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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/011,168	08/20/2010	5809366	20160.00240	1852

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 10/12/2010

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



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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OCT 12 2010

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/011,168.

PATENT NO. ~~5809366~~ **5,809,336**

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)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/011,168	Patent Under Reexamination 5800366 5,809,336	
	Examiner ERIC B. KISS	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 20 August 2010 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: _____

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. 50-3531, or
- c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

cc:Requester (if third party requester)

ORDER DENYING EX PARTE REEXAMINATION

No substantial new question of patentability is raised by the request for reexamination and prior art cited therein for the reasons set forth below.

Patents and Printed Publications Cited in the Request

The request cites the following prior art patents and printed publications as the basis for four proposed substantial new questions of patentability (SNQs):

1. U.S. Pat. 4,482,955 (Amano et al.);
2. INTEL, "8251A/S2657 Programming Communication Interface Datasheet and Application Note," Intel Component Data Catalog, Doc. No. AFN-01573B, pp. 8-43 to 8-48, 1981; and
3. NOWATZYK, A., "A Communication Architecture for Multiprocessor Networks," Doc. No. TR-89-181, April 1989.

Prosecution History

The '336 patent issued from application 08/484,918, filed June 7, 1995, which was filed as a divisional of application 07/389,334, filed August 3, 1989, now patent 5,440,749.

The request for reexamination filed August 20, 2010, is the sixth such request for reexamination of the '336 patent. A summary of the prior reexamination proceedings is provided in the request. (Request at 2-3.) As noted in the request, an ex parte reexamination certificate issued on December 15, 2009. (*Id.*)

Substantial New Questions of Patentability

The request asserts that a substantial new question of patentability as to claims 1, 2, 6, 7, and 9-16 of the '336 patent is raised by *Amano*, alone or in various proposed combinations with *Intel 8251A* and/or *Nowatzky*. (Request at 4-8.) The examiner disagrees.

The request asserts that *Amano* teaches the limitations that were added to independent claim 1 in order to render this claim allowable in the prior reexamination, "a second clock independent of said ring oscillator variable speed system clock connected to said input/output interface, wherein a clock signal of said second clock originates from a source other than said ring oscillator variable speed system clock." (Request at 5.)

Amano teaches a system for transferring data between a main processor having a central processing unit (CPU) and a keyboard unit including a microprocessor. *Amano* at Abstract. Provision of the microprocessor at the keyboard enables physical separation of the keyboard unit from the CPU by means of only a single bi-directional cable. *Id.* The requester concludes that, "Amano at least implicitly discloses that the clock signal of the keyboard controller clock is connected to the keyboard interface unit," and, "In order for the main processor to properly interpret the keyboard controller's responses, one skilled in the art would understand that the clock of the keyboard controller (which controls the generation of responses) is supplied to the keyboard interface unit." (Request at 5.) However, these assertions are inaccurate. *Amano* appears to teach the use of a standard asynchronous serial communication protocol, in which a clock signal would not be sent from the transmitter to the receiver. *See Amano* at col. 4, lines 12-14, and Fig. 4 (illustrating a standard asynchronous serial communication frame); col. 3, lines 8-17 (teaching the use of an Intel 8251A programmable USART to implement communication

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interface unit 41); col. 5, lines 63-64 (describing standard asynchronous serial frames being sent from the communication interface unit to the keyboard controller); col. 6, lines 18-25 (describing standard asynchronous serial frames being sent from the keyboard controller's processor to the keyboard interface unit).

Amano does not appear to teach, "a second clock independent of said ring oscillator variable speed system clock connected to said input/output interface, wherein a clock signal of said second clock originates from a source other than said ring oscillator variable speed system clock." Because *Amano* does not appear to support the new teaching alleged in the request, the request fails to establish that there is a substantial likelihood that a reasonable examiner would consider *Amano* important in deciding whether or not any claim of the '336 patent is patentable.

Intel 8251A is cited in the request as allegedly supporting the argument that the keyboard controller clock of *Amano* must be sent to the keyboard interface unit. (Request at 6.) Because this interpretation of *Intel 8251A* is based on the same misunderstanding of asynchronous serial communication, *Intel 8251A* likewise fails to raise an SNQ alone or in combination with *Amano*.

Nowatzky is cited in the request as teaching asynchronous systems in which each processing element may use its own, independent clock. (Request at 7 (citing *Nowatzky* at 22 and 59).) The cited portions of *Nowatzky* teach design parameters for implementing routers in a computer network rather than teaching communication between an on-chip input/output interface and a CPU. Nonetheless, to the extent that *Nowatzky* broadly teaches independent clocks being used by system elements communicating asynchronously, this teaching is cumulative to the teachings in *Amano* and likewise does not support the conclusion that the second clock would be sent to the receiver. In fact, *Nowatzky* appears to support the opposite conclusion by describing

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such asynchronous protocols as not requiring carefully designed clock distribution. (Request at 7 (citing *Nowatzky* at 59).)

The cited references have been considered alone and in the combinations proposed in the request. However, for reasons discussed above, none of the references raise a substantial new question of patentability as to any claim in the '336 patent.

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Conclusion

Because the request for *ex parte* reexamination fails to raise a substantial new question of patentability, the request is DENIED. Claims 1, 2, 6, 7, and 9-16 of United States Patent 5,809,336 C1 will not be reexamined.

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

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

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Central Reexamination Unit at telephone number (571) 272-7705.

/Eric B. Kiss/
Primary Examiner, Art Unit 3992

Conferees:

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ESK