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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/721,316	09/25/96	MATTAWAY	S

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EXAMINER

WALLACE, G

ART UNIT

2751

PAPER NUMBER

S

DATE MAILED: 04/20/98

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

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/721,316

Applicant(s)

Mattaway et al.

Examiner

George F. Wallace

Group Art Unit

2751



☒ Responsive to communication(s) filed on Sept 25, 1996, Dec 22, 1996 and Mar 30, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-6 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3-4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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Part III. DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required if and when the application is allowed.

Specification Objections

2. The disclosure is objected to because of the following informalities: on pages 2-3 and elsewhere within the specification, references made to patent applications must be updated to reflect their respective Serial and Patent Numbers, insofar as possible; on page 5 line 8, "a such a" appears to have been intended as "such a;" and on page 27 line 25, "Winsoc 1.1" appears to have been intended as "Winsock 1.1."

The above objections are merely illustrative and do not represent all errors contained in the specification. Applicants are required to proof read the specification and make all necessary corrections.

Claim Objections

3. Claims 1-4 are objected to because of the following informalities: Claim 1 appears to read more clearly and consistently if on line 8, applicants inserted --,-- after "means" and "commands." In Claims 2 and 3, "first processor" and "second processor" have no antecedent basis. They would read more clearly if in Claim 1 "processors" were associated with the computer systems claimed. In Claims 1, 3 and 4 "server" is unclear in light of reference to both a "global server"

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and a "connection server" on page 35 of the Specification. In Claim 4, "email signal" appears to read more clearly as "email address." In Claim 5, "processing" would read more clearly if applicants specified the functions intended.

The claims have been examined insofar as clarity and reasonable certainty permits. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(a) as being anticipated by VocalTec Internet Phone™ Version 2.5 (hereinafter "IPHONE").

IPHONE is Internet telephony software with a graphic user interface that allows real-time Internet voice communication between two computers--having one or more speakers and at least one microphone--via a direct computer-to-computer link using TCP/IP or SLIP/PPP. IPHONE utilizes IRCs (Internet Relay Servers) as Internet Phone Directories to remedy the difficulty arising from identifying another's dynamically assigned IP address, which changes each time a user logs into his or her Internet Service Provider.

As to Claim 1, IPHONE is *a computer program product for use with a computer system having a display and an audio transducer*--it is software inherently for use with the computer

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systems of two users, with each system having a display, and at least one speaker and microphone.

Moreover, each system is *operatively coupled to other computers and a server over a computer network*. Inherently the systems of each user is connected to the Internet, through which they each are coupled to a plurality of computers and an IRC (Internet Relay Server) server.

IPHONE, *a computer program product*, inherently provides *a computer usable medium* (one or more floppy disks, a CD-ROM, etc...) *having computer readable code means* (executable code) *embodied in the medium*.

Furthermore, IPHONE, *a computer program product*, provides means, responsive to user input commands, for establishing a point-to-point communications link with another computer over the computer network. Inherently, IPHONE contains executable code, which when executed, receives a user input (the clicking of the left button of a mouse whose pointer is above a "Quick Dial Button," see Internet Phone Help Index, Using Internet Phone (link), Setting a Quick Dial Button (link)) and establishes a direct (see Readme.txt file, which is bundled with iphone25.exe, § About The Internet Phone and IRC, "The actual talk is done directly between the PC's running the Internet Phone, and NOT via the IRC.") point-to-point communications link with another computer over the Internet. And as noted supra, IPHONE utilizes IRCs as Internet Phone Directories to remedy the difficulty arising from identifying another's dynamically assigned IP address, which changes each time a user logs in to his or her Internet Service Provider.



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