

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In re U.S. Patent No: 6,687,746</b>	<b>R.C.N.:</b> Not yet assigned
<b>Issued:</b> February 3, 2004	<b>Examiner:</b> Not yet assigned
<b>Filed:</b> August 30, 1999	<b>Art Unit:</b> Not yet assigned
<b>Applicant:</b> Shuster, et al.	
<b>Title:</b> System apparatus and method for hosting and assigning domain names on a wide area network	

**Request for *Ex Parte* Re-examination**

Mail Stop “*Ex Parte* Reexamination”  
Office of Patent Legal Affairs  
Attn: Central Reexamination Unit  
P.O. BOX 1450  
Alexandria, VA 22313-1450

**I. INTRODUCTION**

Pursuant to 35 U.S.C. §§ 301 *et seq.* (2002), re-examination of United States Patent No. 6,687,746 (“the ‘746 Patent” or “the Patent” attached as Exhibit 1) is requested. The ‘746 Patent issued on February 3, 2004 to Shuster, et al. and is apparently assigned to Hoshiko, LLC. This is a new reexamination request. The ’746 Patent has not been previously reexamined.

Requester respectfully submits that there are substantial new questions regarding the patentability of all claims (1-20) of the ‘746 Patent. These substantial new questions of patentability are based on previously uncited, and thus unconsidered, prior art that renders

each of these claims invalid.<sup>1</sup> Accordingly, Requester respectfully requests that this Request for *Ex Parte* Re-examination be granted, and that all claims be cancelled.

The correspondence address for this matter is:

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The fee for this Request for *Ex Parte* Re-examination in the amount of \$2,520 has been paid by credit card during submission.

Requester certifies that a complete copy of this request has been served upon the patent owner as shown in the certificate of service located at the last page of this request.

Requester is unaware of any active litigation involving the Patent.

Requester is unaware of any pending application claiming priority to the '746 Patent. U.S. Patent Application No. 10/769,449 was filed as a continuation of the '746 Patent. This application was abandoned following a rejection of all claims.

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<sup>1</sup> A copy of every patent or printed publication relied upon and a copy of a certified English translation of every non-English language patent and/or printed publication is submitted, including a listing thereof on a form having a format equivalent to Form PTO/SB/08, PTO-1449, attached as Exhibit 2.

## II. IDENTIFICATION OF THE PRIOR ART REFERENCES THAT PRESENT SUBSTANTIAL NEW QUESTIONS OF PATENTABILITY

Reexamination of claims 1-20 (all of the issued claims) of the '746 Patent is requested in view of the following references:

- Exhibit 3. Cisco Systems, Cisco LocalDirector Installation and Configuration Guide, v1.6.3, October 1997 (excerpts) (hereinafter "**Cisco**");
- Exhibit 4. Engelschall, Ralf, et al. "virtual domains using mod\_rewrite", 7 messages from the Apache *httpd* developers electronic mailing list ([new-httpd@apache.org](mailto:new-httpd@apache.org)), published November 18-19, 1997 (hereinafter "**Engelschall**");
- Exhibit 5. Atkins, Brian, et al., "Modifying vhost with mod\_rewrite?", 2 messages from Usenet discussion group [comp.infosystems.www.servers.unix](http://comp.infosystems.www.servers.unix), published January 1, 1998 (hereinafter "**Atkins**");
- Exhibit 6. Slemko, Marc, "Apache redirects", 1 message from Usenet discussion group [info.inet.access](http://info.inet.access), published March 1, 1998 (hereinafter "**Slemko**");
- Exhibit 7. Hypermart.net, web pages from the web site <http://www.hypermart.net/> archived at <http://web.archive.org/>, originally published December 24, 1997 - January 31, 1998 (hereinafter "**Hypermart**");
- Exhibit 8. Sandro Pasquali, U.S. Patent No. 6,272,493 B1, issued August 7, 2001 on an application filed January 21, 1999 (hereinafter "**Pasquali**");
- Exhibit 9. Thomas G. Woolston, U.S. Patent No. 5,845,265, issued December 1, 1998, on an application filed November 7, 1995 (hereinafter "**Woolston**").

Additional support for the Detailed Explanation applying the prior art to the claims (which is given in Section V) is contained in the following claim charts

- Exhibit 10. An annotated version of the original message posted by Ralf Engelschall shown in Exhibit 4, message #6. This text was obtained from Mr. Engelschall's personal email archives.
- Exhibit 11. Claim Chart – Engelschall (alone and in combination with other art)

Finally, other written evidence may be considered in conjunction with printed publications, even if not applied as prior art, to show secondary issues such as the teaching or publication of a reference or in this case, enablement of a reference.

- Exhibit 12. Slemko, Marc, et al., “r->hostname vs. s->server->server\_hostname”, 6 messages from Apache developers electronic mailing list ([new-httpd@apache.org](mailto:new-httpd@apache.org)), posted January 1-7, 1998 (hereinafter “Slemko II”).
- Exhibit 13. Atkins, Brian, “‘fake’ vhosts now working- Thanks!”, 1 message from Apache developers electronic mailing list ([new-httpd@apache.org](mailto:new-httpd@apache.org)), posted January 8, 1998 (hereinafter “Atkins II”);
- Exhibit 14. Atkins, Brian, “Re: Hosting with one IP# ?”, 1 message from Usenet discussion group comp.infosystems.www.servers.unix, published January 8, 1998 (hereinafter “Atkins III”); and
- Exhibit 15. Declaration of Richard D. Mc Leod.

