

Office Action in Ex Parte Reexamination	Control No. 90/010,012	Patent Under Reexamination 6687746	
	Examiner William H. Wood	Art Unit 3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

- a Responsive to the communication(s) filed on ____ . b This action is made FINAL.
c A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input type="checkbox"/> Information Disclosure Statement, PTO/SB/08. | 4. <input type="checkbox"/> _____. |

Part II SUMMARY OF ACTION

- 1a. Claims 1-20 are subject to reexamination.
1b. Claims ____ are not subject to reexamination.
2. Claims ____ have been canceled in the present reexamination proceeding.
3. Claims ____ are patentable and/or confirmed.
4. Claims 1-20 are rejected.
5. Claims ____ are objected to.
6. The drawings, filed on ____ are acceptable.
7. The proposed drawing correction, filed on ____ has been (7a) approved (7b) 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
1 been received.
2 not been received.
3 been filed in Application No. ____ .
4 been filed in reexamination Control No. ____ .
5 been received by the International Bureau in PCT application No. ____ .
* See the attached detailed Office action for a list of the certified copies not received.
9. Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.
10. Other: _____

cc: Requester (if third party requester)

Notice of References Cited

Application/Control No. 90/010,012	Applicant(s)/Patent Under Reexamination 6687746	
Examiner William H. Wood	Art Unit 3992	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Brian Atkins. "Modifying vhost with mod_rewrite?". In Usenet discussion group: comp.infosystems.www.servers.unix [online]. January 01, 1998 [retrieved on 01/14/2009]. Retrieved from the Internet: < http://groups.google.com/group/comp.infosystems.www.servers.unix/browse_frm/month/1998-01 >.
	V	Marc Slemko. "Re: Modifying vhost with mod_rewrite?". In Usenet discussion group: comp.infosystems.www.servers.unix [online]. January 01, 1998 [retrieved on 01/14/2009]. Retrieved from the Internet: < http://groups.google.com/group/comp.infosystems.www.servers.unix/browse_frm/month/1998-01 >.
	W	"/home.html" file. In <URL: http://hypermart.net > archived at <URL: http://web.archive.org >, 12/24/1997 [online]. [retrieved on 01/14/2009] Retrieved from the Internet Archive using Internet <URL: http://web.archive.org/web/19971224105959/http://hypermart.net/home.html >.
	X	"/about.html" file. In <URL: http://hypermart.net > archived at <URL: http://web.archive.org >, 12/24/1997 [online]. [retrieved on 01/14/2009] Retrieved from the Internet Archive using Internet <URL: http://web.archive.org/web/19971224110715/http://hypermart.net/about.html >.

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited	Application/Control No. 90/010,012	Applicant(s)/Patent Under Reexamination 6687746	
	Examiner William H. Wood	Art Unit 3992	Page 2 of 2

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A US-			
	B US-			
	C US-			
	D US-			
	E US-			
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	K US-			
	L US-			
	M US-			

FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
U	"/njoin.html" file. In <URL: http://hypermart.net > archived at <URL: http://web.archive.org >, 12/24/1997 [online]. [retrieved on 01/14/2009] Retrieved from the Internet Archive using Internet <URL: http://web.archive.org/web/19971224111935/http://hypermart.net/njoin.html >.
V	"/faq/ftp.html" file. In <URL: http://hypermart.net > archived at <URL: http://web.archive.org >, 01/31/1998 [online]. [retrieved on 01/14/2009] Retrieved from the Internet Archive using Internet <URL: http://web.archive.org/web/19980131141348/http://hypermart.net/faq/ftp.html >.
W	"/faq/ad.html" file. In <URL: http://hypermart.net > archived at <URL: http://web.archive.org >, 01/31/1998 [online]. [retrieved on 01/14/2009] Retrieved from the Internet Archive using Internet <URL: http://web.archive.org/web/19980131141425/http://hypermart.net/faq/ad.html >.
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

DETAILED ACTION

Reexamination

1. This is an *ex parte* reexamination of U.S. Patent No. 6,687,746 requested by a third party requester. A substantial new question of patentability (SNQ) affecting claims 1-20 is raised and a reexamination has been ordered.

Request Established References

Requester argues the following patents and/or printed publications provide teachings relevant to the claims of requested reexamination of patent 6,687,746

(**Shuster et al.**):

- Exhibit 3: Cisco Systems, Cisco LocalDirector Installation and Configuration Guide, v1.6.3, October 1997 (excerpts)
(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), published November 18-19, 1997 (**Engelschall**)
- Exhibit 5: Atkins, Brian, et al., "Modifying vhost with mod_rewrite?", 2 messages from Usenet discussion group comp.infosystems.www.servers.unix, published January 1, 1998. (**Atkins**)

- Exhibit 6: Slemko, Marc, "Apache redirects", 1 message from Usenet discussion group info.inet.access, published March 1, 1998.
(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.
(Hypermart)
- Exhibit 8: Pasquali (US 6,272,493 B1), issued 08/07/2001, 01/21/1999.
(Pasquali)
- Exhibit 9: Woolston, (USPN 5,845,265), issued 12/01/1998, filed 11/07/1995. **(Woolston)**

Detailed Action Established References

This Detailed Action establishes the following references available for use as "printed publications" (MPEP 2217; MPEP 2128; MPEP 707.05(e), paragraph III., examples 9, 12) prior art applicable to the requested reexamination of U.S. patent 6,687,746 **(Shuster)**:

- Brian Atkins:** Brian Atkins. "Modifying vhost with mod_rewrite?". In Usenet discussion group: comp.infosystems.www.servers.unix [online]. January 01, 1998 [retrieved on 01/14/2009]. Retrieved from the Internet:

<http://groups.google.com/group/comp.infosystems.www.servers.unix/browse_frm/month/1998-01>.

Marc Slemko: Marc Slemko. "Re: Modifying vhost with mod_rewrite ?". In Usenet discussion group: comp.infosystems.www.servers.unix [online]. January 01, 1998 [retrieved on 01/14/2009]. Retrieved from the Internet: <http://groups.google.com/group/comp.infosystems.www.servers.unix/browse_frm/month/1998-01>.

Hypermart Home: "/home.html" file. In <URL: <http://hypermart.net>> archived at <URL: <http://web.archive.org>>, 12/24/1997 [online]. [retrieved on 01/14/2009] Retrieved from the Internet Archive using Internet <URL: <http://web.archive.org/web/19971224105959/http://hypermart.net/home.html>>.

Hypermart About: "/about.html" file. In <URL: <http://hypermart.net>> archived at <URL: <http://web.archive.org>>, 12/24/1997 [online]. [retrieved on 01/14/2009] Retrieved from the Internet Archive using Internet <URL: <http://web.archive.org/web/19971224110715/http://hypermart.net/about.html>>.

Hypermart Njoin: "/njoin.html" file. In <URL: <http://hypermart.net>> archived at <URL: <http://web.archive.org>>, 12/24/1997 [online]. [retrieved on 01/14/2009] Retrieved from the Internet Archive using Internet <URL: <http://web.archive.org/web/>>

19971224111935/http://hypermart.net/njoin.html>.

Hypermart FTP: “/faq/ftp.html” file. In <URL: http://hypermart.net> archived at <URL: http://web.archive.org>, 01/31/1998 [online].

[retrieved on 01/14/2009] Retrieved from the Internet Archive using Internet <URL: http://web.archive.org/web/

19980131141348/http://hypermart.net/faq/ftp.html>.

Hypermart Ad: “/faq/ad.html” file. In <URL: http://hypermart.net> archived at <URL: http://web.archive.org>, 01/31/1998 [online].

[retrieved on 01/14/2009] Retrieved from the Internet Archive using Internet <URL: http://web.archive.org/web/

19980131141425/http://hypermart.net/faq/ad.html>.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 9, 11-13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Marc Slemko** (Marc Slemko, “Re: Modifying vhost with mod_rewrite?”, published January 1, 1998).

Claim 1

Art Unit: 3992

Marc Slemko discloses a method for enabling internet access to content located by a domain name, the domain name including a user-selected subdomain label (**Marc Slemko**: page 1, top, "we are running an experimental server", servers retrieve and serve stored content; page 1, top, "free subdomain in the form of username.hypermart.net"), the method comprising:

having an IP address specified by an internet-class resource record for a domain name server, in that the resource record associates IP address to domain name in a zone file of the domain name server, and wherein domain name comprises (a) a subdomain labeled with a designated wildcard character of a domain name system and (b) at least one: higher-level domain name (**Marc Slemko**: page 2, "you use some domain where you can use wildcard A records or CNAMEs (eg. *.user.example.com); then you don't even need to add anything to the DNS to make it work", A records associate IP addresses);

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 (**Marc Slemko**: page 1, "all users at Hypermart receive a free subdomain in the form of username.hypermart.net that they can use instead of the regular www.hypermart.net/username style URL", and "since the subdomains ... map perfectly well to our physical dir structure, we are trying to simply rewrite all URL requests for subdomains internally using mod_rewrite instead of having vhost entries for them"; therefore content address is shown by physical dir structure such as /username), wherein the user-selected label comprises at least one character that is not the

Art Unit: 3992

designated wildcard character (**Marc Slemko**: page 1, "a free subdomain in the form of *username.hypermart.net* ... we have over 2500 members now", at least one character not "*");

storing content in the content storage system, the content addressed by the content address (**Marc Slemko**: page 1, "all users at Hypermart receive a free subdomain in the form of *username.hypermart.net* that they can use instead of the regular *www.hypermart.net/username* style URL", and "subdomains ... map perfectly well to our physical dir structure"; page 1, "we are running an experimental server", servers retrieve and serve stored content);

determining the content address from the user-selected label (**Marc Slemko**: page 1, "all users at Hypermart receive a free subdomain in the form of *username.hypermart.net* that they can use instead of the regular *www.hypermart.net/username* style URL", and "since the subdomains ... map perfectly well to our physical dir structure, we are trying to simply rewrite all URL requests for subdomains internally using *mod_rewrite* instead of having *vhost* entries for them"; also the listed ruleset);

retrieving the content from the content storage system using the content address (**Marc Slemko**: page 1, "we are running an experimental server", servers retrieve and serve stored content); and

servicing the content (**Marc Slemko**: page 1, "we are running an experimental server", servers retrieve and serve stored content).

Art Unit: 3992

Marc Slemko does not explicitly state the method for enabling internet access to content: 1) includes a user-selected subdomain label that is not associated with an IP address in a zone file of any higher-level domain; 2) 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) a subdomain labeled with a designated wildcard character of a domain name system and (b) at least one: higher-level domain name; and 3) 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. That is the hosting method/system described in the first paragraph on page 1 of **Marc Slemko**, does not explicitly state the above three points are included.

Marc Slemko demonstrated that it was known at the time of invention to supply a domain name comprising a higher-level domain and subdomain substituted for a wildcard character (***Marc Slemko**: page 2, "you use some domain where you can use wildcard A records or CNAMEs (eg. *.user.example.com); then you don't even need to add anything to the DNS to make it work"; page 1, "username.hypermart.net"*) and user-selected labels as subdomains (***Marc Slemko**: page 1, "all users at Hypermart receive a free subdomain in the form of username.hypermart.net that they can use instead of the regular www.hypermart.net/username style URL"; "since the subdomains ... map perfectly well to our physical dir structure, we are trying to simply rewrite all URL*

Art Unit: 3992

*requests for subdomains internally using mod_rewrite instead of having vhost entries for them"; also the listed ruleset), subdomains not being associated with an IP address in a zone file of any higher-level domain (page 2, "you use some domain where you can use wildcard A records or CNAMEs (eg. *.user.example.com); then you don't even need to add anything to the DNS to make it work") and operating a host with a higher-level domain and subdomains for the user/client (page 1, first paragraph). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the hosting server method/system of **Marc Slemko** with a server receiving domain names such that the domain name comprises a host name (perhaps 'hypermart.net', as the higher-level domain name) and a user-selected label (subdomain) substituted for a wildcard character (perhaps 'username') as suggested by **Marc Slemko's** teaching such that a zone resource record for the host domain is comprised of a subdomain using a wildcard character and a higher-level domain name also as suggested by **Marc Slemko's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to increase the ease of use by reducing work (**Marc Slemko**: page 2, "then you don't even need to add anything to the DNS to make it work"; page 1, bottom, "we are trying to simply rewrite all URL requests for subdomains internally using mod_rewrite instead of having vhost entries for all of them").*

Claim 2

Art Unit: 3992

Marc Slemko discloses the method of claim 1, further comprising maintaining a searchable database of a plurality of user-selected labels, each of the plurality of user-selected labels associated with a corresponding content address of the content storage system (**Marc Slemko**: page 1, "all users at Hypermart receive a free subdomain in the form of *username.hypermart.net* that they can use instead of the regular *www.hypermart.net/username* style URL ... but we have over 2500 members now", and "subdomains ... map perfectly well to our physical dir structure").

Claim 9

Marc Slemko does not explicitly state the method of claim 1, further comprising comparing the user-selected label to a plurality of previously-selected labels each comprising a corresponding content address of the content storage system. **Marc Slemko** demonstrated that it was known at the time of invention to map user-selected labels (usernames) to a content storage systems (**Marc Slemko**: page 1, "all users at Hypermart receive a free subdomain in the form of *username.hypermart.net* that they can use instead of the regular *www.hypermart.net/username* style URL", and "subdomains ... map perfectly well to our physical dir structure") and to have large numbers of users to select labels and use the content storage system (**Marc Slemko**: "over 2500 members"). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the server system of **Marc Slemko** with comparing user-selected labels (usernames) to previous labels corresponding content addresses as found in **Marc Slemko**'s teaching. This implementation would have been obvious

Art Unit: 3992

because one of ordinary skill in the art would be motivated to provide a secure and functional environment for the system's users (and their corresponding access to the content structure of the system). Security is aided by unique IDs/labels and uniqueness requires comparing a label to existing labels (**Marc Slemko**: page 1, "all users at Hypermart receive a free subdomain in the form of username.hypermart.net that they can use instead of the regular www.hypermart.net/username style URL", and "subdomains ... map perfectly well to our physical dir structure"). Further, as the content storage system (physical dir structure) is reconfigured or expanded, unique labels are required for correct functioning and then also comparison is required.

Claim 11

Marc Slemko did not explicitly state the method of claim 1, further comprising defining the user-selected label to appear like nested subdomains of a domain name configured in accordance with the domain name system. **Marc Slemko** demonstrated that it was known at the time of invention: to use nested subdomains (**Marc Slemko**: page 2, "you use some domain where you can use wildcard A records or CNAMEs (eg. *.user.example.com); then you don't even need to add anything to the DNS to make it work"); to map user-selected labels (usernames) to a content storage systems (**Marc Slemko**: page 1, "all users at Hypermart receive a free subdomain in the form of username.hypermart.net that they can use instead of the regular www.hypermart.net/username style URL", and "subdomains ... map perfectly well to our physical dir structure"); and to have large numbers of users to select labels and use the

Art Unit: 3992

content storage system (**Marc Slemko**: page 1, "over 2500 members"). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the server system of **Marc Slemko** with user-selected labels (usernames, physical dir structure mapping) which appear like nested subdomains as suggested by **Marc Slemko**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a dynamic system capable of handling increased numbers of users over time, business expansion (**Marc Slemko**: page 1, "we have over 2500 members now, which has pushed us up close to 3k vhosts" and "we are trying to simply rewrite all URL requests for subdomains internally ... instead of having vhost entries for them"; page 2, "you use some domain where you can use wildcard A records or CNAMEs (eg. *.user.example.com); then you don't even need to add anything to the DNS to make it work"; all indicating a situation of a growing number of users). Nested subdomains increase the unique labels/ID's, thus user-selected labels that appear or act like nested subdomains increase the unique labels/ID's available to the system and therefore help with a growing system/business.

Claims 12-13 and 19

The limitations of claims 12-13 and 19 correspond to the limitations of claims 1-2 and 9 and are rejected in a corresponding manner. Note "memory" for instructions is disclosed by **Atkins** (message 2, page 1, middle).

Claims 3-5 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Marc Slemko** (Marc Slemko, "Re: Modifying vhost with mod_rewrite ?", published January 1, 1998) in view of **Hypermart Ad** ("/faq/ad.html" file. From <URL: <http://hypermart.net>> 01/31/1998).

Claim 3

Marc Slemko does not explicitly state the method of claim 1, wherein the serving step further comprises serving a frameset for the content, the frameset comprising at least one provider frame and a client frame. **Hypermart Ad** demonstrated that it was known at the time of invention to serve a frameset for content including at least one provider frame and a client frame (**Hypermart Ad**: page 1, middle, "[w]e allow you to upload your files with a .ftm or .ftml extension ... extensions will be for framesets"; page 1, above last paragraph, "[w]e monitor all .ftm/.ftml files to make sure that the ad banner is visible in at least one frame"; a user's frameset therefore has at least one frame with an ad, provider frame, and other frames are for the user/client's purposes). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the server system of **Marc Slemko** with framesets for the content (a client's, user's) including at least a provider frame (for advertising) and a client frame as found in **Hypermart Ad's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide for operational cost and yet attract customers (increased value to customer, including those using frames) (**Hypermart Ad**: page 1, last paragraph, "ad banners are how we provide you with free hosting").

Claim 4

Atkins does not explicitly state the method of claim 3, wherein the serving step further comprises serving the client frame configured for display of the content. **Hypermart Ad** demonstrated that it was known at the time of invention to serve a frameset for content including at least one provider frame and a client frame (**Hypermart Ad**: page 1, middle, “[w]e allow you to upload your files with a .htm or .html extension ... extensions will be for framesets”; page 1, above last paragraph, “[w]e monitor all .htm/.html files to make sure that the ad banner is visible in at least one frame”; in a user's frameset other frames, one's without the ad, are for the user/client's purposes). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the server system of **Marc Slemko** with framesets for the content (a client's, user's) including at least a provider frame (for advertising) and a client frame as found in **Hypermart Ad's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide for operational cost and yet attract customers (increased value to customer, including those using frames) (**Hypermart Ad**: page 1, last paragraph, “ad banners are how we provide you with free hosting”).

Claim 5

Atkins does not explicitly state the method of claim 3, wherein the serving step further comprises serving the provider frame configured for display of advertising content. **Hypermart Ad** demonstrated that it was known at the time of invention to serve a

Art Unit: 3992

frameset for content including at least one provider frame and a client frame

(**Hypermart Ad**: page 1, middle, “[w]e allow you to upload your files with a .ftm or .ftml extension ... extensions will be for framesets”; page 1, above last paragraph, “[w]e monitor all .ftm/.ftml files to make sure that the ad banner is visible in at least one frame”; a user’s frameset therefore has at least one frame with an ad, provider frame, and other frames are for the user/client’s purposes). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the server system of **Marc Slemko** with framesets for the content (a client’s, user’s) including at least a provider frame (for advertising) and a client frame as found in **Hypermart Ad**’s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide for operational cost and yet attract customers (increased value to customer, including those using frames) (**Hypermart Ad**: page 1, last paragraph, “ad banners are how we provide you with free hosting”).

Claims 14-15

The limitations of claims 14-15 correspond to the limitations of claims 3-5 and are rejected in a corresponding manner.

Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Marc Slemko** (Marc Slemko, “Re: Modifying vhost with mod_rewrite?”, published January 1, 1998) in view of **Hypermart FTP** (“/faq/ftp.html” file. From <URL:

Art Unit: 3992

<http://hypermart.net>> 01/31/1998) in further view of **Hypermart Njoin** ("njoin.html" file.

From <URL: <http://hypermart.net>> 12/24/1997).

Claim 8

Marc Slemko does not explicitly state the method of claim 1, further comprising receiving the content for storage on the content storage system from a user that selected the user-selected label. **Hypermart FTP** demonstrated that it was known at the time of invention to receive content for storage from a user of an account (page 1, "When I FTP my files, where do they go? When you FTP you files they are transferred directly into a directory specifically set for your files ...", page 1, "I cant seem to connect with FTP, what is wrong? ... Your accountname ...") and **Hypermart Njoin** demonstrated that it was known at the time of invention to provide users of a system with the ability to choose their user name, ID, account or user-selected label (page 1, "username you choose ... if you choose 'mycompany'", "Choose a username" field). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the hosting server method/system of **Marc Slemko** with receiving content for storage from a user that selected the user-selected label as found in **Hypermart FTP's** and **Hypermart Njoin's** teachings. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide users of the Hypermart hosting system (found in both **Marc Slemko**, **Hypermart FTP**, and **Hypermart Njoin**) the tools and functionality in order to accomplish hosting the content desirable to users, that is user provided content (**Marc Slemko**: page 1, first paragraph,

Art Unit: 3992

hosting; **Hypermart Njoin**: page 1, “The user name you choose will determine how people will access your site”).

Claim 18

The limitations of claim 18 correspond to the limitations of claim 8 and are rejected in a corresponding manner.

Claims 6-7 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Marc Slemko** (Marc Slemko, “Re: Modifying vhost with mod_rewrite?”, published January 1, 1998) in view of **Cisco** (Cisco Systems, Cisco LocalDirector Installation and Configuration Guide, v1.6.3, October 1997 (excerpts)).

Claim 6

Marc Slemko does not explicitly state the method of claim 1, wherein the receiving step is performed by a scheduler, and further comprising directing the domain name from the scheduler to a redirector so as to balance load from a plurality of requests. **Cisco** demonstrated that it was known at the time of invention to “receive” being performed by an entity/scheduler (**Cisco**: page 1-1, figure 1-1, LocalDirector) and for such entity to direct to other entities/redirectors so as to load balance (**Cisco**: page 1-1, figure 1-1, “LocalDirector ... is a ... solution ... that intelligently load balances TCP/IP traffic across multiple servers”). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the server system of **Marc Slemko** with scheduling and

Art Unit: 3992

load balancing as found in **Cisco's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to reduce cost and speed access (**Cisco**: page 1-1, first paragraph).

Claim 7

Marc Slemko does not explicitly state the method of claim 6, wherein the determining step is performed by any one of a plurality of redirectors, each configured for parsing the domain name. **Cisco** demonstrated that it was known at the time of invention to provide a plurality of entities/redirectors (**Cisco**: page 1-1, "TCP/IP traffic across multiple servers", figure 1-1, multiple servers). **Marc Slemko** demonstrated entities/servers for parsing domain names (**Marc Slemko**: page 1, mod_rewrite and the ruleset; page 2, "you use some domain where you can use wildcard A records or CNAMEs (eg. *.user.example.com); then you don't even need to add anything to the DNS to make it work"). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the server system of **Marc Slemko** with a plurality of entities for parsing the domain name as found in **Cisco's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to reduce cost and speed access (**Cisco**: page 1-1, first paragraph).

Claims 16-17

The limitations of claims 16-17 correspond to the limitations of claims 6-7 and are rejected in a corresponding manner.

Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Marc Slemko** (Marc Slemko, "Re: Modifying vhost with mod_rewrite ?", published January 1, 1998) in view of **Woolston** (USPN 5,845,265; issued 12/01/1998).

Claim 10

Marc Slemko does not explicitly state the method of claim 1, further comprising auctioning the user-selected label for bids from a plurality of bidders. **Woolston** demonstrated that it was known at the time of invention to auction goods using electronic means, computerized means (column 3, lines 25-41, "electronic legal ownership"; column 5, lines 46-60, "with or without reserve, to the highest bidder"). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the server system of **Marc Slemko** with auctioning items of value (in the Marc Slemko server some or all of the limited and thus valuable number of unique labels/names/IDs) as found in **Woolston's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to increase revenue for the operation of the system (column 5, lines 50-51, "the highest bidder").

Claim 20

The limitations of claim 20 corresponds to the limitations of claim 10 and is rejected in a corresponding manner.

Important Reexamination Notices

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 reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Service of Papers

After filing of a request for *ex parte* 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. The document must reflect service or the document may be refused consideration by the Office. See 37 CFR 1.550(f).

Amendment to 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 1.20(c). See MPEP 2250.

In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to the first Office action on the merits (which does not result in a close of prosecution). Submissions after the second Office action on the merits (which is intended to be a final action) will be governed by the requirements of 37 CFR 1.116 after final rejection and 37 CFR 41.33 after appeal, such requirements will be strictly enforced. See MPEP 2250 (IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Litigation Reminder

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. 6,687,746 throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

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. 6,687,746 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.

Art Unit: 3992

Correspondence Information

All correspondence relating to this *ex parte* reexamination proceeding should be directed:

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


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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