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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
95/002,310	09/14/2012	7849134	25275-21692	4645

80071 7590 11/27/2012

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EXAMINER	
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ART UNIT	PAPER NUMBER
3992	

MAIL DATE	DELIVERY MODE
11/27/2012	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.

OFFICE ACTION IN* INTER PARTES *REEXAMINATION	**Control No.**	**Patent Under Reexamination**
	95/002,310	7849134
	Examiner	**Art Unit**
	Christopher E. Lee	3992

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

Responsive to the communication(s) filed by:
Patent Owner on _____
Third Party(ies) on _____

RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:

For Patent Owner's Response:
2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.
For Third Party Requester's Comments on the Patent Owner Response:
30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

All correspondence relating to this inter partes 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.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

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

1. ☐ Notice of References Cited by Examiner, PTO-892
2. ☐ Information Disclosure Citation, PTO/SB/08
3. ☐ _____

PART II. SUMMARY OF ACTION:

1a. ☒ Claims 1,11,18 and 25 are subject to reexamination.
1b. ☒ Claims 2-10,12-17,19-24 and 26-31 are not subject to reexamination.
2. ☐ Claims _____ have been canceled.
3. ☐ Claims _____ are confirmed. [Unamended patent claims]
4. ☐ Claims _____ are patentable. [Amended or new claims]
5. ☒ Claims 1,11,18 and 25 are rejected.
6. ☐ Claims _____ are objected to.
7. ☐ The drawings filed on _____ ☐ are acceptable ☐ are not acceptable.
8. ☐ The drawing correction request filed on _____ is: ☐ approved. ☐ disapproved.
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has: ☐ been received. ☐ not been received. ☐ been filed in Application/Control No _____.
10. ☐ Other _____

DETAILED ACTION

Inter Partes Reexamination

1. This first Office Action on the merits is being mailed together with the Order granting *inter partes* reexamination of United States Patent Number US 7,849,134 B2, which issued to McCanne et al. [hereinafter "the '134 Patent"]. Currently, the claims 1, 11, 18, and 25 are subject to reexamination in this *inter partes* reexamination proceedings.

Reexamination Procedures

2. In order to ensure full consideration of any amendments, affidavits or declarations, or other documents 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 an Action Closing Prosecution (ACP), will be governed by 37 CFR 1.116(b) and (d), which will be strictly enforced.

Statutory Basis for Grounds of Rejections - 35 USC § 103

3. 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 negatived by the manner in which the invention was made.

This patent under reexamination currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Patent Owner is advised of the obligation under 37 CFR § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(e), (f) or (g) prior art under 35 U.S.C. § 103(a).

References cited in the Claim Rejections

4. In the Request, the Third Party requester alleges that the following references, in certain combinations, have been asserted as providing teachings relevant to the claims 1, 11, 18, and 25 of the '134 Patent:

1) Singh [US 6,856,651 B2] "System and method for incremental and continuous data compression"
2) Border, J. et al. ["Performance Enhancing Proxies Intended to Mitigate Link-Related Degradations," Request For Comments 3135, published June 2001,41 pages; hereinafter "RFC 3135"]
3) Patentee's Admitted Prior Art [hereinafter "APA"]

Third Party requester's Ground of Rejection

Ground of Rejection

Claims 1, 11, 18, and 25 over the combination of Singh, RFC 3135, and APA

Analysis of Proposed Third Party Requester's Rejections

5. Claims 1, 11, 18, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Singh [US 6,856,651 B2] in view of RFC 3135 and APA.

Referring to claim 1, Singh discloses, in a network (i.e., Network 104 of Fig. 1) wherein nodes (i.e., a first communicating node; e.g., System 1 102A of Fig. 1; See col. 8, lines 56-58) initiate transactions (i.e., network traffic) with other nodes (i.e., a second communicating node; e.g., System 2 102B of Fig. 1) and the network carries transactions (See col. 21, lines 17-24), a method (i.e., a method for incremental and continuous data compression; See Abstract) comprising:

- receiving a message (i.e., packets or datagrams in an input data stream) from a first node (i.e., a first communication node in a network; See col. 9, lines 16-32);
- segmenting the message (i.e., identifying and replacing repeated phrases/terms in an input data stream) into one or more segments (i.e., repeated phrases/terms; See col. 8, lines 51-67; and col. 9, lines 5-8 and 16-32);
- replacing at least one segment of the one or more segments (i.e., said repeated phrases/terms) with a segment reference (i.e., a dictionary phrase number) to a matching data pattern (i.e., a dictionary entry; See col. 9, lines 17-29 and col. 10, lines 36-46) that is stored in a first-node auxiliary data store (i.e., hash table / library of said first communication node; See col. 9, lines 25-28 and 50-67), to form a modified message (i.e., compressed input stream; See col. 2, lines 34-39; col. 3, lines 59-62; and col. 4, lines 26-32);

- sending the modified message (i.e., said compressed input stream) along a second transport connection (i.e., the network connection via which the "data being sent to the different users" travels before being decompressed; See col. 21, lines 16-29);
- receiving the modified message (i.e., said compressed input stream) at a second-node proxy (i.e., a site closer to the end users) via the second transport connection (i.e., picking up the compressed stream at said site closer to the end users via the network connection; See col. 21, lines 16-29);
- replacing the segment reference (i.e., a dictionary phrase number) in the modified message (i.e., said compressed input data stream) with a matching data pattern (i.e., a phrase/term) retrieved from a second-node auxiliary data store (i.e., a dictionary of repeated phrases/terms associated with a second communication node; See col. 12, line 66 through col. 13, line 7), to form a reconstructed message (i.e., decompressed original input stream; See col. 13, lines 8-15; and col. 18, lines 47-51); and
- sending the reconstructed message (i.e., decompressed original input stream) from the second-node proxy (i.e., a site closer to the end users) to user (See col. 21, lines 16-29).

Singh does not expressly teach that terminating a transport connection for traffic between the first node and the second node at a first-node proxy and at the second-node proxy; the first-node proxy receives the message along a first transport connection from the first node; the second transport connection connects from the first-node proxy to the second-node proxy; and the second-node proxy sends the message along a third transport connection to the second node of the user.

RFC 3135 discloses a method of split connection in the field of accelerating transactions between networked devices (See page 1, Abstract), wherein

- terminating a transport connection (i.e., transport layer Performance Enhancing Proxies) for traffic between a first node and a second node at a first-node proxy and at a second-node proxy (See pages 4-5, 2.1.1 Transport Layer PEPs; and further, at page 6, RFC 3135 describes "[a] split connection TCP implementation *terminates* the TCP connection received from an end system and establishes a corresponding TCP connection to the other end system.");
- a first-node proxy (e.g., a first PEP for TCP local node) receives a message (i.e., TCP data segments) along a first transport connection (i.e., connection between said TCP local node and said first PEP) from a first node (i.e., said TCP local node; See page 9,

3.1.2 Local TCP Acknowledgements, RFC 3135 describes "[i]n some PEP implementations, TCP data segments received by the PEP are locally acknowledged by the PEP. … Local acknowledgments are automatically employed with split connection TCP implementations, …");

- a second transport connection (i.e., a third connection between two PEPs) connects from the first-node proxy (i.e., said first PEP for the TCP local node) to a second-node proxy (i.e., a second PEP for a TCP local node at the other end system; See page 6, RFC 3135 describes "[i]n a distributed PEP implementation, this is typically done to allow the use of *a third connection* between two PEPs optimized for the link"); and
- the second-node proxy (i.e., said second PEP for the TCP local node at the other end of an encapsulated tunnel between two PEPs) sends the message along a third transport connection (i.e., connection between said second PEP and said TCP local node at the other end system) to the second node (i.e., said TCP local node at the other end of receiving system; See page 6, 2.4 Split Connection, RFC 3135 describes "the distributed implementation might use a separate connection between the proxies for each TCP connection or it might multiplex the data from multiple TCP connections across a single connection between the PEPs," and at page 9, 3.2 Tunneling, RFC 3135 describes "[a] PEP at the other end of the encapsulation tunnel removes the tunnel wrappers before final delivery to the receiving end system.").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have integrated said split connection with proxies (i.e., PEPs; See page 5, 2.2 Distribution), as disclosed by RFC 3135, into the networked system (See Fig. 1), as disclosed by Singh, for the advantage of improving the performance of the Internet protocols on network paths where native performance suffers due to characteristics of a link or subnetwork on the path (See RFC 3135, page 2).

Singh, as modified by RFC 3135, does not expressly teach that the transactions include a request message from a first node to a second node and a response message from the second node to the first node.

APA discloses a network transaction (i.e., client-server transactions), wherein

- in a network (i.e., packet network) wherein nodes (i.e., clients) initiate transactions (i.e., a request-response cycle) with other nodes (i.e., servers) and the network (i.e., said packet network) carries transactions (i.e., client-server transactions) including a request

message from a first node (i.e., client) to a second node (i.e., server) and a response message from the second node (i.e., said server) to the first node (i.e., said client; See col. 2., lines 28-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have carried said transaction (i.e., client-server transactions), as disclosed by APA, on the networked system (See Singh, Fig. 1), as disclosed by Singh, as modified by RFC 3135, for the advantage of providing a client-server transactions, which was well known in the art of database querying (See APA, col. 2, lines 28-47).

Referring to claim 11, Singh discloses a method (i.e., a method for compressing a data stream; See col. 21, line 55), comprising:

- receiving at a first accelerator (i.e., Encoding and Encapsulation "EE" 106A and Decoding and Decapsulation "DD" 108A in Fig. 1; See col. 8, lines 51-56) a data stream (i.e., packets or datagrams in an input data stream; See col. 21, line 57) from a first client (i.e., a user at a first communication node in a network; See col. 9, lines 16-32);
- forwarding the data stream (i.e., said packets or datagrams) to a second accelerator (i.e., Encoding and Encapsulation "EE" 106B and Decoding and Decapsulation "DD" 108B in Fig. 1; See col. 21, lines 17-24):
- receiving a first message (i.e., packets or datagrams) from the second accelerator (e.g., said EE 106B and DD 108B sending said packets or datagrams to said EE 106A and DD 108A in Fig. 1), wherein the first message (i.e., said packets or datagrams) includes at least one reference (i.e., a dictionary phrase number) which replaces a portion of a first data piece (i.e., the instances of the repeated phrase are replaced with the newly created phrase; See col. 12, lines 36-65);
- replacing the reference (i.e., said dictionary phrase number) with the corresponding portion (i.e., a given phrase/term; See col. 13, lines 7-12), thereby reconstructing the first data piece based on the received message (i.e., decompressed original packets or datagrams; See col. 12, line 66 through col. 13, line 7);
- sending the reconstructed first data piece (i.e., said decompressed original packets or datagrams) to the first client (i.e., said user at the first communication node in the network; See col. 21, lines 16-29);

- receiving at the first accelerator (i.e., said EE 106A and DD 108A in Fig. 1; See col. 8, lines 51-56) a data stream (i.e., packets or datagrams in an input data stream; See col. 21, line 57) from a second client (i.e., a user at a second communication node in a network; See col. 9, lines 16-32);
- receiving from the second accelerator (i.e., said EE 106B and DD 108B in Fig. 1) a second message (i.e., packets or datagrams; e.g., said EE 106B and DD 108B sending said packets or datagrams to said EE 106A and DD 108A in Fig. 1) which includes a reference (i.e., a dictionary phrase number) corresponding to a common portion (i.e., similar or identical objects) as the portion commonly existed in the first and second data pieces (i.e., the instances of the repeated phrase are replaced with the newly created phrase; See col. 12, lines 36-65, col. 20, lines 14-18, and col. 21, lines 18-29, wherein Singh states "[a]ny network architecture where similar or identical objects are being transmitted … the invention can be used to converge and compress the data being sent to the different users…The decompression algorithm can pick up the compressed stream at a site closer to the end users and expand it to its original size before sending the data to the users.");
- replacing the reference (i.e., said dictionary phrase number) with the common portion (i.e., said similar or identical objects; See col. 13, lines 7-12), thereby reconstructing the second data piece (i.e., decompressed original packets or datagrams; See col. 12, line 66 through col. 13, line 7); and
- sending the reconstructed second data piece (i.e., said compressed input stream) to the second client (i.e., the network connection via which the "data being sent to the different users" travels before being decompressed; See col. 21, lines 16-29).

Singh does not expressly teach that said first and second accelerators are a client-side accelerator (i.e., client-side proxy) and a server-side accelerator (i.e., server-side proxy), respectively.

RFC 3135 discloses a method of split connection in the field of accelerating transactions between networked devices (See page 1, Abstract), wherein

- a client-side accelerator (e.g., a first PEP for TCP local node) receives a data (i.e., TCP data segments) from a client (i.e., said TCP local node; See page 9, 3.1.2 Local TCP Acknowledgements, RFC 3135 states "[i]n some PEP implementations, TCP data segments received by the PEP are locally acknowledged by the PEP. … Local

acknowledgments are automatically employed with split connection TCP implementations, …"); and

- a server-side accelerator (i.e., a second PEP for a TCP local node at the other end system) sends a response to the client (i.e., said TCP local node; See page 27, RFC 3135 discloses that a response may be received from a server-side proxy, e.g., a round trip response from the server-side proxy in application-specific proxy pair).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have integrated said split connection with accelerators (i.e., PEPs; See page 5, 2.2 Distribution), as disclosed by RFC 3135, into the networked system (See Fig. 1), as disclosed by Singh, for the advantage of improving the performance of the Internet protocols on network paths where native performance suffers due to characteristics of a link or subnetwork on the path (See RFC 3135, page 2).

Singh, as modified by RFC 3135, does not expressly teach that said data streams from the first and second clients are requests for the first and second data pieces, respectively; and said first and second messages are the first and second responses to requests for the first and second data pieces, respectively.

APA discloses a network transaction (i.e., client-server transactions), wherein

- in a network (i.e., packet network) wherein a first and second clients (i.e., Clients) initiate transactions (i.e., a request-response cycle) with server (i.e., Server) and the network (i.e., said packet network) carries transactions (i.e., Client-Server transactions) including a request for a data piece from the clients (i.e., said Clients) to the server (i.e., said Server) and a response from the server (i.e., said Server) to the clients (i.e., said Clients; See col. 2., lines 28-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have carried said transaction (i.e., Client-Server transactions), as disclosed by APA, on the networked system (See Singh, Fig. 1), as disclosed by Singh, as modified by RFC 3135, for the advantage of providing a client-server transactions, which was well known in the art of database querying (See APA, col. 2, lines 28-47).

Referring to claim 18, Singh discloses a network accelerator (i.e., a computer system; See Fig. 1, col. 8, lines 45-65, and col. 21, lines 17-24 and 32-38), comprising:

- a client-side receiving mechanism (i.e., Encoding and Encapsulation "EE" 106A of Fig. 1) configured to receive a data stream (i.e., packets or datagrams in an input data

stream; See col. 21, line 57) from a first client (i.e., a user at a first communication node in a network; See col. 9, lines 16-32);

- a forwarding mechanism (i.e., the transmission aspect of said EE 106A in Fig. 1) configured to forward (viz., transmit) the data stream (i.e., said packets or datagrams; See col. 9, lines 30-36) to a data storage (i.e., Storage Device 112B of Fig. 1; e.g., a request for accessing data from world wide web via Internet; See col. 21, lines 17-24);
- an other-side receiving mechanism (i.e., Encoding and Encapsulation "EE" 106B of Fig. 1) configured to receive a first message (i.e., packets or datagrams) from the data storage (i.e., said Storage Device; e.g., data retrieval from world wide web via Internet; See col. 21, lines 21-23),
    - wherein the first message (i.e., said packets or datagrams) includes at least one reference (i.e., a dictionary phrase number) which replaces a portion of a first data piece (i.e., the instances of the repeated phrase are replaced with the newly created phrase; See col. 12, lines 36-65);
- a data re-construction mechanism (i.e., Decoding and Decapsulation "DD" 108A of Fig. 1) configured to replace the reference (i.e., said dictionary phrase number) with the corresponding portion (i.e., a given phrase/term; See col. 13, lines 7-12), thereby reconstructing the first data piece based on the received message (i.e., decompressed original packets or datagrams; See col. 12, line 66 through col. 13, line 7); and
- a client-side transmission mechanism (i.e., the output aspect of said Decoding and Decapsulation "DD" 108A in Fig. 1) configured to send the reconstructed first data piece (i.e., said decompressed original packets or datagrams) to the first client (i.e., said user at the first communication node in the network; See col. 21, lines 16-29);
    - wherein the client-side receiving mechanism (i.e., said EE 106A of Fig. 1; See col. 8, lines 51-56) is further configured to receive a data stream (i.e., packets or datagrams in an input data stream; See col. 21, line 57) from a second client (i.e., a user at a second communication node in a network; See col. 9, lines 16-32);
    - wherein the other-side receiving mechanism (i.e., said EE 106B of Fig. 1) is further configured to receive from the data storage (i.e., said Storage Device) a second message (i.e., packets or datagrams; e.g., data retrieval from world wide web via Internet; See col. 21, lines 21-23) which includes a reference (i.e., a dictionary phrase number) corresponding to a common portion (i.e., similar or identical objects)

as the portion commonly existed in the first and second data pieces (i.e., the instances of the repeated phrase are replaced with the newly created phrase; See col. 12, lines 36-65, col. 20, lines 14-18, and col. 21, lines 18-29, wherein Singh states "[a]ny network architecture where similar or identical objects are being transmitted … the invention can be used to converge and compress the data being sent to the different users…The decompression algorithm can pick up the compressed stream at a site closer to the end users and expand it to its original size before sending the data to the users.");

- wherein the data-re-construction mechanism (i.e., said Decoding and Decapsulation "DD" 108A of Fig. 1) is further configured to replace the reference (i.e., said dictionary phrase number) with the common portion (i.e., said similar or identical objects; See col. 13, lines 7-12), thereby reconstructing the second data piece (i.e., decompressed original packets or datagrams; See col. 12, line 66 through col. 13, line 7); and
- wherein the client-side transmission mechanism (i.e., the output aspect of said DD 108A in Fig. 1) is further configured to send the reconstructed second data piece (i.e., said compressed input stream) to the second client (i.e., the network connection via which the "data being sent to the different users" travels before being decompressed; See col. 21, lines 16-29).

Singh does not expressly teach that said network accelerator is working on client-server mechanism with a server-side accelerator (i.e., client-side proxy); and said other-side receiving mechanism is a server-side receiving mechanism (i.e., server-side proxy).

RFC 3135 discloses Performance Enhancing Proxies (PEPs) intended to mitigate link-related degradations (See page 1, Title and Abstract), wherein

- a client-side accelerator (e.g., a first PEP for TCP local node) receives a data (i.e., TCP data segments) from a client (i.e., said TCP local node; See page 9, 3.1.2 Local TCP Acknowledgements, RFC 3135 states "[i]n some PEP implementations, TCP data segments received by the PEP are locally acknowledged by the PEP. … Local acknowledgments are automatically employed with split connection TCP implementations, …"); and
- a server-side accelerator (i.e., a second PEP for a TCP local node at the other end system) sends a response to the client (i.e., said TCP local node; See page 27, RFC

3135 discloses that a response may be received from a server-side proxy, e.g., a round trip response from the server-side proxy in application-specific proxy pair).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have integrated said split connection with accelerators (i.e., PEPs; See page 5, 2.2 Distribution and page 23, 5.2.2.1 Mowgli System), as disclosed by RFC 3135, into the networked system (See Fig. 1), as disclosed by Singh, for the advantage of improving the performance of the Internet protocols on network paths where native performance suffers due to characteristics of a link or subnetwork on the path (See RFC 3135, page 2).

Singh, as modified by RFC 3135, does not expressly teach that said data streams from the first and second clients are requests for the first and second data pieces, respectively; and said first and second messages are the first and second responses to requests for the first and second data pieces, respectively.

APA discloses a network transaction (i.e., client-server transactions), wherein

- in a network (i.e., packet network) wherein a first and second clients (i.e., Clients) initiate transactions (i.e., a request-response cycle) with server (i.e., Server) and the network (i.e., said packet network) carries transactions (i.e., Client-Server transactions) including a request for a data piece from the clients (i.e., said Clients) to the server (i.e., said Server) and a response from the server (i.e., said Server) to the clients (i.e., said Clients; See col. 2., lines 28-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have carried said transaction (i.e., Client-Server transactions), as disclosed by APA, on the networked system (See Singh, Fig. 1), as disclosed by Singh, as modified by RFC 3135, for the advantage of providing a client-server transactions, which was well known in the art of database querying (See APA, col. 2, lines 28-47).

Referring to claim 25, Singh discloses a network acceleration system (i.e., a computer system; See Fig. 1, col. 8, lines 45-65, and col. 21, lines 17-24 and 32-38), comprising:

- a first accelerator (i.e., Encoding and Encapsulation “EE” 106A and Decoding and Decapsulation “DD” 108A in Fig. 1) coupled to one or more first computer systems (See col. 8, lines 51-56 and col. 21, lines 17-24); and

- a second accelerator (i.e., Encoding and Encapsulation "EE" 106B and Decoding and Decapsulation "DD" 108B in Fig. 1) coupled to one or more second computer systems (See col. 8, lines 51-61 and col. 21, lines 17-24);
  - wherein the first accelerator (i.e., said EE 106A and DD 108A in Fig. 1) comprises:
    - a first receiving mechanism (i.e., Encoding and Encapsulation "EE" 106A of Fig. 1) configured to receive data streams (i.e., packets or datagrams in an input data stream; See col. 21, line 57) from a plurality of clients (i.e., users at a first communication node in a network; See col. 9, lines 16-32);
    - a forwarding mechanism (i.e., the transmission aspect of said EE 106A in Fig. 1) configured to forward (viz., transmit) the data streams (i.e., said packets or datagrams; See col. 9, lines 30-36) to the second accelerator (i.e., said EE 106B and DD 108B in Fig. 1);
    - a data re-construction mechanism (i.e., Decoding and Decapsulation "DD" 108A of Fig. 1) configured to re-construct a received message by replacing a reference (i.e., a dictionary phrase number) in a message (i.e., the instances of the repeated phrase are replaced with the newly created phrase; See col. 12, lines 36-65) sent by the second accelerator (i.e., said EE 106B and DD 108B in Fig. 1) with a portion of data (i.e., decompressed original packets or datagrams; See col. 12, line 66 through col. 13, line 7),
      - wherein a common portion (i.e., similar or identical objects) in different received message corresponds to the same reference (i.e., the instances of the repeated phrase are replaced with the newly created phrase; See col. 12, lines 36-65, col. 20, lines 14-18, and col. 21, lines 18-29, wherein Singh states "[a]ny network architecture where similar or identical objects are being transmitted … the invention can be used to converge and compress the data being sent to the different users…The decompression algorithm can pick up the compressed stream at a site closer to the end users and expand it to its original size before sending the data to the users.");
  - wherein the second accelerator (i.e., said EE 106B and DD 108B in Fig. 1) comprises a data-compression mechanism (i.e., Encoding and Encapsulation "EE" 106B of Fig. 1) configured to replace portions of data with references (See col. 9, lines 17-29, wherein Singh states "…compresses the input stream by identifying and

eliminating repeated phrases ..."; Further see col. 10, lines 36-46 and col. 21, lines 17-24).

Singh does not expressly teach that said first and second accelerators are a client-side accelerator and a server-side accelerator, respectively (i.e., client-server mechanism with a client-side and server-side proxies).

RFC 3135 discloses Performance Enhancing Proxies (PEPs) intended to mitigate link-related degradations (See page 1, Title and Abstract), wherein

- a client-side accelerator (e.g., a first PEP for TCP local node) receives a data (i.e., TCP data segments) from a client (i.e., said TCP local node; See page 9, 3.1.2 Local TCP Acknowledgements, RFC 3135 states "[i]n some PEP implementations, TCP data segments received by the PEP are locally acknowledged by the PEP. … Local acknowledgments are automatically employed with split connection TCP implementations, …"); and
- a server-side accelerator (i.e., a second PEP for a TCP local node at the other end system) sends a response to the client (i.e., said TCP local node; See page 27, RFC 3135 discloses that a response may be received from a server-side proxy, e.g., a round trip response from the server-side proxy in application-specific proxy pair).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have integrated said split connection with accelerators (i.e., PEPs; See page 5, 2.2 Distribution), as disclosed by RFC 3135, into the networked system (See Fig. 1), as disclosed by Singh, for the advantage of improving the performance of the Internet protocols on network paths where native performance suffers due to characteristics of a link or subnetwork on the path (See RFC 3135, page 2).

Singh, as modified by RFC 3135, does not expressly teach that said data streams from the plurality of clients are requests for data; and said messages are the responses to the requests.

APA discloses a network transaction (i.e., client-server transactions), wherein

- in a network (i.e., packet network) wherein a plurality of clients (i.e., Clients) initiate transactions (i.e., a request-response cycle) with server (i.e., Server) and the network (i.e., said packet network) carries transactions (i.e., Client-Server transactions) including requests for data from the clients (i.e., said Clients) to the server (i.e., said Server) and a response from the server (i.e., said Server) to the clients (i.e., said Clients; See col. 2., lines 28-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have carried said transaction (i.e., Client-Server transactions), as disclosed by APA, on the networked system (See Singh, Fig. 1), as disclosed by Singh, as modified by RFC 3135, for the advantage of providing a client-server transactions, which was well known in the art of database querying (See APA, col. 2, lines 28-47).

*These rejections were proposed by the Third Party requester in the request for reexamination at pages 15-62 "the Claim Chart Exhibit A", and they are being **adopted** essentially as proposed in the request for reexamination.*

Conclusion

6. Any paper filed with the USPTO, i.e., any submission made, by either the Patent Owner or the Third Party requester must be served on every other party in the reexamination proceeding, including any other Third Party requester that is part of the proceeding due to merger of the reexamination proceedings. As proof of service, the party submitting the paper to the Office must attach a Certificate of Service to the paper, which sets forth the name and address of the party served and the method of service. Papers filed without the required Certificate of Service may be denied consideration. 37 CFR § 1.903; MPEP § 2666.06.

Extensions of time under 37 CFR § 1.136(a) will not be permitted in *inter partes* reexamination proceedings because the provisions of 37 CFR § 1.136 apply only to "an applicant" and not to the patent owner in a reexamination proceeding. Additionally, 35 U.S.C. § 314(c) requires that *inter partes* reexamination proceedings "will be conducted with special dispatch" (37 CFR § 1.937). Patent owner extensions of time in *inter partes* reexamination proceedings are provided for in 37 CFR § 1.956. Extensions of time are not available for third party requester comments, because a comment period of 30 days from service of patent owner's response is set by statute. 35 U.S.C. § 314(b)(3).

The Patent Owner is reminded that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR § 1.530(d)-(j), must be formally presented pursuant to 37 CFR § 1.52(a) and (b), and must contain any fees required by 37 CFR § 1.20(c).

Amendments in an *inter partes* reexamination proceeding are made in the same manner that amendments in an *ex parte* reexamination are made. MPEP § 2666.01. See § MPEP 2250 for guidance as to the manner of making amendments in a reexamination proceeding.

The Patent Owner is reminded that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR § 1.530(d)-(j). And, the Patent Owner is reminded of the continuing responsibility under 37 CFR § 1.985(a), to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving the instant Patent Under Reexamination or any related patent throughout the course of this reexamination proceeding. The Third Party requester is also reminded of the ability to similarly inform the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2686 and 2286.04.

All correspondence relating to this *inter partes* reexamination proceeding should be directed:

By EFS: Registered users may submit via the electronic filing system EFS-Web, at http://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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Central Reexamination Unit

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

For EFS-Web transmissions, 37 CFR § 1.8(a)(1)(i) (C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR § 1.6(a)(4), and (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

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.

Signed:

/Christopher E. Lee/
Christopher E. Lee / Primary Patent Examiner
Patent Reexamination Specialist / Art Unit 3992
Central Reexamination Unit

Conferees:

/wch/

/ANDREW J. FISCHER/
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