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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,459	04/30/2009	6032859	1-50937	1496

7590 06/23/2010
ORUM & ROTH LLC
53 W. JACKSON BLVD., STE 1616
CHICAGO, IL 60604

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/23/2010

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



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MAILED

JUN 23 2010

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/009,459.

PATENT NO. 6032859.

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)).

**Notice of Intent to Issue
Ex Parte Reexamination Certificate**

Control No. 90/009,459	Patent Under Reexamination 6032859	
Examiner James Menefee	Art Unit 3992	

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

1. Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
 - (a) Patent owner's communication(s) filed: 10 June 2010.
 - (b) Patent owner's late response filed: _____.
 - (c) Patent owner's failure to file an appropriate response to the Office action mailed: _____.
 - (d) Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - (e) Other: _____.Status of *Ex Parte* Reexamination:
 - (f) Change in the Specification: Yes No
 - (g) Change in the Drawing(s): Yes No
 - (h) Status of the Claim(s):
 - (1) Patent claim(s) confirmed: _____.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): 20,22,25-31,33 and 36-38
 - (3) Patent claim(s) cancelled: 21 and 32.
 - (4) Newly presented claim(s) patentable: _____.
 - (5) Newly presented cancelled claims: _____.
 - (6) Patent claim(s) previously currently disclaimed: _____
 - (7) Patent claim(s) not subject to reexamination: 1-19,23,24,34 and 35.
2. Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
3. Note attached NOTICE OF REFERENCES CITED (PTO-892).
4. Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute.).
5. The drawing correction request filed on _____ is: approved disapproved.
6. 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
 - been received.
 - not been received.
 - been filed in Application No. _____.
 - been filed in reexamination Control No. _____.
 - been received by the International Bureau in PCT Application No. _____.

* Certified copies not received: _____.
7. Note attached Examiner's Amendment.
8. Note attached Interview Summary (PTO-474).
9. Other: _____.

cc: Requester (if third party requester)

Notice of Intent to Issue Reexamination Certificate

This is an *ex parte* reexamination of U.S. Patent No. 6,032,859. As described previously, only claims 20-22, 25-33, and 36-38 are subject to reexamination, while claims 1-19, 23-24, and 34-35 are not reexamined. The after final amendment filed 6/10/2010 has been entered. Claims 20 and 29 are amended, and claims 21 and 32 are cancelled. Claims 20, 22, 25-31, 33, and 36-38 remain pending and subject to reexamination.

Information Disclosure Statement

The IDS filed 6/4/2010 has been considered as on the attached sheet. All of the items are litigation materials. The items have been considered, but have been lined through as they will not be printed on the reexamination certificate. To the extent that submission of these materials was required by the duty to disclose, the examiner considers such duty to be satisfied.

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

Claims 20, 22, 25-31, 33, and 36-38 are patentable. Independent claims 20 and 29 were amended to include the limitations of cancelled claims 21 and 32, deemed patentable in the action mailed 5/27/2010. Reasons for patentability are incorporated by reference from that action. The remaining claims depend from claims 20 and 29 and include the same limitations.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Art Unit: 3992

Conclusion

All correspondence relating to this *ex parte* reexam proceeding should be directed as follows:

By U.S. Postal Service Mail to:

Mail Stop *Ex Parte* Reexam
ATTN: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand to: Customer Service Window
Randolph Building
401 Dulany St.
Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system at <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>.

Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the CRU at (571) 272-7705.

Signed:

/James Menefee/

James Menefee
Primary Examiner
Central Reexamination Unit 3992
(571) 272-1944

June 21, 2010

Conferees: /Linh M. Nguyen/

Primary Examiner, Art Unit 3992



MARK J. REINHART
CRU SPE-AU 3992