UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER

ART UNIT	PAPER NUMBER

DATE MAILED: 08/25/2009

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

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AUG 25 2009

CENTRAL REEXAMINATION UNIT

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/010,422*.

PATENT NO. *6,009,469*.

ART UNIT *3992*.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

PTOL-465 (Rev.07-04)

	Control No. 90/010,422	Patent Under Reexamination 6,009,469
Office Action in Ex Parte Reexamination	Examiner ALEXANDER J. KOSOWSKI	Art Unit 3992	

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

a☒ Responsive to the communication(s) filed on <u>26 February 2009</u> . b☐ This action is made FINAL.
c☒ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire <u>2</u> month(s) from the mailing date of this letter.
Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**
If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.   3. ☐ Interview Summary, PTO-474.

2. ☒ Information Disclosure Statement, PTO/SB/08.   4. ☐ ____.

Part II SUMMARY OF ACTION

1a. ☒ Claims *1-3,5,6,8,9 and 14-18* are subject to reexamination.

1b. ☒ Claims *4,7 and 10-13* are not subject to reexamination.

2. ☐ Claims ___ have been canceled in the present reexamination proceeding.

3. ☐ Claims ___ are patentable and/or confirmed.

4. ☒ Claims *1-3, 5-6, 8-9, 14-18* are rejected.

5. ☐ Claims ___ are objected to.

6. ☐ The drawings, filed on ___ are acceptable.

7. ☐ The proposed drawing correction, filed on ___ has been (7a) ☐ approved (7b)☐ disapproved.

8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some* c)☐ None   of the certified copies have

    1☐ been received.

    2☐ not been received.

    3☐ been filed in Application No. ___.

    4☐ been filed in reexamination Control No. ___.

    5☐ been received by the International Bureau in PCT application No. ___.

    * See the attached detailed Office action for a list of the certified copies not received.

9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

10. ☐ Other: ___

cc: Requester (if third party requester)

DETAILED ACTION

1)   This Office action addresses claims 1-3, 5-6, 8-9, 14-18 of United States Patent Number

6,009,469 (Mattaway et al), for which it has been determined in the Order Granting Ex Parte

Reexamination (hereafter the "Order") mailed 3/13/09 that a substantial new question of

patentability was raised in the Request for *Ex Parte* reexamination filed on 2/26/09 (hereafter the

"Request"). Claims 4, 7, 10-13 are not subject to reexamination.

IDS

2)   With regard to the IDS filed 6/11/09:

        Where the IDS citations are submitted but not described, the examiner is only responsible
for cursorily reviewing the references. The initials of the examiner on the PTO-1449 indicate
only that degree of review unless the reference is either applied against the claims, or discussed
by the examiner as pertinent art of interest, in a subsequent office action. See Guidelines for
Reexamination of Cases in View of In re Portola Packaging, Inc., 110 F.3d 786, 42 USPQ2d
1295 (Fed. Cir. 1997), 64 FR at 15347, 1223 Off. Gaz. Pat. Office at 125 (response to comment
6).
        Consideration by the examiner of the information submitted in an IDS means that the
examiner will consider the documents in the same manner as other documents in Office search
files are considered by the examiner while conducting a search of the prior art in a proper field of
search. The initials of the examiner placed adjacent to the citations on the PTO-1449 or
PTO/SB/08A and 08B or its equivalent mean that the information has been considered by the
examiner to the extent noted above. MPEP § 609 (Eighth Edition, Rev. 5, August 2006).
        Regarding IDS submissions MPEP 2256 recites the following: "Where patents,
publications, and other such items of information are submitted by a party (patent owner or
requester) in compliance with the requirements of the rules, the requisite degree of consideration
to be given to such information will be normally limited by the degree to which the party filing
the information citation has explained the content and relevance of the information."
        Accordingly, the IDS submissions have been considered by the Examiner only with the
scope required by MPEP 2256.

        With regard to the IDS's filed 8/11/09 and 8/12/09:

        These IDS's have been given due consideration. However, that which are not either prior
art patents or prior art printed publications have been crossed out so as not to appear reprinted on
the front page of the patent.

Rejections

3)   The following three rejections are utilized by the examiner below, referencing the

proposed prior art listed on pages 4-6 of the Request:

Issue 1:   Claims 1-3, 5-6, 8-9, 14-18 in view of NetBIOS, RFC 1531, Pinard and

                  VocalChat User's Guide.

Issue 2:   Claims 1-3, 5-6, 8-9, 14-18 in view of Etherphone, Vin, RFC 1531, Pinard

                  and VocalChat User's Guide.

Issue 3:   Claims 1-3, 5-6, 8-9, 14-18 in view of VocalChat, RFC 1531 and Pinard.

Claim Rejection Paragraphs

4)   ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Issue 1

5)   Claims 1-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable by

NetBIOS, further in view of RFC 1531.

Referring to **(Claim 1)**, NetBIOS teaches a computer program product for use with a

computer system having a display, the computer system capable of executing a first process and

connecting to other processes and a server process over a computer network (NetBIOS, pg. 356,

357, whereby the system is run on personal computers over TCP/IP networks, personal

computers inherently containing a display), the computer program product comprising a

computer usable medium having computer readable code means embodied in the medium

comprising:

a. program code for generating a user-interface enabling control a first process executing

on the computer system (NetBIOS, pg. 356, 359, whereby computers executing NetBIOS may

contain DOS operating systems or may operate on other operating systems, which examiner

notes inherently contain at least text-based user interfaces);

c. program code responsive to the currently assigned network protocol address of the first

process, for establishing a communication connection with the server process and for forwarding

the assigned network protocol address of the first process and a unique identifier of the first

process to the server process upon establishing a communication connection with the server

process (NetBIOS, pg. 358, 431, 367, 388, 480-482, whereby network nodes forward IP

addresses and unique names to NetBIOS Name Server); and

d. program code, responsive to user input commands, for establishing a point-to-point

communications with another process over the computer network (NetBIOS, pg. 397-400,

whereby point-to-point communication is established upon initiation between nodes once target

names and addresses have been found).

In addition, NetBIOS teaches the use of TCP/IP (NetBIOS, pg. 356-357). However,

NetBIOS does not explicitly teach b. program code for determining the currently assigned

network protocol address of the first process upon connection to the computer network.

RFC 1531 teaches dynamically assigning IP addresses on a TCP/IP network by an Internet access server (RFC 1531, Section 2.2).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to determine the currently assigned network protocol address of the first process upon connection to the computer network in the invention taught by NetBIOS above since this allows for automatic reuse of an address that is no longer needed by the host to which it was assigned (RFC 1531, Pg. 2), and since examiner notes the use of dynamic IP address assignment in a TCP/IP network are old and well known in the art, and are useful to eliminate the burdensome task of manually assigning IP addresses for all networked computers.

Referring to (Claim 2), NetBIOS teaches the computer program product of claim 1 wherein the program code for establishing a point-to-point communication link further comprises program code, responsive to the network protocol address of a second process, for establishing a point-to-point communication link between the first process and the second process over the computer network (NetBIOS, pg. 397-401, whereby point-to-point communication is established once the IP address of the node is found).

Referring to (Claim 3), NetBIOS teaches the computer program product of claim 2 wherein the program code for establishing a point-to-point communication link further comprise: program code for transmitting, from the first process to the server process, a query as to whether the second process is connected to the computer network (NetBIOS, pg. 377, 388-389, 446, 393-394, whereby name queries are used to discover if a node is connected and active); and program

code for receiving a network protocol address of the second process from the server process,

when the second process is connected to the computer network (NetBIOS, pg. 389, 440, 464-

465, whereby the NBNS answers queries with a list of IP addresses of connected nodes).

Referring to **(Claim 5)**, NetBIOS teaches in a computer system having a display, the

computer system capable of executing a first process and communicating with other processes

and a server process over a computer network (NetBIOS, pg. 356, 357, whereby the system is

run on personal computers over TCP/IP networks, personal computers inherently containing a

display), a method for establishing point-to-point communications with other processes

comprising: B. establishing a communication connection with the server process once the

assigned network protocol of the first process is known and C. forwarding the assigned network

protocol address of the first process to the server process upon establishing a communication

connection with the server process (NetBIOS, pg. 358, 431, 367, 388, 480-482, whereby network

nodes forward IP addresses and unique names to NetBIOS Name Server); and D. establishing a

point-to-point communication with another process over the computer network (NetBIOS, pg.

397-400, whereby point-to-point communication is established upon initiation between nodes

once target names and addresses have been found).

In addition, NetBIOS teaches the use of TCP/IP (NetBIOS, pg. 356-357). However,

NetBIOS does not explicitly teach A. determining the currently assigned network protocol

address of the first process upon connection to the computer network.

RFC 1531 teaches dynamically assigning IP addresses on a TCP/IP network by an

Internet access server (RFC 1531, Section 2.2).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to determine the currently assigned network protocol address of the first process upon connection to the computer network in the invention taught by NetBIOS above since this allows for automatic reuse of an address that is no longer needed by the host to which it was assigned (RFC 1531, Pg. 2), and since examiner notes the use of dynamic IP address assignment in a TCP/IP network are old and well known in the art, and are useful to eliminate the burdensome task of manually assigning IP addresses for all networked computers.

Referring to (Claim 6), NetBIOS teaches the method of claim 5 wherein the program step D comprises transmitting, from the first process to the server process, a query as to whether a second process is connected to the computer network (NetBIOS, pg. 377, 388-389, 446, 393-394, whereby name queries are used to discover if a node is connected and active); and receiving a network protocol address of the second process from the server process, when the second process is connected to the computer network (NetBIOS, pg. 389, 440, 464-465, whereby the NBNS answers queries with a list of IP addresses of connected nodes).

6)   Claims 8-9, 14-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable by NetBIOS, further in view of Pinard.

Referring to (Claim 8), NetBIOS teaches in a computer system having a display and capable of executing a process, a method for establishing a point-to-point communication from a caller process to a callee process over a computer network, the caller process capable of generating a user interface and being operatively connected to the callee process and a server

process over the computer network (NetBIOS, pg. 356, 357, whereby the system is run on personal computers over TCP/IP networks, personal computers inherently containing a display), the method comprising the steps of: querying the server process to determine if the first callee process is accessible (NetBIOS, pg. 377, 388-389, 446, whereby a query is sent to the NBNS to determine if another node is logged in and discover the nodes IP address); and establishing a point-to-point communication link from the caller process to the first callee process (NetBIOS, pg. 397-400, whereby a point-point communication link is established between end nodes).

However, NetBIOS does not explicitly teach generating a user-interface element representing a first communication line, generating a user interface element representing a first callee process, and establishing the link in response to a user associating the element representing the first callee process with the element representing the first communication line

Pinard teaches a human machine interface for telephone feature invocation which is utilized on a personal computer and allows a user to make telephone calls by moving graphics around a screen. Pinard teaches a user interface element representing a first communication line and callee process (Pinard, Figure 6 and col. 5 lines 23-30), and also teaches clicking and dragging an icon representing a callee from a directory into a call setup icon to establish a call link (Pinard, Figure 3, col. 4 lines 38-51, Figure 6, col. 5 lines 36-37).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilizing the user-interface elements and interactions taught by Pinard in the invention taught by NetBIOS since Pinard teaches that the invention can be used with any system in which a personal computer in conjunction with a server operates (Pinard, col. 2 lines 43-46), since NetBIOS teaches that it can be implemented using different operating systems

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(NetBIOS, pg. 359), and since examiner notes that both NetBIOS and Pinard relate to communications between at least two users implemented in a computerized environment.

Referring to **(Claim 9)**, NetBIOS teaches the method of claim 8 wherein step C further comprises the steps of: querying the server process as to the on-line status of the first callee process (NetBIOS, pg. 377, 388-389, 446, 393-394, whereby name queries are used to discover if a node is connected and active); and receiving a network protocol address of the first callee process over the computer network from the server process (NetBIOS, pg. 389, 440, 464-465, whereby the NBNS answers queries with a list of IP addresses of connected nodes).

Referring to **(Claims 14-15 and 17-18)**, NetBIOS teaches the above. However, NetBIOS does not explicitly teach generating a user interface element representing a communication line having a temporarily disabled status; and temporarily disabling the point-to-point communication between the caller process and the first callee process, in response to the user associating the element representing the first callee process with the element representing the communication line having a temporarily disabled status, wherein the element generated represents a communication line on hold status, wherein the display further comprises a visual display, and wherein the user interface is a graphic user interface and the user-interface elements generated in steps A and B are graphic elements.

Pinard teaches a "hard hold" icon to which saller/callees may be dragged to be put on hold status (Pinard, Figure 12, col. 6 lines 36-53), teaches a visual display (Pinard, col. 4 lines

10-11, Figure 2), and teaches a graphical user interface in which the elements are graphic

elements (Pinard, Figures 2-16).

Therefore, it would have been obvious to one skilled in the art at the time the invention

was made to utilizing the user-interface elements and interactions taught by Pinard in the

invention taught by NetBIOS since Pinard teaches that the invention can be used with any

system in which a personal computer in conjunction with a server operates (Pinard, col. 2 lines

43-46), since NetBIOS teaches that it can be implemented using different operating systems

(NetBIOS, pg. 359), and since examiner notes that both NetBIOS and Pinard relate to

communications between at least two users implemented in a computerized environment.

7)   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable by NetBIOS, further in

view of Pinard, further in view of VocalChat User's Guide.

Referring to **(Claim 16)**, NetBIOS teaches the above. However, NetBIOS does not

explicitly teach wherein the element generated represents a communication line on mute status.

VocalChat User's Guide teaches the use of a MUTE option on a phone so that a user can

talk without being heard by the other user's system (VocalChat User's Guide, pg. 57).

Therefore, it would have been obvious to one skilled in the art at the time the invention

was made to utilize an element representing a communication line on MUTE status in the

invention taught by NetBIOS and Pinard above since all three references relate to the field of

communications over a computer network, since VocalChat and Pinard utilize a computer

system for telephony features specifically, and since examiner notes that the use of a MUTE

feature in telephone conversations is old and well known in the art.

Issue 2

8)   Examiner notes the following will represent the Etherphone references utilized for the

rejection below (All considered a single reference as published together):

   "Zellweger": An Overview of the Etherphone System and its Applications

   "Swinehart": Telephone Management in the Etherphone System

   "Terry": Managing Stored Voice in the Etherphone System

9)   Claims 1-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable by

Etherphone, further in view of Vin, further in view of RFC 1531.

   Referring to **(Claim 1)**, Etherphone teaches a computer program product for use with a

computer system having a display, the computer system capable of executing a first process and

connecting to other processes and a server process over a computer network (Zellweger, pg. 1, 3;

Terry, pg. 4, whereby a computer program product connects first and second processes over a

network using a server), the computer program product comprising a computer usable medium

having computer readable code means embodied in the medium comprising:

   a. program code for generating a user-interface enabling control a first process executing

on the computer system (Swinehart Figures –10, Zellweger Figures 3-4, whereby workstations

include GUI's);

   c. program code responsive to the currently assigned network protocol address of the first

process, for establishing a communication connection with the server process and for forwarding

the assigned network protocol address of the first process and a unique identifier of the first

process to the server process upon establishing a communication connection with the server

process (Swinehart, pg. 2, 4, Zelleger, pg. 5, whereby user identity and workstation address are

transmitted to the Voice Control Server when connected); and

   d. program code, responsive to user input commands, for establishing a point-to-point

communications with another process over the computer network (Swinehart, pg. 4, whereby

after acquiring the network address of a callee, voice datagrams are transmitted directly amont

the participants, bypassing the control server).

   However, Etherphone does not explicitly teach that the network protocol address is

received by said one of the processes from an Internet access server.

   Vin teaches an Etherphone implementation whereby Internet communications and IP

addresses are used (Vin, page 77 and Figure 5).

   RFC 1531 teaches dynamically assigning IP addresses on a TCP/IP network by an

Internet access server (RFC 1531, Section 2.2).

   Therefore, it would have been obvious to one skilled in the art at the time the invention

was made to utilize the computer program product taught by Etherphone above in an Internet

based system utilizing dynamically assigned IP addresses from Internet access servers as taught

by Vin and RFC 1531 since Etherphone was intended for use in multiple networks and

communication protocols (Terry, page 3), since Vin and Etherphone both describe the same

Etherphone system, since examiner notes that Internet and IP address-based networks are old and

well known in the art and would be a natural extension from an ethernet-based system, since

dynamic allocation of IP addresses allows for automatic reuse of an address that is no longer

needed by the host to which it was assigned (RFC 1531, Pg. 2), and since examiner notes the use

of dynamic IP address assignment in a TCP/IP network are old and well known in the art, and

are useful to eliminate the burdensome task of manually assigning IP addresses for all networked

computers.

Referring to (Claim 2), Etherphone teaches the computer program product of claim 1

wherein the program code for establishing a point-to-point communication link further comprises

program code, responsive to the network protocol address of a second process, for establishing a

point-to-point communication link between the first process and the second process over the

computer network (Swinehart, pg. 4, whereby voice datagram are transmitted directly among

participants once network addresses of both processes have been received).

Referring to (Claim 3), Etherphone teaches the computer program product of claim 2

wherein the program code for establishing a point-to-point communication link further comprise:

program code for transmitting, from the first process to the server process, a query as to whether

the second process is connected to the computer network (Swinehart, pg. 2, 4, Zellweger, pg. 5,

whereby queries are transmitted to Voice Control Server); and program code for receiving a

network protocol address of the second process from the server process, when the second process

is connected to the computer network (Swinehart, pg. 2, whereby the server sends the network

protocol address of the logged in user to caller process on request).

Referring to **(Claim 5)**, Etherphone teaches in a computer system having a display, the computer system capable of executing a first process and communicating with other processes and a server process over a computer network (Zellweger, pg. 1, 3, Terry, pg. 4, whereby a computer program product connects first and second processes over a network using a server), a method for establishing point-to-point communications with other processes comprising: B. establishing a communication connection with the server process once the assigned network protocol of the first process is known and C. forwarding the assigned network protocol address of the first process to the server process upon establishing a communication connection with the server process (Swinehart, pg. 2, 4, Zelleger, pg. 5, whereby user identity and workstation address are transmitted to the Voice Control Server when connected); and D. establishing a point-to-point communication with another process over the computer network (Swinehart, pg. 4, whereby after acquiring the network address of a callee, voice datagrams are transmitted directly amont the participants, bypassing the control server).

However, Etherphone does not explicitly teach A. determining the currently assigned network protocol address of the first process upon connection to the computer network.

Vin teaches an Etherphone implementation whereby Internet communications and IP addresses are used (Vin, page 77 and Figure 5).

RFC 1531 teaches dynamically assigning IP addresses on a TCP/IP network by an Internet access server (RFC 1531, Section 2.2).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize the computer program product taught by Etherphone above in an Internet based system utilizing dynamically assigned IP addresses from Internet access servers as taught

by Vin and RFC 1531 since Etherphone was intended for use in multiple networks and

communication protocols (Terry, page 3), since Vin and Etherphone both describe the same

Etherphone system, since examiner notes that Internet and IP address-based networks are old and

well known in the art and would be a natural extension from an ethernet-based system, since

dynamic allocation of IP addresses allows for automatic reuse of an address that is no longer

needed by the host to which it was assigned (RFC 1531, Pg. 2), and since examiner notes the use

of dynamic IP address assignment in a TCP/IP network are old and well known in the art, and

are useful to eliminate the burdensome task of manually assigning IP addresses for all networked

computers.

Referring to **(Claim 6)**, Etherphone teaches the method of claim 5 wherein the program

step D comprises transmitting, from the first process to the server process, a query as to whether

a second process is connected to the computer network (Swinehart, pg. 2, 4, Zellweger, pg. 5,

whereby queries are transmitted to Voice Control Server); and receiving a network protocol

address of the second process from the server process, when the second process is connected to

the computer network (Swinehart, pg. 2, whereby the server sends the network protocol address

of the logged in user to caller process on request).

10)   Claims 8-9, 14-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable

by Etherphone, further in view of Pinard.

Referring to **(Claim 8)**, Etherphone teaches in a computer system having a display and

capable of executing a process, a method for establishing a point-to-point communication from a

caller process to a callee process over a computer network, the caller process capable of

generating a user interface and being operatively connected to the callee process and a server

process over the computer network (Zellweger, pg. 1, 3, Figure 1, Swinehart Figures 1-10), the

method comprising the steps of: querying the server process to determine if the first callee

process is accessible (Swinehart, pg. 2, 4, Zellweger, pg. 5, whereby a query is transmitted to

determine the location of a second Etherphone by contacting a server); and establishing a point-

to-point communication link from the caller process to the first callee process (Swinehart, pg. 2,

Zellweger, Figure 4, whereby voice datagrams are transmitted directly among participants).

However, Etherphone does not explicitly teach generating a user-interface element

representing a first communication line, generating a user interface element representing a first

callee process, and establishing the link in response to a user associating the element

representing the first callee process with the element representing the first communication line

Pinard teaches a human machine interface for telephone feature invocation which is

utilized on a personal computer and allows a user to make telephone calls by moving graphics

around a screen. Pinard teaches a user interface element representing a first communication line

and callee process (Pinard, Figure 6 and col. 5 lines 23-30), and also teaches clicking and

dragging an icon representing a callee from a directory into a call setup icon to establish a call

link (Pinard, Figure 3, col. 4 lines 38-51, Figure 6, col. 5 lines 36-37).

Therefore, it would have been obvious to one skilled in the art at the time the invention

was made to utilizing the user-interface elements and interactions taught by Pinard in the

invention taught by Etherphone since Pinard teaches that the invention can be used with any

system in which a personal computer in conjunction with a server operates (Pinard, col. 2 lines

43-46), and since examiner notes that both Etherphone and Pinard relate to communications between at least two users implemented in a computerized environment.

Referring to **(Claim 9)**, Etherphone teaches the method of claim 8 wherein step C further comprises the steps of: querying the server process as to the on-line status of the first callee process (Swinehart, pg. 2, 4, Zellweger, pg. 5, whereby queries are transmitted to Voice Control Server); and receiving a network protocol address of the first callee process over the computer network from the server process (Swinehart, pg. 2, whereby the server sends the network protocol address of the logged in user to caller process on request).

Referring to **(Claims 14-15)**, Etherphone teaches the above. However, Etherphone does not explicitly teach generating a user interface element representing a communication line having a temporarily disabled status; and temporarily disabling the point-to-point communication between the caller process and the first callee process, in response to the user associating the element representing the first callee process with the element representing the communication line having a temporarily disabled status, and wherein the element generated represents a communication line on hold status.

Pinard teaches a "hard hold" icon to which saller/callees may be dragged to be put on hold status (Pinard, Figure 12, col. 6 lines 36-53).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilizing the user-interface elements and interactions taught by Pinard in the invention taught by Etherphone since Pinard teaches that the invention can be used with any

system in which a personal computer in conjunction with a server operates (Pinard, col. 2 lines

43-46), and since examiner notes that both Etherphone and Pinard relate to communications

between at least two users implemented in a computerized environment.

Referring to **(Claims 17-18)**, Etherphone teaches wherein the display further comprises a

visual display (Swinehart, Fig. 1-10, Zellweger, Fig. 3-4, whereby computer displays are

considered visual displays), and wherein the user interface is a graphic user interface and the

user-interface elements generated in steps A and B are graphic elements (Swinehart, Fig. 1-10,

Zellweger, Fig. 3-4, whereby a GUI is used showing graphic elements of call display).

11)   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable by Etherphone, further

in view of Pinard, further in view of VocalChat User's Guide.

Referring to **(Claim 16)**, Etherphone teaches the above. However, Etherphone does not

explicitly teach wherein the element generated represents a communication line on mute status.

VocalChat User's Guide teaches the use of a MUTE option on a phone so that a user can

talk without being heard by the other user's system (VocalChat User's Guide, pg. 57).

Therefore, it would have been obvious to one skilled in the art at the time the invention

was made to utilize an element representing a communication line on MUTE status in the

invention taught by Etherphone and Pinard above since all three references relate to the field of

communications over a computer network, since VocalChat and Pinard utilize a computer

system for telephony features specifically, and since examiner notes that the use of a MUTE

feature in telephone conversations is old and well known in the art.

Issue 3

12)   Examiner notes the following will represent the VocalChat references utilized for the

rejection below:

   "User's Guide": VocalChat User's Guide, Version 2.0

   "Readme": VocalChat Readme File, Version 2.02

   "Networking Information": VocalChat 1.01 Networking Information

   "Help File": VocalChat Information, Version 2.02

   "Troubleshooting Help File": VocalChat Troubleshooting Help File, Version 2.02

13)   Claims 1-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable by the

combination of all five VocalChat references listed above (hereafter "VocalChat References"),

further in view of RFC 1531.

   Referring to (**Claim 1**), VocalChat teaches a computer program product for use with a

computer system having a display, the computer system capable of executing a first process and

connecting to other processes and a server process over a computer network (User's Guide, pg.

8, 11, Network Information, pg. 10, whereby users connect via a network through data received

from a server), the computer program product comprising a computer usable medium having

computer readable code means embodied in the medium comprising:

   a. program code for generating a user-interface enabling control a first process executing

on the computer system (User's Guide, pg. 11, whereby a GUI is used);

c. program code responsive to the currently assigned network protocol address of the first

process, for establishing a communication connection with the server process and for forwarding

the assigned network protocol address of the first process and a unique identifier of the first

process to the server process upon establishing a communication connection with the server

process (Network Information, pg. 10, Troubleshooting Help File, pg. 28, Help File, pg. 2,

Readme File, pg. 2, whereby clients transmit name and address to be stored on a server Post

Office); and

d. program code, responsive to user input commands, for establishing a point-to-point

communications with another process over the computer network (Help File, pg. 17, User Guide,

pg. 2, whereby communication between users is established).

In addition, VocalChat teaches the use of TCP/IP (Troubleshooting Help File, pg. 28).

However, VocalChat does not explicitly teach b. program code for determining the currently

assigned network protocol address of the first process upon connection to the computer network.

RFC 1531 teaches dynamically assigning IP addresses on a TCP/IP network by an

Internet access server (RFC 1531, Section 2.2).

Therefore, it would have been obvious to one skilled in the art at the time the invention

was made to combine all five VocalChat References utilized above since they all describe a

VocalChat system which shares numerous common features including a central server to store

addresses and VocalChat client software and which all interoperate in the same basic manner. In

addition it would have been obvious to utilize dynamically assigned IP addresses from Internet

access servers in the invention taught by VocalChat above since this allows for automatic reuse

of an address that is no longer needed by the host to which it was assigned (RFC 1531, Pg. 2),

and since examiner notes the use of dynamic IP address assignment in a TCP/IP network are old
and well known in the art, and are useful to eliminate the burdensome task of manually assigning
IP addresses for all networked computers.

Referring to (Claim 2), VocalChat teaches the computer program product of claim 1
wherein the program code for establishing a point-to-point communication link further comprises
program code, responsive to the network protocol address of a second process, for establishing a
point-to-point communication link between the first process and the second process over the
computer network (Help File, Pg. 17, User Guide, pg. 2, whereby users connected to each other
over a network utilizing addresses received from a server).

Referring to (Claim 3), VocalChat teaches the computer program product of claim 2
wherein the program code for establishing a point-to-point communication link further comprise:
program code for transmitting, from the first process to the server process, a query as to whether
the second process is connected to the computer network (Help File, pg. 8, 22, whereby an IP
address is provided in response to a query if a callee is connected); and program code for
receiving a network protocol address of the second process from the server process, when the
second process is connected to the computer network (Help File, pg. 22, whereby network
addresses are received in response to queries).

Referring to (Claim 5), VocalChat teaches in a computer system having a display, the
computer system capable of executing a first process and communicating with other processes

and a server process over a computer network (User's Guide, pg. 8, 11, Network Information,

pg. 10, whereby users connect via a network through data received from a server), a method for

establishing point-to-point communications with other processes comprising: B. establishing a

communication connection with the server process once the assigned network protocol of the

first process is known and C. forwarding the assigned network protocol address of the first

process to the server process upon establishing a communication connection with the server

process (Network Information, pg. 10, Troubleshooting Help File, pg. 28, Help File, pg. 2,

Readme File, pg. 2, whereby clients transmit name and address to be stored on a server Post

Office); and D. establishing a point-to-point communication with another process over the

computer network (Help File, pg. 17, User Guide, pg. 2, whereby communication between users

is established).

In addition, VocalChat teaches the use of TCP/IP (Troubleshooting Help File, pg. 28).

However, VocalChat does not explicitly teach A. determining the currently assigned network

protocol address of the first process upon connection to the computer network.

RFC 1531 teaches dynamically assigning IP addresses on a TCP/IP network by an

Internet access server (RFC 1531, Section 2.2).

Therefore, it would have been obvious to one skilled in the art at the time the invention

was made to combine all five VocalChat References utilized above since they all describe a

VocalChat system which shares numerous common features including a central server to store

addresses and VocalChat client software and which all interoperate in the same basic manner. In

addition it would have been obvious to utilize dynamically assigned IP addresses from Internet

access servers in the invention taught by VocalChat above since this allows for automatic reuse

of an address that is no longer needed by the host to which it was assigned (RFC 1531, Pg. 2), and since examiner notes the use of dynamic IP address assignment in a TCP/IP network are old and well known in the art, and are useful to eliminate the burdensome task of manually assigning IP addresses for all networked computers.

Referring to **(Claim 6)**, VocalChat teaches the method of claim 5 wherein the program step D comprises transmitting, from the first process to the server process, a query as to whether a second process is connected to the computer network (Help File, pg. 8, 22, whereby an IP address is provided in response to a query if a callee is connected); and receiving a network protocol address of the second process from the server process, when the second process is connected to the computer network (Help File, pg. 22, whereby network addresses are received in response to queries).

14)   Claims 8-9, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable by VocalChat, further in view of Pinard.

Referring to **(Claim 8)**, VocalChat teaches in a computer system having a display and capable of executing a process, a method for establishing a point-to-point communication from a caller process to a callee process over a computer network, the caller process capable of generating a user interface and being operatively connected to the callee process and a server process over the computer network (Help File, pg. 17, User Guide, pg. 2), the method comprising the steps of: querying the server process to determine if the first callee process is accessible (Help File, pg. 2, 26, Network Information, pg. 10, whereby a server can receiver

queries to determine status and information of users); and establishing a point-to-point

communication link from the caller process to the first callee process (Help File, pg. 14, 20-22,

whereby calls are made between users via network address).

In addition, VocalChat teaches the use of multiple user interface elements (User Guide,

pg. 12, 14, Help File, pg. 11, 20-21). However, VocalChat does not explicitly teach generating a

user-interface element representing a first communication line and a first callee process and

establishing the link in response to a user associating the element representing the first callee

process with the element representing the first communication line

Pinard teaches a human machine interface for telephone feature invocation which is

utilized on a personal computer and allows a user to make telephone calls by moving graphics

around a screen. Pinard teaches a user interface element representing a first communication line

and callee process (Pinard, Figure 6 and col. 5 lines 23-30), and also teaches clicking and

dragging an icon representing a callee from a directory into a call setup icon to establish a call

link (Pinard, Figure 3, col. 4 lines 38-51, Figure 6, col. 5 lines 36-37).

Therefore, it would have been obvious to one skilled in the art at the time the invention

was made to utilize the user-interface elements and interactions taught by Pinard in the invention

taught by VocalChat since Pinard teaches that the invention can be used with any system in

which a personal computer in conjunction with a server operates (Pinard, col. 2 lines 43-46), and

since examiner notes that both VocalChat and Pinard relate to communications between at least

two users implemented in a computerized environment.

Referring to **(Claim 9)**, VocalChat teaches the method of claim 8 wherein step C further

comprises the steps of: querying the server process as to the on-line status of the first callee

process (Help File, pg. 8, 22, whereby an IP address is provided in response to a query if a callee

is connected); and receiving a network protocol address of the first callee process over the

computer network from the server process (Help File, pg. 22, whereby network addresses are

received in response to queries).

Referring to **(Claims 14-15)**, VocalChat teaches the above. However, VocalChat does

not explicitly teach generating a user interface element representing a communication line having

a temporarily disabled status; and temporarily disabling the point-to-point communication

between the caller process and the first callee process, in response to the user associating the

element representing the first callee process with the element representing the communication

line having a temporarily disabled status, wherein the element generated represents a

communication line on hold status.

Pinard teaches a "hard hold" icon to which saller/callees may be dragged to be put on

hold status (Pinard, Figure 12, col. 6 lines 36-53).

Therefore, it would have been obvious to one skilled in the art at the time the invention

was made to utilize the user-interface elements and interactions taught by Pinard in the invention

taught by VocalChat since Pinard teaches that the invention can be used with any system in

which a personal computer in conjunction with a server operates (Pinard, col. 2 lines 43-46), and

since examiner notes that both NetBIOS and Pinard relate to communications between at least

two users implemented in a computerized environment.

Referring to **(Claim 16)**, VocalChat teaches wherein the element generated represents a communication line on mute status (VocalChat User's Guide, pg. 57, whereby a MUTE option can be used so a user can talk without being heard by the other user's system).

Referring to **(Claims 17-18)**, VocalChat teaches wherein the display further comprises a visual display (User's Guide, pg. 11, whereby computer displays are considered visual displays), and wherein the user interface is a graphic user interface and the user-interface elements generated in steps A and B are graphic elements (User's Guide, pg. 11-26, whereby a GUI is used showing graphic elements of call display).

Conclusion

All correspondence relating to this ex parte reexamination proceeding should be directed

as follows:

By U.S. Postal Service Mail to:

>   Mail Stop Ex Parte Reexam
>   ATTN: Central Reexamination Unit
>   Commissioner for Patents
>   P.O. Box 1450
>   Alexandria, VA 22313-1450

By FAX to:

>   (571) 273-9900
>   Central Reexamination Unit

By hand to:

>   Customer Service Window
>   Randolph Building
>   401 Dulany St.
>   Alexandria, VA 22314

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Any inquiry concerning this communication or earlier communications from the

Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be

directed to the Central Reexamination Unit at telephone number (571) 272-7705.

/Alexander J Kosowski/   CML
                                                             ESK
Primary Examiner, Art Unit 3992