

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Michael J. Rojas	Examiner:	Creighton H. Smith
Serial No:	12/398,076	Art Unit:	2614
Filed:	March 4, 2009	Docket:	17188Z
For:	SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING		
Conf. No.:	9373	Dated:	February 1, 2012

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

**AMENDMENT UNDER 37 C.F.R. § 1.111**

Sir:

In response to the Office Action dated November 1, 2011, please amend the above-identified application as follows:

**Amendment to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 6.

## IN THE CLAIMS

This version and listing of the claims, replaces and supercedes, all prior versions and listing of the claims.

1. (Cancelled)

2. (Currently Amended) A method for instant voice messaging over a packet-switched network, the method comprising:

~~The method for instant voice messaging over a packet-switched network according to claim 1, further comprising:~~

generating ~~[[the]]~~an instant voice message, wherein generating includes recording the instant voice message in an audio file and attaching one or more files to the audio file;

transmitting the instant voice message having one or more recipients;

receiving an instant voice message when a recipient is available; and

receiving a temporarily stored instant voice message when a recipient becomes available, wherein the instant voice message is temporarily stored when at least one recipient is unavailable.

3. (Currently Amended) A method for instant voice messaging over a packet-switched network, the method comprising:

~~The method for instant voice messaging over a packet-switched network according to claim 1, further comprising:~~

receiving a list of nodes within the packet-switched network, the list of nodes including a connectivity status of each node, said connectivity status being available and unavailable, wherein a node within the list is adapted to be selected as a recipient of an instant voice message; ~~[[and]]~~

displaying said list of nodes;

transmitting the instant voice message having one or more recipients;

receiving an instant voice message when a recipient is available; and

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receiving a temporarily stored instant voice message when a recipient becomes available, wherein the instant voice message is temporarily stored when at least one recipient is unavailable.

4. (Currently Amended) A method for instant voice messaging over a packet-switched network, the method comprising:

~~The method for instant voice messaging over a packet-switch network according to claim 1, further comprising the step of:~~

generating ~~[[the]]~~an instant voice message; and

controlling a method of generating the instant voice message based upon a connectivity status each ~~of said one or more~~ recipient;

transmitting the instant voice message having one or more recipients;

receiving an instant voice message when a recipient is available; and

receiving a temporarily stored instant voice message when a recipient becomes available, wherein the instant voice message is temporarily stored when at least one recipient is unavailable.

5. (Original) The method for instant voice messaging over a packet-switch network according to claim 4, wherein said method of generating said instant voice message is selected from a group comprising a record mode and an intercom mode.

6. (Original) The method for instant voice messaging over a packet-switch network according to claim 5, wherein said record mode is selected as a default when at least one recipient is unavailable.

7. (Original) The method for instant voice messaging over a packet-switch network according to claim 5, wherein said intercom mode is selected as a default when said one or more recipients are available.

8. (Original) The method for instant voice messaging over a packet-switch network according to claim 5, wherein said record mode comprises the steps of:

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recording the instant voice message;  
generating a stop indicator; and  
transmitting the recorded instant voice message after the generation of said stop indicator.

9. (Original) The method for instant voice messaging over a packet-switch network according to claim 5, wherein said intercom mode comprises the steps of:

buffering each of a plurality of successive portions of the instant voice as the instant message is recorded;  
transmitting from each successive buffered portion; and  
delivering each successive portion to the recipients wherein the recipients audibly playing each successive portion as it is delivered.

10. (Original) The method for instant voice messaging over a packet-switch network according to claim 8, wherein said stop indicator is generated after a lapse of a preset period of time without receiving an audio input.

11. (Original) The method for instant voice messaging over a packet-switch network according to claim 8, wherein said stop indicator is generated when a sensor detects that a recording device is in a predetermined position.

12. (Original) The method for instant voice messaging over a packet-switch network according to claim 10, further comprising:

detecting an audio input; and  
determining when said audio input has stopped.

13. (Currently Amended) The method for instant voice messaging over a packet-switch network according to claim ~~[[1]]~~3, further comprising:

displaying an indication that an instant voice message has been received; and  
playing the instant voice message.

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14. (Currently Amended) The method for instant voice messaging over a packet-switch network according to claim 2, further comprising:  
displaying an indication that an instant voice message has been received;  
separating the instant voice message into [[the]]an audio file and [[the]] one or more files; and  
playing the audio file.
15. (Original) The method for instant voice messaging over a packet-switch network according to claim 8, further comprising:  
receiving a record start signal.
16. (Original) The method for instant voice messaging over a packet-switch network according to claim 15, wherein said record start signal is an audio signal.

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