

thirty days prior to the filing of this IDS. A copy of said PCT Search Report is attached.

VIII. PAYMENT OF FEES (check only one box)

A.  A check in the amount of \$180.00 is enclosed for the above identified fee.

B.  Please charge Deposit Account No. 162201 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 162201.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 162201.

Respectfully submitted,

Dated: March 17, 2010

By: /David L. Howard/  
David L. Howard, Reg. No. 41,502  
Customer No.: 01688  
Polster Lieder Woodruff & Lucchesi L.C.  
12412 Powerscourt Drive, Suite 200  
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Tel. No.: (314) 238-2460  
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**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventors named below to be the original and first inventors of the subject matter that is claimed and for which a patent is sought on the invention entitled MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, or other intellectual property office in which a foreign application claiming priority to the above-identified application is filed to have access to the application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the application-as-filed with respect to: 1) the above-identified application, 2) any foreign application to which the above-identified application claims priority under 35 USC 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified U.S. application, and 3) any U.S. application from which benefit is sought in the above-identified application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States Provisional Application(s) listed below:

60/739,819  
Application Number

November 23, 2005  
Filing Date

60/544,739

February 13, 2004

Application Number

Filing Date

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below:

11/602,461                      November 20, 2006      pending  
(Application No.)                      (Filing Date)                      (Status - patented, pending, abandoned)

11/057,704                      February 14, 2005      pending  
(Application No.)                      (Filing Date)                      (Status - patented, pending, abandoned)

I hereby appoint the registered attorneys associated with **Customer Number 001688** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to **Customer Number 001688**.  
Direct all telephone calls to David L. Howard at Telephone No. (314) 238-2460.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of First Inventor: Douglas Weiser  
Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 5009 Gallcon Ct., Port Richey, FL 34652  
Citizenship: United States of America  
Post Office Address: 5009 Gallcon Ct., Port Richey, FL 34652

Full name of Second Inventor: Mark Andrew Wood  
Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 3 Lion Lane, Haslemere, Surrey England GU17 1JF  
Citizenship: Great Britain  
Post Office Address: 3 Lion Lane, Haslemere, Surrey England GU17 1JF

Full name of Third Inventor: Kevin Russell Preston  
Inventor's Signature: [Signature] Date: 12/3/2010  
Residence: Stonegate, Glasllwch Lane, Newport, Gwent NP20 3PR, United Kingdom  
Citizenship: Great Britain  
Post Office Address: Stonegate, Glasllwch Lane, Newport, Gwent NP20 3PR, United Kingdom

## ABSTRACT

A system and method of broadcast messaging for providing a broadcast message to a broadcast target area including a broadcast admission control module receiving the broadcast message record having a broadcast message, a defined broadcast target area, and a broadcast message originator identifier. The broadcast admission control module validating the broadcast message record as a function one or more of the broadcast message originator identifier, the broadcast target area, and a broadcast message transmission network parameter associated with a broadcast transmission network adapted for broadcasting the message to at least a portion of the broadcast target area. The broadcast admission control module generating a validated broadcast message record as a function of the validating. The system also includes a broadcast message distributor module receiving the validated broadcast message record and transmitting the broadcast message and the broadcast target area, or a part thereof, to an output interface distributing the broadcast message to at least a portion of the broadcast target area.

Date: **03/17/10**

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PATENT APPLICATION FEE DETERMINATION RECORD**  
Substitute for Form PTO-875

**12/726,098**

APPLICATION AS FILED – PART I			SMALL ENTITY		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	<b>82</b>	N/A	
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	<b>270</b>	N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	<b>110</b>	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	<b>30</b>	minus 20 = <b>10</b>	X\$26=	<b>260</b>	X\$52	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	<b>3</b>	minus 3 =	X\$110=		X\$220=	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			N/A		N/A	
			<b>TOTAL</b>	<b>722</b>	<b>TOTAL</b>	

\* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II					SMALL ENTITY		OTHER THAN SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus **	=		X =		X =
Independent (37 CFR 1.16(h))	*	Minus ***	=		X =		X =	
Application Size Fee (37 CFR 1.16(s))								
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		N/A	
					<b>TOTAL ADD'T FEE</b>		<b>TOTAL ADD'T FEE</b>	

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus **	=		X =		X =
Independent (37 CFR 1.16(h))	*	Minus ***	=		X =		X =	
Application Size Fee (37 CFR 1.16(s))								
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		N/A	
					<b>TOTAL ADD'T FEE</b>		<b>TOTAL ADD'T FEE</b>	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. 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 1.14. This collection is estimated to take 12 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875					Application or Docket Number <b>12/726,098</b>		Filing Date <b>03/17/2010</b>		<input type="checkbox"/> To be Mailed		
<b>APPLICATION AS FILED – PART I</b>											
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY			
FOR		NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)	OR		RATE (\$)	FEE (\$)	
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>		N/A	N/A		N/A				N/A		
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>		N/A	N/A		N/A		N/A				
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>		N/A	N/A		N/A		N/A				
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>		30 minus 20 =	*		X \$ =		OR		X \$ =		
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>		3 minus 3 =	*		X \$ =		OR		X \$ =		
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>											
* If the difference in column 1 is less than zero, enter "0" in column 2.											
<b>APPLICATION AS AMENDED – PART II</b>					SMALL ENTITY		OR		OTHER THAN SMALL ENTITY		
(Column 1)		(Column 2)		(Column 3)	RATE (\$)		ADDITIONAL FEE (\$)		RATE (\$)		ADDITIONAL FEE (\$)
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		OR		OR		
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	X \$ =					
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	X \$ =		X \$ =			
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>											
					TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE		
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		OR		OR		
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	X \$ =					
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	X \$ =		X \$ =			
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>											
					TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.											
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".											
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".											
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											
					Legal Instrument Examiner: /PEGGY YARBOROUGH/						

This collection of information is required by 37 CFR 1.16. 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 1.14. This collection is estimated to take 12 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		12726098		
	Filing Date		2010-03-17		
	First Named Inventor	Weiser, et al.			
	Art Unit				
	Examiner Name				
	Attorney Docket Number		ENIT 9835C1		

U.S. PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1						

If you wish to add additional U.S. Patent citation information please click the Add button. Add

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Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
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If you wish to add additional U.S. Published Application citation information please click the Add button. Add

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Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup> j	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
	1							<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button. Add

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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.						T <sup>5</sup>

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT ( Not for submission under 37 CFR 1.99)</b>	Application Number	12726098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	
	Examiner Name	
	Attorney Docket Number	ENIT 9835C1

1	TeliaSonera, "Mobile Broadcast/Multicast Service (MBMS)", MediaLab, August 2004, available at: <a href="http://www.medialab.sonera.fi">http://www.medialab.sonera.fi</a>	<input checked="" type="checkbox"/>
2	Text message warns of 'killer flu' hot spots, April 20, 2003, may be seen at <a href="http://www.ceasa.us/news.htm">www.ceasa.us/news.htm</a>	<input checked="" type="checkbox"/>
3	The Cellular-Emergency Alert Services Association Policy Statement, August 5, 2002, may be seen at <a href="http://www.ceasa.us/news.htm">www.ceasa.us/news.htm</a>	<input checked="" type="checkbox"/>
4	The Wall Street Journal Online, Local Governments Look at Cellphone-based Alerts, Carl Bialik, June 12, 2003, may be seen at <a href="http://www.ceasa.us/news/htm">www.ceasa.us/news/htm</a>	<input checked="" type="checkbox"/>
5	Chinese Search Report, date of receipt November 9, 2009	<input checked="" type="checkbox"/>

If you wish to add additional non-patent literature document citation information please click the Add button

**EXAMINER SIGNATURE**

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.



## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	7234215
<b>Application Number:</b>	12726098
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1553
<b>Title of Invention:</b>	MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD
<b>First Named Inventor/Applicant Name:</b>	Douglas Weiser
<b>Customer Number:</b>	01688
<b>Filer:</b>	David L. Howard
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	ENIT 9835C1
<b>Receipt Date:</b>	18-MAR-2010
<b>Filing Date:</b>	
<b>Time Stamp:</b>	14:47:52
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
------------------------	----

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	ENIT_9835C1_1st_supplemental_IDS_transmittal.pdf	207625 <small>d87b556e840bed7a8c8150049ac24a978eafb9efb</small>	no	6

### Warnings:

### Information:

2	Information Disclosure Statement (IDS) Filed (SB/08)	ENIT_9835C1_IDS_first_suppl_FORM_1449.pdf	612090 6c8b356b35d38c30ace04caf7c202a9c6b8c483a	no	4
<b>Warnings:</b>					
<b>Information:</b>					
A U.S. Patent Number Citation or a U.S. Publication Number Citation is required in the Information Disclosure Statement (IDS) form for autoloading of data into USPTO systems. You may remove the form to add the required data in order to correct the Informational Message if you are citing U.S. References. If you chose not to include U.S. References, the image of the form will be processed and be made available within the Image File Wrapper (IFW) system. However, no data will be extracted from this form. Any additional data such as Foreign Patent Documents or Non Patent Literature will be manually reviewed and keyed into USPTO systems.					
3	NPL Documents	NPL_1_TeliaSonera_Mobile_Broadcast_Multicast_Service_MBS.pdf	466543 356230ae6594cd4f6bb2a23793a17ea1bae3a49	no	12
<b>Warnings:</b>					
<b>Information:</b>					
4	NPL Documents	NPL_2_Text_message_warning_of_killer_flu.pdf	32319 09bdb2e36ab9a37ebd1ca09c293f683bf1a1f9b	no	1
<b>Warnings:</b>					
<b>Information:</b>					
5	NPL Documents	NPL_3_The_Cellular_Emergency_alert_Services.pdf	20188 a08e362e9ab568bc9471429bce1d1a205e2a558	no	1
<b>Warnings:</b>					
<b>Information:</b>					
6	NPL Documents	NPL_4_The_Wall_Street_Journal_Online.pdf	440890 113d2edf46a8ff3ef4ab29436d36136ce023873	no	7
<b>Warnings:</b>					
<b>Information:</b>					
7	NPL Documents	NPL_5_Chinese_search_report.pdf	56909 cfe396cc38e505d199890fe7c847b7733592b3c1	no	1
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			1836564		

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.

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 12/726,098  
Filing Date: March 18, 2010  
Applicant: Weiser, et al.  
Group Art Unit:  
Examiner:  
Title: Messaging Broadcasting Control System and Method  
Attorney Docket: ENIT 9835C1

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits a Supplemental Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION**

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. **COPIES**

A.  Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office; (iii) each unpublished U.S. application listed below in Section IV (i.e., including the specification, claims, and any drawing of the application, or that portion of the application which caused it to be listed, including any claims directed to that portion), except for such applications filed on or after June 30, 2003, pursuant to the Waiver of the Copy Requirement in 37 C.F.R. 1.98 (OG Notice dated October 19, 2004); and (iv) all other information or that portion which caused it to be listed.

B.  Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C.  This is a PCT application in the entry of the National Phase in the United States. **A copy of the International Search Report is attached for the Examiner's information.** The documents listed on the International Search report are listed on the attached Form 1449 for consideration by the Examiner and for listing on any patent resulting from this application. If the International Search report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g).)

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A.  Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B.  A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1.  See the attached foreign patent office communication from a counterpart foreign application:

2.  English translations are provided:

3.  Other:

C.  The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

The examiner is advised that the following co-pending applications contain subject matter that may be related to the present application. By bringing these applications to the Examiner's attention, Applicants do not waive the confidentiality provisions of 35 U.S.C. §122

Co-pending U.S. Patent Applications

1. Serial No. 11/602,461 filed November 20, 2006 (Attorney DN ENIT 9835U1);
2. Serial No. 11/602,458 filed November 20, 2006 (Attorney DN ENIT 9839U1);
3. Serial No. 11/605,207 filed November 28, 2006, (Attorney DN ENIT 9838U1);
4. Serial No. 11/602,462 filed November 20, 2006 (Attorney DN ENIT 9837U1); and
5. Serial No. 11/057,704 filed February 14, 2005 (Attorney DN ENIT 9834U1).
6. Serial No. 12/559,405 filed September 14, 2009 (Attorney DN ENIT 9834C1).

V. THIS IDS IS BEING FILED UNDER

A.  **37 C.F.R. § 1.97(b)**: (check only one box)

1.  within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.
2.  within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
3.  before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4.  before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B.  **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1.  No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2.  See the certification below. No fee is required.

C.  37 C.F.R. § 1.97(d):

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1.  See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A.  each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B.  no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C.  some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 C.F.R. 1.704(d)

The undersigned hereby states that:

each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than



thirty days prior to the filing of this IDS. A copy of said PCT Search Report is attached.

VIII. PAYMENT OF FEES (check only one box)

A.  A check in the amount of \$180.00 is enclosed for the above identified fee.

B.  Please charge Deposit Account No. 162201 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 162201.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 162201.

Respectfully submitted,

Dated: March 18, 2010

By: /David L. Howard/  
David L. Howard, Reg. No. 41,502  
Customer No.: 01688  
Polster Lieder Woodruff & Lucchesi L.C.  
12412 Powerscourt Drive, Suite 200  
St. Louis, MO 63131-3615  
Tel. No.: (314) 238-2460  
Fax No.: (314) 238-2401

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12726098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	
	Examiner Name	
	Attorney Docket Number	ENIT 9835C1

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

- See attached certification statement.
- Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- None

**SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/David L. Howard, Reg. NO. 41502/	Date (YYYY-MM-DD)	2010-03-18
Name/Print	David L. Howard	Registration Number	41502

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/726,098, 03/17/2010, 722, ENIT 9835C1, 30, 3

CONFIRMATION NO. 1553

FILING RECEIPT

1688
Polster, Lieder, Woodruff & Lucchesi, L.C.
12412 Powerscourt Dr. Suite 200
St. Louis, MO 63131-3615



Date Mailed: 03/30/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Douglas Weiser, Port Richey, FL;
Mark Andrew Wood, Haslemere, UNITED KINGDOM;
Kevin Russell Preston, Gwent, UNITED KINGDOM;

Assignment For Published Patent Application

ENVISIONIT LLC, Montgomery, TX

Power of Attorney: The patent practitioners associated with Customer Number 001688

Domestic Priority data as claimed by applicant

This application is a CON of 11/602,461 11/20/2006 PAT 7,693,938
which claims benefit of 60/739,819 11/23/2005

Foreign Applications

Permission to Access - A proper Authorization to Permit Access to Application by Participating Offices (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 03/26/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/726,098

Projected Publication Date: 07/08/2010

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

**Title**

MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD

**Preliminary Class**

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/726,098	03/17/2010		722	ENIT 9835C1	30	3

CONFIRMATION NO. 1553

1688  
Polster, Lieder, Woodruff & Lucchesi, L.C.  
12412 Powerscourt Dr. Suite 200  
St. Louis, MO 63131-3615

FILING RECEIPT



Date Mailed: 03/30/2010

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Applicant(s)

- Douglas Weiser, Port Richey, FL; ✓
- Mark Andrew Wood, Haslemere, UNITED KINGDOM; ✓
- Kevin Russell Preston, Gwent, UNITED KINGDOM; ✓

Assignment For Published Patent Application

ENVISIONIT LLC, Montgomery, TX ✓

Power of Attorney: The patent practitioners associated with Customer Number 001688 ✓

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This application is a CON of 11/602,461 11/20/2006 PAT 7,693,938 which claims benefit of 60/739,819 11/23/2005

Foreign Applications

and further is a continuation of U.S. Patent Application 11/057,704 filed on 2/14/2005 which claims the benefit of 60/544,739 2/13/2004

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The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/726,098**

Projected Publication Date: 07/08/2010

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

4-5-10/08

**Title**

MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD

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**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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page 2 of 3



license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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**NOT GRANTED**

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## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	7392336
<b>Application Number:</b>	12726098
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1553
<b>Title of Invention:</b>	MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD
<b>First Named Inventor/Applicant Name:</b>	Douglas Weiser
<b>Customer Number:</b>	01688
<b>Filer:</b>	David L. Howard
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	ENIT 9835C1
<b>Receipt Date:</b>	12-APR-2010
<b>Filing Date:</b>	17-MAR-2010
<b>Time Stamp:</b>	13:12:33
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
------------------------	----

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	ENIT_9835C1_marked_up_filing_receipt.pdf	159675 <small>373c8c580698ee630ba964ad6d369a30d8e09547</small>	no	3

### Warnings:

### Information:

2	Specification	ENIT_9835C1_specification_page_1.pdf	46668 8e889ddc9c3d6e7220ab64bb773dc52493b5efc	no	1
<b>Warnings:</b>					
<b>Information:</b>					
3	Request for Corrected Filing Receipt	ENIT_9835C1_Request_corrected_filing_receipt.pdf	38525 818d3c8577e00e1361c5074af1b7b818d7e1379f	no	1
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			244868		
<p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>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.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>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.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>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.</b></p>					

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Weiser, et al.

**SERIAL NO:** 12/726,098

**DOCKET NO:** ENIT 9835C1

**FILED:** 03/17/2010

**GROUP ART NO.:**

**TITLE:** MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD

St. Louis, Missouri

April 12, 2010

Mail Stop Missing Parts  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTED FILING RECEIPT**

Sir:

Applicant requests correction of the official filing receipt issued in the referenced design patent application. The Domestic Priority data as claimed by applicant is shown on the filing receipt as "This application is a CON of 11/602,461 11/20/2006 PAT 7,693,938 which claims benefit of 60/739,819 11/23/2005." The Domestic Priority data as claimed by applicant should read as: "This application is a CON of 11/602,461 11/20/2006 PAT 7,693,938 which claims the benefit of 60/739,819 11/23/2005 and further is a continuation of U.S. Patent Application 11/057,704 filed on 2/14/2005 which claims the benefit of 60/544,739 2/13/2004."

Applicant encloses the application data sheet and page 1 specification of the original filed patent application serial no. 12/726,098 for supporting documentation.

Issuance of a corrected filing receipt is respectfully requested.

Respectfully submitted,

/David L. Howard/

David L. Howard, Registration No: 41,502  
Polster, Lieder, Woodruff & Lucchesi, L.C.  
Customer Number: 001688  
12412 Powerscourt Drive  
St. Louis, Missouri 63131-3615  
Tel: (314) 238-2400 Fax: (314) 238-2401

## MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD

## CROSS-REFERENCE TO RELATED APPLICATIONS

**[0001]** This application is a continuation of U.S. Patent Application No. 11/602,461 filed on November 20, 2006 (now U.S. Patent No. XX/XXX,XXX) that claims the benefit of U.S. Provisional Application No. 60/739,819, filed on November 23, 2005; and that further claims priority to U.S. Patent Application 11/057,704, filed on February 14, 2005, that claims priority to U.S. Provisional Application No. 60/544,739, filed on February 13, 2004. The disclosures of these applications are incorporated herein by reference.

## FIELD

**[0002]** The present disclosure relates to message broadcast systems and in particular to the admission control for broadcasting messaging.

## BACKGROUND

**[0003]** The statements in this section merely provide background information related to the present disclosure and may not constitute prior art.

**[0004]** With the events of September 11, 2001, there has been increased concern with the ability of present systems for providing public service broadcasting of messages and warnings to the public. Existing public service warning systems are antiquated and provide only limited access to the public who may be in need of knowing of potential emergencies or danger. Additionally, existing systems do not provide for location-based notification or broadcasting messages.

**[0005]** As such, there is a need for an improved method and system for providing timely information to the public related to potential hazards affecting them. One suggested solution is the utilization of the subscription-based Short Message Service (SMS) messaging capability for mass messaging using mobile telephones and compatible devices. However, SMS systems and technology have significant technical limitations and experience with such systems has been disappointing due to significant delays in the delivery of SMS messages and negative impacts to the networks due to congestion. Additionally, SMS messaging places a considerable call processing load on the telecommunication system and infrastructure considering that the above process is multiplied by the demand of thousands or



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/726,098	03/17/2010	Douglas Weiser	ENIT 9835C1

**CONFIRMATION NO. 1553**

1688  
Polster, Lieder, Woodruff & Lucchesi, L.C.  
12412 Powerscourt Dr. Suite 200  
St. Louis, MO 63131-3615

**PUBLICATION NOTICE**



**Title:**MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD

**Publication No.**US-2010-0174779-A1

**Publication Date:**07/08/2010

**NOTICE OF PUBLICATION OF APPLICATION**

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at [www.uspto.gov](http://www.uspto.gov). The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at [www.uspto.gov](http://www.uspto.gov) using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 12/726,098  
Filing Date: March 17, 2010  
Applicant: Weiser, et al.  
Group Art Unit:  
Examiner:  
Title: Messaging Broadcasting Control System and Method  
Attorney Docket: ENIT 9835C1

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits a Supplemental Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A.  Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office; (iii) each unpublished U.S. application listed below in Section IV (i.e., including the specification, claims, and any drawing of the application, or that portion of the application which caused it to be listed, including any claims directed to that portion), except for such applications filed on or after June 30, 2003, pursuant to the Waiver of the Copy Requirement in 37 C.F.R. 1.98 (OG Notice dated October 19, 2004); and (iv) all other information or that portion which caused it to be listed.

B.  Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C.  This is a PCT application in the entry of the National Phase in the United States. **A copy of the International Search Report is attached for the Examiner's information.** The documents listed on the International Search report are listed on the attached Form 1449 for consideration by the Examiner and for listing on any patent resulting from this application. If the International Search report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g).)

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A.  Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B.  A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1.  See the attached foreign patent office communication from a counterpart foreign application:
2.  English translations are provided:
3.  Other:

C.  The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

The examiner is advised that the following co-pending applications contain subject matter that may be related to the present application. By bringing these applications to the Examiner's attention, Applicants do not waive the confidentiality provisions of 35 U.S.C. §122



V. THIS IDS IS BEING FILED UNDER

A.  **37 C.F.R. § 1.97(b):** (check only one box)

1.  within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.
2.  within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
3.  before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
4.  before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B.  **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1.  No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
2.  See the certification below. No fee is required.

C.  37 C.F.R. § 1.97(d):

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1.  See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A.  each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B.  no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C.  some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 C.F.R. 1.704(d)

The undersigned hereby states that:

each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than

thirty days prior to the filing of this IDS. A copy of said PCT Search Report is attached.

VIII. PAYMENT OF FEES (check only one box)

A.  A check in the amount of \$180.00 is enclosed for the above identified fee.

B.  Please charge Deposit Account No. 162201 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 162201.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 162201.

Respectfully submitted,

Dated: September 14, 2010

By: /David L. Howard/

David L. Howard, Reg. No. 41,502  
Customer No.: 01688  
Polster Lieder Woodruff & Lucchesi L.C.  
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Tel. No.: (314) 238-2460  
Fax No.: (314) 238-2401

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		12726098	
	Filing Date		2010-03-17	
	First Named Inventor	Weiser, et al.		
	Art Unit			
	Examiner Name			
	Attorney Docket Number		ENIT 9835C1	

U.S.PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	4887308		1989-12-12	Dutton		
	2	6721542	B1	2004-04-13	Anttila et al.		
	3	6766163	B1	2004-07-20	Sharma		

If you wish to add additional U.S. Patent citation information please click the Add button. Add

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FOREIGN PATENT DOCUMENTS								Remove
Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup> j	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
	1							<input type="checkbox"/>

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12726098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	
	Examiner Name	
	Attorney Docket Number	ENIT 9835C1

If you wish to add additional Foreign Patent Document citation information please click the Add button

**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>5</sup>
	1		<input type="checkbox"/>

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**EXAMINER SIGNATURE**

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12726098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	
	Examiner Name	
	Attorney Docket Number	ENIT 9835C1

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

None

**SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/David L. Howard, Reg. No. 41502/	Date (YYYY-MM-DD)	2010-09-14
Name/Print	David L. Howard	Registration Number	41502

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	8416838
<b>Application Number:</b>	12726098
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1553
<b>Title of Invention:</b>	MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD
<b>First Named Inventor/Applicant Name:</b>	Douglas Weiser
<b>Customer Number:</b>	01688
<b>Filer:</b>	David L. Howard
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	ENIT 9835C1
<b>Receipt Date:</b>	14-SEP-2010
<b>Filing Date:</b>	17-MAR-2010
<b>Time Stamp:</b>	17:58:04
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
------------------------	----

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	ENIT_9835C1_2nd_Sup_IDS_Trans.pdf	193391 <small>548424c163a8992ef7e57bf89eec2df1c5b995</small>	no	5

### Warnings:

### Information:



2	Information Disclosure Statement (IDS) Filed (SB/08)	ENIT_9835C1_2nd_Sup_IDS. pdf	614807  4eb8a81a86bfae5755bd203d80457c652a776de1	no	4
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			808198		
<p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>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.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>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.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>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.</b></p>					



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BIB DATA SHEET

CONFIRMATION NO. 1553


<b>SERIAL NUMBER</b> 12/726,098	<b>FILING or 371(c) DATE</b> 03/17/2010 <b>RULE</b>	<b>CLASS</b> 709	<b>GROUP ART UNIT</b> 2457	<b>ATTORNEY DOCKET NO.</b> ENIT 9835C1	
<b>APPLICANTS</b> Douglas Weiser, Port Richey, FL; Mark Andrew Wood, Haslemere, UNITED KINGDOM; Kevin Russell Preston, Gwent, UNITED KINGDOM;  <b>** CONTINUING DATA *****</b> This application is a CON of 11/602,461 11/20/2006 PAT 7,693,938 which claims benefit of 60/739,819 11/23/2005  <b>** FOREIGN APPLICATIONS *****</b>  <b>** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY **</b> 03/26/2010					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and /MOUSTAFA M MEKY/ Acknowledged _____ <small>Examiner's Signature</small>	<input type="checkbox"/> Met after Allowance _____ <small>Initials</small>	<b>STATE OR COUNTRY</b> FL	<b>SHEETS DRAWINGS</b> 15	<b>TOTAL CLAIMS</b> 30	<b>INDEPENDENT CLAIMS</b> 3
<b>ADDRESS</b> Polster, Lieder, Woodruff & Lucchesi, L.C. 12412 Powerscourt Dr. Suite 200 St. Louis, MO 63131-3615 UNITED STATES					
<b>TITLE</b> MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD					
<b>FILING FEE RECEIVED</b> 722	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit			

<b>Index of Claims</b> 	<b>Application/Control No.</b> 12726098	<b>Applicant(s)/Patent Under Reexamination</b> WEISER ET AL.
	<b>Examiner</b> Moustafa M Meky	<b>Art Unit</b> 2457

✓	<b>Rejected</b>	-	<b>Cancelled</b>	N	<b>Non-Elected</b>	A	<b>Appeal</b>
=	<b>Allowed</b>	÷	<b>Restricted</b>	I	<b>Interference</b>	O	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

CLAIM		DATE							
Final	Original	09/25/2010							
	1	✓							
	2	✓							
	3	✓							
	4	✓							
	5	✓							
	6	✓							
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	10	✓							
	11	✓							
	12	✓							
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	26	✓							
	27	✓							
	28	✓							
	29	✓							
	30	✓							

<b>Search Notes</b>  	<b>Application/Control No.</b>  12726098	<b>Applicant(s)/Patent Under Reexamination</b>  WEISER ET AL.
	<b>Examiner</b>  Moustafa M Meko	<b>Art Unit</b>  2457

<b>SEARCHED</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>
709	200-203, 217-227	9/24/2010	MMM
455	404.1, 404.2	9/24/2020	MMM

<b>SEARCH NOTES</b>		
<b>Search Notes</b>	<b>Date</b>	<b>Examiner</b>
WEST (ALL FILES)	9/24/2010	MMM

<b>INTERFERENCE SEARCH</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>

--	--

<b>Notice of References Cited</b>	Application/Control No. 12/726,098	Applicant(s)/Patent Under Reexamination WEISER ET AL.	
	Examiner Moustafa M. Meky	Art Unit 2457	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,180,415	02-2007	Bankert et al.	340/539.17
*	B	US-7,130,610	10-2006	Dolezal et al.	455/404.1
*	C	US-7,039,386	05-2006	Kolsrud, Arild	455/404.1
*	D	US-6,617,964	09-2003	Lamb, George	340/286.02
*	E	US-6,329,904	12-2001	Lamb, George William	340/286.02
*	F	US-6,278,375	08-2001	Hucker, Wade A.	340/601
*	G	US-7,616,942	11-2009	Karl et al.	455/404.1
*	H	US-7,339,467	03-2008	Lamb, George W.	340/539.1
*	I	US-7,224,957	05-2007	Spector, Shelley J.	455/404.2
*	J	US-6,255,953	07-2001	Barber, Jerry Keith	340/601
*	K	US-7,693,938	04-2010	Weiser et al.	709/203
	L	US-			
	M	US-			

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

## WEST Search History for Application 12726098

Creation Date: 2010092423:48

### Prior Art Searches

Query	DB	Op.	Plur.	Thes.	Date
broadcast\$4 with (emergenc\$5 or danger or hazard or flood\$4 or disaster or disastrous)	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-24-2010
(broadcast\$4 with (emergenc\$5 or danger or hazard or flood\$4 or disaster or disastrous) ) same (area or geographic\$4 or territor\$5)	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-24-2010
message with (broadcast\$4 or send\$4 or sent or receiv\$4 or distribut\$4 or transmi\$5)	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-24-2010
(broadcast\$4 with (emergenc\$5 or danger or hazard or flood\$4 or disaster or disastrous) same (area or geographic\$4 or territor\$5) ) same (message with (broadcast\$4 or send\$4 or sent or receiv\$4 or distribut\$4 or transmi\$5) )	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-24-2010
(broadcast\$4 with (emergenc\$5 or danger or hazard or flood\$4 or disaster or disastrous) same (area or geographic\$4 or territor\$5) same message with (broadcast\$4 or send\$4 or sent or receiv\$4 or distribut\$4 or transmi\$5) ) same (warn\$4 or alert\$4)	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-24-2010
(broadcast\$4 with (emergenc\$5 or danger or hazard or flood\$4 or disaster or disastrous) same (area or geographic\$4 or territor\$5) same message with (broadcast\$4 or send\$4 or sent or receiv\$4 or distribut\$4 or transmi\$5) same (warn\$4 or alert\$4) ) same (public\$4 or valid\$5 or authority)	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-24-2010



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/726,098	03/17/2010	Douglas Weiser	ENIT 9835C1	1553
1688	7590	09/28/2010	EXAMINER	
Polster, Lieder, Woodruff & Lucchesi, L.C. 12412 Powerscourt Dr. Suite 200 St. Louis, MO 63131-3615			MEKY, MOUSTAFA M	
			ART UNIT	PAPER NUMBER
			2457	
			MAIL DATE	DELIVERY MODE
			09/28/2010	PAPER

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

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	12/726,098	WEISER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Moustafa M. Meky	2457	

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

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 17 March 2010.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  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*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-30 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-30 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All    b)  Some \*    c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 3/17 & 3/18 & 9/14/2010.
- 4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_.



1. Claims 1-30 are presenting for examination.
2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 11-16, 18, 23, 28-30, 32, 34, 36, 39-40, 42-43, 45-46, 50-52, and 57 of U.S. Patent No. 7,693,938. Although the conflicting claims are not identical, they are not patentably distinct from each other because the patent 938 teaches substantially the claimed limitations.
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Moustafa M Meky/  
Primary Examiner, Art Unit 2457

9/25/2010

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12726098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Meky
	Attorney Docket Number	ENIT 9835C1

U.S. PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		12726098
	Filing Date		2010-03-17
	First Named Inventor	Weiser, et al.	
	Art Unit		
	Examiner Name		
	Attorney Docket Number		ENIT 9835C1

1	TeliaSonera, "Mobile Broadcast/Multicast Service (MBMS)", MediaLab, August 2004, available at: <a href="http://www.medialab.sonera.fi">http://www.medialab.sonera.fi</a>	<input checked="" type="checkbox"/>
2	Text message warns of 'killer flu' hot spots, April 20, 2003, may be seen at <a href="http://www.ceasa.us/news.htm">www.ceasa.us/news.htm</a>	<input checked="" type="checkbox"/>
3	The Cellular-Emergency Alert Services Association Policy Statement, August 5, 2002, may be seen at <a href="http://www.ceasa.us/news.htm">www.ceasa.us/news.htm</a>	<input checked="" type="checkbox"/>
4	The Wall Street Journal Online, Local Governments Look at Cellphone-based Alerts, Carl Bialik, June 12, 2003, may be seen at <a href="http://www.ceasa.us/news/htm">www.ceasa.us/news/htm</a>	<input checked="" type="checkbox"/>
5	Chinese Search Report, date of receipt November 9, 2009	<input checked="" type="checkbox"/>

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**EXAMINER SIGNATURE**

Examiner Signature	/Moustafa Meki/	Date Considered	09/24/2010
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12726098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Meky
	Attorney Docket Number	ENIT 9835C1

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Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	4887308		1989-12-12	Dutton		
	2	6721542	B1	2004-04-13	Anttila et al.		
	3	6766163	B1	2004-07-20	Sharma		

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	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Meky
	Attorney Docket Number	ENIT 9835C1

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**EXAMINER SIGNATURE**

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT ( Not for submission under 37 CFR 1.99)</b>	Application Number		12/726,098
	Filing Date		2010-03-17
	First Named Inventor	Weiser, et al.	
	Art Unit	2457	
	Examiner Name	Meky	
	Attorney Docket Number	ENIT 9835C1	

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Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	4415771		1983-11-15	Martinez	
	2	5278539		1994-01-11	Lauterbach, et al.	
	3	5592172		1997-01-07	Bailey, et al.	
	4	6021177		2000-02-01	Allport	
	5	6084510		2000-07-04	Lemelson, et al.	
	6	6112075		2000-08-29	Weiser	
	7	6169476		2001-01-02	Flanagan	
	8	6219696		2001-04-17	Wynblatt, et al.	

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12/726,098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Meky
	Attorney Docket Number	ENIT 9835C1

9	6240360		2001-05-29	Phelan	
10	6346890		2002-02-12	Bellin	
11	6463273		2002-10-08	Day	
12	6480578		2002-11-12	Allport	
13	6490525		2002-12-03	Baron, Sr. et al.	
14	6493633		2002-12-10	Baron, Sr. et al.	
15	6580916		2003-06-17	Weisshaar, et al.	
16	6650902		2003-11-18	Richton	
17	6683526		2004-01-27	Bellin	
18	6745021		2004-06-01	Stevens	
19	6751455		2004-06-15	Acampora	



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12/726,098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Meky
	Attorney Docket Number	ENIT 9835C1

	20	6753784		2004-06-22	Sznaider, et al.	
	21	6785551		2004-08-31	Richard	
	22	6867688		2005-03-15	Lamb	
	23	6882837		2005-04-19	Fernandez, et al.	
	24	6947754		2005-09-20	Ogasawara	

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**U.S.PATENT APPLICATION PUBLICATIONS**

Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20020095333		2002-06-18	Jokinen, et al.	
	2	20020107016		2002-08-08	Hanley	
	3	20020124252		2002-09-05	Schaefer, et al.	
	4	20030026240		2003-02-06	Eyuboglu, et al.	

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12/726,098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Meky
	Attorney Docket Number	ENIT 9835C1

5	20030134622		2003-07-17	Hsu, et al.	
6	20030134651		2003-07-17	Hsu	
7	20030137415		2003-07-24	Thomson	
8	20030145064		2003-07-31	Hsu, et al.	
9	20030197615		2003-10-23	Roche, et al.	
10	20040150518		2004-08-05	Phillips, et al.	
11	20040152493		2004-08-05	Phillips, et al.	
12	20040247086		2004-12-09	Menard, et al.	
13	20050030977		2005-02-10	Casey, et al.	
14	20050096065		2005-05-05	Fleischman	
15	20050162267		2005-07-28	Khandelwal, et al.	

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12/726,098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Meky
	Attorney Docket Number	ENIT 9835C1

16	20050261012	2005-11-24	Weiser
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**FOREIGN PATENT DOCUMENTS**

Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup>	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
	1	98/49661	WO		1998-11-05	Alert Systems, Inc.		<input checked="" type="checkbox"/>
	2	03/077063	WO		2003-09-18	Swan Island Networks, Inc.		<input checked="" type="checkbox"/>
	3	0915598	EP	A2	1999-12-05	Matsushita Electric Industrial Co., Ltd.		<input checked="" type="checkbox"/>
	4	1071296	EP	A1	2001-01-24	Alcatel		<input checked="" type="checkbox"/>
	5	1515512	EP	A2	2005-03-16	NEC Corporation Tokyo (JP)		<input checked="" type="checkbox"/>
	6	01/45061	WO	A2	2001-06-21	Nokia Corp.		<input checked="" type="checkbox"/>
	7	01/57724	WO	A1	2001-08-09	Nextgen Pty Ltd.		<input checked="" type="checkbox"/>
	8	01/89150	WO	A2	2001-11-22	Reliacast, Inc.		<input checked="" type="checkbox"/>

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12/726,098	
	Filing Date	2010-03-17	
	First Named Inventor	Weiser, et al.	
	Art Unit	2457	
	Examiner Name	Meky	
	Attorney Docket Number	ENIT 9835C1	

	9	03/071392	WO	A2		2003-08-28		<input checked="" type="checkbox"/>
	10	05/079421	WO	A2		2005-09-01		<input checked="" type="checkbox"/>
	11	96/05678	WO	A1		1999-02-22		<input checked="" type="checkbox"/>
	12	2000244427	JP			2000-09-08		<input checked="" type="checkbox"/>
	13	10336127	JP			1999-12-18	JP (abstract only - partial translation)	<input checked="" type="checkbox"/>
	14	441719	JP			1999-09-28	JP (partial translation)	<input checked="" type="checkbox"/>
	15	09/098140	JP			1997-08-04	JP (abstract only - partial translation)	<input checked="" type="checkbox"/>
	16	2000165826	JP			2000-06-16	JP (abstract only - partial translation)	<input checked="" type="checkbox"/>
	17	441720	JP			2000-08-18	JP (partial translation)	<input checked="" type="checkbox"/>
	18	00/30379	WO			2000-05-25		<input checked="" type="checkbox"/>
	19	1032148	EP	A2		2000-08-30		<input checked="" type="checkbox"/>

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12/726,098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Meky
	Attorney Docket Number	ENIT 9835C1

If you wish to add additional Foreign Patent Document citation information please click the Add button

**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>5</sup>
	1	3rd Generation Partnership Project TS 23.246, Release 6, August 2004	<input checked="" type="checkbox"/>
	2	Bharat Sanchar Nigam Limited, "Value Added Services in GSM", Engineering Instruction, 04 May 2005; available at <a href="http://www.bsnl.co.in/service/mobile_voice_based_service.htm">http://www.bsnl.co.in/service/mobile_voice_based_service.htm</a>	<input checked="" type="checkbox"/>
	3	British Parliament Debates CellAlert Service for the UK, May 1, 2003, may be seen at <a href="http://www.ceasa.us/news.htm">www.ceasa.us/news.htm</a>	<input checked="" type="checkbox"/>
	4	Canadian Contract No. 5007441, 23 July 2003; <a href="http://72.14.203.104/search?q=cache:piSqEswBv74J:strategis.ic.gc.ca/epic/internet/inet-td">http://72.14.203.104/search?q=cache:piSqEswBv74J:strategis.ic.gc.ca/epic/internet/inet-td</a>	<input checked="" type="checkbox"/>
	5	Canadians want Emergency-Location Services, by Dave Ebner, April 11, 2003, may be seen at <a href="http://www.ceasa.us/news.htm">www.ceasa.us/news.htm</a>	<input checked="" type="checkbox"/>
	6	CEASA International, "Public Warnings via Cell Broadcast", Wood and Weiser, 24 May 2005, <a href="http://www.ceasa-int.org">http://www.ceasa-int.org</a>	<input checked="" type="checkbox"/>
	7	CEASA International, "Welcome to CEASa USA", Ceasa Admin, 12 June 2004, <a href="http://ceasa-international.com/usa/index2.php?option=comcontent&amp;task=view&amp;id=1&amp;Ite">http://ceasa-international.com/usa/index2.php?option=comcontent&amp;task=view&amp;id=1&amp;Ite</a>	<input checked="" type="checkbox"/>
	8	CEASA, "Cell Alert System Via Cell Broadcast, Wood, September 2005, <a href="http://www.eglobalconf.net/speeches/MarkWood.ppt">www.eglobalconf.net/speeches/MarkWood.ppt</a>	<input checked="" type="checkbox"/>
	9	CEASA, "Text Message broadcasts could provide disaster Alerts" July 28, 2005, available at: <a href="http://ceasa-international.com/usa/index2.php?option=comcontent&amp;task=view&amp;id=1&amp;Ite">http://ceasa-international.com/usa/index2.php?option=comcontent&amp;task=view&amp;id=1&amp;Ite</a>	<input checked="" type="checkbox"/>

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12/726,098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Meky
	Attorney Docket Number	ENIT 9835C1

10	CEASA; News and Events, "News", 14 January 2005 - June 2005, <a href="http://www.ceasa-international.org/news.html">http://www.ceasa-international.org/news.html</a>	<input checked="" type="checkbox"/>
11	Cellular Emergency Alert Services Association, February 21, 2003, CellAlert Services Corporate Structure, may be seen at <a href="http://www.ceasa.us/news.htm">www.ceasa.us/news.htm</a>	<input checked="" type="checkbox"/>
12	CSEC "Wireless Implementation & Maintenance, Service Notification & Testing Notification Policies and Procedures", 19 April 2002, available at: <a href="http://www.911.state.tx.us/files/pdfs/resources/call_take.xls">http://www.911.state.tx.us/files/pdfs/resources/call_take.xls</a>	<input checked="" type="checkbox"/>
13	Deaf Today, "Disability Group Backs Cingular/AWS Merger, Silva, 04 June 2004, available at: <a href="http://www.deaftoday.com/newsarchives/004848.html">http://www.deaftoday.com/newsarchives/004848.html</a>	<input checked="" type="checkbox"/>
14	Engadget, "Dutch Testing Geo-Targeted SMS Emergency Broadcast System", Ricker, 08 October 2005, <a href="http://www.engadget.com/entry/1234000590062252">http://www.engadget.com/entry/1234000590062252</a>	<input checked="" type="checkbox"/>
15	ETSI TS 123.246, Universal Mobile Telecommunications System (UMTS); Multimedia Broadcast/Multicast Service (MBMS); Architecture and functional description (3GPP TS 23.246 version 6.6.0 Release 6) (2005-03)	<input checked="" type="checkbox"/>
16	Global Amateur Radio Emergency Communications Conference, Tampere, Finland, 13-14 June 2005, "What is 'Cell Broadcasting' and Why do I care, as a HAM?", Wood, <a href="http://www.rientola.fi/oh3ag/garec/documents/Cellalert.ppt">www.rientola.fi/oh3ag/garec/documents/Cellalert.ppt</a>	<input checked="" type="checkbox"/>
17	International Search Report mailed July 17, 2006 from the International Bureau	<input checked="" type="checkbox"/>
18	International Telecommunication Union, "Cell Broadcast Broker System" M. Wood, Cell Alert Services Corp., 18 Feb 2003, available at: <a href="http://www.itu.int/itudoc/itu-t/workshop/ets/isd3-001.html">http://www.itu.int/itudoc/itu-t/workshop/ets/isd3-001.html</a>	<input checked="" type="checkbox"/>
19	Messaging Network, Bercut Limited, "Broadcast for the Masses", Sergey Ermilov, 2 March 2005, available at: <a href="http://www.bercut.biz">http://www.bercut.biz</a>	<input checked="" type="checkbox"/>
20	MobileIN.com Perspective, "Cell Broadcasting Technical Primer", Wood, September 2005, available at: <a href="http://www.mobilein.com/Perspectives/Authors/CB_Primer.htm">http://www.mobilein.com/Perspectives/Authors/CB_Primer.htm</a>	<input checked="" type="checkbox"/>

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12/726,098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Meky
	Attorney Docket Number	ENIT 9835C1

21	MobileIN.com Perspective, "History and Importance of Cell Broadcast", Wood, September 2005, available at: <a href="http://www.mobilein.com/Perspective/Authors/CB_HistoryImportance.htm">http://www.mobilein.com/Perspective/Authors/CB_HistoryImportance.htm</a>	<input checked="" type="checkbox"/>
22	News from Senator John Edwards, North Carolina, April 3, 2003, Senate Okays Edwards Emergency Warning Bill, may be seen at <a href="http://www.ceasa.us/news.htm">www.ceasa.us/news.htm</a>	<input checked="" type="checkbox"/>
23	Newscientist.com, "Text Message Broadcasts Could Provide Disaster Alerts", 06 January 2005, available at: <a href="http://www.newscientist.com/article.ns?id=dn6852">http://www.newscientist.com/article.ns?id=dn6852</a>	<input checked="" type="checkbox"/>
24	OCG-EMTEL Archives, "Cell Broadcast Public Demonstration in USA Successful", Wood, 19 September 2004, available at: <a href="http://list.etsi.fr/scripts/wa.exe?A1=ind0409&amp;L=ocg_emtel&amp;T=O&amp;F=&amp;S=&amp;P=693">http://list.etsi.fr/scripts/wa.exe?A1=ind0409&amp;L=ocg_emtel&amp;T=O&amp;F=&amp;S=&amp;P=693</a>	<input checked="" type="checkbox"/>
25	RCR, CELL-BROADCAST SERVICE GETS SECOND LOOK, JEFFREY SILVA, MOVEMBER 10, 2003, MAY BE SEEN AT <a href="http://www.ceasa.us/news.htm">www.ceasa.us/news.htm</a>	<input checked="" type="checkbox"/>
26	Recommendation 12 (WTDC-02), The World Telecommunication Development Conference (Istanbul 2002)	<input checked="" type="checkbox"/>
27	SMS News, "Text Message Broadcasts Could Provide Disaster Alerts", 07 January 2005, available at: <a href="http://www.sendsmsnow.com/newspage.php?id=44">http://www.sendsmsnow.com/newspage.php?id=44</a>	<input checked="" type="checkbox"/>
28	Stanford University, EE179 "Introduction To Communications, Professor Andrea Goldsmith, Winter 2005, available at: <a href="http://www.stanford.edu/class/EE179">http://www.stanford.edu/class/EE179</a>	<input checked="" type="checkbox"/>
29		<input type="checkbox"/>
30		<input type="checkbox"/>
31		<input type="checkbox"/>

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12/726,098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Meky
	Attorney Docket Number	ENIT 9835C1

	32		<input type="checkbox"/>
	33		<input type="checkbox"/>

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**EXAMINER SIGNATURE**

Examiner Signature	/Moustafa Meky/	Date Considered	09/24/2010
--------------------	-----------------	-----------------	------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.



**REMARKS**

Claims 1-30 are now pending in the application.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

**SPECIFICATION**

The specification has been amended in Para. 0001 to include the listing of the patent numbers for the recently issued patents to which this patent application claims priority.

**REJECTION UNDER JUDICIALLY CREATED DOCTRINE OF OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 1-30 stand rejected under the judicially created doctrine of obviousness-type double patenting. The Office action acknowledges that the current claims are not identical to those in the parent application, now U.S. patent 7,693,938, however the Office action states that the current claims teaches substantially the same limitations as the '938 Patent.

In response, the Applicants have provided herewith, an executed terminal disclaimer in compliance with 37 CFR 1.321(c) and 1.130(b) and 3.73(b).

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned.

Applicants believe that they do not owe any fee in connection with this filing. If, however, Applicants do owe any such fee, the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 162201. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 162201.

Dated: 12/27/10

Respectfully submitted,



DAVID L. HOWARD, Reg. No. 41,502  
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[dhoward@polsterlieder.com](mailto:dhoward@polsterlieder.com)

**AMENDMENTS TO THE SPECIFICATION**

Please replace Paragraph 0001 with the following paragraph rewritten in amended format:

[0001] This application is a continuation of U.S. Patent Application No. 11/602,461 filed on November 20, 2006, now U.S. Patent No. 7,693,938, that claims the benefit of U.S. Provisional Application No. 60/739,819, filed on November 23, 2005; and that further claims priority to U.S. Patent Application 11/057,704, filed on February 14, 2005, now U.S. Patent No. 7,752,259, that claims priority to U.S. Provisional Application No. 60/544,739, filed on February 13, 2004. The disclosures of these applications are incorporated herein by reference.

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Douglas Weiser : Art Unit: 2457  
Serial No: 12/726,098 : Examiner: Moustafa M. Meko  
Filed: March 17, 2010 : Confirmation No.: 1553  
For: Message Broadcasting Control : Attorney Docket No: ENIT 9835C1  
System and Method

---

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Sir:

In response to the Office Action mailed September 28, 2010, please amend the application as follows and consider the remarks set forth below.

**Amendments to the Specification** begin on page 2 of this paper.

**Remarks** begin on page 3 of this paper.

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	9119187
<b>Application Number:</b>	12726098
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1553
<b>Title of Invention:</b>	MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD
<b>First Named Inventor/Applicant Name:</b>	Douglas Weiser
<b>Customer Number:</b>	01688
<b>Filer:</b>	David L. Howard
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	ENIT 9835C1
<b>Receipt Date:</b>	27-DEC-2010
<b>Filing Date:</b>	17-MAR-2010
<b>Time Stamp:</b>	17:15:38
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$70
RAM confirmation Number	2428
Deposit Account	162201
Authorized User	

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1		ENIT_9835C1_Amendment.pdf	92248 16409890dd4e2e769aeba9ef51a2132cb1468a10	yes	4
<b>Multipart Description/PDF files in .zip description</b>					
		<b>Document Description</b>	<b>Start</b>	<b>End</b>	
		Amendment/Req. Reconsideration-After Non-Final Reject	1	1	
		Specification	2	2	
		Amendment/Argument after Notice of Appeal	3	4	
<b>Warnings:</b>					
<b>Information:</b>					
2	Terminal Disclaimer Filed	ENIT_9835C1_Terminal_Disclaimer.pdf	63747 ce25137479c48139a4a6d87e1a4b98c77093c9a9	no	1
<b>Warnings:</b>					
<b>Information:</b>					
3	Fee Worksheet (PTO-875)	fee-info.pdf	30344 25eaa86ef11fb7b318a19d8436a8ead7b6c3c54b	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			186339		
<p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>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.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>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.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>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.</b></p>					

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	12726098			
<b>Filing Date:</b>	17-Mar-2010			
<b>Title of Invention:</b>	MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD			
<b>First Named Inventor/Applicant Name:</b>	Douglas Weiser			
<b>Filer:</b>	David L. Howard/Vicki Truman			
<b>Attorney Docket Number:</b>	ENIT 9835C1			
Filed as Small Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
Statutory or terminal disclaimer	2814	1	70	70
<b>Total in USD (\$)</b>				<b>70</b>



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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)  
ENIT 9835C1

In re Application of: Douglas Weiser, et al.

Application No.: 11/602,461

Filed: April 6, 2010

For: MESSAGE BROADCASTING ADMISSION CONTROL SYSTEM AND METHOD

The owner\*, EnvisionIT LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 7,693,938 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:


- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 41,502

  
\_\_\_\_\_  
Signature

December 27, 2010  
\_\_\_\_\_  
Date

David L. Howard  
\_\_\_\_\_  
Typed or printed name

(314) 238-2400  
\_\_\_\_\_  
Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

**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 PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. 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 and 1.14. This collection is estimated to take 12 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

### TERMINAL DISCLAIMER INFORMAL CHECKLIST

APPL. S.N.: 12/726,098

DATE: 1/10/2011

EXAMINER:

ART UNIT:

PARALEGAL: /JANICE M. FORD/

MAIL ROOM DATE: 12/27/2010

NUMBER OF TD(S) FILED: 1

**INSTRUCTIONS:** The paralegal has reviewed the submitted TD with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant about the TD. If you disagree, please contact a QAS.

**THIS CHECKLIST IS AN INFORMAL, INTERNAL CHECKLIST ONLY. IT MUST NOT BE MAILED TO APPLICANT. IT WILL BE SOFT SCANNED AND NOT VIEWABLE TO THE PUBLIC.**

- The TD is PROPER and has been accepted and recorded. (See FP 14.23.)
- The TD is NOT PROPER and has not been accepted for the reason(s) checked below. (See FP 14.24.)
- The disclaimer fee under 37 CFR 1.20(d) in the amount of \$            has not been submitted, nor is there any pre authorization in the application to charge to a deposit account. (See FP 14.24 and 14.26.07.)
- The LIE has not processed fee for TD (the Paralegal should ask LIE to process the fee).
- The TD does not satisfy 37 CFR 1.32(b) (3) in that the person who signed the TD has not stated either: (a) the extent of his/her ownership interest, or (b) the extent of the business/organization entity's ownership interest on whose behalf the person signed. (See FPs 14.26 and 14.26.01.)
- The TD lacks the – enforceable only during the period of common ownership – clause needed to overcome a double patenting 37 CFR 1.321(c). (See FP 14.27.01.)
- The TD lacks 37 CFR 1.321(d) statement for joint research agreement under 35 U.S.C. 103(c) (2) & (3). It doesn't include the waiver and enforceability provisions of 37 CFR 1.321(d). (See FP 14.27.011.)
- TD is directed to a particular claim(s); this is not acceptable, since the disclaimer must be of a terminal portion of the entire patent to be granted, MPEP 1490. (See FPs 14.26 and 14.26.02).
- The person who signed the terminal disclaimer:
- failed to state his/her capacity to sign for the business/organization entity. (See FP 14.28.)
  - is not recognized as an officer of the assignee. (See FP 14.29.)
  - does not have power of attorney, and thus, is not of record. (See FP 14.29.01.)

(Note: PoA can be given to a customer number, wherein all practitioners listed under the customer number have PoA. If PoA is established by a list of practitioners, the list may not comprise more than 10 practitioners. A representative of the assignee, who is not of record, cannot sign the TD unless it is established that the representative is a party authorized to act on behalf of the assignee.)


- The TD is not supported by evidence of chain of title to the assignee signing the TD due to a failure to submit either: (a) documentary evidence of a chain of title from the original inventor(s) to the assignee and a statement affirming that the documentary evidence was, or concurrently is being, submitted for recordation; or (b) the reel and frame number(s) where such documentary evidence is recorded in the Office. 37 CFR 3.73(b). (See FPs 14.30 and 14.34)

NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the TD or in a separate paper submitted by applicant.)

- The TD is not supported by adequate evidence of chain of title to the assignee signing the TD, because the person who signed the submission under 37 CFR 3.73(b):
  - has failed to state his/her capacity to sign for the business entity. (See FPs 14.30.02 and 14.16.02)
  - is not recognized as an officer of the assignee. (See FP 14.30.02 and 14.16.03)

(Note: On the submission under 37 CFR 3.73(b), the signature of an attorney or agent registered to practice before the Office is not sufficient, unless the attorney or agent is authorized to act on behalf of the assignee.)

- The TD is not signed (See FPs 14.26 and 14.26.03)
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting is not identified (i.e., missing or incorrect) in the TD. (See FP 14.32)
- The serial number of the application being examined (or the number of the patent under reexam or reissue) is not identified or incorrect. (See FPs 14.26 and 14.26.04 or 14.26.05)
- The TD is not signed by all owners. See FPs 14.26 and 14.26.06.
- The period disclaimed is incorrect or not specified. (See FPs 14.24, 14.27.02 or 14.27.03)
- Other Terminal has incorrect application number.

<b>Application Number</b> 	<b>Application/Control No.</b> 12/726,098	<b>Applicant(s)/Patent under Reexamination</b> WEISER ET AL.	

<b>Document Code - DISQ</b>	<b>Internal Document – DO NOT MAIL</b>
-----------------------------	--

<b>TERMINAL DISCLAIMER</b>	<input type="checkbox"/> APPROVED	<input checked="" type="checkbox"/> DISAPPROVED
Date Filed : 12/27/10	<b>This patent is subject to a Terminal Disclaimer</b>	

<b>Approved/Disapproved by:</b>
Janice Ford note terminal disclaimer checklist

U.S. Patent and Trademark Office



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/726,098	03/17/2010	Douglas Weiser	ENIT 9835C1	1553
1688	7590	02/18/2011	EXAMINER	
Polster, Lieder, Woodruff & Lucchesi, L.C.			MEKY, MOUSTAFA M	
12412 Powerscourt Dr. Suite 200			ART UNIT	PAPER NUMBER
St. Louis, MO 63131-3615			2457	
			MAIL DATE	DELIVERY MODE
			02/18/2011	PAPER

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

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 12/726,098	<b>Applicant(s)</b> WEISER ET AL.	
	<b>Examiner</b> Moustafa M. Meky	<b>Art Unit</b> 2457	

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

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 27 December 2010.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  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*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-30 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-30 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All    b)  Some \* c)  None of:
      - 1.  Certified copies of the priority documents have been received.
      - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_.

1. The terminal disclaimer filed 12/27/2010 has been received and has not been accepted, since it has incorrect application number.
2. Claims 1-30 are presenting for examination.
3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 11-16, 18, 23, 28-30, 32, 34, 36, 39-40, 42-43, 45-46, 50-52, and 57 of U.S. Patent No. 7,693,938. Although the

conflicting claims are not identical, they are not patentably distinct from each other because the patent 938 teaches substantially the claimed limitations.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Moustafa M Meky/  
Primary Examiner, Art Unit 2457

2/15/2011



<b>Index of Claims</b> 	<b>Application/Control No.</b> 12726098	<b>Applicant(s)/Patent Under Reexamination</b> WEISER ET AL.
	<b>Examiner</b> Moustafa M MeKy	<b>Art Unit</b> 2457

✓	<b>Rejected</b>	-	<b>Cancelled</b>	N	<b>Non-Elected</b>	A	<b>Appeal</b>
=	<b>Allowed</b>	÷	<b>Restricted</b>	I	<b>Interference</b>	O	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

CLAIM		DATE							
Final	Original	09/25/2010	02/15/2011						
	1	✓	✓						
	2	✓	✓						
	3	✓	✓						
	4	✓	✓						
	5	✓	✓						
	6	✓	✓						
	7	✓	✓						
	8	✓	✓						
	9	✓	✓						
	10	✓	✓						
	11	✓	✓						
	12	✓	✓						
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	23	✓	✓						
	24	✓	✓						
	25	✓	✓						
	26	✓	✓						
	27	✓	✓						
	28	✓	✓						
	29	✓	✓						
	30	✓	✓						

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	9586143
<b>Application Number:</b>	12726098
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1553
<b>Title of Invention:</b>	MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD
<b>First Named Inventor/Applicant Name:</b>	Douglas Weiser
<b>Customer Number:</b>	01688
<b>Filer:</b>	David L. Howard
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	ENIT 9835C1
<b>Receipt Date:</b>	04-MAR-2011
<b>Filing Date:</b>	17-MAR-2010
<b>Time Stamp:</b>	11:48:28
<b>Application Type:</b>	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	Terminal Disclaimer Filed	ENIT_9835C1_Corrected_Terminal_Disclaimer.pdf	103395 <small>4e3d4490ba8d44976442bb84e56e816b58361b8</small>	no	1

### Warnings:

### Information:

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.

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.

**TERMINAL DISCLAIMER TO OBLIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)  
ENT 9835C1

In re Application of: Douglas Weiser, et al.

Application No.: 12/726,098

Filed: March 17, 2010

For: MESSAGE BROADCASTING ADMISSION CONTROL SYSTEM AND METHOD

The owner\*, EnvisionIT LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 7,693,938 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 41,502

  
\_\_\_\_\_  
Signature

3/4/11  
\_\_\_\_\_  
Date

David L. Howard  
\_\_\_\_\_  
Typed or printed name

(314) 238-2400  
\_\_\_\_\_  
Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included. Fee previously paid for on: 12/27/10.

**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 PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. 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 and 1.14. This collection is estimated to take 12 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	10166718
<b>Application Number:</b>	12726098
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1553
<b>Title of Invention:</b>	MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD
<b>First Named Inventor/Applicant Name:</b>	Douglas Weiser
<b>Customer Number:</b>	01688
<b>Filer:</b>	David L. Howard
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	ENIT 9835C1
<b>Receipt Date:</b>	25-MAY-2011
<b>Filing Date:</b>	17-MAR-2010
<b>Time Stamp:</b>	21:02:39
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$180
RAM confirmation Number	8296
Deposit Account	162201
Authorized User	

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Transmittal Letter	ENIT_9835C1_3rd_Sup_IDS_Trans.pdf	209633 fd08447c345688938aa1b9e01c08bd1dfb25f6da	no	5
<b>Warnings:</b>					
<b>Information:</b>					
2	Information Disclosure Statement (IDS) Filed (SB/08)	ENIT_9835C1_3rd_Sup_IDS.pdf	612577 ac3ec21fce8bc2220725a38020c0dac71a3bf6d9	no	4
<b>Warnings:</b>					
<b>Information:</b>					
A U.S. Patent Number Citation or a U.S. Publication Number Citation is required in the Information Disclosure Statement (IDS) form for autoloading of data into USPTO systems. You may remove the form to add the required data in order to correct the Informational Message if you are citing U.S. References. If you chose not to include U.S. References, the image of the form will be processed and be made available within the Image File Wrapper (IFW) system. However, no data will be extracted from this form. Any additional data such as Foreign Patent Documents or Non Patent Literature will be manually reviewed and keyed into USPTO systems.					
3	Foreign Reference	ENIT_9839C1_WO2005079421.pdf	2565475 4954029bf4e69a52767b1627f9380e496157e1d1	no	54
<b>Warnings:</b>					
<b>Information:</b>					
4	NPL Documents	ENIT_9839C1_NPL_CN_OA.pdf	691778 018b4ad3a60250c4f4b88b07c897ce2ea9906d97	no	10
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<b>Information:</b>					
5	Fee Worksheet (PTO-875)	fee-info.pdf	30449 bc9b75bc007875859bd071cbb6c6fb76ccd63c35	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			4109912		

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**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.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12726098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Moustafa M. Meky
	Attorney Docket Number	ENIT 9835C1

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

**SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/David L. Howard/	Date (YYYY-MM-DD)	2011-05-25
Name/Print	David L. Howard	Registration Number	41,502

This collection of information is required by 37 CFR 1.97 and 1.98. 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 1.14. This collection is estimated to take 1 hour 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: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**



## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	12726098			
<b>Filing Date:</b>	17-Mar-2010			
<b>Title of Invention:</b>	MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD			
<b>First Named Inventor/Applicant Name:</b>	Douglas Weiser			
<b>Filer:</b>	David L. Howard/Tina Townsend			
<b>Attorney Docket Number:</b>	ENIT 9835C1			
Filed as Small Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
Submission- Information Disclosure Stmt	1806	1	180	180
<b>Total in USD (\$)</b>				<b>180</b>

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 12/726,098  
Filing Date: March 17, 2010  
Applicant: Weiser, et al.  
Group Art Unit: 2457  
Examiner: Moustafa M. Meky  
Title: Messaging Broadcasting Control System and Method  
Confirmation No.: 1553  
Attorney Docket: ENIT 9835C1

Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits a Supplemental Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A.  Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office; (iii) each unpublished U.S. application listed below in Section IV (i.e., including the specification, claims, and any drawing of the application, or that portion of the application which caused it to be listed, including any claims directed to that portion), except for such applications filed on or after June 30, 2003, pursuant to the Waiver of the Copy Requirement in 37 C.F.R. 1.98 (OG Notice dated

October 19, 2004); and (iv) all other information or that portion which caused it to be listed.

B.  Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C.  This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search report are listed on the attached Form 1449 for consideration by the Examiner and for listing on any patent resulting from this application. If the International Search report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g).)

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A.  Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B.  A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1.  See the attached foreign patent office communication from a counterpart foreign application:

2.  English translations are provided:

3.  Other:

C.  The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A.  The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does (do) not waive the confidentiality provisions of 35 U.S.C. § 122.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Attorney Docket No.</u>
13/073,682	March 28, 2011	ENIT 9837C1
11/605,207	November 28, 2006	ENIT 9838U1
12/885,046	September 17, 2010	ENIT 9839 C1

V. THIS IDS IS BEING FILED UNDER (Check only one of A, B, or C)

A.  **37 C.F.R. § 1.97(b):** (check only one box)

1.  within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2.  within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3A.  before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required.

3B.  In the event that a first Office Action on the merits has been issued, please consider this IDS under **37 C.F.R. § 1.97(c) (Section B Below)** and

i.  see the certification under 37 C.F.R. § 1.97(e) below in Section VI; or,

ii.  as no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) under Section VIII below.

4.  before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B.  **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1.  No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2.  See the certification under 37 C.F.R. § 1.97(e) below in Section VI. No fee is required.

C.  **37 C.F.R. § 1.97(d):**

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1.  See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (only if required above under Section V paragraphs A.3.B, B.2 and C.2)

The undersigned hereby certifies that: (check only one box)

A.  each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B.  no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C.  some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 C.F.R. 1.704(d)

The undersigned hereby states that:

each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS. A copy of the PCT Search Report is attached, where applicable.

VIII. PAYMENT OF FEES (check only one box)

A.  No Payment required.

B.  A check in the amount of \$180.00 is enclosed for the above identified fee.

C.  Please charge Deposit Account No. 162201 in the amount of \$180.00 for the above-indicated fee and/or as provided herewith.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 162201.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 162201.

Respectfully submitted,

Dated: May 25, 2011

By: /David L. Howard/  
David L. Howard, Reg. No. 41,502  
Polster Lieder Woodruff & Lucchesi L.C.  
12412 Powerscourt Drive, Suite 200  
St. Louis, MO 63131-3615  
Tel: (314) 238-2460  
Fax: (314) 238-2401  
dhoward@polsterlieder.com



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		12726098	
	Filing Date		2010-03-17	
	First Named Inventor	Weiser, et al.		
	Art Unit	2457		
	Examiner Name	Moustafa M. Meko		
	Attorney Docket Number	ENIT 9835C1		

U.S. PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1						

If you wish to add additional U.S. Patent citation information please click the Add button. Add

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Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1						

If you wish to add additional U.S. Published Application citation information please click the Add button. Add

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Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup> j	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
	1	2005/079421	WO	A2	2005-09-01	Weiser, Douglas D.		<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button. Add

NON-PATENT LITERATURE DOCUMENTS			Remove
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>5</sup>

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12726098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Moustafa M. Meky
	Attorney Docket Number	ENIT 9835C1

1	Foreign Associate letter of Notification of the First Office Action dated October 12, 2010 from State Intellectual Property Office of the People's Republic of China; Application Serial No. 200680051671.4 (letter dated November 2, 2010)	<input type="checkbox"/>
---	---	--------------------------

If you wish to add additional non-patent literature document citation information please click the Add button **Add**

**EXAMINER SIGNATURE**

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

1688 7590 09/26/2011
Polster, Lieder, Woodruff & Lucchesi, L.C.
12412 Powerscourt Dr. Suite 200
St. Louis, MO 63131-3615

EXAMINER

MEKY, MOUSTAFA M

ART UNIT PAPER NUMBER

2457

DATE MAILED: 09/26/2011

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

12/726,098 03/17/2010 Douglas Weiser ENIT 9835C1 1553

TITLE OF INVENTION: MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD

Table with 7 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE

nonprovisional YES \$755 \$300 \$0 \$1055 12/27/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

**PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax (571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

1688 7590 09/26/2011  
 Polster, Lieder, Woodruff & Lucchesi, L.C.  
 12412 Powerscourt Dr. Suite 200  
 St. Louis, MO 63131-3615

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)
_____ (Signature)
_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/726,098	03/17/2010	Douglas Weiser	ENIT 9835C1	1553

TITLE OF INVENTION: MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	12/27/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
MEKY, MOUSTAFA M	2457	709-203000

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____</p> <p>(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____</p> <p>3 _____</p>
--	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE \_\_\_\_\_ (B) RESIDENCE: (CITY and STATE OR COUNTRY) \_\_\_\_\_

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

<p>4a. The following fee(s) are submitted:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
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5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. 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 1.14. This collection is estimated to take 12 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Values: 12/726,098, 03/17/2010, Douglas Weiser, ENIT 9835C1, 1553

1688 7590 09/26/2011
Polster, Lieder, Woodruff & Lucchesi, L.C.
12412 Powerscourt Dr. Suite 200
St. Louis, MO 63131-3615

EXAMINER

MEKY, MOUSTAFA M

ART UNIT PAPER NUMBER

2457

DATE MAILED: 09/26/2011

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 2 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 2 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

## Privacy Act Statement

**The Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	12/726,098	WEISER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MOUSTAFA M. MEKY	2457	

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the terminal disclaimer filed 3/4/2011.

2.  An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.

3.  The allowed claim(s) is/are 1-30.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some\* c)  None of the:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.  
(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. <input type="checkbox"/> Notice of References Cited (PTO-892)	5. <input type="checkbox"/> Notice of Informal Patent Application
2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____.
3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>5/25/2011</u>	7. <input type="checkbox"/> Examiner's Amendment/Comment
4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	9. <input type="checkbox"/> Other _____.

/MOUSTAFA M MEKY/ Primary Examiner, Art Unit 2457	
--	--

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: None of the prior art of record taken singularly or in combination teaches or suggests

- receiving a broadcast message record having a broadcast message, a defined broadcast target area, and a broadcast message originator identifier, validating the record as a function of one or more of the broadcast message originator identifier, the broadcast target area, and a broadcast message transmission network parameter associated with a broadcast transmission network broadcasting the message to a least a portion of the broadcast target area, generating a validated broadcast message record as a function of the validating, and transmitting the validated broadcast message to at least a portion of the target area (claims 1 & 14); and
- validating an authority of a broadcast message originator originating a broadcast message record as a function of a broadcast message originator parameter, validating a broadcast transmission network against the broadcast transmission parameter, and transmitting the broadcast message to receiving devices within the broadcast target area (claim 23).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meko whose telephone number is 571-272-4005. The examiner can normally be reached on flex.




If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Moustafa M Meky/  
Primary Examiner, Art Unit 2457

9/16/2011

<b>Issue Classification</b> 	<b>Application/Control No.</b> 12726098	<b>Applicant(s)/Patent Under Reexamination</b> WEISER ET AL.
	<b>Examiner</b> MOUSTAFA M MEKY	<b>Art Unit</b> 2457

ORIGINAL				INTERNATIONAL CLASSIFICATION									
CLASS		SUBCLASS		CLAIMED				NON-CLAIMED					
709		203		G	0	6	F	15 / 16 (2006.01.01)					
<b>CROSS REFERENCE(S)</b>													
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)												
709	217	227											

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		17												
	2		18												
	3		19												
	4		20												
	5		21												
	6		22												
	7		23												
	8		24												
	9		25												
	10		26												
	11		27												
	12		28												
	13		29												
	14		30												
	15														
	16														


NONE	<b>Total Claims Allowed:</b>	
(Assistant Examiner)	(Date)	30
/MOUSTAFA M MEKY/ Primary Examiner. Art Unit 2457	09/16/2011	O.G. Print Claim(s)    O.G. Print Figure
(Primary Examiner)	(Date)	1                                    1

<b>Index of Claims</b> 	<b>Application/Control No.</b> 12726098	<b>Applicant(s)/Patent Under Reexamination</b> WEISER ET AL.
	<b>Examiner</b> MOUSTAFA M MEKY	<b>Art Unit</b> 2457

✓	<b>Rejected</b>	-	<b>Cancelled</b>	N	<b>Non-Elected</b>	A	<b>Appeal</b>
=	<b>Allowed</b>	÷	<b>Restricted</b>	I	<b>Interference</b>	O	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	09/25/2010	02/15/2011	09/16/2011					
	1	✓	✓	=					
	2	✓	✓	=					
	3	✓	✓	=					
	4	✓	✓	=					
	5	✓	✓	=					
	6	✓	✓	=					
	7	✓	✓	=					
	8	✓	✓	=					
	9	✓	✓	=					
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	27	✓	✓	=					
	28	✓	✓	=					
	29	✓	✓	=					
	30	✓	✓	=					

<b>Search Notes</b> 	<b>Application/Control No.</b> 12726098	<b>Applicant(s)/Patent Under Reexamination</b> WEISER ET AL.
	<b>Examiner</b> Moustafa M Meko	<b>Art Unit</b> 2457

SEARCHED			
Class	Subclass	Date	Examiner
709	228	9/16/2011	MMM
455	466	9/16/2011	MMM

SEARCH NOTES		
Search Notes	Date	Examiner
WEST (ALL FILES)	9/16/2011	MMM

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
709	203, 217, 227	9/16/2011	MMM
455	404.1	9/16/2011	MMM

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## WEST Search History for Application 12726098

Creation Date: 2011091622:41

### Prior Art Searches

Query	DB	Op.	Plur.	Thes.	Date
broadcast\$4 with (emergenc\$5 or danger or hazard or flood\$4 or disaster or disastrous)	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-24-2010
(broadcast\$4 with (emergenc\$5 or danger or hazard or flood\$4 or disaster or disastrous) ) same (area or geographic\$4 or territor\$5)	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-24-2010
message with (broadcast\$4 or send\$4 or sent or receiv\$4 or distribut\$4 or transmi\$5)	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-24-2010
(broadcast\$4 with (emergenc\$5 or danger or hazard or flood\$4 or disaster or disastrous) same (area or geographic\$4 or territor\$5) ) same (message with (broadcast\$4 or send\$4 or sent or receiv\$4 or distribut\$4 or transmi\$5) )	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-24-2010
(broadcast\$4 with (emergenc\$5 or danger or hazard or flood\$4 or disaster or disastrous) same (area or geographic\$4 or territor\$5) same message with (broadcast\$4 or send\$4 or sent or receiv\$4 or distribut\$4 or transmi\$5) ) same (warn\$4 or alert\$4)	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-24-2010
(broadcast\$4 with (emergenc\$5 or danger or hazard or flood\$4 or disaster or disastrous) same (area or geographic\$4 or territor\$5) same message with (broadcast\$4 or send\$4 or sent or receiv\$4 or distribut\$4 or transmi\$5) same (warn\$4 or alert\$4) ) same (public\$4 or valid\$5 or authority)	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-24-2010
broadcast\$4 adj2 message		ADJ	YES		09-16-2011

	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD				
(broadcast\$4 adj2 message ) same (traget or destination)	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-16-2011
(broadcast\$4 adj2 message same (traget or destination) ) same network	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-16-2011
(broadcast\$4 adj2 message same (traget or destination) same network ) same valid\$5	PGPB, USPT, USOC, EPAB, JPAB, DWPI, TDBD	ADJ	YES		09-16-2011

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		12726098	
	Filing Date		2010-03-17	
	First Named Inventor	Weiser, et al.		
	Art Unit	2457		
	Examiner Name	Moustafa M. Meko		
	Attorney Docket Number	ENIT 9835C1		

U.S. PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1						

If you wish to add additional U.S. Patent citation information please click the Add button. Add

U.S. PATENT APPLICATION PUBLICATIONS							Remove
Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1						

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FOREIGN PATENT DOCUMENTS								Remove
Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup> j	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
/M.M./	1	2005/079421	WO	A2	2005-09-01	Weiser, Douglas D.		<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button. Add

NON-PATENT LITERATURE DOCUMENTS								Remove
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.						T <sup>5</sup>

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12726098
	Filing Date	2010-03-17
	First Named Inventor	Weiser, et al.
	Art Unit	2457
	Examiner Name	Moustafa M. Meky
	Attorney Docket Number	ENIT 9835C1

/M.M./	1	Foreign Associate letter of Notification of the First Office Action dated October 12, 2010 from State Intellectual Property Office of the People's Republic of China; Application Serial No. 200680051671.4 (letter dated November 2, 2010)	<input type="checkbox"/>
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If you wish to add additional non-patent literature document citation information please click the Add button **Add**

**EXAMINER SIGNATURE**

Examiner Signature	/Moustafa Meky/	Date Considered	09/16/2011
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.



## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	11643797
<b>Application Number:</b>	12726098
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1553
<b>Title of Invention:</b>	MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD
<b>First Named Inventor/Applicant Name:</b>	Douglas Weiser
<b>Customer Number:</b>	1688
<b>Filer:</b>	David L. Howard
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	ENIT 9835C1
<b>Receipt Date:</b>	16-DEC-2011
<b>Filing Date:</b>	17-MAR-2010
<b>Time Stamp:</b>	17:52:11
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1170
RAM confirmation Number	5205
Deposit Account	162201
Authorized User	

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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<b>Information:</b>					
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<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>				131728	
<p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>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.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>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.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>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.</b></p>					

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	12726098			
<b>Filing Date:</b>	17-Mar-2010			
<b>Title of Invention:</b>	MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD			
<b>First Named Inventor/Applicant Name:</b>	Douglas Weiser			
<b>Filer:</b>	David L. Howard/Kim Adler			
<b>Attorney Docket Number:</b>	ENIT 9835C1			
Filed as Small Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
Utility Appl issue fee	2501	1	870	870
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Extension-of-Time:</b>				
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>1170</b>

**PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax (571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

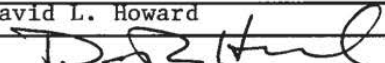
CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

1688 7590 09/26/2011  
 Polster, Lieder, Woodruff & Lucchesi, L.C.  
 12412 Powerscourt Dr. Suite 200  
 St. Louis, MO 63131-3615

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

David L. Howard	(Depositor's name)
	(Signature)
December 16, 2011	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/726,098	03/17/2010	Douglas Weiser	ENIT 9835C1	1553

TITLE OF INVENTION: MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1,170	12/27/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
MEKY, MOUSTAFA M	2457	709-203000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). <input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. <input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. <b>Use of a Customer Number is required.</b>	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.	Polster, Lieder, 1 _____ 2 Woodruff & Lucchesi, LC 3 _____
--	---	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: ENVISIONIT, LLC (B) RESIDENCE: (CITY and STATE OR COUNTRY) St. Charles, MO

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are submitted:  
 Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)  
 A check is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 162201 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)  
 a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature  Date December 16, 2011  
 Typed or printed name David L. Howard Registration No. 41,502

This collection of information is required by 37 CFR 1.311. 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 1.14. This collection is estimated to take 12 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., ISSUE DATE, PATENT NO., ATTORNEY DOCKET NO., CONFIRMATION NO.

12/726,098 01/24/2012 8103719 ENIT 9835C1 1553

1688 7590 01/04/2012

Polster, Lieder, Woodruff & Lucchesi, L.C.
12412 Powerscourt Dr. Suite 200
St. Louis, MO 63131-3615

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 2 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

Douglas Weiser, Port Richey, FL;
Mark Andrew Wood, Haslemere, UNITED KINGDOM;
Kevin Russell Preston, Gwent, UNITED KINGDOM;

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	16846601
<b>Application Number:</b>	12726098
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1553
<b>Title of Invention:</b>	MESSAGE BROADCASTING CONTROL SYSTEM AND METHOD
<b>First Named Inventor/Applicant Name:</b>	Douglas Weiser
<b>Customer Number:</b>	1688
<b>Filer:</b>	David L. Howard
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	ENIT 9835C1
<b>Receipt Date:</b>	13-SEP-2013
<b>Filing Date:</b>	17-MAR-2010
<b>Time Stamp:</b>	15:18:36
<b>Application Type:</b>	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	Request for Certificate of Correction	ENIT_9835C1_Certificate_of_Correction.pdf	71102 <small>732549733cd7662995e0e26ce677c16336d4fd9</small>	no	2

### Warnings:

### Information:

2	Transmittal Letter	ENIT_9835C1_Cert_of_Correction_Transmittal.pdf	21614 <small>269d388221c5b58379c95cda067b636287e3fb38</small>	no	1
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			92716		
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**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page  1  of  1

PATENT NO. : 8,103,719

APPLICATION NO.: 12/726,098

ISSUE DATE : 1/24/12

INVENTOR(S) : Douglas Weiser, Mark Andrew Wood & Kevin Russell Preston

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Please correct the cover page of the issued patent entitled: "Related U.S. Application Data" identified as (63) & (60) to the priority as claimed in the Cross Reference to Related Applications section as follows:

--This application is a continuation of U.S. Nonprovisional Application No. 11/602,461 filed on November 20, 2006 and claims the benefit of U.S. Provisional Application No. 60/739,819, filed on November 23, 2005, and of U.S. Patent Application 11/057,704, filed on February 14, 2005, that claimed priority to U.S. Provisional Application No. 60/544,739, filed on February 13, 2004.--

MAILING ADDRESS OF SENDER (Please do not use customer number below):

David L. Howard, Reg. No. 41,502  
Polster, Lieder, Woodruff & Lucchesi, LC  
12412 Powerscourt Drive, Suite 200

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. 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 1.14. This collection is estimated to take 1.0 hour 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: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

# Transmittal of Certificate of Correction

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Dated: September 13, 2013

Patent No.: 8,103,719

Application No.: 12/726,098

Issue Date: 1/24/12

Explanation of Reason for Correction: As originally filed, this application as originally filed included in Para. 0001, the claim of priority to two different then currently pending US applications each of which claimed priority to a different provisional application. Furthermore, the originally filed Application Data Sheet (ADS) also included both then pending US Applications and their different provisional applications. However, the Office only recognized a signal one of the two priority claims. Pursuant to 35 USC 120, the Applicant provided specific referenced to both earlier filed and then pending applications.

Applicants believe that they do not owe any fee in connection with this filing. If, however, Applicants do owe any such fee, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 166201. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 162201.

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 8,103,719 B2  
APPLICATION NO. : 12/726098  
DATED : January 24, 2012  
INVENTOR(S) : Douglas Weiser, Mark Andrew Wood and Kevin Russell Preston

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Please correct the Title page of the issued patent entitled: "Related U.S. Application Data" identified as (63) & (60) to the priority as claimed in the Cross Reference to Related Applications section as follows:

Item --(63) This application is a continuation of U.S. Nonprovisional Application No. 11/602,461 filed on November 20, 2006 and claims the benefit of U.S. Provisional Application No. 60/739,819, filed on November 23, 2005, and of U.S. Patent Application 11/057,704, filed on February 14, 2005, that claimed priority to U.S. Provisional Application No. 60/544,739, filed on February 13, 2004.--

Signed and Sealed this  
Eighth Day of October, 2013



Teresa Stanek Rea  
*Deputy Director of the United States Patent and Trademark Office*