

Order Granting / Denying Request For Reexamination	Control No.	Patent Under Reexamination	
	Examiner Vu Le	5144421 ET AL Art Unit 2713	

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

The request for reexamination filed 29 October 1999 has been considered. Identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) PTO-892, b) PTO-1449, c) Other: Reasons for granting reexamination.

1. The request for reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date This communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(C).**

For Requester's Reply (optional): TWO MONTHS from the date of service of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), no reply by requester is permitted.

2. The request for reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303 (c)). Requester may seek review by petition to the Commissioner within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

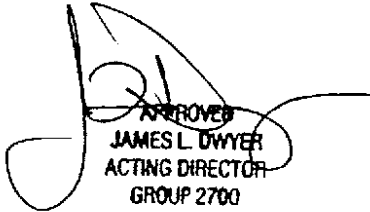
a) by Treasury check or,

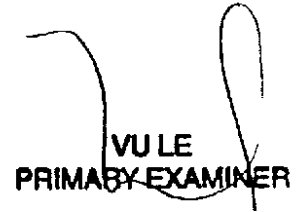
b) by credit to Deposit Account No. _____, unless otherwise notified (35 U.S.C. 303 (c))

cc: Requester (if third party requester)

The request for reexamination is hereby granted due to the fact that there is credible evidence of Obvious-Type Double Patenting between the Lemelson patent No. 5,144,421 and the Lemelson patent No. 4,969,038 as outlined by the requester in Attachment 3, Part B, section C (pp. 31-54). It appears that claims 1-12 of patent '421 do read on the metes and bound of claims 4, 5, 10 and 15 of patent '038, with a few exceptions that appear to be obvious to one skilled in the art. For example, the following limitations are claimed in patent '421, but do not appear in patent '038:

- recording and reproducing the results of scanning a marking;
- generating a further signal as a result of computer analysis;
- sorting objects based on information obtained about the objects;
- employing information signals to control means to further marking the scanned object;
- and display means.


APPROVED
JAMES L. DWYER
ACTING DIRECTOR
GROUP 2700


VU LE
PRIMARY EXAMINER