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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/013,125	01/21/2014	6201839	ABYZ-502	1436

26285 7590 09/19/2014
K&L GATES LLP-Pittsburgh
210 SIXTH AVENUE
PITTSBURGH, PA 15222-2613

EXAMINER

NGUYEN, LINH M

ART UNIT	PAPER NUMBER
3992	

MAIL DATE	DELIVERY MODE
09/19/2014	PAPER

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

The time period for reply, if any, is set in the attached communication.



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BOSTON, MA 02199-3600

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

REEXAMINATION CONTROL NO. 90/013,125.

PATENT NO. 6201839.

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. 90/013,125	Patent Under Reexamination 6201839	
	Examiner Linh M. Nguyen	Art Unit 3992	AIA (First Inventor to File) Status No

-- 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: 03 September 2014.
 - (b) Patent owner's failure to file an appropriate timely response to the Office action mailed: _____.
 - (c) Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - (d) The decision on appeal by the Board of Patent Appeals and Interferences Court dated _____
 - (e) Other: _____.
2. The Reexamination Certificate will indicate the following:
 - (a) Change in the Specification: Yes No
 - (b) Change in the Drawing(s): Yes No
 - (c) Status of the Claim(s):
 - (1) Patent claim(s) confirmed: 4.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): _____
 - (3) Patent claim(s) canceled: _____.
 - (4) Newly presented claim(s) patentable: _____.
 - (5) Newly presented canceled claims: _____.
 - (6) Patent claim(s) previously currently disclaimed: _____
 - (7) Patent claim(s) not subject to reexamination: 1-3 and 5-28.
3. A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
4. 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."
5. Note attached NOTICE OF REFERENCES CITED (PTO-892).
6. Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
7. The drawing correction request filed on _____ is: approved disapproved.
8. 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: _____.
9. Note attached Examiner's Amendment.
10. Note attached Interview Summary (PTO-474).
11. Other: _____.

All correspondence relating to this reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

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cc: Requester (if third party requester)

Notice of Intent to Issue Ex Parte Reexamination Certificate

The present application is being examined under the pre-AIA first to invent provisions.

This is a reexamination of United States Patent Number 6,201,839 to Kavcic et al. (hereinafter “the ‘839 patent”), entitled "METHOD AND APPARATUS FOR CORRELATION-SENSITIVE ADAPTIVE SEQUENCE DETECTION". A substantial new question of patentability was raised as to Claim 4 by the request filed 1/21/2014 (“Request”). Since requester did not request reexamination of claims 1-3 and 5-28 and did not assert the existence of a substantial new question of patentability (SNQ) for such claims, such claims will not be reexamined. See MPEP 2243.

Statement of Reasons for Patentability and/or Confirmation

Claim 4 is confirmed.

The examiner has no opinion as to the claims that were not reexamined. The following is an examiner’s statement of reasons for patentability of the claim found confirmed in this reexamination proceeding:

There is not taught or disclosed in the prior art including a method of determining branch metric values for branches of a trellis for a Viterbi-like detector having a step of selecting a branch metric function for each of the branches at a certain time index from a set of *signal-dependent branch metric functions*, as called for in claim 4.

Art Unit: 3992

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.

Remarks

The arguments presented in the Response and the Declarations submitted have been fully considered.

The examiner agrees with Patent Owner that Zeng does not disclose a set of signal-dependent branch metric functions as articulated in the 9/3/2014 Response, specifically at pp. 1-6 and 55-61 along with the supported Declarations; thus, the prior rejections are withdrawn.

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.

Art Unit: 3992

Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit correspondence via the electronic filing system at <https://efs.uspto.gov/efile/myportal/efs-registered>

Any inquiry concerning this communication or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:

/Linh M. Nguyen/
Primary Examiner, Art Unit 3992

Conferees:

/JAMES MENEFEE/
Primary Examiner, Art Unit 3992

/Andrew J. Fischer/
Supervisory Patent Reexamination Specialist, Art Unit 3992

PTO/SB/08a (07-09)

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Substantiate for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
		Application Number	90/013,125		
		Filing Date	January 21, 2014		
		First Named Inventor	Aleksandar Kavcic		
		Art Unit	3992		
		Examiner Name	Linh M. Nguyen		
Sheet	1	of	5	Attorney Docket Number	97168REX

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² <i>(if known)</i>			
		5,060,088	10-22-1991	Dolivo et al.	
		5,422,760	06-06-1995	Abbott et al.	
		5,521,945	05-28-1996	Knudson	
		5,576,906	11-19-1996	Fisher et al.	
		5,619,167	04-08-1997	Adachi	
		5,619,539	04-08-1997	Coker et al.	
		5,682,125	10-28-1997	Minuhin et al.	
		6,282,251	08-28-2001	Worstell	

Examiner Signature	/Linh Nguyen/	Date Considered	09/15/2014
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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				Art Unit	3992
				Examiner Name	Linh M. Nguyen
Sheet	2	of	5	Attorney Docket Number	97168REX

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		E. ELEFThERIOUS et al., "Noise-Predictive Maximum-Likelihood (NPML) Detection For the Magnetic Recording Channel", 1996, 5 pages.	
		ADACHI, "Approximate Maximum Likelihood Coherent Detection of M-ary PSK Signals Using Viterbi Algorithm", 1994, 3 Pages.	
		BARBOSA, "Maximum Likelihood Sequence Estimators: A Geometric View", Vol. 35, No. 2, March 1989, 10 Pages.	
		BARBOSA, "Towards The Detection of Signals In Presence of Signal-Dependent Noise", Vol. 2605, 1995, 9 Pages.	
		BARBOSA, "A Model For Magnetic Recording Channels With Signal Dependent Noise", Vol. 31, No. 2, March 1995, 3 Pages.	
		D'ANDREA, "Approximate ML Decoding of Coded PSK With No Explicit Carrier Phase Reference", 1994, Vol. 42, No. 2/344, 7 Pages.	
		KAM et al., "Viterbi Detection With Simultaneous Suboptimal Maximum Likelihood Carrier Phase Estimation", Vol. 36, No. 12, December 1988, 4 Pages.	
		CHEVILLAT, et al., "Noise-Predictive Partial-Response Equalizers and Applications", 1992, 6 Pages.	
		CIOFFI et al., "Adaptive Equalization In Magnetic-Disk Storage Channels", February 1990, 16 Pages.	
		WONG et al., "A 50 MHz Eight-Tap Adaptive Equalizer For Partial-Response Channels", Vol. 30, No. 3, March 1995, 7 Pages.	
		KAVCIC et al., "The Viterbi Algorithm and Markov Noise Memory", Vol. 46, No. 1, January 2000, 11 Pages.	
		KAVCIC et al., "Correlation-Sensitive Adaptive Sequence Detection", Vol. 34, No. 3, May 1998, 9 Pages.	

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				Examiner Name	Linh M. Nguyen
				Attorney Docket Number	97168REX
Sheet	3	of	5		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		KAVCIC et al., "The Read Channel", Vol. 96, No. 11, November 2008, 14 Pages.	
		Expert Report of John G. Proakis, Ph.D. Regarding Invalidity of U.S. Patents 6,201,839 and 6,490,400 in Carnegie Mellon University v. Marvell Technology Group, Ltd. et al., No. 2:09-cv-00290-NBF (W.D. Pa.), 102 Pages	
		Memorandum Opinion, Dkt. 306, September 28, 2011 from <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.) (Fischer, J.), 25 pages	
		Memorandum Opinion, Dkt. 337, April 10, 2012 from <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.) (Fischer, J.), 20 Pages	
		Opinion, Dkt. 175, Oct. 10, 2010 from <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.) (Fischer, J.), 45 Pages	
		Transcript of Deposition of A. Kavcic, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Volume 1, July 13, 2010, 90 Pages	
		Transcript of Deposition of A. Kavcic, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Volume 2, July 14, 2010, 97 Pages	
		Transcript of Deposition of A. Kavcic, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Volume 3, July 15, 2010, 93 Pages	
		Transcript of Deposition of J. Moura, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Volume 1, March 25, 2010, 76 Pages	
		Transcript of Deposition of J. Moura, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Volume 2, September 16, 2010, 115 Pages	
		Transcript of Deposition of J. Moura, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Volume 3, September 17, 2010, 104 Pages	

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				Art Unit	3992
				Examiner Name	Linh M. Nguyen
Sheet	4	of	5	Attorney Docket Number	97168REX

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		Transcript of Deposition of S. McLaughlin, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Volume 1, March 22, 2012, 33 Pages (partially redacted)	
		Transcript of Deposition of S. McLaughlin, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Volume 2, March 23, 2012, 52 Pages (partially redacted)	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 3 - November 28, 2012, 271 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 4 - November 29, 2012, 316 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 5 - November 30, 2012, 284 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 6 - December 3, 2012, 389 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 7 - December 4, 2012, 299 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 8 - December 5, 2012, 419 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 9 - December 6, 2012, 367 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 10 - December 7, 2012, 328 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 11 - December 10, 2012, 380 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 12 - December 11, 2012, 387 Pages	

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		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 13 - December 12, 2012, 346 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 14 - December 13, 2012, 346 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 15 - December 17, 2012, 351 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 16 - December 18, 2012, 179 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 17 - December 19, 2012, 113 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 18 - December 20, 2012, 292 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 19 - December 21, 2012, 159 Pages	
		Trial Transcript, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Day 20 - December 26, 2012, 39 Pages	
		Opinion, Dkt. 901, Sept. 23, 2013, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.) (Fischer, J.), 126 Pages	
		Transcript of Deposition of J. Proakis, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), April 6, 2012, 115 Pages (partially redacted)	
		Expert Rebuttal Report of Prof. Steven W. McLaughlin, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), February 29, 2012 (3 Parts) (partially redacted)	
		Marvell's Preliminary Invalidity and Noninfringement Contentions, <i>Carnegie Mellon University v. Marvell Technology Group, Ltd. et al.</i> , No. 2:09-cv-00290-NBF (W.D. Pa.), Nov. 16, 2009 (with Appendices A-B), 199 pages	

Examiner Signature	/Linh Nguyen/	Date Considered	09/15/2014
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