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United States Patent and Trademark Office
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90/008,604

Patent Number: 6,199,048

Request Receipt Date: 06/08/2007

Control Number:

Date Mailed: 07/06/2007

NOTICE OF TERMINATION OF PREPROCESSING OF EX PARTE REEXAMINATION REQUEST (37 CFR 1.510(c))

For the reasons set forth below, the request for *ex parte* reexamination filed 06/08/2007 will not be granted a filing date, and the reexamination filing fee submitted with the proceeding will be refunded to requester pursuant to 37 CFR 1.26(a).

The request papers have:

- been added to the patent file, as a Prior Art Citation under 37 CFR 1.501(a), since the papers comply with the requirements of § 1.501(a).
- been closed from public view, since the papers do not comply with the requirements of § 1.501(a).

On 05/10/2007, a "Notice of Failure to Comply with *Ex Parte* Reexamination Request Filing Requirements" was mailed for the request papers. The notice identified items that are required by 37 CFR 1.510 and were missing from the request. The notice set a 30 day time period for requester to complete the request.

- A response to the "Notice of Failure to Comply with *Ex Parte* Reexamination Request Filing Requirements" was not timely received from the requester.
- A response to the "Notice of Failure to Comply with *Ex Parte* Reexamination Request Filing Requirements" was timely received from the requester on 08/23/2006. The response has been reviewed, but it is not sufficient to complete the *inter partes* reexamination request pursuant to 37 CFR 1.510. The remaining deficiencies identified in the Notice that were not cured are identified in the Attachment.

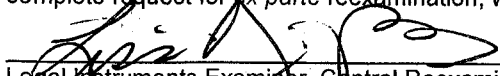
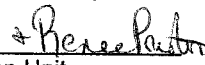
In the present instance, the requester was notified that the *ex parte* reexamination request did not meet all the requirements of 37 CFR 1.510 and was given an opportunity to complete the requirements of the request within a specified time. Requester has failed to timely complete the requirements for an *ex parte* reexamination request pursuant to 37 CFR 1.510. Accordingly, pursuant to 37 CFR 1.510(c), the request for *ex parte* reexamination will not be granted a filing date.

REFUND OF REEXAMINATION FILING FEE

In due course, a full refund of the *ex parte* reexamination filing fee will be made to the reexamination requester.

REQUESTER'S RECOURSE

In the event that the requester desires to initiate an *ex parte* reexamination of the patent, requester may wish to consider filing a new and complete request for *ex parte* reexamination, which new request includes the missing information identified by the Office.

 
Legal Instruments Examiner, Central Reexamination Unit
(571) 272-1607; FAX No. (571) 273-9900

- ATTACHMENT INCLUDED

cc: Patent Owner's Name and Address: ANTHONY R. BARKUME
20 GATEWAY LANE
MANORVILLE NY 11949

ATTACHMENT TO NOTICE OF TERMINATION OF PREPROCESSING OF *EX PARTE* REEXAMINATION REQUEST

A response to the " Notice of Failure to Comply with *Ex Parte* Reexamination Request Filing Requirements" was timely received in Central Reexamination Unit (CRU) in the United States Patent and Trademark Office (USPTO) on 06/08/2007. The request remains incomplete because the below-identified filing date requirements for an *ex parte* reexamination request have not been satisfied.

The missing items required by 37 CFR 1.510(a) and (b) are:

- 1. The *ex parte* reexamination filing fee under 37 CFR 1.20(c)(1).
- 2. An identification of the patent by its patent number, and of every claim of the patent for which reexamination is requested.
- 3. A citation of the patents and printed publications that are presented to raise a substantial new question of patentability.
- 4. A statement pointing out each substantial new question of patentability based on the cited patents & printed publications, and a detailed explanation of the pertinency and manner of applying the patents & printed publications to every claim for which reexamination is requested.
- 5. A copy of every patent or printed publication (other than U.S. patents or U.S. patent publications) relied upon or referred to in (3) and (4) above, accompanied by an English language translation of all the necessary and pertinent parts of any non-English language document.
- 6. A copy of the entire patent including the front face, drawings, and specification/claims (in **double** column format) for which reexamination is requested, and a copy of any disclaimer, certificate of correction, or reexamination certificate issued in the patent. All copies must have each page plainly written on only one side of a sheet of paper.
- 7. A certification by the third party requester that a copy of the request has been served in its entirety on the patent owner at the address provided for in 37 CFR 1.33(c). The name and address of the party served must be indicated. If service was not possible, a duplicate copy of the request must be supplied to the Office.
- 8. Other: The response filed 06/08/2007 to the non-compliance letter of 05/10/2007 does not correct the non-compliance in the original request filed 04/24/2007. "Combined with Other Prior Art" in the claim chart should be replaced by the references in the footnotes.

Additional comments as to the above items: