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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/014,297	05/03/2019	6958623	10256-0038RX1	2264
93344	7590	02/12/2020	EXAMINER	
Flachsbart & Greenspoon 333 N. Michigan Avenue 27th Floor Chicago, IL 60601-3901			TON, MY TRANG	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			02/12/2020	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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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/014,297 .

PATENT UNDER REEXAMINATION 6958623 .

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)).

<b>Notice of Intent to Issue Ex Parte Reexamination Certificate</b>	<b>Control No.</b> 90/014,297	<b>Patent Under Reexamination</b> 6958623	
	<b>Examiner</b> MY TRANG TON	<b>Art Unit</b> 3992	<b>AIA Status</b> 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: December 20, 2019.
  - (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: 1.
    - (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: 2-19.
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.

/MY TRANG TON/  
Primary Examiner, Art Unit 3992

cc: Requester (if third party requester)

**NOTICE OF INTENT TO ISSUE EX PARTE REEXAMINATION  
CERTIFICATE (NIRC)**

This is an *ex parte* reexamination of U.S. Patent No. 6,958,623 ("**the '623 Patent**").

5

**AMENDMENT**

Patent Owner's Response and a declaration of Regan Zane filed on December 20, 2019 (hereinafter "**December 2019 Response**") has been fully considered and is persuasive. This action is in response to the December 2019 Response.

10

**REFERENCE DISCUSSED**

1. U.S. Patent No. 5,134,323 to Congdon (hereinafter "Congdon '323").
2. U.S. Patent No. 5,304,867 to Morris (hereinafter "Morris").
3. U.S. Patent No. 4,471,242 to Noufer (hereinafter "Noufer").

**STATUS OF CLAIMS**

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The status of the claims in this proceeding is as follows:

Original independent claim 1 is confirmed.

Claims 2-19 are not subject to reexamination.

**STATEMENT OF REASONS FOR PATENTABILITY AND/OR  
CONFIRMATION**

The following is an examiner's statement of reasons for patentability  
5 and/or confirmation of the claims found patentable in this reexamination  
proceeding:

After reconsideration, the Examiners agree with the arguments presented  
on the December 2019 Response regarding claim 1. Independent claim 1 is  
distinguished over the above cited prior arts of record (Congdon '323, Morris  
10 and Noufer) and is deemed patentable and/or confirmed for the following  
reason:

In particularly:

Claim 1 requires: **“a voltage stabilizer connected to the second and  
third terminals”** in combination with **“a complementary metal oxide  
15 semiconductor (CMOS) inverter connected to the first terminal, the  
second terminal, said transistor and said voltage stabilizer, said CMOS  
inverter interrupting the passing of current between said voltage  
stabilizer and the second terminal when said transistor is in its off  
switching state”**.

Explanation as to why the Congdon '323, the previously applied primary reference, lacks these features is given in the December 2019 Response, which the Examiners agree with. The other cited references (Noufer and Morris) do not remedy the deficiencies of the Congdon '323. See the December 2019  
5 Response, pp. 14-36. The declaration of Regan Zane traversing rejection is persuasive and the prior rejections (issues 4 and 5) withdrawn.

While the Congdon '323 does indeed teach a three terminal noninverting transistor switch. However, the limitations "**the voltage stabilizer and the complementary metal oxide semiconductor (CMOS) inverter**" are not seen  
10 in the Congdon '323 in combination with Noufer and Morris, nor is there any suggestion of doing so. Thus, claim 1 distinguishes over the prior arts of record.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such  
15 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.

### CONCLUSION

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

By Mail to: Mail Stop *Ex Parte* Reexam

Art Unit: 3992

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United States Patent & Trademark Office  
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Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>. EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are “soft scanned” (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the “soft scanning” process is complete.

20 Any inquiry concerning this communication should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

/MY TRANG TON/  
Primary Examiner, Art Unit 3992

25 Conferees:

/Christopher E. Lee/  
Primary Examiner, Art Unit 3992

/ANDREW J. FISCHER/  
Supervisory Patent Examiner, Art Unit 3992

**R E E X A M I N A T I O N**

**REASONS FOR PATENTABILITY / CONFIRMATION**

Reexamination Control No. 90/014,297

Attachment to Paper No. 20200122 .

Art Unit 3992 .

See attached paper.

/MY TRANG TON/ Primary Examiner, Art Unit 3992		
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