</b>	<b>Examiner</b>
Reviewed Previous Prosecution History	7-23-12	dgb
Reviewed Previous Prosecution History	10-9-12	dgb

<b>INTERFERENCE SEARCH</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>

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