



Declaration of Daniel Egger in Support of Applicants'  
Petition to Revive Filed Under 37 C.F.R. § 1.137(b)

1. I, Daniel Egger, am the first named applicant of U.S. Patent Application Serial No. 09/854,577 filed May 15, 2001 and entitled, "Method and Apparatus For Indexing, Searching And Displaying Data", (hereafter the '577 application").
2. I am also the owner of the entire interest in the '577 application.
3. The '577 application was initially filed by the law firm of Dorsey & Whitney, LLP (hereafter "D&W") through its office then located at Suite 440, 1660 International Drive, McLean, Virginia 22102. See, copy of official filing receipt, attached as Exhibit A.
4. On October 4, 2004, a Change of Correspondence Address was filed by Edward Bulchis, Reg. No. 26,847, of D&W that identified 1420 Fifth Avenue, Suite 3400, Seattle, Washington 98101 as a new correspondence address for correspondence related to the '577 application. See, copy attached as Exhibit B.
5. However, completely unknown to me and apparently also unknown to D&W, an Office Action was issued by the United States Patent and Trademark Office on March 30, 2004, and was sent to the former address of D&W's McLean, Virginia office.
6. D&W received a copy of the Office Action no later than March 21, 2005. See, copy of facsimile cover sheet from Denise Sheridan forwarding a copy of the Office Action to Kristine Kincaid, attached as Exhibit C.

7. D&W received a copy of a Notice of Abandonment on March 31, 2005, and a notation was placed on the Notice of Abandonment by Kristine Kincaid stating that, “Denise Sheridan confirmed that no response was filed because the Office Action wasn’t received due to a change of address without notifying the Patent Office.” See, copy of Notice of Abandonment attached as Exhibit D.

8. Notwithstanding the received Notice of Abandonment, I was only routinely informed of the Office Action in a letter dated May 9, 2005 from Edward Bulchis. The letter provided commentary and suggestions regarding a possible response to the Office Action, but made no reference whatsoever was made to the abandoned state of the application, or the implications of this abandonment to the continued prosecution of the ‘577 application. See, copy of Bulchis Letter dated May 9, 2005, attached as Exhibit E.

9. On June 1, 2005, still not knowing that the application was abandoned, I responded by email to the Bulchis Letter dated May 9, 2005. See, copy of responding email attached as Exhibit F.


10. During the July/August 2005 timeframe I was orally informed by Edward Bulchis of some “technicality” associated with the pending ‘557 application, but was assured that it could be easily remedied by D&W. At this time, I was not informed that the application had become abandoned or that timely revival was required to continue prosecution.

11. On March 2, 2005, I received a letter dated February 3, 2005 from Edward Bulchis clearly notifying me for the first time that the pending ‘577 application was, in fact, in an “abandoned state.” I immediately sent an email reply requesting that the application be revived. See, copy of Bulchis Letter dated February 3, 2005 and copy of replying email of March 2, 2005, both attached as Exhibit G.

12. On April 10, 2005 after unsuccessful attempts to address this matter through D&W, I contacted new patent counsel. Also on this date - for the first time - I was informed by new patent counsel of the imperative to timely revive the '577 application. Accordingly, I instructed Edward Bulchis to forward the prosecution file for the '557 application to the offices of Volentine, Francos & Whitt, PLLC in Reston, Virginia (VFW). See, copy of email attached as Exhibit H.

13. During the week of April 10, 2006, in cooperation with VFW, I prepared the necessary documents to effect revival and make a response to the Office Action.

14. I hereby declare that all statements made herein of my own knowledge are true, and that all statements on information and believe are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the '557 application or any patent issuing from the '557 application.



by: Daniel Egger

April 17, 2006  
Date

AN / JKH



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/854,577	05/15/2001	2171	355	4256B	56	20	3

CONFIRMATION NO. 1561

FILING RECEIPT



\*OC00000006175031\*

DORSEY & WHITNEY LLP  
Suite 400  
1660 International Drive  
McLean, VA 22102

Date Mailed: 06/13/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Daniel Egger, Durham, NC;  
Shawn Cannon, Hillsborough, NC;  
Ronald D. Sauers, Mebane, NC;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/071,120 05/04/1998 PAT 6,233,571  
WHICH IS A DIV OF 08/649,304 05/17/1996 PAT 5,832,494  
WHICH IS A CIP OF 08/076,658 06/14/1993 PAT 5,544,352

Foreign Applications

If Required, Foreign Filing License Granted 06/11/2001

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

DOCKETED

6/21/01

WJW



PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Oct. 4, 2004  
Date

Denise Sheridan  
Denise Sheridan

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

Applicants : Daniel Egger et al. Attorney Docket No.: 32560/US (4256B)  
Serial No. : 09/854,577 Group Art Unit : 2171  
Filed : May 15, 2001 Examiner : S. Muhebbullah  
Title : METHOD AND APPARATUS FOR INDEXING, SEARCHING AND DISPLAYING  
DATA

**CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned attorney of record requests that the correspondence address in the above-identified application be changed to:

Edward W. Bulchis  
DORSEY & WHITNEY LLP  
1420 Fifth Avenue, Suite 3400  
Seattle, Washington 98101  
(206) 903-8800  
Fax: (206) 903-8820

Respectfully submitted,  
DORSEY & WHITNEY LLP

Edward W. Bulchis  
Registration No. 26,847

EWB:dms

Enclosure:

Postcard

1420 Fifth Avenue, Suite 3400  
Seattle, WA 98101  
Tel: (206) 903-8800  
Fax: (206) 903-8820



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,577	05/15/2001	Daniel Egger	4256B	1561

7590 03/30/2004  
**DORSEY & WHITNEY LLP**  
Suite 400  
1660 International Drive  
McLean, VA 22102

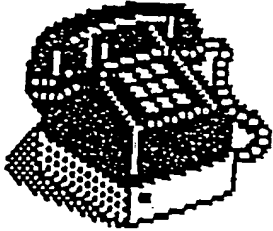
EXAMINER  
LEWIS, ADAM M

ART UNIT      PAPER NUMBER  
2174                      5

DATE MAILED: 03/30/2004

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

*h*



# TELECOPY/FACSIMILE TRANSMISSION COVER SHEET

DATE: 3/21/05

TO: (NAME) Denise Sheppard

(COMPANY OR FIRM) \_\_\_\_\_

(FAX No.) 1-206-903-8820

FROM: (NAME) Kristine Kincaid

(VOICELINE No.) 571-272-4063

NUMBER OF PAGES 14 INCLUDING THIS PAGE.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,577	05/15/2001	Daniel Egger	4256B	1561

7590 03/28/2005  
Edward W. Bulchis  
DORSEY & WHITNEY LLP  
1420 Fifth Avenue  
Suite 3400  
Seattle, WA 98101

EXAMINER  
MUHEBBULLAH, SAJEDA

ART UNIT 2174  
PAPER NUMBER

RECEIVED

MAR 31 2005 DATE MAILED: 03/28/2005

DORSEY & WHITNEY LLP *ea*

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



**Notice of Abandonment**

Application No.	Applicant(s)	
09/854,577	EGGER ET AL.	
Examiner	Art Unit	
Sajeda Muhebbullah	2174	

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

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 03/30/2004.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

Denise Sheridan confirmed that no response was filed because the office action wasn't received due to a change of address without notifying the Patent Office.

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

**EDWARD W. BULCHIS**  
(206) 903-8785  
bulchis.ed@dorsey.com

May 9, 2005

Mr. Daniel Egger  
900 West Main Street  
Suite 258  
Durham, NC 27701

Re: U.S. Patent Application No. 09/854,577  
METHOD AND APPARATUS FOR INDEXING, SEARCHING AND  
DISPLAYING DATA  
Our Reference: 32560/US (453550-1)

Dear Dan:

We have now reviewed your application and the patents previously issuing from the parents to this application, as well as the Office Action and cited reference, which were previously sent to you. As you may recall, this application is directed to a window management system and method in which active windows are identified and displayed in a particular format. Each time a new window is activated, it is also identified and displayed in a particular format. Additionally, the system and method can recognize active windows other than those that have been identified, and it then causes these recognized windows to be displayed in a second format. For example, if there are a large number of active windows, the most recent windows can be maximized while older windows can be minimized. The claimed system and method automatically performs these management functions each time a new window is activated.

The sole reference cited in the Office Action is a text by Cowart entitled "Mastering Windows 3.1," which describes and shows in Figures 2.8 and 2.9 displaying active windows in either a "Cascade" format or a "Tile" format. The Cascade or Tile format is manually selected by the user. Regardless of what format is selected, the main window also shows, in addition to either Cascaded or Tiled windows, icons corresponding to applications that are not active. Whenever one of these applications is activated, a corresponding window is displayed in the selected window format.

If our understanding of the Cowart text is correct, then it does not disclose or suggest recognizing at least one active window that is displayed in a format that is different from the format used to display other active windows, as recited in claims 106-112. If our analysis is correct, we believe claims 106-112 should be allowable, and we will explain our reasoning to the Examiner in our response.

Claim 99 is somewhat broader than claim 106 in that it requires only identifying activated windows and displaying these windows in a particular format each time a new window is activated. The cited reference therefore may suggest the subject matter of claim 99 unless claim 99 can be read to require that less than all of the active windows are displayed, *e.g.* only the most recently activated windows are displayed. We therefore recommend consideration be given to amending claim 99 to clarify that only the most recently activated windows are displayed, and this function of selectively displaying the most recently activated windows is accomplished each time a new window is activated.

The remaining independent claim, *i.e.*, claim 113, is a system claim that is directed to auto-arranging windows in a predetermined format in a manner that causes the arrangement of all active windows to change each time a new window is activated. This claim arguably reads on the disclosure in the Cowart reference of adding a new cascaded or tiled window to existing cascaded or cascaded windows, respectively, each time a new application is activated. When the new window is added, the arrangement therefore arguably changes.

Mr. Daniel Egger  
May 9, 2005  
Page 3



Please review the Office Action and cited reference, and then give me a call so we can discuss the preparation of a response to the Office Action. In case you do not have a complete copy of the Cowart reference, we are enclosing copies of pages 53-82.

Very truly yours,

DORSEY & WHITNEY LLP

A handwritten signature in black ink, appearing to read 'Ed'.

Edward W. Bulchis

EWB:alb

Enclosures:

As Noted

h:\ip\clients\egger, daniel\32560us\32560us egger ltr 050905.doc

## Bulchis, Ed

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**From:** Daniel Egger [degger@osriskmanagement.com]  
**Sent:** Thursday, March 02, 2006 2:47 PM  
**To:** Bulchis, Ed  
**Subject:** Revival of Egger Patent App.

Ed:

I just got your Feb 3 letter! We definitely need to revive this application, if it can be part of a broader strategy with the two issued patents. The issue was and is, whether the =original date can be used to pursue a modification of the original claims in the first 1992 patent that will strengthen them against potential challenge. Joby Hughes was supposed to call you on this point last summer as you may remember. He went quiet for a few months but has significant renewed interest in the deal and has been hounding me for an answer -- so we need to understand his question and answer it.

Please let me know a couple times when I can reach you by telephone, and we can figure out who should do what when.

Thanks,

Daniel Egger

**EDWARD W. BULCHIS**  
(206) 903-8785  
bulchis.ed@dorsey.com

February 3, 2006

Mr. Daniel Egger  
900 West Main Street  
Suite 258  
Durham, NC 27701

Re: U.S. Patent Application No. 09/854 577  
METHOD AND APPARATUS FOR INDEXING, SEARCHING AND  
DISPLAYING DATA  
Our Reference: 32560/US (453550-1)

Dear Dan:

As we have discussed, your application is currently in an abandoned status although we can take steps to revive it. The application was abandoned because no response was filed to an Office Action dated March 30, 2004. We previously started preparing documents to revive the application at Dorsey's expense. However, one of the requirements to revive the application is that a response to the Office Action must be filed with the documents reviving the application. We previously solicited your assistance in determining how the claims rejected in the Office Action distinguished over the cited references. In our last telephone conversation, you indicated that the subject matter of the claims presently in the application had very limited value to you, and you indicated you would let me know what you would like to do with the application. Would you please let me know as soon as possible as the application should not remain in its abandon state indefinitely if you intend to eventually revive it.

There are basically three options. First, we can prepare a response arguing the patentability of the claims presently in the application. However, as mentioned above, we will need your assistance before preparing the response. Second, we can file a continuation application substituting new and presumably more valuable claims for prosecution in the continuation application. Third, we can simply leave the application in its abandoned state. As also mentioned during our last telephone conversation, if you choose the third option, Dorsey would deduct from the balance currently owing an amount equal to the Patent & Trademark Office fee for reviving the application. This fee is currently \$750. Regardless of which option you choose, you need to take action in reducing the outstanding balance, which has been unpaid for some time.

Mr. Daniel Egger  
February 3, 2006  
Page 2



If you have any questions, please do not hesitate to call.

Very truly yours,

DORSEY & WHITNEY LLP

A handwritten signature in black ink, appearing to read 'E. Bulchis', written over the printed name.

Edward W. Bulchis

EWB:alb

h:\p\clients\egger, daniel\32560us\32560us egger ltr 050905.doc

## Stephen Whitt

---

**From:** Daniel Egger [degger@osriskmanagement.com]  
**Sent:** Tuesday, April 11, 2006 11:14 AM  
**To:** bulchis.ed@dorsey.com  
**Cc:** Stephen Whitt  
**Subject:** Transfer of Patent Files

Dear Ed:

I've made the decision to terminate any further representation by Dorsey & Whitney.

As per the telephone message I left for you this morning, please send all of the files relating to my two issued and one pending/lapsed patent application immediately by Federal Express to my new patent counsel:

Stephen Whitt  
Volentine, Francos & Whitt, PLLC  
1 Freedom Square  
11951 Freedom Drive  
Suite 1260  
Reston, VA  
20190

You may use my Federal Express billing number: 231-389-792.

Thank you for your prompt attention to this matter.

Sincerely,

Daniel Egger