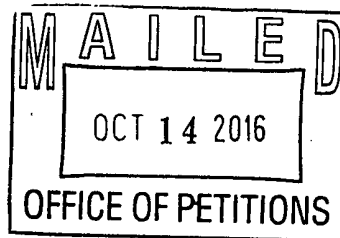




UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005



In re Patent No. 8,364,802 :
Issue Date: January 29, 2013 :
Application No. 12/421,598 :
Filed: April 09, 2009 :
Attorney Docket No. 1937.0100009 :

NOTICE

This is a notice regarding your renewed request, filed September 21, 2016, for acceptance of a fee deficiency submission under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the undiscounted entity rate.

Applicant is reminded that pursuant to 37 CFR 1.28(c)(2)(i) "where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error." If the itemization submitted with the present request does not comply with 37 CFR 1.28(c)(2)(i) because a fee has decreased, applicant should, within ONE MONTH of the date of this Notice, submit a renewed request for acceptance of a fee deficiency under 37 CFR 1.28(c) along with balance of the correct fee deficiency in compliance with 37 CFR 1.28(c)(2)(i) and a replacement itemized listing of each fee erroneously paid as a small entity in compliance with 37 CFR 1.28(c)(2)(ii). **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0593.

/DeTya Flowers/
DeTya Flowers
Petitions Paralegal Specialist
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No.: 8,364,802

Confirmation No.: 4796

Date of Patent: January 29, 2013

Art Unit: 2456

Inventors: KEAGY *et al.*

Atty. Docket: 1937.0100009

Title: **SYSTEM AND METHOD FOR MONITORING A GRID OF HOSTING RESOURCES IN ORDER TO FACILITATE MANAGEMENT OF THE HOSTING RESOURCES**

**Renewed Notification of Loss of Entitlement to Small Entity Status
Under 37 C.F.R. § 1.27(g)(2) When Maintenance Fee is Due**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Commissioner:

In response to the Notice (dismissing fee deficiency submission) mailed September 8, 2016,

Applicants assert the following:

(1) On **June 29, 2016**, a **3.5 year maintenance fee** of **\$800.00** was erroneously paid as a small entity.

(2) The fee that should have been paid for a **non-small entity** was **\$1,600.00**.

(3) The **deficiency amount owed** was **\$800.00**.

(4) On **June 30, 2016**, the **\$800.00 deficiency amount owed** was paid, along with a

Notification of Loss of Entitlement to Small Entity Status Under 37 C.F.R. § 1.27(g)(2) When Maintenance Fee is Due.

(5) Currently **no fee is owed**.

This notification is being filed after the maintenance fee that is first was due after the date on which status as a small entity was no longer appropriate.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert Sokohl
Attorney for Applicants
Registration No. 36,013

Date: 9/28/11

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Electronic Acknowledgement Receipt

EFS ID:	26989214
Application Number:	12421598
International Application Number:	
Confirmation Number:	4796
Title of Invention:	SYSTEM AND METHOD FOR MONITORING A GRID OF HOSTING RESOURCES IN ORDER TO FACILITATE MANAGEMENT OF THE HOSTING RESOURCES
First Named Inventor/Applicant Name:	John Martin Keagy
Customer Number:	26111
Filer:	Robert E. Sokohl/Maya Bennett
Filer Authorized By:	Robert E. Sokohl
Attorney Docket Number:	1937.0100009
Receipt Date:	21-SEP-2016
Filing Date:	09-APR-2009
Time Stamp:	14:39:30
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		19370100009renewednotification.pdf	606359 aae8c81f5e83c08e84dd42362ee54a9751f6b0ac	yes	3

Multipart Description/PDF files in .zip description			
Document Description		Start	End
Transmittal Letter		1	1
Petition for review by the Office of Petitions		2	3

Warnings:

Information:

Total Files Size (in bytes):	606359
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

ROBERT SOKOHL
DIRECTOR
(202) 772-8677
RSOKOHL@SKGF.COM



September 21, 2016

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

*Confirmation No. 4796
Art Unit 2456*

Re: U.S. Utility Patent No. 8,364,802; Issued: January 29, 2013
For: **SYSTEM AND METHOD FOR MONITORING A GRID OF
HOSTING RESOURCES IN ORDER TO FACILITATE
MANAGEMENT OF THE HOSTING RESOURCES**
Inventors: KEAGY *et al.*
Our Ref: 1937.0100009

Commissioner:

In response to the Notice mailed September 8, 2016, transmitted herewith for appropriate action is a *Renewed Notification of Loss of Entitlement to Small Entity Status Under 37 C.F.R. § 1.27(g)(2) When Maintenance Fee is Due.*

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency and any additional fees required to continue prosecution or appeal of this application (including issue fee, fees for net addition of claims or forwarding to appeal) or credit any overpayment to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in dark ink, appearing to read 'RS', written over a circular stamp or mark.

Robert Sokohl
Attorney for Applicant
Registration No. 36,013

RES/mlb
Enclosure

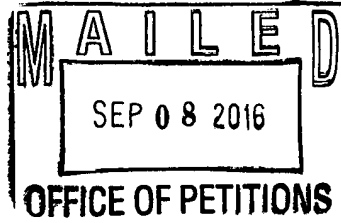
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UNITED STATES PATENT AND TRADEMARK OFFICE

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1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005



In re Patent No. 8,364,802 :
Issue Date: January 29, 2013 :
Application No. 12/421,598 :
Filed: April 09, 2009 :
Attorney Docket No. 1937.0100009 :

NOTICE

This is a notice regarding your renewed request for acceptance of a fee deficiency submission under 37 CFR 1.29, filed June 30, 2016.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See *DH Technology v. Synergystex International, Inc.* 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.29 is hereby **DISMISSED**.

As stated in 37 CFR 1.28(c), if status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section:

(1) *Separate submission required for each application or patent.* Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent. Where more than one application or patent is involved, separate submissions of deficiency payments (e.g., checks) and itemizations are required for each application or patent. See § 1.4(b).

(2) *Payment of deficiency owed.* The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

If the requirements of paragraphs (c)(1) and (c)(2) of this section are not complied with, such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

As discussed in 37 CFR 1.28(c)(2)(ii), an itemization of the total deficiency payment is required. The itemization must include the following information:

- (A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
- (B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;
- (C) The deficiency owed amount (for each fee erroneously paid); and
- (D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

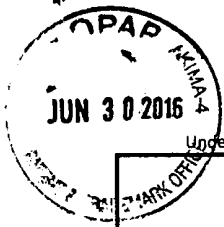
By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web¹

Any questions concerning this matter may be directed to the undersigned at (571) 272-0593.

/DeTya Flowers/
DeTya Flowers
Petitions Paralegal Specialist
Office of Petitions

¹ www.uspto.gov/ebs/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



Box M # cc

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

MAINTENANCE FEE TRANSMITTAL FORM
(Do not submit this form electronically via EFS-Web)

Address to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314"
on _____
Signature _____
- OR -
Typed or printed name _____

Fax to: 571-273-6500

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

- 1. A check for the amount of \$ _____ for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed.
- 2. Payment by credit card. Form PTO-2038 is enclosed.
- 3. The Director is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to Deposit Account No. _____.
- 4. The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 19-0036.

Item	Patent Number*	U.S. Application Number* [e.g., 08/555,555]	Maintenance Fee Amount (37 CFR 1.20(e)-(g))	Surcharge Amount (37 CFR 1.20(h))	Payment Year (select one below) Column 5		
					3.5 yrs	7.5 yrs	11.5 yrs
1	8,364,802	12/421,598	800.00	0.00	X		
2							
3							
4							
5							

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Subtotals: Columns 3 & 4
Total Payment 800.00 additional sheets attached for listing additional patents.

* Information required by 37 CFR 1.366(c) (columns 1 & 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, & 5).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.

Respectfully submitted, [Signature]
Customer's Signature
Customer's Name Robert Sokohl
Sterne, Kessler, Goldstein & Fox P.L.L.C. Registration Number, if applicable: 36,013
Telephone: (202) 371-2600 Fax: (202) 371-2540

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to notify of a loss of entitlement to small entity status, a written assertion is required. See 37 CFR 1.27 and 1.33(b). Payment of micro entity fee is appropriate if patent owner certifies micro entity status. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously. To notify of a loss of entitlement to micro entity status, a written assertion is required. See 37 CFR 1.29 and 1.33(b).
**** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.**

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/07/2016 MBANGURA 00000009 8364882

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888.00 OP

ROBERT SOKOHL
DIRECTOR
(202) 772-8677
RSOKOHL@SKGF.COM



 **Sterne Kessler
Goldstein Fox**
ATTORNEYS AT LAW

June 30, 2016

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Confirmation No. 4796
Art Unit 2456

Re: U.S. Utility Patent No. 8,364,802; Issued: January 29, 2013
For: **SYSTEM AND METHOD FOR MONITORING A GRID OF HOSTING
RESOURCES IN ORDER TO FACILITATE MANAGEMENT OF THE
HOSTING RESOURCES**
Inventors: KEAGY *et al.*
Our Ref: 1937.0100009

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JUN 30 6 PM 2: 22

Commissioner:

Transmitted herewith for appropriate action are the following documents:

1. Notification of Loss of Entitlement to Small Entity Status Under 37 C.F.R. § 1.27(g)(2) When Maintenance Fee is Due;
2. Maintenance Fee Transmittal Form;
3. Credit Card Payment Form in the amount of \$800.00 to cover 3.5 year maintenance fee payment (\$800.00 previously paid); and
4. Return postcard.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency and any additional fees required to continue prosecution or appeal of this application (including issue fee, fees for net addition of claims or forwarding to appeal) or credit any overpayment to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert Sokohl
Attorney for Applicant
Registration No. 36,013

RES/mlb
Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No.: 8,364,802

Confirmation No.: 4796

Date of Patent: January 29, 2013

Art Unit: 2456

Inventors: KEAGY *et al.*

Atty. Docket: 1937.0100009

Title: **SYSTEM AND METHOD FOR MONITORING A GRID OF HOSTING RESOURCES IN ORDER TO FACILITATE MANAGEMENT OF THE HOSTING RESOURCES**

Notification of Loss of Entitlement to Small Entity Status Under 37 C.F.R. § 1.27(g)(2) When Maintenance Fee is Due

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Commissioner:

2016 JUL -6 PM 2:28
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DIVISION

The above-captioned patent is no longer entitled to small entity status. This notification is being filed prior to paying, or at the time of paying, the maintenance fee that is first due after the date on which status as a small entity is no longer appropriate.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert Sokohl
Attorney for Applicants
Registration No. 36,013

Date: 6/30/16

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

2831334_1.DOCX