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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO 90/010012
PATENT NO. 6,687,746
ART UNI 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)).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/010,012	08/22/2007	6687746	7144-69264-01	4922

58688 7590 11/09/2007

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WILMINGTON, DE 19899

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 11/09/2007

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

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/010,012	Patent Under Reexamination 6687746	
	Examiner Albert J. Gagliardi	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 22 August 2007 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. _____, or
c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

Albert J Gagliardi
Examiner
Art Unit: 3992

cc:Requester (if third party requester)

DECISION GRANTING EX PARTE REEXAMINATION

Decision on Request

A substantial new question of patentability affecting claims 1-20 (all the original claims) of US 6,687,746 to Shuster *et al.* (*Shuster*) is raised by the request for *ex parte* reexamination.

Summary

The examiner considers a substantial new question of patentability has been raised by at least the following prior art references:

Principal references cited by the requester

Engelschall, Ralf *et al.*, "Virtual domains using mod_rewrite," Apache httpd development messages (*Engelschall*)

Additional references cited by the requester

Atkins, Brian *et al.*, "Modifying vhost with mod_rewrite?" Usenet discussion group (*Atkins*)

Slemko, Marc, "Apache redirects", Usenet discussion group (*Slemko*)

Hypermart.net web pages, retrieved from <http://web.archive.org/web> (*Hypermart*)

Pasquali – US 6,272,493 (*Pasquali*)

Woolston – US 5,845,265 (*Woolston*)

Issue(s) Raised by Request

Issue 1

The requester alleges (p. 39 *et seq*) that *Engelschall*, either alone or in combination, raises several substantial new questions of patentability (SNQs #1-6) regarding claims 1-20.

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Issues related to Additional References

In the Request, several additional references were listed and asserted to raise a substantial new question of patentability only as secondary references. Although the additional references were discussed in appropriate claim charts throughout the request, such additional references do not appear, in and of themselves, to raise any substantial new questions of patentability. The examiner does note, however, that while the references are not considered to raise SNQs by themselves, they will be considered during subsequent reexamination in the same manner as other documents in the Office search files, as well as to any additional degree in which the content and relevance of the information has been discussed or explained throughout the request.

Background

Claims 1-20 are the current claims in the *Shuster* (US 6,687,746) patent that issued February 3, 2004 from application 09/386,529 filed August 30, 1999. Claims 1 and 12 are independent. The claims generally correspond to application claims 30-49 which were newly added in conjunction with a Request for Continued Examination (8/11/2003) filed after the issuance of a Final Rejection (4/8/2003).

The claims are generally directed to a method and system for enabling internet access to content on a wide area network located by a domain name where the domain name includes a user selected subdomain not necessarily associated with an address of a higher level domain.

Claim 1 is representative:

A method for enabling internet access to content located by a domain name, the domain name including a user-selected subdomain label that is not associated with an IP address in a zone file of any higher-level domain, the method comprising:

operating a host having an IP address specified by an internet-class resource record for a domain name server, in that the resource record associates the host IP address to a host domain name in a zone file of the domain name server, and wherein the host domain name comprises (a)

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a subdomain labeled with a designated wildcard character of a domain name system and (b) at least one higher-level domain name;

configuring a content address according to a content storage system of the host independently of the domain name system, the content address comprising a user-selected label, wherein the user-selected label comprises at least one character that is not the designated wildcard character;

storing content in the content storage system, the content addressed by the content address;

receiving a domain name configured in accordance with the domain name system, the domain name comprising the host domain name with the user-selected label substituted for the designated wildcard character;

determining the content address from the user-selected label;

retrieving the content from the content storage system using the content address; and

serving the content.

In arguments presented by the applicant in conjunction with the filing of new added claims 30-49, which correspond to the current patent claims, applicant argued that at least the prior art (i.e., Broadhurst – WO 1999/09726) was concerned only with fully-qualified domain names and did not suggest at least the limitation of “configuring a content address according to a content storage system of the host computer independently of the domain name system.” Applicant also argued that other prior art (e.g., Report on Electronic Commerce, BRP Publications, Vol. 4, Issue 4) merely discloses the use of individually-selected account names in e-mail address, and did not disclose or suggest at least the use of “an independent content storage system, a wildcard character in an internet-class resource record, and determining a content address from a user-selected subdomain label to serve content in response to receiving a domain name.”

In the reasons for allowance, the examiner further indicated that the prior art did not suggest at least the claimed method of a host computer receiving a domain name configured by a subdomain labeled with a designated wild card character of a domain name system and at least one higher level domain name, wherein once received by the host computer, the wildcard is

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substituted with a user selected label wherein the host computer memory configures a content address according to a content storage system of the host computer independently of the domain name system wherein the content storage system is addressed and served using the user selected label.

Analysis

Issue 1

The *Engelschall* reference is new prior art. *Engelschall* teaches, among other things, a method for enabling internet access to content located by a domain name (znep.com, for example) with the host computer receiving a domain name including a user-selected subdomain label (marcs.wild, for example) not associated with the IP address in a zone file of any higher-level domain (see generally *Engelschall* – message 6), wherein the host domain name may comprise a subdomain labeled with a designated wildcard character of a domain name (i.e., *.wild.znep.com, as suggested by the *.user.example.com taught by *Atkins* message 2, page 2), and wherein once received by the host computer, the wildcard is substituted with a user selectable label (i.e., marcs) wherein the host computer configures a content address (alive.znep.com/~marcs, for example) according to a content storage system independently of the domain name system, and wherein the content storage system is addressed and served by the user selected label (i.e., marcs).

Since this teaching is directly related to subject matter considered as the basis for allowability of the patent claims, a reasonable examiner would consider evaluation of the *Engelschall* reference (with or without the suggestion of the *Atkins* reference) as important in determining the patentability of the claims. As such, it is agreed that the *Engelschall* reference

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raises a substantial new question of patentability with respect to at least claims 1-20 of the *Shuster* patent.

Conclusion

Extensions of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Waiver of Right to File Patent Owner Statement

In a reexamination proceeding, Patent Owner may waive the right under 37 C.F.R. 1.530 to file a Patent Owner Statement. The document needs to contain a statement that Patent Owner waives the right under 37 C.F.R. 1.530 to file a Patent Owner Statement and proof of service in the manner provided by 37 C.F.R. 1.248, if the request for reexamination was made by a third party requester, see 37 C.F.R. 1.550(f). The Patent Owner may consider using the following statement in a document waiving the right to file a Patent Owner Statement:

Patent Owner waives the right under 37 C.F.R. 1.530 to file a Patent Owner Statement.

Amendment in Reexamination Proceedings

Patent owner is notified 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 §

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1.20(c). See MPEP § 2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Submissions

If the patent owner fails to file a timely and appropriate response to any Office action or any written statement of an interview required under 37 CFR § 1.560(b), the *ex parte* reexamination proceeding will be terminated, and the Director will proceed to issue a certificate under 37 CFR §1.570 in accordance with the last Office action.

Service of Papers

After the filing of a request for reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. See 37 CFR 1.550(f).

Notification of Concurrent Proceedings

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 5,640,497 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

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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 the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:


Albert Gagliardi
Examiner
Art Unit 3992

Conferees:

ESK
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