

Request  
for Judicial Notice  
Exhibit F



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/889,995	07/13/2004	Matthew A. Katzer	7431.0071	6779

7590 08/07/2006  
 Kevin L. Russell  
 Chernoff, Vilhauer, McClung & Stenzel, LLP  
 Suite 1600  
 601 S.W. Second Avenue  
 Portland, OR 97204-3157

EXAMINER
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NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 08/07/2006

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

<b>Office Action Summary</b>	<b>Application No.</b> 10/889,995	<b>Applicant(s)</b> KATZER, MATTHEW A.	
	<b>Examiner</b> CUONG H. NGUYEN	<b>Art Unit</b> 3661	

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

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on 27 February 2006.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance 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.

### Disposition of Claims

- 4)  Claim(s) 1,3-16 and 18-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1,3-16 and 18-20 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/29/05 &amp; 5/25/06 &amp; 6/26/06</u> | 6) <input type="checkbox"/> Other: _____  |

Serial No. 10/889,995  
Art Unit 3661

### DETAILED ACTION

1. This Office Action is the answer to the communications received on 2/27/06, and on 5/11/2006.
2. Claims 1, 3-9, 16-18, and 21-26 are pending in this application.

#### *Information Disclosure Statement*

3. Two set of IDSs, received on 5/25/2006, and 6/26/2006 are acknowledged (several documents of these IDS are not initialed because IDS requirement is “Include name of the author, title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city and/or country where published” – if an author is not printed, write “UNKNOWN AUTHOR”, if a published year is not printed, please writes a year that it may be published).

#### *Response to Amendment*

4. The current examiner respectfully submits that the answer, and amendments since 2/27/2006 until now) has not responded to the rejection of independent claims 1, and 16 (in an Office Action mailed on 9/22/2005 by Examiner Olga Hernandez), therefore, the submitted papers do not conform to the USPTO’s requirement (further, the amended phrase on 2/27/06 for independent claim 1 contains a subject matter suggested by cited Lainema, i.e., the responses of related components when receiving a command. On 5/11/2006 paper, in the REMARKS/ARGUMENTS, the applicant expressed: “In some cases, the first program, the second program, and the resident external controlling interface may be operational on the same general purpose computer”, i.e., every thing that claimed may be in within a computer – this is clearly unpatentable because they are

Serial No. 10/889,995  
Art Unit 3661

suggested by submitted IDS documents to control an electronic circuit (this is essentially what the applicant claims) - please make the corrections.

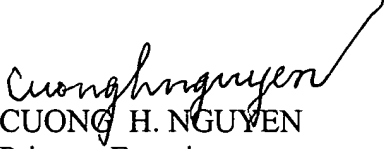
***Conclusion***

5. Pending claims are not patentable.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

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).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3661