Express Mail Label No. EV-244-125-044-US

16569 U.S. PTO 121803

UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No. 17188
Total Pages in this Submission 4

TO THE COMMISSIONER FOR PATENTS
Mail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING

22387 10/740030 U.S. PTO 121803

and invented by:

MICHAEL J. ROJAS

If a CONTINUATION APPLICATION, *check appropriate box and supply the requisite information:*

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: _____

Which is a:

☐ **C ntinuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: _____

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Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 75 pages and including the following:
   - a. ☒ Descriptive Title of the Invention
   - b. ☐ Cross References to Related Applications *(if applicable)*
   - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
   - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
   - e. ☒ Background of the Invention
   - f. ☒ Brief Summary of the Invention
   - g. ☒ Brief Description of the Drawings *(if filed)*
   - h. ☒ Detailed Description
   - i. ☒ Claim(s) as Classified Below
   - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
   a. ☒ Formal Number of Sheets 9
   b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
   a. ☒ Newly executed *(original or copy)* ☐ Unexecuted
   b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
   c. ☒ With Power of Attorney ☐ Without Power of Attorney
   d. ☐ *DELETION OF INVENTOR(S)*
   Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
   The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
   a. ☐ Computer Readable Form (CFR)
   b. ☐ Specification Sequence Listing on:
      i. ☐ CD-ROM or CD-R (2 copies); or
      ii. ☐ Paper
   c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
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Accompanying Application Parts (Continu d)

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

    ☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: _____

18. ☒ Additional Enclosures *(please identify below):*

Assignee: Ayalogic, Inc.
Akron, Ohio 44311

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

19. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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Correspondence Address:

Customer No. 23389

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	76	- 20 =	56	x $9.00	$504.00
Ind p. Claims	14	- 3 =	11	x $43.00	$473.00
Multiple Dependent Claims (check if applicable) ☐					$0.00
				BASIC FEE	$385.00
OTHER FEE *(specify purpose)* _____					$0.00
				TOTAL FILING FEE	$1,362.00

☐ A check in the amount of to cover the filing fee is enclosed.

☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013 SSMP** as described below.

- ☒ Charge the amount of **$1,362.00** as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: **December 18, 2003**

Signature

Paul J. Esatto, Jr.
Registration No. 30,749

cc:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): MICHAEL J. ROJAS			Docket No. 17188
Serial No. unassigned	Filing Date herewith	Examiner unassigned	Group Art Unit unassigned

Invention:

SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING

I hereby certify that this **NEW PATENT APPLICATION**
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on **December 18, 2003**
(Date)

Paul J. Esatto, Jr.
(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

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P06B/REV02

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SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING

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(Date)

Paul J. Esatto, Jr.
(Typed or Printed Name of Person Mailing Correspondence)

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("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

P06B/REV02

SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING

BACKGROUND OF THE INVENTION

Technical Field of the Invention

The present invention generally relates to Internet telephony (IP telephony). More particularly, the present invention is directed to a system and method for enabling local and global instant VoIP messaging over an IP network, such as the Internet, with PSTN support.

Description of the Prior Art

Traditional telephony is based on a public switched telephone network (i.e., "PSTN"). In the PSTN, a telephone terminal is electrically connected to a conventional or legacy switch. The telephone terminal and the legacy switch communicate via a proprietary protocol, which may be different depending on the vendor of the legacy switch. Circuit switching provides a communication path (i.e., dedicated circuit) for a telephone call from the telephone terminal to another device over the PSTN, including another telephone terminal. During the telephone call, voice communication takes place over that communication path.

An alternative to the PSTN is Voice over Internet Protocol (i.e., "VoIP"), also known as IP telephony or Internet telephony. In the IP telephony, a VoIP terminal device is connected to a packet-switched network (e.g., Internet) and voice

communication from the VoIP terminal device is digitized, packetized and transmitted over the packet-switched network to a destination VoIP terminal device, which reconstructs the packets and audibly plays, stores or otherwise processes the transmission. The VoIP terminal device may be a VoIP telephone or a general-purpose personal computer (PC) enabled for IP telephony. More specifically, the PC is programmed with the software and equipped with audio input/output devices (e.g., a combination of microphone and speaker or a headset) to serve as a VoIP terminal device. The PC so enabled and equipped will herein be referred to as a VoIP terminal device or a VoIP softphone.

Figure 1 is an illustrative example of a prior art IP telephony system 100. The IP telephony system 100 comprises a packet-switched IP network 102, such as the Internet, which transmits VoIP traffic from and to a plurality of terminal devices 104, 106 and 110. Terminal device 104 is a VoIP softphone that is enabled for IP telephony over the network 102. Terminal device 106 is a VoIP telephone, which is connected to the network 102 via a softswitch 108. The VoIP softswitch 108 is disposed on the packet-switched network (e.g., Internet) 102 between an origination terminal device (such as VoIP softphone 104) and a destination terminal device (such as VoIP telephone 106), and routes packets over the packet-switched IP network 102. The softswitch 108 may also manage and perform administrative functions for the terminal device or devices (e.g., VoIP telephone 106) to which it is connected. Whether the terminal device is a VoIP softphone 104 or a VoIP telephone 106, the terminal device is connected to the IP network 102 via a networking standard such as Ethernet, Bluetooth, IEEE 1394 (also

known as "Firewire"), IEEE 802.11 (also known as "WiFi"), or networking over serial communication channels such as the Universal Serial Bus (i.e., "USB"). Data communication over the network then takes place using a connection protocol, e.g., transfer control protocol/Internet protocol (i.e., "TCP/IP").

Further regarding Fig. 1, terminal device 110 is a legacy telephone that is connected to a legacy switch 112 for (circuit-switched) voice communications over the PSTN 116 with other terminal devices. A media gateway 114 may be provided between the legacy switch 112 and the packet-switched network 102 to enable IP telephony between the legacy telephone 110 and a VoIP terminal device, such as a VoIP softphone 104 or VoIP telephone 106. More specifically, the media gateway 114 converts the audio signal carried over PSTN to packets carried over the packet-switched IP network 102. In addition, a media gateway 118 may be disposed over the PSTN 116 and connected to a softswitch 120 to convert the audio signal from the legacy telephone 110 to packets routed over the IP network 102 via the softswitch 120.

Voice messaging in both the VoIP and PSTN is known. More specifically, the foregoing systems may be provided with a facility to allow users to leave voice messages for recipients, which is a feature that is familiar to anyone who uses a telephone. Conventionally, leaving a voice message involves dialing the recipient's telephone number (often without knowing whether the recipient will answer), waiting for the connection to be established, speaking to an operator or navigating through a menu of options, listening to a greeting message, and recording the message for later pickup by

the recipient. In that message, the user must typically identify himself or herself in order for the recipient to return the call.

Instant text messaging is likewise known. More specifically, a user is provided with a client terminal, which is typically a general-purpose PC programmed with instant text messaging software and in data communication over an IP network with an instant text-messaging server. The instant text-messaging server presents the user, via the client terminal, with a list of persons who are currently "online" and ready to receive text messages on their own client terminals. The user then uses the client terminal to select one or more persons to whom the message will be sent and types in a text message. The text message is sent immediately via the text-messaging server to the selected one or more persons and is displayed on their respective client terminals.

However, notwithstanding the foregoing advances in the VoIP/PSTN voice communication and voice/text messaging, there is still a need in the art for providing a system and method for providing instant VoIP messaging over an IP network. More particularly, there is a need in the art for providing local and global instant voice messaging over VoIP with PSTN support.

SUMMARY OF THE INVENTION

The present invention is directed to a system and method for enabling local and global instant VoIP messaging over an IP network, such as the Internet.

According to an embodiment of the present invention, there is provided an instant voice messaging system for delivering instant messages over a packet-switched network, the system comprising: a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the network, the selected recipients being enabled to audibly play the instant voice message.

According to another embodiment of the present invention, there is provided an instant voice messaging system for delivering instant messages over a packet-switched network enabling public switched telephone network (PSTN) support, the system comprising: a PSTN telephone connected to the network for providing input audio; a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor using the input audio provided by the PSTN telephone, and transmitting the selected recipients and the instant voice message therefor over the network; a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the network, the selected recipients being enabled to audibly play the instant voice message.

According to a further embodiment of the present invention, there is provided an instant voice messaging system for delivering instant messages over a packet-switched network, the system comprising: a voice-over-internet-protocol (VoIP) telephone connected to the network for providing input audio; a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor using the input audio provided by the VoIP telephone, and transmitting the selected recipients and the instant voice message therefor over the network; a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the network, the selected recipients being enabled to audibly play the instant voice message.

According to still another embodiment of the present invention, there is provided an instant voice messaging system for delivering instant messages over a plurality of packet-switched networks, the system comprising: a client connected to a local network, the client selecting one or more external recipients connected to an external network outside the local network, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the local network and the external network; and a server connected to the external network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the external network, the selected recipients being enabled to audibly play the instant voice message.

According to yet another embodiment of the present invention, there is provided an instant voice messaging system for delivering instant messages over a plurality of packet-switched networks enabling public switched telephone network (PSTN) support, the system comprising: a PSTN telephone connected to a local network for providing input audio; a client connected to the local network, the client selecting one or more external recipients connected to an external network outside the local network, generating an instant voice message therefor using the input audio provided by the PSTN telephone, and transmitting the selected recipients and the instant voice message therefor over the local network and the external network; a server connected to the external network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the external network, the selected recipients being enabled to audibly play the instant voice message.

According to yet a further embodiment of the present invention, there is provided an instant voice messaging system for delivering instant messages over a plurality of packet-switched networks, the system comprising: a voice-over-internet-protocol (VoIP) telephone connected to a local network for providing input audio; a client connected to the local network, the client selecting one or more external recipients connected to an external network outside the local network, generating an instant voice message therefor using the input audio provided by the VoIP telephone, and transmitting the selected recipients and the instant voice message therefor over the local network and the external network; an server connected to the external network, the external server

receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the external network, the selected recipients being enabled to audibly play the instant voice message.

According to still a further embodiment of the present invention, there is provided an instant voice messaging system for delivering instant messages over a plurality of packet-switched networks, the system comprising: a client connected to an external network, the client selecting one or more recipients connected to a local network, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the external network; an external server system connected to the external network, the external server system receiving the selected recipients and the instant voice message, and routing the selected recipients and the instant voice message over the external network and the local network; a local server connected to the local network, the local server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the local network, the selected recipients being enabled to audibly play the instant voice message.

According to an embodiment of the present invention, there is provided a method for instant voice messaging over a packet-switched network, the method comprising: selecting one or more recipients for instant voice messaging at a client; generating an instant voice message for the selected recipients at the client; transmitting the selected recipients and the instant voice message therefor over the network from the

client to a server; receiving the selected recipients and the instant voice message therefor at the server; delivering the instant voice message from the server to the selected recipients over the network; and audibly playing the instant voice message at the selected recipients.

According to another embodiment of the present invention, there is provided a method for instant voice messaging over a packet-switched network enabling public switched telephone network (PSTN) support, the method comprising: providing input audio via a PSTN telephone connected over the network; selecting one or more recipients for instant voice messaging at a client; generating an instant voice message using the input audio from the PSTN telephone for the selected recipients at the client; transmitting the selected recipients and the instant voice message therefor over the network from the client to a server; receiving the selected recipients and the instant voice message therefor at the server; delivering the instant voice message from the server to the selected recipients over the network; and audibly playing the instant voice message at the selected recipients.

According to a further embodiment of the present invention, there is provided a method for instant voice messaging over a packet-switched network, the method comprising: providing input audio via a voice-over-internet-protocol (VoIP) telephone connected over the network; selecting one or more recipients for instant voice messaging at a client; generating an instant voice message using the input audio from the VoIP telephone for the selected recipients at the client; transmitting the selected

recipients and the instant voice message therefor over the network from the client to a server; receiving the selected recipients and the instant voice message therefor at the server; delivering the instant voice message from the server to the selected recipients over the network; and audibly playing the instant voice message at the selected recipients.

According to still another embodiment of the present invention, there is provided a method for instant voice messaging over a plurality of packet-switched networks, the method comprising: selecting one or more external recipients for instant voice messaging at a client connected to a local network, the one or more external recipients connected to an external network outside the local network; generating an instant voice message for the selected external recipients at the client; transmitting the selected external recipients and the instant voice message therefor over the local network and the external network; receiving the selected external recipients and the instant voice message therefor at an external server connected to the external network; delivering the instant voice message to the selected external recipients over the external network; and audibly playing the instant voice message at the selected external recipients.

According to yet another embodiment of the present invention, there is provided a method for instant voice messaging system over a plurality of packet-switched networks enabling public switched telephone network (PSTN) support, the method comprising: providing input audio via a PSTN telephone connected to a local network; selecting one or more external recipients for instant voice messaging at a client, the one or more external recipients connected to an external network outside the local network;

generating an instant voice message for the one or more external recipients using the input audio provided by the PSTN telephone; transmitting the selected recipients and the instant voice message therefor over the local network and the external network; receiving the selected recipients and the instant voice message therefor at a server connected to the external network; delivering the instant voice message to the selected recipients from the server over the external network; and audibly playing the instant voice message at the selected recipients.

According to still a further embodiment of the present invention, there is provided a method for instant voice messaging system over a plurality of packet-switched networks, the method comprising: providing input audio via a voice-over-internet-protocol (VoIP) telephone connected to a local network; selecting one or more external recipients for instant voice messaging at a client, the one or more external recipients connected to an external network outside the local network; generating an instant voice message for the one or more external recipients using the input audio provided by the VoIP telephone; transmitting the selected recipients and the instant voice message therefor over the local network and the external network; receiving the selected recipients and the instant voice message therefor at a server connected to the external network; delivering the instant voice message to the selected recipients from the server over the external network; and audibly playing the instant voice message at the selected recipients.

According to yet a further embodiment of the present invention, there is provided a method for instant voice messaging over a plurality of a plurality of packet-

switched networks, the method comprising: selecting one or more recipients connected to a local network at a client connected to an external network; generating an instant voice message for the selected recipients at the client; transmitting the selected recipients and the instant voice message therefor over the external network from the client to an external server system; receiving the selected recipients and the instant voice message at the external server system; routing the selected recipients and the instant voice message over the external network and the local network; receiving the selected recipients and the instant voice message therefor at a local server connected to the local network; delivering the instant voice message to the selected recipients over the local network; audibly playing the instant voice message at the selected recipients.

BRIEF DESCRIPTION OF THE DRAWINGS

The objects, features and advantages of the present invention will become apparent to one skilled in the art, in view of the following detailed description taken in combination with the attached drawings, in which:

Figure 1 illustrates an example of a prior art IP telephony system;

Figure 2 illustrates an exemplary local IVM system for enabling instant voice messaging according to the present invention;

Figure 3 illustrates an exemplary IVM client of Figure 2 for enabling instant voice messaging according to the present invention;

Figure 4 illustrates an exemplary IVM server of Figure 2 for enabling instant voice messaging according to the present invention;

Figure 5 illustrates an exemplary global IVM system comprising a local IVM system and global IVM clients, according to the present invention;

Fig. 6 illustrates an exemplary global IVM server system depicted in Fig. 5, according to the present invention;

Fig. 7 illustrates an exemplary transport server depicted in Fig. 6, according to the present invention;

Fig. 8 illustrates an exemplary directory server depicted in Fig. 6, according to the present invention; and

Fig. 9 illustrates an exemplary global IVM system comprising a plurality of local IVM systems and global IVM clients, according to the present invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT OF THE INVENTION

The present invention is directed to a system and method for enabling local and global instant VoIP messaging over an IP network with PSTN support.

Figure 2 is an exemplary illustration of a local instant voice messaging (IVM) system 200 according to the present invention. The instant voice messaging system 200 comprises a local IVM server 202 that provides the core functionality for enabling instant voice messaging with PSTN support according to the present invention. The architecture of the local IVM server 202 will be described in detail hereinbelow with reference to Fig. 4. According to the exemplary IVM system 200, the local IVM server 202 is enabled to provide instant voice messaging to one or more IVM clients 206 and 208, as well support instant voice messaging for PSTN legacy telephones 110. It is noted

that although Fig. 2 depicts one of each IVM client 206, 208 and legacy telephone 110 for clarity and brevity, the local IVM server 202 is enabled to support a plurality of each of the foregoing IVM clients 206, 208 and legacy telephone 110. The local packet-switched IP network 204 interconnects the IVM clients 206, 208 and the legacy telephone 110 to the local IVM server 202 as well as interconnecting the local IVM server 202 to the local IP network 204. The network 204 may be a local area network (LAN), a wide area network (WAN), or the like, which supports both wired and wireless devices. The exemplary IVM client 208 is a VoIP softphone, the architecture of which will be described in detail hereinbelow with reference to Fig. 3. A microphone 212 is connected to the IVM client 208 and enables the recording of an instant voice message according to the present invention into an audio file 210 for transmission to the local IVM server 202 over the network 204. An input device 218 (e.g., a keyboard) is connected to the IVM client 208 to select one or more recipients that are to receive the recorded instant voice message. Although not depicted in Fig. 2, the input device 218 may include a trackball, digitizing pad or mouse, or the like. A display device 216 is connected to the IVM client 208 to display instant voice messages recorded and/or received by a user of the IVM client 208. An audio device 214, such as external speaker, is connected to the IVM client 208 to play received instant voice messages. It is noted that the microphone 212, audio device 214, display device 216 and input device 218 may form integral parts of the IVM client 208.

Further with reference to Fig. 2, IVM client 206 is interconnected via the network 204 to the local IVM server 202. An exemplary IVM client 206 is a VoIP

telephone, which comprises a screen display (not shown) capable of displaying instant voice messages recorded and/or received by a user of the IVM client 206 according to the present invention. The VoIP telephone 206 further comprises a handset and/or speakerphone for recording instant voice messages and listening to instant voice messages received at the VoIP telephone 206 according to the present invention. The VoIP telephones which may be implemented to provide instant voice messaging functionality according to the present invention are commercially available from many vendors, including Alcatel™, Lucent™, NEC™ and Cisco™, to name just a few. In addition to the foregoing IVM clients 206, 208, the IVM system 200 supports a legacy telephone 110 for instant voice messaging according to the present invention. The legacy telephone 110 is connected to a legacy switch 112. The legacy switch 112 is further connected to a media gateway 114. Both the legacy switch 112 and the media gateway 114 interconnect the legacy telephone 110 via the network 204 to the local IVM server 202, thereby facilitating instant voice messaging according to the present invention. The media gateway 114 may be a gateway that supports trunk pack network control (i.e., "TPNCP") protocol, media gateway control protocol (i.e., "MGCP"), or a media gateway control H.428 protocol (i.e., "MEGACO"). As previously mentioned, the media gateway 114 converts the audio signal carried over PSTN to packets to be transmitted over a packet-switched IP network, such as the local network 204.

The implementation of the instant voice messaging for IVM client 208 will be described first and will be followed by the implementations for IVM client 206 and legacy telephone 110, with reference to the local IVM system 200 depicted in Fig. 2.

These implementations implement a "record mode" of the instant voice messaging according to the present invention. There will further be described an "intercom mode" of the instant voice messaging according to the present invention. Therefore, in operation of the IVM client 208 according to Fig. 2, the IVM client (IVM softphone) 208 is connected over the network 204 to the IVM server 202, which as aforementioned enables instant voice messaging functionality over the network 204. The IVM client 208 displays a list of one or more IVM recipients on its display 216, provided and stored by the local IVM server 202, as will be particularly described hereinbelow with reference to Fig. 4. The user operates the IVM client 208 by using the input device 218 to indicate a selection of one or more IVM recipients from the list. The user selection is transmitted to the IVM server 202. The user selection also generates a start signal to the IVM client 208 that the user is ready to begin instant voice messaging according to the present invention. In response to the start signal, the IVM client (softphone) 208 listens to the input audio device 212 and records the user's speech into a digitized audio file 210 (i.e., instant voice message) stored on the IVM client 208. The audio file 210 at the IVM client 208 is finalized via a stop signal, which is generated by the user via the input device 218 or a preset time period without speech input via the input audio device 212 on the IVM client 208. Once the recording of the user's speech is finalized, IVM client 208 generates a send signal indicating that the digitized audio file 210 (instant voice message) is ready to be sent to the selected recipients. The user generates the send signal when the user operates the IVM client 208 via the input device 218, e.g., pressing a key on a keyboard or clicking a button on a mouse. The IVM client 208 transmits the digitized audio file 210 and the send signal to the local IVM server 202. In response to the send signal

indicating that the instant voice message is ready to be sent, the IVM client 208 sends the recorded audio file 210 destined for the selected one or more recipients via local IVM server 202. After receiving the audio file 210, the IVM server 202 thereafter delivers the transmitted instant voice message to the selected one or more recipients via the local IP network 204. The one or more recipients are enabled to display an indication that the instant voice message has been received and audibly play the instant voice message to an associated user. It should be understood that only the available IVM recipients, currently connected to the IVM server 202, will receive the instant voice message. It is noted that if a recipient IVM client is not currently connected to the local IVM server 202 (i.e., is unavailable), the IVM server temporarily saves the instant voice message and delivers it to the IVM client when the IVM client connects to the local IVM server 202 (i.e., is available).

There are several embodiments for the operation of the IVM client (VoIP telephone) 206 within the IVM system 200, according to the present invention. In the first embodiment, the VoIP telephone 206 is a standalone IVM client 206 enabled for instant voice messaging according to the present invention. In the second embodiment, the VoIP telephone 206 operates synchronously either with the IVM client 208 or IVM server 202 to enable instant voice messaging according to the present invention. Thus, in operation according to the first embodiment in Fig. 2, the IVM client (VoIP telephone) 206 is connected over the network 204 to the IVM server 202, which as aforementioned enables instant voice messaging functionality over the local network 204. The IVM client 206 displays a list of one or more IVM recipients on its associated display provided and stored by the local IVM server 202, as will be particularly described hereinbelow

with reference to Fig. 4. The user operates the IVM client 206 by using a keypad on the VoIP telephone 206 to indicate a selection of one or more IVM recipients from the list. The VoIP telephone 206 transmits the selection to the IVM server 202. The user selection also generates a start signal to the IVM client 206 indicating the user is ready to begin instant voice messaging according to the present invention. The user speaks into the handset of the IVM client 206 or a speakerphone on the IVM client 206. Although not shown in Fig. 2, the VoIP telephone 206 may provide a dedicated storage device, which in response to the start signal records an audio file, similar to the audio file 210 in the IVM client 208. The audio file is finalized via a stop signal. The stop signal is generated when the user presses a button on the keypad, a preset time period without speech input to the VoIP telephone 206, or when the user returns the handset to the cradle of the VoIP telephone 206. Once the recording of the user's speech is complete, a send signal is generated indicating that the instant voice message is ready to be sent to the selected recipients. The user generates the send signal when the user presses a button on the keypad or returns the handset of the VoIP telephone 206 to it cradle (on-hook). In response to the send signal, the IVM client 206 sends the recorded audio to the local IVM server 202 via the network 204. The IVM server 202 thereafter delivers the instant voice message to the selected one or more recipients via the IP network 204. As before, the one or more recipients are enabled to display an indication that the instant voice message has been received and audibly play the instant voice message. As aforementioned, if a recipient IVM client is not currently connected to the local IVM server 202, the IVM server 202 temporarily saves the instant voice message and delivers it to the IVM client when the IVM client connects to the local IVM server 202.

In the second embodiment of the IVM client 206 according to Fig. 2, the VoIP telephone 206 operates synchronously either with the IVM client 208 or the IVM server 202 to enable instant voice messaging according to the present invention. Thus, in operation according to the second embodiment, the IVM client (VoIP telephone) 206 is still connected over the network 204 to the IVM server 202, which as aforementioned enables instant voice messaging functionality over the local network 204. However, VoIP telephone 206 cooperates with the IVM client 208 or IVM server 202 to record and send an instant voice message. More specifically, the VoIP telephone 206 is only used as a recording/listening device for recording or listing to instant voice messages, while the IVM client 208 is used for displaying and selecting instant voice message recipients as described hereinabove. In operation, the IVM client 208 displays a list of IVM recipients on the display device 216 provided and stored by the local IVM server 202. The user operates the IVM client 208 by using the input device 218 on the IVM client 208 to indicate a selection of one or more IVM recipients from the list. The user selection is transmitted to the IVM server 202. The user selection generates a start signal to the IVM server 202 indicating that the user is ready to begin instant voice messaging according to the present invention. In response to receiving the start signal, the IVM server 202 transmits a ring signal to the VoIP telephone 206, thereby indicating to the user the IVM system 200 is ready to record an instant voice message. The IVM server 202 also signals the IVM client 208 to generate audio file 210 to record the instant voice message. As the user picks up the handset of the VoIP telephone 206 (off-hook), a connection is established via the network 204 between the local IVM server 202 and the VoIP

telephone 206. Thereafter, the IVM server 202 forwards the user's speech transmitted from VoIP telephone 206 to the IVM client 208 for storage into digitized audio file 210 on the IVM client 208. The audio file 210 is finalized by returning the handset its cradle (on-hook) or by pressing a designated button on the keypad VoIP telephone 206, which transmits the stop signal to the IVM server 202 and further from the IVM server 202 to the IVM client 208. Returning the handset to its cradle preferably generates a send signal to the IVM server 202, which transmits the signal to the IVM client 208. The IVM client thereafter transmits the recorded audio file 210 (instant voice message) to IVM server 202 for delivery to the selected one or more IVM recipients. Alternatively, the user may press a key on the keyboard 218 to initiate the send signal. In response to the send signal, the IVM client 206 sends the recorded audio to the local IVM server 202 via the network 204. The IVM server 202 thereafter delivers the instant voice message to the selected one or more recipients via the IP network 204. The one or more recipients are enabled to display an indication that the instant voice message has been received and audibly play the instant voice message. If a recipient IVM client is not currently connected to the local IVM server 202, the IVM server 202 temporarily saves the instant voice message and delivers it to the IVM client when the IVM client connects to the local IVM server 202.

In operation of the legacy telephone 110 according to Fig. 2, the legacy telephone 110 is connected to the local IVM server 202 via media gateway 114 and legacy switch 112. The legacy telephone 110 cooperates with the IVM client 208 to record and send an instant voice message. More specifically, the legacy telephone 110 is

used as a recording/listening device for recording or listing to instant voice messages, while the IVM client 208 is used for displaying and selecting instant voice message recipients as described hereinabove. Thus, in operation the IVM client 208 displays a list of IVM recipients on the display device 216 provided and stored by the local IVM server 202. The user operates the IVM client 208 by using the input device 218 on the IVM client 208 to indicate a selection of one or more IVM recipients from the list. The user selection is transmitted to the IVM server 202. The user selection generates a start signal to the IVM server 202 indicating that the user is ready to begin instant voice messaging according to the present invention. In response to receiving the start signal, the IVM server 202 transmits an emulation code to the legacy telephone 110 to ring, thereby indicating to the user the IVM system 200 is ready to record an instant voice message. As the user picks up the handset of the legacy telephone 110 (off-hook), a connection is established via the network 204 between the legacy telephone 110 and the IVM server 202. Thereafter, the IVM server forwards the user's speech transmitted from the legacy telephone 110 to the IVM client 208 for storage into the digitized audio file 210 (i.e., instant voice message). The audio file on the IVM client 208 is finalized by returning the handset of the legacy telephone 110 to its cradle (on-hook) or by pressing a designated button on the keypad of the legacy telephone 110, which transmits a stop signal to the IVM server 202 and further to the IVM client 208. Returning the handset to its cradle also generates a send signal to the IVM server to transmit the recorded audio file (instant voice message) to the selected one or more IVM recipients. The IVM server 202 thereafter delivers the instant voice message to the selected one or more recipients via the IP network 204. The one or more recipients are enabled to display an indication that the

received instant voice message has been received and audibly play the instant voice message. If a recipient IVM client is not currently connected to the local IVM server 202, the IVM server 202 temporarily saves the instant voice message and delivers it to the IVM client when the IVM client connects to the local IVM server 202.

Regarding the operational embodiments described with reference to Fig. 2 for recoding and transmitting an instant voice message according to the present invention, the digitized audio file is preferably compressed by applying a compression algorithm before sending the audio file to the one or more selected recipients. The audio file is preferably compressed within the IVM clients 206, 208 before forwarding the audio file to the IVM server 202 for subsequent delivery to the one or more selected recipients. Alternatively, the compression may be implemented within the IVM server 202 before the audio file is transmitted to the one or more selected recipients. A Lempel-Ziv compression algorithm is preferably used to compress the audio file according to the present invention. It is noted that many suitable compression algorithms are known to persons of skill in the art, including Huffman encoding, audio compression standards promulgated by the Moving Pictures Experts Group ("MPEG"), G.722 wideband speech encoding standard, fractal compression, and wavelet compression. Any of the foregoing compression algorithms may be implemented within the scope of the present invention.

Further regarding the operational embodiments described with reference to Fig. 2 for recoding and transmitting an instant voice message according to the present invention, the digitized audio file (which may or may not be compressed as described

above) is further preferably encrypted via an encryption algorithm before transmitting the audio file to the one or more selected recipients. The encryption is preferably implemented within the IVM clients 206, 208 before forwarding the audio file to the IVM server 202 for subsequent delivery to the one or more selected recipients. Alternatively, the encryption may be implemented within the IVM server 202 before the audio file is transmitted to the one or more selected recipients. An AES (Rijndael) encryption algorithm is preferably used to encrypt the audio file according to the present invention. It is noted that many suitable encryption algorithms are known to persons skilled in the art, including DES, Triple DES, Blowfish, Twofish, Serpent, and the like. Any of the foregoing encryption algorithms may be implemented within the scope of the present invention.

Lastly with reference to Fig. 2, in addition to the "record mode" of instant voice messaging, the instant voice messaging system 200 also supports an "intercom mode" of voice messaging. The "intercom mode" represents real-time instant voice messaging. In the "intercom mode," instead of creating an audio file 210, one or more buffers (not shown) of a predetermined size are generated in the IVM client 206, 208 or local IVM server 202. The one or more buffers are used to automatically write successive portions of the instant voice message. Once a first buffer is full, i.e., input audio of the predetermined size is written to the buffer, the content of the first buffer is automatically transmitted to the IVM server 202 for transmission to the one or more IVM recipients. A second buffer is meanwhile written with the next successive portion of input audio. Once, the second buffer is full, i.e., input audio of the predetermined size is

written to the buffer, the content of the second buffer is transmitted to the IVM server 202 for transmission to the one or more IVM recipients. If the entire instant voice message or a successive portion thereof (such as a last successive portion in the instant voice message) written to either buffer is smaller the predetermined size, then the buffered content of less than the predetermined size is automatically transmitted to the IVM server 202. The foregoing buffering using the first and second buffers is repeated until the entire instant voice message has been transmitted to the IVM server 202 for transmission to the one or more IVM recipients. It is noted that the invention is not limited to a particular number of buffers. The foregoing buffering and transmission allows a "real-time" instant voice message to be transmitted to the one or more IVM recipients. The "intercom mode" may be designated as a default mode when an IVM recipient is on-line, while the "record mode" may be designated as a default if the IVM recipient is unavailable, i.e., not on-line. The user may easily change the "intercom mode" to the "record mode" on the respective IVM client 206, 208. Finally, the audio contents of the buffers may be signal processed (for clarity), encrypted and compressed before transmission, as will be described in more detail hereinbelow with reference to Fig. 3.

Fig 3. an exemplary illustration of the architecture in the IVM client 208 for enabling instant voice messaging according to the present invention. More specifically, the IVM client 208 comprises a client platform 302 for generating an instant voice message and a messaging system 320 for messaging between the IVM client 208 and the IVM server 202 for enabling instant voice messaging according to the present

invention. The IVM client 208 is a general-purpose programmable computer equipped with a network interface (not shown), such as an Ethernet card, to provide connectivity to the network 204. It is noted that any suitable networking protocol, not only Ethernet, could be used to connect the IVM client to a network 204 and thus is considered within the scope of the present invention. The client platform 302 comprises a client engine 304, which controls other components, namely the document handler 306, file manager 308, audio file creation 312, signal processing 314, encryption/decryption 316, and compression/decompression 318. The messaging system 320 and the client engine 304 communicate via standard inter-process communication. The messaging system 320 and client engine 304 also communicate with the IVM server 202 over the network interface via the network 204. The document handler 306 oversees the retrieving, sending, receiving and storing of one or more documents (or files) attached to instant voice messages from/to the one or more selected IVM recipients that may be communicating with the IVM client 208. More specifically, when an instant voice message is to be transmitted to the one or more IVM recipients, one or more documents may be attached to the instant voice message to be, stored or displayed by the one or more selected IVM recipients. The file manager accesses a message database 310, in which both the received and recorded instant voice messages are represented as database records, each record comprising a message identifier and the instant voice message. The file manager 308 services requests from the user to record, delete or retrieve messages to/from the message database 310. Audio file creation 312 creates an instant voice message as audio file 210, and is responsible for receiving input speech for the instant voice message from audio input device 212 or via network 204 and storing the input speech into audio file 210.

Signal processing 314 performs noise removal and signal optimization in the audio file 210. Encryption/decryption 316 provides for respectively encrypting/decrypting of outgoing/incoming audio files (i.e., instant voice messages), and compression/decompression 318 respectively compresses/decompresses the outgoing/incoming audio files.

Further with reference to Fig. 3, the reception of an instant voice message is described as follows. It is assumed that the local IVM server 202 has determined that the IVM client 208 is available to receive an instant voice message by checking the IVM client's 208 current status, i.e., whether the IVM client 208 is "on-line." The local IVM server 202 maintains the current status of the IVM clients connected to the local IVM server 202, i.e., IVM clients 206, 208. It is further assumed that an IVM client has transmitted an instant voice message to the IVM client 208. The local IVM server 202 receives the instant voice message over the local IP network 204 and forwards the instant voice message to the IVM client 208. Upon receipt at the IVM client 208, the instant voice message is decrypted at 316, decompressed at 318, and stored in the message database 310 using the file manager 308. Any files attached to the instant voice message are also stored in the message database 310 using the file manager 308. A visual and/or sound effect is initiated to notify a user of the IVM client 208 that a new instant voice message has been received at the IVM client 208. At this point in time, the instant voice message and any file attachments are available to the user. The user can select the instant voice message from a listing of available instant voice messages displayed on the IVM client 208 and play the newly received instant voice message. The user may also open

any file attachments and move or save the files to a separate location on the client using a drag-and-drop process.

Still further with reference to Fig. 3, the generation and transmission of an instant voice message is described as follows. The user selects the available one or more IVM recipients and initiates the creation of an instant voice message as described above with reference to Fig. 2. The client engine 304 detects the start signal and invokes audio file creation 312 of the audio file 210. The audio file 210 is initialized and captures the audio voice message input by the user. Once the client engine 304 detects a stop signal, the instant voice message is finalized in the audio file 210 via audio file creation 312. The audio file 210 is adjusted for gain, and noise is removed via signal processing 314. The audio file 210 is further compressed at 318 and encrypted at 316. The completion of these processes causes the client engine 304 to inform the user via display 216 that the instant voice message is available to be sent. After the client engine 304 detects the send signal from the user, the instant voice message (audio file 210) is transferred to the local IVM server 202. Before the transmission of the instant voice message (i.e., before the send signal), the user has the option to review the instant voice message, re-record the instant voice message, delete the instant voice, as well as attach one or more files (i.e., documents). The attachment of one or more files is enabled conventionally via a methodology such as "drag-and-drop" and the like, which invokes the document handler 306 to make the appropriate linkages to the one or more files and flags the messaging system 320 that the instant voice message also has the attached one or more files.

Fig 4. an exemplary illustration of the local IVM server 202 for enabling instant voice messaging according to the present invention. The IVM server 202 is a general-purpose programmable computer equipped with a network interface, such as an Ethernet card, to provide connectivity to a network 204. It is noted that any suitable networking protocol may be implemented to connect the IVM server 202 to a network 204. The IVM server 202 comprises a server communication platform 402, a messaging system 436 and a database 414, thereby enabling instant voice messaging according to the present invention. The server communication platform 402 comprises a server engine 404, client manager 406, station manager 408, gateway manager 410, database manager 412 that accesses database 414, supplemental servers 416 (including particular server subsystems 418-424), as well as a control layer 426 (including non-proprietary server subsystems 428, 430 and proprietary server subsystems 432, 434). The messaging system 436 and the server engine 304 communicate via standard inter-process communication. The messaging system 436 and the server engine are also able to communicate with the IVM clients 206, 208 over the network interface via the network 204. The database 414 stores users (e.g., IVM clients as well as legacy telephone clients) that are known to the IVM server 202 via the database manager 412. The users are represented in the database as records, each record comprising a user name, a password, and a contact list (a list of other users with whom the user wishes to exchange instant voice messages), and other data relating to the user. The database manager 412 services requests to add, update, delete, or retrieve database records to/from the database 414. The password may be stored in the database 414 as plaintext, in encrypted form, or as a

hash (e.g., MD5 hash). The messaging system 436 communicates to the server engine 404 via message objects.

A message object comprises an action field, an ID field, a source field, a destination field, and an object field. The content of the action field is selected from a list of permitted actions, which among other actions includes: connect, disconnect, subscribe, unsubscribe, and post message. In addition, the actions include: determining if an IVM client is awake (i.e., pinging), disconnecting from the IVM client, processing an IVM client message, and notifying IVM clients if the IVM server 202 goes down. The client messages include sending an instant voice message portions, checkin message, send message, set status message, send a phone command message, and send control parameters message. The content of the ID field represents a unique identifier for the message object. The content of the source field is a globally unique identifier ("GUID") that uniquely identifies the sender of the message. This unique identifier can be generated by any known way, including the Globally Unique ID function call available in the Microsoft Windows and Microsoft .NET environments. In some circumstances, the source field is set to a special value to indicate that the sender of the message object is entitled to special privileges. The senders with special privileges are in fact IVM servers. This allows the IVM servers to broadcast messages to one another, subscribe to special events, and directly send messages to specific IVM servers. These privileges can depend upon whether the IVM servers are local servers or global servers. As an example, there can exist more than one local IVM server, each of these local IVM servers automatically has privileges to communicate to other local IVM server. On a global server system, a directory server can communicate with one or more transport servers. The content of the

destination field is a GUID of an intended IVM recipient of the instant voice message. The content of the object field is a block of data being carried by the message object, which may be, for example, a digitized instant voice message. Depending on the circumstances in which the message object is sent, some of the message object fields may be left blank or ignored. For example, the message object may merely require an action to be performed based upon the GUID supplied. In this case, the action does not necessarily require any data to be sent or received and some of the message object's fields may be left blank or ignored.

Connection objects maintain the logical connections between the IVM server 202 and IVM clients 206, 208 connected to the IVM server 202. More specifically, a connection object comprises data representing the state of the connection and code (one or more methods) for establishing and maintaining the logical connections between the IVM server 202 and the IVM clients 206, 208 within the IVM system 200 of Fig. 2. The connection object can contain both data and/or commands, including information that describes the socket, the size of the data to be transferred, and the priority of the transfer (e.g., high, normal, low, unknown). On start up the local IVM server 202 generates and maintains a list for each IVM client 206, 208. The local IVM server 202 then waits to receive connection objects from the IVM clients 206, 208 that are stored in the respective lists, decodes the received connection objects to obtain specific requests, and then services the specific requests from the IVM clients 206, 208.

Further with reference to Fig. 4, the server engine 404 controls all other subsystems in the server communication platform 402, and it is responsible for startup

and shutdown of the IVM server 202 and the IVM system 200. The client manager 406 controls the IVM clients 206, 208, providing contact presence (connection) information and message scheduling and delivery. The station manager 408 controls the individual legacy telephone 110 and coordinates its activity to work synchronously with the IVM client 208 and server 202. The gateway manager 410 enables the IVM server 202 to communicate with the legacy telephones, such as legacy telephone 110. The control layer 426 comprises a plurality of server subsystems 428-434, each of which provides translation services to different proprietary and non-proprietary gateways 114, such as TPNCP, MGCP, and MEGACO gateways. The proprietary server subsystems 428, 430 and non-proprietary server subsystems 432, 434 are connected to respective gateways 114 via the local IP network 204. The supplemental server subsystems 416 provide a number of required services such as display manager subsystem 418, dynamic host configuration protocol (i.e., "DHCP") subsystem 420, trivial file transfer protocol (i.e., "TFTP") server subsystem 422, and hypertext transfer protocol (i.e., "HTTP"). Each of the supplemental servers 418-424 in the subsystem 416 is used during the initial set-up of the IVM system 200. The boot-up process and allocation of IP addresses to IVM clients 206, 208 are performed through an LCD panel (not shown) associated with the local IVM server 202. The LCD manager 418 supports this boot-up process. The DHCP server 420 is used to allocate IP addresses as required and allows the advanced configuration of network settings in the instant voice messaging system. The TFTP server 422 provides a TCP/IP file transfer capability. Lastly, the HTTP server 424 provides services for a web server.

Figure 5 is an exemplary illustration of a global instant voice messaging (IVM) system 500, according to the present invention. In the global IVM system 500, the local IVM system 200 is depicted as a local IVM system 510, which is connected to a packet-switched network 102 (i.e., Internet). The global IVM system 500 comprises the local IVM system 510, global IVM server system 502, and global IVM clients 506 and 508 that are optionally connected via local IP network 504. The global IVM server system 502 is connected to the IP network (i.e., Internet) 102 for enabling the local IVM clients 206, 208 and legacy telephone 110 in the local IVM system 510 to generate and send instant voice messages to the global IVM clients 506, 508, as well as the local IVM clients 206, 208 to receive instant voice messages from the global IVM clients 506, 508. The implementation of the global instant voice messaging for the IVM client 208 will be described first and will be followed by the implementations for IVM client 206 and legacy telephone 110, with reference to the global IVM system 500 depicted in Fig. 5. Thereafter, instant voice messaging for global clients 506 and 508 will be described according to the present invention. These implementations implement a "record mode" of the instant voice messaging according to the present invention. Thereafter, there will lastly be described an "intercom mode" of the instant voice messaging according to the present invention.

Therefore, in operation of the IVM client 208 according to Fig. 5, the IVM client 208 is connected via the networks 204, 102 to the global IVM server system 502, which enables the global instant voice messaging functionality outside the local IVM system 510 over the network (i.e., Internet) 102. More specifically, the IVM client 208

requests from the global IVM server system 502 a global contact list (not shown) of global one or more IVM recipients with which the IVM client 208 may exchange instant voice messages. For the purposes of illustration, it is assumed that global IVM clients 506, 508 are in the contact list. The global IVM server system 502 stores and maintains this contact list. Thus, the global IVM server system 502 responds by transmitting the contact list to the IVM client 208. The IVM client 208 displays the contact list on its display 216. Alternatively, the global contact list may be replicated to the local IVM server 202 within the local IVM system 510, in which case the local IVM client 208 obtains the global contact list from the local IVM server 202. The user operates the IVM client 208 by using the input device 218 to indicate a selection of one or more IVM recipients from the global contact list. Here, for the purposes of illustration it is again assumed that IVM client 208 selected global IVM clients 506, 508. The user selection is transmitted to the IVM server 202. The user selection also generates a start signal to the IVM client 208 that the user is ready to begin instant voice messaging. In response to the start signal, the IVM client 208 listens to the input audio device 212 and records the user's speech into a digitized audio file 210 (i.e., instant voice message) stored on the IVM client 208. The audio file 210 is finalized via a stop signal, which is generated by the user via the input device 218 or a preset time period without speech input via the input audio device 212. Once the recording is finalized, the IVM client 208 generates a send signal indicating that the digitized audio file 210 (instant voice message) is ready to be sent to the selected one or more IVM recipients. The user generates the send signal when the user operates the IVM client 208 via the input device 218. The IVM client 208 transmits the digitized audio file 210 and the send signal to the global IVM server system

502 via the local IP network 204 and the global IP network 102. After receiving the audio file 210, the global IVM server system 502 delivers the transmitted instant voice message to the selected one or more recipients (e.g., IVM clients 506 and 508) via the IP network 102. The one or more recipients are enabled to display an indication that the instant voice message has been received and audibly play the instant voice message to an associated user. It is noted that if a recipient IVM client 506, 508 is not currently connected to the global IVM server system 502, the global IVM server system 502 temporarily saves the instant voice message and delivers it to the global IVM client 506, 508 when the IVM client connects to the global IVM server system 502.

There are several embodiments for the operation of the IVM client (VoIP telephone) 206 within the global IVM system 500 of Fig. 5, according to the present invention. In the first embodiment, the VoIP telephone 206 is a standalone IVM client 206 enabled for instant voice messaging according to the present invention. In the second embodiment, the VoIP telephone 206 operates synchronously with the IVM client 208 to enable instant voice messaging according to the present invention. Thus, in operation according to the first embodiment in Fig. 5, the IVM client 206 is connected via the networks 204, 102 to the global IVM server system 502, which enables instant voice messaging functionality over the IP network (Internet) 102. As mentioned previously, the IVM client 206 is also connected to the local IVM server 202. The IVM client 208 requests from the global IVM server system 502 a global contact list (not shown) of the global one or more IVM recipients with which the IVM client 206 may exchange instant voice messages. For the purposes of illustration, it is assumed that the

global IVM clients 506, 508 are in the contact list. The global IVM server system 502 stores and maintains this contact list. Thus, the global IVM server system 502 responds by transmitting the global contact list to the IVM client 206. Alternatively, the global contact list may be replicated to the local IVM server 202 within the local IVM system 510, in which case the local IVM client 206 obtains the global contact list from the local IVM server 202. The IVM client 206 displays a list of the one or more IVM recipients on its associated display. The user operates the IVM client 206 by using a keypad on the VoIP telephone 206 to indicate a selection of one or more IVM recipients from the list. The VoIP telephone 206 transmits the selection to the global IVM server system 502. The user selection also generates a start signal to the IVM client 206 indicating the user is ready to begin instant voice messaging according to the present invention. The user speaks into the handset of the IVM client 206 or a speakerphone on the IVM client 206. Although not shown in Fig. 5, the VoIP telephone 206 may provide a dedicated storage device, which in response to the start signal records an audio file, similar to the audio file 210 in the IVM client 208. The audio file is finalized via a stop signal. The stop signal is generated when the user presses a button on the keypad, a preset time period without speech input to the VoIP telephone 206, or when the user returns the handset to the cradle of the VoIP telephone 206. Once the recording of the user's speech is complete, a send signal is generated indicating that the instant voice message is ready to be sent to the selected recipients. The user generates the send signal when the user presses a button on the keypad or returns the handset of the VoIP telephone 206 to it cradle. In response to the send signal, the IVM client 206 sends the recorded audio file (instant voice message) to the global IVM server system 502 via the networks 204, 102 for delivery to the

selected one or more IVM recipients. The global IVM server 502 thereafter delivers the instant voice message to the selected one or more recipients (e.g., IVM clients 506 and 508) via the IP network 102. As before, the one or more recipients are enabled to display an indication that the instant voice message has been received and audibly play the instant voice message. If a recipient IVM client is not currently connected to the global IVM server system 502, the global IVM server system 502 temporarily saves the instant voice message and delivers it to the IVM client when the IVM client connects to the global IVM server system 502.

In the second embodiment of the IVM client 206 according to Fig. 5, the VoIP telephone 206 operates synchronously with the IVM client 208 to enable global instant voice messaging according to the present invention. Thus, in operation according to the second embodiment in Fig. 5, the VoIP telephone 206 is connected over the network 204 to the IVM client 208 and the IVM client 208 is connected via the networks 204, 102 to the global IVM server system 502, which enables instant voice messaging functionality over the IP network (Internet) 102. The VoIP telephone 206 cooperates with the IVM client 208 to record and send a global instant voice message outside the local IVM system 510. The IVM client 208 displays a global contact list of IVM recipients (not shown) on the display device 216 provided by the global IVM server system 502, as described hereinabove. Alternatively, the global contact list may be replicated to the local IVM server 202 within the local IVM system 510, in which case the IVM client 208 obtains the global contact list from the local IVM server 202. The user operates the IVM client 208 by using the input device 218 to indicate a selection of

one or more IVM recipients from the contact list. The user selection generates a start signal in the IVM client 208 indicating that the user is ready to begin instant voice messaging according to the present invention. In response to the start signal, the IVM client 208 generates audio file 210 to record an instant voice message and transmits a ring signal to the VoIP telephone 206. As the user picks up the handset of the VoIP telephone 206 (off-hook), a connection is established via the network 204 between the local IVM client 208 and the VoIP telephone 206. Thereafter, the VoIP telephone 206 forwards the user's speech to the IVM client 208 for storage into the audio file 210. The audio file 210 is finalized by returning the handset its cradle (on-hook) or by pressing a designated button on the keypad VoIP telephone 206, which transmits the stop signal to the IVM client 208. Returning the handset to its cradle preferably generates a send signal to the IVM client 208. The IVM client thereafter transmits the recorded audio file 210 (instant voice message) to the global IVM server system 502 via networks 204, 102 for delivery to the selected one or more IVM recipients. Alternatively, the user may press a key on the keyboard 218 to initiate the send signal. In response to the send signal, the IVM client 208 sends the recorded audio file to the global IVM server system 502 for delivery to the selected one or more IVM recipients. The global IVM server system 502 thereafter delivers the instant voice message to the selected one or more recipients (e.g., IVM clients 506 and 508) via the IP network 102. As before, the one or more IVM recipients are enabled to display an indication that the instant voice message has been received and audibly play the instant voice message. If a recipient IVM client is not currently connected to the global IVM server system 502, the global IVM server system 502

temporarily saves the instant voice message and delivers it to the IVM client when the IVM client connects to the global IVM server system 502.

In operation of the legacy telephone 110 according to Fig. 5, the legacy telephone 110 is connected to the local IVM client 208 via media gateway 114, legacy switch 112 and network 204. The legacy telephone 110 cooperates with the IVM client 208 to record and send an instant voice message outside the local IVM system 510. More specifically, the legacy telephone 110 is used as a recording/listening device for recording or listing to instant voice messages, while the IVM client 208 is used for displaying and selecting instant voice message recipients as described hereinabove. Thus, in operation the IVM client 208 requests from the global IVM server system 502 a global contact list of global one or more IVM recipients with which the IVM client 208 may exchange instant voice messages. Alternatively, the global contact list may be replicated to the local IVM server 202 within the local IVM system 510, in which case the IVM client 208 obtains the global contact list from the local IVM server 202. The IVM client 208 displays the global list of IVM recipients, as described hereinabove. The user operates the IVM client 208 to indicate a selection of one or more IVM recipients from the global contact list. The IVM client 208 transmits the user selection to the global IVM server system 502. The user selection generates a start signal in the IVM client 208 indicating that the user is ready to begin instant voice messaging according to the present invention. In response to the start signal, the IVM client 208 transmits an emulation code to the legacy telephone 110 to ring, thereby indicating to the user the global IVM system 500 is ready to record an instant voice message. As the user picks up the handset of the

legacy telephone 110 (off-hook), a connection is established via the network 204 between the legacy telephone 110 and the IVM client 208. Thereafter, the user's speech is transmitted from the legacy telephone 110 to the IVM client 208 for storage into the digitized audio file 210 (i.e., instant voice message). The audio file 210 is finalized by returning the handset of the legacy telephone 110 to its cradle (on-hook) or by pressing a designated button on the keypad of the legacy telephone 110, which transmits a stop signal to the IVM client 208. Returning the handset to its cradle may also generate a send signal to the IVM client 208 to transmit the recorded audio file (instant voice message) to the global IVM server system 502 for delivery to the selected one or more IVM recipients. Alternatively, the send signal is preferably generated from the IVM client 208 as described hereinabove. The global IVM server system 502 thereafter delivers the instant voice message to the selected one or more IVM recipients via the IP network (Internet) 102. The one or more recipients are enabled to display an indication that the instant voice message has been received and audibly play the instant voice message. If a recipient IVM client is not currently connected to the global IVM server system 502, the global IVM server system 502 temporarily saves the instant voice message and delivers it to the IVM client when the IVM client connects to the global IVM server 502.

Further with reference to Fig. 5, the instant voice messaging for global clients 506 and 508 will be described according to the present invention. In a first embodiment, each of the global IVM clients 506, 508 is enabled to independently send an instant voice message. The IVM clients 506, 508 have like peripheral devices and functionality described respectively with reference to local IVM clients 206, 208 in Fig.

2. In second embodiment described below, the VoIP telephone 506 operates in conjunction with the IVM client 508 to send an instant voice message. Therefore, in operation of the global IVM clients 506 and 508 according the first embodiment in Fig. 5, the IVM clients 506, 508 are connected via the networks 204, 102 to the global IVM server system 502, which enables the global instant voice messaging functionality outside the local IVM system 510 over the network (i.e., Internet) 102. Each of the global IVM clients 506, 508 is enabled to request from the global IVM server system 502 a contact list (not shown) of global one or more IVM recipients with which each of the global IVM client 506, 508 may exchange instant voice messages. For the purposes of this illustration, it is assumed that the IVM clients 206 and 208 within the local IVM system 510 are in the contact list for each global IVM client 506, 508. The global IVM server system 502 stores and maintains the foregoing contact list for each global IVM client 506, 508. Upon request, the global IVM server system 502 responds by transmitting the contact list to each of the IVM clients 506, 508. Each of the IVM clients 506, 508 displays the contact list on its display. The user operates the IVM client 506, 508 to indicate a selection of one or more IVM recipients from the contact list. Each of the global IVM clients 506, 508 transmits the user selection to the global IVM server system 502. The user selection also generates a start signal to the IVM clients 506, 508 that the user is ready to begin instant voice messaging. In response to the start signal, the IVM clients 506, 508 record the user's speech into a digitized audio file (i.e., instant voice message) stored on the global IVM clients 506, 508. The audio file is finalized via a stop signal, which is generated by the user by operating the global IVM client 506, 508. Once the recording is finalized, the IVM client 506, 508 generates a send signal indicating that

the digitized audio file (instant voice message) is ready to be sent to the selected one or more recipients. The user generates the send signal when the user operates the global IVM client 506, 508. The IVM client 208 transmits the digitized audio file and the send signal to the global IVM server system 502. After receiving the audio file, the global IVM server system 502 delivers the transmitted instant voice message to the local IVM server 202 in the local IVM system 510 for delivery to the selected one or more recipients (e.g., local IVM clients 206 and 208) via the local IP network 204. The one or more recipients IVM 206, 208 are enabled to display an indication that the instant voice message has been received and audibly play the instant voice message to an associated user. It is noted that if a recipient IVM client 206, 208 is not currently connected to the local IVM server 202, the IVM server 202 temporarily saves the instant voice message and delivers it to the local IVM client 206, 208 when the IVM client connects to the local IVM server 202.

In the second embodiment of the IVM client 506 according to Fig. 5, the VoIP telephone 506 operates synchronously with the IVM client 508 to enable global instant voice messaging according to the present invention. In this embodiment, the VoIP telephone 506 and the IVM client 508 may be located in a user's residence and be connected to a local IP network 504. This local IP network 504 can be a WiFi network or a local area network (i.e., LAN), which is also within the user's residence. The local IP network 504 may be connected to the IP network (Internet) 102 via a digital subscriber line (i.e., DSL) connection, cable connection, dialup connection, or the like. As noted above, the IVM clients 506, 508 have like peripheral devices and functionality described

respectively with reference to local IVM clients 206, 208 in Fig. 2. Thus, in operation according to this embodiment in Fig. 5, the global IVM client 508 requests from the global IVM server system 502 a contact list of global one or more IVM recipients with which each of the global IVM client 508 may exchange instant voice messages. For the purposes of this illustration, it is assumed that the IVM clients 206 and 208 within the local IVM system 510 are in the contact list for the global IVM client 508. The global IVM server system 502 stores and maintains the foregoing contact list for the global IVM client 508. The IVM client 508 displays a contact list of IVM recipients on the associated display device provided by the global IVM server system 502, as described hereinabove. The user operates the IVM client 508 by using the associated input device to indicate a selection of one or more IVM recipients from the contact list. The user selection generates a start signal in the IVM client 508 indicating that the user is ready to begin instant voice messaging according to the present invention. In response to the start signal, the IVM client 508 generates audio file to record an instant voice message and transmits a ring signal to the VoIP telephone 506 via local IP network 504. As the user picks up the handset of the VoIP telephone 206 (off-hook), a connection is established via the local network 504 between the local IVM client 508 and the VoIP telephone 506. Thereafter, the VoIP telephone 506 forwards the user's speech to the IVM client 508 for storage into the audio file at the IVM client 508. The audio file is finalized by returning the handset its cradle (on-hook) or by pressing a designated button on the keypad associated with the VoIP telephone 506, which transmits the stop signal to the IVM client 508. Returning the handset to its cradle preferably generates a send signal to the IVM client 508. The IVM client thereafter transmits the recorded audio file (instant voice

message) to the global IVM server system 502 for delivery to the selected one or more IVM recipients. Alternatively, the user may press a key on the input device associated with the IVM client 508 to initiate the send signal. In response to the send signal, the IVM client 508 sends the recorded audio file to the global IVM server system 502 for delivery to the selected one or more IVM recipients. The global IVM server system 502 thereafter transmits the instant voice message to the local IVM server 202 for delivery selected one or more recipients (e.g., local IVM clients 206 and 208) via the local IP network 204. As before, the one or more recipients are enabled to display an indication that the instant voice message has been received and audibly play the instant voice message. If a recipient IVM client is not currently connected to the local IVM server 202, the local IVM server 202 temporarily saves the instant voice message and delivers it to the IVM client when the IVM client connects to the local IVM server 202.

Lastly with reference to Fig. 5, in addition to the "record mode" of instant voice messaging as described above, the instant voice messaging system 500 also supports an "intercom mode" of the instant voice messaging. The "intercom mode" represents real-time instant voice messaging. In the "intercom mode," instead of creating an audio file as described hereinabove, one or more buffers (not shown) of a predetermined size are generated. The buffers may be generated in any one of the IVM clients 206, 208, 506 and 508, depending on how the global IVM system 500 is defined. The one or more buffers are used to automatically write successive portions of the instant voice message. Once a first buffer is full, i.e., input audio of the predetermined size is written to the buffer, the content of the first buffer is automatically transmitted. If the

transmission is generated at a local IVM client 206, 208 and destined for one or more local IVM recipients, the content of the first buffer is transmitted to the local IVM server 202 for delivery to the local one or more recipients. If the transmission is generated at a local IVM client 206, 208 and destined for one or more global IVM recipients 506, 508, the content of the first buffer is transmitted to the global IVM server system 502 for delivery to the one or more global recipients. In addition, if the transmission is generated at a global IVM client 506, 508 and destined for the other global IVM clients, the content of the first buffer is transmitted to the global IVM server system 502, such as for example clients 506, 508. Lastly, if the transmission is generated at a global IVM client 506, 508 and destined for the local IVM clients 206, 208, the content of the first buffer is transmitted to the global IVM server system 502 and further transmitted by the global IVM server 502 to the local IVM server 202 for delivery to clients 206, 208 within the local IVM system 510. A second buffer is meanwhile written with the next successive portion of input audio. Once, the second buffer is full, i.e., input audio of the predetermined size is written to the buffer, the content of the second buffer is transmitted in similar fashion to the first buffer. If the entire instant voice message or a successive portion thereof (such as a last successive portion in the instant voice message) written to either buffer is smaller the predetermined size, then the buffered content of less than the predetermined size is automatically transmitted to the IVM server 202. The foregoing buffering using the first and second buffers is repeated until the entire instant voice message has been transmitted as described above. It is noted that the invention is not limited to a particular number of buffers. The foregoing buffering and transmission allows a "real-time" instant voice message to be transmitted to the one or more local, as

well as global, IVM recipients. The "intercom mode" may be designated as a default mode when an IVM recipient is on-line, while the "record mode" may be designated as a default if the IVM recipient is unavailable, i.e., not on-line. The user may easily change the "intercom mode" to the "record mode" on the respective IVM client 206, 208, 506, 508. Finally, the audio contents of the buffers may be signal processed (for clarity), encrypted and compressed before transmission, as was described previously.

Fig. 6 is an exemplary detailed illustration 600 of the global IVM server system 502 depicted in Fig. 5, according to the present invention. More specifically, the local IVM system 510 described in Fig. 5 is connected via the IP network (Internet) 102 to the global IVM server system 502. The global IVM server system 502 comprises an IVM transport server mesh 602 and an IVM directory server 608. The IVM transport server mesh 602 comprises a plurality of interconnected IVM transport servers 604, 606. Although the mesh 602 is depicted as having two IVM transport servers 604, 606, it is to be understood that as many IVM transport servers as are desired or required for redundancy and load balancing may be interconnected in a mesh. The IVM transport servers 604, 606 may be centrally located and configured to communicate (i.e., forward and receive messages) with local IVM clients 206, 208, local IVM server 202 and global IVM client 506, 508 (not depicted in Fig. 6). The plurality of IVM transport servers 604, 606 in the IVM transport server mesh 602 permits load balancing and redundancy in the global IVM system 500. The directory server 608 maintains a transport server list of all the IVM transport servers 604, 606 currently connecting to the mesh 602. Each of the IVM transport servers 604, 606 first connects to the directory server 608. The directory

server 608 informs each of the connecting IVM transport servers 604, 606 of all the other IVM transport servers currently in the mesh 602 based on an active list (not shown) of transport servers 604, 606 in the mesh 602. The connecting IVM transport server then connects to each of the IVM transport servers in the transport server list, resulting in an interconnected mesh 602 of IVM transport servers 604, 606. The IVM transport servers 604, 606 and the IVM directory server 608 communicate via messages.

Further with reference to Fig. 6, the IVM transport servers 604, 606 connected in the mesh 602 share a database (not shown) of IVM clients, so that each IVM transport server 604, 606 refers to the same client database. It is preferable that each IVM transport server 604, 606 maintains its own copy of the client database, which is mirrored and replicated conventionally amongst the IVM transport servers 604, 606 in the mesh 602. The client database may further be replicated to the local IVM server 202. Alternatively, the client database is stored on a separate file server (not shown) in data communication with the IVM transport servers 604, 606 over a network (not shown).

Fig. 7 is an exemplary detailed illustration of a transport server 604, 606 depicted in Fig. 6, according to the present invention. The IVM transport server 604, 606 is a general-purpose programmable computer comprising a network interface (not shown) connected to IP network (Internet) 102, a communication platform 702, a message database 712, and a messaging system 714. The communication platform 702 comprises a server engine 704, which controls a user manager 706, a local server manager 708, and a storage manager 710. The messaging system 714 and the server engine 704

communicate via standard inter-process communication. The storage manager 710 handles retrieving, sending, and storing of messages, including instant voice messages and attachments thereto, to/from the message database 712. The user manager 706 is responsible for creating/maintaining IVM clients 206, 208, 506, 508, identifying them and relaying their status to the server engine 704. When an IVM client communicates an instant voice message within the global IVM system 500, the user manager 706 notifies the server engine 704 whether the one or more recipients are unavailable, and thereby the instant voice message is saved in the message database 712. When the one or more IVM recipients become available, the user manager 706 notifies the server engine 704, which instructs the storage manager 710 to retrieve any undelivered instant voice messages for the one or more recipients and delivers the instant voice messages to the designated one or more IVM recipients. The local server manager 708 is responsible for creating/maintaining and providing the status of available local IVM servers, such as IVM server 202 in Fig. 2. The availability status of the local IVM servers is checked periodically and updated.

Fig. 8 is an exemplary detailed illustration of a directory server 608 depicted in Fig. 6, according to the present invention. The directory server 608 is a general-purpose programmable computer equipped with a network interface (not shown) connected to IP network (Internet) 102, a messaging system 812, and a communication platform 802. The communication platform 802 comprises a server engine 804, which controls a local server manager 806, a user manager 808, and a transport manager 810. The messaging system 812 and the server engine 804 communicate via standard inter-

process communication. The transport manager 810 maintains the status of the IVM transport servers 604, 606 in the IVM transport server mesh 602 within the global IVM system 500 and using a load-balancing mechanism distributes instant voice messages to available transport server 604, 606 for routing to the one or more IVM recipients. The user manager 808 is responsible for creating/maintaining IVM clients 206, 208, 506, 508, identifying and relaying their status via the server engine 804 to the IVM transport server 604, 606 to be used. The local server manager 806 is responsible for creating/maintaining and providing the status of available local IVM servers, such as IVM server 202 in Fig. 2. The availability status of the local IVM servers is checked periodically and updated.

Fig. 9 illustrates an exemplary a global instant voice messaging (IVM) system 900, which comprises a plurality of local IVM systems and a plurality of global IVM clients, according to the present invention. In the global IVM system 900, there are depicted a plurality of local IVM systems 902, 910 connected to the global IP network 102. The internal representation and functionality of each local IVM system 902, 904 is identical to the local IVM system 510 described with reference to Fig. 5. In global IVM system 900 of Fig. 9, there are also depicted a plurality of global IVM clients 918-928 and a global IVM server system 502 connected to the global IP network (i.e., Internet) 102. The internal representations of the global IVM client 918-928 and the global IVM server system 502 are identical to the respective IVM client 508 (and/or IVM client or 506) and the global IVM server system 502 described with reference to Fig. 5. In the local IVM system 902, each local IVM client 206, 208 is enabled to request local IVM

recipients from the local IVM server 202 and global IVM recipients from either the global IVM server system 502 or the local IVM server 202. For example, the local IVM client 1A 208 displays a list 904 to a user, comprising both local and global IVM recipients. More specifically, the list 904 enables IVM client 1A to send instant voice messages according to the present invention to local IVM clients 1B 208 and 1C 206, global IVM client C 922 and global IVM client 2A 208 in the local IVM system 910. Similar lists 906-916 are displayed to the users of the respective IVM clients 1B-1C in local IVM system 902, and 2A-2C in local IVM system 910. In addition, the global clients A-F 918-928 are enabled to request IVM recipients from the global IVM server system 502 and display the respective lists of IVM recipients 930-940 on the respective IVM clients 918-928.

While the invention has been particularly shown and described with regard to preferred embodiments thereof, it will be understood by those skilled in the art that the foregoing and other changes in form and details may be made therein without departing from the spirit and scope of the invention.

CLAIMS:

Having thus described our invention, what we claim as new, and desire to secure by Letters Patent is:

1. An instant voice messaging system for delivering instant messages over a packet-switched network, the system comprising:

a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and

a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the network, the selected recipients enabled to audibly play the instant voice message.

2. The instant voice messaging system according to Claim 1, wherein the packet-switched network is a local network.

3. The instant voice messaging system according to Claim 1, wherein the packet-switched network is the Internet.

4. The instant voice messaging system according to Claim 1, wherein the client requests a list of recipients associated with the client from the server and the server transmits the list of recipients to the client for selection of the one or more recipients.

5. The instant voice messaging system according to Claim 1, wherein the server delivers the instant voice message to the selected recipients that are available.

6. The instant voice messaging system according to Claim 1, wherein the server temporarily stores the instant voice message if a selected recipient is unavailable and delivers the stored instant voice message to the selected recipient once the selected recipient becomes available.

7. The instant voice messaging system according to Claim 1, wherein the client records the instant voice message in an audio file, transmits the audio file to the server, and the server delivers the audio file to the selected recipients, the selected recipients being enabled to audibly play the audio file.

8. The instant voice messaging system according to Claim 7, wherein the client signal processes, compresses and encrypts the audio file, and the selected recipients being enabled to decrypt and decompress the audio file before audibly playing the audio file.

9. The instant voice messaging system according to Claim 1, wherein the client buffers each of a plurality of successive portions of the instant voice message as the instant message is recorded, and the client transmits each successive buffered portion to the server for delivery to the to the selected recipients, the selected recipients being enabled to audibly playing each successive portion as it is delivered.

10. The instant voice messaging system according to Claim 1, wherein the client is enabled to attach one or more files to the instant voice message and the selected recipients are enabled to store or display the one or more attached files.

11. The instant voice messaging system according to Claim 1, the system further comprising a public switched telephone network (PSTN) telephone connected to the network to provide input audio of the instant voice message to the client.

12. The instant voice messaging system according to Claim 1, the system further comprising a voice-over-internet-protocol (VoIP) telephone connected to the network to provide input audio of the instant voice message to the client.

13. An instant voice messaging system for delivering instant messages over a packet-switched network enabling public switched telephone network (PSTN) support, the system comprising:

a PSTN telephone connected to the network for providing input audio;

a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor using the input audio provided by the PSTN telephone, and transmitting the selected recipients and the instant voice message therefor over the network;

a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice

message to the selected recipients over the network, the selected recipients being enabled to audibly play the instant voice message.

14. An instant voice messaging system for delivering instant messages over a packet-switched network, the system comprising:

a voice-over-internet-protocol (VoIP) telephone connected to the network for providing input audio;

a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor using the input audio provided by the VoIP telephone, and transmitting the selected recipients and the instant voice message therefor over the network;

a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the network, the selected recipients being enabled to audibly play the instant voice message.

15. An instant voice messaging system for delivering instant messages over a plurality of packet-switched networks, the system comprising:

a client connected to a local network, the client selecting one or more external recipients connected to an external network outside the local network, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the local network and the external network; and

a server connected to the external network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the external network, the selected recipients being enabled to audibly play the instant voice message.

16. The instant voice messaging system according to Claim 15, the client further selects one or more local recipients connected to the local network and transmits the selected local recipients and the instant voice message therefor over the local network, wherein the system further comprises:

a local server connected to the local network, the local server receiving the selected local recipients and the instant message therefor from the client, and delivering the instant voice message to the selected local recipients over the local network, the selected local recipients being enabled to audibly play the instant voice message.

17. The instant voice messaging system according to Claim 15, wherein the local network is a network within an enterprise.

18. The instant voice messaging system according to Claim 15, wherein the external network is the Internet.

19. The instant voice messaging system according to Claim 15, wherein the client requests a list of recipients associated with the client from the server and the

server transmits the list of recipients to the client for selection of the one or more recipients.

20. The instant voice messaging system according to Claim 15, wherein the server delivers the instant voice message to the selected recipients that are available.

21. The instant voice messaging system according to Claim 15, wherein the server temporarily stores the instant voice message if a selected recipient is unavailable and delivers the stored instant voice message to the selected recipient once the selected recipient becomes available.

22. The instant voice messaging system according to Claim 15, wherein the client records the instant voice message in an audio file, transmits the audio file to the server, and the server delivers the audio file to the selected recipients, the selected recipients being enabled to audibly play the audio file.

23. The instant voice messaging system according to Claim 22, wherein the client signal processes, compresses and encrypts the audio file, and the selected recipients are enabled to decrypt and decompress the audio file before audibly playing the audio file.

24. The instant voice messaging system according to Claim 15, wherein the client buffers each of a plurality of successive portions of the instant voice message as

the instant message is recorded, and the client transmits each successive portion to the server for delivery to the selected recipients, the selected recipients being enabled to audibly playing each successive portion as it is delivered.

25. The instant voice messaging system according to Claim 15, wherein the client is enabled to attach one or more files to the instant voice message and the selected recipients are enabled to store or display the one or more attached files.

26. The instant voice messaging system according to Claim 15, the system further comprising a public switched telephone network (PSTN) telephone connected to the local network to provide input audio of the instant voice message to the client.

27. The instant voice messaging system according to Claim 15, the system further comprising a voice-over-internet-protocol (VoIP) telephone connected to the local network to provide input audio of the instant voice message to the client.

28. An instant voice messaging system for delivering instant messages over a plurality of packet-switched networks enabling public switched telephone network (PSTN) support, the system comprising:

a PSTN telephone connected to a local network for providing input audio;

a client connected to the local network, the client selecting one or more external recipients connected to an external network outside the local network, generating an instant voice message therefor using the input audio provided by the PSTN telephone,

and transmitting the selected recipients and the instant voice message therefor over the local network and the external network;

a server connected to the external network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the external network, the selected recipients being enabled to audibly play the instant voice message.

29. An instant voice messaging system for delivering instant messages over a plurality of packet-switched networks, the system comprising:

a voice-over-internet-protocol (VoIP) telephone connected to a local network for providing input audio;

a client connected to the local network, the client selecting one or more external recipients connected to an external network outside the local network, generating an instant voice message therefor using the input audio provided by the VoIP telephone, and transmitting the selected recipients and the instant voice message therefor over the local network and the external network;

an server connected to the external network, the external server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the external network, the selected recipients being enabled to audibly play the instant voice message.

30. An instant voice messaging system for delivering instant messages over a plurality of packet-switched networks, the system comprising:

a client connected to an external network, the client selecting one or more recipients connected to a local network, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the external network; and

a external server system connected to the external network, the external server system receiving the selected recipients and the instant voice message, and routing the selected recipients and the instant voice message over the external network and the local network;

a local server connected to the local network, the local server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the local network, the selected recipients being enabled to audibly play the instant voice message.

31. The instant voice messaging system according to Claim 30, the client further selects one or more external recipients connected to the external and transmits the selected external recipients over the external network to the external server, and the external server receives the selected external recipients and delivers the instant voice message to the selected external recipients over the external network, the selected external recipients being enabled to audibly play the instant voice message.

32. The instant voice messaging system according to Claim 30, wherein the local network is a network within an enterprise.

33. The instant voice messaging system according to Claim 30, wherein the external network is the Internet.

34. The instant voice messaging system according to Claim 30, wherein the client requests a list of recipients associated with the client from the external server system and the external server system transmits the list of recipients to the client for selection of the one or more recipients.

35. The instant voice messaging system according to Claim 30, wherein the local server delivers the instant voice message to the selected recipients that are available.

36. The instant voice messaging system according to Claim 30, wherein the local server temporarily stores the instant voice message if a selected recipient is unavailable and delivers the stored instant voice message to the selected recipient once the selected recipient becomes available.

37. The instant voice messaging system according to Claim 30, wherein the client records the instant voice message in an audio file, transmits the audio file to the external server, the external server system routes the audio file to the local server, and the local server delivers the audio file to the selected recipients, the selected recipients being enabled to audibly play the audio file.

38. The instant voice messaging system according to Claim 37, wherein the client signal processes, compresses and encrypts the audio file, and the selected recipients are enabled to decrypt and decompress the audio file before audibly playing the audio file.

39. The instant voice messaging system according to Claim 30, wherein the client buffers each of a plurality of successive portions of the instant voice message as the instant message is recorded, and the client transmits each successive buffered portion to the external server system, the external server system routes each successive portion to the local server, and the local server delivers each successive portion to the to the selected recipients, the selected recipients being enabled to audibly play each successive portion as it is delivered.

40. The instant voice messaging system according to Claim 30, wherein the client is enabled to attach one or more files to the instant voice message and the selected recipients are enabled to store or display the one or more attached files.

41. The instant voice messaging system according to Claim 30, the system further comprising a voice-over-internet-protocol (VoIP) telephone connected to the client via a local network, the client providing input audio of the instant voice message to the client via the local network.

42. The instant voice messaging system according to Claim 30, wherein the external server system comprises:

a transport server mesh including a plurality of transport servers for routing instant voice messages;

a directory server for maintaining the transport server mesh and facilitating load-balancing of the instant voice messages within the transport server mesh.

43. A method for instant voice messaging over a packet-switched network, the method comprising:

selecting one or more recipients for instant voice messaging at a client;

generating an instant voice message for the selected recipients at the client;

transmitting the selected recipients and the instant voice message therefor over the network from the client to a server;

receiving the selected recipients and the instant voice message therefor at the server;

delivering the instant voice message from the server to the selected recipients over the network; and

audibly playing the instant voice message at the selected recipients.

44. The method for instant voice messaging according to Claim 43, wherein the method further comprises:

requesting from the client a list of recipients associated with the client from the server; and

transmitting from the server the list of recipients to the client for selection of the one or more recipients.

45. The method for instant voice messaging according to Claim 43, wherein the method further comprises:

delivering the instant voice message from the server to the selected recipients that are available.

46. The method for instant voice messaging according to Claim 43, wherein the method further comprises:

temporarily storing at the server the instant voice message if a selected recipient is unavailable; and

delivering from the server the stored instant voice message to the selected recipient once the selected recipient becomes available.

47. The method for instant voice messaging according to Claim 43, wherein the method further comprises:

recording the instant voice message at the client in an audio file;

transmitting the audio file to the server;

delivering the audio file from the server to the selected recipients; and

audibly playing the audio file at the least one of the selected recipients.

48. The method for instant voice messaging according to Claim 47, wherein the method further comprises:

signal processing, compressing and encrypting the audio file at the client;

decrypting and decompressing the audio file at the at least one selected recipient; and

audibly playing the decrypted and decompressed audio file at the least one of the selected recipients.

49. The method for instant voice messaging according to Claim 43, further comprising:

buffering each of a plurality of successive portions of the instant voice message at the client as the instant message is recorded;

transmitting from the client each successive buffered portion to the server;

delivering each successive portion from the server to the selected recipients, the selected recipients audibly playing each successive portion as it is delivered.

50. The method for instant voice messaging according to Claim 43, wherein the method further comprises:

attaching one or more files to the instant voice message at the client;

storing or displaying the one or more attached files at the selected recipients.

51. The method for instant voice messaging according to Claim 43, wherein the method further comprises:

providing input audio of the instant voice message to the client from a public switched telephone network (PSTN) telephone connected to the network.

52. The method for instant voice messaging according to Claim 43, wherein the method further comprises:

providing input audio of the instant voice message to the client from a voice-over-internet-protocol (VoIP) telephone connected to the network.

53. A method for instant voice messaging over a packet-switched network enabling public switched telephone network (PSTN) support, the method comprising:

providing input audio via a PSTN telephone connected over the network;

selecting one or more recipients for instant voice messaging at a client;

generating an instant voice message using the input audio from the PSTN telephone for the selected recipients at the client;

transmitting the selected recipients and the instant voice message therefor over the network from the client to a server;

receiving the selected recipients and the instant voice message therefor at the server;

delivering the instant voice message from the server to the selected recipients over the network; and

audibly playing the instant voice message at selected recipients.

54. A method for instant voice messaging over a packet-switched network, the method comprising:

providing input audio via a voice-over-internet-protocol (VoIP) telephone connected over the network;

selecting one or more recipients for instant voice messaging at a client;

generating an instant voice message using the input audio from the VoIP telephone for the selected recipients at the client;

transmitting the selected recipients and the instant voice message therefor over the network from the client to a server;

receiving the selected recipients and the instant voice message therefor at the server;

delivering the instant voice message from the server to the selected recipients over the network; and

audibly playing the instant voice message at the selected recipients.

55. A method for instant voice messaging over a plurality of packet-switched networks, the method comprising:

selecting one or more external recipients for instant voice messaging at a client connected to a local network, the one or more external recipients connected to an external network outside the local network;

generating an instant voice message for the selected external recipients at the client;

transmitting the selected external recipients and the instant voice message therefor over the local network and the external network;

receiving the selected external recipients and the instant voice message therefor at an external server connected to the external network;

delivering the instant voice message to the selected external recipients over the external network; and

audibly playing the instant voice message at the selected external recipients.

56. The method for instant voice messaging according to Claim 55, wherein the method further comprises:

requesting from the external server a list of external recipients associated with the client; and

transmitting the list of external recipients from the external server to the client for selection of the one or more external recipients.

57. The method for instant voice messaging according to Claim 55, wherein the method further comprises:

delivering the instant voice message from the external server to the selected recipients that are available.

58. The method for instant voice messaging according to Claim 55, wherein the method further comprises:

temporarily storing the instant voice message at the external server if a selected recipient is unavailable;

delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.

59. The method for instant voice messaging according to Claim 55, wherein the method further comprises:

recording the instant voice message in an audio file at the client;

transmitting the audio file to the external server;

delivering the audio file to the selected recipients from the external server; and

audibly playing the audio file at the selected recipients.

60. The method for instant voice messaging according to Claim 59, wherein the method further comprises:

signal processing, compressing and encrypting the audio file at the client; and

decrypting and decompressing the audio file at the selected recipients; and

audibly playing the decrypted and decompressed audio file at the selected recipients.

61. The method for instant voice messaging according to Claim 55, wherein the method further comprises:

buffering each of a plurality of successive portions of the instant voice message at the client as the instant message is recorded;

transmitting from the client each successive portion to the external server;

delivering each successive portion from the external server to the selected external recipients,

audibly playing each successive portion at the selected external recipients as it is delivered.

62. The method for instant voice messaging according to Claim 55, wherein the method further comprises:

attaching one or more files to the instant voice message;

storing or displaying the one or more attached files at the selected external recipients.

63. The method for instant voice messaging according to Claim 55, wherein the method further comprises providing input audio of the instant voice message to the client from a public switched telephone network (PSTN) telephone over the local network.

64. The method for instant voice messaging according to Claim 55, wherein the method further comprises providing input audio of the instant voice message to the client from a voice-over-internet-protocol (VoIP) telephone over the local network.

65. A method for instant voice messaging system over a plurality of packet-switched networks enabling public switched telephone network (PSTN) support, the method comprising:

providing input audio via a PSTN telephone connected to a local network;

selecting one or more external recipients for instant voice messaging at a client, the one or more external recipients connected to an external network outside the local network;

generating an instant voice message for the one or more external recipients using the input audio provided by the PSTN telephone;

transmitting the selected recipients and the instant voice message therefor over the local network and the external network;

receiving the selected recipients and the instant voice message therefor at a server connected to the external network;

delivering the instant voice message to the selected recipients from the server over the external network; and

audibly playing the instant voice message at the selected recipients.

66. A method for instant voice messaging system over a plurality of packet-switched networks, the method comprising:

providing input audio via a voice-over-internet-protocol (VoIP) telephone connected to a local network;

selecting one or more external recipients for instant voice messaging at a client, the one or more external recipients connected to an external network outside the local network;

generating an instant voice message for the one or more external recipients using the input audio provided by the VoIP telephone;

transmitting the selected recipients and the instant voice message therefor over the local network and the external network;

receiving the selected recipients and the instant voice message therefor at a server connected to the external network;

delivering the instant voice message to the selected recipients from the server over the external network; and

audibly playing the instant voice message at the selected recipients.

67. A method for instant voice messaging over a plurality of a plurality of packet-switched networks, the method comprising:

selecting one or more recipients connected to a local network at a client connected to an external network;

generating an instant voice message for the selected recipients at the client;

transmitting the selected recipients and the instant voice message therefor over the external network from the client to an external server system;

receiving the selected recipients and the instant voice message at the external server system;

routing the selected recipients and the instant voice message over the external network and the local network;

receiving the selected recipients and the instant voice message therefor at a local server connected to the local network;

delivering the instant voice message to the selected recipients over the local network;

audibly playing the instant voice message at the selected recipients.

68. The method for instant voice messaging according to Claim 67, wherein the method further comprises:

requesting a list of recipients associated with the client from the external server system; and

transmitting the list of recipients from the external server system to the client for selection of the one or more recipients.

69. The method for instant voice messaging according to Claim 67, wherein the method further comprises:

delivering the instant voice message from the local server to the selected recipients that are available.

70. The method for instant voice messaging according to Claim 67, wherein the method further comprises:

temporarily storing the instant voice message at the local server if a selected recipient is unavailable; and

delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.

71. The method for instant voice messaging according to Claim 67, wherein the method further comprises:

recording the instant voice message in an audio file at the client;

transmitting the audio file from the client to the external server system;

routing the audio file from the external server system to the local server; and

delivering the audio file from the local server to the selected recipients; and

audibly playing the audio file at the selected recipients.

72. The method for instant voice messaging according to Claim 71, wherein the method further comprises:

signal processing, compressing and encrypting the audio file at the client;

decrypting and decompressing the audio file at the selected recipients;

audibly playing the decrypted and decompressed audio file at the selected recipients.

73. The method for instant voice messaging according to Claim 67, wherein the method further comprises:

buffering each of a plurality of successive portions of the instant voice message at the client as the instant message is recorded;

transmitting from the client each successive portion to the external server system;

routing each successive portion from the external server system to the local server;

delivering each successive portion from local server to the selected external recipients; and

audibly playing each successive portion at the selected recipients as it is delivered.

74. The method for instant voice messaging according to Claim 67, wherein the method further comprises:

attaching one or more files to the instant voice message at the client;

storing or displaying the one or more attached files at the selected recipients.

75. The method for instant voice messaging according to Claim 67, wherein the method further comprises:

providing input audio of the instant voice message from a voice-over-internet-protocol (VoIP) telephone to the client via a local network connecting the VoIP telephone to the client.

76. The method for instant voice messaging according to Claim 67, wherein the method further comprises:

maintaining a transport server mesh including a plurality of transport servers for routing instant voice messages; and

load-balancing the instant voice messages within the transport server mesh.

SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING

ABSTRACT OF THE DISCLOSURE

There is provided an instant voice messaging system (and method) for delivering instant messages over a packet-switched network, the system comprising: a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the network, the selected recipients being enabled to audibly play the instant voice message.

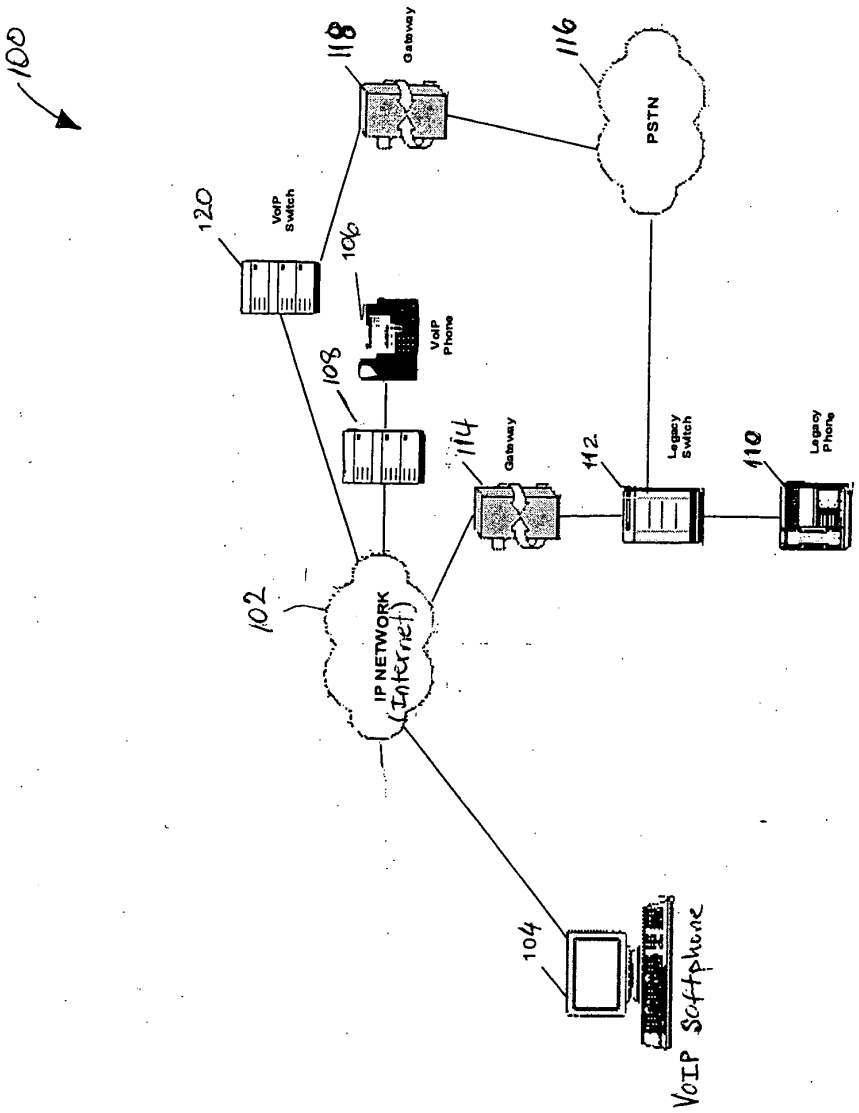

Fig. 1
(prior art)

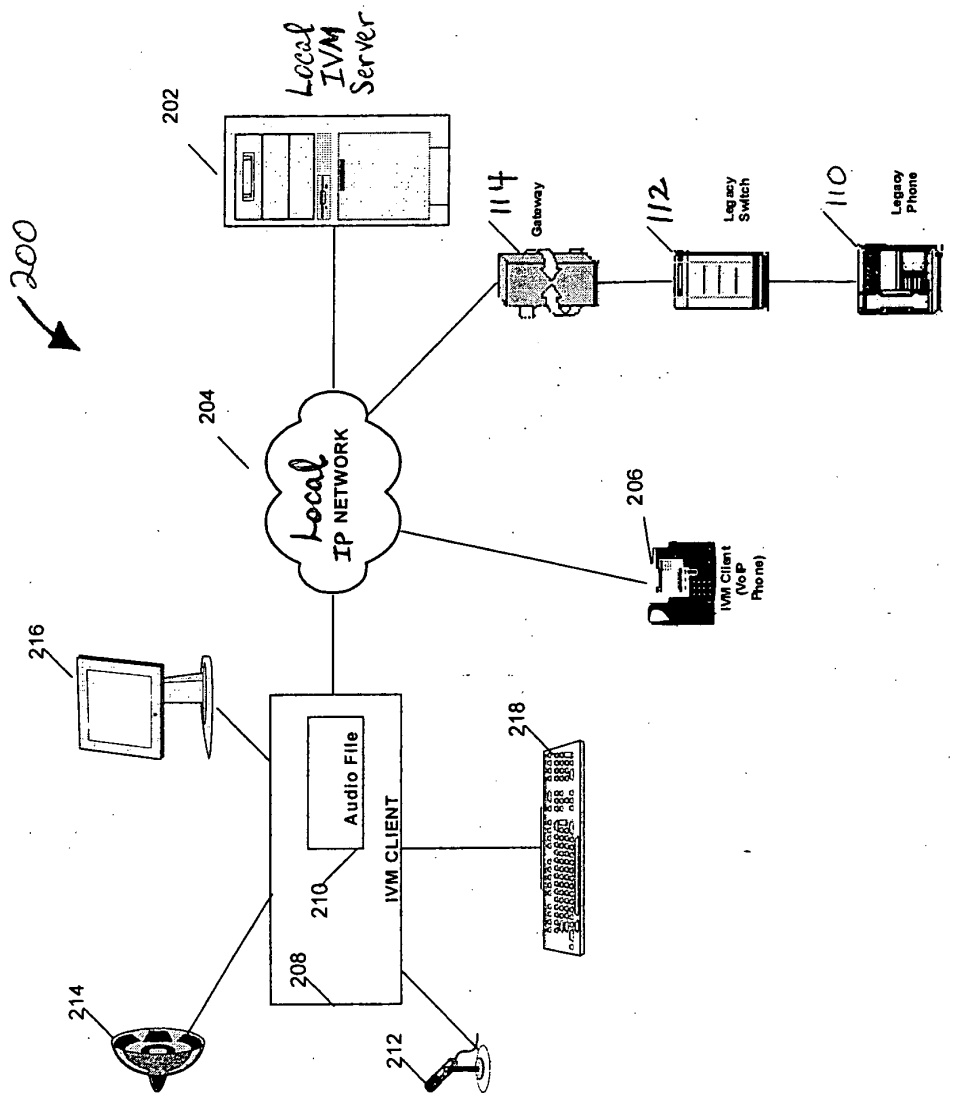
200
202
Local IVM Server
114
Gateway
112
Legacy Switch
110
Legacy Phone
204
Local IP NETWORK
206
IVM Client (VoIP Phone)
216
Audio File
210
IVM CLIENT
208
218
214
212

Fig. 2.

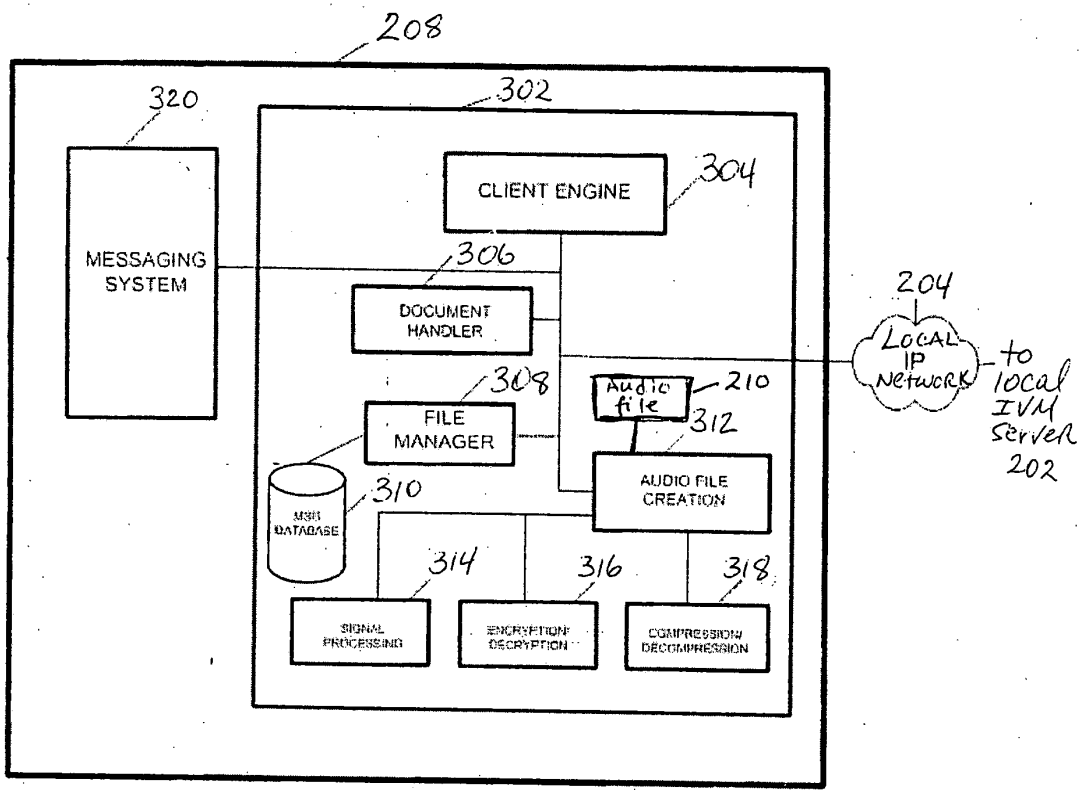

FIG. 3 Client Software Architecture

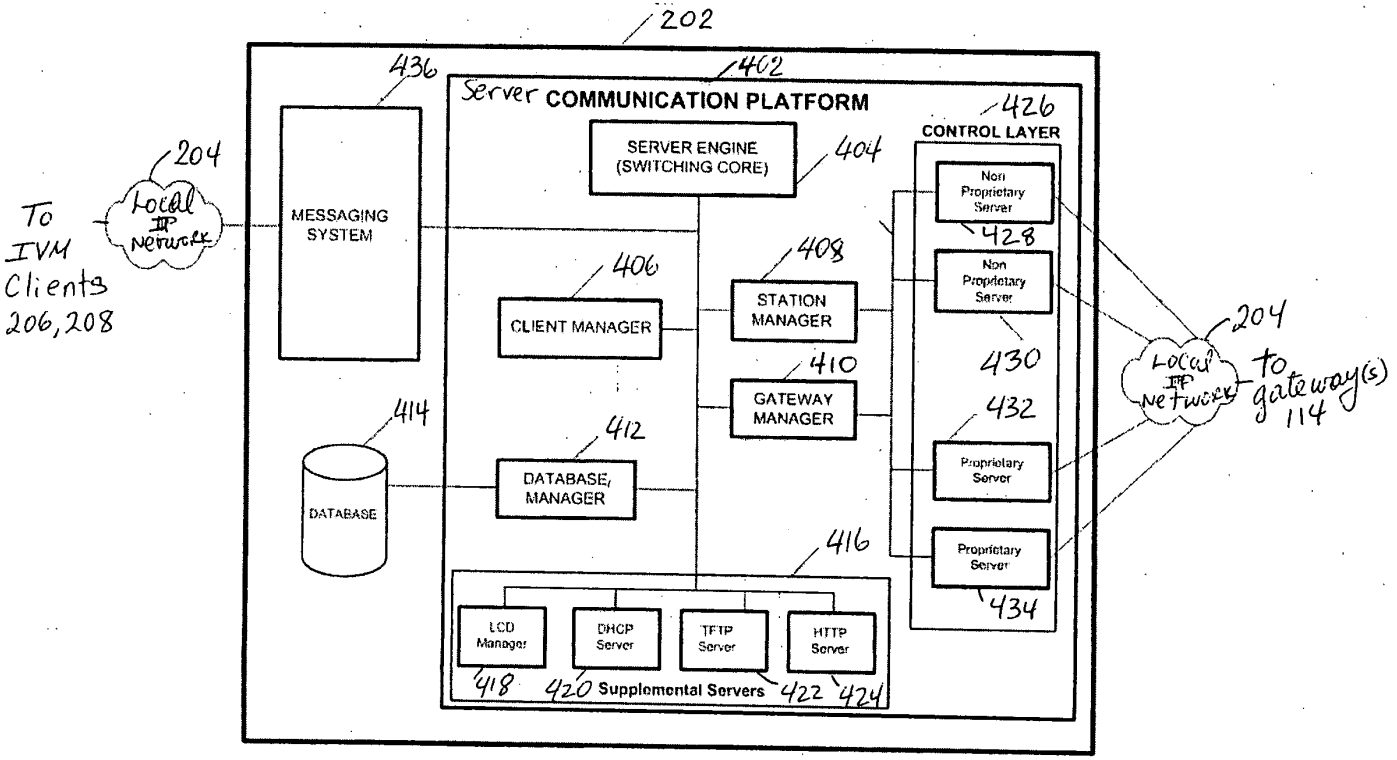

FIG. 4 Local Server (IVM) Architecture

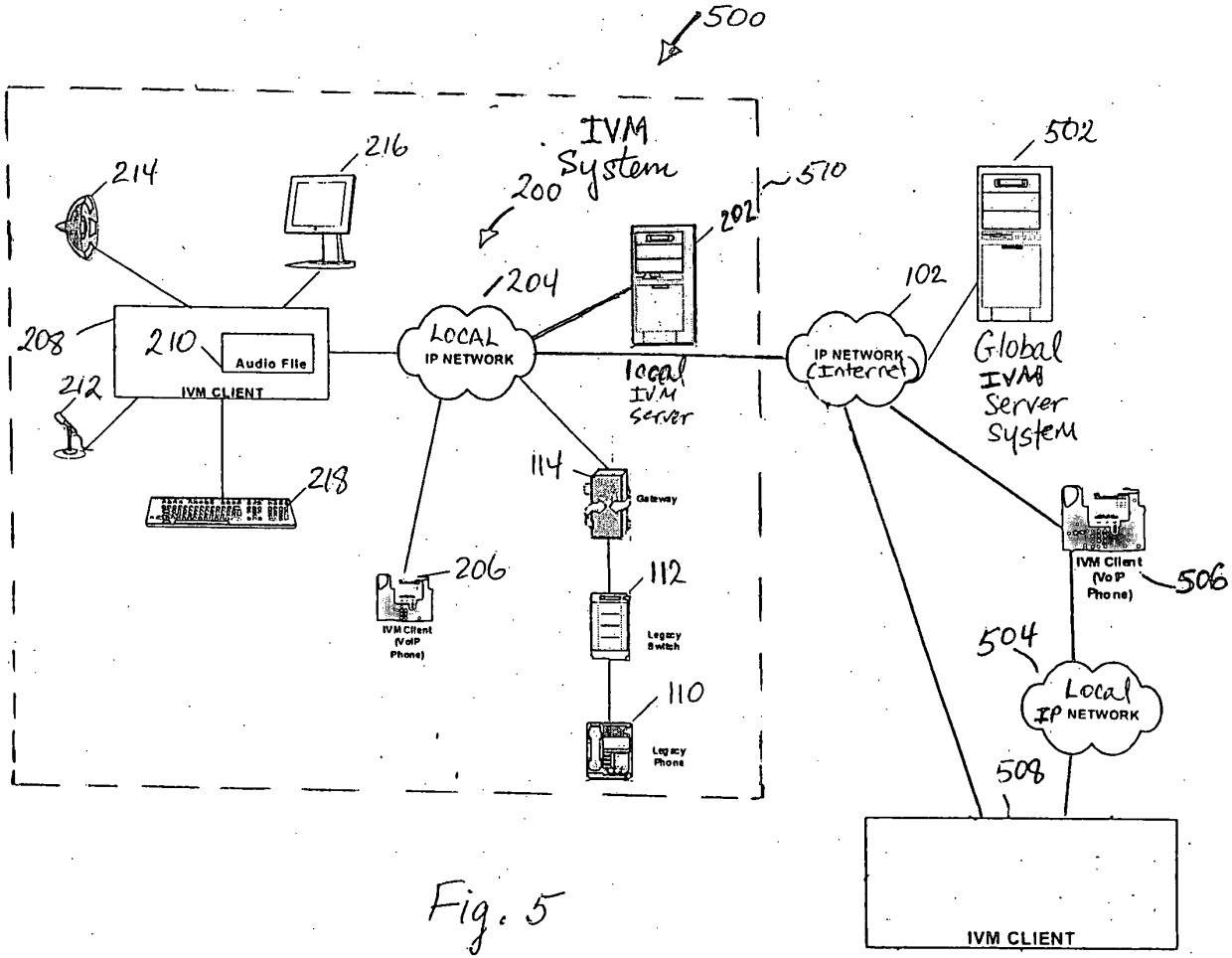
500
IVM System
200
214
216
208
210
Audio File
IVM CLIENT
212
218
204
LOCAL IP NETWORK
202
Local IVM Server
510
102
IP NETWORK (Internet)
502
Global IVM Server System
114
Gateway
206
IVM Client (VoIP Phone)
112
Legacy Switch
110
Legacy Phone
IVM Client (VoIP Phone)
506
504
Local IP NETWORK
508
IVM CLIENT

Fig. 5

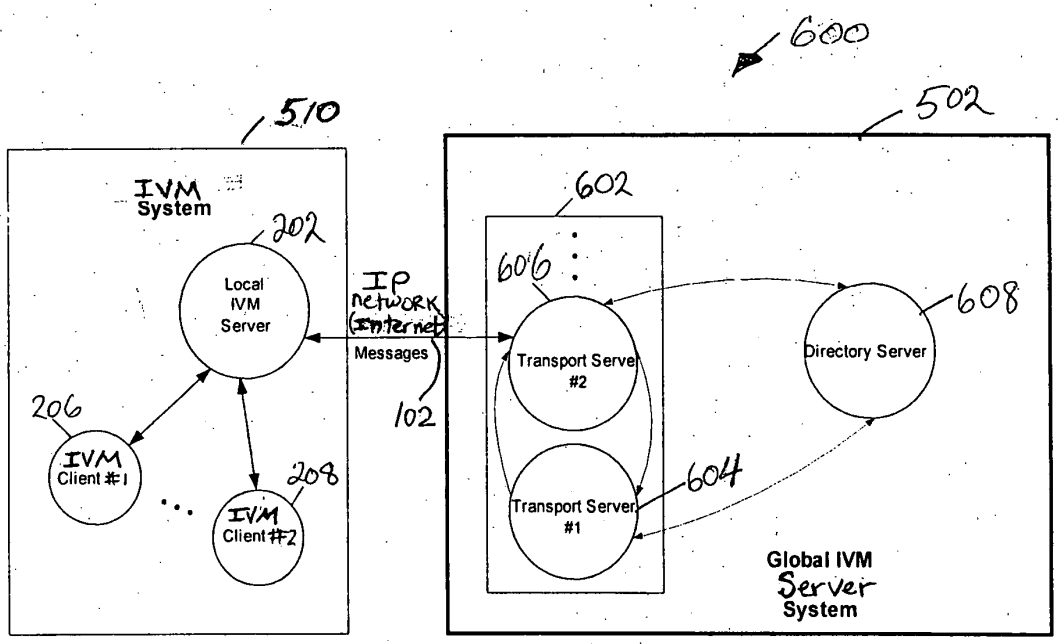
600
510
IVM System
202
Local IVM Server
206
IVM Client #1
208
IVM Client #2
IP network (Internet)
Messages
102
502
602
606
Transport Server #2
Transport Server #1
604
Directory Server
608
Global IVM Server System

Fig. 6

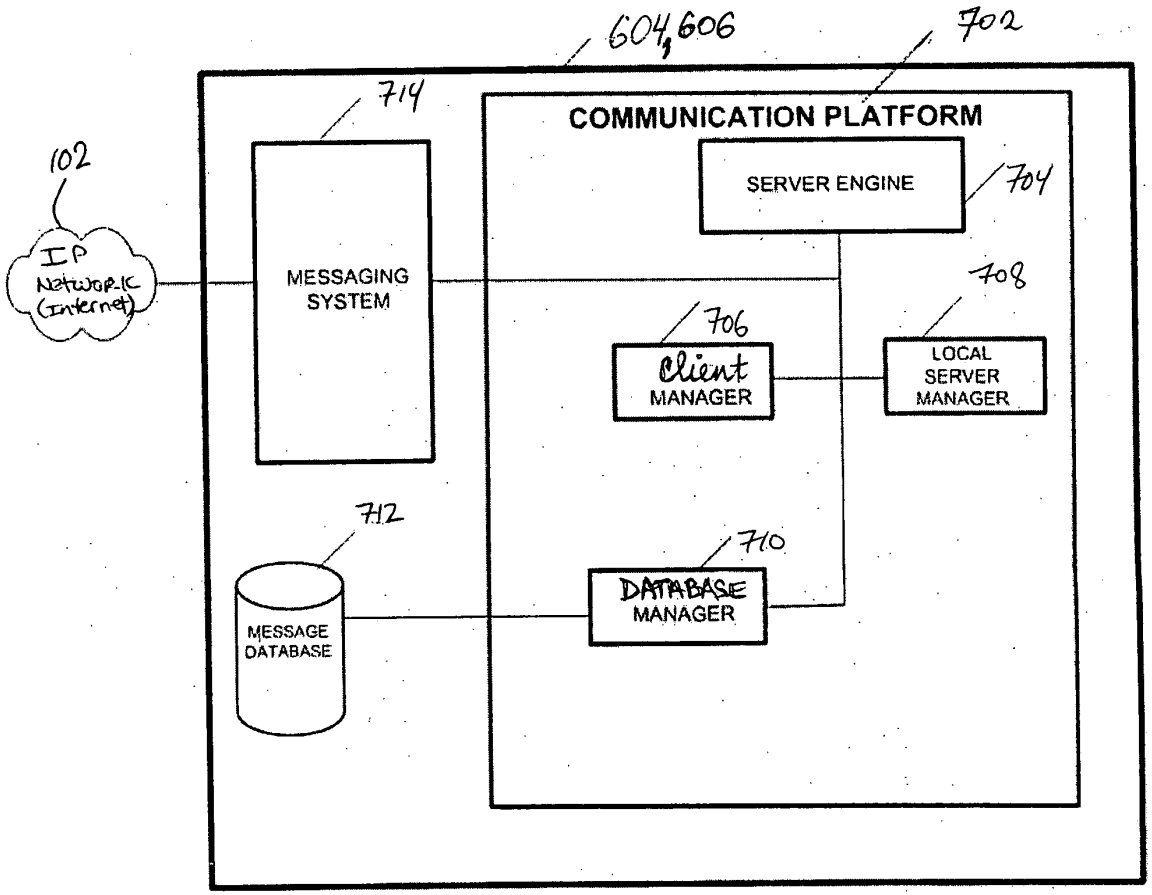

FIG. 7 TRANSPORT SERVER ARCHITECTURE

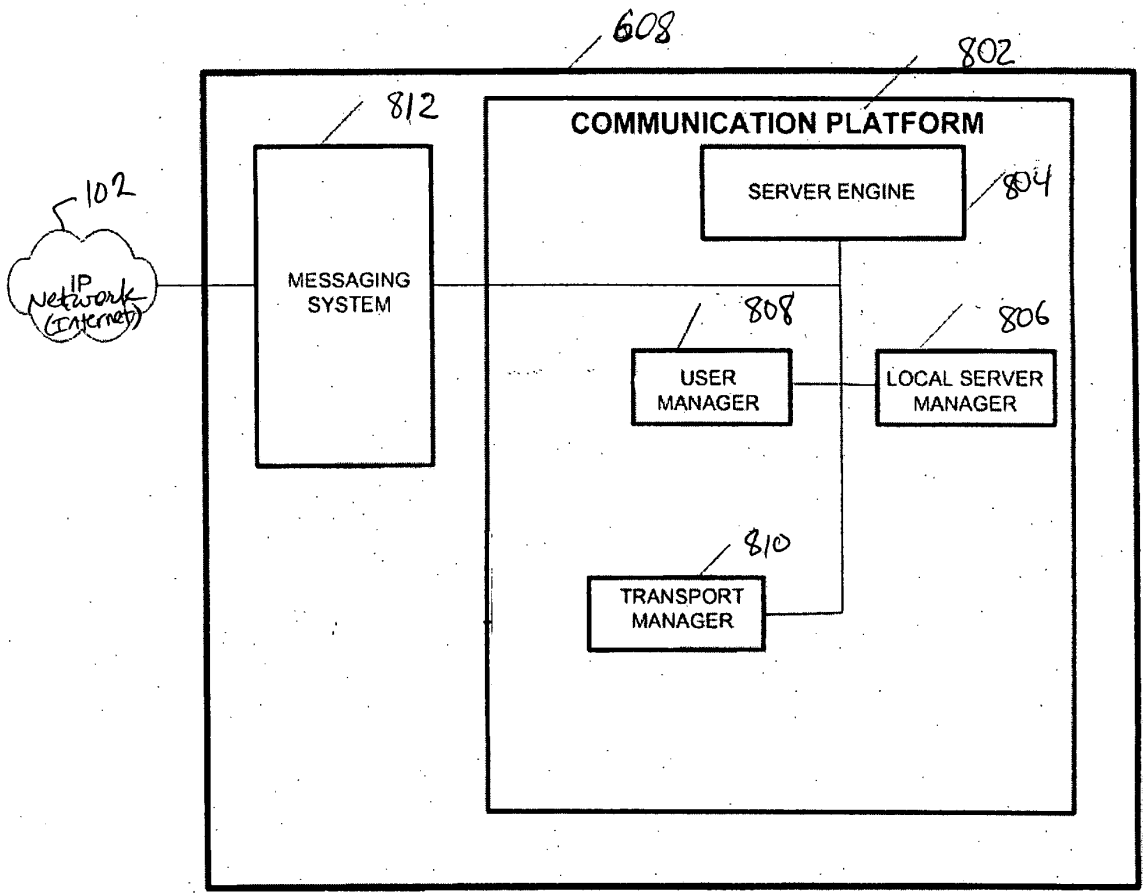

FIG. 8 Directory Server Architecture

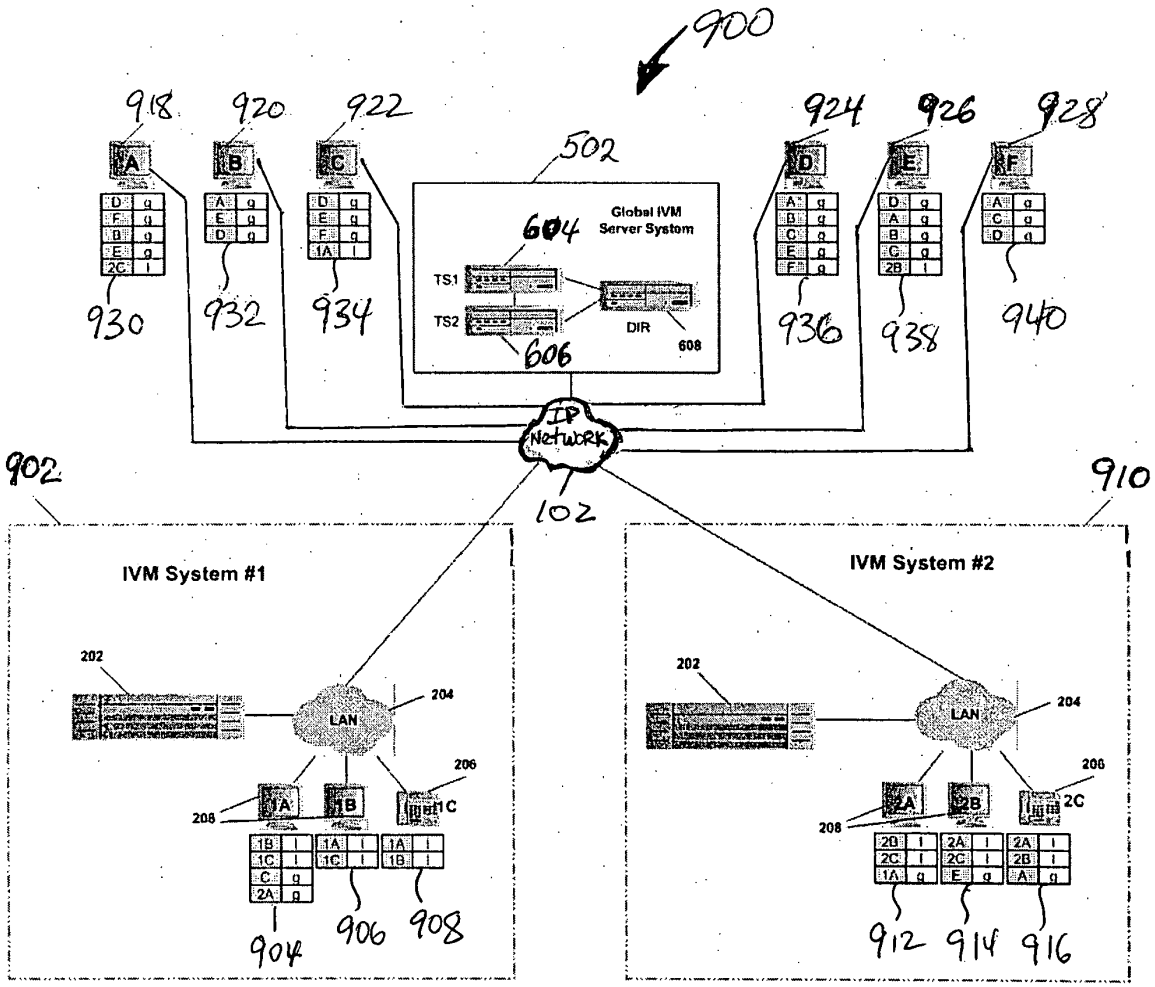
900
918
920
922
924
926
928
502
Global IVM Server System
604
TS1
TS2
606
DIR
608
930
932
934
936
938
940
IP Network
102
902
910
IVM System #1
IVM System #2
202
LAN
204
206
208
1A
1B
1C
2A
2B
2C
904
906
908
912
914
916

Fig. 9

Express Mail Label No.

Docket No.
17188

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on _____ as United States Application No. or PCT International Application Number _____

and was amended on _____

(If applicable)

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

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)			Priority Not Claimed
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	☐
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	☐
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	☐

I hereby claim the benefit und r 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

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.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

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Leopold Pressser; Reg. No. 19,827
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Edward W. Grolz; Reg. No. 33,705
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Steven Fischman; Reg. No. 34,594
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Sole or first inventor's signature — Date: 12-18-2003
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Citizenship **U.S.A.**
Post Office Address **Same as above**

Full name of second inventor, if any
Second inventor's signature — Date
Residence
Citizenship
Post Office Address

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

12/24/2003 MMEKONEN 00000010 191013 10740030

01 FC:2001 385.00 DA
02 FC:2201 473.00 DA
03 FC:2202 504.00 DA

PTO-1556
(5/87)

*U.S. Government Printing Office: 2002 — 489-267/69033

PATENT APPLICATION FEE DETERMINATION RECORD
Effective October 1, 2003

Application or Docket Number: 17188

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	76	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	76 minus 20=	* 56
INDEPENDENT CLAIMS	14 minus 3 =	* 11
MULTIPLE DEPENDENT CLAIM PRESENT		☐

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

SMALL ENTITY TYPE ☐		OR	OTHER THAN SMALL ENTITY	
RATE	FEE		RATE	FEE
BASIC FEE	385.00	OR	BASIC FEE	770.00
XS 9=		OR	XS18=	504
X43=		OR	X86=	473
+145=		OR	+290=	
TOTAL		OR	TOTAL	1362

CLAIMS AS AMENDED - PART II

AMENDMENT A

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
XS 9=		OR	XS18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT B

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
XS 9=		OR	XS18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

AMENDMENT C

	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA
Total	*	Minus	**	=
Independent	*	Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				☐

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
XS 9=		OR	XS18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. 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.

OIPE
AUG 2 3 2004
PATENT & TRADEMARK OFFICE
JC105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	**Michael J. Rojas**	**Examiner:**	**Unassigned**
Serial No:	**10/740,030**	**Art Unit:**	**2661**
Filed:	**December 18, 2003**	**Docket:**	**17188**
For:	**SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING**	**Dated:**	**August 19, 2004**

Confirmation No. 1731

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

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. http://www.cisco.com/warp/public/cc/pd/nemnsw/callmn/prodlit/cm33_ds.htm; "Data Sheet Cisco CallManager Version 3.3".

2. http://www.cisco.com/en/US/products/hw/switches/ps1925/products_data_sheet 09186_a00800a3c3d.html; "Data Sheet Cisco MGX 8000 Series".

3. http://www.hsteliann.com/english/?zone=3100-V21P; "Teliphone 3100-V21P".

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on August 19, 2004.

Dated: August 19, 2004

Paul J. Esatto, Jr.

4. http://www.linuxdevices.com/articles/AT5199947519.html; "Device Profile: snom 100 VoIP phone".

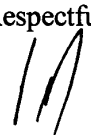
5. http://www.pingtel.com/pr xpressa.jsp; "No limits with the advanced industry standard SIP phone.

6. AudioCoded Enabling Technology Products, TPM-1100 VoP Media Gateway Modules.

Applicant is submitting a copy of the above-cited references.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(b), no statement or fee is required.

Respectfully submitted,



Paul J. Esatto, Jr.
Registration No. 30,749

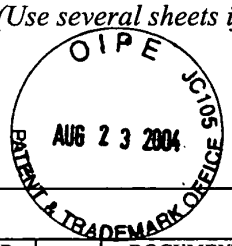
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

PJE:ae

Form PTO-1449 (REV. 7-80) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



Atty. Docket No. (Optional)	Application Number
17188	10/740,030
Applicant(s) Michael Rojas	
Filing Date December 18, 2003	**Group Art Unit** 2661

U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	AA						
	AB						
	AC						

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

		http://www.cisco.com/warp/public/cc/pd/nemnsw/callmn/prodlit/cm33_ds.htm; "Data Sheet Cisco CallManager Version 3.3"
		http://www.cisco.com/en/US/products/hw/switches/ps1925/products_data_sheet_09186a00800a3c3d.html; "Data Sheet Cisco MGX 8000 Series"
		http://www.hsteliann.com/english/?zone=3100-V21P; "Teliphone 3100-V21P"
		http://www.linuxdevices.com/articles/AT5199947519.html; "Device Profile: snom 100 VoIP phone"
		http://www.pingtel.com/pr xpressa.jsp; "No limits with the advanced industry standard SIP phone
		AudioCoded Enabling Technology Products, TPM-1100 VoP Media Gateway Modules

EXAMINER	DATE CONSIDERED

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

IFW

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))	Docket No. 17188

In Re Application Of: **Michael J. Rojas**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/740,030	December 18, 2003	Unassigned	23389	2661	1731

Title:

SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING

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

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

   ☐ the statement specified in 37 CFR 1.97(e);

   OR

   ☐ the fee set forth in 37 CFR 1.17(p).

P10A/REV03

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))	Docket No. 17188

In Re Application: **Michael J. Rojas**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/740,030	December 18, 2003	Unassigned	23389	2661	1731

SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

☐ A check in the amount of is attached.

☒ The Director is hereby authorized to charge and credit Deposit Account **19-1013/SSMP** as described below.

- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No.

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document ~~and fee~~ is being deposited on **8/19/04** th the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Paul J. Esatto, Jr.

Typed or Printed Name of Person Mailing Certificate

***This certificate may only be used if paying by deposit account.**

Dated: **August 19, 2004**

Signature

Paul J. Esatto, Jr.
Registration No. 30,749
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
516-742-4343

cc:

P10A/REV03

	Type	Hits	Search Text	DBs
1	BRS	7	instant adj voice adj messag$3 with (internet or packet-switch$3 or packet adj switch$3) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
2	BRS	1	server with stor$3 with temporar$3 with unavailabl$3 and (voice adj messag$3) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
3	BRS	128	((audio or voice) with compress$3 with encrypt$3 with decrypt$3 with decompress$3) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
4	BRS	7	server and S1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
5	BRS	38	(voice near4 messag$3) with ((list near7 recipients) or (calling near4 list)) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
6	BRS	38	((voice near4 messag$3) with ((list near7 recipients) or (calling near4 list))) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
7	BRS	4	(lan or local adj network or local adj area adj network) and S2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
8	BRS	0	recipient adj list and S2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
9	BRS	1	recipient$1 near4 list and S2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
10	BRS	2	server with stor$3 with temporar$3 with message with unavailabl$3 and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
11	BRS	124	(attach$4 or add$3 or suppl$3) with file$1 with (voice adj messag$3) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
12	BRS	15	(server with stor$3 with temporar$3 with unavailabl$3) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
13	BRS	165	(buffer$3 with (voice adj messag$3)) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB

	Type	Hits	Search Text	DBs
14	BRS	1	(buffer$3 with (instant adj voice adj messag$3)) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
15	BRS	98	((voice adj messag$3) with (audio adj file)) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB
16	BRS	24	((voice adj messag$3) with (audio adj file) with server) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,030	12/18/2003	Michael J. Rojas	17188	1731

23389 7590 09/18/2007
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER	
SMITH, CREIGHTON H	

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
09/18/2007	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.

Office Action Summary	Application No.	Applicant(s)	
	10/740,030	ROJAS, MICHAEL J.	
	Examiner	Art Unit	
	Creighton H. Smith	2614	

-- 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 _____.

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) _____ 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) *1-5,7-20,22-35,37-41,43-45,47-57,59-69 and 71-75* is/are rejected.

7)☒ Claim(s) *6,21,36,42,46,58,70 and 76* 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 *23.08.04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

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

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 11-18, 26-29, 43, 45, 51-54, 65, 66 are rejected under 35 U.S.C. 102(E) as being anticipated by McZeal, Jr., U.S. Patent #6,763,226.

McZeal discloses in col. 4, lines 18 et seq. that until his invention there was no device which would take full advantage of the Internet and instant messaging for voice quality purposes, and which uses computer data networks for voice.

In col. 28, lines 5 et seq., McZeal discloses that his invention provides customers with instant voice messaging which uses Voice over Internet Protocol (VoIP). In col. 16, lines 39 et seq., McZeal discloses that his invention can use both the Internet and the PSTN.

For claims 2 & 3, McZeal discloses in cols. 1 & 16, lines 42-43 & 25-30 that his invention can be used in local or wide area networks, i.e., LAN/WAN.

Regarding claim 11, see McZeal @ col. 16, lines 42 & 59-60.

Pertaining to claim 30, with McZeal's disclosure that his device can be used in either a WAN (internet) or LAN (local area network). If the voice message is to be routed out beyond a LAN, then an external serving system will be employed until the

message reaches the recipient inside of the LAN, whereupon the LAN and its associated server will route the message to the intended recipient.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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

Claims 4, 19, 20, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Williams et al, U.S. Patent Publication #2004/0252679.

Williams et al disclose in ¶-0055 that a messaging server (105) will save a voice message and send a list of recipients to the user from an address book. To have provided Williams teaching of a server providing a user a calling list of recipients in McZeal's Instant Voice Messaging server system would have been obvious to a person having ordinary skill in the art, because the skilled practitioner in the communications and server arts will readily realize that there are an unlimited amount of commands and information that a server can hold which can be communicated to anyone throughout the world that has the proper equipment.

Claims 7, 22, 47, are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Sagi et al, U.S. Patent Publication #2003/0087632.
Sagi et al disclose in claim 24 where a server will receive an audio file from a a subscriber, and then in claim 29 Sagi et al disclose that the transmission is sent to a second subscriber. To have similarly used Sagi et al disclosure of transmitting an audio file to a server in McZeal's device would have been obvious to a person having ordinary

skill in the art, because the skilled practitioner in the communications art will realize that the sending party can either directly record a voice message or send an audio file. Either way, a called party will receive the voice message.

Claims 8, 23,48 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Goodman et al, U.S. Patent Publication #2004/0122906.

Goodman et al disclose in ¶-0033 that an audio message can be transformed from any of encrypted, decrypted, compressed, or decompressed format. To have similarly provided Goodman's teaching of encrypting, decrypting, compressing, and decompressing audio into McZeal's device would have been obvious to a person having ordinary sill in the art, because by compressing the audio will take up less memory in the server.

Claims 9, 24, 49, are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Gierachf, U.S. Patent Publication #2005/0053230.

Gierachf discloses in ¶-0044 in Step 266 that the audio data, or voice message, is sent to an audio buffer 19B'. To have similarly used Gierachf method of buffering the audio data in McZeal's device would have been obvious to a person having ordinary skill in the art.

Claims 10, 25, 50, are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Hollowell et al, U.S. Patent Publication #2005/0105697.

Hollowell et al teach in ¶-0031 attaching an email message to an audio message. To have provided this teaching in McZeal would have been obvious to a person having ordinary skill in the art because the skilled practitioner in this communications art will

realize the efficiency of alerting a multitude of persons located throughout the world that an email from the sender is being sent to the recipients, such as the minutes of an important meeting.

Claims 30-33, 35, 41, 55, 57, 63, 64, 67, 69, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Monroe, U.S. Patent #6970183.

Monroe discloses in col. 20, lines 28 et seq. and in Fig. 9 a local server (460) connected to a LAN, which provides a gateway to a wide area network like the Internet. In col. 32, lines 11 et seq. Monroe discloses that pre-recorded voice messages can be delivered to a modem and then delivered throughout the Network. To have used Monroe's teaching of connecting a local server to an Internet server into McZeal's device would have been obvious to a person having ordinary skill in the art because a local server will only reach a few, select individuals in close proximity to each other, whereas the Internet will have global reach, thus insuring connectivity to clients worldwide.

Claims 34, 56, 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Monroe as applied to claim 30 above, and further in view of Williams et al.

Claims 37, 59, 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Monroe as applied to claim30 above, and further in view of Sagi et al.

Claims 38, 60, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Monroe as applied to claim 30 above, and further in view of Goodman et al.

Claims 39, 61, 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal, Jr. in view of Monroe as applied to claim30 above, and further in view of Gierachf.

Claims 40, 62, 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal, jr. in view of Monroe as applied to claim30 above, and further in view of Hollowell et al.

Claims 6, 21, 36, 42, 46, 58, 70, 76 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Malik, Grabelsky et al, Weiner

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

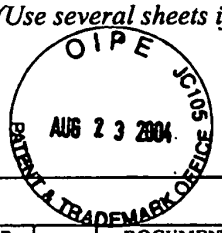
11 SEP '07

Creighton H Smith
Primary Examiner
Art Unit 2614

Form PTO-1449 (REV. 7-80) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



Atty. Docket No. (Optional)	Application Number
17188	10/740,030
Applicant(s) Michael Rojas	
Filing Date December 18, 2003	**Group Art Unit** 2661

U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	AA						
	AB						
	AC						

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

CH		http://www.cisco.com/warp/public/cc/pd/nemnsw/callmn/prodlit/cm33_ds.htm; "Data Sheet Cisco CallManager Version 3.3"
CH		http://www.cisco.com/en/US/products/hw/switches/ps1925/products_data_sheet_09186a00800a3c3d.html; "Data Sheet Cisco MGX 8000 Series"
CH		http://www.hsteliann.com/english/?zone=3100-V21P; "Teliphone 3100-V21P"
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CH		http://www.pingtel.com/pr xpressa.jsp; "No limits with the advanced industry standard SIP phone
CH		AudioCoded Enabling Technology Products, TPM-1100 VoP Media Gateway Modules

EXAMINER	DATE CONSIDERED
	9/07

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

Notice of References Cited	Application/Control No. 10/740,030	Applicant(s)/Patent Under Reexamination ROJAS, MICHAEL J.	
	Examiner Creighton H. Smith	Art Unit 2614	Page 1 of 1

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,763,226	07-2004	McZeal, Jr., Alfred	455/90.2
*	B	US-2004/0252679	12-2004	Williams et al.	370/356
*	C	US-2004/0122906	06-2004	Goodman et al.	709/206
*	D	US-2005/0053230	03-2005	Gierachf, Karl	379/406.06
*	E	US-2005/0105697	05-2005	Hollowell et al.	379/088.13
*	F	US-2003/0087632	05-2003	Sagi et al.	455/414
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*	H	US-2004/0030046	02-2004	Schultes et al.	525/71
*	I	US-2007/0112925	05-2007	Malik, Dale W.	709/206
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	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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	N					
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	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.

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Bib Data Sheet

CONFIRMATION NO. 1731

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
10/740,030	12/18/2003 RULE	370	2614	17188

APPLICANTS

Michael J. Rojas, North Canton, OH;

** CONTINUING DATA ********** NO CHS

** FOREIGN APPLICATIONS ********** NO CHS

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **
** 03/30/2004

Foreign Priority claimed	35 USC 119 (a-d) conditions met	Verified and Acknowledged	STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS	INDEPENDENT CLAIMS
☐ yes ☒ no	☐ yes ☐ no ☐ Met after Allowance	Examiner's Signature CHS Initials	OH	9	76	14

ADDRESS
23389

TITLE
System and method for instant VoIP messaging

FILING FEE RECEIVED	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit
1362		

Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
10/740,030	ROJAS, MICHAEL J.
Examiner	**Art Unit**
Creighton H. Smith	2614

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
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Claim		Date
Final	Original	9/07
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	51	✓
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Search Notes

Application/Control No.	Applicant(s)/Patent under Reexamination	
10/740,030	ROJAS, MICHAEL J.	
Examiner	**Art Unit**	
Creighton H. Smith	2614	

SEARCHED			
Class	Subclass	Date	Examiner
370	354	9/11/2007	CHS

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
EAST Search - see printout	9/11/2007	CHS

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	**Michael J. Rojas**	**Examiner:**	**Creighton Smith**
Serial No:	**10/740,030**	**Art Unit:**	**2614**
Filed:	**December 18, 2003**	**Docket:**	**17188**
For:	**SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING**	**Dated:**	**February 19, 2008**

Confirmation No. 1731

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

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

Sir:

Applicant submits this Amendment and Response in reply to the Official Action dated September 18, 2007. Applicant respectfully requests reconsideration of the application in view of the following amendments and remarks.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website, on February 19, 2008.

Dated: February 19, 2008

Seth Weinfeld

IN THE CLAIMS

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

1. (Currently Amended) An instant voice messaging system for delivering instant messages over a packet-switched network, the system comprising:

a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and

a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the network, the selected recipients enabled to audibly play the instant voice message, and the server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.

2. (Original) The instant voice messaging system according to Claim 1, wherein the packet-switched network is a local network.

3. (Original) The instant voice messaging system according to Claim 1, wherein the packet-switched network is the Internet.

4. (Original) The instant voice messaging system according to Claim 1, wherein the client requests a list of recipients associated with the client from the server

and the server transmits the list of recipients to the client for selection of the one or more recipients.

5. (Original) The instant voice messaging system according to Claim 1, wherein the server delivers the instant voice message to the selected recipients that are available.

6. Cancelled

7. (Original) The instant voice messaging system according to Claim 1, wherein the client records the instant voice message in an audio file, transmits the audio file to the server, and the server delivers the audio file to the selected recipients, the selected recipients being enabled to audibly play the audio file.

8. (Original) The instant voice messaging system according to Claim 7, wherein the client signal processes, compresses and encrypts the audio file, and the selected recipients being enabled to decrypt and decompress the audio file before audibly playing the audio file.

9. (Original) The instant voice messaging system according to Claim 1, wherein the client buffers each of a plurality of successive portions of the instant voice message as the instant message is recorded, and the client transmits each successive

buffered portion to the server for delivery to the to the selected recipients, the selected recipients being enabled to audibly playing each successive portion as it is delivered.

10. (Original) The instant voice messaging system according to Claim 1, wherein the client is enabled to attach one or more files to the instant voice message and the selected recipients are enabled to store or display the one or more attached files.

11. (Original) The instant voice messaging system according to Claim 1, the system further comprising a public switched telephone network (PSTN) telephone connected to the network to provide input audio of the instant voice message to the client.

12. (Original) The instant voice messaging system according to Claim 1, the system further comprising a voice-over-internet-protocol (VoIP) telephone connected to the network to provide input audio of the instant voice message to the client.

13. (Currently Amended) An instant voice messaging system for delivering instant messages over a packet-switched network enabling public switched telephone network (PSTN) support, the system comprising:

a PSTN telephone connected to the network for providing input audio;

a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor using the input audio provided by the PSTN telephone, and transmitting the selected recipients and the instant voice message therefor over the network;

a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the network, the selected recipients being enabled to audibly play the instant voice message, and the server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.

14. (Currently Amended) An instant voice messaging system for delivering instant messages over a packet-switched network, the system comprising:

a voice-over-internet-protocol (VoIP) telephone connected to the network for providing input audio;

a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor using the input audio provided by the VoIP telephone, and transmitting the selected recipients and the instant voice message therefor over the network;

a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the network, the selected recipients being enabled to audibly play the instant voice message, and the server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.

15. (Currently Amended) An instant voice messaging system for delivering instant messages over a plurality of packet-switched networks, the system comprising:

a client connected to a local network, the client selecting one or more external recipients connected to an external network outside the local network, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the local network and the external network; and

a server connected to the external network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the external network, the selected recipients being enabled to audibly play the instant voice message, and the server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.

16. (Original) The instant voice messaging system according to Claim 15, the client further selects one or more local recipients connected to the local network and transmits the selected local recipients and the instant voice message therefor over the local network, wherein the system further comprises:

a local server connected to the local network, the local server receiving the selected local recipients and the instant message therefor from the client, and delivering the instant voice message to the selected local recipients over the local network, the selected local recipients being enabled to audibly play the instant voice message.

17. (Original) The instant voice messaging system according to Claim 15, wherein the local network is a network within an enterprise.

18. (Original) The instant voice messaging system according to Claim 15, wherein the external network is the Internet.

19. (Original) The instant voice messaging system according to Claim 15, wherein the client requests a list of recipients associated with the client from the server and the server transmits the list of recipients to the client for selection of the one or more recipients.

20. (Original) The instant voice messaging system according to Claim 15, wherein the server delivers the instant voice message to the selected recipients that are available.

21. Cancelled

22. (Original) The instant voice messaging system according to Claim 15, wherein the client records the instant voice message in an audio file, transmits the audio file to the server, and the server delivers the audio file to the selected recipients, the selected recipients being enabled to audibly play the audio file.

23. (Original) The instant voice messaging system according to Claim 22, wherein the client signal processes, compresses and encrypts the audio file, and the selected recipients are enabled to decrypt and decompress the audio file before audibly playing the audio file.

24. (Original) The instant voice messaging system according to Claim 15, wherein the client buffers each of a plurality of successive portions of the instant voice message as the instant message is recorded, and the client transmits each successive portion to the server for delivery to the selected recipients, the selected recipients being enabled to audibly playing each successive portion as it is delivered.

25. (Original) The instant voice messaging system according to Claim 15, wherein the client is enabled to attach one or more files to the instant voice message and the selected recipients are enabled to store or display the one or more attached files.

26. (Original) The instant voice messaging system according to Claim 15, the system further comprising a public switched telephone network (PSTN) telephone connected to the local network to provide input audio of the instant voice message to the client.

27. (Original) The instant voice messaging system according to Claim 15, the system further comprising a voice-over-internet-protocol (VoIP) telephone connected to the local network to provide input audio of the instant voice message to the client.

28. (Currently Amended) An instant voice messaging system for delivering instant messages over a plurality of packet-switched networks enabling public switched telephone network (PSTN) support, the system comprising:

a PSTN telephone connected to a local network for providing input audio;

a client connected to the local network, the client selecting one or more external recipients connected to an external network outside the local network, generating an instant voice message therefor using the input audio provided by the PSTN telephone, and transmitting the selected recipients and the instant voice message therefor over the local network and the external network;

a server connected to the external network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the external network, the selected recipients being enabled to audibly play the instant voice message, and the server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.

29. (Currently Amended) An instant voice messaging system for delivering instant messages over a plurality of packet-switched networks, the system comprising:

a voice-over-internet-protocol (VoIP) telephone connected to a local network for providing input audio;

a client connected to the local network, the client selecting one or more external recipients connected to an external network outside the local network, generating an instant voice message therefor using the input audio provided by the VoIP telephone, and transmitting the selected recipients and the instant voice message therefor over the local network and the external network;

an server connected to the external network, the external server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the external network, the selected recipients being enabled to audibly play the instant voice message, and the server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.

30. (Currently Amended) An instant voice messaging system for delivering instant messages over a plurality of packet-switched networks, the system comprising:

a client connected to an external network, the client selecting one or more recipients connected to a local network, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the external network; and

a external server system connected to the external network, the external server system receiving the selected recipients and the instant voice message, and routing

the selected recipients and the instant voice message over the external network and the local network;

a local server connected to the local network, the local server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the local network, the selected recipients being enabled to audibly play the instant voice message, and the local server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.

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31. (Original) The instant voice messaging system according to Claim 30, the client further selects one or more external recipients connected to the external and transmits the selected external recipients over the external network to the external server, and the external server receives the selected external recipients and delivers the instant voice message to the selected external recipients over the external network, the selected external recipients being enabled to audibly play the instant voice message.

32. (Original) The instant voice messaging system according to Claim 30, wherein the local network is a network within an enterprise.

33. (Original) The instant voice messaging system according to Claim 30, wherein the external network is the Internet.

34. (Original) The instant voice messaging system according to Claim 30, wherein the client requests a list of recipients associated with the client from the external server system and the external server system transmits the list of recipients to the client for selection of the one or more recipients.

35. (Original) The instant voice messaging system according to Claim 30, wherein the local server delivers the instant voice message to the selected recipients that are available.

36. Cancelled

37. (Original) The instant voice messaging system according to Claim 30, wherein the client records the instant voice message in an audio file, transmits the audio file to the external server, the external server system routes the audio file to the local server, and the local server delivers the audio file to the selected recipients, the selected recipients being enabled to audibly play the audio file.

38. (Original) The instant voice messaging system according to Claim 37, wherein the client signal processes, compresses and encrypts the audio file, and the selected recipients are enabled to decrypt and decompress the audio file before audibly playing the audio file.

39. (Original) The instant voice messaging system according to Claim 30, wherein the client buffers each of a plurality of successive portions of the instant voice message as the instant message is recorded, and the client transmits each successive buffered portion to the external server system, the external server system routes each successive portion to the local server, and the local server delivers each successive portion to the to the selected recipients, the selected recipients being enabled to audibly play each successive portion as it is delivered.

40. (Original) The instant voice messaging system according to Claim 30, wherein the client is enabled to attach one or more files to the instant voice message and the selected recipients are enabled to store or display the one or more attached files.

41. (Original) The instant voice messaging system according to Claim 30, the system further comprising a voice-over-internet-protocol (VoIP) telephone connected to the client via a local network, the client providing input audio of the instant voice message to the client via the local network.

42. (Original) The instant voice messaging system according to Claim 30, wherein the external server system comprises:

a transport server mesh including a plurality of transport servers for routing instant voice messages;

a directory server for maintaining the transport server mesh and facilitating load-balancing of the instant voice messages within the transport server mesh.

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

selecting one or more recipients for instant voice messaging at a client;

generating an instant voice message for the selected recipients at the client;

transmitting the selected recipients and the instant voice message therefor over the network from the client to a server;

receiving the selected recipients and the instant voice message therefor at the server;

delivering the instant voice message from the server to the selected recipients over the network;

temporarily storing at the server the instant voice message if a selected recipient is unavailable;

delivering from the server the stored instant voice message to the selected recipient once the selected recipient becomes available; and

audibly playing the instant voice message at the selected recipients.

44. (Original) The method for instant voice messaging according to Claim 43, wherein the method further comprises:

requesting from the client a list of recipients associated with the client from the server; and

transmitting from the server the list of recipients to the client for selection of the one or more recipients.

45. (Original) The method for instant voice messaging according to Claim 43, wherein the method further comprises:

delivering the instant voice message from the server to the selected recipients that are available.

46. Cancelled.

47. (Original) The method for instant voice messaging according to Claim 43, wherein the method further comprises:

recording the instant voice message at the client in an audio file;

transmitting the audio file to the server;

delivering the audio file from the server to the selected recipients; and

audibly playing the audio file at the least one of the selected recipients.

48. (Original) The method for instant voice messaging according to Claim 47, wherein the method further comprises:

signal processing, compressing and encrypting the audio file at the client;

decrypting and decompressing the audio file at the at least one selected recipient; and

audibly playing the decrypted and decompressed audio file at the least one of the selected recipients.

49. (Original) The method for instant voice messaging according to Claim 43, further comprising:

buffering each of a plurality of successive portions of the instant voice message at the client as the instant message is recorded;

transmitting from the client each successive buffered portion to the server;

delivering each successive portion from the server to the selected recipients, the selected recipients audibly playing each successive portion as it is delivered.

50. (Original) The method for instant voice messaging according to Claim 43, wherein the method further comprises:

attaching one or more files to the instant voice message at the client;

storing or displaying the one or more attached files at the selected recipients.

51. (Original) The method for instant voice messaging according to Claim 43, wherein the method further comprises:

providing input audio of the instant voice message to the client from a public switched telephone network (PSTN) telephone connected to the network.

52. (Original) The method for instant voice messaging according to Claim 43, wherein the method further comprises:

providing input audio of the instant voice message to the client from a voice-over-internet-protocol (VoIP) telephone connected to the network.

53. (Currently Amended) A method for instant voice messaging over a packet-switched network enabling public switched telephone network (PSTN) support, the method comprising:

providing input audio via a PSTN telephone connected over the network;

selecting one or more recipients for instant voice messaging at a client;

generating an instant voice message using the input audio from the PSTN telephone for the selected recipients at the client;

transmitting the selected recipients and the instant voice message therefor over the network from the client to a server;

receiving the selected recipients and the instant voice message therefor at the server;

delivering the instant voice message from the server to the selected recipients over the network;

temporarily storing at the server the instant voice message if a selected recipient is unavailable;

delivering from the server the stored instant voice message to the selected recipient once the selected recipient becomes available; and

audibly playing the instant voice message at selected recipients.

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

providing input audio via a voice-over-internet-protocol (VoIP) telephone connected over the network;

selecting one or more recipients for instant voice messaging at a client;

generating an instant voice message using the input audio from the VoIP telephone for the selected recipients at the client;

transmitting the selected recipients and the instant voice message therefor over the network from the client to a server;

receiving the selected recipients and the instant voice message therefor at the server;

delivering the instant voice message from the server to the selected recipients over the network;

temporarily storing at the server the instant voice message if a selected recipient is unavailable;

delivering from the server the stored instant voice message to the selected recipient once the selected recipient becomes available; and

audibly playing the instant voice message at the selected recipients.

55. (Currently Amended) A method for instant voice messaging over a plurality of packet-switched networks, the method comprising:

selecting one or more external recipients for instant voice messaging at a client connected to a local network, the one or more external recipients connected to an external network outside the local network;

generating an instant voice message for the selected external recipients at the client;

transmitting the selected external recipients and the instant voice message therefor over the local network and the external network;

receiving the selected external recipients and the instant voice message therefor at an external server connected to the external network;

delivering the instant voice message to the selected external recipients over the external network;

temporarily storing the instant voice message at the external server if a selected recipient is unavailable;

delivering the stored instant voice message to the selected recipient once the selected recipient becomes available; and

audibly playing the instant voice message at the selected external recipients.

56. (Original) The method for instant voice messaging according to Claim 55, wherein the method further comprises:

requesting from the external server a list of external recipients associated with the client; and

transmitting the list of external recipients from the external server to the client for selection of the one or more external recipients.

57. (Original) The method for instant voice messaging according to Claim 55, wherein the method further comprises:

delivering the instant voice message from the external server to the selected recipients that are available.

58. Cancelled.

59. (Original) The method for instant voice messaging according to Claim 55, wherein the method further comprises:

recording the instant voice message in an audio file at the client;

transmitting the audio file to the external server;

delivering the audio file to the selected recipients from the external server; and

audibly playing the audio file at the selected recipients.

60. (Original) The method for instant voice messaging according to Claim 59, wherein the method further comprises:

signal processing, compressing and encrypting the audio file at the client; and

decrypting and decompressing the audio file at the selected recipients; and

audibly playing the decrypted and decompressed audio file at the selected recipients.

61. (Original) The method for instant voice messaging according to Claim 55, wherein the method further comprises:

buffering each of a plurality of successive portions of the instant voice message at the client as the instant message is recorded;

transmitting from the client each successive portion to the external server;

delivering each successive portion from the external server to the selected external recipients,

audibly playing each successive portion at the selected external recipients as it is delivered.

62. (Original) The method for instant voice messaging according to Claim 55, wherein the method further comprises:

attaching one or more files to the instant voice message;

storing or displaying the one or more attached files at the selected external recipients.

63. (Original) The method for instant voice messaging according to Claim 55, wherein the method further comprises providing input audio of the instant voice message to the client from a public switched telephone network (PSTN) telephone over the local network.

64. (Original) The method for instant voice messaging according to Claim 55, wherein the method further comprises providing input audio of the instant voice message to the client from a voice-over-internet-protocol (VoIP) telephone over the local network.

65. (Currently Amended) A method for instant voice messaging system over a plurality of packet-switched networks enabling public switched telephone network (PSTN) support, the method comprising:

providing input audio via a PSTN telephone connected to a local network;

selecting one or more external recipients for instant voice messaging at a client, the one or more external recipients connected to an external network outside the local network;

generating an instant voice message for the one or more external recipients using the input audio provided by the PSTN telephone;

transmitting the selected recipients and the instant voice message therefor over the local network and the external network;

receiving the selected recipients and the instant voice message therefor at a server connected to the external network;

delivering the instant voice message to the selected recipients from the server over the external network;

temporarily storing at the server the instant voice message if a selected recipient is unavailable;

delivering from the server the stored instant voice message to the selected recipient once the selected recipient becomes available; and

audibly playing the instant voice message at the selected recipients.

66. (Currently Amended) A method for instant voice messaging system over a plurality of packet-switched networks, the method comprising:

providing input audio via a voice-over-internet-protocol (VoIP) telephone connected to a local network;

selecting one or more external recipients for instant voice messaging at a client, the one or more external recipients connected to an external network outside the local network;

generating an instant voice message for the one or more external recipients using the input audio provided by the VoIP telephone;

transmitting the selected recipients and the instant voice message therefor over the local network and the external network;

receiving the selected recipients and the instant voice message therefor at a server connected to the external network;

delivering the instant voice message to the selected recipients from the server over the external network;

temporarily storing at the server the instant voice message if a selected recipient is unavailable;

delivering from the server the stored instant voice message to the selected recipient once the selected recipient becomes available; and

audibly playing the instant voice message at the selected recipients.

67. (Currently Amended) A method for instant voice messaging over a plurality of a plurality of packet-switched networks, the method comprising:

selecting one or more recipients connected to a local network at a client connected to an external network;

generating an instant voice message for the selected recipients at the client;

transmitting the selected recipients and the instant voice message therefor over the external network from the client to an external server system;

receiving the selected recipients and the instant voice message at the external server system;

routing the selected recipients and the instant voice message over the external network and the local network;

receiving the selected recipients and the instant voice message therefor at a local server connected to the local network;

delivering the instant voice message to the selected recipients over the local network;

temporarily storing the instant voice message at the local server if a selected recipient is unavailable;

delivering the stored instant voice message to the selected recipient once the selected recipient becomes available; and

audibly playing the instant voice message at the selected recipients.

68. (Original) The method for instant voice messaging according to Claim 67, wherein the method further comprises:

requesting a list of recipients associated with the client from the external server system; and

transmitting the list of recipients from the external server system to the client for selection of the one or more recipients.

69. (Original) The method for instant voice messaging according to Claim 67, wherein the method further comprises:

delivering the instant voice message from the local server to the selected recipients that are available.

70. Cancelled

71. (Original) The method for instant voice messaging according to Claim 67, wherein the method further comprises:

recording the instant voice message in an audio file at the client;

transmitting the audio file from the client to the external server system;

routing the audio file from the external server system to the local server; and

delivering the audio file from the local server to the selected recipients; and

audibly playing the audio file at the selected recipients.

72. (Original) The method for instant voice messaging according to Claim 71, wherein the method further comprises:

signal processing, compressing and encrypting the audio file at the client;

decrypting and decompressing the audio file at the selected recipients;

audibly playing the decrypted and decompressed audio file at the selected recipients.

73. (Original) The method for instant voice messaging according to Claim 67, wherein the method further comprises:

buffering each of a plurality of successive portions of the instant voice message at the client as the instant message is recorded;

transmitting from the client each successive portion to the external server system;

routing each successive portion from the external server system to the local server;

delivering each successive portion from local server to the selected external recipients; and

audibly playing each successive portion at the selected recipients as it is delivered.

74. (Original) The method for instant voice messaging according to Claim 67, wherein the method further comprises:

attaching one or more files to the instant voice message at the client;

storing or displaying the one or more attached files at the selected recipients.

75. (Original) The method for instant voice messaging according to Claim 67, wherein the method further comprises:

providing input audio of the instant voice message from a voice-over-internet-protocol (VoIP) telephone to the client via a local network connecting the VoIP telephone to the client.

76. (Original) The method for instant voice messaging according to Claim 67, wherein the method further comprises:

maintaining a transport server mesh including a plurality of transport servers for routing instant voice messages; and

load-balancing the instant voice messages within the transport server mesh.

REMARKS

Applicant has filed the present Amendment and Response in reply to the outstanding Official Action of September 18, 2007, and the Applicant believes the Amendment and Response to be fully responsive to the Official Action for at least the reasons set forth herein.

Applicant would like to thank the Examiner for indicating that claims 6, 21, 36, 42, 58, 70 and 76 have allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of the base claim and all intervening claims. Accordingly, independent claims 1, 15, 30, 43, 55 and 67 have been rewritten incorporating the subject matter of allowable claims 6, 21, 36, 46, 58 and 70, respectively. Applicant submits that the independent claims should be allowed in view of the aforementioned amendments.

Additionally, Applicant notes that independent claims 13, 14, 28, 29, 53, 54, 65 and 66 have been amended. Each of the above-identified independent claims have been amended to recite similar limitations as the allowable claims, e.g., the server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available or temporarily storing at the server the instant voice message if a selected recipient is unavailable and delivering from the server the stored instant voice message to the selected recipient once the selected recipient becomes available. Claims 6, 21, 36, 46, 58 and 70 have been cancelled. No new matter has been added to the application by way of the aforementioned amendments. Applicant submits that all of the pending claims should be allowable in view of the aforementioned amendments.

Claims 1-3, 5, 11-18, 26-29, 43, 45, 51-54, 65, and 66 were rejected under 35 U.S.C. § 102(e) as being anticipated by McZeal Jr., U.S. Patent No. 6,763,226. Claims 4, 19, 20, and 44 were rejected under § 103(a) as being unpatentable over McZeal, U.S. Patent No. 6,763,226 in view of Williams et al., U.S. Pat. Pub 2004/0252679 (Williams). Claims 7, 22 and 47 were rejected under 35 U.S.C § 103(a) as being unpatentable over McZeal in view of Sagi et al., U.S. Pat. Pub. 2003/0087632. Claims 8, 23, and 48 were rejected under 35 U.S.C § 103(a) as being unpatentable over McZeal in view of Goodman et al., U.S. Pat. Pub 2004/0122906. Claims 9, 24 and 49 were rejected under 35 U.S.C § 103(a) as being unpatentable over McZeal in view of Gierachf, U.S. Pat. Pub 2005/0053230. Claims 10, 25 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal in view of Hollowell et al., U.S. Pat. Pub 2005/0105697.

Claims 30-33, 35, 41, 55, 57, 63, 64, 67, 69 and 75 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal in view of Monroe, U.S. Patent No. 6,970,183. Claims 34, 56 and 68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal, Williams and Monroe. Claims 37, 59 and 71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal, Sagi in view of Monroe.

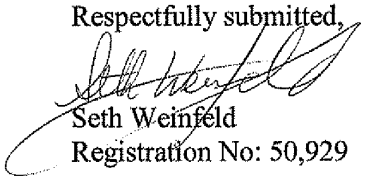
Claims 38, 60 and 72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal, Goodman and Monroe. Claims 39, 61 and 73 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal, Gierachf and Monroe. Claims 40, 62 and 74 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McZeal, Hollowell in view of Monroe.

Applicant submits that the rejections set forth in the outstanding Official Action and listed above are rendered moot by the aforementioned amendments.

Based upon the foregoing, Applicant respectfully requests that the Examiner withdraw all of the pending rejections pursuant to either 35 U.S.C. § 102(e) or § 103(a).

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



Seth Weinfeld
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Garden City, New York 11530
516-742-4343

SW:reg

COMBINED AMENDMENT & PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Small Entity)	Docket No. 17188

In Re Application Of: **Michael J. Rojas**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/740,030	December 18, 2003	Creighton Smith	23389	2614	1731

Invention: **SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING**

COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of **September 18, 2007** (*Date*) in the above-identified application.

The requested extension is as follows (check time period desired):

☐ One month ☒ Two months ☐ Three months ☐ Four months ☐ Five months

from: **December 18, 2007** (*Date*) until: **February 18, 2007** (*Date*)

Applicant claims small entity status. See 37 CFR 1.27.

The fee for the amendment and extension of time has been calculated as shown below:

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST # PREV. PAID FOR		NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	70	-	76	=	0	x $25.00	$0.00
INDEP. CLAIMS	14	-	14	=	0	x $105.00	$0.00
						FEE FOR AMENDMENT	$0.00
						FEE FOR EXTENSION OF TIME	$230.00
						TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME	**$230.00**

P28SMALL/REV06

COMBINED AMENDMENT & PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Small Entity)	Docket No. 17188

The fee for the amendment and extension of time is to be paid as follows:

☐ A check in the amount of for the amendment and extension of time is enclosed.

☒ Please charge Deposit Account No. **19-1013/SSMP** in the amount of **$230.00**

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-1013/SSMP**

- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.

☐ Payment by credit card. Form PTO-2038 is attached.

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.

Signature

Dated: **February 19, 2008**

Seth Weinfeld
Registration No.: 50,929
Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza - Suite 300
Garden City, New York 11530
(516) 742-4343

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

_____.
(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc:

P28SMALL/REV08

Electronic Patent Application Fee Transmittal

Application Number:	10740030
Filing Date:	18-Dec-2003
Title of Invention:	System and method for instant VoIP messaging
First Named Inventor/Applicant Name:	Michael J. Rojas
Filer:	Paul J. Esatto/Roseann Gallo
Attorney Docket Number:	17188
Filed as Small Entity	

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with $0 paid	2252	1	230	230

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**230**

Electronic Acknowledgement Receipt	
EFS ID:	2881556
Application Number:	10740030
International Application Number:	
Confirmation Number:	1731
Title of Invention:	System and method for instant VoIP messaging
First Named Inventor/Applicant Name:	Michael J. Rojas
Customer Number:	23389
Filer:	Paul J. Esatto/Roseann Gallo
Filer Authorized By:	Paul J. Esatto
Attorney Docket Number:	17188
Receipt Date:	19-FEB-2008
Filing Date:	18-DEC-2003
Time Stamp:	18:43:01
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$230
RAM confirmation Number	4208
Deposit Account	191013
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		AMEND1EOT.pdf	1389410 23f5737b15542285efd889fd6d95dcda578688a6	yes	32

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment - After Non-Final Rejection	1	1
Claims	2	27
Applicant Arguments/Remarks Made in an Amendment	28	30
Extension of Time	31	32

Warnings:

Information:

2	Fee Worksheet (PTO-06)	fee-info.pdf	8139 395425fd3fcf9a5b88046512337797ab1bf789be7	no	2

Warnings:

Information:

Total Files Size (in bytes):	1397549

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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 10/740,030	Filing Date 12/18/2003	☐ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	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			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ 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 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	02/19/2008	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 70	Minus	** 76	= 0	X $25 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 14	Minus	***14	= 0	X $105 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						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:
/TRINA L. RIDDICK/

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.

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1127	((plural$3 or multipl$5) with servers with load near3 balanc$3) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/03/03 09:46
L2	1032	((plural$3 or multipl$5) with servers with (load adj balanc$3)) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/03/03 09:46
L3	0	((plural$3 or multipl$5) with servers with (load adj balanc$3)) same (global with IM) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/03/03 09:51
L4	935	((plural$3 or multipl$5) near5 servers with (load adj balanc$3)) and (@ad<="20031218")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/03/03 09:57

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,030	12/18/2003	Michael J. Rojas	17188	1731

23389 7590 03/06/2008

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER	
SMITH, CREIGHTON H	

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
03/06/2008	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.

Office Action Summary	Application No.	Applicant(s)	
	10/740,030	ROJAS, MICHAEL J.	
	Examiner	Art Unit	
	Creighton H. Smith	2614	

-- 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 _____.

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) *1-5,7-20,22-35,37-45,47-57,59-69 and 71-76* is/are pending in the application.

4a) Of the above claim(s) *,6, 21, 36, 46, 58, 70* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-5, 7-20, 22-35, 37-45, 47-57, 59-69, 71-76* 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: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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

Claims 1-3, 5, 11-18, 26-29, 43, 45, 51-54, 65, 66 rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Barry, U.S. Pat. App. Pub. #2007/0174403.

McZeal discloses in col. 4, lines 18 et seq. that until his invention there was no device which would take full advantage of the Internet and instant messaging for voice quality purposes, and which uses computer data networks for voice.

In col. 28, lines 5 et seq., McZeal discloses that his invention provides customers with instant voice messaging which uses Voice over Internet Protocol (VoIP). In col. 16, lines 39 et seq., McZeal discloses that his invention can use both the Internet and the PSTN. Barry discloses in [0031] that instant messages/IM are stored in server 150. To have provided Barry's teaching of an IM server, that will store the IM until a user is ready to retrieve them, in McZeal's communication system would have been obvious to a person having ordinary skill in the art, because the skilled practitioner in this communications art would realize the need to store messages if the called party lacked the present ability to receive the IM .

For claims 2 & 3, McZeal discloses in cols. 1 & 16, lines 42-43 & 25-30 that his invention can be used in local or wide area networks, i.e., LAN/WAN.

Regarding claim 11, see McZeal @ col. 16, lines 42 & 59-60.

Pertaining to claim 30, with McZeal's disclosure that his device can be used in either a WAN (internet) or LAN (local area network). If the voice message is to be routed out beyond a LAN, then an external serving system will be employed until the message reaches the recipient inside of the LAN, whereupon the LAN and its associated server will route the message to the intended recipient.

Claims 4, 19, 20, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Barry, U.S. Pat. App. Pub. #2007/0174403 and Williams et al.

Williams et al disclose in ¶-0055 that a messaging server (105) will save a voice message and send a list of recipients to the user from an address book. To have provided Williams teaching of a server providing a user a calling list of recipients in McZeal's Instant Voice Messaging server system would have been obvious to a person having ordinary skill in the art, because the skilled practitioner in the communications and server arts will readily realize that there are an unlimited amount of commands and information that a server can hold which can be communicated to anyone throughout the world that has the proper equipment.

Claims 7, 22, 47, are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Barry, U.S. Pat. App. Pub. #2007/0174403 and to Sagi et al.

Sagi et al disclose in claim 24 where a server will receive an audio file from a subscriber, and then in claim 29 Sagi et al disclose that the transmission is sent to a second subscriber. To have similarly used Sagi et al disclosure of transmitting an audio file to a server in McZeal's device would have been obvious to a person having ordinary skill in the art, because the skilled practitioner in the communications art will realize that

the sending party can either directly record a voice message or send an audio file. Either way, a called party will receive the voice message.

Claims 8, 23, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Barry, U.S. Pat. App. Pub. #2007/0174403 and Goodman et al.

Goodman et al disclose in ¶-0033 that an audio message can be transformed from any of encrypted, decrypted, compressed, or decompressed format. To have similarly provided Goodman's teaching of encrypting, decrypting, compressing, and decompressing audio into McZeal's device would have been obvious to a person having ordinary sill in the art, because by compressing the audio will take up less memory in the server.

Claims 9, 24, 49, are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Barry, U.S. Pat. App. Pub. #2007/01774403 and Gierachf.

Gierachf discloses in ¶-0044 in Step 266 that the audio data, or voice message, is sent to an audio buffer 19B'. To have similarly used Gierachf method of buffering the audio data in McZeal's device would have been obvious to a person having ordinary skill in the art.

Claims 10, 25, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Barry, U.S. Pat. App. Pub. #2007/0174403 and Hollowell et al.

Hollowell et al teach in ¶-0031 attaching an email message to an audio message. To have provided this teaching in McZeal would have been obvious to a person having ordinary skill in the art because the skilled practitioner in this communications art will realize the efficiency of alerting a multitude of persons located throughout the world that

an email from the sender is being sent to the recipients, such as the minutes of an important meeting.

Claims 30-33, 35, 41, 55, 57, 63, 64, 67, 69, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Barry, U.S. Pat. App. Pub. 32007/0174403 and Monroe.

Monroe discloses in col. 20, lines 28 et seq. and in Fig. 9 a local server (460) connected to a LAN, which provides a gateway to a wide area network like the Internet. In col. 32, lines 11 et seq. Monroe discloses that pre-recorded voice messages can be delivered to a modem and then delivered throughout the Network. To have used Monroe's teaching of connecting a local server to an Internet server into McZeal's device would have been obvious to a person having ordinary skill in the art because a local server will only reach a few, select individuals in close proximity to each other, whereas the Internet will have global reach, thus insuring connectivity to clients worldwide.

Claims 42 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Barry and Monroe as applied to claim 30 above, and further in view of Boukobza, U.S. Pat. App. Pub. #2006/0167883.

Boukobza's method as disclosed in [0020] and claim 14 is for load balancing databases within a network having a plurality of servers. To have provided Boukobza's method of load balancing servers in Monroe as applied to McZeal would have been obvious to a person having ordinary skill in the art, because the skilled practitioner would realize that as one server becomes filled with IM, or as one server is being

inundated with high traffic volume, it would be necessary to route some of those IM to another server for storing.

Claims 34, 56, 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Barry and Monroe as applied to claim 30 above, and further in view of Williams et al.

Claims 37, 59, 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Barry and Monroe as applied to claim 30 above, and further in view of Sagi et al.

Claims 38, 60, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Barry and Monroe as applied to claim 30 above, and further in view of Goodman et al.

Claims 39, 61, 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal, Jr. in view of Barry and Monroe as applied to claim 30 above, and further in view of Gierachf.

Claims 40, 62, 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal, jr. in view of Barry and Monroe as applied to claim 30 above, and further in view of Hollowell et al.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

02 MAR '08

Creighton H Smith
Primary Examiner
Art Unit 2614

Notice of References Cited	Application/Control No. 10/740,030	Applicant(s)/Patent Under Reexamination ROJAS, MICHAEL J.	
	Examiner Creighton H. Smith	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2007/0174403	07-2007	Barry, Mona Elisabeth	709/207
*	B	US-2006/0167883	07-2006	Boukobza, Eric	707/010
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		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.

Index of Claims

Application/Control No.	Applicant(s)/Patent under Reexamination
10/740,030	ROJAS, MICHAEL J.
Examiner	**Art Unit**
Creighton H. Smith	2614

√	Rejected	–	(Through numeral) Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

Claim		Date
Final	Original	3/8
	1	✓
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Claim		Date
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Search Notes	Application/Control No.	Applicant(s)/Patent under Reexamination
	10/740,030	ROJAS, MICHAEL J.
	Examiner	Art Unit
	Creighton H. Smith	2614

SEARCHED			
Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
EAST search -see printout	3/3/2008	CHS

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Michael J. Rojas	Examiner:	Creighton H. Smith
Serial No:	10/740,030	Art Unit:	2614
Filed:	December 18, 2003	Docket:	17188
For:	SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING	Dated:	July 7, 2008

Confirmation No. 1731

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

RESPONSE UNDER 37 C.F.R. § 1.111

Sir:

Applicant submits this Response in reply to the Official Action dated March 6, 2008. Applicant respectfully requests reconsideration of the application in view of the following remarks.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website, on July 7, 2008.

Dated: July 7, 2008

Seth Weinfeld

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REMARKS

Applicant has filed the present Response in reply to the outstanding Official Action of March 6, 2008, and the Applicant believes the Response to be fully responsive to the Official Action for at least the reasons set forth herein.

Claims 1-3, 5, 11-18, 26-29, 43, 45, 51-54, 65 and 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal (previously cited) and Barry, U.S. Patent Publication No. 2007/0174403. Claims 4, 19, 20, and 44 stand rejected under 35 U.S.C. § 103(a) in view of McZeal, Barry and Williams. Claims 7, 22 and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Barry, and Sagi. Claims 8, 23 and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Barry and Goodman. Claims 9, 24 and 49 stand rejected under 35 U.S.C § 103(a) as being unpatentable in view of McZeal, Barry and Gierachf, U.S. Pat.ent Publication No. 2005/0053230. Claims 10, 25 and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Barry and Hollowell et al., U.S. Pat. Pub 2005/0105697.

Claims 30-33, 35, 41, 55, 57, 63, 64, 67, 69 and 75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Barry and Monroe, U.S. Patent No. 6,970,183. Claims 42 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Barry, Monroe and Boukobza. Claims 34, 56 and 68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view McZeal, Barry, Williams and Monroe. Claims 37, 59 and 71 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view McZeal, Barry, Sagi and Monroe.

Claims 38, 60 and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Barry, Goodman and Monroe. Claims 39, 61 and 73 stand rejected under 35

U.S.C. § 103(a) as being unpatentable in view of McZeal, Barry, Gierachf and Monroe. Claims 40, 62 and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Barry, Hollowell and Monroe.

Applicant respectfully disagrees with the rejection and traverses with at least the following remarks and comments. Applicant submits that Barry and Hollowell are not prior art. Annexed hereto is a declaration pursuant to 37 C.F.R. § 1.131 attesting to Applicant's prior conception of the claimed invention. As asserted in paragraphs 2 and 3, Applicant completed the invention claimed in the instant application prior to the filing dates of both references. Applicant worked diligently with two different patent attorneys to file a patent application.

Based upon the foregoing, Applicant respectfully requests that the Examiner withdraw all of the pending rejections pursuant to 35 U.S.C. § 103(a).

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

Seth Weinfeld
Registration No: 50,929

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
516-742-4343

SW:reg

COMBINED AMENDMENT & PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Small Entity)	Docket No. 17188

In Re Application Of: **Michael J. Rojas**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/740,030	December 18, 2003	Creighton H. Smith	23389	2614	1731

Invention: **SYSTEM AND METHOD FOR INSTANT VoIP MESSAGIN**

COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of **March 6, 2008** (*Date*) in the above-identified application.

The requested extension is as follows (check time period desired):

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: **June 6, 2008** (*Date*) until: **July 6, 2008 (Sunday)** (*Date*)

Applicant claims small entity status. See 37 CFR 1.27.

The fee for the amendment and extension of time has been calculated as shown below:

CLAIMS AS AMENDED							
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST # PREV. PAID FOR		NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	70	-	76	=	0	x $25.00	$0.00
INDEP. CLAIMS	14	-	14	=	0	x $105.00	$0.00
						FEE FOR AMENDMENT	$0.00
						FEE FOR EXTENSION OF TIME	$60.00
						TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME	**$60.00**

P28SMALL/REV06

COMBINED AMENDMENT & PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Small Entity)	Docket No. 17188

The fee for the amendment and extension of time is to be paid as follows:

☐ A check in the amount of for the amendment and extension of time is enclosed.

☒ Please charge Deposit Account No. **19-1013/SSMP** in the amount of **$60.00**

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No.

- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-1013/SSMP**

☐ Payment by credit card. Form PTO-2038 is attached.

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.

Seth Weinfeld

Signature

Dated: **July 7, 2008**

Seth Weinfeld
Registration No. 50,929
Scully, Scott, Murphy & Presser, P. C.
400 Garden City Plaza - Suite 300
Garden City, New York 11530
(516) 742-4343

cc:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

_____.
(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

P28SMALL/REV06

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	**Michael J. Rojas**	**Examiner:**	**Creighton H. Smith**
Serial No:	**10/740,030**	**Art Unit:**	**2614**
Filed:	**December 18, 2003**	**Docket:**	**17188**
For:	**SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING**		

Confirmation No. 1731

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

DECLARATION PURSUANT TO 37 C.F.R. § 1.131

Sir:

I, MICHAEL ROJAS, hereby declare that:

1. I am the Applicant of United States Patent Application No. 10/740,030, filed on December 18, 2003.

2. I completed the invention disclosed and claimed in United States Patent Application No. 10/740,030, prior to November 14, 2003, which is the filing date of United States Publication No. 2005/0105697 A1, cited as a reference under 35 U.S.C. § 103, against the present application by the Examiner.

3. I completed the invention disclosed and claimed in United States Patent Application No. 10/740,030, prior to August 15, 2003, which is the filing date of United States Publication No. 2007/0174403 A1, cited as a reference under 35 U.S.C. § 103, against the present application by the Examiner.

4. The completion of the present invention consisted of the timely preparation of an invention disclosure outlining the subject matter of the invention. As evidence thereof

annexed hereto and made a part of this Declaration is Exhibit A, which is a redacted copy of the invention entitled "Instant Voice Communication" and comprising nineteen (19) pages of description.

5. All of the salient features of Applicant's United States Patent Application No. 10/740,030 are fully described in the annexed Exhibit A.

6. The material, as set forth in Exhibit A, fully and comprehensively describes the subject matter of the claims of the United States Patent Application No. 10/740,030, setting forth the features of the claimed invention.

7. The invention disclosure was timely submitted to outside counsel, Bradley C. Corsello (hereinafter "Corsello"), to prepare and file a provisional patent application.

8. A first draft of the provisional patent application was received from Corsello, prior to August 15, 2003.

9. On August 11, 2003, Corsello and Applicant had a teleconference regarding drafting the application and visit by Corsello to Applicant's office scheduled for August 19, 2003. Annexed herein as Exhibit B is a redacted email evidencing the teleconference.

10. On August 28, 2003, Corsello responded to a series of questions from Applicant regarding information needed to draft the application. Annexed herein as Exhibit C is a redacted email from Corsello.

11. On September 8, 2003, a representative of the assignee, Ayalogic, Neil Adams (hereinafter "Adams") inquired about the status of the application. Corsello informed Applicant that he was working on the revised draft. Annexed herein as Exhibit D is a redacted email regarding the inquiry and response.

12. On September 17, 2003, Adams emailed Applicant inquiring about information and material needed for the draft of the provisional application. Annexed herein as Exhibit E is a redacted email regarding the inquiry.

13. On September 22, 2003, Adams emailed Corsello information and material for the provisional application. The material is appended to the email as an attachment. Annexed herein as Exhibit F is a redacted email regarding the submission of material.

14. On October 3, 2003, assignee, Ayalogic (hereinafter "Ayalogic") decided to look for another law firm to file a patent application regarding the subject matter described in the invention disclosure.

15. Between October 3, 2003-October 27, 2003, Ayalogic searched for a law firm to preparing the patent application.

16. On October 28, 2003, Ayalogic engaging the firm Scully, Scott, Murphy and Presser, P.C., (hereinafter "Scully Scott") to preparing a patent application.

17. On October 30, 2003, Adams forwarded the latest draft of the provisional application to Scully Scott. Annexed herein as Exhibit G is a redacted email forwarding the document.

18. On November 4, 2003, Adams and Scully Scott conducted a teleconference regarding drafting of the application. Annexed herein as Exhibit H is a redacted email reflecting the teleconference.

19. On November 6, 2003, Adams emailed Applicant a revised draft and forwarded draft to Scully Scott. Annexed herein as Exhibit I is a redacted email evidencing the submission of the draft to Scully Scott.

20. Between November 6, 2003 and December 1, 2003, Adams inquired about the status of the application no less than three times.

21. Scully Scott prepared a draft of the application in timely manner. A first draft of the application was sent from Scully Scott to Applicant on December 2, 2003. Annexed herein as Exhibit J is a redacted email enclosing the draft. A series of revisions to the application were emailed to Applicant between December 3 and 4, after a teleconference with Applicant.

22. Applicant diligently reviewed the drafts of the application and provided comments thereto on December 9, 2003. Annexed herein as Exhibit K is a redacted email reflecting the comments.

23. A final draft of the application was sent to Applicant on December 16, 2003.

24. The United States Patent Application No. 10/740,030 was filed on December 18, 2003, after a timely and expedient review by the Applicant.

25. I further 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 are made with 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.

MICHAEL ROJAS

7-3-2008
Dated:

A

Instant Voice Communications

REDACTED

Michael Rojas
Executive Vice President

REDACTED

Ayalogic, Inc.
530 South Main Street, Suite 1732
Akron, Ohio 44311-1010
voice 330.253.2700
fax 330.253.3055

www.ayalogic.com

Instant Voice Communications

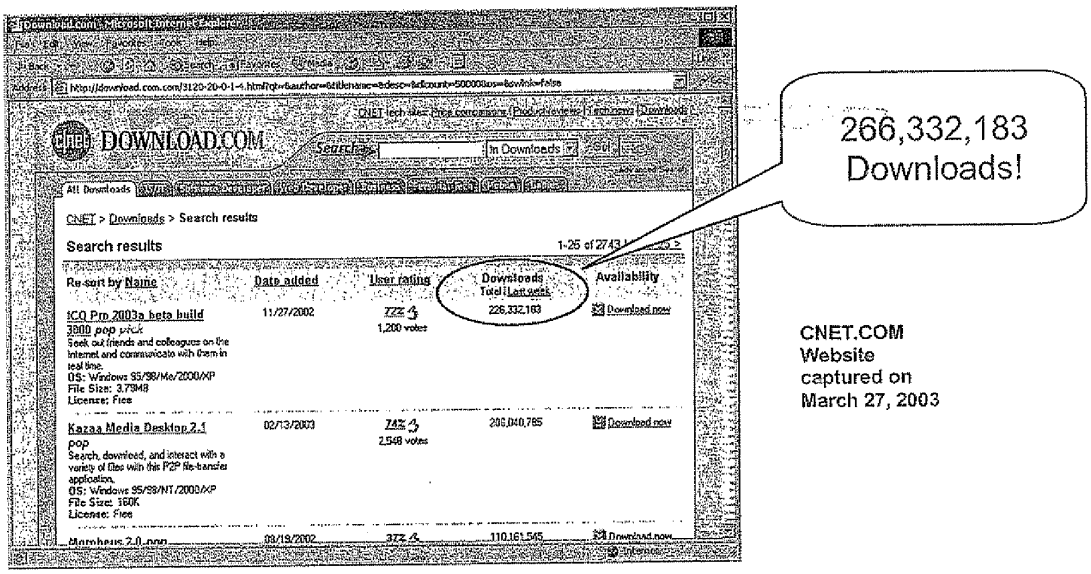
Abstract

This paper outlines the next step for communications systems – *instant voice communication* over internet protocol. With Ayalogic's ™ new offering, QuickTalk™ business professionals will have the option to speak instantly with one another, revolutionizing the concept of telephone, voice mail and instant messaging. The IP technology behind QuickTalk will allow companies with this system to save dramatically on time, equipment and maintenance costs.

Instant Voice Messaging

QuickTalk™ offers instant connectedness – like an intercom that reaches everyone in the company, or a walkie talkie that spans the world. Touch a button and you can talk immediately with anyone anywhere the internet touches. The closest comparable technology is instant messaging – wildly popular, even with the significant handicap of using text instead of the clear, quality voice over IP that QuickTalk™ offers.

Instant messaging technology has been around in its most familiar form since 1996 and in recent years has become a common feature on PCs and cellular phones. It works like this: you create a "buddy list" of various people you may want to contact. When you want to communicate with a list member you simply type a message and it is instantly delivered to that person's desktop (usually in a pop-up window). How popular is instant messaging? CNET.COM, a prominent downloads site, reported the number of ICQ instant messaging software downloads just in a single week at over 500,000.



The substitution of voice for text makes QuickTalk™ infinitely more attractive. Nothing to type, just push a button and speak. Leave a voice mail message without dialing and check your own messages without lengthy punch pad scroll through. Ease of use and the comfort of voice communications set QuickTalk™ apart.

Innovation

No instant messaging vendor is concentrating on voice. We believe that by combining the best features of instant messaging with Voice over IP technology, we can provide a new form of communication – *instant voice*.

Messages are recorded, digitized, encrypted, and transmitted instantly to anywhere in the world. Since the digitization occurs at the time of recording, the voice quality will not suffer degradation as the message moves through the Internet. The voice quality will be superb every time – regardless of congestion on the global network.

New Levels of Privacy and Connectedness

QuickTalk™ promises to replace voice mail as we now know it with unprecedented levels of both connectedness and privacy. To leave a message with another user, simply push a button and speak. As for receiving messages, you may now choose *in advance* who can reach you instantly and which messages are sent automatically to voice mail – without screening. Change your preferences whenever you like, based on your schedule or specific project needs. Screen all your messages if you like, or send all messages to be stored for later pick up.

When you wish to reach others, a QuickTalk™ display on your PC screen – or a display on certain types of phones – will tell you weather they are "in" or "out," again according to their preferences. This offers all of the connection of instant messaging with none of the productivity shattering intrusiveness.

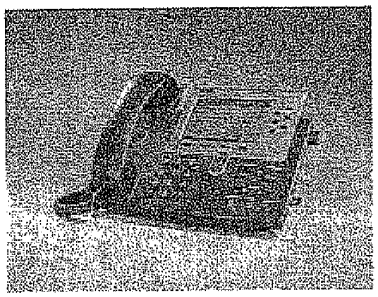
Wherever You Go, There you Are

QuickTalk™ can reach you wherever you go, at whatever device you designate. Cellular phones, laptops, palm pilots – all can be used by the QuickTalk™ system whenever you designate that you wish to be reached somewhere other than at your desk. Using Ayalogic's™ proprietary gateway and software, you can now be reached (at whatever level of privacy you choose) instantly everywhere.

Voice over Internet Protocol (VoIP)

Telephone technology has changed very little since its inception. It is still primarily an analog modulated electrical voltage running on copper wires to each home – exactly how Alexander Graham Bell designed it. Now the Internet has is forcing a change in this 100-year-old technology. That change is called Voice over IP.

Voice over IP (or IP telephony) is a method of voice transmission in which analog speech is converted to digital information and transported across a computer network. This technology enables the transmission of speech to anywhere in the world that the Internet touches. When the digital voice information arrives, it is converted back into its analog form using technology built directly into the phone or receiving device.



Cisco 7960 VoIP Phone

The introduction of this technology, primarily by Cisco Systems, alarmed many traditional phone manufacturers. At first, they resisted the technology, citing that it was unreliable and of poor voice quality. However, as the technology's adoption rate grew, they began to incorporate it into their core products. Today, every vendor has some form of IP telephony offering.

Some manufacturers started from scratch creating new communication systems completely based on software, called *softswitches*. The philosophy was that once the voice was converted into digital packets, it could most easily be manipulated using computers and software. The goal was to speed the introduction of new phone services without having to upgrade expensive hardware. Cisco's CallManager product is an example of a softswitch.

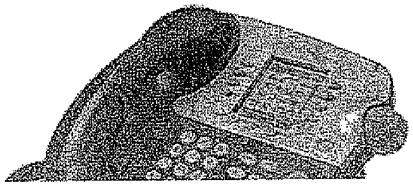
Since Cisco had already cornered the Voice over IP *enterprise market*, the other softswitch vendors charged into the *service provider market*. Their customers were traditional phone companies, such as Verizon, and competitive local exchange carriers known as CLECs. However, when the telecommunication sector slumped, the service providers cut drastically back in capital expenditures, all but evaporating the Voice over IP market for service providers.

In reaction to this, every softswitch vendor did an about-face, and introduced an enterprise-version of their carrier-class products. This means that the enterprise market has over 50 softswitch vendors vying for position in a market dominated by Cisco. To compete, prices on this technology are dropping precipitously.

New Phones

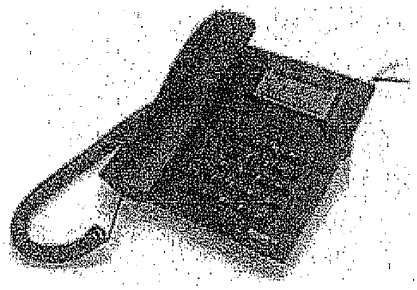
Accelerating this price pressure is the weekly announcement of new devices that can leverage this technology. Companies such as Alcatel, Teliann, Lucent, Nortel, NEC, Cisco, Snom, Polycom, and Pingtel all offer VoIP phones. Up to now, the major growth inhibitor has been the cost the end device. In a normal communication system, the phones account for over 70% of the cost of the system.

Here is a sampling of the available phones as of March 27, 2003:



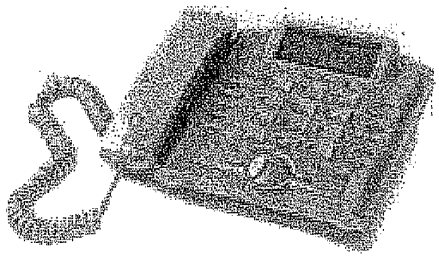
Vendor: PingTel
Model: expressa
Price: $599
Description:
The PingTel phone is intelligent, has a built-in java processor and uses industry standard Session Initiation Protocol (SIP).

Vendor: Cisco Systems
Model: 7905
Price: $230
Description:
This is Cisco's entry level IP phone based on the SIP standard.



snom VoIP phones

Vendor: Snom
Model: 100b
Price: $240
Description:
Entry level VoIP Phone, supporting multiple standards such as SIP and H.323/H.450.



Teliann

Vendor: Teliann
Model: HS Teliann IP Phone
Price: $120
Description:
Korean-built, lowest cost VoIP phone on the market today – supports industry standard H.323 – SIP is planned.

The Teliann IP Phone was introduced at the Voice over Network conference (VON2002) in winter of 2002. Retailing at $120, the phone has the potential of finally removing the price barrier to the market.

Phone-Speak

Every one of these devices requires a signaling protocol to make them function properly. This protocol is a series of commands and response messages that control every aspect of the phone. Call Hold, Call Forward, Answer, Hang-Up, and other basic features are handled by this protocol. Until recently, another large inhibitor of the market was the lack of agreement as to a standard for this signaling.

Here is a brief list of the competing signal standards:

- **H.323** - This is actually an umbrella standard that covers a number of other standards. This collection originated in the International Telecommunication Union (ITU) and like most telecommunication standards, is large and complex.

- **MGCP** (Media Gateway Control Protocol) - This standard was introduced by the Internet Engineering Task Force to control endpoint conversion devices, called gateways.

- **MEGACO** (MEdia GAteway COontrol Protocol) - Similar to MGCP, this protocol attempts to provide additional functionality in controlling endpoint gateways.

- **SIP** (Session Initiation Protocol) – A simple text-based protocol which has its roots in HTTP (Hypertext Transport Protocol), the protocol that drives every web page of the Internet today.

- **SCCP** (Skinny Client Control Protocol) – This is a proprietary protocol that every Cisco phone uses to provide advanced services beyond the standard protocols. Only the Cisco CallManager product supports this protocol.

For the past few years, the industry wrestled with each standard, slowing the adoption of the technology. Many products were introduced that could not communicate with each other because of these different standards.

As of this writing, the standards war is ending, with SIP becoming the winner. Microsoft, Cisco, Alcatel, Lucent, Nortel, and other vendors have all introduced SIP-based products. SIP is favored because of the simple and extensible nature of the protocol. With the adoption of SIP as a standard across all products, the Voice over IP market has removed one more inhibitor.

However, the most important standard that Voice over IP introduces is not the signaling standard, but the *network technology* for the phone itself – Ethernet and TCP/IP.

The Real Voice over IP Standard - Ethernet

Every one of these devices shares a common characteristic. They all use TCP/IP protocol over Ethernet as the network standard to connect to the computer network.

This provides some very important benefits:

- **Flexibility** – Because Ethernet and TCP/IP are so prevalent, the devices can be deployed in many networking environments. They can be part of Wireless Local Area Networks (WLAN) such as 802.11b and connect over broadband connections such as cable modem, and DSL.

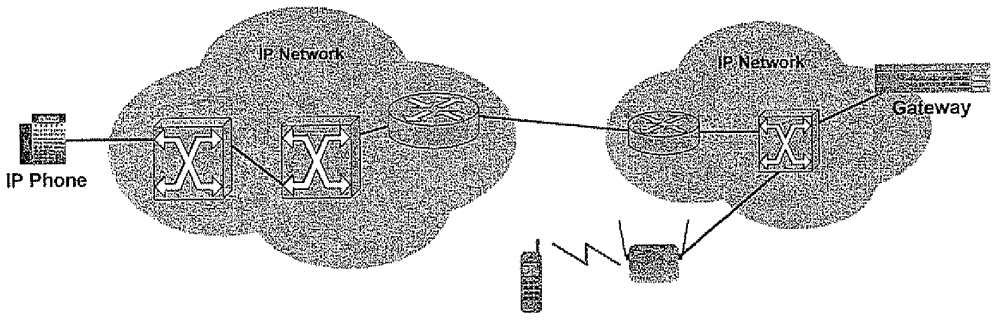
- **Cost** – Since Ethernet is widely available, the equipment to support such a network can enjoy the benefits of economies of scale. Networking gear is inexpensive, easy to obtain and install, allowing a wide audience to be reached.

- **Mobility - A**ll Ethernet devices have a unique number called the Media Access Control address (MAC). This number represents a unique piece of hardware and is never duplicated. This means that no matter where the phone connects to the network, that particular phone can be located and has the *same* identity.

- **Interoperability** – All the devices that deploy Ethernet inherently have the ability to communicate with one another. The devices may disagree on the *format* of the messages, but with additional software acting as a translator, these devices can communicate.

Flexibility

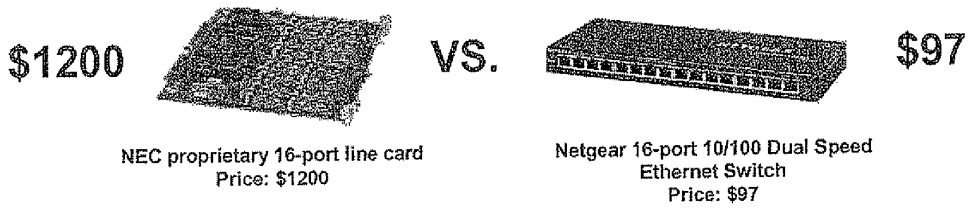
Ethernet provides for a wide variety of deployment possibilities. The networking standard can operate over twisted pair cabling, coax, and even wireless. Hundreds of network equipment manufacturers provide equipment for routing, switching, transporting, and configuring Ethernet-based systems.



This allows the customer to choose best solutions for their particular business goals – while maintaining compatibility and interoperability.

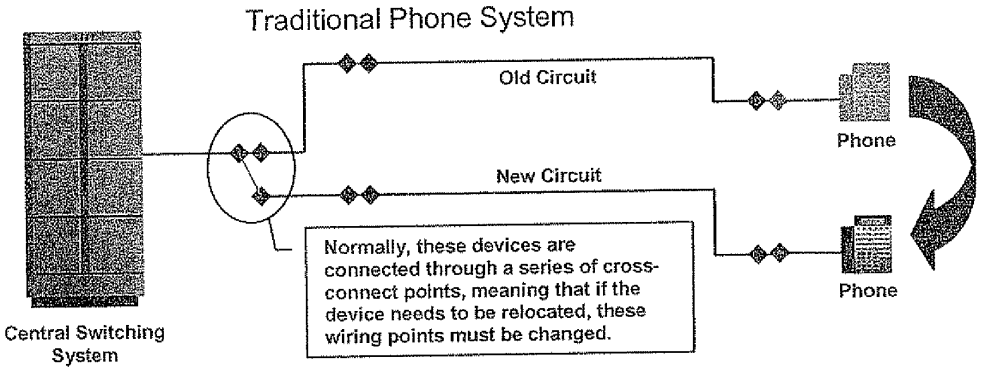
Cost

With so many vendors offering compatible equipment, Voice over IP using Ethernet provides for significant cost savings. For example, a proprietary, 16-port station line card for a typical phone system costs $1200. This allows the system to be expanded by 16 endpoints. In contrast, to add an additional 16 endpoints to a Voice over IP system, an Ethernet switch could be installed which retails for $97.

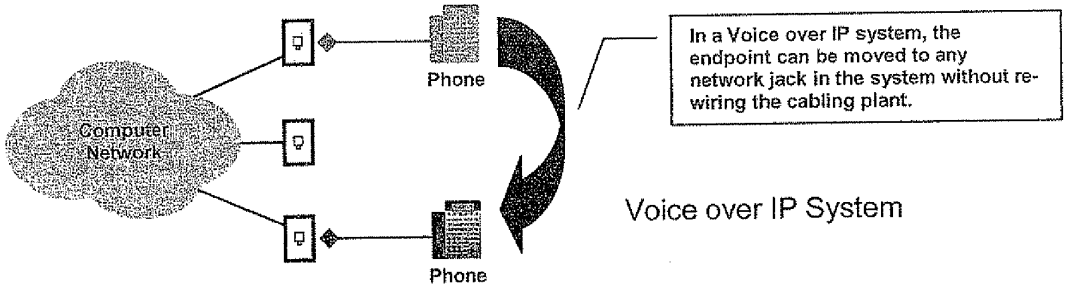


Mobility

In a traditional phone network, the typical business phone is a proprietary device using proprietary electrical signaling to connect to a central switching system. Even though the device may be located far from this system, its proprietary signaling limits where the device can be hooked up. It must be *directly connected*. This means that in order to move the device to a new location, the physical wiring must be changed.



However, when the device employs Ethernet, the customer has complete flexibility in the location of the endpoint. All jacks can be provisioned identically regardless of which physical device will ultimately be connected.

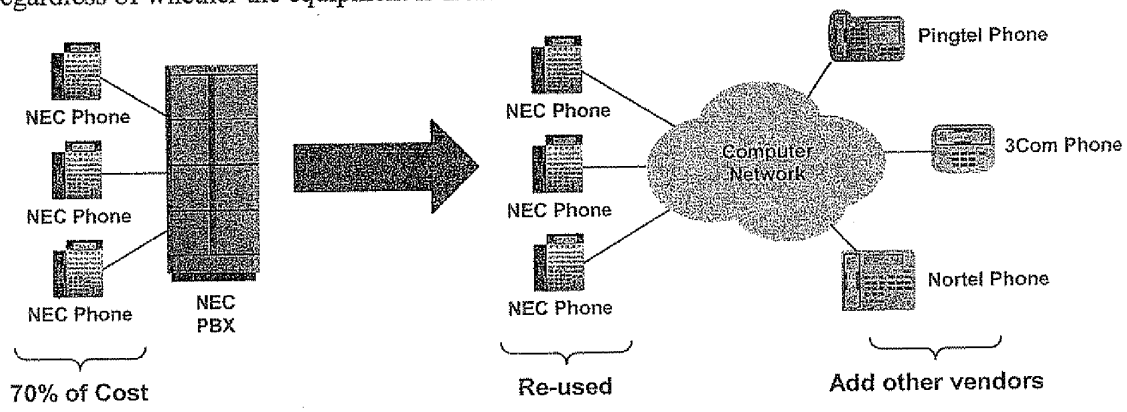


This is possible because each endpoint maintains its identity using the MAC address burned into the device. The *intelligence* in the system has been moved from a large

central device (PBX) into the endpoints itself. This give a Voice over IP system seamless *mobility* in relocating telephony equipment with a significant savings in administration costs.

Interoperability

Since the proprietary electrical signaling has been eliminated, it is possible to mix multiple vendor devices into the same network. This protects the customer's infrastructure investment and provides flexibility in determining the correct endpoint for a particular solution. Multiple systems can be combined into a single larger system regardless of whether the equipment is from the same vendor.



In the same way mainframes and *dumb* terminals gave way to personal computers and local area networks, the telecommunications industry can now move from cumbersome and costly switches and homogenious equipment to greater independence for end users and economical, as-needed equipment purchasing. All of this makes it possible to build a highly distributed and largely dispersed communication system that provides connectivity opportunities in ways that were not previously envisioned. We believe that this technology has paved the way to provide a new form of always-on, always-accessible, instant voice communications.

All that is required to connect one VoIP endpoint to another – instantly - is the software to control it.

Why the PC is not a Phone

Most proponents of Voice over IP technology always arrive at the conclusion that the PC should be used as a *replacement* for the phone. After all, a personal computer has a processor, network card, and a sound card, so all you need is software and - voila! - you have an IP phone. In the VoIP industry, this type of software is known as a *softphone.*

Softphones have been slow to catch on because of several reasons:

- **Reliability** – PCs are not always ready to receive calls, because of system reboots, lock-ups, and crashes. If the softphone software is not running at the time the call comes in, the call is lost.

- **Latency** – Not all users are running the latest Windows OS with the latest processor speeds, making it hard to predict whether the system will be able to support real-time two-way audio. In addition, most PCs are used for other daily activities. In some cases, even running Microsoft Word could deprive the softphone of the necessary resources to provide quality audio streaming.

- **Performance** – most audio needs real-time compression in order to be transmitted across the Internet. This compression can consume as much as 25% of most Pentium III processor cycles.

- **Ergonomics** – A personal computer is somewhat uncomfortable to use as a phone. You will need to use a microphone and speakers at a minimum, making it impossible to have a private conversation. If you use a headset, you have a feeling of being tethered to the workstation.

- **Interface** – Most softphones require dialing to be performed using the mouse or keyboard. This is an awkward situation at best. Even if you use the numeric keypad on the keyboard, the numbers are arranged upside-down of those on a telephone.

- **Financial** – Some implementations require the addition of cards into the PC. Many IT departments balk at the task of opening every PC just to deploy a phone system, making this logistically and financially difficult.

According to a recent IDC report, 94% of all users prefer to talk using an actual phone rather than their PC. Any new communication technology must be able to interoperate with new and existing telephony devices.

However, let's look at another growing communication technology – instant messaging.

Instant Messaging (IM) for the Business Market

While the consumer market is quite comfortable with instant messaging, the business market has viewed the technology with distrust, as problematic to manage and secure. Many corporations see the technology as *decreasing* productivity rather than enhancing it. However, whether individual IT groups sanction the use of the technology or not, instant messaging has invaded the workplace. The use of the technology can be broken down into several areas:

- **Personal** – While most companies have put into place strict phone abuse controls, instant messaging has effectively circumvented everything their IT groups have adopted. While most companies allow a reasonable amount of time for "calls to

home", IM can quickly lead to abuse. If a corporation thinks IM decreases productivity, this is the most common reason provided.

- **Co-Worker** – Usually a very legitimate use, leading to greater productivity if deployed properly. A classic example is the use of the technology in customer service centers. The caller can be kept on the line talking with the service agent, while the agent chats with the problem specialist (co-worker) using instant messaging. This enables the customer to be served without a transfer or being put on-hold.

- **Customer** – Highly productive, convenient, low-cost way to serve your customer. Usually the biggest hurdle is getting the customer to use it.

- **Vendor** – Also productive. Easier to convince vendors to use the technology, since they have a sales motivation.

Since the invasion of IM technology into the enterprise, many large and small companies have rushed into the market. Almost all are focusing on security, manageability, and control in order to satisfy the business environment.

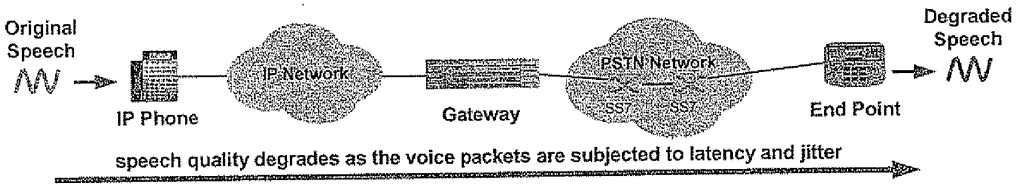
Current Instant Messaging Vendors

Vendors	Products
All Instant, Inc.	LiveGate, LiveStudio/Live Manager, Live Tracker, Live Archive 2.0
America Online, Inc.	AOL Instant Messenger (AIM) 4.7 ICQ
Bantu, Inc.	Bantu Instant Messaging & Presence Platform 1.5
Flypaper Inc.	Open Web Services Platform 3.0
IBM	Lotus Sametime Server 2.5
Ikimbo	Omniprise 1.3
Jabber, Inc.	Jabber Communications Platform 1.1
Microsoft Corp.	Microsoft MSN Messenger
Netscape Communications	Netscape Navigator Chat
Openwave Systems, Inc.	Openwave IM
PeopleLink	OnLine Community Solutions-Msg. Boards, Chat, Instant Messaging
Rockliffe, Inc.	MailSite DataCenter 4.5

Sonork S.R.L.	Sonork Instant Messaging Client 1.6 Sonork Instant Messaging Server 1.6
Wiredred Software	ie/pop - Real-time Communication Software for Corporations 3.0
Yahoo!, Inc.	Yahoo! Instant Messenger

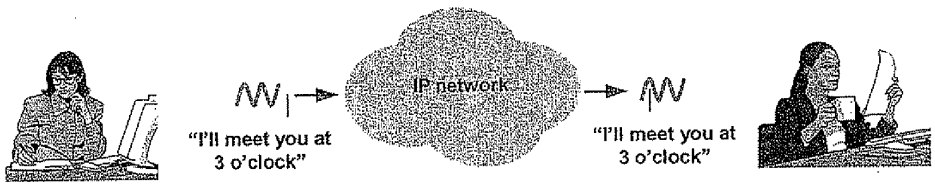
The big players are, of course, AOL and Microsoft. IBM has the most aggressive growth because they integrated their instant messaging platform into Lotus Notes.

However, even though these companies say they support VoIP conferencing (usually via Microsoft NetMeeting), they are primarily a text-based messaging system. If they do support voice, the only option is full, real-time communications – the same communication method as a phone, but with a noticeable reduction in voice quality. In Fact, they require the user to use the PC as a replacement for the phone. This approach has had very limited success, and *recently Microsoft has announced they are dropping support for voice in their instant messaging product (MSN Messenger).*



No instant messaging vendor is concentrating on voice. We believe that by combining the best features of instant messaging with Voice over IP technology, we can provide a new form of communication – *instant voice*. This technology allows the user to send and receive voice messages with a *push-to-talk* feel.

Messages are recorded, digitized, encrypted, and transmitted instantly to anywhere in the world. Since the digitization occurs at the time of recording, the voice quality will not suffer degradation as the message moves through the Internet. The voice quality will be superb every time – regardless of the currently congestion on the global network.



The user still has the option of controlling the *realtime-ness* of the communication – allowing instant messages, instant voice mails, paging, or full, two-way connections to be used.

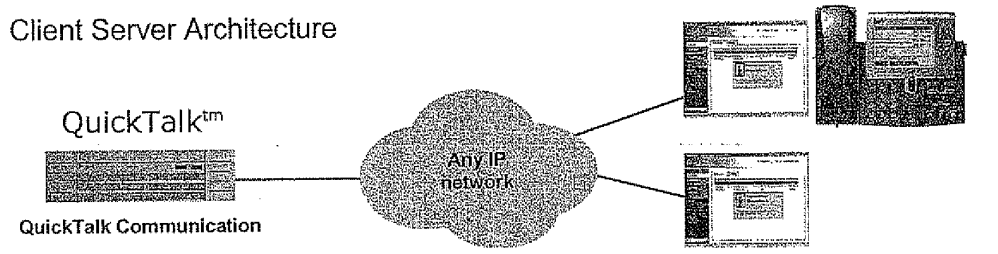
Our Technology

Our product philosophy involves three key elements:

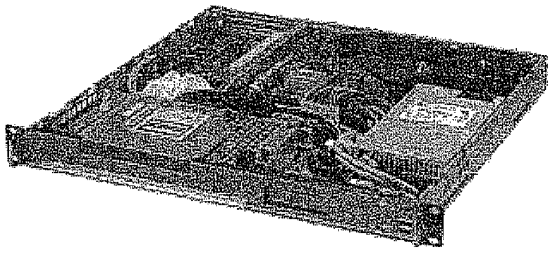
- **Simplicity in use** – Above everything else, the product will be easy for ordinary people to use everyday. The product can be received with very little training. It must be obvious to the casual user how the product can be put to use.
- **Powerful in function** – Through the creation of business enhancing features, the product will provide immediate, real-world productivity on a daily basis.
- **Business class software** – The software is designed from the ground up by business people for business.

Our flagship product, the QuickTalk Communication Platform™, is an enterprise class instant voice communication system designed to meet these goals. This system provides businesses with secure, manageable, and scalable instant voice communications. The product works with practically any existing phone system as an adjunct server providing advanced business-to-business collaborative communications.

Leveraging the latest software technologies, the server software is .NET managed code running on a Windows .NET Server platform with a Microsoft SQL Server database.



The entire software platform is installed on a rack-mountable industrial-grade server. This server features a front panel LCD which can control everything from assigning the network address, to rebooting the system.

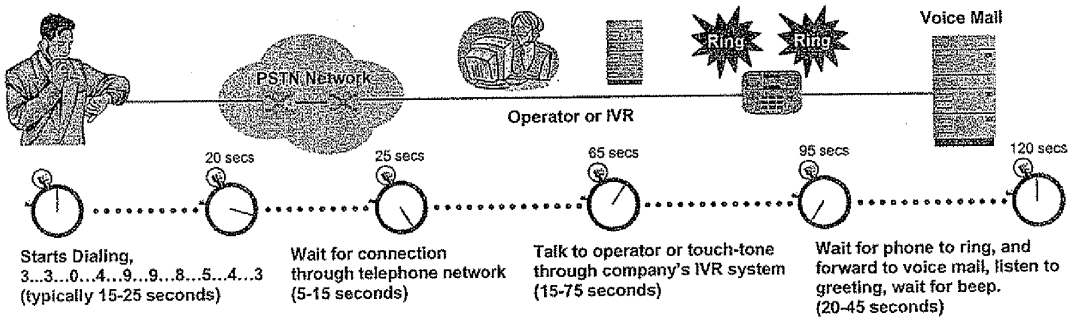


Multiple servers may be deployed for system redundancy and load balancing.

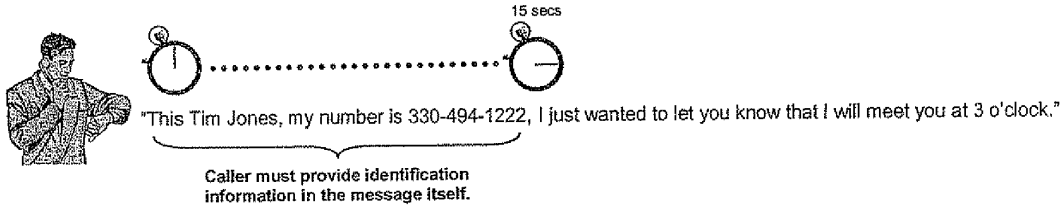
Instant Voice Communications

When using this form of communication, the end user simply designates a recipient, speaks the desired message and the audio is digitized, compressed, encrypted and immediately delivered using voice over IP technology. It is fast, easy and convenient. You can think of this as voice mail in reverse. No more waiting for the beep – just leave your message and go.

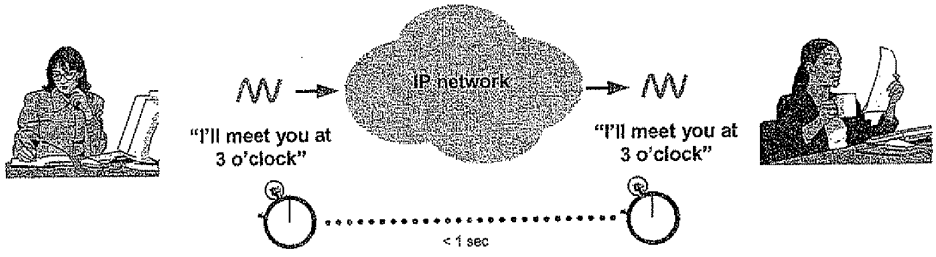
To see the benefit of using instant voice communication, look how an old-style voice mail message is delivered today:



After dialing, connecting, transferring, ringing, and listening to the voice mail greeting, the caller has wasted over 1-2 minutes. This is the businessperson's typical waiting time *before* a voice message can begin. In addition to this waiting time, the caller must also spend time providing identification information in the voice mail message itself, further increasing the time of the entire effort.



With instant voice communication, the caller simply presses a **push-to-talk** button on her PC keyboard or her phone and speaks her message. The message is delivered *instantly* via her telephone (which can be set directly on speaker or with a special ring signal).



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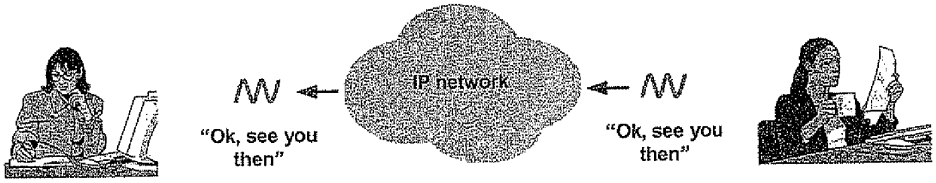
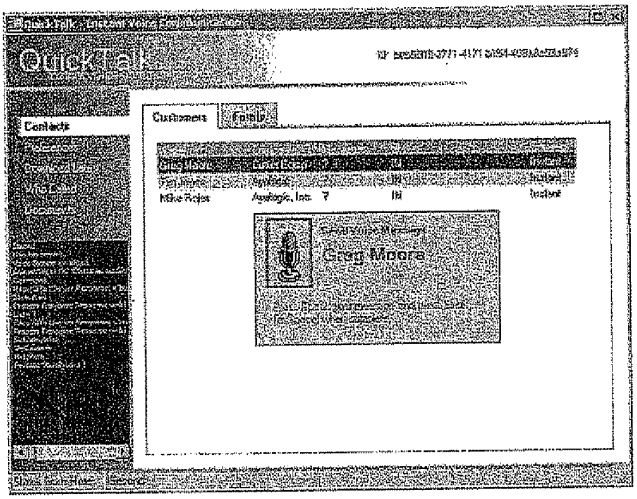
If the receiving party of the message wishes to reply, they can do so *instantly* by replying hands-free to the incoming message. The reply is delivered immediately to the sender.



All of this occurred without dialing, transferring, connecting, or most importantly – waiting. The productivity gains are enormous. Let's look at a hypothetical ball bearing company.

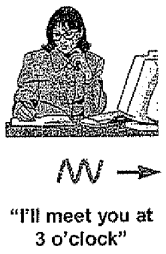
Number of Employees	2000 employees
Average calls placed or received per day per employee (station-station and outside calls)	8 calls
Average salary of a employee	22.50 / hour
Percent of calls that reach voice mail or caller must wait for answer/callback	60% = 4.8 calls are "callbacks" or reach voice mail
Time wasted per call waiting to leave message	2 minutes
Total Time wasted in company per day	19,200 minutes per day
Total dollars saved using Instant voice communications	$7,200 / day = **$1,872,000 / year**

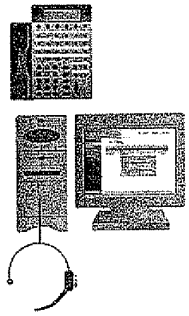
Many companies spend hundreds of thousands of dollars on voice mail technologies so that they don't miss important messages. QuickTalk provides all the benefits of traditional voice messaging without the wait. The key to this technology is the patent-pending technology in the QuickTalk client software. This runs on Windows 95/98, 2000, NT, and XP and provides an easy-to-use interface to the product.



To use the technology, the user simply highlights the intended recipient, presses the space bar, and speaks the desired message. When the key is released, the message is instantly delivered to the intended contact.

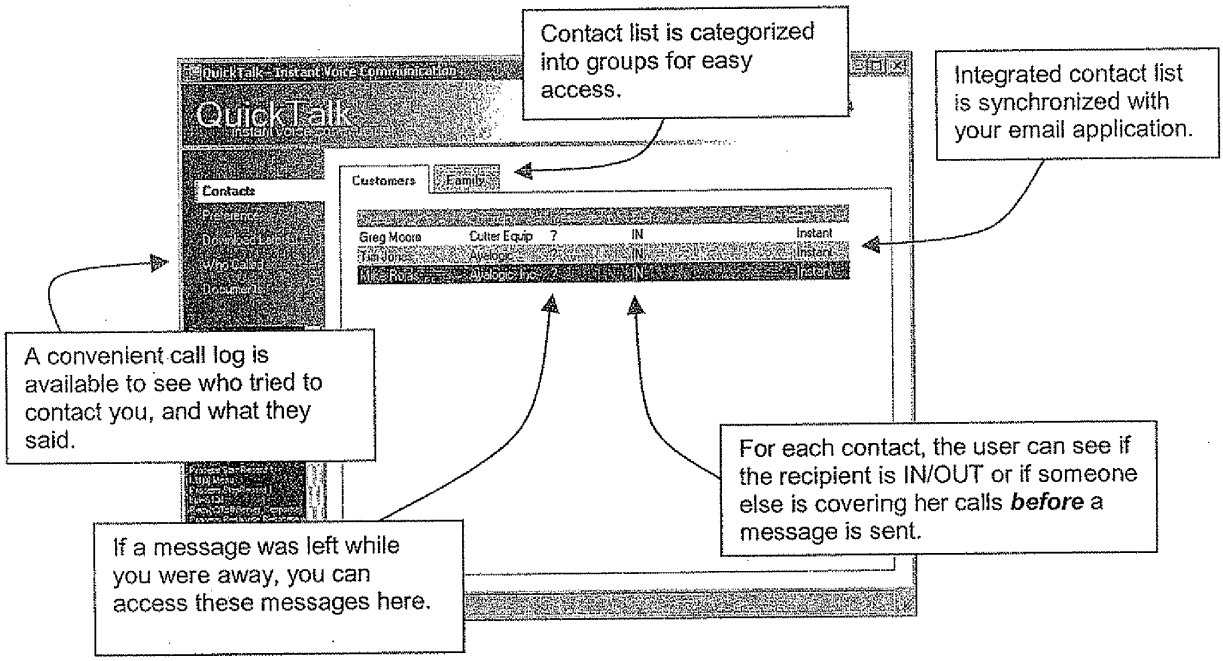
If the user wishes to give or receive a more private conversation, the user may speak her message into a telephone instead of a PC microphone -- handoff is seamless between the client software and the physical telephony device.





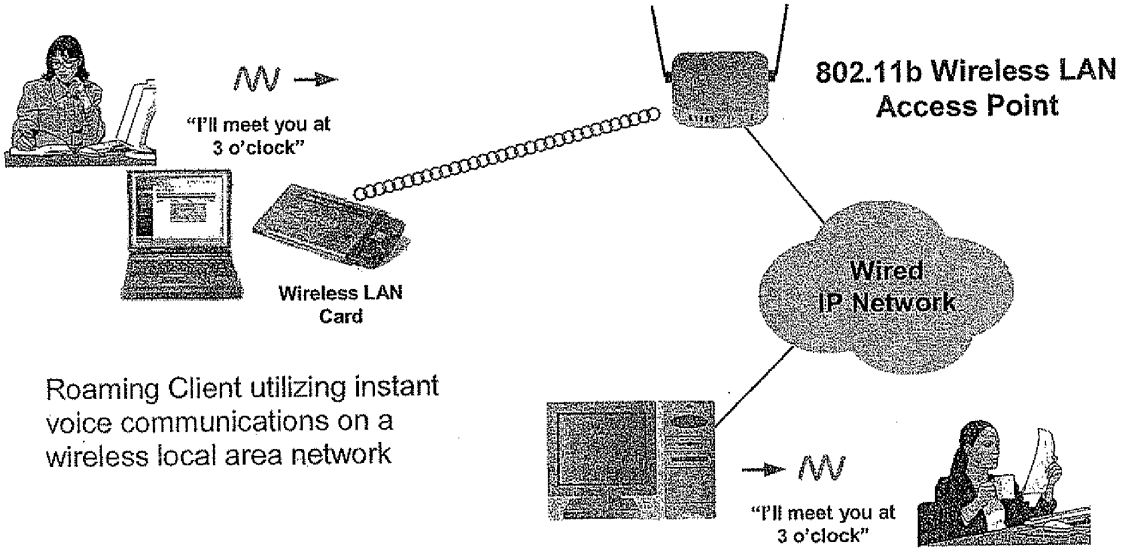
User has a choice of using the phone, PC microphone or headset for sending and receiving messages.

The client software provides a high-level view of all contacts using instant voice communications.

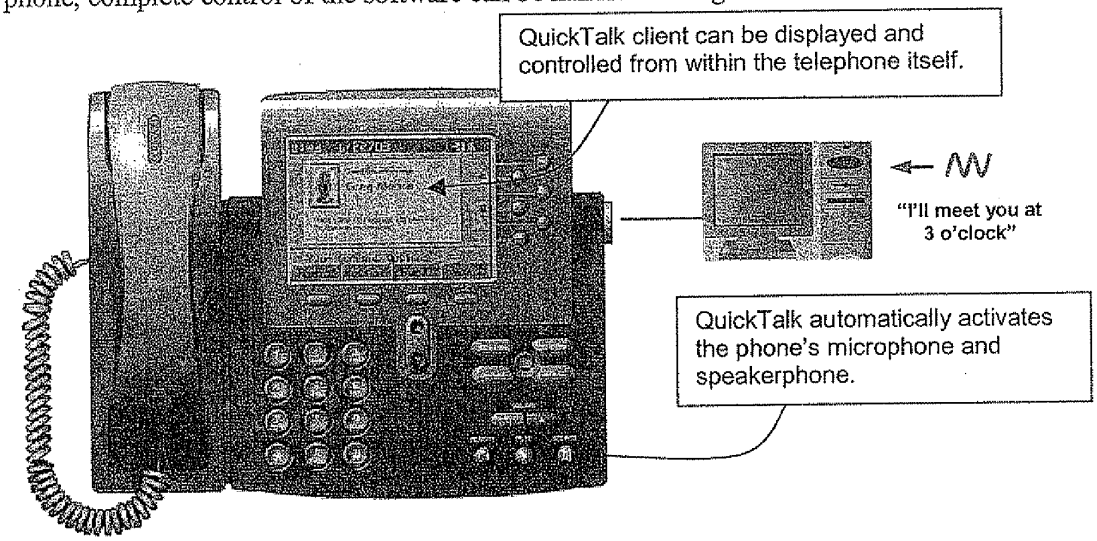


The client software can also be deployed on any system that utilitizes the Microsoft .NET framework. This provides the flexibility to deploy the client onto a number of different computing devices: Pocket PCs, Laptops, Tablet PCs, and desktop computers.

When a wireless LAN card is added to the device, the client software can be configured for *cordless* instant voice communications providing mobility to the user.



Another important aspect of the client software is interoperability with the actual telephone infrastructure. When the client software is configured to utilize an actual phone, complete control of the software can be handled through the device itself.



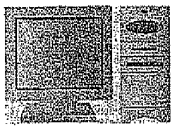
QuickTalk can support Voice over IP telephony hardware such as Cisco, Snom, Polycom, Teliann, and Pingtel, as well as legacy, circuit-based telephone infrastructure. This allows the product to provide instant voice communications on the customer's existing telephone system.

QuickTalk supports the following vendors:

- Avaya™ DEFINITY® ECS and MERLIN MAGIX®
- Nortel Meridian® and Norstar®
- NEC NEAX, Electra Elite and i-Series
- Toshiba Strata DK
- Ericsson MD110
- Alcatel 4200 and 4400
- Iwatsu ADIX APS
- Panasonic DBS 576 and 576HD

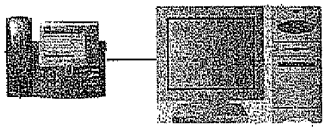
Here the allowable configuration modes of the client:

Stand-Alone (PC Only)



In this mode, communication is provided through the PC's speakers and microphone. The user can utilize an optional headset for a private conversation.

Stand-Alone with locally controlled VoIP phone

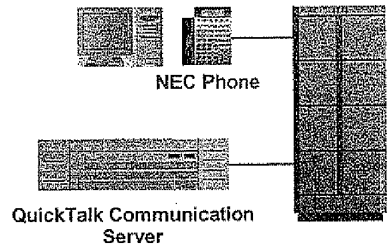


The user is free to use the phone and/or PC for instant voice communications. To transfer communication to the phone the user simply picks up the handset of the phone.

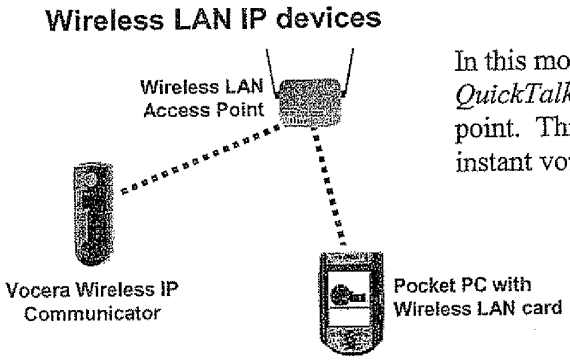
Remotely controlled VoIP phone

In this mode, the phone is remotely controlled from a virtual client on the *QuickTalk Communication Platform*. This allows the phone to be used independently from a PC.

Non-VoIP phone controlled by QuickTalk Server



In this mode, the phone is remotely controlled by the *QuickTalk Communication Platform*. Control is accomplished by using integration technology to connect to the existing telephone system. This configuration allows existing infrastructure to be used for instant voice communications.



In this mode, the devices are remotely controlled by the *QuickTalk Communication Platform* via a wireless access point. This allows roaming clients to send and receive instant voice communications over a wireless network.

A Different Voice

QuickTalk™ offers a product unlike any other. No other company offers voice over IP technology in such a clear and convenient form. None works so completely with different machines (phones, PCs, Pocket PCs) and brands with such flexibility and mobility. Instant messaging is intrusive and voice mail as we know it can be cumbersome. QuickTalk™ with its patent pending *instant voice* technology promises to be the most convenient and cost-effective messaging solution for business people on the move.

B

REDACTED

REDACTED

-----Original Message-----
From: Brad Corsello REDACTED
Sent: Monday, August 11, 2003 11:45 AM
To: Michael J. Rojas
Subject: Meeting on Tuesday, August 19

Mike, following up on our phone conversation today, I've booked a flight for Tuesday, August 19 arriving at 11:35 at Akron-Canton. I'll just drive up from the airport and arrive at about 12:00-12:15 (or at a later time if that is more convenient for you).

REDACTED
--

REDACTED

--
This email is a confidential and privileged attorney-client communication.
--

REDACTED

--
This email is a confidential and privileged attorney-client communication.

C

REDACTED

REDACTED

REDACTED

----- Original Message -----
From: "Brad Corsello" <
To: "Neil Adams" <nadams@ayalogic.com>
Sent: Thursday, August 28, 2003 12:08 PM
Subject: Re: CD with IMvox software

> Neil, '

REDACTED

>

REDACTED

>

REDACTED

But I think we will wrap things
> up next week.
>
> On Wed, 2003-08-27 at 16:26, neil adams wrote:
> > Brad,
> >
> >
> > ,
> >

REDACTED

> >

REDACTED

REDACTED

REDACTED

> >
> > Do you have examples of prior patent submittals that answer these type
> > of questions?
> >
> > Neil
>
>
>

REDACTED

> --
> This email is a confidential and privileged attorney-client communication.
>

D

REDACTED

REDACTED

-----Original Message-----
From: neil adams [mailto:nadams@ayalogic.com]
Sent: Monday, September 08, 2003 3:37 PM
To: mrojas@ayalogic.com
Subject: Patents - status, Brad

FYI

Neil
----- Original Message -----
From: "Brad Corsello" <bcorsello@corsellolaw.com>
To: "Neil Adams" <nadams@ayalogic.com>
Sent: Monday, September 08, 2003 3:21 PM
Subject: Re: CD with IMvox software

> Neil, I am working on it now and will have it to you tonight or tomorrow
> morning.
>
> On Mon, 2003-09-08 at 10:04, neil adams wrote:
> > Brad,
> >
> > What's the status on changes to the patent app'n?
> >
> > Neil
> > ----- Original Message -----
> > From: "Brad Corsello" <bcorsello@corsellolaw.com>
> > To: "Neil Adams" <nadams@ayalogic.com>
> > Sent: Thursday, August 28, 2003 12:08 PM
> > Subject: Re: CD with IMvox software
> >
> >
:
:
I

REDACTED

> > >

REDACTED

> >

REDACTED

REDACTED

REDACTED

> > >
> > >
REDACTED
>

REDACTED

> > >
> > >
> > > On Wed, 2003-08-27 at 16:26, neil adams wrote:
> > > > Brad,
> > > >

REDACTED

> > > >
> >
> > >
>
> > REDACTED
> > > >
> > > >
>
REDACTED
> > > >
> > > >
> > > > Neil
> > > --
>
> > >
> > >
REDACTED
> > >
> > >
> > > --
> > > This email is a confidential and privileged attorney-client
communication.
> > >
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> --
> This email is a confidential and privileged attorney-client communication.
>

E

REDACTED

REDACTED

From: neil adams [mailto:nadams@ayalogic.com]
Sent: Wednesday, September 17, 2003 11:08 AM
To: mrojas@ayalogic.com; misha@ayalogic.com
Subject: CD for patents - questions

Mike,

Here's some additional information I need to add to the CD for Brad.

REDACTED

Questions

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED -

Neil

F

REDACTED

REDACTED

From: neil adams [mailto:nadams@ayalogic.com]
Sent: Monday, September 22, 2003 12:29 PM
To: bcorsello@corsellolaw.com
Cc: mrojas@ayalogic.com
Subject: CD folders/files

Brad,

Attached is a compressed copy of the IMvox software and a Readme document that gives a brief overview of the software and hardware requirements.

REDACTED

REDACTED

Neil

G

REDACTED

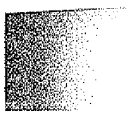
REDACTED

From: neil adams [mailto:nadams@ayalogic.com]
Sent: Thursday, October 30, 2003 1:03 PM
To: mrojas@ayalogic.com; Herbert Breger (E-mail); jbreger@ayalogic.com; bdiehl@ayalogic.com; misha@ayalogic.com
Subject: Prov patent forwarded to Paul Esatto at Scully et al.

The Provisional patent document was sent at 12:00 noon today.

REDACTED

Neil



H

REDACTED

REDACTED

From: neil adams [mailto:nadams@ayalogic.com]
Sent: Tuesday, November 04, 2003 1:50 PM
To: mrojas@ayalogic.com; Herbert Breger (E-mail)
Subject: Scully contact/discussions

I talked with the person at Scully who will be responsible for supporting our patent application. He is Alex Vodovozov.

REDACTED

Basically we went through a variety of questions about the patent draft .....

REDACTED

REDACTED

REDACTED

Neil

REDACTED

REDACTED

From: neil adams [mailto:nadams@ayalogic.com]
Sent: Thursday, November 06, 2003 2:28 PM
To: mrojas@ayalogic.com
Subject: Status - Patent Draft

Mike,

REDACTED

REDACTED

REDACTED

I am sending this version to Alex at Scully.

If you came up with a newer version please send it to me at nadams@sssnet.com.

I'll be back on Sunday and can review the changes prior to our 10:30 teleconference with Alex and Paul on Monday.

Neil

REDACTED

REDACTED

-----Original Message-----
From: Alex Vodovozov [mailto:avodovozov@ssmp.com]
Sent: Tuesday, December 02, 2003 5:09 PM
To: mrojas@ayalogic.com
Cc: Nadams@sssnet.com
Subject: IVM appl.

Dear Mike and Neil:

Please see a draft of the application.

REDACTED

Thank you for your assistance.

Regards,

Alexander G. Vodovozov, Esq.
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343 (telephone)
(516) 742-4366 (facsimile)
avodovozov@ssmp.com (email)

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K

REDACTED

REDACTED

From: neil adams [mailto:nadams@ayalogic.com]
Sent: Tuesday, December 09, 2003 4:30 PM
To: 'Herbert Breger'; mrojas@ayalogic.com
Subject: Latest draft mods sent to Alex for review.

REDACTED

REDACTED

Neil

Electronic Patent Application Fee Transmittal

Application Number:	10740030
Filing Date:	18-Dec-2003
Title of Invention:	System and method for instant VoIP messaging
First Named Inventor/Applicant Name:	Michael J. Rojas
Filer:	Paul J. Esatto/Roseann Gallo
Attorney Docket Number:	17188
Filed as Small Entity	

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with $0 paid	2251	1	60	60

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**60**

Electronic Acknowledgement Receipt	
EFS ID:	3574061
Application Number:	10740030
International Application Number:	
Confirmation Number:	1731
Title of Invention:	System and method for instant VoIP messaging
First Named Inventor/Applicant Name:	Michael J. Rojas
Customer Number:	23389
Filer:	Paul J. Esatto/Roseann Gallo
Filer Authorized By:	Paul J. Esatto
Attorney Docket Number:	17188
Receipt Date:	07-JUL-2008
Filing Date:	18-DEC-2003
Time Stamp:	15:59:25
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$60
RAM confirmation Number	1347
Deposit Account	191013
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		AMEND2EOT.pdf	272137 559af11695555820ed564ec18a03c5e9b91852a6	yes	5
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Amendment - After Non-Final Rejection		1	1	
	Applicant Arguments/Remarks Made in an Amendment		2	3	
	Extension of Time		4	5	
Warnings:					
Information:					
2	Rule 130, 131 or 132 Affidavits	1131EXHIBIT.pdf	2419512 343cb6c54645324fe787bcf9ad0412dc2dcd7dec	no	47
Warnings:					
Information:					
3	Fee Worksheet (PTO-06)	fee-info.pdf	8143 1290891803c33abbdad5ae675d70fc0d01936076	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	2699792		

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.

<u>New Applications Under 35 U.S.C. 111</u>
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.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
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.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 10/740,030	Filing Date 12/18/2003	☒ To be Mailed

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	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			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ 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 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	07/07/2008	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 70	Minus	** 76	= 0	X $25 =	0	OR	X $ =	
	Independent (37 CFR 1.16(h))	* 14	Minus	***14	= 0	X $105 =	0	OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						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:
/NICHELE PETERSON/

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,030	12/18/2003	Michael J. Rojas	17188	1731

23389 7590 08/11/2008

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER	
SMITH, CREIGHTON H	
ART UNIT	**PAPER NUMBER**
2614	

MAIL DATE	DELIVERY MODE
08/11/2008	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.

Office Action Summary	Application No.	Applicant(s)	
	10/740,030	ROJAS, MICHAEL J.	
	Examiner	Art Unit	
	Creighton H. Smith	2614	

-- 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 *07 JUL '08*.

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) *1-76* 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) *1-76* 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: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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

Claims 1-3, 5, 11-18, 26-29, 43, 45, 51-54, 65, 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal, Jr. '226 in view of Bernstein et al, U.S. Pat. App. Pub. #2004/00128356.

McZeal discloses in col. 4, lines 18 et seq. that until his invention there was no device which could take full advantage of the Internet and IM for voice quality purposes, and which uses computer data networks for voice. In col. 28, lines 5 et seq. McZeal discloses that his invention provides customers with instant IM which uses VoIP. In col. 16, lines 39 et seq. McZeal discloses that his invention can use both the Internet and the PSTN. Bernstein et al disclose in P.0050 that each IM session has a universally unique identifier, which the server computer uses to identify and store individual Instant Messages. To have provided Bernstein et al teaching of storing IM in a server in McZeal's communication system would have been obvious to a person having ordinary skill in the art, because the skilled practitioner in this communication art will realize the need to store messages if the called party lacked the present ability to receive the IM.

For claims 2 & 3, McZeal discloses in cols. 1 & 16, lines 42-43 & 25-30 that his invention can be used in local or wide area networks - LAN/WAN.

Regarding claim 11, see McZeal @ col. 16, lines 42 & 59-60. Pertaining to claim 20, with McZeal's disclosure that his device that his device can be used in either a WAN

(Internet) or LAN (local area network). If the voice message is to be routed out beyond a LAN, then an external serving system will have to be employed until the message reaches the recipient inside of the LAN, whereupon the LAN and its associated server will route the message to the intended recipient.

Claims 4, 19, 20, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Bernstein et al as applied to claim 1 above, and further in view of Williams et al.

Williams et al disclose in P.0055 that a messaging server (105) will save a voice message and send a list of recipients to the user from an address book. To have provided Williams teaching of a server providing a user a calling list of recipients in McZeal's Instant Voice Messaging server system would have been obvious to a person having ordinary skill in the art because the skilled practitioner in the communications and server arts will readily realize that there are an unlimited amount of commands and information that a server can hold which can be communicated to anyone throughout the world that has proper equipment.

Claims 7, 22, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Bernstein et al as applied to claim 1 above, and further in view of Sagi et al.

Sagi et al disclose in claim 24 where a server will receive an audio file from a subscriber, and then in claim 29 Sagi et al disclose that the transmission is sent to a 2nd subscriber. To have similarly used Sagi et al disclosure of transmitting an audio file to a server in McZeal"s device would have been obvious to a person having ordinary skill in

the art, because the skilled practitioner in communications art will realize that the sending party can either directly record a voice message or send an audio file. Either way, a called party will receive the voice message.

Claims 8, 23, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Bernstein et al as applied to claim 1 above, and further in view of Goodman et al.

Goodman et al disclose in P.0033 that an audio message can be transformed from any of encrypted, decrypted, compressed, or decompressed format. To have similarly provided Goodman's teaching of encrypting, decrypting, compressing, and decompressing audio into McZeal's device would have been obvious to a person having ordinary sill in the art, because by compressing the audio will take up less memory in the server.

Claims 9, 24, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Bernstein et al as applied to claim 1 above, and further in view of Gierachf.

Gierachf discloses in P.0044 in Step- 266 that the audio data or voice message is sent to audio buffer 19B'. To have similarly used Gierachf's method of buffering the audio data in McZeal's apparatus would have been obvious to a person having ordinary skill in the art.

Claims 10, 25, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Bernstein et al as applied to claim 1 above, and further in view of Creamer et al, U.S. Pat. App. Pub. #2003/0126207.

Creamer et al disclose in P.0006 that IM chat systems can also support the exchange of attachments. Attachments are electronic files such as images, documents, or binary objects which can be attached to an IM and transmitted therewith. To have used creamer et al teaching of attaching an electronic file to an IM in McZeal's instant voice messaging system would have been obvious to a person having ordinary skill in this art because the skilled practitioner will realize the efficiency of alerting a multitude of persons located throughout the world that an email/document from the sender is being sent to the recipients, such as the minutes of an important meeting.

Claims 30-33, 35, 41, 55, 57, 63, 64, 67, 69, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Bernstein et al as applied to claim1 above, and further in view of Monroe.

Monroe discloses in col. 20, lines 28 et seq. and in Fig. 9 a local server (460) connected to a LAN, which provides a gateway to a WAN like the Internet. In col. 32, lines 11 et seq. Monroe discloses that pre-recorded voice messages can be delivered to a modem and then delivered throughout the network. To have used Monroe's teaching of connecting a local server to an Internet server in McZeal's device would have been obvious to a person having ordinary skill in the art because a local server will only reach a few, select individuals in close proximity to each other, whereas the Internet will have global reach, thus insuring connectivity to clients worldwide.

Claims 42 & 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Bernstein et al and Monroe as applied to claim 30 above, and further in view of Boukobza, U.S. Pat. App. Pub. #2006/0167883.

Boukobza's method as disclosed in P.0020 is for load balancing databases within a network having a plurality of servers. To have provided Boukobza's method of load balancing servers in Monroe as applied to McZeal would have been obvious to a person having ordinary skill in the art, because the skilled practitioner would realize that as one server becomes filled with IM, or as one server is being inundated with high volume traffic, it would become necessary to route some of those IM to another server for storing.

Claims 34, 56, 68 are4 rejected under 35 U.S.C. 103(a) as being unpatentable over Mczeal in view of Bernstein et al and Monroeas applied to claim 30 above, and further in view of Williams et al.

Claims 37, 59, 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Bernstein et al and Monroe as applied to claim 30 above, and further in view of Sagi et al.

Claims 38, 60, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Bernstein et al and Monroe as applied to claim 30 above, and further in view of Goodman et al.

Claims 39, 61, 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Bernstein et al and Monroe as applied to claim 30 above, and further in view of Gierachf.

Claims 40, 62, 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over McZeal in view of Bernstein et al and Monroe as applied to claim 30 above, and further in view of Creamer et al.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

04 AUG '08

/Creighton H Smith/
Primary Examiner, Art Unit 2614

Notice of References Cited	Application/Control No. 10/740,030	Applicant(s)/Patent Under Reexamination ROJAS, MICHAEL J.	
	Examiner Creighton H. Smith	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2004/0128356	07-2004	Bernstein et al.	709/206
*	B	US-2003/0126207	07-2003	Creamer et al.	709/204
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		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.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10740030	ROJAS, MICHAEL J.
	Examiner	Art Unit
	Creighton H Smith	2614

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

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

CLAIM		DATE								
Final	Original	08/05/2008								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
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	34	✓								
	35	✓								
	36	✓								

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10740030	ROJAS, MICHAEL J.
	Examiner	Art Unit
	Creighton H Smith	2614

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

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

CLAIM		DATE								
Final	Original	08/05/2008								
	37	✓								
	38	✓								
	39	✓								
	40	✓								
	41	✓								
	42	✓								
	43	✓								
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	71	✓								
	72	✓								

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10740030	ROJAS, MICHAEL J.
	Examiner	Art Unit
	Creighton H Smith	2614

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

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

CLAIM		DATE								
Final	Original	08/05/2008								
	73	✓								
	74	✓								
	75	✓								
	76	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10740030	ROJAS, MICHAEL J.
	Examiner	Art Unit
	Creighton H Smith	2614

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Search	05 AUG '08	chs

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	207	(@ad<="20021218") and (stor$3 with (im or instant adj messag$3) with server$1)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/04 13:09
L2	411	(@ad<="20021218") and ((attach$3 or fasten$3 or affix $3 or connect$3 or join$3 or add$3) with email with (audio or voice))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/04 14:43
L3	3411	(@ad<="20021218") and ((attach$3 or fasten$3 or affix $3 or connect$3 or join$3 or add$3) with (file$1 or email) with (audio or voice))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/04 14:44
L4	17	(@ad<="20021218") and ((attach$3 or fasten$3 or affix $3 or connect$3 or join$3 or add$3) with email with (im or instant adj mesag$3))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/04 14:48
L5	44	(@ad<="20021218") and ((attach$3 or fasten$3 or affix $3 or connect$3 or join$3 or add$3) with (email or file$1) with (im or instant adj mesag $3))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2008/08/04 15:08

8/4/2008 3:48:57 PM
C:\Documents and Settings\csmith1\My Documents\EAST\Workspaces\10566778.wsp

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Michael J. Rojas	**Examiner:**	Creighton H. Smith
Serial No:	10/740,030	**Art Unit:**	2614
Filed:	December 18, 2003	**Docket:**	17188
For:	SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING	**Dated:**	November 6, 2008

Confirmation No. 1731

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

RESPONSE UNDER 37 C.F.R. § 1.111

Sir:

Applicant submits this Response in reply to the Official Action dated August 11, 2008. Applicant respectfully requests reconsideration of the application in view of the following remarks.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website, on November 6, 2008.

Dated: November 6, 2008

Seth Weinfeld

REMARKS

Applicant has filed the present Response in reply to the outstanding Official Action of August 11, 2008. Applicant believes the Response is fully responsive to the Official Action for at least the reasons set forth herein.

At the onset, Applicant would like to thank the Examiner for taking the time to have a telephone interview with Applicant's representative on October 31, 2008.

During the interview, Bernstein, Williams and Gierachf references were discussed.

With respect to the Bernstein reference, Applicant noted that the reference fails to teach (i) any consideration of **availability/unavailability**; (ii) **temporarily** storing the instant voice message; and (iii) **delivering** the stored instant voice message to the selected recipient once the selected recipient becomes **available**. The Examiner agreed to take another look at Bernstein and update the search using additional search terms.

With respect to Williams, Applicant noted that the reference fails to teach that the client requests a list of recipients associated with the client from the server and the server transmits the list of recipients to the client for selection of the one or more recipients. Williams only teaches transmitting the list of recipients if a voice command is not recognized.

With respect to Gierachf, Applicant noted that the reference is not prior art and referred the Examiner to the inventor declaration under 37 C.F.R. § 1.131.

Claims 1-3, 5, 11-18, 26-29, 43, 45, 51-54, 65 and 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal (previously cited) and

Bernstein, U.S. Patent Publication No. 2004/00128356. Claims 4, 19, 20, and 44 stand rejected under 35 U.S.C. § 103(a) in view of McZeal, Bernstein and Williams. Claims 7, 22 and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Bernstein, and Sagi. Claims 8, 23 and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Bernstein and Goodman. Claims 9, 24 and 49 stand rejected under 35 U.S.C § 103(a) as being unpatentable in view of McZeal, Bernstein and Gierachf, U.S. Patent Publication No. 2005/0053230. Claims 10, 25 and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Bernstein and Creamer et al., U.S. Pat. Pub 2003/0126207.

Claims 30-33, 35, 41, 55, 57, 63, 64, 67, 69 and 75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Bernstein and Monroe, U.S. Patent No. 6,970,183. Claims 42 and 76 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Bernstein, Monroe and Boukobza. Claims 34, 56 and 68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view McZeal, Bernstein, Williams and Monroe. Claims 37, 59 and 71 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view McZeal, Bernstein, Sagi and Monroe.

Claims 38, 60 and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Bernstein, Goodman and Monroe. Claims 39, 61 and 73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Bernstein, Gierachf and Monroe. Claims 40, 62 and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of McZeal, Bernstein, Creamer and Monroe.

Applicant respectfully disagrees with the rejection and traverses with at least the following remarks.

Applicant submits that all of the cited references, whether taken alone or in any combination thereof, fail to teach, suggest or render obvious the limitation of the server temporarily stores the instant voice message if a selected recipient is unavailable and delivers the stored instant voice message to the selected recipient once the selected recipient becomes available, as recited in each of the independent claims.

The Official Action asserts that Bernstein teaches this feature. Applicant respectfully disagrees. As noted above, the reference fails to teach (i) any consideration of **availability/unavailability**; (ii) **temporarily** storing the instant voice message; and (iii) **delivering** the stored instant voice message to the selected recipient once the selected recipient becomes **available**.

(I) Storing only when unavailable

At best, Bernstein teaches storing all of the IM messages in a remote server, i.e., communication history or database. Bernstein teaches that the IM messages are stored for an IM session. The IM session implies that two parties are already available and IMing, i.e., a session is a flow of instant messages between at least two users.

Bernstein states that the server program system performs a step of maintained a database referencing a history of the instant messaging session with the universally unique identifier for the audience collection. *See* paragraphs 0086 and 0088. The audience collection is a list of users that **accepted** an invitation to the session. When and if a recipient responds to the instant messaging invitation email message, it becomes a

member of the audience collection 138. The first user sends an email invitation for the IM session and at least one other user replies to the invitation. *See* Paragraphs 0078-81.

At paragraph 0090, the reference states a step of sending the processed communication from the first member as content in the areas associated with the first member to the history of the instant message session with the universally unique identifier. The database receives the transferred communication from the first member to create a history-received communication from the first member.

In embodiments when there is a database 150, it includes a history 154 of the instant messaging session 130. History 154 includes the universally unique identifier 132 of instant messaging session 130. History 154 also includes an audience list 162 based upon audience collection 138 and a communication history 166, which further references communications records 168, each of which may be based upon at least one of the received communication 142, processed communication 144, and transferred communication 146. Additionally, in an embodiment, the server 100 may retain the complete transcript 166 of the Instant Messaging session.

In other words, **when the store feature is active, every message is stored, without a determination of whether the recipient is available. In fact, since a session is active, the recipient must be available and online (emphasis added).**

In stark contrast, in the claimed invention the IVM is only stored in the server if the recipient (IVM client) is not currently connected to the local IVM server. In fact, the reference only suggests that the IM is not stored if confidentiality cannot be maintained. *See* paragraph 0094.

(II) Temporarily storing the instant voice message if a selected recipient is unavailable

Bernstein fails to teach that the IVM is temporarily stored.

Bernstein states that the ***user whenever looking at that email at any time in the future***, will trigger the server 100 to attempt fetching all the Instant Messaging messages 168 has stored for that email. *See* paragraph 0100. At any time in the future implies that the messages are stored permanently.

(III) Pushing IMV to recipient when available.

Additionally, the reference does not teach that the stored IVM is delivered to the client when the client connects to the IVM (after not being initiately connected).

Bernstein states that the ***user whenever looking at that email at any time in the future***, will trigger the server 100 to attempt fetching all the Instant Messaging messages 168 has stored for that email. *See* paragraph 0100. In Bernstein, the user initiates the fetching process by sending a request, i.e., pulling the message data. In stark contrast, in the claimed invention, the server pushes or delivers the message when the recipient is determined to be available.

The other cited references fail to cure these deficiencies.

Therefore, the cited references fail to teach, suggest or render obvious each and every limitation of the claims; the claims are patentable over the cited combination.

Applicant further submits that claims 9, 24, 39, 49, 61, and 73 are patentable over the cited references based at least upon the following additional analysis. The Official Action cites Gierachf in the rejection of these claims. Applicant submits the Gierachf is

not prior art. Notably, in Applicant's declaration pursuant to 1.131, Applicant at paragraph 3 stated that the Applicant conceived the claimed invention prior to August 15 2003. *See* Declaration Pursuant to §1.131 ¶ 3. Gierachf has a filing date of September 6, 2003. Therefore, Applicant completed the invention claimed in the instant application prior to the filing date of the reference.

Applicant further submits that claims 4, 19, 34, 44, 56 and 68 are patentable over the cited references based at least upon the following additional analysis. Each of these claims recites, *inter alia*, a limitation directed to requesting a list of recipients associated with the server from the server. Applicant submits that the cited references fail to teach this limitation. At best, Williams (cited as a teaching of this limitation) teaches that the server sends a list of potential recipients **after a voice command is not recognized**. Notably, Williams describes an embodiment, where if a first word of the voice message does not satisfy a predetermined condition, the message is saved and a list of recipients is transmitted to the local client. *See* paragraph 0055. Clearly, the client is not requesting the list; rather the server determines that a command is not understood and that all available options should be transmitted to the user. The client makes no request.

Additionally, Applicant notes that this function is not in the context of an instant voice message.

None of the other cited references cure the above-identified deficiency.

Therefore, claims 4, 19, 34, 44, 56 and 68 are patentable over the cited references, whether taken alone or in any combination thereof.

Applicant further submits that claims 7, 22, 37, 47, 59 and 71 are patentable over the cited references based at least upon the following additional analysis.

Applicant submits that the references, whether taken alone or in any combination thereof teach or suggest recording an instant voice message in an audio file, at the client, where the audio file is a instant voice message, as recited in each of these claims. At best, Sagi teaches that an audio file can be transmitted to a server. Sagi teaches that an instant text message is converted into an instant voice message and then transmitted (Steps 420 and 425). The server relays the voice message to a cellular telephone. Sagi then describes that at step 435, user b sends an instant message in a voice message format to user via the gateway. The voice message is converted into a text message. Notably, Sagi does not teach that the voice message from user B to user A is recorded on the user device. None of the other cited references cure the above-identified deficiency.

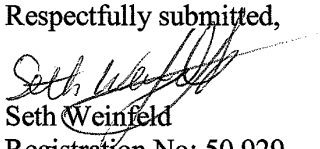
Therefore, claims 7, 22, 37, 47, 59 and 71 are patentable over the cited references, whether taken alone or in any combination thereof.

Based upon the foregoing, Applicant respectfully requests that the Examiner withdraw all of the pending rejections pursuant to 35 U.S.C. § 103(a).

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the

allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



Seth Weinfeld
Registration No: 50,929

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
516-742-4343

SW:reg

TRANSMITTAL LETTER (General - Patent Pending)	Docket No. 17188

In Re Application Of: **Michael J. Rojas**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/740,030	December 18, 2003	Creighton H. Smith	23389	2614	1731

Title: **SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

RESPONSE UNDER 37 C.F.R. § 1.111

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
  - ☐ Charge the amount of
  - ☒ Credit any overpayment.
  - ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

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.

Seth Weinfeld
Signature

Dated: **November 6, 2008**

Seth Weinfeld
Registration No: 50,929
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cc:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

P16A/REV04

Electronic Acknowledgement Receipt	
EFS ID:	4244655
Application Number:	10740030
International Application Number:	
Confirmation Number:	1731
Title of Invention:	System and method for instant VoIP messaging
First Named Inventor/Applicant Name:	Michael J. Rojas
Customer Number:	23389
Filer:	Paul J. Esatto/Roseann Gallo
Filer Authorized By:	Paul J. Esatto
Attorney Docket Number:	17188
Receipt Date:	06-NOV-2008
Filing Date:	18-DEC-2003
Time Stamp:	15:20:12
Application Type:	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		17188AM3.pdf	422767 c5cce47930f25917cf0d3096e12360a11e803ab8	yes	10

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Applicant Arguments/Remarks Made in an Amendment	2	9
	Miscellaneous Incoming Letter	10	10
Warnings:			
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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.

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NOTICE OF ALLOWANCE AND FEE(S) DUE

23389 7590 12/05/2008

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER	
SMITH, CREIGHTON H	
ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 12/05/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,030	12/18/2003	Michael J. Rojas	17188	1731

TITLE OF INVENTION: SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING

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	03/05/2009

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.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

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)

23389 7590 12/05/2008

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

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.
10/740,030	12/18/2003	Michael J. Rojas	17188	1731

TITLE OF INVENTION: SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING

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	03/05/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
SMITH, CREIGHTON H	2614	370-352000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

❑ "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.**

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.

1 _____

2 _____

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 (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

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 _____ (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 _____

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,030	12/18/2003	Michael J. Rojas	17188	1731

23389 7590 12/05/2008

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER	
SMITH, CREIGHTON H	
ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 12/05/2008

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 848 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 848 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.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Notice of Allowability	Application No.	Applicant(s)	
	10/740,030	ROJAS, MICHAEL J.	
	Examiner	Art Unit	
	CREIGHTON SMITH	2614	

-- 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 *remarks filed on 06 NOV '08*.

2. ☒ The allowed claim(s) is/are *1-5,7-20,22-35,37-45,47-57,59-69 and 71-76*.

3. ☐ 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.

4. ☐ 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.

5. ☐ 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).

6. ☐ 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. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 8.23.04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The prior art fails to teach/disclose applicant's instant voice messaging system having a server that temporarily stores an instant voice message if a recipient is unavailable and delivers the stored instant voice message when the recipient becomes available. No obvious combination of references found would have taught one of ordinary skill in the art to use applicant's system and method as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CREIGHTON SMITH whose telephone number is (571)272-7546. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, fan tsang can be reached on 27548. 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.

02 DEC '08

/ creighton smith/
for Primary, Examiner of Art Unit 2614

***

Notice of References Cited	Application/Control No. 10/740,030	Applicant(s)/Patent Under Reexamination ROJAS, MICHAEL J.	
	Examiner CREIGHTON SMITH	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,763,226	07-2004	McZeal, Jr., Alfred	455/90.2
*	B	US-2004/0252679	12-2004	Williams et al.	370/356
*	C	US-2004/0122906	06-2004	Goodman et al.	709/206
*	D	US-2005/0053230	03-2005	Gierachf, Karl	379/406.06
*	E	US-2005/0105697	05-2005	Hollowell et al.	379/088.13
*	F	US-2003/0087632	05-2003	Sagi et al.	455/414
*	G	US-2006/0268750	11-2006	Weiner, Moshe	370/260
*	H	US-2004/0030046	02-2004	Schultes et al.	525/71
*	I	US-2007/0112925	05-2007	Malik, Dale W.	709/206
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		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.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10740030	ROJAS, MICHAEL J.
	Examiner	Art Unit
	CREIGHTON SMITH	2614

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

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

CLAIM		DATE								
Final	Original	08/05/2008	11/17/2008							
1	1	✓	=							
2	2	✓	=							
3	3	✓	=							
4	4	✓	=							
5	5	✓	=							
	6	✓	-							
6	7	✓	=							
7	8	✓	=							
8	9	✓	=							
9	10	✓	=							
10	11	✓	=							
11	12	✓	=							
12	13	✓	=							
13	14	✓	=							
14	15	✓	=							
15	16	✓	=							
16	17	✓	=							
17	18	✓	=							
18	19	✓	=							
19	20	✓	=							
	21	✓	-							
20	22	✓	=							
21	23	✓	=							
22	24	✓	=							
23	25	✓	=							
24	26	✓	=							
25	27	✓	=							
26	28	✓	=							
27	29	✓	=							
28	30	✓	=							
29	31	✓	=							
30	32	✓	=							
31	33	✓	=							
32	34	✓	=							
33	35	✓	=							
	36	✓	-							

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10740030	ROJAS, MICHAEL J.
	Examiner	Art Unit
	CREIGHTON SMITH	2614

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

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

CLAIM		DATE								
Final	Original	08/05/2008	11/17/2008							
34	37	✓	=							
35	38	✓	=							
36	39	✓	=							
37	40	✓	=							
38	41	✓	=							
39	42	✓	=							
40	43	✓	=							
41	44	✓	=							
42	45	✓	=							
	46	✓	-							
43	47	✓	=							
44	48	✓	=							
45	49	✓	=							
46	50	✓	=							
47	51	✓	=							
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60	65	✓	=							
61	66	✓	=							
62	67	✓	=							
63	68	✓	=							
64	69	✓	=							
	70	✓	-							
65	71	✓	=							
66	72	✓	=							

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10740030	ROJAS, MICHAEL J.
	Examiner	Art Unit
	CREIGHTON SMITH	2614

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

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

CLAIM		DATE								
Final	Original	08/05/2008	11/17/2008							
67	73	✓	=							
68	74	✓	=							
69	75	✓	=							
70	76	✓	=							

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10740030	ROJAS, MICHAEL J.
	Examiner	Art Unit
	CREIGHTON SMITH	2614

ORIGINAL		INTERNATIONAL CLASSIFICATION									
CLASS	SUBCLASS	CLAIMED					NON-CLAIMED				
370	352	H	0	4	L	12 / 66 (2006.01.01)					

CROSS REFERENCE(S)					
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
709	206				

☐ 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	1	16	17	31	33	45	49	60	65						
2	2	17	18	32	34	46	50	61	66						
3	3	18	19	33	35	47	51	62	67						
4	4	19	20		36	48	52	63	68						
5	5		21	34	37	49	53	64	69						
	6	20	22	35	38	50	54		70						
6	7	21	23	36	39	51	55	65	71						
7	8	22	24	37	40	52	56	66	72						
8	9	23	25	38	41	53	57	67	73						
9	10	24	26	39	42		58	68	74						
10	11	25	27	40	43	54	59	69	75						
11	12	26	28	41	44	55	60	70	76						
12	13	27	29	42	45	56	61								
13	14	28	30		46	57	62								
14	15	29	31	43	47	58	63								
15	16	30	32	44	48	59	64								

		Total Claims Allowed:	
NONE		70	
(Assistant Examiner)	(Date)		
/CREIGHTON SMITH/ Primary Examiner.Art Unit 2614	11.17.08	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office Part of Paper No. 20081202

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	10740030	ROJAS, MICHAEL J.
	Examiner	Art Unit
	Creighton H Smith	2614

SEARCHED			
Class	Subclass	Date	Examiner
370	352	17 NOV '08	

SEARCH NOTES		
Search Notes	Date	Examiner
EAST Search	05 AUG '08	chs
EAST	17 NOV '08	chs

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
EAST interfernces earch		17 NOV '08	chs

OIPE
AUG 23 2004
PATENT & TRADEMARK OFFICE
JC105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	**Michael J. Rojas**	**Examiner:**	**Unassigned**
Serial No:	**10/740,030**	**Art Unit:**	**2661**
Filed:	**December 18, 2003**	**Docket:**	**17188**
For:	**SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING**	**Dated:**	**August 19, 2004**

Confirmation No. 1731

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

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. http://www.cisco.com/warp/public/cc/pd/nemnsw/callmn/prodlit/cm33_ds.htm; "Data Sheet Cisco CallManager Version 3.3".

2. http://www.cisco.com/en/US/products/hw/switches/ps1925/products_data_sheet 09186_a00800a3c3d.html; "Data Sheet Cisco MGX 8000 Series".

3. http://www.hsteliann.com/english/?zone=3100-V21P; "Teliphone 3100-V21P".

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on August 19, 2004.

Dated: August 19, 2004

Paul J. Esatto, Jr.

4. http://www.linuxdevices.com/articles/AT5199947519.html; "Device Profile: snom 100 VoIP phone".

5. http://www.pingtel.com/pr xpressa.jsp; "No limits with the advanced industry standard SIP phone.

6. AudioCoded Enabling Technology Products, TPM-1100 VoP Media Gateway Modules.

Applicant is submitting a copy of the above-cited references.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(b), no statement or fee is required.

Respectfully submitted,

Paul J. Esatto, Jr.
Registration No. 30,749

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

PJE:ae

Form PTO-1449 (REV. 7-80) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Atty. Docket No. (Optional)	Application Number
INFORMATION DISCLOSURE CITATION *(Use several sheets if necessary)*	17188	10/740,030
	Applicant(s) Michael Rojas	
	Filing Date December 18, 2003	**Group Art Unit** 2661

OIPE AUG 2 3 2004 JC105 PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	AA						
	AB						
	AC						

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

		http://www.cisco.com/warp/public/cc/pd/nemnsw/callmn/prodlit/cm33_ds.htm; "Data Sheet Cisco CallManager Version 3.3"
		http://www.cisco.com/en/US/products/hw/switches/ps1925/products_data_sheet_09186a00800a3c3d.html; "Data Sheet Cisco MGX 8000 Series"
		~~http://www.hoteliann.com/english/?zone=3100_V21P; "Telephone 3100 V21P"~~
		http://www.linuxdevices.com/articles/AT5199947519.html; "Device Profile: snom 100 VoIP phone"
		http://www.pingtel.com/pr_xpressa.jsp; "No limits with the advanced industry standard SIP phone
		AudioCoded Enabling Technology Products, TPM-1100 VoP Media Gateway Modules

EXAMINER	/Creighton Smith/	DATE CONSIDERED	12/03/2008

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

IFW

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))	Docket No. 17188

In Re Application Of: **Michael J. Rojas**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/740,030	December 18, 2003	Unassigned	23389	2661	1731

Title:

SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING

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

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

   ☐ the statement specified in 37 CFR 1.97(e);

   OR

   ☐ the fee set forth in 37 CFR 1.17(p).

P10A/REV03

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))	Docket No. 17188

In Re Application: **Michael J. Rojas**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/740,030	December 18, 2003	Unassigned	23389	2661	1731

SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

☐ A check in the amount of is attached.

☒ The Director is hereby authorized to charge and credit Deposit Account **19-1013/SSMP** as described below.

- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No.

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document ~~and fee~~ is being deposited on **8/19/04** th the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Paul J. Esatto, Jr.

Typed or Printed Name of Person Mailing Certificate

***This certificate may only be used if paying by deposit account.**

Dated: **August 19, 2004**

Signature

Paul J. Esatto, Jr.
Registration No. 30,749
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
516-742-4343

cc:

P10A/REV03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	**Michael J. Rojas**	**Examiner:**	**Creighton H. Smith**
Serial No:	**10/740,030**	**Art Unit:**	**2614**
Filed:	**December 18, 2003**	**Docket:**	**17188**
For:	**SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING**	**Dated:**	**February 27, 2009**

Confirmation No. 1731

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

SUBMISSION

Sir:

Applicant respectfully submits a supplemental Information Disclosure Statement herewith. An Information Disclosure Statement was filed on August 19, 2004 in the above-identified application. The Information Disclosure Statement was filed with 6 references. Applicant submitted copies of the references with the Information Disclosure Statement along with PTO Form 1449. On September 18, 2007, Examiner Smith attached an initialized PTO

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this document is being electronically filed in the United States Patent and Trademark Office on the date shown below.

Dated: February 27, 2009

Seth Weinfeld

Form 1449 to the First Office Action on the Merits indicating that all of the references were considered. The First Office Action did not include any of the references submitted in the Information Disclosure Statement in any of the rejections of the claims.

Subsequently, Examiner Smith attached the same PTO Form 1449 to the Notice of Allowability, however, the PTO Form 1449 had all of the references crossed off, indicating that the references were not considered. Applicant's representative conducted a series of Examiner interviews with both Examiner Smith and Examiner Fsang (Examiner Smith's Supervisor). The Examiners notified Applicant's representative that the PTO Form 1449 did not include a date for each of the references identified.

Applicant maintains that the Information Disclosure Statement should be considered, since the Examiner did in fact consider the Information Disclosure Statement during the prosecution of the application, and, therefore, the references should be listed on the face of the patent.

However, to expedite the issuance of the patent, Applicant is submitting the supplemental Information Disclosure Statement which includes the best available dates for the references, if known, with a replacement PTO Form 1449.

An archive website indicates that Reference 1 was posted on November 22, 2002. Attached herewith is a copy of a document printed from an archive web site evidencing the post date.

An archive website indicates that Reference 3 was copyrighted in 2003. Attached herewith is a copy of a document printed from an archive website indicating a copyright date.

Reference 4 bears a date of May 15, 2002 on the reference.

Reference 5 was archived by a website on December 8, 2003. Attached herewith is a copy of a document printed from an archive website indicating the archive date for Reference 5.

Reference 6 bears a copyright date of 2003.

Applicant respectfully requests consideration of the Supplemental Information Disclosure Statement pursuant to the Examiner interview with Examiner Fsang.

The Director is hereby authorized to charge Deposit Account No. 19-1013/SSMP any additional fees if required.

Respectfully submitted,

Seth Weinfeld
Registration No. 50,929

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

SW:reg
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	**Michael J. Rojas**	**Examiner:**	**Creighton H. Smith**
Serial No:	**10/740,030**	**Art Unit:**	**2614**
Filed:	**December 18, 2003**	**Docket:**	**17188**
For:	**SYSTEM AND METHOD FOR INSTANT VoIP MESSAGING**	**Dated:**	**February 27, 2009**

Confirmation No. 1731

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

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached replacement Form PTO-1449, be made of record in the above-identified case.

1. http://www.cisco.com/warp/public/cc/pd/nemnsw/callmn/prodlit/cm33_ds.htm; "Data Sheet Cisco CallManager Version 3.3", November 22, 2002;

2. http://www.cisco.com/en/US/products/hw/switches/ps1925/products_data_sheet_09186_a00800a3c3d.html; "Data Sheet Cisco MGX 8000 Series" (Date unknown).

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Dated: February 27, 2009

Seth Weinfeld

3. http://www.hsteliann.com/english/?zone=3100-V21P; "Teliphone 3100-V21P", 2003;

4. http://www.linuxdevices.com/articles/AT5199947519.html; "Device Profile: snom 100 VoIP phone", (May 15, 2002);

5. http://www.pingtel.com/pr xpressa.jsp; "No limits with the advanced industry standard SIP phone, December 8, 2003; and

6. AudioCoded Enabling Technology Products, TPM-1100 VoP Media Gateway Modules; 2003.

The above-identified references were previously submitted in an Information Disclosure Statement dated August 19, 2004. Therefore, Applicant is not submitting copies of the references. This Supplemental Information Disclosure Statement includes the best available dates for the references, if known.

Respectfully submitted,

Seth Weinfeld
Registration No. 50,929

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

SW:reg

Form PTO-1449 (REV. 7-80) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Atty. Docket No. (Optional)	Application Number
17188	10/740,030

Applicant(s)
Michael Rojas

Filing Date	Group Art Unit
December 18, 2003	2614

U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	AA						
	AB						
	AC						

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

		http://www.cisco.com/warp/public/cc/pd/nemnsw/callmn/prodlit/cm33_ds.htm; "Data Sheet Cisco CallManager Version 3.3", November 22, 2002.
		http://www.cisco.com/en/US/products/hw/switches/ps1925/products_data_sheet_09186a00800a3c3d.html; "Data Sheet Cisco MGX 8000 Series" (date unknown).
		http://www.hsteliann.com/english/?zone=3100-V21P; "Teliphone 3100-V21P", 2003.
		http://www.linuxdevices.com/articles/AT5199947519.html; "Device Profile: snom 100 VoIP phone", May 15, 2002.
		http://www.pingtel.com/pr xpressa.jsp; "No limits with the advanced industry standard SIP phone; December 8, 2003.
		AudioCoded Enabling Technology Products, TPM-1100 VoP Media Gateway Modules, copyright 2003.

EXAMINER	DATE CONSIDERED

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

J:\Work\1732\17188\Misc\supplmental1449.doc

Electronic Acknowledgement Receipt

EFS ID:	4876766
Application Number:	10740030
International Application Number:	
Confirmation Number:	1731
Title of Invention:	SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING
First Named Inventor/Applicant Name:	Michael J. Rojas
Customer Number:	23389
Filer:	Seth Weinfeld/Roseann Gallo
Filer Authorized By:	Seth Weinfeld
Attorney Docket Number:	17188
Receipt Date:	27-FEB-2009
Filing Date:	18-DEC-2003
Time Stamp:	16:28:44
Application Type:	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	17188submission.pdf	1067171 aa63f7b4e93171cf0812aaa48dd799474ab28431	no	20
Warnings:					
Information:					

Total Files Size (in bytes):	1067171

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.

TRANSMITTAL OF FORMAL DRAWINGS	Docket No. 17188

In Re Application Of: **Michael J. Rojas**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/740,030	December 18, 2003	Creighton H. Smith	23389	2614	1731

Invention: **SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING**

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

Transmitted herewith are:

9 sheets of formal drawing(s) for this application.

☒ Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c).

Signature

Dated: **March 4, 2009**

Seth Weinfeld
Registration No.: 50,929
Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza - Suite 300
Garden City, New York 11530
(516) 742-4343

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

_____.
(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

P23B/REV03

Electronic Acknowledgement Receipt

EFS ID:	4905745
Application Number:	10740030
International Application Number:	
Confirmation Number:	1731
Title of Invention:	SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING
First Named Inventor/Applicant Name:	Michael J. Rojas
Customer Number:	23389
Filer:	Seth Weinfeld/Roseann Gallo
Filer Authorized By:	Seth Weinfeld
Attorney Docket Number:	17188
Receipt Date:	04-MAR-2009
Filing Date:	18-DEC-2003
Time Stamp:	18:20:16
Application Type:	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	Drawings-only black and white line drawings	17188formaldrawings.pdf	529689 3e39aeaac05cc87f5d8c9b440a417396ccc63d8d	no	9

Warnings:	
Information:	

2	Miscellaneous Incoming Letter	17188Transmittal.pdf	38729 15edf4f36260aee585dd293d42104f24acebb790	no	1
Warnings:					
Information:					
			Total Files Size (in bytes):	568418	

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
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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.

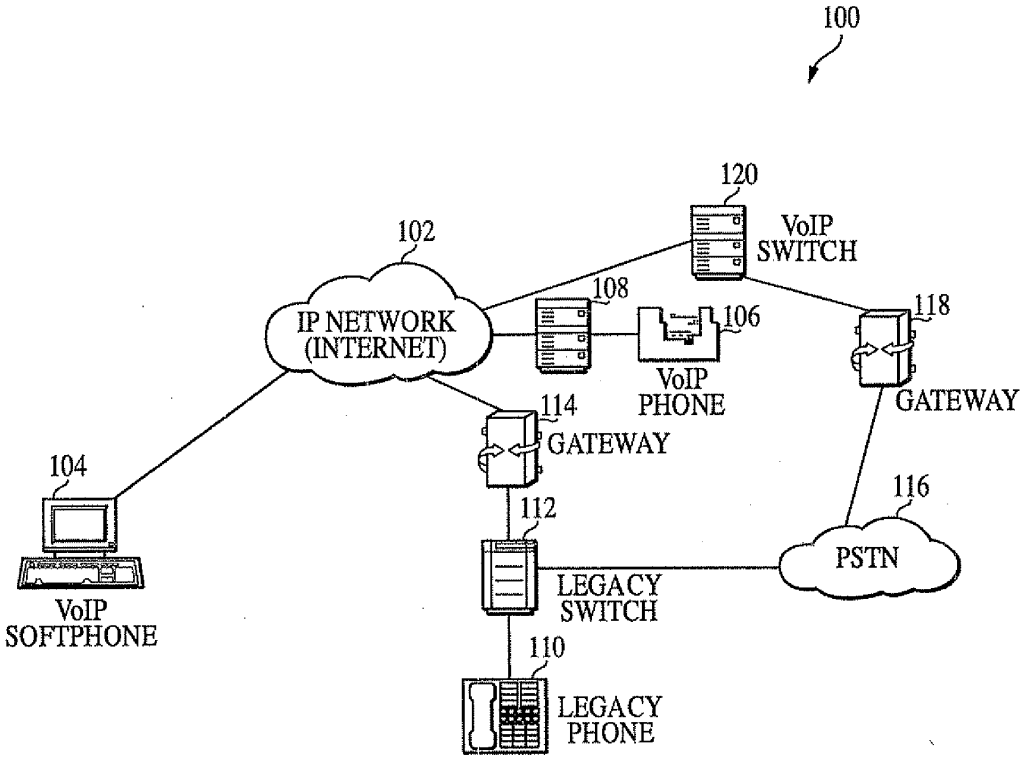

FIG. 1
(PRIOR ART)

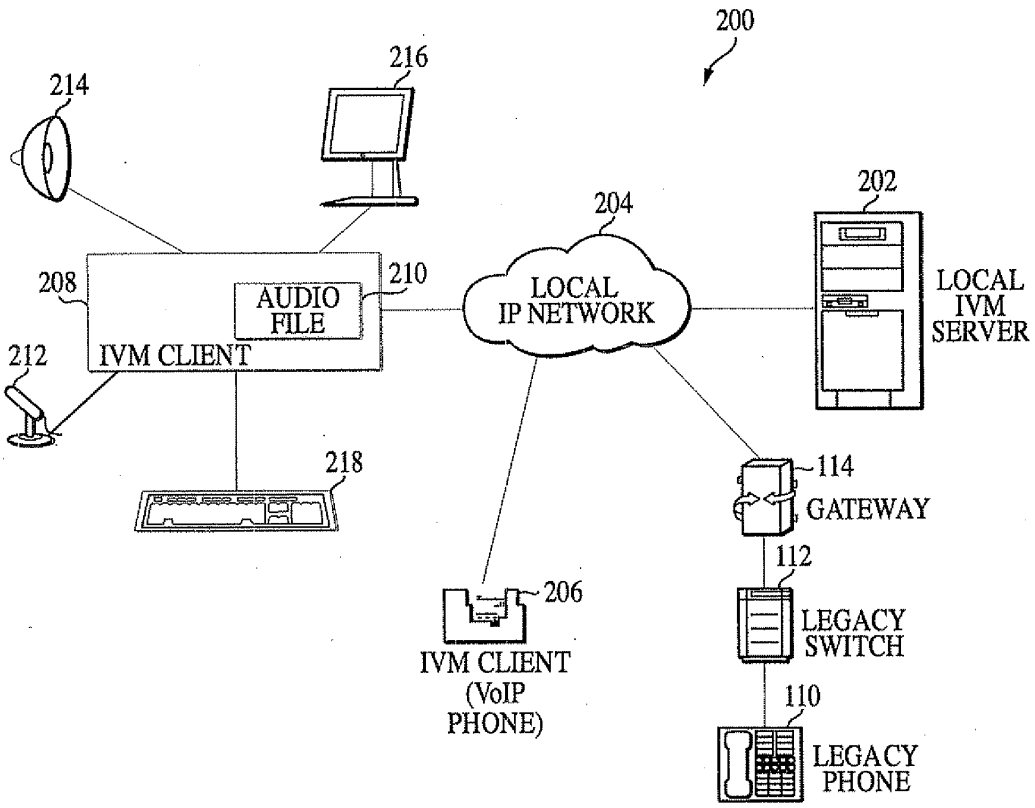
200
214
216
202
204
208
210
AUDIO FILE
LOCAL IP NETWORK
LOCAL IVM SERVER
212
IVM CLIENT
218
114
GATEWAY
112
206
LEGACY SWITCH
IVM CLIENT (VoIP PHONE)
110
LEGACY PHONE

FIG. 2

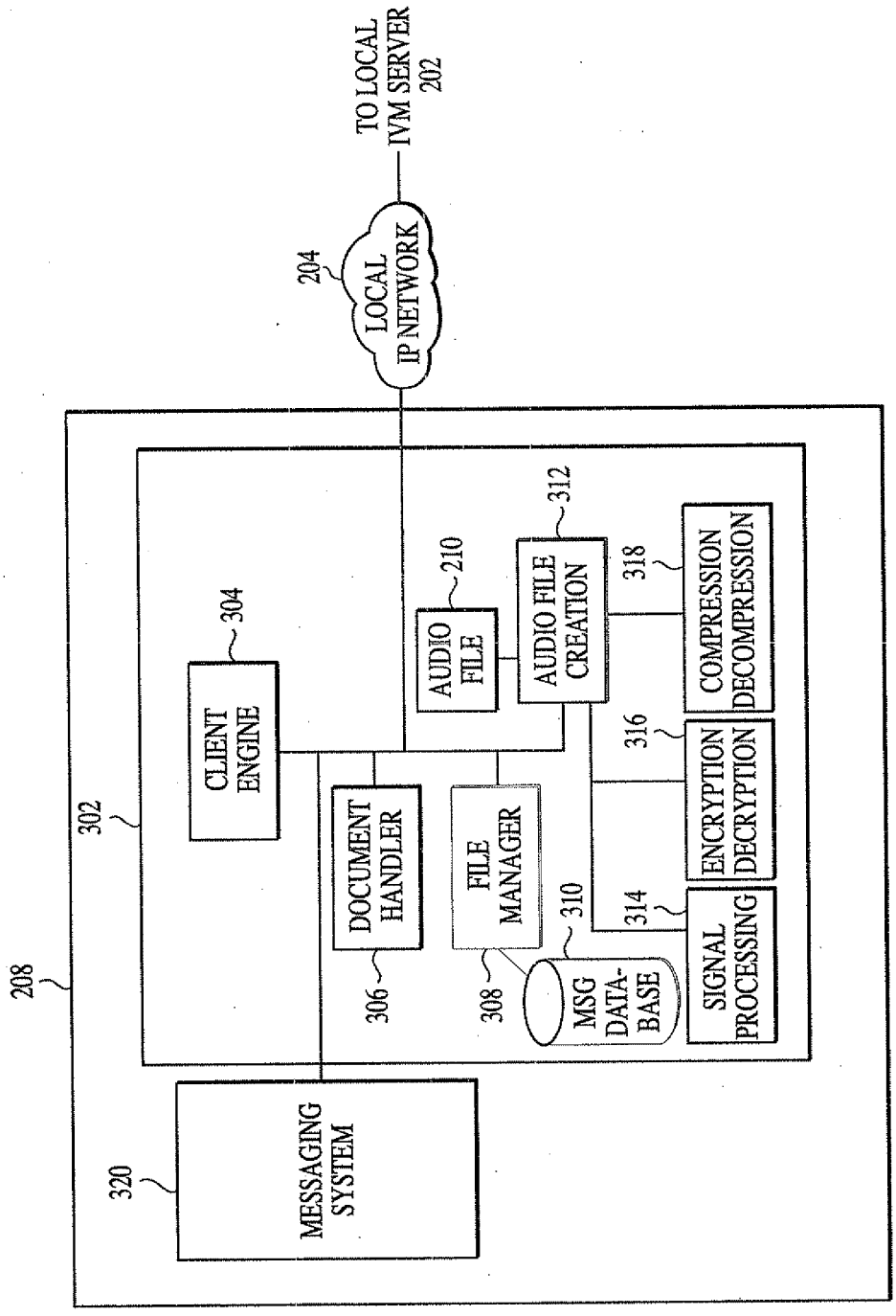
TO LOCAL IVM SERVER 202
204
LOCAL IP NETWORK
208
302
304
CLIENT ENGINE
210
AUDIO FILE
312
AUDIO FILE CREATION
318
COMPRESSION DECOMPRESSION
316
ENCRYPTION DECRYPTION
314
SIGNAL PROCESSING
310
MSG DATA-BASE
306
DOCUMENT HANDLER
308
FILE MANAGER
320
MESSAGING SYSTEM

FIG. 3

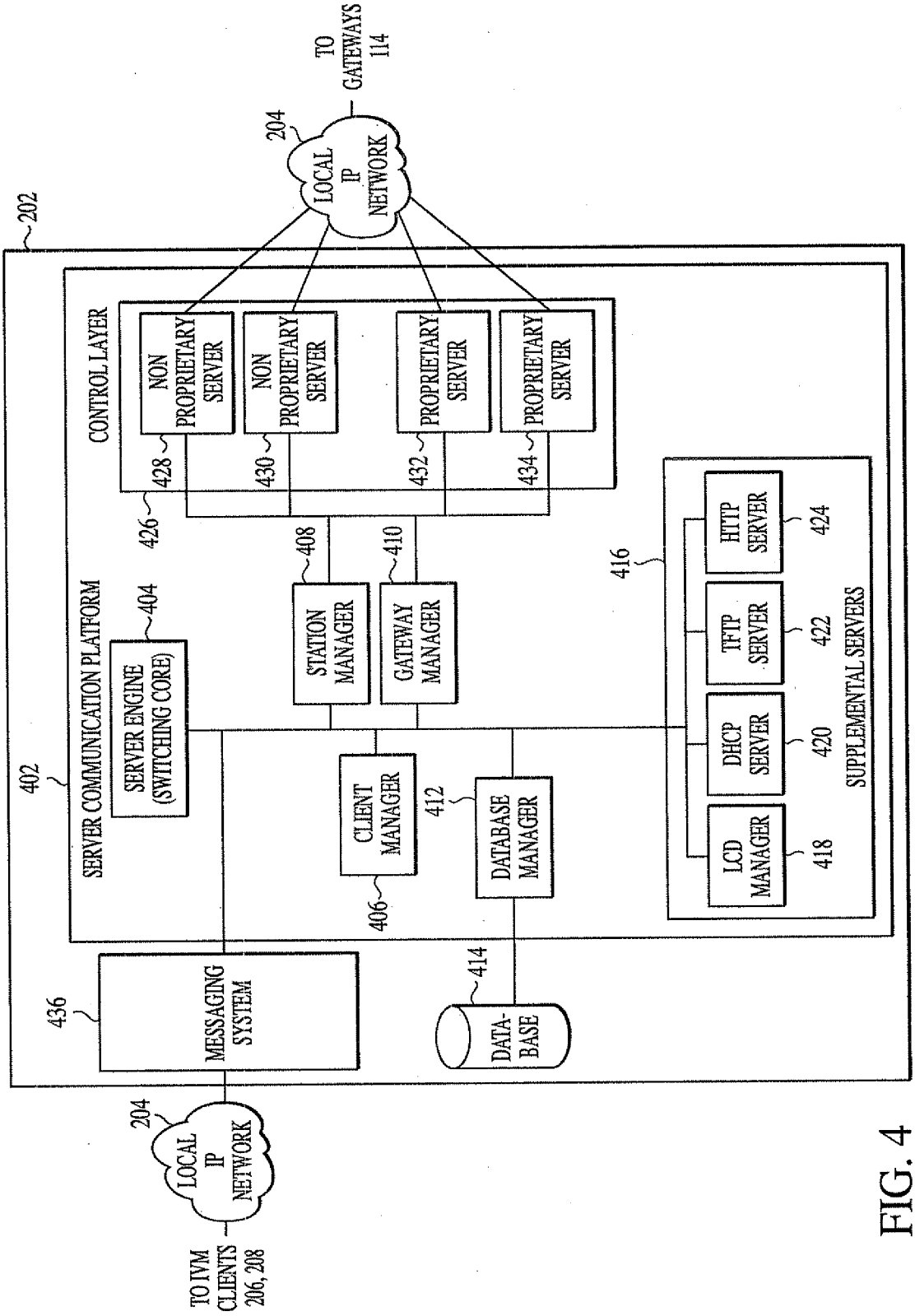
TO GATEWAYS 114
204
LOCAL IP NETWORK
202
CONTROL LAYER
NON PROPRIETARY SERVER
NON PROPRIETARY SERVER
PROPRIETARY SERVER
PROPRIETARY SERVER
428
430
432
434
426
408
410
416
HTTP SERVER
424
TFTP SERVER
422
DHCP SERVER
420
LCD MANAGER
418
SUPPLEMENTAL SERVERS
SERVER COMMUNICATION PLATFORM
404
SERVER ENGINE (SWITCHING CORE)
STATION MANAGER
GATEWAY MANAGER
402
CLIENT MANAGER
406
412
DATABASE MANAGER
436
MESSAGING SYSTEM
414
DATA-BASE
204
LOCAL IP NETWORK
TO IVM CLIENTS 206, 208

FIG. 4

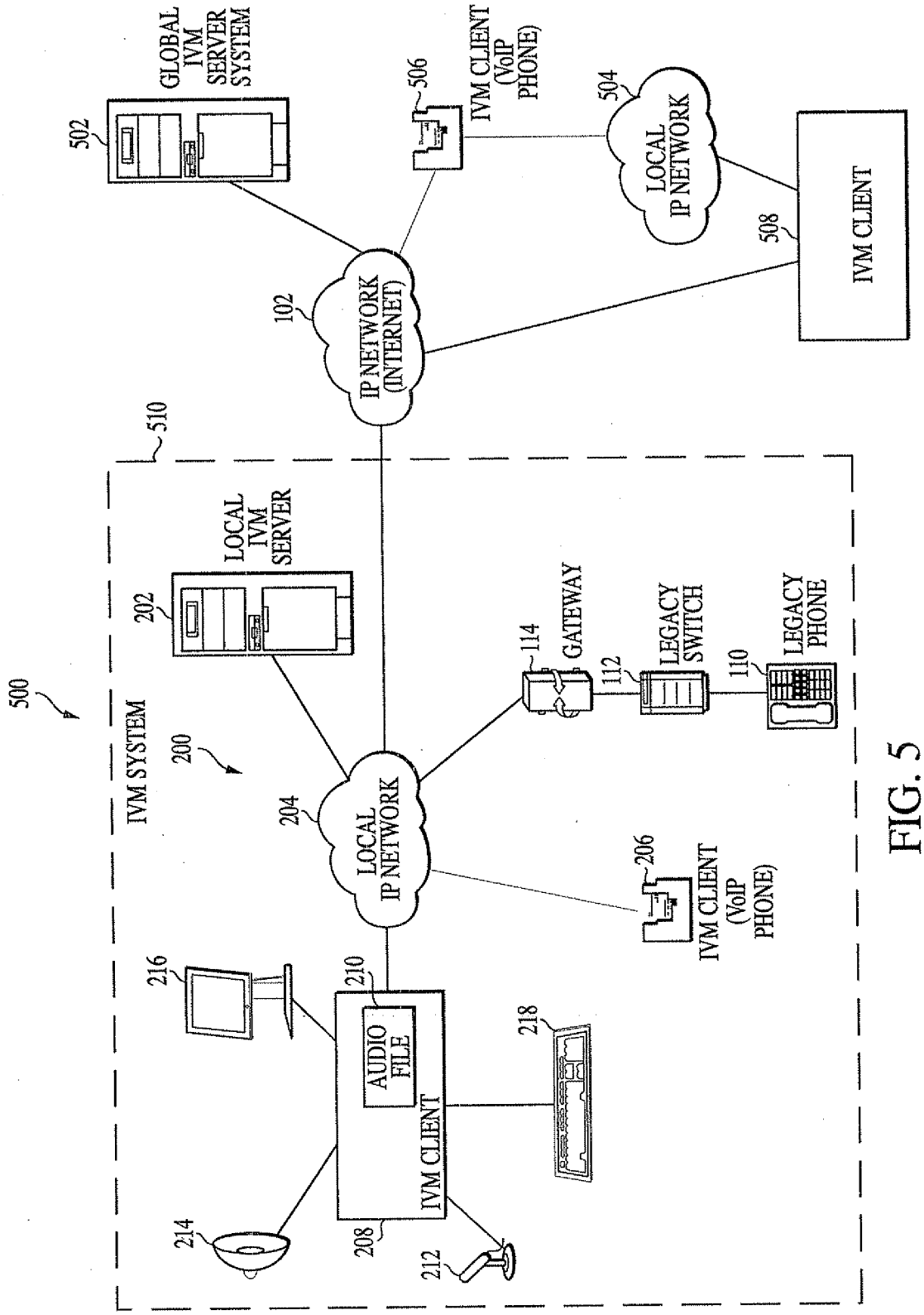
GLOBAL IVM SERVER SYSTEM
502
IVM CLIENT (VoIP PHONE)
506
504
LOCAL IP NETWORK
IVM CLIENT
508
IP NETWORK (INTERNET)
102
510
LOCAL IVM SERVER
202
GATEWAY
114
LEGACY SWITCH
112
LEGACY PHONE
110
500
IVM SYSTEM
200
LOCAL IP NETWORK
204
206
IVM CLIENT (VoIP PHONE)
216
210
AUDIO FILE
IVM CLIENT
218
214
208
212

FIG. 5

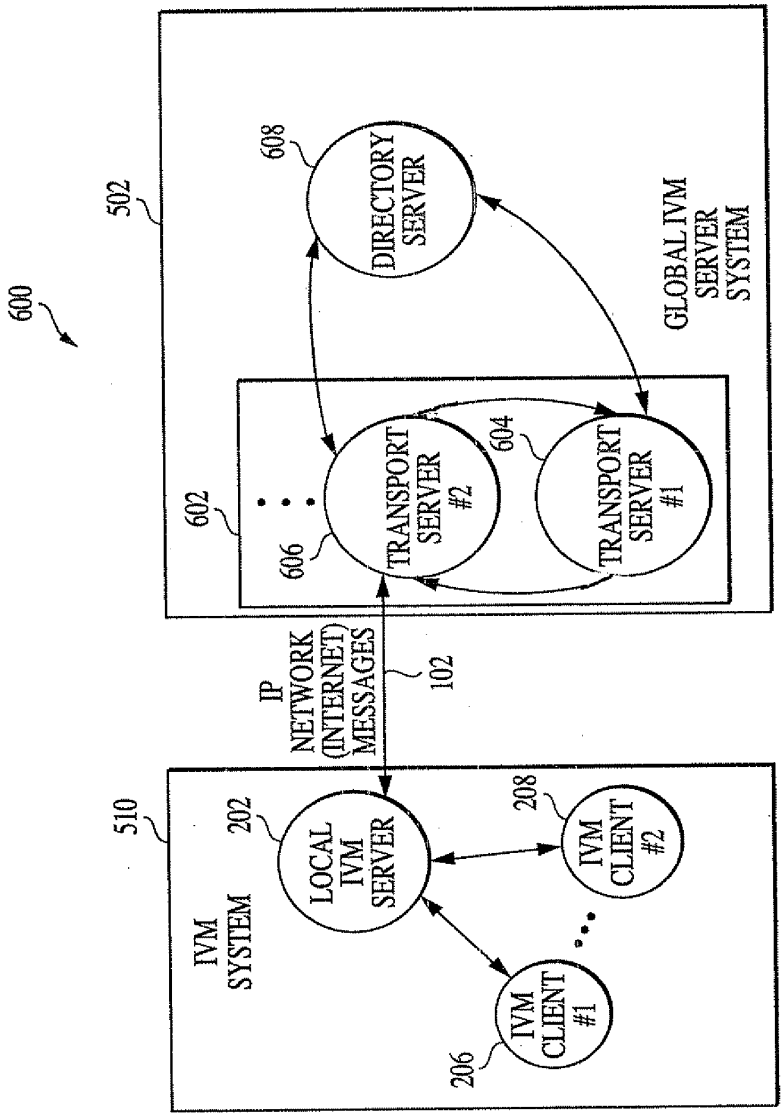
600
502
608
DIRECTORY SERVER
GLOBAL IVM SERVER SYSTEM
602
606
TRANSPORT SERVER #2
604
TRANSPORT SERVER #1
IP NETWORK (INTERNET) MESSAGES
102
510
IVM SYSTEM
202
LOCAL IVM SERVER
208
IVM CLIENT #2
206
IVM CLIENT #1

FIG. 6

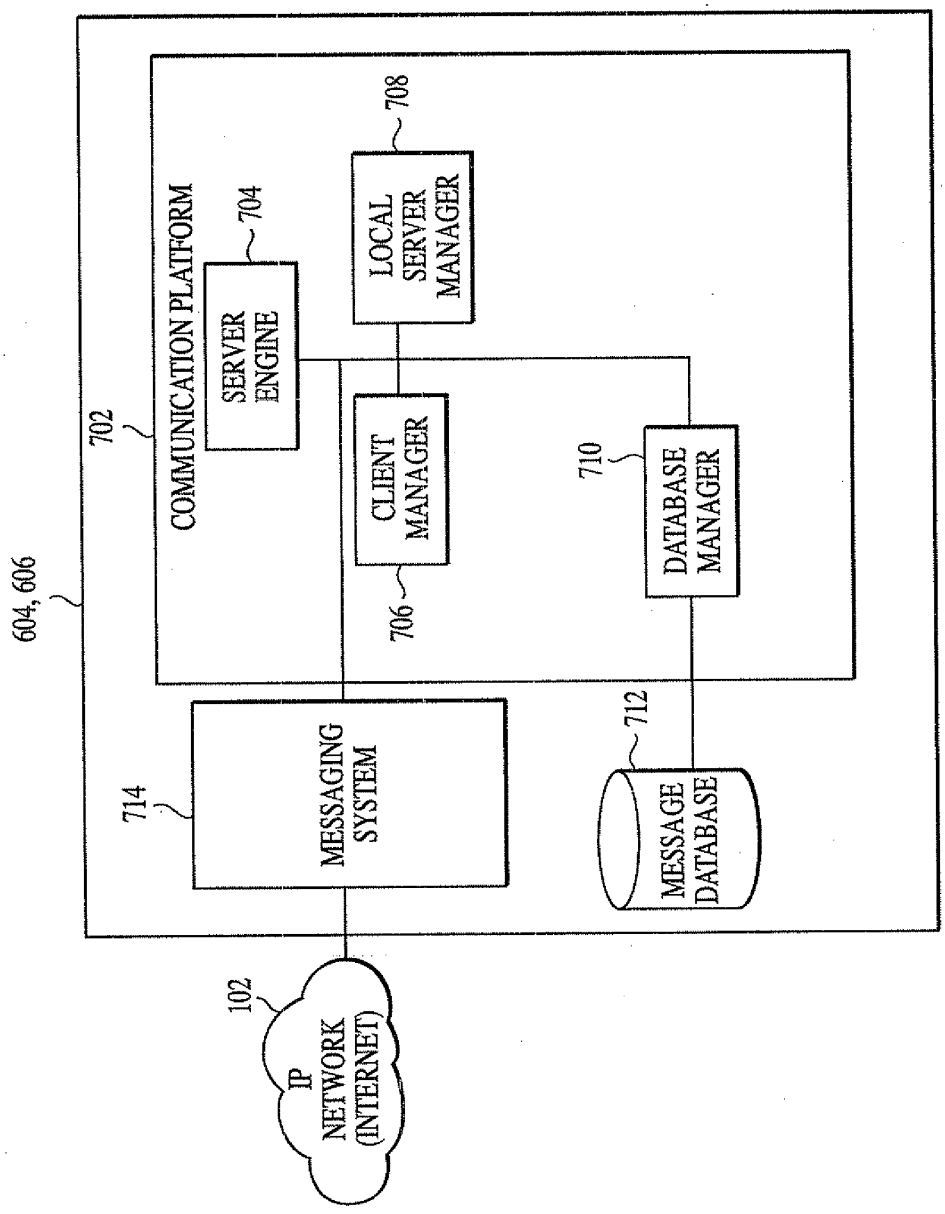
604, 606
702
COMMUNICATION PLATFORM
704
SERVER ENGINE
708
LOCAL SERVER MANAGER
706
CLIENT MANAGER
710
DATABASE MANAGER
714
MESSAGING SYSTEM
712
MESSAGE DATABASE
102
IP NETWORK (INTERNET)

FIG. 7

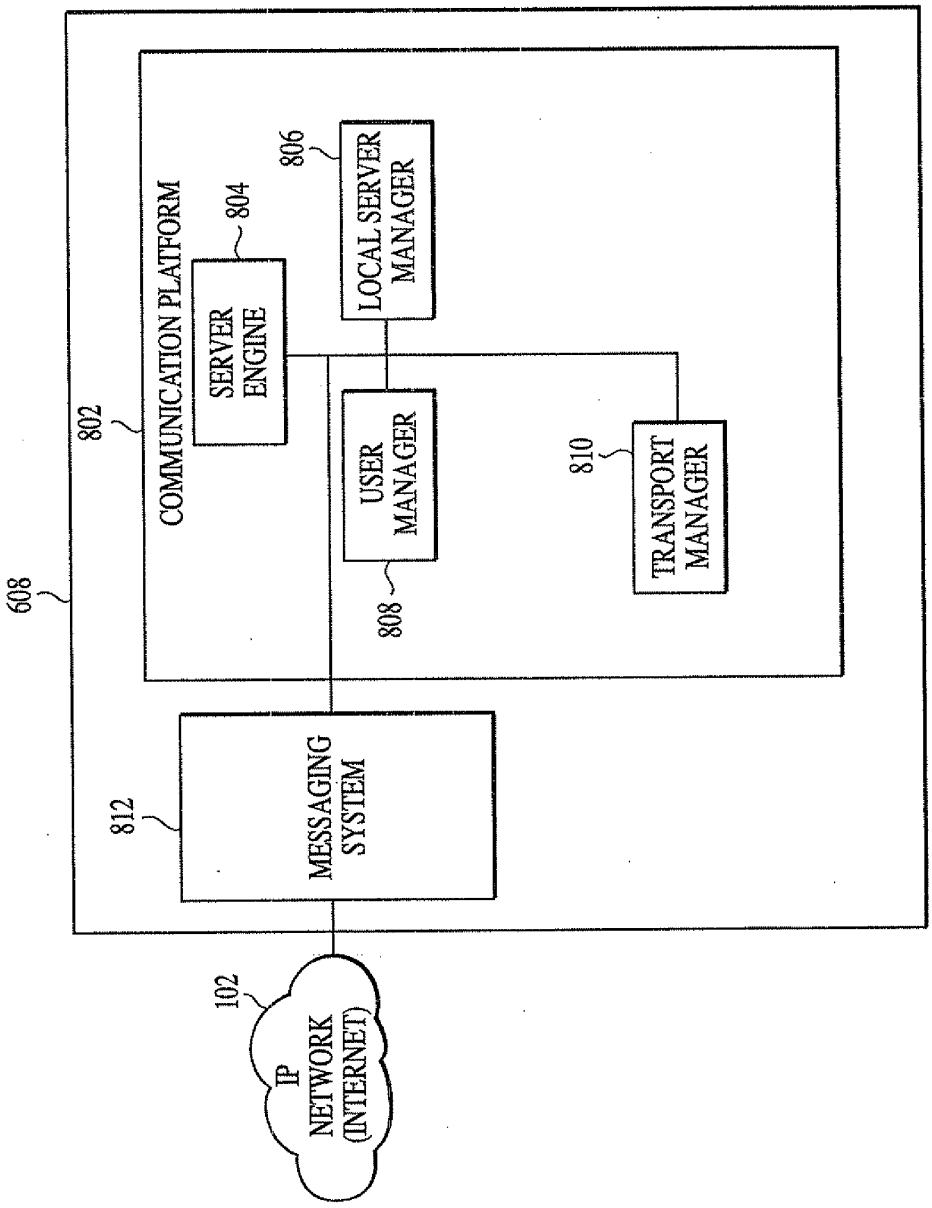
608
802
COMMUNICATION PLATFORM
804
SERVER ENGINE
806
LOCAL SERVER MANAGER
808
USER MANAGER
810
TRANSPORT MANAGER
812
MESSAGING SYSTEM
102
IP NETWORK (INTERNET)

FIG. 8

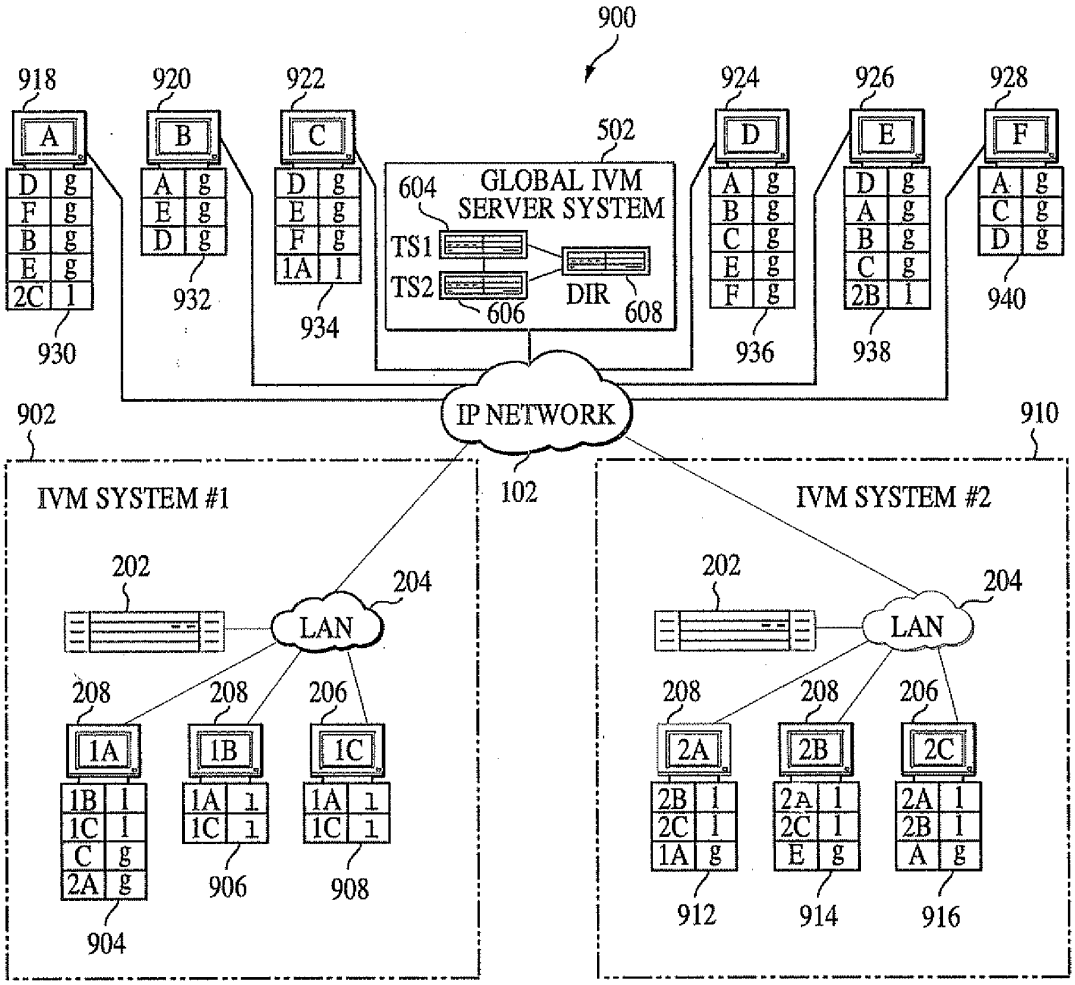
900
918
920
922
924
926
928
A
B
C
D
E
F
D g
F g
B g
E g
2C 1
A g
E g
D g
D g
E g
1A 1
A g
B g
C g
E g
F g
D g
A g
B g
C g
2B 1
A g
C g
D g
930
932
934
936
938
940
502
604
GLOBAL IVM SERVER SYSTEM
TS1
TS2
606
DIR
608
IP NETWORK
102
902
910
IVM SYSTEM #1
IVM SYSTEM #2
202
204
LAN
208
208
206
1A
1B
1C
1B 1
1C 1
C g
2A g
1A 1
1C 1
1A 1
1C 1
904
906
908
2A
2B
2C
2B 1
2C 1
1A g
2A 1
2C 1
E g
2A 1
2B 1
A g
912
914
916

FIG. 9

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)

23389 7590 12/05/2008

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,030	12/18/2003	Michael J. Rojas	17188	1731

TITLE OF INVENTION: SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING

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	03/05/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
SMITH, CREIGHTON H	2614	370-352000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "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.**

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.

1 Scully, Scott, Murphy
2 & Presser, P.C.
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: Ayalogic, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY): Akron, Ohio

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 _____ (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 March 5,2009

Typed or printed name Paul J. Esatto, Jr. Registration No. 30,749

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.

Electronic Patent Application Fee Transmittal	
Application Number:	10740030
Filing Date:	18-Dec-2003
Title of Invention:	SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING
First Named Inventor/Applicant Name:	Michael J. Rojas
Filer:	Paul J. Esatto/Roseann Gallo
Attorney Docket Number:	17188
Filed as Small Entity	

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	2501	1	755	755
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**1055**

Electronic Acknowledgement Receipt	
EFS ID:	4910739
Application Number:	10740030
International Application Number:	
Confirmation Number:	1731
Title of Invention:	SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING
First Named Inventor/Applicant Name:	Michael J. Rojas
Customer Number:	23389
Filer:	Paul J. Esatto/Roseann Gallo
Filer Authorized By:	Paul J. Esatto
Attorney Docket Number:	17188
Receipt Date:	05-MAR-2009
Filing Date:	18-DEC-2003
Time Stamp:	14:46:57
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1055
RAM confirmation Number	210
Deposit Account	191013
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	17188ISSUEFEE.pdf	110917 e29ffedc3b5caca2f2525898457f5155a55a1b48	no	1
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	31539 54cde0d55e656e647b7e751ab3273ed08b297f6b	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	142456		

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,030	12/18/2003	Michael J. Rojas	17188	1731

23389 7590 04/16/2009

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER	
SMITH, CREIGHTON H	

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
04/16/2009	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.

supplemental ***Notice of Allowability***	**Application No.** 10/740,030	**Applicant(s)** ROJAS, MICHAEL J.	
	Examiner CREIGHTON SMITH	**Art Unit** 2614	

-- 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 *ids filed on 27 FEB '09*.

2. ☒ The allowed claim(s) is/are *1-5,7-20,22-35,37-45,47-57,59-69 and 71-76*.

3. ☐ 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.

4. ☐ 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.

5. ☐ 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).

6. ☐ 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. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 02.27.09
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/CREIGHTON SMITH/ Primary Examiner, Art Unit 2614	15 APR '09

Form PTO-1449 (REV. 7-80) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Atty. Docket No. (Optional)	Application Number
INFORMATION DISCLOSURE CITATION *(Use several sheets if necessary)*	17188	10/740,030
	Applicant(s) Michael Rojas	
	Filing Date December 18, 2003	**Group Art Unit** 2614

U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	AA						
	AB						
	AC						

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

		http://www.cisco.com/warp/public/cc/pd/nemnsw/callmn/prodlit/cm33_ds.htm; "Data Sheet Cisco CallManager Version 3.3", November 22, 2002.
		http://www.cisco.com/en/US/products/hw/switches/ps1925/products_data_sheet_09186a00800a3c3d.html; "Data Sheet Cisco MGX 8000 Series" (date unknown).
		http://www.hsteliann.com/english/?zone=3100-V21P; "Teliphone 3100-V21P", 2003.
		http://www.linuxdevices.com/articles/AT5199947519.html; "Device Profile: snom 100 VoIP phone", May 15, 2002.
		http://www.pingtel.com/pr_xpressa.jsp; "No limits with the advanced industry standard SIP phone; December 8, 2003.
		AudioCoded Enabling Technology Products, TPM-1100 VoP Media Gateway Modules, copyright 2003.

EXAMINER	DATE CONSIDERED
/Creighton Smith/	03/04/2009

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

Please enter this IDS. CHS 04 MAR '09 J:\Work\1732\17188\Misc\supplmental1449.doc

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.S./

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,030	12/18/2003	Michael J. Rojas	17188	1731

23389 7590 04/22/2009
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER	
SMITH, CREIGHTON H	
ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
04/22/2009	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.

Notice of Allowability	Application No.	Applicant(s)	
	10/740,030	ROJAS, MICHAEL J.	
	Examiner	Art Unit	
	CREIGHTON SMITH	2614	

-- 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 *ids filed on 02.27.09*.

2. ☒ The allowed claim(s) is/are *1-5,7-20,22-35,37-45,47-57,59-69 and 71-76*.

3. ☐ 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.
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4. ☐ 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.

5. ☐ 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).

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3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 02.27.09
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
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6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/CREIGHTON SMITH/ Primary Examiner, Art Unit 2614	15 APR '09

Form PTO-1449 (REV. 7-80) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Atty. Docket No. (Optional)	Application Number
17188	10/740,030

Applicant(s)
Michael Rojas

Filing Date	Group Art Unit
December 18, 2003	2614

U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	AA						
	AB						
	AC						

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

		http://www.cisco.com/warp/public/cc/pd/nemnsw/callmn/prodlit/cm33_ds.htm; "Data Sheet Cisco CallManager Version 3.3", November 22, 2002.
		http://www.cisco.com/en/US/products/hw/switches/ps1925/products_data_sheet_09186a00800a3c3d.html; "Data Sheet Cisco MGX 8000 Series" (date unknown).
		http://www.hsteliann.com/english/?zone=3100-V21P; "Teliphone 3100-V21P", 2003.
		http://www.linuxdevices.com/articles/AT5199947519.html; "Device Profile: snom 100 VoIP phone", May 15, 2002.
		http://www.pingtel.com/pr_xpressa.jsp; "No limits with the advanced industry standard SIP phone; December 8, 2003.
		AudioCoded Enabling Technology Products, TPM-1100 VoP Media Gateway Modules, copyright 2003.

EXAMINER	DATE CONSIDERED
/Creighton Smith/	04/15/2009

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

J:\Work\1732\17188\Misc\supplmental1449.doc

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.S./

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,030	05/19/2009	7535890	17188	1731

23389 7590 04/29/2009

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

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 799 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 Customer Service Center of the Office of Patent Publication at (571)-272-4200.

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

Michael J. Rojas, North Canton, OH;

PTO/SB/81 (01-09)
Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	10740090
Filing Date	2003-12-18
First Named Inventor	Michael J. Rojas
Title	System and Method for Instant VoIP Messagin
Art Unit	2614
Examiner Name	Creighton H. Smith
Attorney Docket Number	EMP0021-US

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

67060

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the:

☐ Applicant/Inventor.

OR

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____.

SIGNATURE of Applicant or Assignee of Record

Signature		Date	8-21-2013
Name	Daniel Mitry	Telephone	
Title and Company	Principal, Empire IP LLC		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 3 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.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Empire IP LLC

Application No./Patent No.: 7,535,890 Filed/Issue Date: 2009-05-19

Titled: System and Method for Instant VoIP Messaging

Empire IP LLC, a Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. [X] the assignee of the entire right, title, and interest in:

2. [ ] an assignee of less than the entire right, title, and interest in (The extent (by percentage) of its ownership interest is _____ %); or

3. [ ] the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above, by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

B. [X] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Rojas, Michael J. To: Ayalogic, Inc.

The document was recorded in the United States Patent and Trademark Office at Reel 014827, Frame 0059, or for which a copy thereof is attached.

2. From: Ayalogic, Inc. To: Empire IP LLC

The document was recorded in the United States Patent and Trademark Office at Reel 030922, Frame 0335, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet(s).

[ ] As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature 8-23-2013 Date

Daniel Mitry Principal

Printed or Typed Name Title

This collection of information is required by 37 CFR 3.73(b). 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.

Electronic Acknowledgement Receipt	
EFS ID:	16696004
Application Number:	10740030
International Application Number:	
Confirmation Number:	1731
Title of Invention:	SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING
First Named Inventor/Applicant Name:	Michael J. Rojas
Customer Number:	23389
Filer:	John Kasha
Filer Authorized By:	
Attorney Docket Number:	17188
Receipt Date:	27-AUG-2013
Filing Date:	18-DEC-2003
Time Stamp:	13:36:56
Application Type:	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	Power of Attorney	EMP0021-US_poa_signed1.pdf	384208 cf7dc5435967b29f44f0fde86261e8559f5c6868	no	2
Warnings:					
Information:					

Total Files Size (in bytes):	384208

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/740,030	12/18/2003	Michael J. Rojas	EMP0021-US

CONFIRMATION NO. 1731

67050
KASHA LAW LLC
14532 Dufief Mill Road
North Potomac, MD 20878

POA ACCEPTANCE LETTER

OC000000063664372

Date Mailed: 09/10/2013

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/27/2013.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/sharris/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/740,030	12/18/2003	Michael J. Rojas	17188

CONFIRMATION NO. 1731

23389
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

POWER OF ATTORNEY NOTICE

OC000000063664296

Date Mailed: 09/10/2013

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/27/2013.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/sharris/

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

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-777	7/15/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	AVAYA INC.,

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
5	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
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AO 120 (Rev. 08/10)

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-779	7/15/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	SHORETEL, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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2:16-cv-779	7/15/2016	Eastern District of Texas, Marshall Division

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UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	SHORETEL, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
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DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-777	7/15/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	AVAYA INC.,

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-733	7/5/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	TANGOME, INC. d/b/a TANGO

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
5	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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AO 120 (Rev. 08/10)

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Mail Stop 8 **Director of the U.S. Patent and Trademark Office** **P.O. Box 1450** **Alexandria, VA 22313-1450**	

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-731	7/5/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	GREEN TOMATO LIMITED

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
5	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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AO 120 (Rev. 08/10)

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-728	7/5/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	FACEBOOK, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
5	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
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AO 120 (Rev. 08/10)

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Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-644	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	VOXERNET LLC

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
5	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-643	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	VIBER MEDIA S.A.R.L.,

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-642	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	SAMSUNG ELECTRONICS AMERICA, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/31/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
5			

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-638	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	APPLE INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8,724,622	5/31/2014	UNILOC LUXEMBOURG, S.A.
4	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
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TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-722	7/5/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	AOL INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
5	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director **Copy 3—Upon termination of action, mail this copy to Director**
Copy 2—Upon filing document adding patent(s), mail this copy to Director **Copy 4—Case file copy**

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-725	7/5/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	BEETALK PRIVATE LTD.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
5	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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AO 120 (Rev. 08/10)

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-893	8/11/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	VONAGE HOLDINGS CORP. & VONAGE AMERICAS, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/31/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-892	8/11/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	TELEGRAM MESSENGER, LLP

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
5	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-645	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	WHATSAPP, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
5	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-641	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	LINE EURO-AMERICAS CORP. & LINE CORPORATION

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
5	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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AO 120 (Rev. 08/10)

TO:	**Mail Stop 8** **Director of the U.S. Patent and Trademark Office** **P.O. Box 1450** **Alexandria, VA 22313-1450**	**REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK**

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-639	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	BLACKBERRY CORPORATION & BLACKBERRY LIMITED

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
5	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-989	9/6/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	HTC AMERICA, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-990	9/6/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	KYOCERA AMERICA, INC. and § KYOCERA COMMUNICATIONS, INC.,

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-991	9/6/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	LG ELECTRONICS U.S.A., INC.,

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
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PTO/SB/47 (03-09)
Approved for use through 05/31/2015. OMB 0651-0016
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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Address to:
Mail Stop M Correspondence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

- OR -

Fax to:
571-273-6500

INSTRUCTIONS: The issue fee must have been paid for application(s) listed on this form. In addition, only an address represented by a Customer Number can be established as the fee address for maintenance fee purposes (hereafter, fee address). A fee address should be established when correspondence related to maintenance fees should be mailed to a different address than the correspondence address for the application. **When to check the first box below**: If you have a Customer Number to represent the fee address. **When to check the second box below**: If you have no Customer Number representing the desired fee address, in which case a completed Request for Customer Number (PTO/SB/125) must be attached to this form. For more information on Customer Numbers, see the Manual of Patent Examining Procedure (MPEP) § 403.

For the following listed application(s), please recognize as the "Fee Address" under the provisions of 37 CFR 1.363 the address associated with:

☑ Customer Number: 96051

OR

☐ The attached Request for Customer Number (PTO/SB/125) form.

PATENT NUMBER (if known)	APPLICATION NUMBER
7,535,890	10/740,030

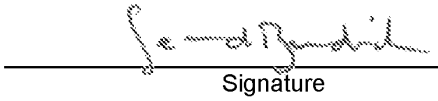
Completed by (check one):

☐ Applicant/Inventor

☑ Attorney or Agent of record 51,513 (Reg. No.)

☑ Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ Assignee recorded at Reel _____ Frame_____



Signature

Sean D. Burdick

Typed or printed name

972-905-9580 x227

Requester's telephone number

September 15, 2016

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more that one signature is required, see below*.

☑ * Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.363. 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 5 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 COMPLETED FORMS TO THIS ADDRESS.
SEND TO: Mail Stop M Correspondence, 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.

PTO/SB/96 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Uniloc Luxembourg S.A.

Application No./Patent No.: 7,535,890 Filed/Issue Date: May 19, 2009

Titled: SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING

Uniloc Luxembourg S.A. , a corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☑ the assignee of the entire right, title, and interest in;

2. ☐ an assignee of less than the entire right, title, and interest in (The extent (by percentage) of its ownership interest is _____ %); or

3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

B. ☑ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Michael J. ROJAS To: Ayalogic, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 014827 , Frame 0059 , or for which a copy thereof is attached.

2. From: Ayalogic, Inc. To: Empire IP LLC

The document was recorded in the United States Patent and Trademark Office at
Reel 030922 , Frame 0335 , or for which a copy thereof is attached.

3. From: Empire IP LLC To: Uniloc Luxembourg S.A.

The document was recorded in the United States Patent and Trademark Office at
Reel 038963 , Frame 0343 , or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☑ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature September 15, 2016
Date

Sean D. Burdick IP Counsel for Uniloc Luxembourg S.A.
Printed or Typed Name Title

This collection of information is required by 37 CFR 3.73(b). 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.

Electronic Acknowledgement Receipt

EFS ID:	26942493
Application Number:	10740030
International Application Number:	
Confirmation Number:	1731
Title of Invention:	SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING
First Named Inventor/Applicant Name:	Michael J. Rojas
Customer Number:	67050
Filer:	Sean Dylan Burdick/Kris Pangan
Filer Authorized By:	Sean Dylan Burdick
Attorney Docket Number:	EMP0021-US
Receipt Date:	15-SEP-2016
Filing Date:	18-DEC-2003
Time Stamp:	18:48:50
Application Type:	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	Power of Attorney	IT-192_Executed_POA.pdf	37608 208cf9b8f86571561a5aeb145b2f29ef8b91edec	no	1

Warnings:

Information:					
2	Change of Address	IT-192_Fee_Address_Indication_Form.pdf	317687 ff149755340646628 5f0680a188858ab53804385	no	1
Warnings:					
Information:					
3	Assignee showing of ownership per 37 CFR 3.73	IT-192_Statement_Under_37_CFR.pdf	4209259 d6adb4ec1c162c850ce2b6ee0a0dd3737e024c4d	no	1
Warnings:					
Information:					
		Total Files Size (in bytes):	4564554		

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.

PTO/AIA/81A (02-15)
Approved for use through 01/31/2018. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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

PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Patent Number	7,535,890
Issue Date	May 19, 2009
First Named Inventor	Michael J. ROJAS
Title	SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING
Attorney Docket No.	UN-NP-IT-192

I hereby revoke all previous powers of attorney given in the above-identified patent.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the Customer Number identified in the box at right as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith: 96051

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified patent to:

☒ The address associated with the above-identified Customer Number.

OR

☐ The address associated with the Customer Number identified in the box at right:

OR

☐ Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the:

☐ Applicant.

OR

☒ Patent owner.

Statement under 37 CFR 3.73(c) (Form PTO/AIA/96) submitted herewith or filed on _____.

SIGNATURE of Applicant or Patent Owner

Signature		Date	
Name	Craig S.Etchegoyen	Telephone	
Title and Company	CEO of Unilac Luxembourg S.A.		

NOTE: Signatures of all the applicants or patent owners of the entire interest or their representative(s) are required. If more than one signature is required, submit multiple forms, check the box below, and identify the total number of forms submitted in the blank below.

☑ A total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public, which is to update (and by the USPTO to process) the file of a patent or reexamination proceeding. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/740,030	12/18/2003	Michael J. Rojas	UN-NP-IT-192

CONFIRMATION NO. 1731

POA ACCEPTANCE LETTER

96051
Uniloc USA Inc.
Legacy Town Center
7160 Dallas Parkway
Suite 380
Plano, TX 75024

OC000000085922695

Date Mailed: 09/21/2016

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/15/2016.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/rmturner myles/

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/740,030	12/18/2003	Michael J. Rojas	UN-NP-IT-192

CONFIRMATION NO. 1731

67050
KASHA LAW LLC
14532 Dufief Mill Road
North Potomac, MD 20878

POWER OF ATTORNEY NOTICE

OC000000085922669

Date Mailed: 09/21/2016

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/15/2016.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/rmturner myles/

AO 120 (Rev. 08/10)

TO:	**Mail Stop 8** **Director of the U.S. Patent and Trademark Office** **P.O. Box 1450** **Alexandria, VA 22313-1450**	**REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-893	8/11/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	VONAGE HOLDINGS CORP. & VONAGE AMERICAS, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/31/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
Defendants Vonage Holdings Corp. and Vonage Americas, Inc. are dismissed with prejudice

CLERK	(BY) DEPUTY CLERK	DATE
David A. O'Toole	ch	**11/17/16**

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-994	9/6/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	HUAWEI DEVICE USA, INC. and HUAWEI TECHNOLOGIES USA, INC.,

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 **Director of the U.S. Patent and Trademark Office** **P.O. Box 1450** **Alexandria, VA 22313-1450**	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-993	9/6/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	ZTE (USA), INC. and ZTE (TX), INC.,

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director **Copy 3—Upon termination of action, mail this copy to Director**
Copy 2—Upon filing document adding patent(s), mail this copy to Director **Copy 4—Case file copy**

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-992	9/6/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	MOTOROLA MOBILITY LLC

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-733	7/5/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	TANGOME, INC. d/b/a TANGO

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
5	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
ORDER OF DISMISSAL WITH PREJUDICE OF ALL CLAIMS BY UNILOC AGAINST TANGOME, INC. d/b/a TANGO

CLERK	(BY) DEPUTY CLERK	DATE
David A. O'Toole	Nakisha Love	1/11/17

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-643	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	VIBER MEDIA S.A.R.L.,

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
5	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
Having considered the Stipulation, the Court finds that the case should be DISMISSED under Federal Rule of Civil Procedure 41.

CLERK	(BY) DEPUTY CLERK	DATE
David A. O'Toole	M. Martin	1/19/17

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-640	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	KAKAO CORPORATION

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
5	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
Kakao Corp. ("Kakao") should be DISMISSED WITH PREJUDICE

CLERK	(BY) DEPUTY CLERK	DATE
David A. O'Toole	ch	3/17/17

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:17-cv-0214-JRG	3/20/2017	Eastern District of Texas

PLAINTIFF	DEFENDANT
Uniloc USA, Inc. and Uniloc Luxembourg S.A.	Google, Inc.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	Uniloc Luxembourg S.A.
2	8,995,433	5/31/2015	Uniloc Luxembourg S.A.
3	7,535,890	5/19/2009	Uniloc Luxembourg S.A.
4	8,199,747	6/12/2012	Uniloc Luxembourg S.A.
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:17-cv-0224-JRG	3/22/2017	Eastern District of Texas

PLAINTIFF	DEFENDANT
Uniloc USA, Inc. and Uniloc Luxembourg S.A.	Google, Inc.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	Uniloc Luxembourg S.A.
2	8,995,433	5/31/2015	Uniloc Luxembourg S.A.
3	7,535,890	5/19/2009	Uniloc Luxembourg S.A.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-893	8/11/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	VONAGE HOLDINGS CORP. & VONAGE AMERICAS, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/31/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-992	9/6/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	MOTOROLA MOBILITY LLC

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-993	9/6/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	ZTE (USA), INC. and ZTE (TX), INC.,

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	**Mail Stop 8** **Director of the U.S. Patent and Trademark Office** **P.O. Box 1450** **Alexandria, VA 22313-1450**	**REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-994	9/6/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	HUAWEI DEVICE USA, INC. and HUAWEI TECHNOLOGIES USA, INC.,

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

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Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-696	6/30/2016	Eastern District of Texas

PLAINTIFF	DEFENDANT
UNILOC USA, INC. and UNILOC LUXEMBOURG, S.A.	SNAPCHAT, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	Uniloc Luxembourg S.A.
2	8,995,433	5/31/2015	Uniloc Luxembourg S.A.
3	7,535,890	5/19/2009	Uniloc Luxembourg S.A.
4	8,199,747	6/12/2012	Uniloc Luxembourg S.A.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-694	6/30/2016	Eastern District of Texas

PLAINTIFF	DEFENDANT
UNILOC USA, INC. and UNILOC LUXEMBOURG, S.A.	TENCENT AMERICA LLC and TENCENT HOLDINGS LIMITED

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	Uniloc Luxembourg S.A.
2	8,995,433	5/31/2015	Uniloc Luxembourg S.A.
3	7,535,890	5/19/2009	Uniloc Luxembourg S.A.
4	8,199,747	6/12/2012	Uniloc Luxembourg S.A.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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AO 120 (Rev. 08/10)

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Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-731	7/5/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	GREEN TOMATO LIMITED

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
5	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

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Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-732	7/5/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	SONY INTERACTIVE ENTERTAINMENT LLC

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
3	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
4	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-728	7/5/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	FACEBOOK, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
5	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

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AO 120 (Rev. 08/10)

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Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-722	7/5/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	AOL INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
5	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-733	7/5/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	TANGOME, INC. d/b/a TANGO

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
5	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

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AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-644	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	VOXERNET LLC

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
5	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
Any and all claims by Uniloc against Voxernet are dismissed with prejudice.

CLERK	(BY) DEPUTY CLERK	DATE
David A. O'Toole	Nakisha Love	**12/28/16**

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	**Mail Stop 8** **Director of the U.S. Patent and Trademark Office** **P.O. Box 1450** **Alexandria, VA 22313-1450**	**REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-892	8/11/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	TELEGRAM MESSENGER, LLP

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
5	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
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CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
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AO 120 (Rev. 08/10)

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Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-1313	11/28/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	HEYWIRE, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
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DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-696	6/30/2016	Eastern District of Texas

PLAINTIFF	DEFENDANT
UNILOC USA, INC. and UNILOC LUXEMBOURG, S.A.	SNAPCHAT, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	Uniloc Luxembourg S.A.
2	8,995,433	5/31/2015	Uniloc Luxembourg S.A.
3	7,535,890	5/19/2009	Uniloc Luxembourg S.A.
4	8,199,747	6/12/2012	Uniloc Luxembourg S.A.
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-642	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	SAMSUNG ELECTRONICS AMERICA, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/31/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-645	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	WHATSAPP, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
3	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
4	8, 724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
5	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-644	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	VOXERNET LLC

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
5	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-643	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	VIBER MEDIA S.A.R.L.,

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
5	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-641	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	LINE EURO-AMERICAS CORP. & LINE CORPORATION

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
5	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-639	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	BLACKBERRY CORPORATION & BLACKBERRY LIMITED

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
5	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.

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Mail Stop 8 **Director of the U.S. Patent and Trademark Office** **P.O. Box 1450** **Alexandria, VA 22313-1450**	

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-638	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	APPLE INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8,724,622	5/31/2014	UNILOC LUXEMBOURG, S.A.
4	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:17-cv-0231-JRG	3/26/2017	Eastern District of Texas

PLAINTIFF	DEFENDANT
Uniloc USA, Inc. and Uniloc Luxembourg S.A.	Google, Inc.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	Uniloc Luxembourg S.A.
2	8,995,433	5/31/2015	Uniloc Luxembourg S.A.
3	7,535,890	5/19/2009	Uniloc Luxembourg S.A.
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Trials@uspto.gov
571.272.7822

Paper No. 9
Filed: May 25, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

UNILOC USA, INC. and UNILOC LUXEMBOURG S.A.,[1]
Patent Owner.

Case IPR2017-00220
Patent 7,535,890 B2

Before MIRIAM L. QUINN, KERRY BEGLEY, and CHARLES J. BOUDREAU, *Administrative Patent Judges*.

BEGLEY, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

---

[1] Patent Owner's Mandatory Notice, filed pursuant to 37 C.F.R. § 42.8, and Preliminary Response identify Uniloc USA, Inc. and Uniloc Luxembourg S.A. as patent owners. Paper 4; Paper 6 ("Prelim. Resp.") at caption. Therefore, we adjust the case caption to include Uniloc USA, Inc.

Apple Inc. ("Petitioner") filed a Petition requesting *inter partes* review of claims 1–6, 14, 15, 17–20, 28, 29, 31–34, 40–43, 51–54, 62–65, and 68 ("challenged claims") of U.S. Patent No. 7,535,890 B2 (Ex. 1001, "the '890 patent"). Paper 2 ("Pet."). Uniloc USA, Inc. and Uniloc Luxembourg S.A. (collectively, "Patent Owner") filed a Preliminary Response. Prelim. Resp.

Pursuant to 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless "the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." Having considered the Petition and the Preliminary Response, we determine that the information presented does not show that there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of any of the challenged claims of the '890 patent. Accordingly, we deny institution of an *inter partes* review.

I. BACKGROUND

A. RELATED MATTERS

Petitioner represents that the '890 patent is the subject of numerous ongoing actions before the U.S. District Court for the Eastern District of Texas, including an action filed against Petitioner (Case No. 2-16-cv-00638). Pet. 72–74; *see* Paper 4, 2. Before the Office, the '890 patent also is the subject of IPR2017-00221, which Petitioner filed concurrently with the instant proceeding. *See* Pet. 2–3; Prelim. Resp. 1 & n.1.

B. THE '890 PATENT

The '890 patent explains that "[v]oice messaging" and "instant text messaging" in both the Voice over Internet Protocol ("VoIP") and public

switched telephone network environments are known. Ex. 1001, 2:11–35. In prior art instant text messaging systems, a server presents a user of a client terminal with a "list of persons who are currently 'online' and ready to receive text messages," the user "select[s] one or more" recipients and types the message, and the server immediately sends the message to the respective client terminals. *Id.* at 2:23–35. According to the '890 patent, however, "there is still a need in the art for . . . a system and method for providing instant VoIP messaging over an IP network," such as the Internet. *Id.* at 1:6–11, 2:36–48, 6:37–39.

In one embodiment, the '890 patent discloses local instant voice messaging ("IVM") system 200, depicted in Figure 2 below. *Id.* at 6:12–14.

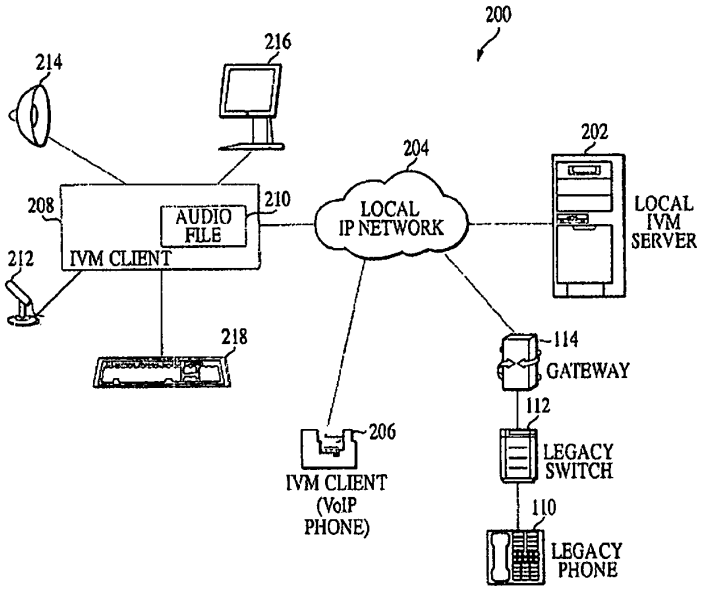

FIG. 2

As illustrated in Figure 2, local packet-switched IP network 204, which may be a local area network ("LAN"), "interconnects" IVM clients 206, 208 and legacy telephone 110 to local IVM server 202. *Id.* at 6:40–61; *see id.*

at 7:13–14, 7:51–55. Local IVM server 202 enables instant voice messaging functionality over network 204. *Id.* at 7:53–55.

In "record mode," IVM client 208, exemplified as a VoIP softphone in Figure 2, "displays a list of one or more IVM recipients," provided and stored by local IVM server 202, and the user selects recipients from the list. *Id.* at 7:47–49, 7:55–61. IVM client 208 then transmits the selections to IVM server 202 and "records the user's speech into . . . digitized audio file 210 (i.e., an instant voice message)." *Id.* at 7:61–8:1.

When the recording is complete, IVM client 208 transmits audio file 210 to local IVM server 202, which delivers the message to the selected recipients via local IP network 204. *Id.* at 8:5–19. "[O]nly the available IVM recipients, currently connected to . . . IVM server 202, will receive the instant voice message." *Id.* at 8:23–25. IVM server 202 "temporarily saves the instant voice message" for any IVM client that is "not currently connected to . . . local IVM server 202 (i.e., is unavailable)" and "delivers it . . . when the IVM client connects to . . . local IVM server 202 (i.e., is available)." *Id.* at 8:24–29; *see id.* at 9:7–11. Upon receiving the instant voice message, the recipients can audibly play the message. *Id.* at 8:19–22.

In another embodiment, the '890 patent discusses global IVM system 500. *Id.* at 15:24–28, Fig. 5. Global IVM system 500 includes a local IVM system, such as local IVM system 200, and global IVM server system 502, with global IVM clients 506, 508. *Id.* at 15:25–33. Both the local and global IVM systems are connected to "packet-switched network 102 (i.e., Internet)" to enable the local and global IVM clients to be able to exchange instant voice messages with one another. *Id.* at 15:25–38.

C. ILLUSTRATIVE CLAIM

Of the challenged claims, claims 1, 14, 28, 40, 51, and 62 of the '890 patent are independent. Claim 1, reproduced below, is illustrative of the recited subject matter:

> 1. An instant voice messaging system for delivering instant messages over a packet-switched network, the system comprising:
>
> a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and
>
> a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the network, the selected recipients enabled to audibly play the instant voice message, and the server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.

Id. at 23:55–24:3.

D. EVIDENCE OF RECORD

The Petition relies upon the following asserted prior art references:

U.S. Patent Application Publication No. 2002/0146097 A1 (published Oct. 10, 2002) (Ex. 1005, "Vuori");

International Application Publication No. WO 02/17658 A1 (published Feb. 28, 2002) (Ex. 1008, "Väänänen");

U.S. Patent Application Publication No. 2003/0046273 A1 (published Mar. 6, 2003) (Ex. 1009, "Deshpande");

U.S. Patent Application Publication No. 2004/0068545 A1 (filed Dec. 19, 2002) (published Apr. 8, 2004) (Ex. 1010, "Daniell"); and

U.S. Patent Application Publication No. 2003/0147512 A1 (published Aug. 7, 2003) (Ex. 1015, "Abburi").

In addition, Petitioner supports its contentions with the Declaration of Leonard J. Forys, Ph.D. (Ex. 1003).

E. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability under 35 U.S.C. § 103.[2] Pet. 2–3.

Challenged Claim(s)	Basis	References
1–3, 5, 14, 15, 17, 19, 28, 29, 31, 33, 40, 42, 51, 53, 62, 64	§ 103	Vuori and Väänänen
4, 18, 32, 41, 52, 63	§ 103	Vuori, Väänänen, and Deshpande
6, 20, 34, 43, 54, 65	§ 103	Vuori, Väänänen, and Abburi
68	§ 103	Vuori, Väänänen, Abburi, and Daniell

II. ANALYSIS

A. Level of Ordinary Skill

Petitioner argues and Dr. Forys opines that a person of ordinary skill in the art would have had "the equivalent of a Bachelor degree in Electrical Engineering, Computer Science, or an equivalent field as well as at least 3–5 years of academic or industry experience in communications systems," particularly messaging systems and data networks, including VoIP and mobile telephony, "or comparable industry experience." Pet. 9; Ex. 1003 ¶ 30. Patent Owner does not respond to Petitioner's proffered level of ordinary skill in the art or offer a proposal of its own.

Based on Dr. Forys's testimony as well as our review of the '890 patent and the asserted prior art, including the problems and solutions

[2] The Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112–29, (2011), revised 35 U.S.C. § 103, effective March 16, 2013. Because the application resulting in the '890 patent was filed before the effective date of the relevant section of the AIA, we refer to the pre-AIA version of § 103.

described therein, we are persuaded, on this record, that Petitioner's proposal is consistent with the level of ordinary skill reflected by the prior art of record. *See In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995). For purposes of this decision, we adopt Petitioner's proposed level of skill.

B. CLAIM CONSTRUCTION

The Board interprets claim terms of an unexpired patent using the "broadest reasonable construction in light of the specification of the patent." 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2144–46 (2016). Under this standard, we presume a claim term carries its "ordinary and customary meaning," which is the meaning the term would have to a person of ordinary skill in the art at the time of the invention. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner proposes a construction of "external network," as recited in challenged claims 14, 17, 28, 31, 51, and 62 of the '890 patent. Pet. 9–12. Patent Owner responds that no construction of this claim term is necessary. Prelim. Resp. 18–19. Patent Owner does not proffer any terms for construction. Based on our review of the record before us and the dispositive issues in our determination of whether to institute *inter partes* review, we determine that no claim terms require an express construction to resolve the issues presented by the patentability challenges. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) (holding that only claim terms that "are in controversy" need to be construed and "only to the extent necessary to resolve the controversy").

C. ALLEGED OBVIOUSNESS OVER VUORI AND VÄÄNÄNEN

Petitioner argues Vuori and Väänänen render obvious claims 1–3, 5, 14, 15, 17, 19, 28, 29, 31, 33, 40, 42, 51, 53, 62, and 64. Pet. 20–61. Patent Owner disputes Petitioner's obviousness assertions. Prelim. Resp. 22–35.

1. Overview of Vuori

Vuori discloses a method for sending voice-type short messages using a short voice message ("SVM") service. Ex. 1005, [57], ¶ 31. In Vuori, short voice messages "are sent as [Short Message Service ("SMS")] messages, SMS-like messages, or as instant messages." *Id.* ¶ 31.

In one embodiment, a user initiates a short voice message by pressing a menu key on a user equipment, which prepares to receive the message and may emit a sound to alert the user to commence speaking. *Id.* ¶ 32, Figs. 1–2. The user equipment then receives and stores the short voice message. *Id.* Next, the user "select[s] one or more intended recipients" and initiates the transfer. *Id.* ¶ 33. The short voice message is then sent to an SVM service center ("SVMSC"), which "check[s]" and "determines the availability of the one or more intended recipients." *Id.* ¶¶ 34, 50; *see id.* ¶ 37. The SVMSC sends the short voice message "immediately to the intended recipients who are available." *Id.* ¶ 34; *see id.* ¶ 50. For recipients who are not available, however, the SVMSC "temporarily stor[es]" the message and "continue[s] attempting to send [the message] . . . until the[recipients] become available or until a time out occurs." *Id.* ¶¶ 34, 50. Upon delivery of the short voice message, the recipient may play back the message. *Id.* ¶ 35, Figs. 1–2.

Vuori discloses an embodiment of its short voice message service method using an open instant messaging architecture proposed by AOL. *See id.* ¶¶ 40–41. Figure 6, depicting this embodiment, is reproduced below. *Id.*

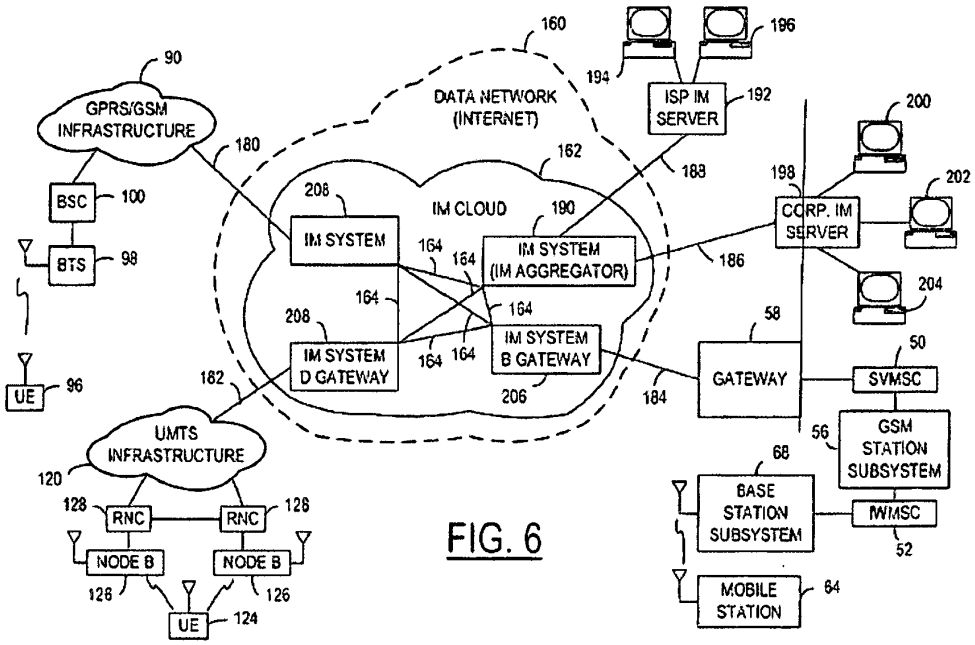

FIG. 6

As shown in Figure 6, the instant messaging architecture proposed by AOL is included in public instant messaging ("IM") cloud 162 within data network 160, such as the Internet. *Id.* ¶ 41; *see id.* ¶¶ 39–40. According to the AOL proposal, "companies, IM services, or [Internet service providers (ISPs)] can run their own IM system by either being right in the cloud or connecting to the cloud through an IM aggregator." *Id.* ¶ 41. IM systems within IM cloud 162 communicate with one another using an open IMX protocol, depicted in Figure 6 by open IMX protocol lines 164, and communicate outside the cloud using "proprietary or vendor-specific client protocols 180, 182, 184, 186, 188." *Id.*

Consistent with the AOL proposal, IM aggregator 190, as illustrated in Figure 6, is connected to ISP IM server 192 via line 188, and to corporate IM server 198 via line 186. *Id.* ISP IM server 192 "can provide instant message services to IM clients 194, 196 which can be independent of each other." *Id.* Corporate IM server 198, in turn, "provide[s] IM services to its

own clients 200, 202, 204, within and without the enterprise." *Id.* In addition, according to Vuori's disclosed invention, "short voice messages can be provided from, to, or between the clients 194, 196, 200, 202, 204 via the data network 160[,] which may include the IM cloud 162." *Id.* ¶ 42.

Moreover, the network architecture depicted in Figure 6 includes a Global System for Mobile communications ("GSM") network, featuring gateway 58, SVMSC 50, and mobile station 64. *Id.* ¶¶ 5, 37–38, Figs. 3, 6. The architecture further includes General Packet Radio Service ("GPRS") infrastructure 90 with user equipment 96 as well as Universal Mobile Telecommunications System ("UMTS") infrastructure 120 with user equipment 124. *Id.* ¶¶ 39–41, Figs. 4–5. IM systems 206, 208, 210 in IM cloud 162 "interconnect[]" wireless user equipment 96, 124 and mobile station 64 to IM cloud 162 to "interchang[e] short voice messages" between wireless and land-based systems. *Id.*

2. Overview of Väänänen

Väänänen discloses a "server centric method" for instant voicemail messaging. Ex. 1008, [57], 1:13–16. In one disclosed method of sending voice messages, the user first chooses one or several message recipients at the subscriber terminal (phase 110). *Id.* at 6:5–11, Fig. 1. Then, the subscriber terminal may establish a packet-switched connection to the server, which may be implemented using, for example, LAN, TCP/IP, or GPRS (phase 120). *Id.* at 6:17–23. Next, the recipient contact information, such as IP address, is transferred to the server (phase 130). *Id.* at 6:25–32; *see id.* at 2:31–32. The voice message is then recorded and written to a data file (phase 140). *Id.* at 7:10–13; *see id.* at 3:3–5. After the message is completed (phase 150), the server relays the message to the recipient(s)

(phase 160) and the recipient(s) receive the message (phase 170). *Id.* at 7:16–26, 8:9–10. "If the recipient is unavailable, the message may be stored on the server for some time, and attempts to deliver the message may be taken at timely intervals." *Id.* at 8:17–18.

Väänänen also discloses a "more scalable messaging method," which utilizes a Store and Forward Server Network ("SFSN"). *Id.* at 5:17–18, 9:1–10, Fig. 2. "The SFSN is typically a network of servers linked together through the Internet . . . or some other communications or signal[]ing network." *Id.* at 9:14–18. The communications connections within the SFSN as well as between the terminals and the servers are typically compliant with, for example, GPRS, LAN, or TCP/IP. *Id.* at 16:19–23. "[T]he servers in the SFSN typically deliver a copy of the message to a server near a recipient, and this server attempts to relay the message to the . . . recipient" over, for example, a packet-switched connection (phase 270). *Id.* at 9:20–25. Undelivered messages are stored on the SFSN (phase 280) and resent (phase 290). *Id.* at 9:25–29, Fig. 2.

3. Discussion

a. Legal Standards

A patent claim is unpatentable as obvious under 35 U.S.C. § 103(a) if "the differences between" the claimed subject matter "and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." 35 U.S.C. § 103(a). An invention "composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

Rather, to establish obviousness in an *inter partes* review, it is petitioner's "burden to demonstrate both that a skilled artisan would have been motivated to combine the teachings of the prior art references to achieve the claimed invention, and that the skilled artisan would have had a reasonable expectation of success in doing so." *In re Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364, 1381 (Fed. Cir. 2016) (internal citation and quotation omitted); *see KSR*, 550 U.S. at 418. Moreover, a petitioner cannot satisfy this burden by "employ[ing] mere conclusory statements" and "must instead articulate specific reasoning, based on evidence of record" to support an obviousness determination. *Magnum Oil*, 829 F.3d at 1380. Stated differently, there must be "articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. at 418 (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

The "factual inquiry" into the reasons for "combin[ing] references must be thorough and searching, and the need for specificity pervades . . . ." *In re Nuvasive, Inc.*, 842 F.3d 1376, 1381–82 (Fed. Cir. 2016) (internal quotations and citations omitted). A determination of obviousness cannot be reached where the record lacks "explanation as to *how* or *why* the references would be combined to produce the claimed invention." *TriVascular, Inc. v. Samuels*, 812 F.3d 1056, 1066 (Fed. Cir. 2016); *see Personal Web Techs., LLC v. Apple, Inc.*, 848 F.3d 987, 994 (Fed. Cir. 2017) (holding an obviousness determination improper where there was a lack of explanation and cited evidence to show "*how* the combination of the two references" would work, i.e., a "clear, evidence-supported account of the contemplated workings of the combination") (emphasis added); *Nuvasive*, 842 F.3d at 1382–85 (holding that an obviousness determination cannot be reached

where there is no "articulat[ion of] a *reason why* a [person having ordinary skill in the art] would combine" and modify the prior art references).

b. Independent Claims 1, 14, 28, 40, 51, and 62

Challenged independent claims 1, 14, 28, 40, 51, and 62 of the '890 patent each recite a "server" with several requirements. In particular, claim 1 recites a "server" that is "connected to" "a packet-switched network," "receiv[es] the selected recipients and the instant voice message therefor," "deliver[s] the instant voice message to the selected recipients over the network," "temporarily stor[es] the instant voice message if a selected recipient is unavailable and deliver[s] the stored instant voice message to the selected recipient once the selected recipient becomes available." Ex. 1001, 23:55–24:3. The method recited in claim 40 likewise includes a "server" with requirements nearly identical to claim 1 other than omitting claim 1's requirement that the "server" be "connected to the network." *Id.* at 23:62, 28:21–40. In addition, claims 14 and 51 recite a "server" with substantially similar requirements to claim 1, but both claims specify that the network to which the server is connected and over which it delivers messages is an "external network," and claim 51 specifies that the server is an "external server." *Id.* at 25:21–40, 30:8–30. Moreover, claims 28 and 62 each recite a "local server" with requirements substantially similar to claim 1 except that the local server must be connected to and deliver messages over a "local network." *Id.* at 27:6–38, 32:6–31.

According to Petitioner, Vuori discloses that its SVMSC 50 performs several of the functions that independent claims 1, 14, 28, 40, 51, and 62 require of the recited "server," "local server," and "external server." Pet. 23, 30–32, 35–36. Specifically, Petitioner and Dr. Forys represent: "Vuori

describes the server functionalities (*e.g.*, checking recipient availability, temporarily storing SVMs, delivering SVMs to recipients) with respect to a . . . SVMSC." *Id.* at 32 (citing Ex. 1005 ¶¶ 50–51); Ex. 1003 ¶ 138 (citing Ex. 1005 ¶¶ 50–51); *see* Pet. 23; Ex. 1003 ¶ 116. In addition, for the limitations of claim 1, and corresponding limitations of claims 14, 28, 40, 51, and 62, requiring that the "server" "receiv[es] the selected recipients and the instant voice message therefor" and "temporarily stor[es] the instant voice message if a selected recipient is unavailable and deliver[s] the stored instant voice message to the selected recipient once the selected recipient becomes available," the disclosures of Vuori to which Petitioner cites relate specifically to SVMSC 50. *E.g.*, Pet. 30–32 (limitation 1.2b) (referring to Vuori's SVMSC and citing Ex. 1005 ¶¶ 13, 50); *id.* at 35–37 (limitation 1.2e) (referring to Vuori's SVMSC and citing Ex. 1005 ¶¶ 8, 34, 50–51).

However, in Vuori and specifically in the architecture of Figure 6—on which Petitioner's unpatentability arguments for the "server" limitations rely—there is only one SVMSC 50. Ex. 1005, Fig. 6; *see id.* at Figs. 3, 11, 12; Pet. 30–35, 42, 49. Petitioner concedes this point, stating, "F[igure] 6 of Vuori only labels one IM server as a SVMSC. (FIG. 6, block 50.) Vuori does not explicitly disclose or label other IM servers (such as IM system 208) as," or "to function as[,] additional SVMSCs." Pet. 23–24, 32–33; Ex. 1003 ¶¶ 116, 138; *see* Pet. at 24–25, 34 ("architecture of F[igure] 6 in Vuori, with one SVMSC 50"); Prelim. Resp. 31–32. Petitioner does not argue or demonstrate sufficiently that this SVMSC 50 satisfies all of the requirements of the "server" of claims 1, 14, and 40, "external server" of claim 51, and "local server" of claims 28 and 62, including, for example, being connected to and delivering an instant voice message over a

packet-switched network, local network, or external network.[3] Instead, Petitioner's unpatentability arguments rely on Vuori's IM system 208 as the "server" of claims 1, 14, and 40 and the "external server" of claim 51; corporate IM server 198 as the "local server" of claims 28 and 62 and as an alternative for the "server" of claims 1 and 40; and ISP IM server 192[4] as another alternative for the "server" of claims 1 and 40. Pet. 23–25, 31–36, 38–39, 42–44, 49, 52–53, 55–60. Petitioner's arguments can be divided into two categories.

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[3] *E.g.*, Pet. 23–25, 31–35 (limitation 1.2c) (arguing that Vuori's IM system 208, modified to "function as another SVMSC," satisfies "the server . . . delivering the instant voice message" limitation); *id.* at 32 n.12, 38–39 (limitation 1.2c, claim 2) (arguing that Vuori's corporate IM server 198, altered to "function as a SVMSC," meets the recited "server"); *id.* at 39 (claim 3) (referring to Vuori's system 208 and ISP IM server 192); *id.* at 42–44 (annotated Figure 6 of Vuori for claim 14 and analysis of limitations 14.2a, 14.2c) (relying on IM System 208, modified to "function as a SVMSC," as the alleged "server"); *id.* at 49, 52–53 (annotated Figure 6 of Vuori for claim 28 and analysis of limitations 28.3a–c) (arguing that corporate IM server 198, "function[ing] as a SVMSC," meets the recited "local server"); *id.* at 55–60 (asserting claims 40, 51, and 62 would have been obvious for the "same reasons" as claims 1, 14, and 28, respectively).

[4] The Petition refers to Vuori's ISP IM server 192 only once in its analysis of independent claims 1 and 40, yet appears to rely on this server as an alternative for satisfying the "server" of claim 3, which depends from claim 1. Pet. 30, 39, 55–56. Because the Petition does not address ISP IM server 192 in its analysis of several requirements for the "server" of claims 1 and 40, Petitioner has not alleged adequately that server 192 constitutes the "server" of claims 1 and 40, as well as their challenged dependent claims. Thus, we deny Petitioner's assertions regarding ISP IM server 192 as the "server" of these claims for non-compliance with the requirements of 37 C.F.R. §§ 42.22(a)(2) and 42.104(b)(4)–(5). Nonetheless, in our analysis, we also discuss the merits of Petitioner's assertions as to ISP IM server 192.

First, Petitioner proffers arguments that Vuori's disclosures would have conveyed to a person of ordinary skill in the art that IM system 208 and corporate IM server 198 already function as SVMSCs and perform the functions that Vuori discloses SVMSC 50 performs, including delivering SVMs to available recipients and temporarily storing SVMs for unavailable recipients—as the challenged independent claims require of their respective "server." Specifically, Petitioner asserts that "to the extent [Patent Owner] may argue that Vuori does not explicitly state that IM system 208 is a SVMSC," a person of ordinary skill would have understood that IM system 208 "would" and "could" "function as a SVMSC (*e.g.*, checking recipient availability, delivering SVMs)" because Vuori discloses that "IM system 208 provides functionalities 'for the purpose of interconnecting various wireless user equipments 96, 124' and 'for purposes of interchanging short voice messages between wireless systems.'" *Id.* at 24, 33 (quoting Ex. 1005 ¶ 42, citing Ex. 1003 ¶¶ 117, 139) (emphases omitted). As support, Dr. Forys opines that a person of ordinary skill would have understood that IM system 208 "could function as a SVMSC" and that IM system 208 "provides short voice message services (*e.g.*, detecting recipient availability, delivering the messages) to clients." Ex. 1003 ¶¶ 117, 138 n.6, 139 (citing Ex. 1005 ¶ 42).

Similarly, as to corporate IM server 198, Petitioner contends and Dr. Forys testifies that although Patent Owner may argue that Vuori "does not explicitly state that Corporate IM Server 198 functions as a SVMSC (i.e., storing-or-forwarding message based on recipient availability, etc.)," corporate IM server 198 "could be an IM server functioning as another SVMSC because Vuori discloses that Corporate IM Server 198 provides

SVM," or "short voice message," "services for its IM clients." Pet. 38 (citing Ex. 1005 ¶¶ 41–42, Ex. 1003 ¶ 153) (emphasis omitted); Ex. 1003 ¶ 153; *see* Pet. 32 n.12. Petitioner also more directly argues that "Corporate IM Server 198 functions as a SVMSC (e.g., check recipient availability, store or deliver SVMs based on recipient availability)." Pet. 52 (citing Ex. 1003 ¶ 196, Petition's analysis of claim 2).

We disagree with Petitioner's arguments that Vuori's disclosures would have conveyed to a person of ordinary skill that IM system 208 and corporate IM server 198 function as SVMSCs. To start, as Patent Owner points out, these arguments contradict Petitioner's own concessions, noted above, that Vuori only "labels one" SVMSC and does not "explicitly disclose or label" any other IM servers as SVMSCs. *Id.* at 23–25, 32–34; Ex. 1003 ¶¶ 116, 138; *see* Prelim. Resp. 31–32. Vuori's disclosures are consistent with and support Petitioner's concessions in this regard, as SVMSC 50 is the only SVMSC that Vuori includes in the architecture of Figure 6, all other figures of Vuori that feature a SVMSC depict a single SVMSC, and Vuori does not refer to either IM system 208 or corporate IM server 198 as a SVMSC. *See* Ex. 1005 ¶¶ 41–42, Figs. 3, 6, 11, 12; *see also id.* at Figs. 4, 5 (depicting SVM service 110 or 146). We agree with Patent Owner that nothing in Vuori suggests that the disclosed features of SVMSC 50 "can be imputed to other components that Vuori distinctly names and separately describes," such as IM system 208 and corporate IM server 192, or that these components "are somehow interchangeable." Prelim. Resp. 31–32 & n.16.

Specifically with respect to IM system 208, the relevant passage of cited paragraph 42 of Vuori states:

> other IM systems 206, 208, 210 can be provided for the purpose of interconnecting various wireless user equipments 96, 124 and other mobile stations such as the mobile station 72 to the IM cloud 162 for purposes of interchanging short voice messages between wireless systems or between various systems including SVM exchanges between wireless and land based systems.

Ex. 1005 ¶ 42. We are not persuaded that such general language explaining that IM system 208's purpose is to "interconnect[]" clients to IM cloud 162 to allow for the "interchang[e]" of short voice messages between wireless and land-based systems would have conveyed to one of ordinary skill that IM system 208 functions as a SVMSC or performs the specific functionality SVMSC 50 is disclosed to perform, including delivering short voice messages to available recipients and temporarily storing short voice messages for unavailable recipients. *Id.* ¶¶ 34–35, 42, 50–51. Indeed, the relevant passage refers not only to IM system 208 but also to IM system 206, which Vuori depicts in Figure 6 as interfacing with gateway 58 and SVMSC 50 in a GSM subnetwork—undermining Petitioner's position that this disclosure somehow means that IM system 208 functions as a SVMSC. *See id.* ¶ 42, Fig. 6. The conclusory testimony of Dr. Forys in this regard lacks adequate explanation and factual support, in Vuori or elsewhere in the record, to convince us otherwise. *See* Ex. 1003 ¶¶ 117, 138 n.6, 139 (citing Ex. 1005 ¶ 42); 37 C.F.R. § 42.65(a); *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1368 (Fed. Cir. 2004) (explaining that "the Board has broad discretion" to weigh declarations and "conclude that the lack of factual corroboration warrants discounting the opinions expressed"); *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 281, 294 (Fed. Cir. 1985)

("Lack of factual support for expert opinion going to factual determinations . . . may render the testimony of little probative value . . . .").

Turning to corporate IM server 198, cited paragraphs 41 and 42 of Vuori explain that "*corporate IM server 198 can . . . provid[e] IM services* to its own clients 200, 202, 204, within and without the enterprise," and additionally, according to the disclosed invention, "short voice messages can be provided from, to, or between the clients 194, 196, 200, 202, 204 via the data network 160 which may include the IM cloud 162." Ex. 1005 ¶¶ 41–42 (emphasis added). We are not persuaded that such generic statements regarding corporate IM server 198 itself "providing IM" (instant messaging)—not SVM (short voice message)—services would have conveyed to a person of ordinary skill that corporate IM server 198, as disclosed in Vuori, acts as a SVMSC or performs the particular functions regarding storage and delivery of short voice messages based on recipient availability that SVMSC 50 is disclosed to perform. *Id.* ¶¶ 41–42; *see id.* ¶¶ 35 ("conventional . . . instant messaging (IM) context"), 41 ("instant messaging (IM)"); *infra* pp. 25–27. Dr. Forys's supporting testimony, stating that a person of ordinary skill "would have recognized that Corporate IM server 198 could be an IM Server functioning as another SVMSC," is conclusory and lacks sufficient explanation and factual support to demonstrate that a person of ordinary skill would have understood that corporate IM server 198 so functions in Vuori. Ex. 1003 ¶ 153; *see id.* ¶ 196; 37 C.F.R. § 42.65(a).

Second, in addition to Petitioner's arguments asserting that Vuori's IM system 208 and corporate IM server 198 already function as SVMSCs, addressed above, Petitioner contends that it would have been obvious to

"modify Vuori's architecture in F[igure] 6 (with one SVMSC 50) to a distributed SVMSC architecture so that other IM servers," such as IM system 208 and corporate IM server 198, "could function as additional SVMSCs (e.g., checking recipient availability, temporarily storing SVMs, delivering SVMs to recipients)." Pet. 24–25, 33–35, 39 (citing Ex. 1003 ¶¶ 118, 120, 140, 154). According to Petitioner, an ordinarily skilled artisan would have been motivated to make this modification to "improve scalability," as suggested by Väänänen's teaching of "a scalable network architecture" in which a server near the recipient delivers the voice message. *Id.* at 24–25, 34–35 (quoting Ex. 1008, 9:10–22, citing Ex. 1003 ¶¶ 118, 120, 140, 142) (emphasis omitted); *see id.* at 39. Petitioner argues that having only one SVMSC 50 in Vuori's Figure 6 architecture, which can include a large data network such as the Internet, "would scale poorly," "wast[e] unnecessary network bandwidth," and "unnecessarily burden[] SVMSC 50," given that all of the short voice messages exchanged among a potentially large number of users would go through the same SVMSC 50. *Id.* at 24–25, 34 (citing Ex. 1003 ¶¶ 119, 141). Petitioner contends that the proposed modification "to form a network of SVMSC servers would be flexible yet practical to implement." *Id.* at 25, 35, 39 (citing Ex. 1003 ¶¶ 142, 154). Moreover, Petitioner asserts that this modification "would amount to no more than applying a known technique (Väänänen's network of server[s] where the server near the recipient delivers the message to the recipient) to a known system" (Vuori's Figure 6 architecture) "ready for improvement . . . to yield predictable results" (the architecture of Vuori's Figure 6 "with distributed SVMSCs running on multiple IM servers"). *Id.* at 25 (citing *KSR*, 550 U.S. at 417, Ex. 1003 ¶ 120); *see id.* at 35, 39.

In response, Patent Owner argues that Petitioner's proposed modifications of Vuori employ improper hindsight, using the claims as a blueprint to modify IM system 208 with features of the "distinct and expressly distinguished" SVMSC 50. Prelim. Resp. 31. Patent Owner asserts that Vuori describes IM system 208 "as operating within a data network (160) and communicating using proprietary network-specific protocols," yet describes SVMSC 50 as having "unique and distinct features, architecture, communication protocols, etc., which enable it . . . to interface with circuit-switched GSM networks" and as requiring gateway 58, or equivalent functionality, to translate "circuit-switched GSM signals into data packets" that can be routed over a packet-switched data network. *Id.* at 30–32. According to Patent Owner, the distinctions between SVMSC 50 and IM System 208 and "the completely different environments in which they operate vitiates" Petitioner's argument that they are "interchangeable" and prevents any suggestion that IM system 208, modified as Petitioner proposes, could "still otherwise operate as intended." *Id.* at 32.

Patent Owner also argues that the Petition's assertion, relying on an alleged suggestion in Väänänen, that it would have been obvious that Vuori's IM system 208 could function as another SVMSC to improve scalability is "conclusory" and lacks citations to Väänänen that support modifying Vuori's IM system 208 "according to the distinct features of the SVMSC (50)." *Id.* at 34. Moreover, according to Patent Owner, "the more practical solution" to improve scalability "would be to simply add one or more SVMSCs as needed, rather than risk modifying other expressly distinguished components in a way that could negatively impact their intended and distinct operation within their different environment." *Id.* In

addition to its arguments focusing on IM system 208, Patent Owner contends that modifying Vuori's ISP IM server 192 and corporate IM server 198 "with the distinct features of" SVMSC 50, as Petitioner proposes, would not have been obvious for "analogous reasons." *Id.* at 32 n.16.

To start, Petitioner's arguments, along with Dr. Forys's supporting testimony, regarding the proposed modifications to Vuori are deficient, because they are vague and lack clarity as to the modifications being proposed, i.e., whether Petitioner is proposing to incorporate a SVMSC or the functionality of a SVMSC into IM system 208 and IM servers 192 and 198, or to replace system 208 and servers 192, 198 with a SVMSC.[5] *See Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) ("In an [*inter partes* review], the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.") (citing 35 U.S.C. § 312(a)(3)); 35 U.S.C. § 312(a)(3); 37 C.F.R. §§ 42.22(a)(2), 42.104(b)(4)–(5). Nonetheless, we are not persuaded that Petitioner has made a showing sufficient to support a reasonable likelihood of establishing obviousness under any plausible reading of Petitioner's arguments.

Rather, even accepting Petitioner's assertion that one of ordinary skill would have been motivated to "improve scalability" in Vuori's Figure 6 architecture—based on Väänänen's teachings of a "scalable network

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[5] *E.g.*, *compare* Pet. 24–25, 34, 38–39 (proposing "to modify" Vuori's Figure 6 architecture "to a distributed SVMSC architecture so that other IM servers "function as additional SVMSCs"), 44, 52, *and id.* at 25, 35 (proffering a modification of "Vuori to have other IM servers . . . function as additional SVMSCs to form a network of SVMSC servers"), *with id.* at 25, 39 (referring to "implementing SVMSC functionalities on other IM servers"), *and id.* at 25, 39 (asserting predictable result of "distributed SVMSCs running on multiple" or "many IM servers").

architecture" where "a server near [the] recipient . . . relay[s] the message to the" recipient (Ex. 1008, 9:10–22)—Petitioner has not made a sufficient showing that it would have been obvious to modify Vuori to achieve the systems and methods recited in independent claims 1, 14, 28, 40, 51, and 62. *See* Pet. 24–25, 34–35, 39. In particular, Petitioner has not adequately articulated, with sufficient evidentiary support, *why* and *how* a person of ordinary skill in the art would have modified the architecture in Vuori's Figure 6 in the manner Petitioner proposes.

Beginning with IM system 208, in Vuori's disclosed network architecture depicted in Figure 6, IM system 208 is "within" public IM cloud 162, which is "[w]ithin" data network 160, i.e., the Internet, and communicates with other IM systems within the cloud using the open IMX protocol and outside the cloud using "proprietary" "server-to-server protocols." Ex. 1005 ¶ 41, Fig. 6; *see id.* ¶¶ 39–40, 42. SVMSC 50, in contrast, is described and depicted as interfacing with or included in mobile networks, particularly circuit-switched GSM networks. *See id.* ¶¶ 37–40, 49–57, Figs. 3, 6, 11–12. We agree with Patent Owner that particularly given the disparity in the disclosed environment and functionality of IM system 208 and SVMSC 50, Petitioner's conclusory argument and evidence, including supporting testimony of Dr. Forys, fails to explain and support sufficiently why and how an ordinarily skilled artisan would have moved the functionality of the distinct SVMSC 50 to IM system 208, and had a reasonable expectation of success in doing so. *See* Prelim. Resp. 30–32, 34.

Moreover, in arguing that an ordinarily skilled artisan would have moved SVMSC functionality to IM system 208, the Petition and Dr. Forys's supporting testimony do not address adequately Vuori's relevant disclosures

that support placing SVMSC functionality downstream near or within the subnetworks in the architecture of Figure 6—rather than in data network or Internet 160 where IM system 208 is located. As illustrated in Vuori's Figure 6, the only SVMSC 50 in the disclosed network architecture is placed downstream from both IM system B gateway 206 in data network 160, i.e., the Internet, and gateway 58 for interconnecting the packet-switched Internet with the circuit-switched GSM subnetwork. *See* Ex. 1005 ¶¶ 37–38, 41–42, 49, Fig. 6; *see also id.* ¶¶ 39–40, 50–57, Figs. 3, 11–12. In addition to this GSM subnetwork with SVMSC 50, Figure 6 includes GPRS infrastructure 90 and UMTS infrastructure 182, which are separately described and depicted in Vuori's Figure 4 and Figure 5, respectively, as connected to a data network such as the Internet. *See id.* ¶¶ 39–41, Figs. 4–6. Yet when Vuori discusses implementing functionality similar to SVMSC 50 for these GPRS and UMTS networks, Vuori discloses that a node in each network may "be connected to an SVM service" 110, 146 "similar to the SVM service center 50." *Id.* ¶¶ 39–40, Figs. 4–5. In other words, Vuori does not disclose or support placing SVMSC functionality within the data network or Internet, as Petitioner proposes, and instead consistently discloses placing SVMSC functionality further downstream.

Based on our review of the record and our analysis above, we determine that Petitioner does not explain and support adequately why a person of ordinary skill in the art, having reviewed Vuori and Väänänen and seeking to improve the scalability of Vuori's architecture in Figure 6, would have been motivated to place the SVMSC functionality, including checking the availability of subnetwork clients and delivering short voice messages to available clients, in IM system 208 within the IM cloud within the Internet—

rather than, for example, further downstream near or within the subnetworks. Petitioner's generic arguments and conclusory supporting testimony from Dr. Forys lack the specificity and evidentiary support required to show that a person of ordinary skill would have had reason, with rational underpinning, to move the SVMSC functionality to the particular location of IM system 208 within Vuori's architecture. *See KSR*, 550 U.S. at 418; 37 C.F.R. § 42.65(a); Pet. 24–25, 33–35; Ex. 1003 ¶¶ 118–121, 140–143.

Nor does the Petition or Dr. Forys's supporting testimony explain, with any detail or specificity, how a person of ordinary skill would have modified IM system 208 to incorporate the distinct functionality of SVMSC 50, and reasonably expected success in doing so. In this regard, the Petition's and Dr. Forys's vague representations, such as the proposed modification would have been "flexible yet practical to implement," are insufficient to support the proposed modification. *See* Pet. 25, 35; Ex. 1003 ¶¶ 120, 142.

Turning to Vuori's corporate IM server 198 and ISP IM server 192, Petitioner does not adequately explain, with supporting evidence, how a person of ordinary skill in the art would have modified these IM servers to include the SVMSC functionality, as Petitioner proposes. Vuori refers to these two servers in paragraphs 41 and 42, stating:

> [A]n ISP IM server 192 is connected by the line 188 to the IM system aggregator 190. This ISP 192 can provide *instant message services* to IM clients 194, 196 which can be independent of each other. Similarly, a corporate IM server 198 can be connected to the aggregator 190 by the line 186 for providing *IM services* to its own clients 200, 202, 204, within and without the enterprise.
>
> According to the present invention, in addition to the above-mentioned ISP 192 and corporate IM server 198, for

> example, *short voice messages* can be provided from, to, or between the clients 194, 196, 200, 202, 204 via the data network 160 which may include the IM cloud 162.

Ex. 1005 ¶¶ 41–42 (emphases added). As noted above with respect to corporate IM server 198, this passage expressly discloses that corporate IM server 198 and ISP IM server 192 each specifically handle instant messages or instant messaging (IM)—not short voice messages (SVM). *See id.*; *see also id.* ¶ 35 (referring to "a conventional . . . instant messaging (IM) context where the sender first determines whether the intended recipient is available by means of a presence service"); *id.* ¶ 41 (discussing "an instant messaging (IM) cloud 162 which contains an instant messaging architecture"); *id.* ¶ 43 (referring to an "instant message service . . . adapted to SVM" to be an "SVM presence service"); Ex. 1011 (article proposing the AOL instant messaging architecture that Vuori incorporates into its Figure 6 (Ex. 1005 ¶ 41), which repeatedly refers to "instant messages" but never refers to any type of voice message). And it is only through, or via, the Internet or data network 160 that short voice messages "can be provided from, to, or between" the clients of these two servers. Ex. 1005 ¶ 42, Fig. 6. In light of Vuori's disclosures, we disagree with and are not persuaded by Petitioner's representations and Dr. Forys's testimony that corporate IM server 198 and ISP IM server 192 each "provide SVM services" or "short voice message services," because these allegations are not supported by the cited disclosures of Vuori[6] and lack other evidentiary support or persuasive

[6] Although not cited for this proposition, we note that Vuori's paragraph 31, to which Petitioner elsewhere cites, does not persuade us otherwise. *See, e.g.*, Pet. 14, 20, 26 (citing, *inter alia*, Ex. 1005 ¶ 31); Ex. 1003 ¶¶ 75, 106, 122 (citing, *inter alia*, Ex. 1005 ¶ 31). Paragraph 31 explains that "[a]ccording to the present invention, short voice messages (SVMs) are sent

explanation. Pet. 37 (citing Ex. 1005 ¶¶ 41–42); *id.* at 38 (citing Ex. 1005 ¶¶ 41–42, Ex. 1003 ¶ 153); *id.* at 39 (citing Ex. 1005 ¶ 41, Ex. 1003 ¶ 156); Ex. 1003 ¶¶ 148–149, 153, 156; *see* 37 C.F.R. § 42.65(a).

Modifying corporate IM server 198 and ISP IM server 192 to perform the disclosed SVMSC functionality, including delivering short voice messages to available recipients and temporarily storing short voice messages when a recipient is unavailable—as Petitioner proposes and as required for these servers to satisfy the "server" limitations—is a substantial upgrade to the disclosed functionality of these IM servers in Vuori. Based on our review of the Petition, including its allegations that storage and delivery of instant voice messages were known in the art generally, Petitioner has not clearly and sufficiently explained, with adequate evidentiary support, how an ordinarily skilled artisan would have altered, so significantly, Vuori's corporate IM server 198 and ISP IM server 192, in particular, to arrive at the "server" limitations, with a reasonable expectation of success.[7] *See* Pet. 13–15, 38–39; Ex. 1003 ¶¶ 72–77, 153–156.

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as SMS messages, SMS-like messages, or as instant messages." Ex. 1005 ¶ 31. Petitioner has not shown that based on this disclosure that short voice messages can be sent as instant messages, all references to instant messages or instant messaging, abbreviated as IM (including Vuori's explanation that IM servers 192, 198 provide instant message or IM services) encompass short voice messages, or SVMs, particularly given that Vuori expressly distinguishes between short voice messages and instant messages, or messaging, throughout its disclosure, including in discussing the architecture of Figure 6 and IM servers 192, 198. *E.g.*, *id.* ¶¶ 35, 41–43.

[7] We note that in addressing dependent claim 2's recitation of a "local network," Petitioner argues that it would have been obvious to "incorporate Väänänen's teaching of LAN into Vuori." Pet. 38. Petitioner does not propose, and therefore we do not address, any potential combination of Väänänen's servers with Vuori's architecture in Figure 6.

In sum, Petitioner does not articulate adequately, with sufficient factual and evidentiary basis, why and how a person of ordinary skill in the art would have combined Vuori and Väänänen to produce the systems and methods of independent claims 1, 14, 28, 40, 51, and 62, including the recited "server," "local server," and "external server."

c. Dependent Claims 2, 3, 5, 15, 17, 19, 29, 31, 33, 42, 53, and 64

Dependent claims 2, 3, 5, 15, 17, 19, 29, 31, 33, 42, 53, and 64 of the '890 patent each directly depend from one of the challenged independent claims. *See* Ex. 1001, 23:55–32:43. Accordingly, the deficiencies discussed above with respect to Petitioner's showing regarding the "server" of independent claims 1, 14, and 40, the "local server" of independent claims 28 and 62, and the "external server" of independent claim 51 also apply to these claims. Petitioner's specific arguments directed to the additional limitations of these dependent claims do not cure the deficiencies. *See* Pet. 36–40, 44–47, 53–56, 59, 61.

d. Conclusion

For the reasons given, we determine that the Petition does not demonstrate a reasonable likelihood that Petitioner would prevail in showing that claims 1–3, 5, 14, 15, 17, 19, 28, 29, 31, 33, 40, 42, 51, 53, 62, and 64 of the '890 patent would have been obvious over Vuori and Väänänen.

D. OTHER ASSERTED GROUNDS

In addition to the asserted ground of obviousness relying on Vuori and Väänänen, Petitioner alleges three other obviousness grounds that rely on Vuori and Väänänen—in addition to other references. *See* Pet. 61–72. Specifically, Petitioner adds Deshpande to challenge dependent claims 4, 18, 32, 41, 52, and 63 (*id.* at 61–65), Abburi to challenge dependent claims 6,

20, 34, 43, 54, and 65 (*id.* at 66–69), and Abburi and Daniell to challenge dependent claim 68 (*id.* at 70–72). The Petition's analysis of each of these alleged grounds of unpatentability relies on its analysis of the asserted ground of obviousness over Vuori and Väänänen for the limitations of the independent claims, and discusses the additional reference(s) (Deshpande, Abburi, Daniell) only to address the additional limitations of the relevant dependent claims. *See id.* at 61–72. Thus, the deficiencies in Petitioner's showing that independent claims 1, 14, 28, 40, 51, and 62 would have been obvious remain and have not been cured. Accordingly, for the reasons given above in our analysis of independent claims 1, 14, 28, 40, 51, and 62, we determine that the Petition does not demonstrate a reasonable likelihood that Petitioner would prevail in showing that dependent claims 4, 6, 18, 20, 32, 34, 41, 43, 52, 54, 63, 65, and 68 of the '890 patent are unpatentable.

III. CONCLUSION

As explained in our analysis above, we determine that the information presented in the Petition does not establish a reasonable likelihood that Petitioner would prevail in showing that any of the challenged claims of the '890 patent—claims 1–6, 14, 15, 17–20, 28, 29, 31–34, 40–43, 51–54, 62–65, and 68—are unpatentable. Therefore, we do not institute an *inter partes* review of any of the challenged claims on any of the asserted grounds.

IV. ORDER

For the reasons given, it is:

ORDERED that pursuant to 35 U.S.C. § 314(a), the Petition is *denied*, and no trial is instituted with respect to any claim of U.S. Patent No. 7,535,890 B2.

IPR2017-00220
Patent 7,535,890 B2

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Paper No. 9
Filed: May 25, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

UNILOC USA, INC. and UNILOC LUXEMBOURG S.A.,[1]
Patent Owner.

Case IPR2017-00221
Patent 7,535,890 B2

Before MIRIAM L. QUINN, KERRY BEGLEY, and CHARLES J. BOUDREAU, *Administrative Patent Judges.*

BEGLEY, *Administrative Patent Judge.*

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

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[1] Patent Owner's Mandatory Notice, filed pursuant to 37 C.F.R. § 42.8, and Preliminary Response identify Uniloc USA, Inc. and Uniloc Luxembourg S.A. as patent owners. Paper 4; Paper 6 ("Prelim. Resp.") at caption. Therefore, we adjust the case caption to include Uniloc USA, Inc.

Apple Inc. ("Petitioner") filed a Petition requesting *inter partes* review of claims 1–6, 14, 15, 17–20, 28, 29, 31–34, 40–43, 51–54, 62–65, and 68 ("challenged claims") of U.S. Patent No. 7,535,890 B2 (Ex. 1001, "the '890 patent"). Paper 2 ("Pet."). Uniloc USA, Inc. and Uniloc Luxembourg S.A. (collectively, "Patent Owner") filed a Preliminary Response. Prelim. Resp.

Pursuant to 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless "the information presented in the petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." For the reasons given below, we determine that Petitioner has demonstrated a reasonable likelihood that it would prevail in establishing that all challenged claims of the '890 patent are unpatentable, and we institute an *inter partes* review of the challenged claims.

I. BACKGROUND

A. RELATED MATTERS

Petitioner represents that the '890 patent is the subject of numerous ongoing actions before the U.S. District Court for the Eastern District of Texas, including an action filed against Petitioner (Case No. 2-16-cv-00638). Pet. 71–72; *see* Paper 4, 2. Before the Office, the '890 patent also is the subject of IPR2017-00220, which Petitioner filed concurrently with the instant proceeding. *See* Pet. 2–3; Prelim. Resp. 1 & n.1.

B. THE '890 PATENT

The '890 patent explains that "[v]oice messaging" and "instant text messaging" in both the Voice over Internet Protocol ("VoIP") and public switched telephone network environments are known. Ex. 1001, 2:11–35.

In prior art instant text messaging systems, a server presents a user of a client terminal with a "list of persons who are currently 'online' and ready to receive text messages," the user "select[s] one or more" recipients and types the message, and the server immediately sends the message to the respective client terminals. *Id.* at 2:23–35. According to the '890 patent, however, "there is still a need in the art for . . . a system and method for providing instant VoIP messaging over an IP network," such as the Internet. *Id.* at 1:6–11, 2:36–48, 6:37–39.

In one embodiment, the '890 patent discloses local instant voice messaging ("IVM") system 200, depicted in Figure 2 below. *Id.* at 6:12–14.

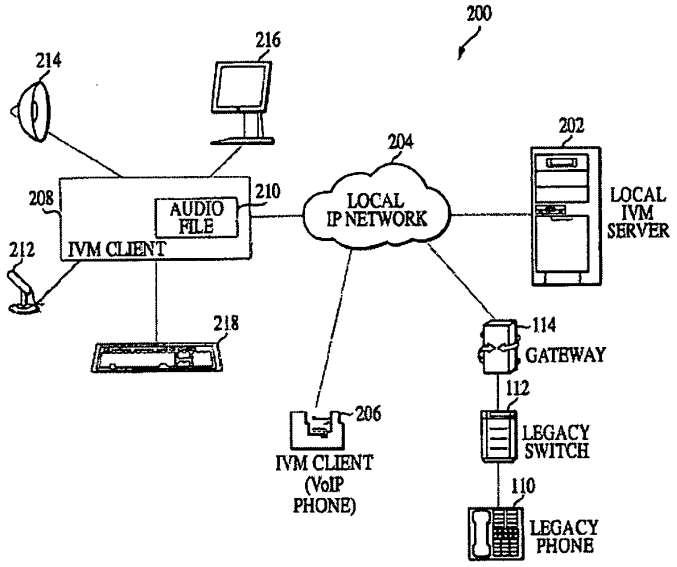

FIG. 2

As illustrated in Figure 2, local packet-switched IP network 204, which may be a local area network ("LAN"), "interconnects" IVM clients 206, 208 and legacy telephone 110 to local IVM server 202. *Id.* at 6:40–61; *see id.* at 7:13–14, 7:51–55. Local IVM server 202 enables instant voice messaging functionality over network 204. *Id.* at 7:53–55.

In "record mode," IVM client 208, exemplified as a VoIP softphone in Figure 2, "displays a list of one or more IVM recipients," provided and stored by local IVM server 202, and the user selects recipients from the list. *Id.* at 7:47–49, 7:55–61. IVM client 208 then transmits the selections to IVM server 202 and "records the user's speech into . . . digitized audio file 210 (i.e., an instant voice message)." *Id.* at 7:61–8:1.

When the recording is complete, IVM client 208 transmits audio file 210 to local IVM server 202, which delivers the message to the selected recipients via local IP network 204. *Id.* at 8:5–19. "[O]nly the available IVM recipients, currently connected to . . . IVM server 202, will receive the instant voice message." *Id.* at 8:23–25. IVM server 202 "temporarily saves the instant voice message" for any IVM client that is "not currently connected to . . . local IVM server 202 (i.e., is unavailable)" and "delivers it . . . when the IVM client connects to . . . local IVM server 202 (i.e., is available)." *Id.* at 8:24–29; *see id.* at 9:7–11. Upon receiving the instant voice message, the recipients can audibly play the message. *Id.* at 8:19–22.

In another embodiment, the '890 patent discusses global IVM system 500. *Id.* at 15:24–28, Fig. 5. Global IVM system 500 includes a local IVM system, such as local IVM system 200, and global IVM server system 502, with global IVM clients 506, 508. *Id.* at 15:25–33. Both the local and global IVM systems are connected to "packet-switched network 102 (i.e., Internet)" to enable the local and global IVM clients to be able to exchange instant voice messages with one another. *Id.* at 15:25–38.

C. ILLUSTRATIVE CLAIMS

Of the challenged claims, claims 1, 14, 28, 40, 51, and 62 of the '890 patent are independent. Claims 1 and 28, reproduced below, are illustrative of the recited subject matter:

> 1. An instant voice messaging system for delivering instant messages over a packet-switched network, the system comprising:
>
> a client connected to the network, the client selecting one or more recipients, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the network; and
>
> a server connected to the network, the server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message to the selected recipients over the network, the selected recipients enabled to audibly play the instant voice message, and the server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.

> 28. An instant voice messaging system for delivering instant messages over a plurality of packet-switched networks, the system comprising:
>
> a client connected to an external network, the client selecting one or more recipients connected to a local network, generating an instant voice message therefor, and transmitting the selected recipients and the instant voice message therefor over the external network; and
>
> a external server system connected to the external network, the external server system receiving the selected recipients and the instant voice message, and routing the selected recipients and the instant voice message over the external network and the local network;
>
> a local server connected to the local network, the local server receiving the selected recipients and the instant voice message therefor, and delivering the instant voice message

> to the selected recipients over the local network, the selected recipients being enabled to audibly play the instant voice message, and the local server temporarily storing the instant voice message if a selected recipient is unavailable and delivering the stored instant voice message to the selected recipient once the selected recipient becomes available.

Id. at 23:55–24:3, 27:6–28.

D. Evidence of Record

The Petition relies upon the following asserted prior art references:

U.S. Patent No. 7,123,695 B2 (filed Aug. 19, 2002) (issued Oct. 17, 2006) (Ex. 1007, "Malik");

International Application Publication No. WO 02/17658 A1 (published Feb. 28, 2002) (Ex. 1008, "Väänänen");

U.S. Patent Application Publication No. 2003/0046273 A1 (published Mar. 6, 2003) (Ex. 1009, "Deshpande");

U.S. Patent Application Publication No. 2004/0068545 A1 (filed Dec. 19, 2002) (published Apr. 8, 2004) (Ex. 1010, "Daniell"); and

U.S. Patent Application Publication No. 2003/0147512 A1 (published Aug. 7, 2003) (Ex. 1015, "Abburi").

In addition, Petitioner supports its contentions with the Declaration of Leonard J. Forys, Ph.D. (Ex. 1003).

E. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability under 35 U.S.C. § 103.[2] Pet. 3.

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[2] The Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112–29, 125 Stat. 284, 287–88 (2011), revised 35 U.S.C. § 103, effective March 16, 2013. Because the patent application resulting in the '890 patent was filed before the effective date of the relevant section of the AIA, we refer to the pre-AIA version of § 103 throughout this decision.

Challenged Claim(s)	Basis	References
1–3, 5, 14, 15, 17, 19, 28, 29, 31, 33, 40, 42, 51, 53, 62, 64	§ 103	Malik and Väänänen
4, 18, 32, 41, 52, 63	§ 103	Malik, Väänänen, and Deshpande
6, 20, 34, 43, 54, 65	§ 103	Malik, Väänänen, and Abburi
68	§ 103	Malik, Väänänen, Abburi, and Daniell

II. ANALYSIS

A. LEVEL OF ORDINARY SKILL

Petitioner argues and Dr. Forys opines that a person of ordinary skill in the art would have had "the equivalent of a Bachelor degree in Electrical Engineering, Computer Science, or an equivalent field as well as at least 3–5 years of academic or industry experience in communications systems," particularly messaging systems and data networks, including VoIP and mobile telephony, "or comparable industry experience." Pet. 9; Ex. 1003 ¶ 30. Patent Owner does not respond to Petitioner's proffered level of ordinary skill in the art or offer a proposal of its own.

Based on Dr. Forys's testimony as well as our review of the '890 patent and the asserted prior art, including the problems and solutions described therein, we are persuaded, on this record, that Petitioner's proposal is consistent with the level of ordinary skill reflected by the prior art of record. *See In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995). For purposes of this decision, we adopt Petitioner's proposed level of skill.

B. CLAIM CONSTRUCTION

The Board interprets claim terms of an unexpired patent using the "broadest reasonable construction in light of the specification of the patent." 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131,

2144–46 (2016). Under this standard, we presume a claim term carries its "ordinary and customary meaning," which is the meaning the term would have to a person of ordinary skill in the art at the time of the invention. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner proposes a construction of "external network," as recited in challenged claims 14, 17, 28, 31, 51, and 62 of the '890 patent. Pet. 9–12. Patent Owner responds that no construction of this claim term is necessary. Prelim. Resp. 19–21. Patent Owner does not proffer any terms for construction. Based on our review of the record before us, we determine that no claim terms require an express construction to resolve the issues currently presented by the patentability challenges. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999) (holding that only claim terms that "are in controversy" need to be construed and "only to the extent necessary to resolve the controversy").

C. DISCRETION TO DECLINE TO INSTITUTE (35 U.S.C. §§ 314(A), 325(D); 37 C.F.R. § 42.108(A))

Patent Owner urges us to decline to institute the Petition for two reasons. Prelim. Resp. 9–18. First, Patent Owner contends that the Petition is nearly identical to the petition filed in IPR2017-00220, which challenges the same claims of the '890 patent based on the same prior art references except that Malik is replaced with U.S. Patent Application Publication No. 2002/0146097 A1 (Exhibit 1005, "Vuori"). *Id.* at 9–11. Patent Owner argues that although Petitioner represents that Malik teaches the "local server" recited in independent claims 28 and 62 and dependent claim 15 more clearly than Vuori, this is merely a "contrived explanation for its redundancy" for a subset of the challenged claims that does not justify dedicating the Board's resources to the duplicative two asserted grounds per

claim. *Id.* at 12–13, 16–17. Patent Owner also argues that Petitioner's backup arguments within the instant Petition, which assert that alternative prior art references teach various limitations of the challenged claims, create an unnecessary multiplication of work for the Board and Patent Owner. *Id.* at 13–15.

Here, across the concurrently filed petitions in the instant proceeding and IPR2017-00220, Petitioner asserts a total of two grounds of unpatentability for each of the twenty-nine challenged claims. *E.g.*, Pet. 2–4. We are not persuaded by Patent Owner's arguments that these cases present an unjustified duplication of asserted grounds, given that each petition explicitly addresses relative strengths and weaknesses of Malik, the main asserted prior art reference in the instant case, and Vuori, the main asserted prior art reference in IPR2017-00220. *E.g.*, *id.* More importantly, in our institution decision in IPR2017-00220, issued simultaneously with this decision, we determine Petitioner has not met its burden for institution as to any of the challenged claims, and do not institute *inter partes* review in that case. In light of the denial of institution in IPR2017-00220, Patent Owner's allegations of an unnecessary multiplicity of asserted grounds, however unpersuasive before, are now a moot concern. Moreover, we are not aware of any other proceedings challenging the '890 patent before the Office. Under the circumstances of this case and having considered Patent Owner's assertions on the issue, we decline to exercise our discretion not to institute the Petition. *See, e.g.*, 37 C.F.R. § 42.108(a); 35 U.S.C. § 314(a).

Second, Patent Owner asks us to decline to institute under 35 U.S.C. § 325(d), because a continuation application of Malik, which shares Malik's specification, was considered during prosecution of the '890 patent and is

listed on the face of the '890 patent. Prelim. Resp. 15–16; *see* Ex. 1001, [56]. Pursuant to 35 U.S.C. § 325(d), "[i]n determining whether to institute . . . a proceeding . . . , the Director may take into account whether, and reject the petition or request because, the same or substantially the same prior art or arguments previously were presented to the Office."

Here, Patent Owner provides no details regarding the extent to which the continuation application of Malik was considered and relied upon during prosecution. Based on our review of the prosecution history, we find that the application was cited twice in a Notice of References Cited and mentioned once in an Office Action in which the Examiner stated that the reference was "not relied upon" but was "considered pertinent to the applicant's disclosure." Ex. 1002, 47, 195, 197. Having considered these citations to—without any evident substantive analysis or reliance upon—the continuation application of Malik during prosecution, we determine that rejection of the Petition under 35 U.S.C. § 325(d) is not warranted.

D. ALLEGED OBVIOUSNESS OVER MALIK AND VÄÄNÄNEN

Petitioner argues Malik and Väänänen render obvious claims 1–3, 5, 14, 15, 17, 19, 28, 29, 31, 33, 40, 42, 51, 53, 62, and 64. Pet. 19–58.

1. Overview of Malik

Malik explains that in many prior art instant-messaging ("IM") systems, including Jabber, when an instant message is sent to a user that is not present on the network, servers have the capability to hold the message in a queue and deliver it "to the user as soon as the user is present." Ex. 1007, 2:40–41, 2:60–67, 3:16–23. Figure 2 of Malik is reproduced below.

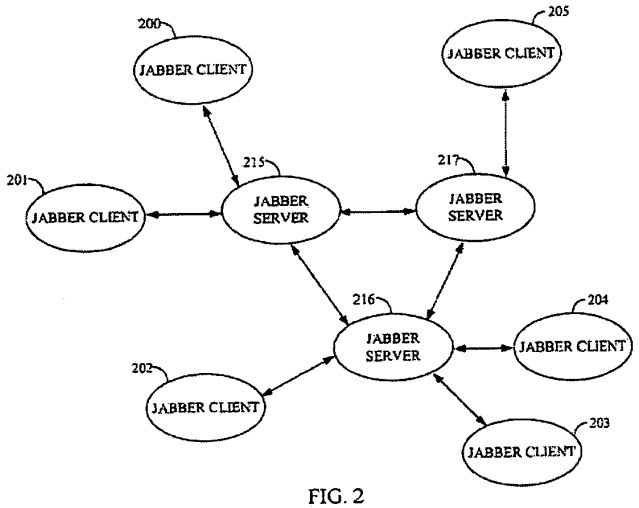

FIG. 2
PRIOR ART

Figure 2 depicts a prior art IM network using the Jabber "client-server" architecture, which contains "distributed network servers," namely local Jabber servers 215–217, and Jabber clients 200–205. *Id.* at 2:49–3:1, 3:66–67. Clients 200–205 send and receive messages, and Jabber servers 215–217 deliver the messages in "real time." *Id.* at 2:56–67. "Each local Jabber server 200–205 performs two main functions: listening for and communicating directly with Jabber client applications 200–205, and communicating with other Jabber servers 215–217" that are "connected to the Internet." *Id.* at 3:5–12; *see id.* at 2:58–59.

According to Malik, prior art IM systems do not allow non-text instant messages, such as voice instant messages ("VIM"), to be "stored in a queue for later immediate delivery" when the recipient becomes available. *Id.* at 3:24–31. Malik seeks to address this alleged need in the art with its disclosed systems and methods for generating and sending voice instant messages. *Id.* at [57], 3:24–46. Figure 3 of Malik is included below.

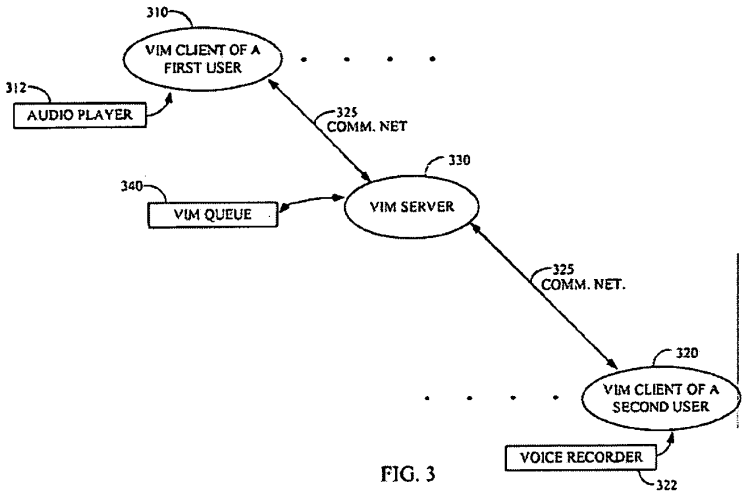

FIG. 3

Figure 3 is a block diagram of a representative embodiment of voice message delivery system 300, which includes VIM client 310 of a first user, VIM client 320 of a second user, and VIM server 330. *Id.* at 4:25–35. "Each VIM client 310, 320 communicates with . . . VIM server 330 via the Internet or some other communication network 325." *Id.* at 4:42–44.

The VIM clients are configured to "receive and play a voice recording . . . in a voice instant message" as well as "to generate a voice recording . . . and include the voice recording in an instant message upon accepting a VIM invitation." *Id.* at 4:29–37; *see id.* at 6:65–67, Fig. 5. A VIM invitation is a message transmitted from one VIM client to another that "invites or prompts" the generation of a voice recording, for example, from VIM client 310 of the first user to VIM client 320 of the second user "invit[ing] or prompt[ing] . . . VIM client 320 . . . to generate a voice recording for the first user." *Id.* at 4:37–41.

VIM server 330 "may act as a single IM server . . . or a local IM server, such as . . . Jabber Server 215 of F[igure] 2." *Id.* at 4:45–47. "VIM server 330 includes the capabilities of conventional IM servers and the

additional capabilities for handling VIM . . . delivery and storage." *Id.* at 4:51–53. In a preferred embodiment, when a user is not present and available, a voice instant message may be stored in queue 340 of VIM server 330 and "delivered to the user the next time that the user connects to" the network. *Id.* at 5:20–24.

Malik explains "the functionality of a representative implementation" of voice message delivery system 300. *Id.* at 4:4–6; *see id.* at 5:43–6:64, Fig. 4. A first user "authorizes" users from whom it "will accept voice messages," for example, by specifying users in its contact list (block 410). *Id.* at 4:56–63, Fig. 4. As a result of this authorization, if an authorized user attempts to send an instant message to the first user when the first user "is not present and/or available, the authorized user may be given the opportunity to generate a voice instant message for the first user." *Id.* at 5:66–6:4.

"[L]ater," VIM client 320 of the second user "receives a request or prompt by the second user to send an instant message to the first user" (block 420). *Id.* at 5:66–6:9, Fig. 4; *see id.* at 12:51–52, 14:12–13. Such a request typically "is generated after the second user attempts to initiate the transmission of the instant message." *Id.* at 6:9–11. VIM client 320 detects that the first user "is not present and/or available" and then checks if it is "capable of generating a voice recording" as well as the voice contact parameters of the first user to see if "the second user is authorized . . . to leave a voice instant message for the first user" (blocks 425, 430, 435, 440, 445). *Id.* at 6:11–23, Fig. 4. If so, VIM client 320 "invites or prompts the second user to leave a voice message" for the first user (block 450). *Id.* at 6:31–35, Fig. 4. "[I]f the second user accepts the VIM invitation," the

second user "generates a voice recording" (block 460). *Id.* at 6:39–46. After a voice instant message is generated from the recording (block 470), the message is sent to VIM server 330 and stored in VIM queue 340 (block 475). *Id.* at 6:47–59. Next, "VIM server 350 detects when the first user is present and/or available to receive instant messages again" (block 480). *Id.* at 6:59–62; *see id.* at 7:1–3. After the first user becomes present, VIM server 330 "delivers the voice instant message" from its queue 340 to VIM client 310 of the first user (block 485). *Id.* at 6:62–64, 7:3–5, Fig. 5.

2. Overview of Väänänen

Väänänen discloses a "server centric method" for instant voicemail messaging. Ex. 1008, [57], 1:13–16. In one disclosed method of sending voice messages, the user first chooses one or several message recipients at the subscriber terminal (phase 110). *Id.* at 6:5–11, Fig. 1. This recipient selection may occur through the "simple press of a button," "labeling the recipient with a pointer from the 'contacts' file of the terminal device," "speech recognition, a dedicated keyboard accelerator, hot key, dedicated key," or any combination thereof. *Id.* at 6:5–11; *see id.* at 2:28–29. Then, the subscriber terminal may establish a packet-switched connection to the server, which may be implemented using, for example, LAN, TCP/IP, or General Packet Radio Service ("GPRS") (phase 120). *Id.* at 6:17–23. Next, the recipient contact information, such as IP address, is transferred to the server (phase 130). *Id.* at 6:25–32; *see id.* at 2:31–32. The voice message is then recorded and written to a data file, such as a Waveform Audio File Format ("WAV") file (phase 140). *Id.* at 7:10–13; *see id.* at 3:3–5.

After the message is completed and the connection is disconnected (phase 150), the server relays the message to the recipient(s) (phase 160). *Id.* at 7:16–26. "If the recipient terminal is capable of receiving the data file, which means typically having a packet[-]switched access to the recipient device," as opposed to a circuit-switched connection, "the message may be sent with a[] packet[-]switched connection, like IP, through the Internet, or through some other closed network." *Id.* at 7:25–32. Next, the recipient(s) receive the message (phase 170). *Id.* at 8:9–10. "If the recipient is unavailable, the message may be stored on the server for some time, and attempts to deliver the message may be taken at timely intervals." *Id.* at 8:17–18. The server may send delivery status information to the sending terminal, such as "which messages got delivered, which did not, and how long will the messages remain in the network." *Id.* at 8:20–24.

Väänänen also discloses a "more scalable messaging method," which utilizes a Store and Forward Server Network ("SFSN"). *Id.* at 5:17–18, 9:1–10, Fig. 2. "The SFSN is typically a network of servers linked together through the Internet . . . or some other communications or signal[]ing network." *Id.* at 9:14–18. The communications connections within the SFSN as well as between the terminals and the servers are typically compliant with, for example, GPRS, LAN, or TCP/IP. *Id.* at 16:19–23. "[T]he servers in the SFSN typically deliver a copy of the message to a server near a recipient, and this server attempts to relay the message to the . . . recipient" over, for example, a packet-switched connection (phase 270). *Id.* at 9:20–25. Undelivered messages are stored on the SFSN (phase 280) and resent (phase 290). *Id.* at 9:25–29, Fig. 2.

3. Discussion

A patent claim is unpatentable as obvious under 35 U.S.C. § 103(a) if "the differences between" the claimed subject matter "and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." 35 U.S.C. § 103(a). As the Supreme Court explained in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398 (2007), an invention "composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." 550 U.S. at 418. Rather, "it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." *Id.* In other words, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.* (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)); *see In re Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364, 1380–81 (Fed. Cir. 2016).

a. Disputed Limitations

Patent Owner substantively addresses and disputes only limitations of challenged independent claims 28 and 62 and dependent claim 15 of the '890 patent. Prelim. Resp. 18, 21, 23, 26, 28. Patent Owner, however, contends that the substantive deficiencies it alleges apply to other challenged claims. *See id.* at 18 ("Notably, the substantive deficiencies identified herein similarly apply to most, if not all, of the other challenged claims . . . ."); *id.* at 23, 28. Accordingly, in our analysis below, we treat Patent Owner's arguments as applying to each challenged claim that recites limitations

corresponding to those of claims 15, 28, and 62 for which Patent Owner specifically contests Petitioner's showing.

i. Selecting One or More Recipients (Independent Claims 1, 14, 28, 40, 51, and 62, Dependent Claims 15 and 29)

Challenged independent claims 1, 14, 28, 40, 51, and 62 and dependent claims 15 and 29 each recite a limitation directed to recipient selection by the client. In particular, claims 1 and 28 each recite "the client selecting one or more recipients." Ex. 1001, 23:58–60, 27:9–10. Claim 40 similarly includes the step of "selecting one or more recipients for instant voice messaging at a client." *Id.* at 28:23–24. Independent claims 14, 51, and 62, as well as dependent claims 15 and 29, feature similar recipient selection limitations that specify the recipient location, such as "external recipients connected to an external network" or local "recipients connected to a local network." *Id.* at 25:24–43, 27:29–31, 30:10–11, 32:9–10.

In addressing these limitations, Petitioner refers to Malik's disclosure that "VIM client 320 of the second user receives a request or prompt by the second user to send" a message to the first user. Pet. 23, 27 (quoting Ex. 1007, 6:7–9); *see id.* at 36–39, 41–47, 50–58. According to Petitioner and Dr. Forys, given that "Malik does not explain in detail" how the second user "could input information to VIM client 320 to designate the first user" as the message recipient, one of ordinary skill in the art would have been motivated to seek out ways in which a user could do so, such as Väänänen's teachings. *Id.* at 23, 27; Ex. 1003 ¶¶ 261, 269. Petitioner asserts and Dr. Forys opines that Väänänen discloses various well-known techniques to input recipient information by selection, i.e., "to select at least one recipient" for an instant voice message. Pet. 23–24, 27–28 (quoting Ex. 1008, 2:28–29, 6:5–11); Ex. 1003 ¶¶ 261–262, 269–270.

Petitioner and Dr. Forys represent that it would have been obvious to incorporate Väänänen's teaching of recipient selection into Malik's system because not only do the references apply similar techniques to instant voice message delivery, but also a person of ordinary skill in the art would have understood that such incorporation would "improve usability" and be "more convenient." Pet. 24, 28; Ex. 1003 ¶¶ 263–265, 271–272. As support, Petitioner refers to Väänänen's statement that recipient selection can consist of a "simple press of a button." Pet. 24, 28 (quoting Ex. 1008, 2:31–32); Ex. 1003 ¶¶ 263, 271–272. In addition, Petitioner argues and Dr. Forys opines that incorporating Väänänen's recipient selection techniques into Malik's system would have been nothing more than applying a known technique to a "known method (Malik's request or prompt to send a message to a recipient" ready for improvement "to yield predictable results (request or prompt to send a message to a recipient by selection)," making it obvious under *KSR*. Pet. 24 (citing *KSR*, 550 U.S. at 417); Ex. 1003 ¶¶ 263, 272.

Patent Owner disputes Petitioner's proffered motivation to combine Väänänen's teaching of recipient selection with Malik's system. Prelim. Resp. 23, 25. Patent Owner focuses on Malik's disclosures regarding a VIM invitation in column 4, lines 33–41, which state that VIM client 320 "generate[s] a voice recording . . . upon accepting a VIM invitation," i.e., a message "transmitted by the VIM client 310 of the first user to the VIM client 320 of the second user, wherein the message invites or prompts the VIM client 320 of the second user to generate a voice recording for the first user." *Id.* at 24 (quoting Ex. 1007, 4:33–41). Patent Owner interprets this passage to mean that Malik's system "requires the *recipient* (or 'first user') to request a VIM from a particular sender (or 'second user')." *Id.*

According to Patent Owner, the recipient in Malik "is granted sole control over when and from whom" a VIM is received and "[t]he sender may . . . only send the VIM where directed"—"without having the option" to select recipients. *Id.* at 24–25. Patent Owner asserts that it would not have been obvious to modify Malik as Petitioner proposes because, in contrast to Petitioner's representations, Malik does not "disclose," "contemplate," or "even suggest" allowing the sender to select recipients and instead "teaches away from such a concept." *Id.* at 25.

To begin, we note that Patent Owner does not dispute Petitioner's contention that Väänänen teaches the recipient selection required by independent claims 1, 14, 28, 40, 51, and 62 and dependent claims 15 and 29 of the '890 patent. *See id.* at 23–26. At this stage of the proceeding, we agree with Petitioner's showing that Väänänen teaches the requisite recipient selection based on its disclosures regarding a user at a subscriber terminal "select[ing]" or "choos[ing]" "at least one recipient" for an instant voice message, as well as several methods to do so including "simpl[y] press[ing] . . . a button" to designate the recipients in the terminal's "contacts book." Ex. 1008, 2:28–29, 6:5–11, Figs. 1–2; *see* Pet. 23–24, 27–28; Ex. 1003 ¶¶ 262, 270. We also are persuaded by Petitioner's assertions and Dr. Forys's testimony that such selection of a message recipient was well known in the art. Pet. 23, 27; Ex. 1003 ¶¶ 262, 270. Indeed, the '890 patent acknowledges that having a user at a client terminal "select one or more persons to whom [a] message will be sent" was known. Ex. 1001, 2:31–33; *see id.* at 1:12, 2:23; *Constant v. Advanced Micro-Devices Inc.*, 848 F.2d 1560, 1570 (Fed. Cir. 1988) ("A statement in a patent that something is in

the prior art is binding on the applicant and patentee for determinations of . . . obviousness.").

Turning to Malik and Petitioner's proposed incorporation of Väänänen's teachings into Malik's system, we are persuaded, on the present record, that Malik's disclosures suggest a client's user selecting message recipients and are consistent with Väänänen's teaching thereof, such that one of ordinary skill would have had reason to incorporate Väänänen's recipient selection into Malik's system. *See* Pet. 23–24, 27–28; Ex. 1003 ¶¶ 261–265, 269–272. As Malik explains in the passage discussing Figure 4 on which Petitioner relies, "the second user attempts to initiate the transmission of [an] instant message" and "request[s] or prompt[s]" its VIM client 320 "to send an instant message to the first user." Ex. 1007, 6:7–11, Fig. 4 (block 420); *see* Pet. 23, 27 (quoting Ex. 1007, 6:7–9); Ex. 1003 ¶¶ 261, 269. Similarly, Malik elsewhere refers to a "user attempt[ing] to send an instant message to the first user," Ex. 1007, 5:66–6:4, and a client "receiv[ing] a request from the second user to send an instant message to the first user," *id.* at 14:10–13; *see id.* at 12:51–52. Based on these disclosures, we are persuaded by Petitioner's argument and Dr. Forys's testimony that in Malik, the client's user (e.g., the second user of VIM client 320) designates the message recipient. Pet. 23, 27 (quoting Ex. 1007, 6:7–9); Ex. 1003 ¶¶ 261, 269.

Malik further explains that—after the user of the client has decided upon the recipient of an instant message and initiates sending the message—the user may be "invite[d]," "prompt[ed]," or otherwise "given the opportunity" to generate and send a *voice* instant message, when certain conditions are met. Ex. 1007, 5:66–6:4; *see id.* at 6:7–46, Fig. 4. For example, as detailed above in § II.D.1, where the second user requests or

prompts its VIM client 320 to send a message to the first user, Malik explains and depicts in Figure 4 that if the first user "is not present and/or available"; VIM client 320 is "capable of generating a voice recording"; and VIM client 320's check of the voice contact parameters of the first user shows that the first user authorized the second user to leave a voice message, the second user of VIM client 320 may be "invite[d] or prompte[d]" with a "VIM invitation" to generate and send a voice instant message to the first user. *Id.* at 5:54–6:4, 6:11–46, Fig. 4 (blocks 425, 430, 435, 440, 445, 450); *see id.* at 4:33–41. On the present record, we are persuaded that these disclosures are consistent with a client's user designating or selecting a message recipient, as Petitioner asserts.

We do not agree, at this stage of the proceeding, with Patent Owner's arguments that Malik does not "contemplate" or "suggest"—and instead, "teaches away from"—allowing the sender to designate or select recipients. Prelim. Resp. 25. In particular, we are not persuaded that Malik's column 4, lines 33–41, on which Patent Owner's arguments rely, undermine Petitioner's proffered reasoning based on column 6, lines 7–9 of Malik. *Id.* at 24 (quoting Ex. 1007, 4:33–41); Pet. 23, 27 (quoting Ex. 1007, 6:7–9). Rather, column 4, lines 33–41, which discuss Figure 3, should be read consistently with Malik's more detailed disclosures regarding Figure 4, including column 6, lines 7–9 on which Petitioner relies, because Malik describes Figure 4 as a "flowchart describing the functionality of a *representative implementation of the voice message delivery system of F[igure] 3*." Ex. 1007, 4:4–6 (emphasis added); *see id.* at 4:1–3, 4:25–41, 5:43–56, 6:6–11, Figs. 3–4. As we explain above, we are persuaded, on the present record, by Petitioner's position that Malik's disclosures regarding

Figure 4 suggest and are consistent with a client's user selecting a message recipient. At this stage of the proceeding, we do not agree that column 4, lines 33–41 dictate to the contrary, as Patent Owner contends. Nor do we agree with Patent Owner's corresponding characterization of the operation and functionality of Malik's system based on this passage. For example, because Malik explains that the user of the client already has decided upon and designated the message recipient before being "invite[d]," "prompt[ed]," or otherwise "given the opportunity" to send a voice instant message, as explained above, we disagree with Patent Owner's assertions that in Malik, "[t]he sender may . . . only send the VIM where directed, without having the option to 'select on[e] or more recipients.'" Prelim. Resp. 24; Ex. 1007, 5:66–6:46, Fig. 4; *see id.* at 4:33–41.

For the reasons given, on the present record, we are persuaded by Petitioner's showing that Malik's system is consistent with Väänänen's teachings regarding a client's user selecting a message recipient. Petitioner has provided reasoning, with sufficient evidentiary basis for purposes of institution, to support that one of ordinary skill would have had reason to incorporate Väänänen's techniques of selecting the recipient of an instant voice message into Malik's system to improve its usability and convenience. *See* Pet. 23–24, 27–28; Ex. 1003 ¶¶ 261–265, 269–272; *see also* Ex. 1001, 1:12, 2:23, 2:31–33. In sum, at this juncture, Petitioner has articulated adequate "reasoning," with "rational underpinning," to support the proposed combination of Malik and Väänänen to reach the recipient selection limitations of independent claims 1, 14, 28, 40, 51, and 62 and dependent claims 15 and 29. *See KSR*, 550 U.S. at 418.

ii. "local network" and "external network" (Independent Claims 14, 28, 51, and 62)

In each of independent claims 14, 28, 51, and 62, the preamble features the recitation "a plurality of packet-switched networks" and the body of the claim requires both a "local network" and an "external network." Ex. 1001, 25:25:21–39, 27:6–28, 30:8–30, 32:6–31. Petitioner assumes that the preamble is limiting and correspondingly takes the position that each of the "local network" and "external network" must be a packet-switched network. *See* Pet. 7 (explaining that claims 14, 28, 51, and 62 "relate to a system/method for delivering an instant voice message over *a plurality* of packet-switched networks (including 'local network' and 'external network')"); *id.* at 38, 46 (analyzing how prior art meets "[a]dditional limitations" in claims 14 and 28, including preamble (emphasis omitted)). Patent Owner argues that the "local network" and "external network" must be included within the "plurality of packet-switched networks" of the preamble, but offers no supporting analysis beyond Petitioner's alleged concession of this point. Prelim. Resp. 20–21, 26 & n.15.

Accordingly, the parties appear to agree that the preambles of claims 14, 28, 51, and 62 are limiting and that the "local network" and "external network" recited in the bodies of these claims fall within the "plurality of packet-switched networks"—yet neither party proffers any supporting analysis. *See generally Catalina Mktg. Int'l, Inc. v. Coolsavings.com, Inc.*, 289 F.3d 801, 807–10 (Fed. Cir. 2002) (explaining that an analysis of whether a preamble is treated as a limitation requires consideration of the patent "to gain an understanding of what the inventors actually invented and intended to encompass by the claim" as well as several "guideposts," including whether the preamble provides "antecedent basis"

for the claim body (internal citations omitted)). Thus, we assume, without deciding, for purposes of this decision that the preambles of these claims are limiting and the recited "local network" and "external network" must be packet-switched.

For claims 14, 28, 51, and 62, Petitioner's arguments rely on the architecture of Malik's Figure 2 delivering voice instant messages, as disclosed for the VIM system of Figure 3, based on Malik's disclosure that the VIM server in Figure 3 "may act as . . . a local IM server, such as a Jabber server 215 of F[igure] 2" and has "additional capabilities for handling VIM . . . delivery and storage." Ex. 1007, 3:66–4:3, 4:45–53, Figs. 2–3; Pet. 21 (citing Ex. 1007, 2:55–56, 4:45–46, 4:51–53) ("In addition to a single server, Malik contemplates delivering VIMs utilizing the Jabber architecture containing 'distributed network servers.'"); *id.* at 37–40, 45–47, 55–58; Ex. 1003 ¶¶ 84, 296–302, 317–321, 343–347. With respect to the "local network," Petitioner points out that Malik refers to server 215 of Figure 2 as a "*local IM server*." Pet. 34 (quoting Ex. 1007, 4:45–47); *id.* at 36–38, 45–48, 55–56, 58; Ex. 1003 ¶ 287. Petitioner and Dr. Forys represent that to the extent Malik's reference to a local server is insufficient to disclose a local network, a person of ordinary skill in the art "would have found it obvious to connect Malik's VIM clients to their local VIM server," and particularly, client 200 to local server 215, over a LAN, because such a connection was well known in the art, as Väänänen demonstrates. Pet. 19, 34, 38, 46; Ex. 1003 ¶¶ 86–87, 288–289, 298, 321. Specifically, Petitioner notes that Väänänen discloses its client terminals and servers "are typically compliant with . . . *LAN*." Pet. 34 (quoting Ex. 1008, 16:19–23); Ex. 1003 ¶¶ 81, 289; *see* Pet. 22 (citing Ex. 1008, 6:19–23). Petitioner also refers to

Väänänen's explanation that the connection between the client terminal and server may be "packet[-]switched" and that such a "packet[-]switched connection" (e.g., a "closed network") typically is required for the recipient to be "capable of receiving the data file." Pet. 16, 22 (citing Ex. 1008, 6:17–28, 7:25–29); *id.* at 26–27 (quoting Ex. 1008, 7:25–29); Ex. 1003 ¶¶ 81, 267 (quoting Ex. 1008, 7:25–29).

According to Petitioner and Dr. Forys, a person of ordinary skill in the art would have found it obvious to incorporate Väänänen's teaching of a LAN connecting a server and its clients into Malik's system "whe[re] the server and its clients are dispersed over a small area such as within a school or company with one building," given that a "LAN was a well-known technique to connect devices dispersed over a relatively limited area." Pet. 34 (emphasis omitted); Ex. 1003 ¶ 289 (emphasis omitted) (citing Ex. 1012, 304). Petitioner argues and Dr. Forys testifies that this proposed incorporation would have been merely "combining prior art elements (Malik's *local* VIM server communicating with its VIM clients, and Väänänen's clients and server communicating over a LAN) according to known methods to yield predictable results." Pet. 34–35; Ex. 1003 ¶ 289.

Turning to the recited "external network," Petitioner represents that the network connecting client 203 and server 216 in Malik's Figure 2 satisfies the recited "external network," because "it is outside of the LAN connecting Client 200 and its Server 215," with the "two networks separated by the Internet." Pet. 39–40, 46–47 (citing Ex. 1007, 3:5–9); Ex. 1003 ¶¶ 299, 319. Alternatively, Petitioner contends, with supporting testimony from Dr. Forys, that one of ordinary skill "would have found it obvious" to connect server 216 and its clients, such as client 203, using the Internet—

which would constitute an "external network." Pet. 39–40, 46–47; Ex. 1003 ¶¶ 301–302, 320. Petitioner refers to Malik's explanation that in the system of Figure 3, VIM clients communicate with a VIM server "via the Internet," which Petitioner argues and Dr. Forys testifies was a known packet-switched network. Pet. 19 (citing, *inter alia*, Ex. 1012, 386), *id.* at 39 (quoting Ex. 1007, 4:42–45) (emphasis omitted); Ex. 1003 ¶¶ 86–87, 301. According to Petitioner and Dr. Forys, it would have been obvious to combine this use of the Internet in Malik's Figure 3 with the architecture in Figure 2 "where Server 216 and its clients (e.g., Client 203) are far apart (for example, Server 216 could be located in a company headquarter, and Clients 203 and 204 could be located in a branch office at another site)." Pet. 39–40; Ex. 1003 ¶ 302. Petitioner and Dr. Forys represent that this would be merely a combination of "prior art elements (F[igure] 3's server and clients communicating over the Internet, F[igure] 2's Server 216 communicating with its clients) according to known methods to yield predictable results (F[igure] 2's Server 216 communicating with its clients over the Internet if they are far apart)." Pet. 40; Ex. 1003 ¶ 302.

In response, Patent Owner argues Petitioner has not shown that Malik and Väänänen render obvious the recited "local network" and "external network," which the claim language, by "expressly distinguish[ing]" the two networks, makes clear "cannot be one and the same." Prelim. Resp. 26–28. Patent Owner specifically takes issue with the Petition's statements, in addressing claim 28, that "it would have been obvious that Server 215 would provide VIM services to its Client 200 ('recipient') over a LAN" ("local network"), and "it would have been obvious that the network connecting Client 203 and Server 216 *could be* the [I]nternet" ("external network"). *Id.*

at 26 (quoting Pet. 46–47) (emphasis added in Preliminary Response). According to Patent Owner, Petitioner does not, and could not, cite any part of Malik "affirmatively stating that the identified interconnections in Figure 2 represent a 'LAN' and the 'Internet,' respectively." *Id.* at 26–27. Patent Owner argues Petitioner's assertions are "nothing more than a thinly-veiled inherency argument, yet Petitioner's speculative "could be" language fails to show that the identified interconnections "*necessarily* represent two distinct packet-switched networks," as required to establish inherency. *Id.* at 27. Moreover, Patent Owner contends that language in Malik expressly referring to Figure 2, in its entirety, as a single network bars any inherency argument. *Id.* (quoting Ex. 1007, 2:49–51).

Based on our review of the present record, Petitioner makes a sufficient showing, for purposes of institution, that Malik and Väänänen render obvious the "local network" and "external network" of claims 14, 28, 51, and 62. For example,[3] as to the "local network," Petitioner provides evidence to support that Väänänen teaches connecting a server to clients with a packet-switched LAN. *See* Ex. 1008, 6:17–23, 7:25–29, 16:19–23; Pet. 16, 22, 26–27, 34; Ex. 1003 ¶¶ 81, 267, 289. Moreover, Petitioner has proffered argument and evidence, adequate under the reasonable likelihood standard for institution, that one of ordinary skill would have had reason to incorporate such a network into the architecture of Malik's Figure 2 to connect server 215 to its clients, including client 200, given that Malik describes server 215 as a "local . . . server"; Väänänen explains that a

[3] As outlined above, the Petition proffers alternative arguments to reach both the "external network" and "internal network." In determining whether Petitioner's showing is sufficient for institution of *inter partes* review in this decision, we need only address one alternative for each network.

"packet[-]switched connection" (e.g., a "closed network"), instead of a circuit-switched connection, "typically" is required for a recipient to be "capable of receiving [a] data file"; and a LAN was a well-known technique for connecting devices dispersed over a relatively-limited area (e.g., "within a school or company with one building"). *See* Ex. 1008, 7:25–29; Ex. 1007, 4:45–47; Pet. 19, 34–35, 38, 46; Ex. 1003 ¶¶ 81, 86–87, 287–289, 298, 321; Ex. 1012, 304.

Similarly, with respect to the "external network," Petitioner has shown adequately for institution that it would have been obvious to connect server 216 in Malik's Figure 2 to its clients, including client 203, using the Internet, a packet-switched network, and that this proposed modification satisfies the claimed "external network." Pet. 19, 39–40, 46–47; Ex. 1012, 386; Ex. 1003 ¶¶ 86–87, 301–302, 320; *see* Ex. 1001, 1:26–27, 1:40–48. At this stage of the proceeding, Petitioner, with supporting testimony from Dr. Forys, has provided reasoning sufficient to support this proposed modification, given that the Internet was commonly used to connect devices, including a server and its clients, that are "far apart" from one another and Malik explains the Internet connects the servers in the architecture of Figure 2 in addition to the VIM server and clients in the system of Figure 3. *See* Ex. 1007, 2:55–58, 3:5–12, 4:41–45; Pet. 19, 39–40, 46–47; Ex. 1003 ¶¶ 86–87, 301–302, 320.

We do not agree, at this juncture, with Patent Owner's assertions contesting Petitioner's showing as to the "local network" and "external network." *See* Prelim. Resp. 26–28. To start, Patent Owner's quotations of the Petition's discussion of claim 28—used as the basis for Patent Owner's allegations of deficiency—omit the Petition's cross-references to its

previous more detailed analysis of similar limitations of claim 2 ("internal network") and claim 14 ("external network") that appear immediately before and after the language Patent Owner quotes. *Compare id.* at 26, *with* Pet. 46–47 (stating "[a]s discussed regarding claim 2" twice, with a citation to "§ VI.E.1" that analyzes claim 2, and "as discussed regarding . . . element [14.1b]," with a citation to "§ VI.F.1.c" that discusses the element Petitioner characterizes as 14.1b, which recites "an external network outside the local network"). The Petition's analysis of claim 2's "local network" and claim 14's "external network" discusses disclosures of Malik as well as Väänänen that allegedly teach or suggest these networks, proposed combinations of these teachings and modifications of Malik's system that allegedly reach the claim language, and proffered reasons why one of ordinary skill would have implemented these modifications and combinations—as discussed above. Pet. 34–35, 38–40.

Therefore, although the Petition's "could be" language used in referring to the Internet as an alternative for satisfying the recited "external network" of claim 28—to which Patent Owner quotes—itself may not support sufficiently Petitioner's obviousness showing, the Petition's full discussion of this proposed alternative means by which Malik and Väänänen render obvious the "external network"—expressly referenced and cited in the discussion of claim 28—adequately supports Petitioner's obviousness showing for purposes of institution, as we have explained above. *See id.* at 38–40, 47; *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015) ("[O]bviousness concerns whether a skilled artisan not only *could have made but would have been motivated* to make the combinations or modifications of prior art to arrive at the claimed invention." (internal

citation omitted)). In addition, because the Petition makes an obviousness argument, Petitioner need not demonstrate that Malik "affirmatively stat[es] the identified interconnections in [Malik's] Figure 2 represent a 'LAN' and the Internet,' respectively," as Patent Owner attempts to fault Petitioner for failing to do. Prelim. Resp. 26–27. Moreover, at this stage of the proceeding, we are not persuaded that the Petition's discussion of how Malik and Väänänen render obvious the claimed "local network" and "external network" supports Patent Owner's assertion that Petitioner is making an inherency argument, making Patent Owner's argument that the Petition fails to meet the standards for inherency misplaced. *See id.*

We also do not agree with Patent Owner's argument that because Malik states that Figure 2 represents a "network," in the singular, the architecture of Figure 2 cannot constitute two packet-switched networks, as independent claims 14, 28, 51, and 62 require. *Id.* at 27 (quoting Ex. 1007, 2:49–51). Rather, at this stage of the proceeding, we are persuaded that a person of ordinary skill would have understood that one network can contain multiple subnetworks that are themselves networks. *See, e.g.*, Ex. 3001 (Microsoft Computer Dictionary (5th ed. 2002)), 502 (defining "subnetwork" as "[a] network that is part of another, larger network"). Indeed, Malik expressly states that Jabber servers 215–217 in Figure 2 are "connected to the Internet"—which a person of ordinary skill would understand consists of multiple networks. Ex. 1007, 3:5–9; *see id.* at 2:55–59; *see, e.g.*, Ex. 3001, 281 (defining "Internet" as "[t]he worldwide collection of *networks* and gateways that use the TCP/IP suite of protocols to communicate with one another" (emphasis added)). In addition, even if Patent Owner were correct that Malik contemplates Figure 2 as one network,

this would not preclude Petitioner's assertions that modifying that architecture in a manner that reaches the recited "local network" and "external network"—for example, to include a LAN connecting server 215 and its clients, and the Internet connecting server 216 and its clients—would have been obvious to a person of ordinary skill in the art reviewing Malik.

Accordingly, having considered Patent Owner's arguments to the contrary, we determine Petitioner has made a sufficient showing, for purposes of institution of *inter partes* review, that the combination of Malik and Väänänen render obvious the "local network" and "external network" of independent claims 14, 28, 51, and 62.

b. Undisputed Limitations of Challenged Claims

We have considered Petitioner's argument and supporting evidence, including Dr. Forys's testimony, regarding the remaining limitations of independent claims 1, 14, 28, 40, 51, and 62, as well as dependent claims 2, 3, 5, 15, 17, 19, 29, 31, 33, 42, 53, and 64, of the '890 patent. Pet. 19–58; Ex. 1003 ¶¶ 257–347. At this stage of the proceeding, we are persuaded Petitioner has proffered adequate evidence that these limitations are taught or suggested by Malik and Väänänen and has provided sufficiently "articulated reasoning," with "rational underpinning" and evidentiary support, to combine the teachings of these references to predictably yield the recited systems and methods. *See KSR*, 550 U.S. at 418 (quoting *Kahn*, 441 F.3d at 988).

c. Conclusion

In sum, Petitioner has shown a reasonable likelihood of establishing that claims 1–3, 5, 14, 15, 17, 19, 28, 29, 31, 33, 40, 42, 51, 53, 62, and 64 of the '890 patent would have been obvious over Malik and Väänänen.

E. ALLEGED OBVIOUSNESS OVER MALIK, VÄÄNÄNEN, AND DESHPANDE

Petitioner contends that claims 4, 18, 32, 41, 52, and 63 of the '890 patent would have been obvious over Malik, Väänänen, and Deshpande. Pet. 59–64. Patent Owner does not specifically dispute Petitioner's contentions regarding this asserted ground, and instead relies on its arguments contesting Petitioner's showing that Malik and Väänänen render obvious the challenged independent claims, addressed above. *See* Prelim. Resp. 18, 21 & n.14.

1. Overview of Deshpande

Deshpande discloses an instant messaging apparatus and method for mobile devices that includes a buddy list, which "may contain a respective list of user names and other information of interest to each respective mobile device." Ex. 1009, [57], ¶¶ 1, 25. Buddy list 275 may be stored in storage device 240 within instant-messaging server 160. *Id.* ¶¶ 18–19, 23, Fig. 2. Mobile device 140, in turn, may download the contents of buddy list 275 from instant-messaging server 160. *Id.* ¶ 46, Fig. 4; *see id.* at [57]. Mobile device 140 may then display buddy list 405 featuring information regarding "selected users" of interest to a user, such as name, location, and reachability status (i.e., online or offline). *Id.*

2. Discussion

Claim 4 of the '890 patent, which depends from independent claim 1, recites: "wherein the client requests a list of recipients associated with the client from the server and the server transmits the list of recipients to the client for selection of the one or more recipients." Ex. 1001, 24:8–12. Dependent claims 18, 32, 41, 52, and 63 feature limitations very similar to those in claim 4. *Id.* at 25:56–60, 27:43–45, 28:41–46, 30:31–37, 32:32–38.

Based on our review of the present record, we agree with Petitioner's showing that Deshpande's disclosures regarding a device downloading a buddy list, containing information of interest to the particular device, from an instant-messaging server and a user selecting users of interest from the list teach the additional limitations of claims 4, 18, 32, 41, 52, and 63. *See* Ex. 1009, [57], ¶¶ 1, 18–19, 23, 25, 46, Figs. 2–4; Pet. 59–60; Ex. 1003 ¶¶ 350–351, 355, 358–364. On this record, we credit Dr. Forys's testimony that a client downloading a buddy list from a server normally involves the client requesting the list and the server transmitting the list. Ex. 1003 ¶ 351 (citing Ex. 1012, 175 (definition of "download")).

We likewise are persuaded, at this stage of the proceeding, by Petitioner's argument and evidence that one of ordinary skill in the art would have been prompted to incorporate Deshpande's buddy list into the combination of Malik and Väänänen, proposed by Petitioner and discussed above in the previous asserted ground, to reach the systems and methods recited in claims 4, 18, 32, 41, 52, and 63. Pet. 59–64; Ex. 1003 ¶¶ 349, 352–360. As Petitioner and Dr. Forys explain, Väänänen discloses that an instant voice message "recipient may be chosen by labeling the recipient with a pointer from the 'contacts' file of the terminal device," i.e., client. Ex. 1008, 6:5–11; Pet. 59; Ex. 1003 ¶ 349. Moreover, in Malik's system, a centralized storage medium, which may be accessible by the client, stores contact parameters, including criteria about whom a user wants to receive presence information. Ex. 1007, 4:54–67; Pet. 60–61; Ex. 1003 ¶ 352. According to Petitioner and Dr. Forys, these teachings of Malik and Väänänen would have motivated one of ordinary skill to seek out means to create and provide a contact list or file of users for recipient selection.

Pet. 59–61; Ex. 1003 ¶¶ 349, 352. In addition, Petitioner argues and Dr. Forys opines that an ordinarily skilled artisan would have recognized that incorporating Deshpande's teachings regarding a buddy list, including the client requesting and the server transmitting the list to the client for recipient selection, would provide "flexibility, mobility, and reliability" and allow a user to maintain an address book without having to manually enter contacts when using a new or different device. Pet. 61–62; Ex. 1003 ¶ 353.

In light of this argument and evidence, we conclude the Petition shows a reasonable likelihood that Petitioner would prevail in showing that claims 4, 18, 32, 41, 52, and 63 of the '890 patent are unpatentable as obvious over Malik, Väänänen, and Deshpande.

F. ALLEGED OBVIOUSNESS OVER MALIK, VÄÄNÄNEN, AND ABBURI

Petitioner contends that claims 6, 20, 34, 43, 54, and 65 of the '890 patent would have been obvious over Malik, Väänänen, and Abburi. Pet. 64–68. Patent Owner does not contest Petitioner's assertions regarding these claims beyond its arguments disputing the asserted ground relying on Malik and Väänänen, addressed above. *See* Prelim. Resp. 18, 21 & n.14.

1. Overview of Abburi

Abburi is directed to a system and method for sending "audio (including voice) messag[es]." Ex. 1015, [57], ¶¶ 1, 32. Abburi explains that a client device "may be configured to record the audio message locally" as an "audio file" or more specifically, a WAV file. *Id.* ¶¶ 38, 40. The client device then transmits the message to the disclosed system and the system delivers the message "to its intended recipients," which "can store and subsequently playback" the message. *Id.* ¶¶ 32, 38, 40, Fig. 1. During

playback, the system may play the audio message as well as a message prerecorded by the user, e.g., stating the user's name. *Id.* ¶ 49.

2. Discussion

Claim 6 of the '890 patent depends from independent claim 1 and further recites: "wherein the client records the instant voice message in an *audio file*, transmits the *audio file* to the server, and the server delivers the *audio file* to the selected recipients, the selected recipients being enabled to audibly play the *audio file*." Ex. 1001, 24:16–20 (emphases added). Dependent claims 20, 34, 43, 54, and 65 include similar limitations. *Id.* at 25:65–26:2, 27:51–57, 28:51–59, 30:42–50, 32:32–38. The main difference between the limitations of each of these claims and the independent claim from which it depends is the addition of the recited "audio file."

Petitioner argues and Dr. Forys testifies that a person of ordinary skill in the art would have recognized that the voice recording generated by the user in Malik "would have been an audio file." Pet. 65 (citing Ex. 1007, 4:33–36; Ex. 1003 ¶ 366); Ex. 1003 ¶ 366. At this stage of the proceeding, we credit Dr. Forys's testimony on this issue. In light of this evidence supporting that Malik would have conveyed the recited "audio file" to one of ordinary skill as well as Petitioner's showing regarding the obviousness of the independent challenged claims over Malik and Väänänen, Petitioner has made a sufficient showing under the reasonable likelihood standard for institution that dependent claims 6, 20, 34, 43, 54, and 65 would have been obvious over Malik and Väänänen. Pet. 65–68; Ex. 1003 ¶¶ 365–366, 368, 372–378. Accordingly, although the Petition does not explicitly include claims 6, 20, 34, 43, 54, and 65 in the asserted ground relying on Malik and

Väänänen, addressed above (*see* Pet. 3, 19–59), we exercise our discretion to institute review of these claims on this ground. *See SightSound Techs., LLC v. Apple Inc.*, 809 F.3d 1307, 1313–14 (Fed. Cir. 2015); *In re Cuozzo Speed Techs., LLC*, 793 F.3d 1268, 1272–75 (Fed. Cir. 2015); *infra* § IV.

In addition, to the extent that Malik and Väänänen do not render obvious an "instant voice message in an audio file" and recording, transmitting, delivering, and playing such a file, as recited in claims 6, 20, 34, 43, 54, and 65, Petitioner contends these limitations were well known in the art and taught by Abburi. Pet. 65–68; Ex. 1003 ¶¶ 367–368, 372–378. At this stage of the proceeding, we agree with Petitioner that the disclosures of Abburi regarding recording, transmitting, delivering, and playing an audio message as an audio file, outlined above, teach the additional limitations of these claims. *See* Ex. 1015, [57], ¶¶ 1, 32, 38, 40, Fig. 1; Pet. 65–68; Ex. 1003 ¶¶ 367, 372–378. We likewise find adequate, under the reasonable likelihood standard for institution, Petitioner's argument and evidence that incorporating these teachings of Abburi, regarding audio messaging with audio files, into the combination of Malik and Väänänen, proposed by Petitioner and addressed above, would have been obvious, given that it amounts to no more than applying a known technique to a known system and method ready for improvement to yield predictable results. Pet. 66–68; Ex. 1003 ¶¶ 369–378; *see KSR*, 550 U.S. at 416–17.

Accordingly, Petitioner has shown a reasonable likelihood of establishing that claims 6, 20, 34, 43, 54, and 65 of the '890 patent would have been obvious over Malik, Väänänen, and Abburi, as well as Malik and Väänänen, and we institute *inter partes* review of these claims on both asserted grounds.

G. ALLEGED OBVIOUSNESS OVER MALIK, VÄÄNÄNEN, ABBURI, AND DANIELL

Petitioner contends that claim 68 of the '890 patent would have been obvious over Malik, Väänänen, Abburi, and Daniell. Pet. 68–70. Patent Owner relies on its arguments contesting Petitioner's obviousness assertions as to independent claim 62, from which claim 68 depends, and does not dispute Petitioner's arguments directed to the additional limitations of claim 68. Prelim. Resp. 18, 21 & n.14.

1. Overview of Daniell

Daniell discusses systems and methods for organizing and managing attachments from electronic messages. Ex. 1010, [57]. Daniell explains that electronic messages may comprise instant messages and may contain electronic files, such as sounds. *Id.* ¶ 3. Daniell further explains that "an attachment is an electronic file that can accompany an electronic mail message" and that the attachment can be of any file format, including a sound file. *Id.* ¶ 5; *see id.* ¶ 3. Daniell discloses an instant messaging client receiving "an electronic message with at least one attachment." *Id.* ¶ 62; *see id.* ¶¶ 59, 63. A copy of the attachment is then saved or stored at the location designated by the recipient user. *Id.* ¶ 68; *see id.* ¶¶ 4, 62, Fig. 11.

2. Discussion

Dependent claim 68 recites: "attaching one or more files to the instant voice message at the client; storing or displaying the one or more attached files at the selected recipients." Ex. 1001, 33:9–14. At this stage of the proceeding, we agree with Petitioner that these additional limitations are taught by Daniell's disclosures, outlined above, regarding attaching electronic files to instant messages, which may contain sounds, and saving

the attachments at the receiving client. Ex. 1010, [57], ¶¶ 3–5, 59, 62–63, 68, Fig. 11; *see* Pet. 68–69; Ex. 1003 ¶¶ 381–382.

Moreover, on the record before us, Petitioner has proffered evidence and argument sufficient to show, for purposes of institution, that one of ordinary skill would have had reason to incorporate these teachings of Daniell into the proposed combination of Malik and Väänänen, discussed above in our analysis of independent claim 62, as well as the proposed combination of Malik, Väänänen, and Abburi, discussed above in our analysis of the asserted ground relying on these references, to reach the method of claim 68. Pet. 68–72; Ex. 1003 ¶¶ 380, 383–385. Petitioner argues and Dr. Forys opines that the motivation to do so would have been to improve efficiency and usability. Pet. 71; Ex. 1003 ¶ 383. According to Petitioner and Dr. Forys, incorporating Daniell's teachings regarding attaching files to instant messages eliminates the need to transmit redundant header information (e.g., sender and recipient addresses) multiple times and allows the recipient to easily correlate related files sent together in one message, as opposed to separate messages. Pet. 71; Ex. 1003 ¶ 383.

For the reasons given above and based on our review of the current record, we determine that Petitioner has demonstrated a reasonable likelihood of showing that Malik, Väänänen, and Daniell—with or without Abburi—render obvious claim 68 and we institute review of claim 68 based on both sets of prior art references. *See SightSound Techs.*, 809 F.3d at 1313–14; *Cuozzo Speed Techs.*, 793 F.3d at 1272–75.

III. CONCLUSION

For the reasons given, having considered the information in the Preliminary Response, we determine that the information in the Petition

establishes a reasonable likelihood that Petitioner would prevail in showing that all challenged claims of the '890 patent—claims 1–6, 14, 15, 17–20, 28, 29, 31–34, 40–43, 51–54, 62–65, and 68—are unpatentable.

Any discussion of facts in this decision is made only for the purpose of institution of *inter partes* review. The Board's final determination will be based on the record as fully developed during trial.

IV. ORDER

Accordingly, it is

ORDERED that pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1–6, 14, 15, 17–20, 28, 29, 31–34, 40–43, 51–54, 62–65, and 68 of U.S. Patent No. 7,535,890 B2 is instituted, commencing on the entry date of this decision;

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial; and

FURTHER ORDERED that the trial is limited to the following grounds of unpatentability:

Claims 1–3, 5, 6, 14, 15, 17, 19, 20, 28, 29, 31, 33, 34, 40, 42, 43, 51, 53, 54, 62, 64, and 65 under 35 U.S.C. § 103 as obvious over Malik and Väänänen;

Claims 4, 18, 32, 41, 52, and 63 under 35 U.S.C. § 103 as obvious over Malik, Väänänen, and Deshpande;

Claims 6, 20, 34, 43, 54, and 65 under 35 U.S.C. § 103 as obvious over Malik, Väänänen, and Abburi, and

Claim 68 under 35 U.S.C. § 103 as obvious over Malik, Väänänen, Abburi, and Daniell, as well as over Malik, Väänänen, and Daniell.

IPR2017-00221
Patent 7,535,890 B2

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AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:17-cv-0231-JRG	3/26/2017	Eastern District of Texas

PLAINTIFF	DEFENDANT
Uniloc USA, Inc. and Uniloc Luxembourg S.A.	Google, Inc.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	Uniloc Luxembourg S.A.
2	8,995,433	5/31/2015	Uniloc Luxembourg S.A.
3	7,535,890	5/19/2009	Uniloc Luxembourg S.A.
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director **Copy 3—Upon termination of action, mail this copy to Director**
Copy 2—Upon filing document adding patent(s), mail this copy to Director **Copy 4—Case file copy**

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-779	7/15/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	SHORETEL, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
4	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1			
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3			
4			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
Any and all claims by Uniloc USA, Inc. and Uniloc Luxembourg S.A. (collectively, "Uniloc") against ShoreTel, Inc. ("ShoreTel") are DISMISSED WITH PREJUDICE

CLERK	(BY) DEPUTY CLERK	DATE
David A. O'Toole	Nakisha Love	4/19/17

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	**Mail Stop 8** **Director of the U.S. Patent and Trademark Office** **P.O. Box 1450** **Alexandria, VA 22313-1450**	**REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Marshall Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:16-cv-641	6/14/2016	Eastern District of Texas, Marshall Division

PLAINTIFF	DEFENDANT
UNILOC USA, INC., and UNILOC LUXEMBOURG, S.A.	LINE EURO-AMERICAS CORP. & LINE CORPORATION

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	UNILOC LUXEMBOURG, S.A.
2	8,995,433	3/31/2015	UNILOC LUXEMBOURG, S.A.
3	7,535,890	5/19/2009	UNILOC LUXEMBOURG, S.A.
4	8,199,747	6/12/2012	UNILOC LUXEMBOURG, S.A.
5	8,243,723	8/14/2012	UNILOC LUXEMBOURG, S.A.

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
Any and all claims by Uniloc against Line Euro-Americas Corporation and Line Corporation (together, "Line") are DISMISSED WITH PREJUDICE

CLERK	(BY) DEPUTY CLERK	DATE
David A. O'Toole	Nakisha Love	4/18/17

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AO 120 (Rev. 08/10)

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:17-cv-349	4/21/2017	Eastern District of Texas

PLAINTIFF	DEFENDANT
UNILOC USA, INC. and UNILOC LUXEMBOURG, S.A.	HIKE LTD.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	Uniloc Luxembourg S.A.
2	8,995,433	5/31/2015	Uniloc Luxembourg S.A.
3	7,535,890	5/19/2009	Uniloc Luxembourg S.A.
4	8,199,747	6/12/2012	Uniloc Luxembourg S.A.
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading		
	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

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AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
2:17-cv-347	4/21/2017	Eastern District of Texas

PLAINTIFF	DEFENDANT
UNILOC USA, INC. and UNILOC LUXEMBOURG, S.A.	KIK INTERACTIVE, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	8,724,622	5/13/2014	Uniloc Luxembourg S.A.
2	8,995,433	5/31/2015	Uniloc Luxembourg S.A.
3	7,535,890	5/19/2009	Uniloc Luxembourg S.A.
4	8,199,747	6/12/2012	Uniloc Luxembourg S.A.
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In the above---entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above---entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

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