

EXHIBIT 5

Application No.: 13/056,277
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REMARKS

Claim 3, 14, 24, 42, 46, 61, 65, 80 and 84 have been canceled. Claims 1, 4-6, 11, 12, 15-17, 21, 22, 25-27, 31, 32, 33, 35-41, 43-45, 47-50, 52, 54-60, 62-64, 66-69, 71, 73-79, 81-83, 85-88 and 90 have been amended. Claims 2, 7-10, 13, 18-20, 23, 28-30, 34, 51, 53, 70, 72 and 89 are unchanged. The amendments are supported by the original claims, and at least in part by p. 3, ll. 24-25, p. 24, ll. 16-20, p. 25, ll. 24-29, p. 37, ll. 1-16, and p. 38, ll. 1-17 of PCT Publication WO 2010/012090. No new subject matter has been added. Applicant respectfully requests reconsideration of the rejections in light of the amendments and the following remarks.

Discussion of Claim Objections

Claims 52, 71 and 90 have been objected to because of informalities regarding the first occurrence of the phrase "said routing controller". Claim 52 has been amended to delete the phrase "said routing controller". Claims 71 and 92 have been amended to change the phrase "said routing controller" to be "a routing controller" as suggested by the Examiner.

Discussion of Claim Rejections Under 35 U.S.C. § 101

Claims 32 and 90 have been rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Claims 32 and 90 have been amended to refer to a non-transitory computer readable medium as suggested by the Examiner. Claims 22, 31 and 71 have been voluntarily amended to change the reference to computer readable medium to also recite a non-transitory computer readable medium.

Discussion of Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 1-3, 5-7, 8-14, 16-24, 26-35, 52-54, 71-73 and 90 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. 2004/0022237 A1 (Elliott) and U.S. Application Publication No. 2008/0056235 A1 (Albina). Claims 4, 15, 25, 36-42, 43-48, 55-67, 74-80, 81-86 are rejected under 35 U.S.C. § 103(a) as unpatentable over Elliott in view of Albina and U.S. Patent No. 6,674,745 (Schuster). Claims 49-50, 68-69 and 87-88 are rejected under 35 U.S.C. § 103(a) as unpatentable over Elliott in

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view of Albina and U.S. Application Publication No. 2002/012391 A1 (Shalit). Claims 51, 70 and 89 are rejected under 35 U.S.C. § 103(a) as unpatentable over Elliott in view of Albina and U.S. Patent No. 5,454,030 (de Oliveira). Applicant respectfully submits that all pending claims are patentable over the prior art of record as discussed below.

Standard of *Prima facie* Obviousness

The Patent and Trademark Office has the burden under section 103 to establish a *prima facie* case of obviousness. The rationale to support a conclusion that the claim would have been obvious is that **all the claimed elements** were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. It can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art. M.P.E.P. § 2143.

Discussion of Patentability of Pending Claims

Rejection of Claims 1-3, 5-7, 8-14, 16-24, 26-35, 52-54, 71-73 and 90 over Elliott in view of Albina

All of the independent Claims 1, 12, 22, 32, 33, 52, 71 and 90 and certain ones of the dependent claims have been rejected over the combination of Elliott and Albina. Claims 3, 14, and 24 have been cancelled and therefore the rejection as it pertains to these claims is moot.

Independent Claims 1, 12, 22 and 32 all recite a common feature in various forms of language, this common feature being represented by the following language of amended Claim 1:

...transmitting an access code request message to an access server, said access code request message including said callee identifier and a location identifier identifying a location of the mobile telephone; and receiving an access code reply message from the access server in response to said access code request message, said access code reply message including an access code different from said callee identifier and associated with said location identifier.

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Neither Elliott nor Albina disclose or suggest including a location identifier in an access code request message or an access code associated with a location identifier provided in an access code request message. Cancelled Claim 3 recited “transmitting a location identifier” with the access code request message but the Examiner regarded paragraph 105 of Albina as teaching a mobile station 1202 registers with registrar/location server 1210 to give the location of mobile station and referred to Figure 12. However, it appears that in the indicated paragraph and in Figure 12, the term “registrar/location server 1210” is merely a label. There is nothing in Albina to suggest any location information pertaining to the location of the mobile telephone should or could be used; or that if such location information were available it should or could be transmitted in an access code request message sent from a mobile telephone; or if it were transmitted in an access code request message that it should or could be associated with the access code provided back to the mobile telephone in an access code reply message.

Therefore, there is nothing to suggest the above indicated language that now appears in each of amended independent Claims 1, 12, 22 or 32 herewith is disclosed or suggested in Elliott, Albina or their combination. Therefore, the amended independent Claims 1, 12, 22 and 32 are not obvious in view of the cited references and the rejection of these independent claims under 35 USC 103 is overcome and these claims are allowable over Elliott and Albina.

In addition, the rejection of the claims that ultimately depend from independent Claims 1, 12, 22 or 32 is also overcome due to their ultimate dependence on one of these claims and due to the additional subject matter they add to these claims.

Regarding Claims **5, 16 and 26**, these claims have been amended to recite language to the effect that:

transmitting said location identifier comprises transmitting an identifier of a wireless voice signal station in wireless communication with the mobile telephone

The Examiner has referred to Figure 3 and paragraph 33, lines 1-18 of Albina, which the Examiner has paraphrased as “mobile device 102 sends a data message (i.e. identifier) which is carried via mobile data network 106 which is deliver to application server 110.”

In Applicant’s system, the location identifier recited by Applicant is in a field of the access code request message which is sent to an access server. The Examiner has not referred to

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any part of Elliott that is alleged to describe this and there is nothing to suggest the data message described by Albina should contain an identification of the wireless voice station in communication with the mobile telephone from which the access code request message is sent. In the very passages of Albina mentioned by the Examiner, Albina recites: “The data message from mobile communication device 102 comprises information associated with VoIP destination device 104. The data message may include a unique identifier or other information sufficient to identify VoIP destination device 104” (emphasis added). Albina appears to be focusing on information associated with VoIP destination device 104 and appears to have no regard to the identification of a wireless voice station in communication with the mobile telephone. There no disclosure or suggestion to provide in the access code request message an identification of the wireless voice station in communication with the mobile telephone from which the access code request message is sent. This is a further reason why Claims 5, 16 and 26 are not obvious in view of the cited references and overcome the rejection under 35 USC 103(a).

In addition, regarding Claims 6, 17 and 27, these claims refer to a:

user configured identifier of a location associated with the mobile telephone.

The Examiner refers to lines 8-14 of paragraph 104 of Albina, and appears to equate the client application on the mobile phone of Albina with the term “user-configured identifier” used by Applicant in Claims 6, 17 and 27.

Applicant respectfully submits that the Examiner ignores the following underlined language of the term claimed by Applicant: user configured identifier of a location associated with the mobile telephone. Even if the client application referred to by Albina could be characterized as a user configured identifier, there is nothing to suggest that such application is a user configured identifier of a location associated with the mobile telephone. This is a further reason why Claims 6, 17 and 27 are not obvious in view of the cited references and overcome the rejection under 35 USC 103(a).

Claims 9, 19 and 29 have been amended to recite:

the access code comprises a telephone number or an IP network address useable by the mobile telephone to establish communications between the mobile telephone and the callee.

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