Case 2:17-cv-00214-JRG Document 5 Filed 03/21/17 Page 1 of 1 PageID #: 136

AO 120 (Rev. 08/10)

| TO: | Mail Stop 8                                      |
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| 10. | 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

| DOCKET NO.<br>2:17-cv-0214-JRG | DATE FILED<br>3/20/2017        | U.S. DISTRICT COURT<br>Eastern District of Texas |
|--------------------------------|--------------------------------|--|
| PLAINTIFF                      |                                | DEFENDANT  |
| Uniloc USA, Inc. and U         | Jniloc Luxembourg S.A.         | Google, Inc.                                     |
| PATENT OR<br>TRADEMARK NO.     | DATE OF PATENT<br>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                    |                                  |  |
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|                            | Amendment                      | Answer Cross Bill Other Pleading |  |
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In the above-entitled case, the following decision has been rendered or judgement issued:

| DECISION/JUDGEMENT |                   |      |  |
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| CLERK              | (BY) DEPUTY CLERK | DATE |  |

Case 2:17-cv-00224-JRG Document 6 Filed 03/23/17 Page 1 of 1 PageID #: 110

AO 120 (Rev. 08/10)

| TO: | Mail Stop 8                                      |
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| 10. | 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

| DOCKET NO.<br>2:17-cv-0224-JRG | DATE FILED<br>3/22/2017        | U.S. DISTRICT COURT<br>Eastern District of Texas |
|--------------------------------|--------------------------------|--|
| PLAINTIFF                      |                                | DEFENDANT  |
| Uniloc USA, Inc. and U         | Jniloc Luxembourg S.A.         | Google, Inc.                                     |
| PATENT OR<br>TRADEMARK NO.     | DATE OF PATENT<br>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:

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In the above-entitled case, the following decision has been rendered or judgement issued:

| ECISION/JUDGEMENT |                   |      |  |
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| LERK              | (BY) DEPUTY CLERK | DATE |  |

Case 2:16-cv-00640-JRG Document 20 Filed 03/17/17 Page 1 of 1 PageID #: 320

AO 120 (Rev. 08/10) **REPORT ON THE** Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office FILING OR DETERMINATION OF AN P.O. Box 1450 ACTION REGARDING A PATENT OR Alexandria, VA 22313-1450 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 Eastern District of Texas, Marshall Division filed in the U.S. District Court on the following Trademarks or Patents. ( \_ the patent action involves 35 U.S.C. § 292.): DATE FILED DOCKET NO. U.S. DISTRICT COURT 6/14/2016 2:16-cv-640 Eastern District of Texas, Marshall Division PLAINTIFF DEFENDANT UNILOC USA, INC., and KAKAO CORPORATION UNILOC LUXEMBOURG, S.A. PATENT OR DATE OF PATENT HOLDER OF PATENT OR TRADEMARK TRADEMARK NO. 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                    | The second se |
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| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>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    |
|--------------------|-------------------|---------|
| Warrid A. O' Toole | ch                | 3/17/17 |

Case 2:16-cv-00643-JRG Document 20 Filed 01/19/17 Page 1 of 1 PageID #: 325

AO 120 (Rev. 08/10) **REPORT ON THE** Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office FILING OR DETERMINATION OF AN P.O. Box 1450 ACTION REGARDING A PATENT OR Alexandria, VA 22313-1450 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 Eastern District of Texas, Marshall Division filed in the U.S. District Court on the following Trademarks or Patents. ( \_ the patent action involves 35 U.S.C. § 292.): DATE FILED DOCKET NO. U.S. DISTRICT COURT 6/14/2016 2:16-cv-643 Eastern District of Texas, Marshall Division PLAINTIFF DEFENDANT UNILOC USA, INC., and VIBER MEDIA S.A.R.L., UNILOC LUXEMBOURG, S.A. PATENT OR DATE OF PATENT HOLDER OF PATENT OR TRADEMARK TRADEMARK NO. 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                    |  |  |
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| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>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    |
|--------------------|-------------------|---------|
| Daniel A. O' Poole | M. Martin         | 1/19/17 |

Case 2:16-cv-00733-JRG Document 26 Filed 01/11/17 Page 1 of 1 PageID #: 211

AO 120 (Rev. 08/10) **REPORT ON THE** Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office FILING OR DETERMINATION OF AN P.O. Box 1450 ACTION REGARDING A PATENT OR Alexandria, VA 22313-1450 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 Eastern District of Texas, Marshall Division filed in the U.S. District Court 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 TANGOME, INC. d/b/a TANGO UNILOC LUXEMBOURG, S.A. PATENT OR DATE OF PATENT HOLDER OF PATENT OR TRADEMARK TRADEMARK NO. 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                    |  |
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| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>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    |
|--------------------|-------------------|---------|
| Daniel A. O' Toole | Nakisha Love      | 1/11/17 |

Case 2:16-cv-00994 Document 2 Filed 09/06/16 Page 1 of 1 PageID #: 134

AO 120 (Rev. 08/10) REPORT ON THE Mail Stop 8 TO: FILING OR DETERMINATION OF AN Director of the U.S. Patent and Trademark Office P.O. Box 1450 ACTION REGARDING A PATENT OR Alexandria, VA 22313-1450 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 Eastern District of Texas, Marshall Division filed in the U.S. District Court on the following ☑ Patents. ( □ the patent action involves 35 U.S.C. § 292.): Trademarks or DOCKET NO. 2:16-cv-994 DATE FILED U.S. DISTRICT COURT Eastern District of Texas, Marshall Division 9/6/2016 DEFENDANT PLAINTIFF UNILOC USA, INC., and HUAWEI DEVICE USA, INC. and UNILOC LUXEMBOURG, S.A. HUAWEI TECHNOLOGIES USA, INC., PATENT OR DATE OF PATENT HOLDER OF PATENT OR TRADEMARK TRADEMARK NO. OR TRADEMARK 1 7,535,890 5/19/2009 UNILOC LUXEMBOURG, S.A. 3/31/2015 UNILOC LUXEMBOURG, S.A. 2 8,995,433 5/13/2014 UNILOC LUXEMBOURG, S.A. 3 8, 724,622 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                    | A start of Kinese Alter States and the start |
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| a sha sha kata             | Amendment                      | Answer Cross Bill Other Pleading             |
| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>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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| CLERK              | (BY) DEPUTY CLERK | DATE |

Case 2:16-cv-00993-JRG Document 2 Filed 09/06/16 Page 1 of 1 PageID #: 184

| O: Mail Stop 8<br>Director of the U.S. Patent and Trademark Office<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 |  | REPORT ON THE<br>FILING OR DETERMINATION OF AN<br>ACTION REGARDING A PATENT OR<br>TRADEMARK |  |
|--|--|---|--|
| In Complian<br>filed in the U.S. Dis   |  |   | 1116 you are hereby advised that a court action has been<br>t of Texas, Marshall Division on the following |
|  | Patents. (  the patent acti                              |   |  |
| DOCKET NO.<br>2:16-cv-993  | DATE FILED<br>9/6/2016                                   | 0.8. DE   | STRICT COURT<br>Eastern District of Texas, Marshall Division   |
| UNILOC USA, INC., an<br>UNILOC LUXEMBOUR   |  |   | ZTE (USA), INC. and ZTE (TX), INC.,  |
| PATENT OR  | DATE OF PATENT   |   | HOLDER OF PATENT OR TRADEMARK  |
| PATENT OR<br>TRADEMARK NO.<br>1 7,535,890  |  | UNIL  | HOLDER OF PATENT OR TRADEMARK  |
| TRADEMARK NO.  | DATE OF PATENT<br>OR TRADEMARK                           |   |  |
| TRADEMARK NO.           1         7,535,890  | DATE OF PATENT<br>OR TRADEMARK<br>5/19/2009              | UNIL  | OC LUXEMBOURG, S.A.  |
| TRADEMARK NO.           1         7,535,890           2         8,199,747  | DATE OF PATENT<br>OR TRADEMARK<br>5/19/2009<br>6/12/2012 | UNIL  | OC LUXEMBOURG, S.A.<br>OC LUXEMBOURG, S.A.   |

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

| DATE INCLUDED              | INCLUDED BY                    | and the effect of the second second second second |
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|                            | Amendment                      | Answer Cross Bill Other Pleading                  |
| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>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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| CLERK              | (BY) DEPUTY CLERK | DATE |
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Case 2:16-cv-00992-JRG Document 2 Filed 09/06/16 Page 1 of 1 PageID #: 145

AO 120 (Rev. 08/10)

| TO: | Mail Stop 8<br>Director of the U.S. Patent and Trademark Office | REPORT ON THE<br>FILING OR DETERMINATION OF AN |
|-----|---|--|
|     | P.O. Box 1450   | ACTION REGARDING A PATENT OR                   |
|     | Alexandria, VA 22313-1450                                       | 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

| DOCKET NO.<br>2:16-cv-992              | DATE FILED<br>9/6/2016         | U.S. DISTRICT COURT<br>Eastern District of Texas, Marshall Division |
|--|--------------------------------|---|
| PLAINTIFF                              |                                | DEFENDANT   |
| UNILOC USA, INC., a<br>UNILOC LUXEMBOU |                                | MOTOROLA MOBILITY LLC   |
| PATENT OR<br>TRADEMARK NO.             | DATE OF PATENT<br>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                    |                                  |
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|                            | Amendment                      | Answer Cross Bill Other Pleading |
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In the above-entitled case, the following decision has been rendered or judgement issued:

| DECISION/JUDGEMENT |                   |      |
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| CLERK              | (BY) DEPUTY CLERK | DATE |

Case 2:16-cv-00893-JRG Document 26 Filed 11/17/16 Page 1 of 1 PageID #: 178

AO 120 (Rev. 08/10)

| TO: | Mail Stop 8                                      |
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| 10: | 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

| DOCKET NO.<br>2:16-cv-893              | DATE FILED<br>8/11/2016               | U.S. DISTRICT COURT<br>Eastern District of Texas, Marshall Division |  |
|--|---------------------------------------|---|--|
| PLAINTIFF                              |                                       | DEFENDANT   |  |
| UNILOC USA, INC., a<br>UNILOC LUXEMBOU |                                       | VONAGE HOLDINGS CORP. &<br>VONAGE AMERICAS, INC.                    |  |
| PATENT OR<br>TRADEMARK NO.             | DATE OF PATENT<br>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                    | The second se |
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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     |
|--------------------|-------------------|----------|
| Daniel A. O' Poole | ch                | 11/17/16 |

|   |                       | United State<br>Address. COMM<br>PO Box | TES DEPARTMENT OF COMMERCE<br>s Patent and Trademark Office<br>SSIDNER FOR PATENTS<br>1450<br>a, Vignine 22313-1450<br>ogov |
|---|-----------------------|---|---|
| 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<br>CONFIRMATION NO. 173  |
| 96051   |                       | POA ACC                                 | EPTANCE LETTER  |
| Uniloc USA Inc.<br>Legacy Town Center<br>7160 Dallas Parkway<br>Suite 380 |                       |   | OC00000085922695*   |

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.

Plano, TX 75024

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.

/mtumer myles/

page 1 of 1

| UNITED STATE  | S Patent and Tradem   | UNITED ST<br>United Stat<br>Address COM<br>PC B<br>Alexan | PATES DEPARTMENT OF COMMERCE<br>tes Patent and Trademark Office<br>MISSIONER FOR PATENTS<br>vi 1450<br>dra, Vignine 22313-1450<br>spio.zov |
|---|-----------------------|---|--|
| 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<br>CONFIRMATION NO. 1731<br>OF ATTORNEY NOTICE  |
| 67050<br>KASHA LAW LLC<br>14532 Dufief Mill Road<br>North Potomac, MD 20878 |                       |   | *0C000000085922669*  |

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.

/mturner myles/

page 1 of 1

Case 2:16-cv-00989-JRG Document 2 Filed 09/06/16 Page 1 of 1 PageID #: 133

AO 120 (Rev. 08/10)

| TO: | Mail Stop 8                                      |
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| 10. | 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.<br>2:16-cv-989                                     | DATE FILED<br>9/6/2016                  | U.S. DISTRICT COURT<br>Eastern District of Texas, Marshall Division |  |
|---|---|---|--|
| PLAINTIFF<br>UNILOC USA, INC., and<br>UNILOC LUXEMBOURG, S.A. |   | DEFENDANT<br>HTC AMERICA, INC.                                      |  |
| PATENT OR<br>TRADEMARK NO.                                    | DATE OF PATENT<br>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                    | The second se |
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| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>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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| CLERK              | (BY) DEPUTY CLERK | DATE |

Case 2:16-cv-00990-JRG Document 2 Filed 09/06/16 Page 1 of 1 PageID #: 138

AO 120 (Rev. 08/10)

|   |  |  | REPORT ON<br>FILING OR DETERMIN<br>ACTION REGARDING<br>TRADEMA  | NATION OF AN<br>A PATENT OR |
|---|--|--|---|-----------------------------|
|   |  |  | . § 1116 you are hereby advised that a court action has been<br>ict of Texas, Marshall Division on the followi<br>lves 35 U.S.C. § 292.): |                             |
| DOCKET NO.<br>2:16-cv-990 DATE FILED U.S. DIS<br>9/6/2016     |  | STRICT COURT<br>Eastern District of Texas, Mar | shall Division  |                             |
| PLAINTIFF<br>UNILOC USA, INC., and<br>UNILOC LUXEMBOURG, S.A. |  |  | DEFENDANT<br>KYOCERA AMERICA, INC. and<br>KYOCERA COMMUNICATIONS,   |                             |

| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>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                          | a francisco de la compañía de |                               |

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

| DATE INCLUDED              | INCLUDED BY                    | A REPORT OF A R |
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|                            | Amendm                         | ent 🗌 Answer 🔲 Cross Bill 🔲 Other Pleading  |
| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>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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| CLERK              | (BY) DEPUTY CLERK | DATE |

Case 2:16-cv-00991-JRG Document 2 Filed 09/06/16 Page 1 of 1 PageID #: 146

AO 120 (Rev. 08/10)

| TO: | Mail Stop 8<br>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.<br>2:16-cv-991              | DATE FILED<br>9/6/2016         | U.S. DISTRICT COURT<br>Eastern District of Texas, Marshall Division |
|--|--------------------------------|---|
| PLAINTIFF                              |                                | DEFENDANT   |
| UNILOC USA, INC., a<br>UNILOC LUXEMBOU |                                | LG ELECTRONICS U.S.A., INC.,  |
| PATENT OR<br>TRADEMARK NO.             | DATE OF PATENT<br>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                    | The second se |
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| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>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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|                    |                   |      |
| CLERK              | (BY) DEPUTY CLERK | DATE |

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 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.

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| Address to:<br>Mail Stop M Correspondence<br>Commissioner for Patents - OR -<br>P.O. Box 1450<br>Alexandria, VA 22313-1450   | Fax to:<br>571-273-6500   |
| INSTRUCTIONS: The issue fee must have been paid fo<br>only an address represented by a Customer Number can<br>fee purposes (hereafter, fee address). A fee address sho<br>maintenance fees should be mailed to a different address<br>When to check the first box below: If you have a Custo<br>to check the second box below: If you have no Custom<br>in which case a completed Request for Customer Number<br>more information on Customer Numbers, see the Manua<br>For the following listed application(s), please recognize as<br>1.363 the address associated with: | be established as the fee address for maintenance<br>build be established when correspondence related to<br>s than the correspondence address for the applicatio<br>omer Number to represent the fee address. When<br>her Number representing the desired fee address,<br>er (PTO/SB/125) must be attached to this form. For<br>I of Patent Examining Procedure (MPEP) § 403. |
| Customer Number: 96051   |   |
| OR The attached Request for Customer Number (PTO/S   | B/125) form.  |
| PATENT NUMBER<br>(if known)  | APPLICATION NUMBER  |
| 7,535,890  | 10/740,030  |
| Completed by (check one):  | P   |
| Applicant/Inventor   | <u> </u>  |
| Attorney or Agent of record 51,513   | Sean D. Burdick   |
| (Reg. No.)   | Typed or printed name   |
| Assignee of record of the entire interest. See 37 CFR 3  | Requester's telephone number  |
| Statement under 37 CFR 3.73(b) is enclosed.<br>(Form PTO/SB/96)  |   |
|  | September 15, 2016  |
| (Form PTO/SB/96)   | September 15, 2016<br>Date  |
| (Form PTO/SB/96)   | Date  |

Trademark office, U.S. Department of Complete flus form and/or suggestions for reducing this burden, should be sent to the Chel Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alex andria, VA 22313-1450. DO NOT SEND COMPLETE D FORMS TO THIS A DDRESS. 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.

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|------------------------------|--|-------------------------|-----------------|--|
|                              | STAT   | TEMENT                  | UNDER 3         | 7 CFR 3.73(b)  |
| oplicant/Patent Owner        | : Uniloc Luxembourg  | S.A.                    |                 |  |
| pplication No./Patent N      |  |                         | F               | iled/Issue Date: May 19, 2009  |
| itled: SYSTEM AN             | ND METHOD FOR IN   | STANT                   | VOIP ME         | SSAGING  |
| Uniloc Luxembou              | ra S A   |                         | corpor          | tion   |
| lame of Assignee)            | Ig 5.A.  | ,a                      |                 | gnee, e.g., corporation, partnership, university, government agency, etc.  |
| ates that it is:             |  |                         | 400400          |  |
|                              | e of the entire right, title, and  | interest ir             | 1:              |  |
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|                              | of less than the entire right,<br>(by percentage) of its owner   |                         |                 | %); or   |
| the assignee                 | of an undivided interest in t  | he entiret              | v of (a com     | lete assignment from one of the joint inventors was made)  |
|                              | atent identified above, by vir   |                         |                 |  |
|                              |  |                         |                 |  |
| the United S<br>copy therefo | ent from the inventor(s) of the<br>states Patent and Trademark<br>ore is attached.                             | e patent a<br>Office at | Reel            | atent identified above. The assignment was recorded in, Frame, or for which a  |
| A chain of tit               | le from the investor(c) of the   | o natont a              | polication/p    | atent identified above, to the current assignee as follows:  |
|                              | Michael J. ROJAS   | - C                     | (d              |  |
|                              | The second s |                         | coma (ula       | atent and Trademark Office at  |
|                              | eel 014827 ,   |                         | 0059            | , or for which a copy thereof is attached.   |
| 2. From:                     | Ayalogic, Inc.   |                         |                 | To: Empire IP LLC  |
| Th                           | e document was recorded in   | n the Unite             | ed States Pa    | atent and Trademark Office at  |
| R                            | eel 030922   | Frame                   | 0335            | , or for which a copy thereof is attached.   |
| 3. From:                     | Empire IP LLC  | 1000                    |                 | To: Uniloc Luxembourg S.A.   |
| T                            | e document was recorded in   | n the Unite             | ed States Pa    | atent and Trademark Office at  |
| R                            | eel _038963  | Frame                   | 0343            | , or for which a copy thereof is attached.   |
| Additional of                | locuments in the chain of title  | e are liste             | d on a supp     | emental sheet(s).  |
| _                            |  |                         |                 |  |
|                              | 37 CFR 3.73(b)(1)(i), the doc<br>s being, submitted for record   |                         |                 | the chain of title from the original owner to the assignee was<br>FR 3.11.   |
|                              |  | the origin              | al assignme     | ent document(s)) must be submitted to Assignment Division i  |
|                              |  |                         | ent in the re   | cords of the USPTO. See MPEP 302.08]   |
| accordance with              |  | e assignme              |                 | cords of the USPTO. See MPEP 302.08]   |
| accordance with              | 37 CFR Part 3, to record the   | e assignme              |                 | cords of the USPTO. <u>See</u> MPEP 302.08]<br>half of the assignee.   |
| accordance with              | 37 CFR Part 3, to record the   | e assignme              |                 | cords of the USPTO. See MPEP 302.08]   |

Printed or Typed Name

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 his 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.

Title

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| Electronic A                         | cknowledgement 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                      | no   |                     |                     |  |  |
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| File Listing:          |                      |                         | Sun 1  |                     | 1.1                 |  |  |
| Document<br>Number     | Document Description | File Name               | File Size(Bytes)/<br>Message Digest          | Multi<br>Part /.zip | Pages<br>(if appl.) |  |  |
|                        |                      |                         | 37608  |                     | Tec.                |  |  |
| Ĵ                      | Power of Attorney    | IT-192_Executed_POA.pdf | 208cl9p8896571561a5aeb145s2(29ei8s91<br>cdec | no                  | 1                   |  |  |
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| 3  | Assignee showing of ownership per 37<br>CFR 3.73  | IT-192_Statement_Under_37_C<br>FR.pdf  | d6adb4ec1c162c850ce2h6eeDa0dd1737e0<br>24c6d   | no  | 1  |
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| characterize<br>Post Card, a<br><u>New Applic</u><br>If a new app<br>1.53(b)-(d) a   | wledgement Receipt evidences receip<br>ed by the applicant, and including pag<br>as described in MPEP 503.<br><u>ations Under 35 U.S.C. 111</u><br>plication is being filed and the applica<br>and MPEP 506), a Filing Receipt (37 CF | ge counts, where applicable.<br>tion includes the necessary (<br>R 1.54) will be issued in due   | It serves as evidence o<br>components for a filing   | f receipt si<br>date (see   | milar to a<br>37 CFR   |
| characterize<br>Post Card, a<br><u>New Applic.</u><br>If a new app<br>1.53(b)-(d) a<br>Acknowled<br><u>National Sta</u><br>If a timely s<br>U.S.C. 371 a<br>national sta<br><u>New Interna</u><br>If a new internati | ed by the applicant, and including pages<br>as described in MPEP 503.<br><u>ations Under 35 U.S.C. 111</u><br>plication is being filed and the applica  | ge counts, where applicable.<br>tion includes the necessary of<br>R 1.54) will be issued in due<br>g date of the application.<br><u>Inder 35 U.S.C. 371</u><br>of an international applicat<br>orm PCT/DO/EO/903 indicat<br>ill be issued in addition to th<br><u>TO as a Receiving Office</u><br>and the international applicat<br>d MPEP 1810), a Notification | It serves as evidence o<br>components for a filing<br>course and the date sh<br>ion is compliant with th<br>ing acceptance of the a<br>e Filing Receipt, in due<br>ion includes the necess<br>of the International A | f receipt si<br>date (see<br>own on thi<br>ne conditio<br>pplication<br>course.<br>sary compo<br>pplication | milar to a<br>37 CFR<br>is<br>ons of 35<br>as a<br>onents fo<br>Number |

|  |   | Patent Number  | 7.535,890                                       |
|--|---|--|---|
| PATI   | ENT - POWER OF ATTORNEY   | Issue Date   | May 19, 2009                                    |
|  | OR  |  |   |
| REVOCA   | TION OF POWER OF ATTORNEY   | First Named Inventor<br>Title  | Michael J. ROJAS                                |
| WITH   | WITH A NEW POWER OF ATTORNEY<br>AND   |  | SYSTEM AND METHOD FOI<br>INSTANT VOIP MESSAGING |
| CHANGE   | OF CORRESPONDENCE ADDRESS   | Attorney Docket No.  | UN-NP-IT-192                                    |
| hereby revoke a  | Il previous powers of attorney given in the above-ide   | ntified patent.  |   |
| States Patent<br>OR<br>I hereby appo   | r agent(s) with respect to the patent identified above<br>t and Trademark Office connected therewith:<br>oint Practitioner(s) named below as my/our attorney<br>n the United States Patent and Trademark Office con   | (s) or agent(s) with respect<br>nected therewith:                            |   |
|  |   |  | gisuation number                                |
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| _  | Practitioner(s) Name<br>or change the correspondence address for the above<br>associated with the above identified Customer Numb  | e-identified patent to:  |   |
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| The address a The address a The address a The address a Firm or Individual Na Address City Country Telephone am the: Applicant. OR Patent owner Statement ur Signature | or change the correspondence address for the above<br>associated with the above identified Customer Numb<br>associated with the Customer Number identified in th<br>me<br>me<br>r.<br>nder 37 CFR 3.73(c) (Form PTO/Att/96) submitted her<br>SIGNATURE of App | identified patent to:<br>ber.<br>he box at right:<br>State<br>Email<br>Email | Zip   |
| The address a DR The address a DR Firm or Individual Na Address City Country relephone am the: Applicant. DR Patent owned Statement ur                                 | or change the correspondence address for the above<br>associated with the above identified Customer Numb<br>associated with the Customer Number identified in the<br>me<br>r.   | identified patent to:<br>ber.<br>he box at right:<br>State<br>Email<br>Email |   |

(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 assistonce in completing the form, coil 1-800-PTO-9199 and select option 2.

Case 2:16-cv-00638-JRG Document 2 Filed 06/14/16 Page 1 of 1 PageID #: 120

AO 120 (Rev. 08/10)

| TO: | Mail Stop 8                                      |
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| 10: | Director of the U.S. Patent and Trademark Office |
| 1.1 | 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.<br>2:16-cv-638                           | DATE FILED<br>6/14/2016        | U.S. DISTRICT COURT<br>Eastern District of Texas, Marshall Division |
|---|--------------------------------|---|
| PLAINTIFF<br>UNILOC USA, INC., a<br>UNILOC LUXEMBOU |                                | DEFENDANT<br>APPLE INC.   |
| PATENT OR<br>TRADEMARK NO.                          | DATE OF PATENT<br>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.   |
| 5   | 1 p. 7                         |   |

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

| DATE INCLUDED              | INCLUDED BY                    | The second s |
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|                            | Amendm                         | ent 🗌 Answer 🔲 Cross Bill 🔲 Other Pleading   |
| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>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 |

Case 2:16-cv-00722 Document 2 Filed 07/05/16 Page 1 of 1 PageID #: 150

AO 120 (Rev. 08/10)

| Mail Stop 8<br>Director of the U.S. Patent and Trademark Office<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 |   | Office      | REPORT ON THE<br>FILING OR DETERMINATION OF AN<br>ACTION REGARDING A PATENT OR<br>TRADEMARK                             |  |
|---|---|-------------|---|--|
| In Complianc<br>filed in the U.S. Dist  |   |             | 1116 you are hereby advised that a court action has been<br>to <b>Texas</b> , <b>Marshall Division</b> on the following |  |
| Trademarks or   | Patents. ( ] the patent act   | ion involve | s 35 U.S.C. § 292.):  |  |
| DOCKET NO.<br>2:16-cv-722   | DATE FILED<br>7/5/2016  | U.S. DI     | STRICT COURT<br>Eastern District of Texas, Marshall Division  |  |
| PLAINTIFF<br>UNILOC USA, INC., and  | 6   |             | AOL INC.  |  |
| UNILOC LUXEMBOURG   | G, S.A. DATE OF PATENT  |             | HOLDER OF PATENT OR TRADEMARK   |  |
| PATENT OR<br>TRADEMARK NO.  | G, S.A.<br>DATE OF PATENT<br>OR TRADEMARK                           |             | HOLDER OF PATENT OR TRADEMARK   |  |
| UNILOC LUXEMBOURG   | G, S.A. DATE OF PATENT  | UNIL        |   |  |
| PATENT OR<br>TRADEMARK NO.  | G, S.A.<br>DATE OF PATENT<br>OR TRADEMARK                           |             | HOLDER OF PATENT OR TRADEMARK   |  |
| PATENT OR<br>TRADEMARK NO.<br>1 7,535,890   | 3, S.A.<br>DATE OF PATENT<br>OR TRADEMARK<br>5/19/2009              | UNIL        | HOLDER OF PATENT OR TRADEMARK   |  |
| UNILOC LUXEMBOURG<br>PATENT OR<br>TRADEMARK NO.<br>1 7,535,890<br>2 8,199,747                                 | 3, S.A.<br>DATE OF PATENT<br>OR TRADEMARK<br>5/19/2009<br>6/12/2012 | UNIL        | HOLDER OF PATENT OR TRADEMARK<br>OC LUXEMBOURG, S.A.<br>OC LUXEMBOURG, S.A.   |  |

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

| DATE INCLUDED              | INCLUDED BY                    | 100 A 100 | 100          |                |
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|                            | Amendment                      | Answer    | Cross Bill   | Other Pleading |
| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>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:

| (BY) DEPUTY CLERK | DATE              |
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Case 2:16-cv-00725 Document 2 Filed 07/05/16 Page 1 of 1 PageID #: 151

AO 120 (Rev. 08/10)

| TO:<br>Director of the U.S. Patent and Trademark Offic<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 |   | Office        | REPORT ON THE<br>ffice FILING OR DETERMINATION OF AN<br>ACTION REGARDING A PATENT OR<br>TRADEMARK |                                  |
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| filed in the U.S. Dis  | trict Court Easter  | n District of | 6 you are hereby advised that a court a<br>Texas, Marshall Division                               | ection has been on the following |
|  | Patents. ( ] the patent acti  |               |   |                                  |
| DOCKET NO.<br>2:16-cv-725  | DATE FILED<br>7/5/2016  | U.S. DISTR    | ICT COURT<br>Eastern District of Texas, Mar   | shall Division                   |
| UNILOC USA, INC., and  | h   | B             | EETALK PRIVATE LTD.   |                                  |
| UNILOC LUXEMBOUR   | G, S.A. DATE OF PATENT  |               | HOLDER OF PATENT OR TR  | ADEMARK                          |
| UNILOC LUXEMBOUR   | G, S.A.   |               |   | ADEMARK                          |
| PATENT OR<br>TRADEMARK NO.   | G, S.A.<br>DATE OF PATENT<br>OR TRADEMARK                           | UNILOC        | HOLDER OF PATENT OR TR  | ADEMARK                          |
| PATENT OR<br>TRADEMARK NO.<br>1 7,535,890  | G, S.A.<br>DATE OF PATENT<br>OR TRADEMARK<br>5/19/2009              |               | HOLDER OF PATENT OR TR  | ADEMARK                          |
| PATENT OR<br>TRADEMARK NO.           1         7,535,890           2         8,199,747               | G, S.A.<br>DATE OF PATENT<br>OR TRADEMARK<br>5/19/2009<br>6/12/2012 | UNILOC        | HOLDER OF PATENT OR TR<br>LUXEMBOURG, S.A.<br>LUXEMBOURG, S.A.                                    | ADEMARK                          |

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

| DATE INCLUDED              | INCLUDED BY                    |                                  |
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|                            | Amendment                      | Answer Cross Bill Other Pleading |
| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>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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| CLERK              | (BY) DEPUTY CLERK   |      |
|                    | I (BV) DEPUTY CLERK | DATE |

Case 2:16-cv-00893-JRG Document 2 Filed 08/11/16 Page 1 of 1 PageID #: 128

AO 120 (Rev. 08/10)

| O: Director of the U.S. Patent and Trademark Office<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 |  | ffice REPORT ON THE<br>FILING OR DETERMINATION<br>ACTION REGARDING A PATE<br>TRADEMARK | 17 FL 17 FL     |
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| filed in the U.S. Dist  | rict Court Easter                                      |  | en<br>following |
| DOCKET NO.<br>2:16-cv-893   | Patents. (  the patent acti<br>DATE FILED<br>8/11/2016 | U.S. DISTRICT COURT<br>Eastern District of Texas, Marshall Divis                       |                 |
| PLAINTIFF<br>UNILOC USA, INC., and<br>UNILOC LUXEMBOURC<br>PATENT OR                              |  | DEFENDANT<br>VONAGE HOLDINGS CORP. &<br>VONAGE AMERICAS, INC.                          |                 |
| TRADEMARK NO.   | 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                    | Answer Cross Bill Other Pleading |
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In the above-entitled case, the following decision has been rendered or judgement issued:

| DECISION/JUDGEMENT |                   |      |
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| CLERK              | (BY) DEPUTY CLERK | DATE |

Case 2:16-cv-00892 Document 2 Filed 08/11/16 Page 1 of 1 PageID #: 157

AO 120 (Rev. 08/10)

| Mail Stop 8<br>TO: Director of the U.S. Patent and Trademark Office<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 |  | Office      | REPORT ON THE<br>FILING OR DETERMINATION O<br>ACTION REGARDING A PATEN<br>TRADEMARK               |   |
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| filed in the U.S. Dis   |  | rn District | 1116 you are hereby advised that a court action has been<br>of Texas, Marshall Division on the fo |   |
| DOCKET NO.<br>2:16-cv-892   | DATE FILED<br>8/11/2016                                  |             | STRICT COURT<br>Eastern District of Texas, Marshall Divisio                                       | n |
| PLAINTIFF<br>UNILOC USA, INC., an<br>UNILOC LUXEMBOUR   | d<br>G S A   |             | DEFENDANT<br>TELEGRAM MESSENGER, LLP  |   |
| UNIEGO LOXEMBOOK  | 0, 0.7.  |             |   |   |
| PATENT OR<br>TRADEMARK NO.  | DATE OF PATENT<br>OR TRADEMARK                           |             | HOLDER OF PATENT OR TRADEMARK   |   |
| PATENT OR   | DATE OF PATENT   | UNIL        | HOLDER OF PATENT OR TRADEMARK   |   |
| PATENT OR<br>TRADEMARK NO.  | DATE OF PATENT<br>OR TRADEMARK                           | -           |   |   |
| PATENT OR<br>TRADEMARK NO.<br>1 8,724,622   | DATE OF PATENT<br>OR TRADEMARK<br>5/13/2014              | UNIL        | OC LUXEMBOURG, S.A.   |   |
| PATENT OR<br>TRADEMARK NO.<br>1 8,724,622<br>2 8,995,433  | DATE OF PATENT<br>OR TRADEMARK<br>5/13/2014<br>3/31/2015 | UNIL        | OC LUXEMBOURG, S.A.<br>OC LUXEMBOURG, S.A.  |   |

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

| DATE INCLUDED  | INCLUDED BY |                                  |  |
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| and the second second                                  | Amendment   | Answer Cross Bill Other Pleading |  |
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In the above-entitled case, the following decision has been rendered or judgement issued:

| DECISION/JUDGEMENT |                   |      |
|--------------------|-------------------|------|
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| CLERK              | (BY) DEPUTY CLERK | DATE |

Case 2:16-cv-00645-JRG Document 2 Filed 06/14/16 Page 1 of 1 PageID #: 146

AO 120 (Rev. 08/10) **REPORT ON THE** Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office FILING OR DETERMINATION OF AN P.O. Box 1450 ACTION REGARDING A PATENT OR Alexandria, VA 22313-1450 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 Eastern District of Texas, Marshall Division filed in the U.S. District Court on the following Trademarks or Patents. ( \_ the patent action involves 35 U.S.C. § 292.): DOCKET NO. DATE FILED U.S. DISTRICT COURT 6/14/2016 2:16-cv-645 Eastern District of Texas, Marshall Division PLAINTIFF DEFENDANT UNILOC USA, INC., and WHATSAPP, INC. UNILOC LUXEMBOURG, S.A. PATENT OR DATE OF PATENT HOLDER OF PATENT OR TRADEMARK TRADEMARK NO. 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                    | The second se |
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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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Case 2:16-cv-00641-JRG Document 2 Filed 06/14/16 Page 1 of 1 PageID #: 146

AO 120 (Rev. 08/10) REPORT ON THE Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office FILING OR DETERMINATION OF AN P.O. Box 1450 ACTION REGARDING A PATENT OR Alexandria, VA 22313-1450 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 Eastern District of Texas, Marshall Division filed in the U.S. District Court on the following Trademarks or Patents. ( \_ the patent action involves 35 U.S.C. § 292.): DOCKET NO. DATE FILED U.S. DISTRICT COURT 6/14/2016 2:16-cv-641 Eastern District of Texas, Marshall Division PLAINTIFF DEFENDANT UNILOC USA, INC., and LINE EURO-AMERICAS CORP. & LINE CORPORATION UNILOC LUXEMBOURG, S.A. PATENT OR DATE OF PATENT HOLDER OF PATENT OR TRADEMARK TRADEMARK NO. 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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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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Case 2:16-cv-00639-JRG Document 2 Filed 06/14/16 Page 1 of 1 PageID #: 147

AO 120 (Rev. 08/10) REPORT ON THE Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office FILING OR DETERMINATION OF AN P.O. Box 1450 ACTION REGARDING A PATENT OR Alexandria, VA 22313-1450 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 Eastern District of Texas, Marshall Division filed in the U.S. District Court on the following Trademarks or Patents. ( \_ the patent action involves 35 U.S.C. § 292.): DOCKET NO. DATE FILED U.S. DISTRICT COURT 6/14/2016 2:16-cv-639 Eastern District of Texas, Marshall Division PLAINTIFF DEFENDANT UNILOC USA, INC., and **BLACKBERRY CORPORATION & BLACKBERRY** UNILOC LUXEMBOURG, S.A. LIMITED PATENT OR DATE OF PATENT HOLDER OF PATENT OR TRADEMARK TRADEMARK NO. 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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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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Case 2:16-cv-00728 Document 2 Filed 07/05/16 Page 1 of 1 PageID #: 152

|     | Mail Stop 8                                      | REPORT ON THE                 |  |
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| TO: | Director of the U.S. Patent and Trademark Office | FILING OR DETERMINATION OF AN |  |
|     | P.O. Box 1450                                    | ACTION REGARDING A PATENT OR  |  |
|     | Alexandria, VA 22313-1450                        | 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.):

ACT 120 (Day 08/10)

| DOCKET NO.<br>2:16-cv-728              | DATE FILED<br>7/5/2016         | U.S. DISTRICT COURT<br>Eastern District of Texas, Marshall Division |  |
|--|--------------------------------|---|--|
| PLAINTIFF                              |                                | DEFENDANT   |  |
| UNILOC USA, INC., a<br>UNILOC LUXEMBOU |                                | FACEBOOK, INC.  |  |
| PATENT OR<br>TRADEMARK NO.             | DATE OF PATENT<br>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                    |                                  |
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In the above-entitled case, the following decision has been rendered or judgement issued:

| DECISION/JUDGEMENT |                   |      |
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| CLERK              | (BY) DEPUTY CLERK | DATE |

Case 2:16-cv-00644-JRG Document 2 Filed 06/14/16 Page 1 of 1 PageID #: 143

AO 120 (Rev. 08/10) REPORT ON THE Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office FILING OR DETERMINATION OF AN P.O. Box 1450 ACTION REGARDING A PATENT OR Alexandria, VA 22313-1450 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 Eastern District of Texas, Marshall Division filed in the U.S. District Court on the following Trademarks or Patents. ( \_ the patent action involves 35 U.S.C. § 292.): DOCKET NO. DATE FILED U.S. DISTRICT COURT 6/14/2016 2:16-cv-644 Eastern District of Texas, Marshall Division PLAINTIFF DEFENDANT UNILOC USA, INC., and VOXERNET LLC UNILOC LUXEMBOURG, S.A. PATENT OR DATE OF PATENT HOLDER OF PATENT OR TRADEMARK TRADEMARK NO. 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                    | The second se |
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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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Case 2:16-cv-00643-JRG Document 2 Filed 06/14/16 Page 1 of 1 PageID #: 143

AO 120 (Rev. 08/10) REPORT ON THE Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office FILING OR DETERMINATION OF AN P.O. Box 1450 ACTION REGARDING A PATENT OR Alexandria, VA 22313-1450 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 Eastern District of Texas, Marshall Division filed in the U.S. District Court on the following Trademarks or Patents. ( \_ the patent action involves 35 U.S.C. § 292.): DOCKET NO. DATE FILED U.S. DISTRICT COURT 6/14/2016 2:16-cv-643 Eastern District of Texas, Marshall Division PLAINTIFF DEFENDANT UNILOC USA, INC., and VIBER MEDIA S.A.R.L., UNILOC LUXEMBOURG, S.A. PATENT OR DATE OF PATENT HOLDER OF PATENT OR TRADEMARK TRADEMARK NO. 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                    | The second se |
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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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Case 2:16-cv-00642-JRG Document 2 Filed 06/14/16 Page 1 of 1 PageID #: 117

AO 120 (Rev. 08/10)

| TO:   | CO: Mail Stop 8<br>Director of the U.S. Patent and Trademark Office<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 |                         |                 | REPORT ON<br>FILING OR DETERMI<br>ACTION REGARDING<br>TRADEMA              | INATION OF AN<br>G A PATENT OR      |
|-------|---|-------------------------|-----------------|--|-------------------------------------|
|       | In Complianc<br>filed in the U.S. Dist  |                         |                 | \$ 1116 you are hereby advised that a court<br>of Texas, Marshall Division | action has been<br>on the following |
| (     | Trademarks or   | Patents. (  the patent  | t action involv | es 35 U.S.C. § 292.):  |                                     |
| DOCK  | ET NO.<br>2:16-cv-642   | DATE FILED<br>6/14/2016 | U.S. D          | ISTRICT COURT<br>Eastern District of Texas, Ma                             | rshall Division                     |
| PLAIN | PLAINTIFF   |                         |                 | DEFENDANT  |                                     |

| UNILOC USA, INC., and<br>UNILOC LUXEMBOURG |   | SAMSUNG ELECTRONICS AMERICA, INC. |  |
|--|---|-----------------------------------|--|
| PATENT OR<br>TRADEMARK NO.                 | DATE OF PATENT<br>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                    |   |
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In the above-entitled case, the following decision has been rendered or judgement issued:

| DECISION/JUDGEMENT |                   |      |
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| CLERK              | (BY) DEPUTY CLERK | DATE |

#### Case 2:16-cv-00779 Document 2 Filed 07/15/16 Page 1 of 1 PageID #: 131

AO 120 (Rev. 08/10)

| Mail Stop 8  | REPORT ON THE                 |
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| TO: Director of the U.S. Patent and Trademark Office | FILING OR DETERMINATION OF AN |
| P.O. Box 1450  | ACTION REGARDING A PATENT OR  |
| Alexandria, VA 22313-1450                            | 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

| DOCKET NO.<br>2:16-cv-779              | DATE FILED<br>7/15/2016        | U.S. DISTRICT COURT<br>Eastern District of Texas, Marshall Division |  |
|--|--------------------------------|---|--|
| PLAINTIFF                              |                                | DEFENDANT   |  |
| UNILOC USA, INC., a<br>UNILOC LUXEMBOU |                                | SHORETEL, INC.  |  |
| PATENT OR<br>TRADEMARK NO.             | DATE OF PATENT<br>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<br>TRADEMARK NO. | DATE OF PATENT<br>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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| CLERK              | (BY) DEPUTY CLERK | DATE |
| 2000 mg            |                   |      |

#### Case 2:16-cv-00777 Document 2 Filed 07/15/16 Page 1 of 1 PageID #: 153

AO 120 (Rev. 08/10)

| TO: | Mail Stop 8<br>Director of the U.S. Patent and Trademark Office | FILING O |
|-----|---|----------|
|     | P.O. Box 1450   | ACTION F |
|     | 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

| DOCKET NO.<br>2:16-cv-777              | DATE FILED<br>7/15/2016        | U.S. DISTRICT COURT<br>Eastern District of Texas, Marshall Division |
|--|--------------------------------|---|
| PLAINTIFF                              |                                | DEFENDANT   |
| UNILOC USA, INC., a<br>UNILOC LUXEMBOU |                                | AVAYA INC.,   |
| PATENT OR<br>TRADEMARK NO.             | DATE OF PATENT<br>OR TRADEMARK | 110LDER 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<br>TRADEMARK NO. | DATE OF PATENT<br>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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|                    |                   |      |
| CLERK              | (BY) DEPUTY CLERK | DATE |

Case 2:16-cv-00733 Document 2 Filed 07/05/16 Page 1 of 1 PageID #: 153

AO 120 (Rev. 08/10) **REPORT ON THE** Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office FILING OR DETERMINATION OF AN P.O. Box 1450 ACTION REGARDING A PATENT OR Alexandria, VA 22313-1450 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 Eastern District of Texas, Marshall Division filed in the U.S. District Court on the following Patents. ( ] the patent action involves 35 U.S.C. § 292.): Trademarks or DOCKET NO. 2:16-cv-733 DATE FILED U.S. DISTRICT COURT 7/5/2016 Eastern District of Texas, Marshall Division PLAINTIFF DEFENDANT UNILOC USA, INC., and TANGOME, INC. d/b/a TANGO UNILOC LUXEMBOURG, S.A. PATENT OR DATE OF PATENT HOLDER OF PATENT OR TRADEMARK TRADEMARK NO. OR TRADEMARK 1 7,535,890 5/19/2009 UNILOC LUXEMBOURG, S.A. 2 8,199,747 6/12/2012 UNILOC LUXEMBOURG, S.A. UNILOC LUXEMBOURG, S.A. 3 8,243,723 8/14/2012 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<br>TRADEMARK NO. | DATE OF PATENT<br>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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| CLERK              | (BY) DEPUTY CLERK | DATE |

Case 2:16-cv-00731 Document 2 Filed 07/05/16 Page 1 of 1 PageID #: 152

AO 120 (Rev. 08/10)

| TO: | Mail Stop 8<br>Director of the U.S. Patent and Trademark Office | REPORT ON THE<br>FILING OR DETERMINATION OF AN |  |
|-----|---|--|--|
|     | P.O. Box 1450   | ACTION REGARDING A PATENT OR                   |  |
|     | Alexandria, VA 22313-1450                                       | 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.<br>2:16-cv-731              | DATE FILED<br>7/5/2016                    | U.S. DISTRICT COURT<br>Eastern District of Texas, Marshall Division |  |
|--|---|---|--|
| PLAINTIFF                              | 255 m 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | DEFENDANT   |  |
| UNILOC USA, INC., a<br>UNILOC LUXEMBOU |   | GREEN TOMATO LIMITED  |  |
| PATENT OR<br>TRADEMARK NO.             | DATE OF PATENT<br>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<br>TRADEMARK NO. | DATE OF PATENT<br>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 |

Case 2:16-cv-00777-JRG Document 2 Filed 07/15/16 Page 1 of 1 PageID #: 153

AO 120 (Rev. 08/10)

| TO: | Mail Stop 8                                      |
|-----|--|
| 10. | Director of the U.S. Patent and Trademark Office |
| 1.1 | 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

| DOCKET NO.<br>2:16-cv-777                                     | DATE FILED<br>7/15/2016        | U.S. DISTRICT COURT<br>Eastern District of Texas, Marshall Division |  |
|---|--------------------------------|---|--|
| PLAINTIFF<br>UNILOC USA, INC., and<br>UNILOC LUXEMBOURG, S.A. |                                | DEFENDANT<br>AVAYA INC.,  |  |
| PATENT OR<br>TRADEMARK NO.                                    | DATE OF PATENT<br>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<br>TRADEMARK NO. | DATE OF PATENT<br>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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Case 2:16-cv-00779-JRG Document 2 Filed 07/15/16 Page 1 of 1 PageID #: 131

AO 120 (Rev. 08/10)

| TO:  |                                   | Mail Stop 8<br>.S. Patent and Trad<br>P.O. Box 1450<br>ndria, VA 22313-14 |                        | REPORT ON THE<br>FILING OR DETERMINATION OF<br>ACTION REGARDING A PATENT<br>TRADEMARK |                                     |
|------|-----------------------------------|---|------------------------|---|-------------------------------------|
|      | In Complian filed in the U.S. Dis |   |                        | 1116 you are hereby advised that a court of Texas, Marshall Division                  | action has been<br>on the following |
|      | Trademarks or                     | Patents. ( 🗌 the p  | patent action involves |   |                                     |
| DOCK | ET NO.                            | DATE FILED  |                        | TRICT COURT   | toball Division                     |

| 7/15/2016                      | Eastern District of Texas, Marshall Division                                     |
|--------------------------------|--|
|                                | DEFENDANT  |
|                                | SHORETEL, INC.   |
| DATE OF PATENT<br>OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK  |
| 5/19/2009                      | UNILOC LUXEMBOURG, S.A.  |
| 3/31/2015                      | UNILOC LUXEMBOURG, S.A.  |
| 5/13/2014                      | UNILOC LUXEMBOURG, S.A.  |
| 8/14/2012                      | UNILOC LUXEMBOURG, S.A.  |
|                                |  |
|                                | 5, S.A.<br>DATE OF PATENT<br>OR TRADEMARK<br>5/19/2009<br>3/31/2015<br>5/13/2014 |

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

| DATE INCLUDED              | INCLUDED BY                    | A REPORT OF A R |
|----------------------------|--------------------------------|---|
|                            | Amendm                         | ent 🗌 Answer 🔲 Cross Bill 🔲 Other Pleading  |
| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>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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| CLERK              | (BY) DEPUTY CLERK | DATE |
| 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

| UNITED STATE   | S PATENT AND TRADEM   | MARK OFFICE<br>UNITED STATES DEPARTMENT OF CO<br>United States Patent and Trademark Of<br>Address. COMMISSIONER FOR PATENTS<br>PC Box 1450<br>Alexandra, Virgania 22313-1450<br>www.storgay |                                     |  |
|--|-----------------------|---|-------------------------------------|--|
| APPLICATION NUMBER   | FILING OR 371(C) DATE | FIRST NAMED APPLICANT   | ATTY. DOCKET NO./IITLE              |  |
| 10/740,030   | 12/18/2003            | Michael J. Rojas  | EMP0021-US<br>CONFIRMATION NO. 1731 |  |
| 67050  |                       | POA ACC   | EPTANCE LETTER                      |  |
| KASHA LAW LLC<br>14532 Dufief Mill Road<br>North Potomac, MD 20878 |                       |   | 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

page 1 of 1

|  |                       | MARK OFFICE<br>UNITED STATES DEPARTMENT OF COM<br>United States Patent and Trademark Offi<br>Address COMMISSIONER FOR PATENTS<br>PC Box 1450<br>Alexandra, Vigunia 22313-1450<br>www.usufo.gov |                                |  |
|--|-----------------------|--|--------------------------------|--|
| APPLICATION NUMBER   | FILING OR 371(C) DATE | FIRST NAMED APPLICANT  | ATTY. DOCKET NO./IITLE         |  |
| 10/740,030   | 12/18/2003            | Michael J. Rojas   | 17188<br>CONFIRMATION NO. 1731 |  |
| 23389  |                       | POWER C  | F ATTORNEY NOTICE              |  |
| SCULLY SCOTT MURPHY<br>400 GARDEN CITY PLAZ/<br>SUITE 300<br>GARDEN CITY, NY 11530 | A.                    |  | OC00000063664296*              |  |

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

page 1 of 1

| POWER OF ATTORNEY OR     Application Number     10740930     Application Number     10740930     Application Number     10740930     Application Number          |  | personk Reduction Act of 1995, no persons are requi   |  | ulanananananananananananananananananana              |
|--|--|---|--|--|
| REVOCATION OF POWER OF ATTORNEY<br>WITH A NEW POWER OF ATTORNEY<br>AND     Press Manned Inventor     Michael J, Polgia       Yille     System and Method for Instant YalP Method<br>Art Unit     System and Method for Instant YalP Method<br>Art Unit     System and Method for Instant YalP Method<br>Art Unit       CHANGE OF CORRESPONDENCE ADDRESS     The address Mumber     EMPO21-135       Instribut revolues powers of altorney given in the above-identified application.     A Power of Normey is estimated thereafth.       OR     OR     Strategies and Normey is estimated thereafth.       OR     OR     Strategies and Normey is estimated thereafth.       OR     Instribut appoint Presidionarity associated with the following Customer<br>Mumbers of Normey is estimated thereafth.     Strategies Presidionarity is estimated to thereafthole the application is in the United Strategies Present<br>and Thereafthoreafty is estimated to the within the Information Strategies Present<br>and Thereafthoreafty. Name     Strategies Present<br>Registerilion Number       OR     Practitioners in the United Strategies Present and Trademark Office science:     Registerilion Number       OF     Practitioners in the United Strategies Present and Trademark Office science:     Registerilion Number       OR     Practitioners Number     Strategies for the above-identified applications io:       OR     Practitioners Number     Strategies for the above-identified applications io:       OR     Practitioners Number     Strategies for the above-identified applications io:       OR   | PO   | WER OF ATTORNEY   |  |  |
| Revocation of Provees of Attorney       Title       System and Mathod for treated Val Plane         WITH A NEW POWER OF ATTORNEY       Title       Charles       Zata         CHANGE OF CORRESPONDENCE ADDRESS       Attorney Docket Number       Zata       Zata         CHANGE OF CORRESPONDENCE ADDRESS       Attorney Docket Number       EMPOLICIUS         Interview revoke all previous powars of altorney given in the above-identified application.       A Power of Attorney is submitted herewith.       Statumer         A Power of Attorney is submitted herewith.       Off       Thereby appoint Pradificment(s) associated with the following Customer       Stronge of Attorney for argent(s) to proseculate the application identified above, end the the Dhind State Patient and Tradetarth Office consected therewith.       Stronge of agent(s) to proseculate the application identified above, end the the Dhind State Patient and Tradetarth Office consected therewith.         Off       Practitioner(s) Name       Registration Name       Registration Name         Practitioner(s) Name       Registration Name       Registration Name       Stronge         Phase recognize or change the over-instructed Customer Number.       Registration Name       Stronge       Stronge         Charter actions associated with Gustomer Number.       Registration Name       Stronge       Stronge       Stronge         Phase recognizes or change the over-instructed Customer Number.       Registration Name   |  |   | -foreneesee  |  |
| AND       Ant Unit       2814         CHANGE OF CORRESPONDENCE ADDRESS       Ant Unit       Chapter H. Smith         Intereby revoke all previous powers of altorney given in the above-identified application.       A Priver of Altorney is summated harsewith.       Chapter H. Smith         OR       Thereby appoint Practitionarity associated with the following Custemer       Briefled Application       670.50         Mutther as myder altorney given this material to preserve the signification and the above-identified application is summated therewith:       670.50         OR       Thereby appoint Practitionarity is associated with the following Custemer       670.50         Mutther as myder altorney given the interest the application during the above-identified application istritified above, and to transact all toxines in the United States Patent and Trademate Office connected therewith.         OR       Interest processing the connected therewith:       Registration Humber         Practitioner(s) Name       Registration Rumber       670.50         Interest processing to or change the connecton therewith:       Registration Rumber       670.50         Presetorer(s) Name       Registration Rumber       670.50         Practitioner(s) Name       Registration Rumber       670.50         Presetorer(s) Name       Registration Rumber       670.50         Presetorer(s) Name       Registration Rumber       670.50      <  |  |   |  |  |
| AND       Examiner Name       Obsighton H, Shitth         Atorney Docket Number       EMPED21-1/35         Intereby revoke all previous powers of attorney given in the above-identified application.       A Power of Aborney is subnitted herewith.         OR       OR         OR       Benefit above, and to timese the previous powers of attorney given in the above-identified application.       67050         OR       OR       67050         Interesting appoint Practificant(s) reasonables to pressould be application and Trademark Office consecuted to pressould be application identified accue, and to transet at burnless in the United States Patent and Trademark Office consecute the application identified accue, and to transet at burnless in the United States Patent and Trademark Office optimication identified accue, and to transet at burnless in the United States Patent and Trademark Office optimication identified accue, and to transet at burnless in the United States Patent and Trademark Office optimication identified application to:         Preventory excited with the above-mentioned Customer Number       Registration Number         Preventory excitated with Quatomer Number       Immediate accue, and the above-mentioned Customer Number         OR       The address associated with Quatomer Number       Immediate accue, and the above-mentioned Customer Number         OR       The address associated with Quatomer Number       Immediate accue, and the above-mentioned Customer Number         OR       The address associated with Number       Email <td< td=""><td>WITH A NE</td><td></td><td></td><td></td></td<>   | WITH A NE  |   |  |  |
| Attorney Decket Number   EMP0021-LIS         Intereby revoke all previous powers of altorney given in the above-identified application.         A Power of Altorney is submitted herewith.         OR         Intereby revoke all previous powers of altorney given in the above-identified application.         A Power of Altorney is submitted herewith.         OR         Intereby appoint Previous powers of altorney is submitted herewith.         OR         Intereby appoint Previous powers of altorney is submitted herewith.         OR         Intereby appoint Previous powers of altorney is submitted herewith.         OR         Intereby appoint Previous powers of altorney is submitted herewith.         OR         Intereby appoint Previous in the United States Patient and Tratemark Office connected Parentill.         PractRoner(s) Name       Registration Number         PractRoner(s) Name       Registration Number         Phase recognize or change the correspondence address for the above-identified application to:         OR       The address associated with the above-mentioned Customer Number.         OR       The address associated with Customer Number.  |  |   | §  |  |
| A Power of Attorney is submitted herewith.      Repretive appoint Precidioner(s) associated with the following Customer      Manipue et englished above, and to transact all busines in the United States Peterst      destified above, and to transact all busines in the United States Peterst      destified above, and to transact all busines in the United States Peterst      destified above, and to transact all busines in the United States Peterst      destified above, and to transact all busines in the United States Peterst      destified above, and to transact all business in the United States Peterst      destified above, and to transact all business in the United States Peterst      destinated above, and the United States Peterst      Practborner(s) Manie      Practborner(s)      The address associated with the above-instituned Customer Number      OR      Frint Or      Konner      State      Cly      State      Zip      Z       | umange of (  | CORRESPONDENCE ADDRESS  | Attomey Docket Number  | EMPOC21.US   |
| OR       Status       67050         Image: Status       Status       Status       67050         Image: Status       Status       Status       67050         Image: Status       Status       Status       Status       Status         Image: Status       PractBoner(s) Name       Registration Plantee       Status         Image: Status  | hereby revoke i  | all previous powers of attorney given   | in the above-identified  | application.   |
| Interstity appoint Practitioner(s) associated with the following Costamer     67050       Number as mylour attorney(s) or grant(s) to proceed the mylour attorney(s) or genet(s) to proceed the mylour attorney(s) or agent(s) to proceed the mylour attorney(s) or agent(s) to proceed the mylour attorney(s) or agent(s) to proceed the mylour standard mylour attorney(s) or agent(s) to proceed the mylour standard mylour attorney(s) or agent(s) to proceed the mylour standard mylour attorney(s) or agent(s) to proceed the mylour standard mylour attorney(s) or agent(s) to proceed the mylour standard mylour attorney(s) or agent(s) to proceed the mylour standard mylour attorney(s) or agent(s) to proceed the mylour standard mylour attorney(s) or agent(s) to proceed the mylour standard mylour attorney(s) or agent(s) to proceed the mylour standard mylour attorney(s) or agent(s) to proceed the mylour standard mylour attorney(s) or agent(s) to proceed the mylour standard mylour attorney(s) or agent(s) to proceed the mylour standard mylour attorney (s) or agent(s) to proceed the mylour standard mylour attorney (s) or agent(s) to proceed the mylour standard mylour attorney (s) or agent(s) to proceed the mylour standard mylour attorney (s) or agent(s) to proceed the mylour standard mylour attorney (s) or agent(s) to proceed the mylour standard mylour attorney (s) or agent(s) to proceed the mylour standard mylour sta   | A Power of /   | Momey is submitted herewith.  |  |  |
| Original       Interstyle project Practitioner (a) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all transmit in the United States Patent and Trademark Office connected therewith.         Practitioner(s) Name       Registration Number         Presse recognize or change the correspondence address for the above-identified application to:         The address associated with Customer Number   | I heraby app<br>Number as a<br>identified abc  | ny/our attorney(s) or agent(s) to prosecute the<br>rvs, and to transact all trustmess in the United.  | application  | 67050  |
| Please recognize or change the correspondence address for the above-identified application to:  Please recognize or change the correspondence address for the above-identified application to:  Pre-statistic device mentioned Customer Number  Pre-statistic device mentioned Customer Number  Pre-statistic device mentioned Customer Number  Pre-statistic device device mentioned Customer Number  Pre-statistic device device device mentioned Customer Number  Pre-statistic device dev  | OR<br>[''''] I hereby appr   | om Pracilioner(a) named below as my/our alt   | omey(s) or agent(s) to proae<br>demark Office connected the  | cuts the application identified above, and<br>rewith |
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| Prim or<br>individual Name         Address         City       Glats       Zip         City       Glats       Zip         Country       Email       Email         Centry       Statement under 37 CFR 3.71.       Estament under 37 CFR 3.73(b) (Form PTO/SE/96) submitted horewith or filed on         Statement under 37 CFR 3.73(b) (Form PTO/SE/96) submitted horewith or filed on       Estament         Statement under 37 CFR 3.73(b) (Form PTO/SE/96) submitted horewith or filed on       Estament         Statement under 37 CFR 3.73(b) (Form PTO/SE/96) submitted horewith or filed on       Estament         Statement under 37 CFR 3.73(b) (Form PTO/SE/96) submitted horewith or filed on       Estament         Statement under 37 CFR 3.73(b) (Form PTO/SE/96) Submitted horewith or filed on       Estament   | Please recognize   | s or change the correspondence add  | roes for the above-iden  | tified application to:                               |
| LInstitute       Institute       Zip         Address       Zip       Country         Country       State       Zip         Country       Email       Institute         am Dec       Email       Institute         Applicant/inventor.       OR       Assignee of record of the entire interest. See 37 CFR 3.71.         Statement under 37 CFR 3.72(b) (Form PTO/SE/96) submitted horewith or filed on  | The address<br>OR<br>The address   | execciated with the above-mentioned Custom  |  | tified application to:                               |
| City     State     Zip       Country     Email     Email       Country     Email     Email       Carrier of the entire interest. See 37 CFR 3.71.     Email       Corr     Corr       Corr     Corr       Corr     Statement under 37 CFR 3.73(b) (Form PTO/SEP46) submitted horowith or filed on  | OR<br>OR<br>The address of<br>OR   | execciated with the above-mentioned Custom  |  | tified application to:                               |
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| Telephone Email  I and 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/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 37 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 38 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 38 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 38 CFR 3.73(b) (Form PTO/SB96) submitted herewith or filed on  Statement under 38 CFR 3.73(b) (For | The eddress OR The eddress OR OR Firm or Individual Ner  | essociated with the above-mentioned Custom<br>essociated with Customer Number   |  | tified application to:                               |
| 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 BiGNATURE of Applicant or Assignee of Record Bignature Date & -2, 1, 2, 2, 2, 1, 2, 2, 2, 1, 2, 2, 2, 1, 2, 2, 2, 1, 2, 2, 2, 1, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2,   | The address OR The eddress OR OR The eddress OR OR Address Oliv Oliv Oliv Oliv Oliv Oliv Oliv Oliv   | essociated with the above-mentioned Custom<br>essociated with Customer Number   | er Number.   |  |
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| 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 2.7.2c313 Name Daniel Mility Telephone Title and Company Principal, Empire IP LLC NOTE Signature of all the inventors or assignees of record of the entire interest or their representation(b) are required, Submit multiple forms if nore then  | City<br>Country<br>The address of<br>City<br>Country   | essociated with the above-mentioned Custom<br>essociated with Customer Number   | er Number.   |  |
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| Signature         Data         3 <sup>2</sup> - 2, 7, - 2, 0, 1           Name         Daniel Mitry         Talephone           Title and Company         Principal, Empire IP LLC           NOTE: Signatures of all the inventors or assignees of record of the entre interest or their representation(s) are required. Submit multiple forms if more their   |  | associated with the above-mentioned Custom<br>essociated with Customer Number.  | er Number<br>Siste<br>Email  |  |
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USPTC to proceed an application. Combinishing the powerset by 35 CL3.C 122 and 37 CPR 1.11 and 1.14. This redevices is extended to take 3 minutes to complete including pathonal, proceeding and submitting the completed auditation to the USPTC. Time will any depending upon the including calculation and the analysis of the analysis of

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Approved for use through 07/31/2012, CMB 0851-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperent Reduction Act of 1985, no persons are required to respond to a collection of information unuses it displays a valid OMB control number STATEMENT UNDER 37 CFR 3.73(b) Applicant/Patent Owner: Empire IP LLC Filed/saue Date: 2009-05-19 Application No./Patent No.: 7,535,890 Titled: System and Method for Instant VolP Messaging Empire IP ULC Corporation . 8 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, povernment agency, etc. otalea that it is: X the assignce of the entire right, title, and interest in: 2 an assignce 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 antirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above, by virtue of either: An assignment from the inventor(s) of the patient application/patent identified above. The assignment was recorded in Å the United States Patent and Trademark Office at Reel \_\_\_\_\_\_, Frame \_\_\_\_\_\_, or for which a copy therefore is attached. 980 8 A chain of little from the inventor(s), of the patent application/patent identified above, to the current assignee as follows: X 1, From: Rojas, Michael J. To Avalogic, Inc. The document was recorded in the United States Patent and Trademark Office at Resi 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 <sub>Reel</sub> 030922 Frame 0336 \_\_\_\_\_\_ or for which a copy thereof is attached. 3. From: To: The document was recorded in the United States Patent and Trademark Office at Real \_\_\_\_\_\_ 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. Sey MPEP 302.08] The undersigned (whose tide is supplied below) is authorized to act on behalf of the assignce. 8-23-201 Signature **Daniel Mitry** Principal Printed or Typed Nome Titte This sollection of intermetion 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 provide) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preserving, and addentifying the completed explosion form to the USPTO. These will vary dependent users the individual case. Any comments on the annual of time. Pour require to complete this term and/or suggestions he reducing this burrier, should be seed to the Chief Intermation Officer, U.S. Patent and Trademark Officer, U.S.

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| EFS ID:                             | 16696004                                     |
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| Application Number:                 | 10740030                                     |
| International Application Number:   |  |
| Confirmation Number:                | 1731   |
| Title of Invention:                 | SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING |
| irst 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                         |  |                     |                     |
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| File Listing:          |                      |     |                            | 121112                                       | 100                 | +                   |
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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

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## UNITED STATES PATENT AND TRADEMARK OFFICE

| 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;

| A CONTRACTOR            |                                      |                      | UNITED STATES DEPAR<br>United States Patent and<br>Address: COMMISSIONER F<br>P.O. Box 1450<br>Alexandria, Virginia 223<br>www.uspto.gov | Trademark Office<br>OR PATENTS |
|-------------------------|--------------------------------------|----------------------|--|--------------------------------|
| APPLICATION NO.         | FILING DATE                          | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO                |
| 10/740,030              | 12/18/2003                           | Michael J. Rojas     | 17188  | 1731                           |
| 23389<br>SCHILLY SCO    | 7590 04/22/2009<br>TT MURPHY & PRESS | ED DC                | EXAM   | INER                           |
| 400 GARDEN              |                                      | LAX, I C             | SMITH, CRE   | IGHTON H                       |
| SUITE 300<br>GARDEN CIT | Y NY 11530                           |                      | ART UNIT   | PAPER NUMBER                   |
| Control and Carl        |                                      |                      | 2614   |                                |
|                         |                                      |                      | MAIL DATE  | DELIVERY MODE                  |
|                         |                                      |                      |  |                                |

## 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.

|  | Application No.   | Applicant(s)  |            |
|--|---|---|------------|
| An and a second second second  | 10/740,030  | ROJAS, MICHAEL J.   |            |
| Notice of Allowability   | Examiner  | Art Unit  | _          |
|  | CREIGHTON SMITH   | 2614  |            |
| The MAILING DATE of this communication app<br>Ill claims being allowable, PROSECUTION ON THE MERITS IS<br>erewith (or previously mailed), a Notice of Allowance (PTOL-85<br>IOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R<br>of the Office or upon petition by the applicant. See 37 CFR 1.31  | (OR REMAINS) CLOSED in t<br>) or other appropriate commun<br>RIGHTS. This application is su   | his application. If not included<br>ication will be mailed in due cou | irse. THIS |
| . X This communication is responsive to ids filed on 02.27.09  |   |   |            |
| 2. 🛛 The allowed claim(s) is/are <u>1-5,7-20,22-35,37-45,47-57,59</u>  | 9-69 and 71-76.   |   |            |
| <ul> <li>Acknowledgment is made of a claim for foreign priority u <ul> <li>a) All</li> <li>b) Some*</li> <li>c) None</li> <li>of the:</li> </ul> </li> <li>1. Certified copies of the priority documents hav <ul> <li>2. Certified copies of the priority documents hav</li> <li>3. Copies of the certified copies of the priority documents hav</li> <li>3. Copies of the certified copies of the priority documents hav</li> <li>a. Copies of the certified copies of the priority documents hav</li> <li>a. Copies of the certified copies of the priority documents hav</li> <li>b. Copies of the certified copies of the priority documents hav</li> <li>certified copies not received:</li></ul></li></ul> | e been received.<br>e been received in Application<br>ocuments have been received<br>' of this communication to file a<br>MENT of this application.<br>nitted. Note the attached EXAM | No  | ements     |
| . CORRECTED DRAWINGS ( as "replacement sheets") mu   | st be submitted.  |   |            |
| (a) ☐ including changes required by the Notice of Draftsper  | son's Patent Drawing Review   | (PTO-948) attached  |            |
| 1) 🗋 hereto or 2) 🔲 to Paper No./Mail Date   |   |   |            |
| (b) including changes required by the attached Examiner<br>Paper No./Mail Date   | 's Amendment / Comment or in  | n the Office action of  |            |
| Identifying indicia such as the application number (see 37 CFR<br>each sheet. Replacement sheet(s) should be labeled as such in  |   |   | ck) of     |
| <ol> <li>DEPOSIT OF and/or INFORMATION about the depo<br/>attached Examiner's comment regarding REQUIREMENT</li> </ol>   |   |   | e the      |
| <b>Attachment(s)</b><br>1. ☐ Notice of References Cited (PTO-892)<br>2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  |   | rmal Patent Application<br>nmary (PTO-413).                           |            |
| <ol> <li>Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date 02.27.09</li> </ol>  | Paper No./M   | ail Date<br>mendment/Comment  |            |
| <ul> <li>A. Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ul>   |   | tatement of Reasons for Allowa  | nce        |
|  | 9. Other  |   |            |
| /CREIGHTON SMITH/<br>Primary Examiner, Art Unit 2614   | 15 APR '09  |   |            |
| U.S. Patent and Trademark Office<br>PTOL-37 (Rev. 08-06) N   | lotice of Allowability  | Part of Paper No./Mail  | D-1- 00000 |

Sheet 1 of 1

| Form PTO-1449<br>(REV. 7-80) PATEN |         | DEPARTMENT OF COMMERCE<br>DEMARK OFFICE     |  | Atty. Do          | ocket No. (Optional  | )                   | Application N                           | lumber       |                     |
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|                                    |         | N DISCLOSURE C                              |  | 17188             |                      |                     | 10/740,030                              | )            |                     |
|                                    |         |   |  | Applica<br>Micha  | nt(s)<br>el Rojas    |                     |   |              |                     |
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|                                    |         |   | U.S. PA                                  | TENT              | DOCUMENTS            |                     |   |              |                     |
| EXAMINER<br>INITIAL*               |         | DOCUMENT NUMBER                             | DATE                                     |                   | NAME                 | CLASS               | SUBCLASS                                |              | G DATE<br>ropriate) |
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| * EXAMINER:                        |         | reference considered, whethe                | r or not citation                        | is in confo       | rmance with MPEP 6   |                     | ugh citation if no                      | t in conform | ance and            |

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| A CONTRACTOR            |                                      |                      | UNITED STATES DEPAR<br>United States Patent and<br>Address: COMMISSIONER F<br>P.O. Box 1450<br>Alexandria, Virginia 223<br>www.uspto.gov | Trademark Office<br>OR PATENTS |
|-------------------------|--------------------------------------|----------------------|--|--------------------------------|
| APPLICATION NO.         | FILING DATE                          | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO                |
| 10/740,030              | 12/18/2003                           | Michael J. Rojas     | 17188  | 1731                           |
|                         | 7590 04/16/2009<br>IT MURPHY & PRESS | ED DC                | EXAM   | INER                           |
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| SUITE 300<br>GARDEN CIT | Y NY 11530                           |                      | ART UNIT   | PAPER NUMBER                   |
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|                         |                                      |                      |  |                                |

## 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.

| 1 WAS SUMA 2  | Application No.  | Applicant(s)  |            |
|---|--|---|------------|
| supplemental  | 10/740,030   | ROJAS, MICHAEL J.   |            |
| Notice of Allowability  | Examiner   | Art Unit  |            |
|   | CREIGHTON SMITH  | 2614  |            |
| The MAILING DATE of this communication appe<br>All claims being allowable, PROSECUTION ON THE MERITS IS<br>nerewith (or previously mailed), a Notice of Allowance (PTOL-85)<br>NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R<br>of the Office or upon petition by the applicant. See 37 CFR 1.313 | (OR REMAINS) CLOSED in t<br>or other appropriate commun<br>IGHTS. This application is su | his application. If not included<br>ication will be mailed in due cou | urse. THIS |
| 1. X This communication is responsive to ids filed on 27 FEB 'd   | <u>99</u> .  |   |            |
| 2. 🛛 The allowed claim(s) is/are <u>1-5,7-20,22-35,37-45,47-57,59</u>   | 0-69 and 71-76.  |   |            |
| <ul> <li>Acknowledgment is made of a claim for foreign priority us</li> <li>a) ☐ All b) ☐ Some* c) ☐ None of the:</li> <li>1. ☐ Certified copies of the priority documents have</li> </ul>  |  | (f).  |            |
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| 3. Copies of the certified copies of the priority do  | cuments have been received   | in this national stage application                                    | n from the |
| International Bureau (PCT Rule 17.2(a)).<br>* Certified copies not received:  |  |   |            |
| Applicant has THREE MONTHS FROM THE "MAILING DATE"<br>noted below. Failure to timely comply will result in ABANDONN<br>THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.   |  | reply complying with the requir                                       | ements     |
| <ol> <li>A SUBSTITUTE OATH OR DECLARATION must be subm<br/>INFORMAL PATENT APPLICATION (PTO-152) which give</li> </ol>  |  |   | ICE OF     |
| 5. CORRECTED DRAWINGS ( as "replacement sheets") mu   | st be submitted.   |   |            |
| (a) including changes required by the Notice of Draftspers  |  | PTO-948) attached   |            |
| 1) hereto or 2) to Paper No./Mail Date  |  | C. C. S. S. S. Manufaction  |            |
| (b) ☐ including changes required by the attached Examiner'<br>Paper No./Mail Date   |  | n the Office action of  |            |
| Identifying indicia such as the application number (see 37 CFR 1<br>each sheet. Replacement sheet(s) should be labeled as such in I   |  |   | ck) of     |
| <ol> <li>DEPOSIT OF and/or INFORMATION about the depo<br/>attached Examiner's comment regarding REQUIREMENT</li> </ol>  |  |   | e the      |
| Attachment(s)<br>1. □ Notice of References Cited (PTO-892)  | 5 🗖 Notice of Info   | rmal Patent Application   |            |
| 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  |  |   |            |
| 3. X Information Disclosure Statements (PTO/SB/08),   |  | ail Date<br>mendment/Comment  |            |
| Paper No./Mail Date 02.27.09<br>4. Examiner's Comment Regarding Requirement for Deposit   | 8. 🗌 Examiner's S  | tatement of Reasons for Allowa  | nce        |
| of Biological Material  | 9. 🗌 Other   |   |            |
| /CREIGHTON SMITH/<br>Primary Examiner, Art Unit 2614  | 15 APR '09   |   |            |
| U.S. Patent and Trademark Office  |  |   |            |
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Sheet 1 of 1

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|                                    |                       | N DISCLOSURE  |   | 17188   |                     | 10/740,030          | )  |                     |
|                                    |                       |   |   | Applicant(s)<br>Michael Rojas                   |                     |                     |  |                     |
|                                    |                       |   |   | Filing Date<br>December 18, 2003                |                     | Group Art U<br>2614 | nît  |                     |
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| EXAMINER                           |                       | ighton Smith/   |   | DATE CONSIDERED                                 |                     | 4/2009              |  |                     |
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /C.S./

### PART B - FEE(S) TRANSMITTAL

| Complete and send this form, tog   | ether with applica   |  | Mail Stop ISSUE<br>Commissioner fo<br>P.O. Box 1450<br>Alexandria, Virgi<br>(571)-273-2885                                       | r Patents   |  |
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| SCULLY SCOTT MURPHY &<br>400 GARDEN CITY PLAZA<br>SUITE 300  | 70572008<br>& PRESSER, PC  |  | Cer<br>I hereby certify that th<br>States Postal Service v<br>addressed to the Mail<br>transmitted to the USP                    | tificate of Mailing or Tran<br>is Fee(s) Transmittal is bear<br>vith sufficient postage for fi<br>Stop ISSUE FEE address<br>TO (571) 273-2885, or the | smission<br>ing deposited with the United<br>and class mail in an envelope<br>s above, or being facsimile<br>date indicated below.       |
| GARDEN CITY, NY 11530  |  |  |  |   | (Depositor's name)   |
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| APPLICATION NO. FILING DAT   | ΓE   | FIRST NAMED INVE   | NTOR   | ATTORNEY DOCKET NO.   | CONFIRMATION NO.   |
| TITLE OF INVENTION: SYSTEM AND ME  | THOD FOR INSTANT   | VOIP MESSAGING   |  |   |  |
| APPLN. TYPE SMALL ENTITY   | ISSUE FEE DUE  | PUBLICATION FEE  | DUE PREV PAID ISSU   | E FEE TOTAL FEE(S) DU   | E DATE DUE   |
| nonprovisional YES   | \$755  | \$300  | 02   | \$1055  | 03/05/2009   |
| EXAMINER   | ART UNIT   | CLASS-SUBCLAS  | ss   |   |  |
| SMITH, CREIGHTON H   | 2614   | 370-352000   |  |   |  |
| <ul> <li>L. Change of correspondence address or indicat<br/>CFR 1.363).</li> <li>Change of correspondence address (or C<br/>Address form PTO/SB/122) attached.</li> <li>"Fee Address" indication (or "Fee Addre<br/>PTO/SB/47; Rev 03-02 or more recent) atta<br/>Number is required.</li> </ul>   | hange of Correspondencess" Indication form   | <ul> <li>(1) the names of<br/>or agents OR, alto</li> <li>(2) the name of a<br/>registered attorned</li> </ul> | single firm (having as a<br>y or agent) and the nam  | at attorneys I Scully   | ,Scott,Murphy<br>esser, P.C.   |
| <ol> <li>ASSIGNEE NAME AND RESIDENCE DA<br/>PLEASE NOTE: Unless an assignee is ide<br/>recordation as set forth in 37 CFR 3.11. Con<br/>(A) NAME OF ASSIGNEE</li> </ol>  |  | nce data will appear on<br>NOT a substitute for film<br>(B) RESIDENCE: (                                       | the patent. If an assigning an assignment.<br>(CITY and STATE OR C   |   | document has been filed for  |
| Ayalogic, Inc.   |  | Akron, Ohic  |  |   | -  |
| Please check the appropriate assignce category<br>4a. The following fee(s) are submitted:<br>Issue Fee<br>Publication Fee (No small entity discoun<br>Advance Order - # of Copies  |  | 4b. Payment of Fcc(s):<br>A check is enclo<br>Payment by cred  | (Please first reapply a<br>sod.<br>dit card. Form PTO-2038   | ny previously paid issue fe<br>is attached.<br>rge the required fee(s), any o   | e shown above)   |
| 5. Change in Entity Status (from status indica<br>a. Applicant claims SMALL ENTITY statistication from the state of the st | atus. See 37 CFR 1.27.   |  |  | LL ENTITY status. See 37 (<br>istered attorney or agent: or   |  |
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| Typed or printed name Paul J.  | Esatto, Jr.  |  |  | a 30,749  |  |
|  | CFR 1.311. The inform  | nation is required to obtain   | in or retain a benefit by  | the public which is to file (a  | nd by the USPTO to process?  |
| This collection of information is required by 37<br>an application. Confidentiality is governed by 37<br>submitting the completed application form to t<br>this form and/or suggestions for reducing this t<br>Box 1450, Alexandria, Virginia 22313-1450. I<br>Alexandria, Virginia 22313-1450.<br>Under the Paperwork Reduction Act of 1995, no   | 55 U.S.C. 122 and 37 C<br>he USPTO. Time will v<br>urden, should be sent to<br>DO NOT SEND FEES C<br>o persons are required to | FR 1.14. This collection<br>vary depending upon the<br>p the Chief Information<br>OR COMPLETED FORM            | is estimated to take 12<br>individual case. Any co<br>Officer, U.S. Patent and<br>MS TO THIS ADDRES:<br>of information unless it | minutes to complete, includ<br>omments on the amount of<br>Trademark Office, U.S. De<br>S SEND TO: Commissione<br>displays a valid OMB contr          | ing gathering, preparing, and<br>time you require to complete<br>partment of Commerce, P.O<br>r for Patents, P.O. Box 1450<br>of number. |

| Electronic Pat  | ent Application   | Fee Transmi      | ittal          |                        |
|---|-------------------|------------------|----------------|------------------------|
| Application Number:   | 10740030          |                  |                |                        |
| Filing Date:  | 18-Dec-2003       |                  |                |                        |
| Title of Invention:   | SYSTEM AND ME     | THOD FOR INSTANT | VOIP MESSAGING |                        |
| First Named Inventor/Applicant Name:  | Michael J. Rojas  |                  |                |                        |
| Filer:  | Paul J. Esatto/Ro | seann Gallo      |                |                        |
| Attorney Docket Number:   | 17188             |                  |                |                        |
| Filed as Small Entity   |                   |                  |                |                        |
| Utility under 35 USC 111(a) Filing Fees   |                   | 1.1              |                |                        |
| Description   | Fee Co            | le Quantity      | Amount         | Sub-Total i<br>USD(\$) |
| Basic Filing:   |                   |                  |                | -                      |
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| Claims:   |                   |                  |                |                        |
| Miscellaneous-Filing:   |                   |                  |                |                        |
| Petition:   |                   |                  |                |                        |
| Patent-Appeals-and-Interference:  |                   |                  |                |                        |
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| 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:

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| Payment was successfully received in RAM          | \$1055   |
| RAM confirmation Number                           | 210  |
| Deposit Account                                   | 191013   |
| Authorized User                                   |  |
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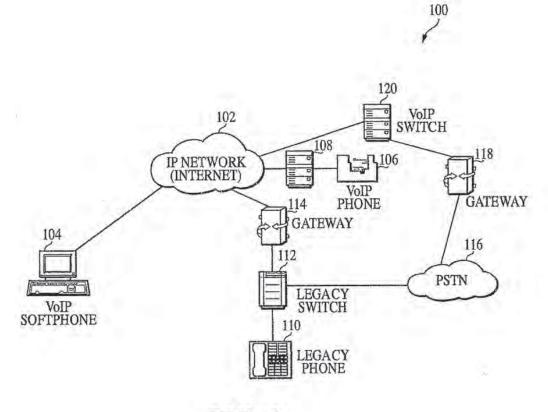
|  | RANSMITTAL OF  | FORMAL DRAWING  | S   |   | cket No.<br>17188  |
|--|--|---|---|---|--|
| In Re Application  | Of: Michael J. Rojas   |   |   | 1   |  |
| Application No.  | Filing Date  | Examiner  | Customer No.  | Group Art Unit  | Confirmation No  |
| 10/740,030   | December 18, 2003  | Creighton H. Smith<br>FOR INSTANT VOIP MES                                  | 23389   | 2614  | 1731   |
|  |  | Address to:   |   |   |  |
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| Seth Weinfeld<br>Registration                                    | 1  |   | Dated: Mar  | ch 4, 2009  |  |
| Registration I<br>Scully, Scott,                                 | i<br>No.: 50,929<br>Murphy & Presser, P.(  | c.  | 1 hereby certi  | fv that this cor  | rrespondence is bei  |
| Registration<br>Scully, Scott,<br>400 Garden G                   | d<br>No.: 50,929<br>Murphy & Presser, P.<br>City Plaza - Suite 300                   | c.  | I hereby certi<br>deposited with<br>sufficient pos  | fy that this cor<br>h the United State<br>tage as first class   | es Postal Service<br>mail in an envel  |
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| Registration<br>Scully, Scott,<br>400 Garden C                   | d<br>No.: 50,929<br>Murphy & Presser, P.<br>City Plaza - Suite 300<br>New York 11530 | c.  | I hereby certi<br>deposited with<br>sufficient post<br>addressed to                           | fy that this cor<br>h the United State<br>tage as first class   | es Postal Service<br>s mail in an envel<br>Patents P.O. Box 14                   |
| Registration J<br>Scully, Scott,<br>400 Garden C<br>Garden City, | d<br>No.: 50,929<br>Murphy & Presser, P.<br>City Plaza - Suite 300<br>New York 11530 | c.  | I hereby certi<br>deposited with<br>sufficient post<br>addressed to                           | fy that this con<br>h the United State<br>tage as first class<br>"Commissioner for F<br>22313-1450" [37 C | es Postal Service<br>s mail in an envel<br>Patents P.O. Box 14                   |
| Registration J<br>Scully, Scott,<br>400 Garden C<br>Garden City, | d<br>No.: 50,929<br>Murphy & Presser, P.<br>City Plaza - Suite 300<br>New York 11530 | c.  | I hereby certi<br>deposited with<br>sufficient post<br>addressed to<br>Alexandria, VA<br>(Dat | fy that this con<br>h the United State<br>tage as first class<br>"Commissioner for F<br>22313-1450" [37 C | as Postal Service<br>a mail in an envel<br>Patents, P.O. Box 14<br>FR 1-8(a)] on |
| Registration J<br>Scully, Scott,<br>400 Garden C<br>Garden City, | d<br>No.: 50,929<br>Murphy & Presser, P.<br>City Plaza - Suite 300<br>New York 11530 | c.  | I hereby certi<br>deposited with<br>sufficient post<br>addressed to<br>Alexandria, VA<br>(Dat | fy that this con<br>h the United State<br>tage as first class<br>"Commissioner for F<br>22313-1450" [37 C | as Postal Service<br>a mail in an envel<br>Patents, P.O. Box 14<br>FR 1-8(a)] on |

|                                     | cknowledgement Receipt                       |
|-------------------------------------|--|
| EFS ID:                             | 4905745                                      |
| Application Number:                 | 10740030                                     |
| International Application Number:   |  |
| Confirmation Number:                | 1731   |
| Title of Invention:                 | SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING |
| irst 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:                       | D4-MAR-2009                                  |
| Filing Date:                        | 18-DEC-2003                                  |
| Time Stamp:                         | 18:20:16                                     |
| Application Type:                   | Utility under 35 USC 111(a)                  |

| Submitted with Payment |  | no                      | no   |                     |                     |  |
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| 1                      | Drawings-only black and white line<br>drawings | 17188formaldrawings.pdf | 529689                                       | по                  | 9                   |  |
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| 2   | Miscellaneous Incoming Letter   | 17188Transmittal.pdf  | 38729  |      | 1 |
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| Information:                                    | 1-10  |   |  |      |   |
|   |   | Total Files Size (in bytes)                                   | : 56   | 8418 |   |
| lf a new appli<br>1.53(b)-(d) ar<br>Acknowledge | tions Under 35 U.S.C. 111<br>cation is being filed and the applica<br>of MPEP 506), a Filing Receipt (37 Cl<br>ement Receipt will establish the filir<br>ge of an International Application u | FR 1.54) will be issued in due<br>ng date of the application. |  |      |   |

SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING Michael J. Rojas U.S. Serial No.: 10/740,030 Replacement Sheet



FIG, 1 (PRIOR ART) SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING Michael J. Rojas U.S. Serial No.: 10/740,030 Replacement Sheet

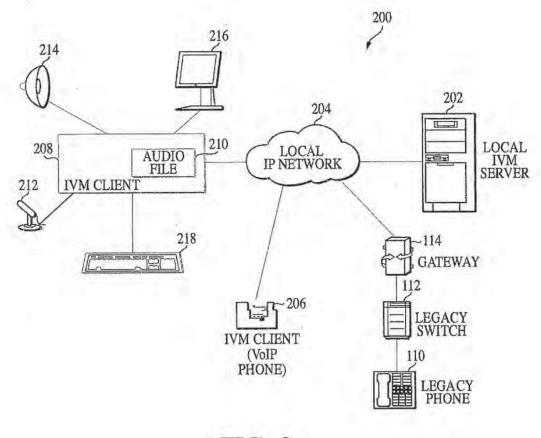


FIG. 2

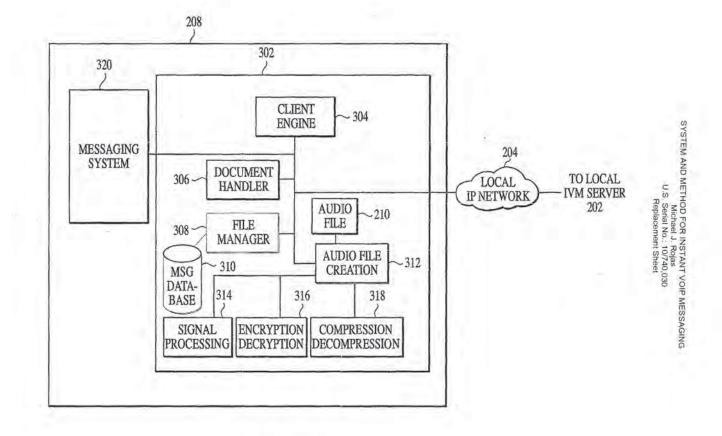
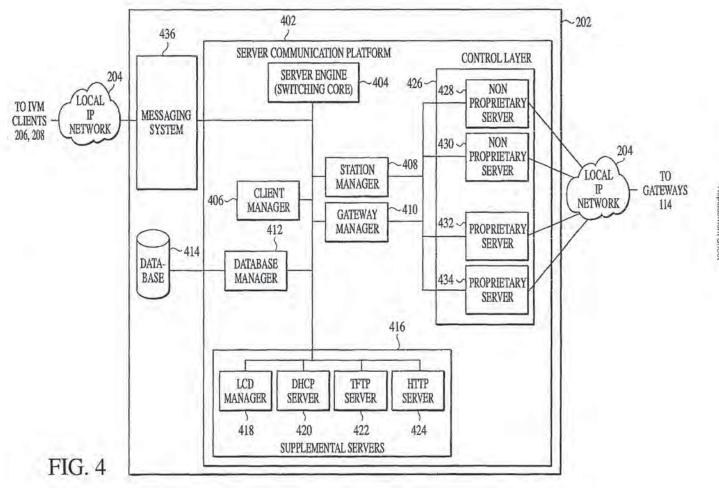
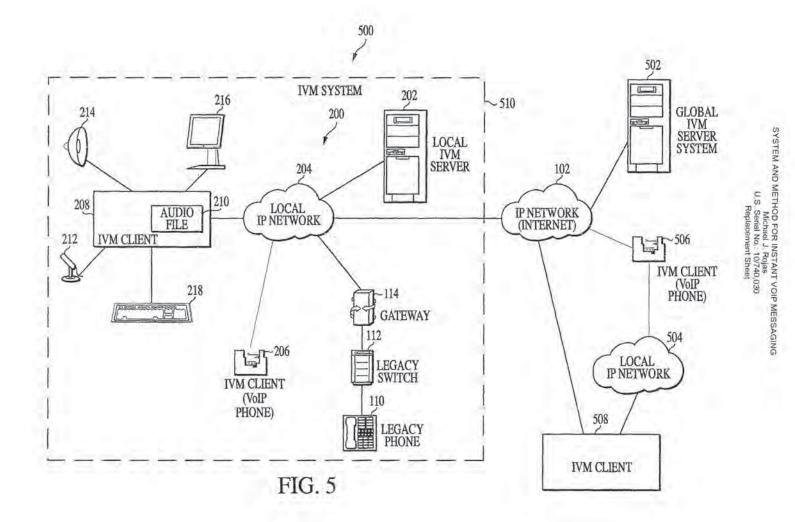


FIG. 3



SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING Michael J. Rojas U.S. Serial No.: 10:740,030 Replacement Sheet



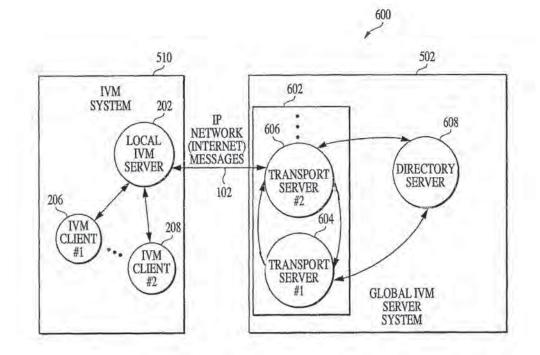


FIG. 6

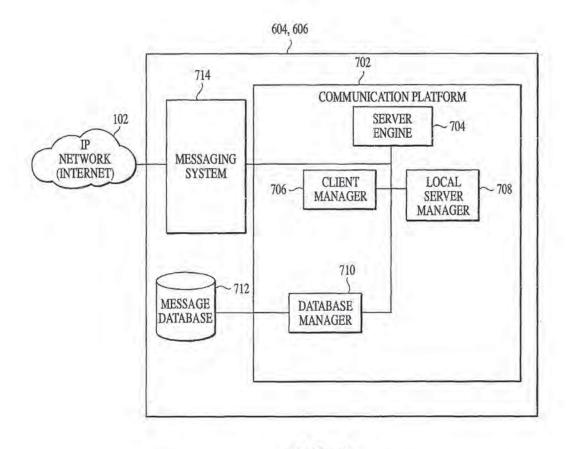


FIG. 7

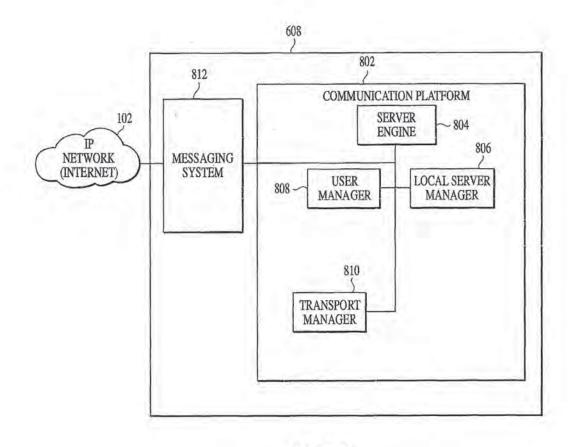


FIG. 8

SYSTEM AND METHOD FOR INSTANT VOIP MESSAGING Michael J. Rojas U.S. Serial No.: 10/740,030 Replacement Sheet

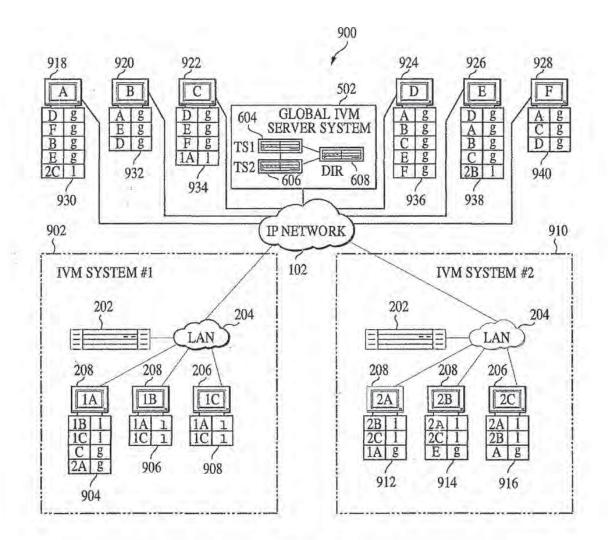


FIG. 9

#### 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<br>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

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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.

2

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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

3

## 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<br>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. <u>http://www.cisco.com/en/US/products/hw/switches/ps1925/products data</u> <u>sheet 09186\_a00800a3c3d.html;</u> "Data Sheet Cisco MGX 8000 Series" (Date unknown).

#### 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

3. <u>http://www.hsteliann.com/english/?zone=3100-V21P;</u> "Teliphone 3100-V21P", 2003;

4. <u>http://www.linuxdevices.com/articles/AT5199947519.html;</u> "Device Profile: snom 100 VoIP phone", (May 15, 2002);

 <u>http://www.pingtel.com/pr xpressa.jsp;</u> "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

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2

Sheet 1 of 1

| Form PTO-1449<br>(REV, 7-80) PATEN | U.S.                 | DEPARTMENT OF COMMERCE<br>ADEMARK OFFICE    |                   | Atty. Dock           | tet No. (Optiona                  | l)                      | Application N       | umber                           |                     |
|------------------------------------|----------------------|---|-------------------|----------------------|-----------------------------------|-------------------------|---------------------|---------------------------------|---------------------|
|                                    |                      | N DISCLOSURE C                              |                   | 17188                |                                   |                         | 10/740,030          |                                 |                     |
|                                    |                      |   |                   | Applicant<br>Michael |                                   |                         |                     |                                 |                     |
|                                    |                      |   |                   |                      | er 18, 2003                       | a second and the second | Group Art U<br>2614 | nit                             |                     |
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| EXAMINER<br>INITIAL*               | DOCUMENT NUMBER DATE |   |                   | 2                    | NAME                              | CLASS                   | SUBCLASS            | FILING DATE<br>(if appropriate) |                     |
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|                                    | REF                  | DOCUMENT<br>NUMBER                          |                   | CLASS                | SUBCLASS                          | TRANSLATION             |                     |                                 |                     |
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|                                    |                      |   | OTHEF             | R DOCUM              | ENTS (Includi                     | ing Author, Title,      | Date, Pertinent I   | Pages, Etc.,                    | )                   |
|                                    |                      | http://www.cisco.cor<br>Cisco CallManager V |                   |                      |                                   | nn/prodlit/cn           | n33_ds.htm;         | "Data Sl                        | neet                |
|                                    |                      | http://www.cisco.com<br>a00800a3c3d.html; " |                   |                      |                                   |                         |                     | 09186                           |                     |
|                                    |                      | http://www.hsteliann                        | .com/englis       | sh/?zone=3           | 3100-V21P; '                      | "Teliphone 3            | 100-V21P",          | 2003.                           |                     |
|                                    |                      | http://www.linuxdev<br>phone", May 15, 200  |                   | ticles/AT5           | 199947519.1                       | html; "Devid            | e Profile:          | snom 1                          | 00 Voll             |
|                                    |                      | http://www.pingtel.c<br>SIP phone; Decembe  |                   | <u>ssa.jsp;</u> "N   | o limits with                     | the advance             | d industry sta      | andard                          |                     |
|                                    |                      | AudioCoded Enablin<br>copyright 2003.       | g Technolo        | gy Produc            | ts, TPM-110                       | 0 VoP Media             | a Gateway M         | lodules,                        |                     |
| EXAMINER                           |                      |   |                   | DATE CON             | SIDERED                           |                         |                     |                                 | - 11 <sup>- 1</sup> |
| EVAMINED.                          | Initial              | f reference considered, whethe              | r or not sitution | le in conforme       | ance with MDED A                  | 600 draw line three     | ugh citation if no  | in conform                      | ance and            |
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| PPC IN                               |  |
|--------------------------------------|--|
| 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                    |  |                     |                     |  |  |  |
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| Document<br>Number | Document Description          | File Name             | File Size(Bytes)/<br>Message Digest          | Multi<br>Part /.zip | Pages<br>(if appl.) |  |  |  |
| 4                  | Miscellaneous Incoming Letter | 17188submission.pdf   | 1067171                                      | по                  | 20                  |  |  |  |
|                    | Miscellaneous incoming Letter | 17 1865ubinission.put | aa63f7b4e93171cf0812aaa48dd799474ab2<br>8f31 | no                  | 20                  |  |  |  |
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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.

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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, C | REIGHTON H             |  |  |  |  |
| ART UNIT | PAPER NUMBER           |  |  |  |  |
| 2614     | Commence of the second |  |  |  |  |

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             |

| APPLN, TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
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| nonprovisional | YES          | \$755         | \$300               | \$0                  | \$1055           | 03/05/2009 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>. 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 <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS STATUTORY PERIOD CANNOT BE EXTENDED</u>. 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.

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| 400 GARDEN C<br>SUITE 300   |   | PRESSER, PC  |  | States   | by certify that this Fee(s<br>Postal Service with suff   | icient postage for first                        | nission<br>deposited with the United<br>class mail in an envelope<br>above, or being facsimile<br>the indicated below.                                      |
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|   |   |  |  |  |  |   | (Signature)<br>(Date)   |
| APPLICATION NO.   | FILING DATE   |  | FIRST NAMED INVEN  | TOR  | ATTOR  | NEY DOCKET NO.                                  | CONFIRMATION NO.  |
| 10/740,030  | 12/18/2003  | 1  | Michael J. Rojas   | 100.0  | 11 12-20-  | 17188   | 1731  |
| APPLN. TYPE   | SMALL ENTITY  | ISSUE FEE DUE                                      | PUBLICATION FEE I  | DUE  | PREV. PAID ISSUE FEE   | TOTAL FEE(S) DUE                                | DATE DUE  |
| nonprovisional  | YES   | \$755  | \$300  |  | \$0  | \$1055  | 03/05/2009  |
| EXAM  | INER  | ART UNIT   | CLASS-SUBCLASS   | S  |  |   |   |
| SMITH, CRE  | EIGHTON H   | 2614   | 370-352000   |  |  |   |   |
| CFR 1.363).<br>Change of correspondence<br>Address form PTO/SE  | nce address or indication<br>ondence address (or Chan<br>3/122) attached.<br>ication (or "Fee Address"<br>2 or more recent) attache | ge of Correspondence<br>Indication form            | or agents OR, alte<br>(2) the name of a<br>registered attorney                                 | up to 3<br>rnative<br>single<br>y or ag<br>t attorn  | registered patent attorne<br>ly,<br>firm (having as a membe<br>ent) and the names of up<br>evs or agents. If no name | ra 2  |   |
| recordation as set forth<br>(A) NAME OF ASSIC   | ess an assignee is identif<br>a in 37 CER 3.11. Compl<br>INEE   | ied below, no assigne<br>etion of this form is NO  | e data will appear on t<br>DT a substitute for filin<br>(B) RESIDENCE: (0                      | the pate<br>g an as<br>CITY a  | ent. If an assignee is idd<br>signment.<br>Ind STATE OR COUNTI   | RY)   | ecument has been filed for<br>up entity D Government  |
| 4a. The following fee(s) a<br>Issue Fee<br>Publication Fee (N<br>Advance Order - #  | o small entity discount pe  |  | <ul> <li>A check is enclosed</li> <li>Payment by cred</li> <li>The Director is here</li> </ul> | sed.<br>it card.<br>ereby a  | e first reapply any previ<br>Form PTO-2038 is attac<br>uthorized to charge the re<br>t Account Number                | hed.<br>equired fee(s), any def                 |   |
|   | s SMALL ENTITY status   | . See 37 CFR 1.27.                                 |  | ~  | r claiming SMALL ENT   |   |   |
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| This collection of inform<br>an application. Confident<br>submitting the completed<br>this form and/or suggesti<br>Box 1450, Alexandria, V<br>Alexandria, Virginia 223<br>Under the Paperwork Rec | 13-1450.  |  |  |  |  |   | by the USPTO to process)<br>g gathering, preparing, and<br>te you require to complete<br>triment of Commerce, P.O.<br>or Patents, P.O. Box 1450,<br>number. |

OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

|                             | TED STATES PATENT A | AND TRADEMARK OFFICE | UNITED STATES DEPAR<br>United States Patent and '<br>Address: COMMISSIONER F<br>P.O. Box 1450<br>Alexandria, Virginia 223<br>www.uspto.gov | Frademark Office<br>OR PATENTS |
|-----------------------------|---------------------|----------------------|--|--------------------------------|
| APPLICATION NO.             | FILING DATE         | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO.               |
| 10/740,030                  | 12/18/2003          | Michael J. Rojas     | 17188  | 1731                           |
| 23389 759                   | 90 12/05/2008       |                      | EXAM   | INER                           |
| SCULLY SCOTT                | MURPHY & PRESSER    | R. PC                | SMITH, CRI   | EIGHTON H                      |
| 400 GARDEN CIT              |                     |                      | ART UNIT   | PAPER NUMBER                   |
| SUITE 300<br>GARDEN CITY, N | VY 11530            |                      | 2614<br>DATE MAILED: 12/05/200   | 8                              |

## 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.

Page 3 of 3

|  | oplication No.  | Applicant(s)   |
|--|---|--|
| 10   | /740,030  | ROJAS, MICHAEL J.  |
| Notice of Allowability Ex  | aminer  | Art Unit   |
| CF   | REIGHTON SMITH  | 2614   |
| The MAILING DATE of this communication appears<br>I claims being allowable, PROSECUTION ON THE MERITS IS (OR<br>rewith (or previously mailed), a Notice of Allowance (PTOL-85) or of<br><b>DTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHT</b><br>the Office or upon petition by the applicant. See 37 CFR 1.313 and<br>This communication is responsive to <u>remarks filed on 06 NOV</u><br>The allowed claim(s) is/are <u>1-5,7-20,22-35,37-45,47-57,59-69 a</u><br>Acknowledgment is made of a claim for foreign priority under<br>a) All b) Some* c) None of the:<br>1. Certified copies of the priority documents have bee<br>2. Certified copies of the priority documents have bee<br>3. Copies of the certified copies of the priority documents<br>International Bureau (PCT Rule 17.2(a)).<br>* Certified copies not received: | REMAINS) CLOSED in to<br>other appropriate commun<br><b>TS</b> . This application is sul<br>d MPEP 1308.<br><u>'08</u> .<br><u>and 71-76</u> .<br>35 U.S.C. § 119(a)-(d) or<br>en received.<br>en received in Application<br>ents have been received in<br>ants communication to file a | his application. If not included<br>ication will be mailed in due course. <b>T</b><br>oject to withdrawal from issue at the in<br>(f).<br>No |
| INFORMAL PATENT APPLICATION (PTO-152) which gives re<br>CORRECTED DRAWINGS ( as "replacement sheets") must be<br>(a) including changes required by the Notice of Draftsperson's<br>1) hereto or 2) to Paper No./Mail Date<br>(b) including changes required by the attached Examiner's Am<br>Paper No./Mail Date<br>Identifying indicia such as the application number (see 37 CFR 1.84(c<br>each sheet. Replacement sheet(s) should be labeled as such in the he<br>DEPOSIT OF and/or INFORMATION about the deposit of<br>attached Examiner's comment regarding REQUIREMENT FOR   | submitted.<br>Patent Drawing Review (<br>nendment / Comment or ir<br>c)) should be written on the<br>eader according to 37 CFR<br>of BIOLOGICAL MATEF   | PTO-948) attached<br>the Office action of<br>drawings in the front (not the back) of<br>1.121(d).<br>RIAL must be submitted. Note the        |
| ttachment(s)<br>⊠ Notice of References Cited (PTO-892)<br>□ Notice of Draftperson's Patent Drawing Review (PTO-948)<br>⊠ Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>8.23.04</u><br>□ Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material  | 6. ☐ Interview Sun<br>Paper No./M<br>7. ☐ Examiner's A  | rmal Patent Application<br>nmary (PTO-413),<br>ail Date<br>mendment/Comment<br>tatement of Reasons for Allowance                             |

Application/Control Number: 10/740,030 Art Unit: 2614

### 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.

Application/Control Number: 10/740,030 Art Unit: 2614

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.

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/ creighton smith/ for Primary, Examiner of Art Unit 2614

|    |     | Notice of Reference                              | c Citod           |               | Application/Control No<br>10/740,030 | 6               | Reexamina      | (s)/Patent Under<br>nation<br>/ICHAEL_J. |  |  |
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|    |     |  |                   | (             | CREIGHTON SMITH                      |                 | 2614           | Page 1 of 1                              |  |  |
|    |     |  |                   | U.S. PAT      | ENT DOCUMENTS                        |                 |                |  |  |  |
| *  |     | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY   | 1217-         | Name                                 |                 |                | Classification                           |  |  |
| *  | A   | US-6,763,226                                     | 07-2004           | McZeal, J     | r., Alfred                           |                 |                | 455/90.2                                 |  |  |
| *  | в   | US-2004/0252679                                  | 12-2004           | Williams e    | at al.                               |                 |                | 370/356                                  |  |  |
| *  | С   | 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                                  |  |  |
| *  | н   | US-2004/0030046                                  | 02-2004           | Schultes      | Schultes et al.                      |                 |                | 525/71                                   |  |  |
| *  | 11  | US-2007/0112925                                  | 05-2007           | Malik, Da     | e W.                                 |                 |                | 709/206                                  |  |  |
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| ħ        | ndex of (     | Claims          | Application/0  | Control N | 0.      | Reexam           | nt(s)/Pate<br>nination<br>MICHAEI |         | r      |
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| NONE  |          | Total Claim         | as Allowed:       |
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| (Assistant Examiner)                                | (Date)   | 7                   | D                 |
| /CREIGHTON SMITH/<br>Primary Examiner.Art Unit 2614 | 11_17.08 | O.G. Print Claim(s) | O.G. Print Figure |
| (Primary Examiner)                                  | (Date)   | 1                   | 1                 |

Part of Paper No. 20081202

| Search Notes | Application/Control No.       | Applicant(s)/Patent Under<br>Reexamination<br>ROJAS, MICHAEL J. |
|--------------|-------------------------------|---|
|              | Examiner<br>Creighton H Smith | Art Unit<br>2614  |

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Part of Paper No. : 20081117

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<br>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.

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

 <u>http://www.pingtel.com/pr xpressa.jsp;</u> "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

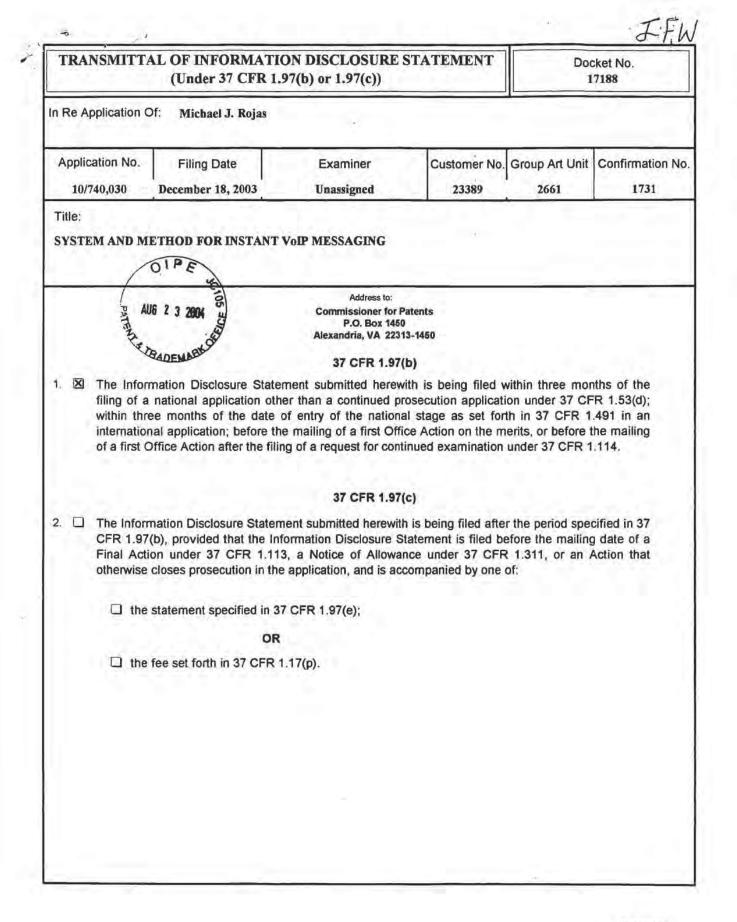
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Sheet 1 of 1

| (REV. 7-80) PATENT AND TRADEMARK OFFICE |                     | Atty. Docket No. (Optional)             |               | Application Number                             |                     |                      |   |                    |
|---|---------------------|---|---------------|--|---------------------|----------------------|---|--------------------|
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| TRANSMITTA   | L OF INFORMATIC<br>(Under 37 CFR 1.9   |  | TATEMENT   |  | cket No.<br>17188  |
|--|--|--|--|--|--|
| In Re Applicatio   | n: Michael J. Rojas  |  |  |  |  |
| Application No.  | Filing Date  | Examiner   | Customer No.   | Group Art Unit   | Confirmation No  |
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P10A/REV03

## 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<br>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

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### 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

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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.

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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.

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(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

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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

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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

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| TRANSMITTAL LETTER<br>(General - Patent Pending)  |  |   |  | Docket No.<br>17188  |   |
|---|--|---|--|--|---|
| In Re Application   | Of: Michael J. Rojas                             |   |  | 1  |   |
| Application No.<br>10/740,030   | Filing Date<br>December 18, 2003                 | Examiner<br>Creighton H. Smith            | Customer No.<br>23389                                | Group Art Unit<br>2614   | Confirmation No<br>1731   |
| Title: SYSTEM   | AND METHOD FOR I                                 | NSTANT V0IP MESSAGIY                      | NG   |  |   |
|   |  | COMMISSIONER FOR P                        | ATENTS:  |  |   |
| Transmitted herew<br>RESPONSE UN  | vith is:<br>DER 37 C.F.R. § 1.111                |   |  |  |   |
| in the above iden   | tified application,<br>al fee is required.       |   |  |  |   |
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| Seth Weinfeld C<br>Registration No: 50  |  |   | Dated: Nove  | mber 6, 2008   |   |
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| EFS ID:                              | 4244655                                      |
| Application Number:                  | 10740030                                     |
| International Application Number:    |  |
| Confirmation Number:                 | 1731   |
| Title of Invention:                  | System and method for instant VolP 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)                  |

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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 DEPAR<br>United States Patent and<br>Address: COMMISSIONER F<br>P.O. Box 1450<br>Alexandria, Virginia 223<br>www.uspto.gov | Trademark Office<br>OR PATENTS |
|-------------------------|--------------------------------------|----------------------|--|--------------------------------|
| APPLICATION NO.         | FILING DATE                          | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO                |
| 10/740,030              | 12/18/2003                           | Michael J. Rojas     | 17188  | 1731                           |
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## 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.

|   |  | Application No.  | Applicant(s)  |
|---|--|--|---|
|   |  | 10/740,030   | ROJAS, MICHAEL J.   |
|   | Office Action Summary  | Examiner   | Art Unit  |
|   |  | Creighton H. Smith   | 2614  |
| Period fo   | The MAILING DATE of this communicat<br>or Reply  | ion appears on the cover she   | et with the correspondence address  |
| - Exter<br>after<br>- If NC<br>- Failu<br>Any   | ORTENED STATUTORY PERIOD FOR<br>CHEVER IS LONGER, FROM THE MAIL<br>nsions of time may be available under the provisions of 37<br>SIX (6) MONTHS from the mailing date of this communic<br>period for reply is specified above, the maximum statutor<br>re to reply within the set or extended period for reply will, I<br>reply received by the Office later than three months after the<br>d patent term adjustment. See 37 CFR 1,704(b). | ING DATE OF THIS COMM<br>CFR 1.136(a). In no event, however, m<br>ation.<br>y period will apply and will expire SIX (6)<br>by statute, cause the application to become | UNICATION.<br>ay a reply be timely filed<br>MONTHS from the mailing date of this communication<br>me ABANDONED (35 U.S.C. § 133).   |
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| 1)区   | Responsive to communication(s) filed of  | n 07 .IUI '08  |   |
|   |  | This action is non-final.  |   |
|   | Since this application is in condition for   | 공사이 그 것이 아파 아파 아파 가 나는 것이 가 봐.   | matters, prosecution as to the merits is  |
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| Dispositi   | ion of Claims  |  |   |
|   | Claim(s) 1-76 is/are pending in the appl   | ication.   |   |
|   | 4a) Of the above claim(s) is/are w   |  |   |
|   | Claim(s) is/are allowed.   |  |   |
|   | 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  |   |
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|   | The specification is objected to by the Ex<br>The drawing(s) filed on is/are: a)   |  | to by the Examiner  |
|   | 말이 아름다. 신경 영어에는 아름다. 방송 것이 아름다. 안 아름다.   | 가슴이 이 이렇는 아파 가슴에 가 봐.  | 이 같은 아이에 가지 않는 것이 같이 있는 것이 같이 많이  |
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| 11)   | The oath or declaration is objected to by  |  |   |
|   | under 35 U.S.C. § 119  |  |   |
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|   | Acknowledgment is made of a claim for t  | oreign priority under 35 U.S.  |   |
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|   | e of Draftsperson's Patent Drawing Review (PTO-<br>mation Disclosure Statement(s) (PTO/SB/08)  |  | No(s)/Mail Date e of Informal Patent Application  |
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## Application/Control Number: 10/740,030 Art Unit: 2614

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

# Application/Control Number: 10/740,030 Art Unit: 2614

(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 2<sup>nd</sup> 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 <u>attached to an IM</u> 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.

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/Creighton H Smith/ Primary Examiner, Art Unit 2614

|                            | Application/Control No.<br>10/740,030 | Applicant(s)/Patent Under<br>Reexamination<br>ROJAS, MICHAEL J. |             |
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|                            | Creighton H. Smith                    | 2614  | Page 1 of 1 |

#### **U.S. PATENT DOCUMENTS**

| *  |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Name  | Classification |
|----|---|--|-----------------|---|----------------|
| *  | Α | US-2004/0128356                                  | 07-2004         | Bernstein et al.  | 709/206        |
| *  | В | US-2003/0126207                                  | 07-2003         | Creamer et al.  | 709/204        |
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#### NON-PATENT DOCUMENTS

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\*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.

U.S. Patent and Trademark Office PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20080804

| Index of Claims |              | Application/C                 | Application/Control No. |          |                  | Applicant(s)/Patent Under<br>Reexamination<br>ROJAS, MICHAEL J. |          |          |
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| Index of Claims |            | Application/Control No.       |                      |         | Applicant(s)/Patent Under<br>Reexamination<br>ROJAS, MICHAEL J. |       |        |        |        |
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| L5       | 44   | (@ad<="20021218") and<br>((attach\$3 or fasten\$3 or affix<br>\$3 or connect\$3 or join\$3 or<br>add\$3) with (email or file\$1)<br>with (im or instant adj mesag<br>\$3)) | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR                  | OFF     | 2008/08/04<br>15:08 |

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#### 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<br>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

hefel 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. einfeld

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

| In Re Application C  | of: Michael J. Roia  |   |                     |  |                                       |
|--|--|---|---------------------|--|---------------------------------------|
|  |  | s   |                     |  |                                       |
| Application No.<br>10/740,030  | Filing Date<br>December 18, 2003   | Examiner<br>Creighton H. Smi  | Customer N<br>23389 | o. Group Art Uni<br>2614   | t Confirmation No<br>1731             |
| Invention: SYSTI   | EM AND METHOD  | FOR INSTANT VoIP  | MESSAGIN            |  |                                       |
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| The fee for  | the amendment and extension  | of time is to be paid as follows:                                   |   |  |
| A che        | ck in the amount of  | for the amendment and extens  | nt and extension of time is enclosed.   |  |
| X Please     | e charge Deposit Account No.   | 19-1013/SSMP in the amount of                                       | \$60.00   |  |
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| D Payme      | ent by credit card. Form PTO-20  | 38 is attached.   |   |  |
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| 0 Garden C   | No. 50,929<br>Murphy & Presser, P. C.<br>Ity Plaza - Suite 300<br>New York 11530 | I hereby c<br>deposited<br>sufficient p<br>addressed<br>1450, Alexa | ertify that this correspondence is bein<br>with the United States Postal Service w<br>postage as first class mail in an envelo<br>to the "Commissioner for Patepts, P.O. B<br>andria, VA 22313-1450" [37 CFR 1.8(a)] on<br>(Date) |  |
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#### 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:

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

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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.

- All of the salient features of Applicant's United States Patent Application No. 10/740,030 are fully described in the annexed Exhibit A.
- 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.
- The invention disclosure was timely submitted to outside counsel, Bradley C.
   Corsello (hereinafter "Corsello"), to prepare and file a provisional patent application.
- A first draft of the provisional patent application was received from Corsello, prior to August 15, 2003.
- 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.
- 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 emuil 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.

2

P:4/5

- 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.
- 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 reducted email regarding the submission of material.
- 14. On October 3, 2003, assignce, Ayalogic (hereinafter "Ayalogic") decided to look for another law firm to file a patent application regarding the subject matter described in the invention disclosure.
- Between October 3, 2003-October 27, 2003, Ayalogic searched for a law firm to preparing the patent application.
  - On October 28, 2003. Ayalogic engaging the firm Scully, Scott, Murphy and Presser,
     P.C., (hereinafter "Scully Scott") to preparing a patent application.
- 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.
- 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.
- 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.

- 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.

7-3-200

P:5/5





# **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 <sup>TM</sup> new offering, QuickTalk<sup>TM</sup> 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<sup>TM</sup> 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<sup>TM</sup> 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.

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The substitution of voice for text makes QuickTalk<sup>™</sup> 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<sup>™</sup> 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<sup>TM</sup> 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<sup>™</sup> 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.

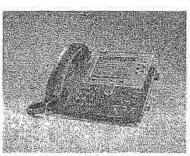
#### Wherever You Go, There you Are

QuickTalk<sup>™</sup> can reach you wherever you go, at whatever device you designate. Cellular phones, laptops, palm pilots – all can be used by the QuickTalk<sup>™</sup> system whenever you designate that you wish to be reached somewhere other than at your desk. Using Ayalogic's<sup>™</sup> 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 VolP 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.

## Cisco Systems Million Million

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

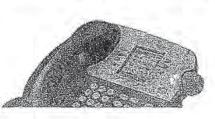
competitive local exchange carriers known as CLECs. However, when the telecommunication sector slumped, the service providers cut drastically back in capital expenditures, all but evaporating the Voice over IP market for service providers.

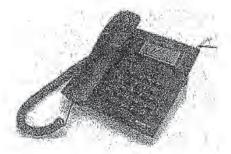
In reaction to this, every softswitch vendor did an about-face, and introduced an enterprise-version of their carrier-class products. This means that the enterprise market has over 50 softswitch vendors vying for position in a market dominated by Cisco. To compete, prices on this technology are dropping precipitously.

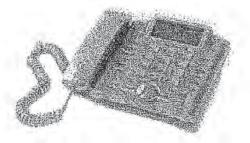
## **New Phones**

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).

## CISCO SYSTEMS



Vendor: Cisco Systems Model: 7905 Price: \$230 Description: This is Cisco's entry level IP phone based on the SIP standard.

# snom

VolP phones

| Vendor: | Snom  |
|---------|-------|
| Model:  | 100b  |
| Price:  | \$240 |

Description: Entry level VoIP Phone, supporting multiple standards such as SIP and H.323/H.450.

Telic

Vendor: Model: Price: Teliann HS Teliann IP Phone \$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 SIPbased 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

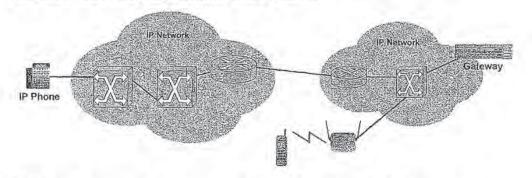
Every one of these devices shares a common characteristic. They all use TCP/IP protocol over Ethernet as the network standard to connect to the computer network.

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 All 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.

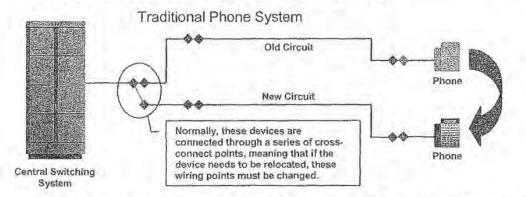
## Cost

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.

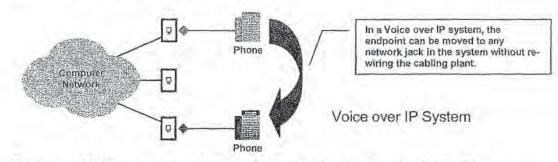


## Mobility

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.



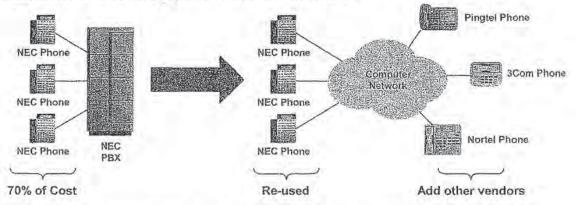
However, when the device employs Ethernet, the customer has complete flexibility in the location of the endpoint. All jacks can be provisioned identically regardless of which physical device will ultimately be connected.



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

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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.

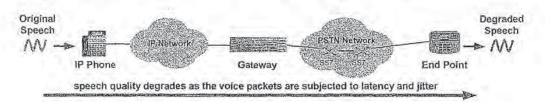
| Vendors                 | Products   |
|-------------------------|--|
| All Instant, Inc.       | LiveGate, LiveStudio/Live Manager, Live Tracker, Live<br>Archive 2.0 |
| America Online, Inc.    | AOL Instant Messenger (AIM) 4,7<br>TCQ                               |
| Bantu, Inc.             | Bantu 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 Çorp          | Microsoft MSN Messenger  |
| Netscape Communications | Netscape Navigator Chat  |
| Openwavé Systems, Inc.  | Openwave IM  |
| PeopleLink              | OnLine Community Solutions-Msg. Boards, Chat, Instant<br>Messaging   |
| Rockliffe, Inc.         | MailSite DataCenter 4-5  |

## **Current Instant Messaging Vendors**

| Sonork S.R.L.     | Sonork Instant Messaging Client 1.6                               |
|-------------------|---|
| SUIDIK S.K.L.     | Sonork Instant Messaging Server 1.6                               |
|                   |   |
| Niredred Software | <ul> <li>ie/pop - Real-time Communication Software for</li> </ul> |
|                   | Corporations 3.0  |
|                   |   |

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.

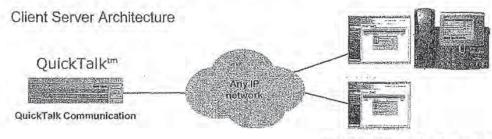
## **Our Technology**

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<sup>tm</sup>, 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.

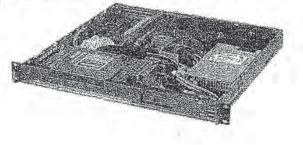


QuickTalk Clients with optional phones

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.

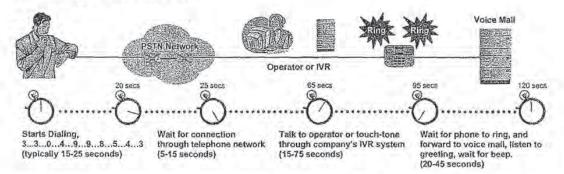
Multiple servers may be deployed for system redundancy and load balancing.



## **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.

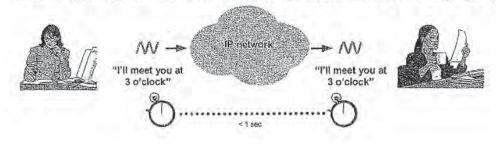
To see the benefit of using instant voice communication, look how an old-style voice mail message is delivered today:



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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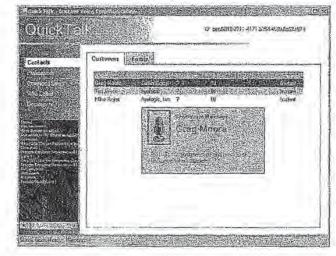
If the receiving party of the message wishes to reply, they can do so *instantly* by replying hands-free to the incoming message. The reply is delivered immediately to the sender.



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.

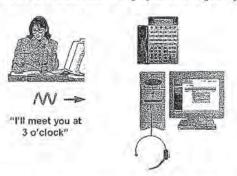
| Number of Employees  | 2000 employees                                      |
|--|---|
| Average calls placed by received per day per second placed by received per day per second putside calls) | 8 calls   |
| Average salary of a employee   | 22.50 / hour  |
| Percent of calls that reach voice mail 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 periday.  | 19,200 minutes per day                              |
| Total dollars saved using Instant voice  | \$7,200 / day = <b>\$1,872,000 / year</b>           |

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-



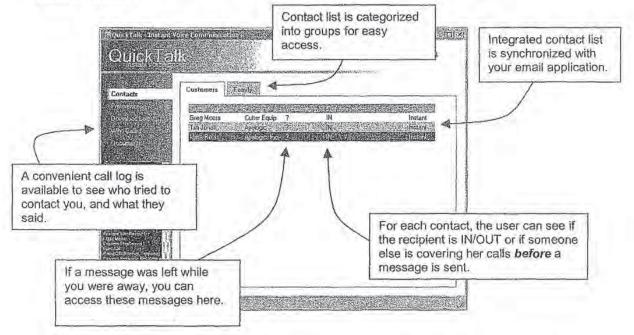
pending technology in the QuickTalk client software. This runs on Windows 95/98, 2000, NT, and XP and provides an casy-to-use interface to the product.

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.

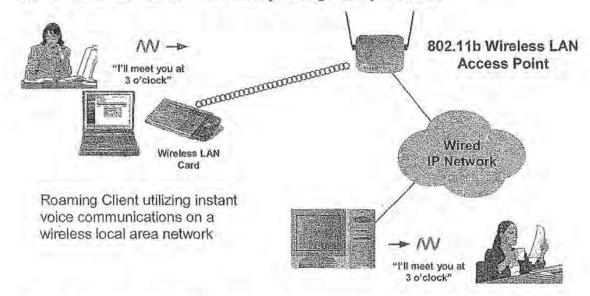
The client software provides a high-level view of all contacts using instant voice communications.



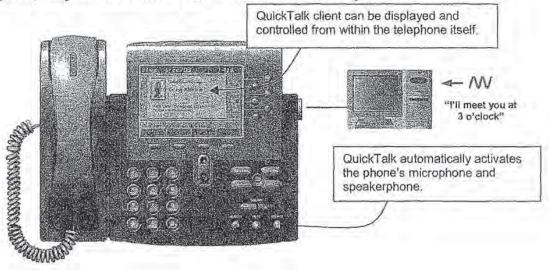
The client software can also be deployed on any system that utilitizes the Microsoft .NET framework. This provides the flexibility to deploy the client onto a number of different computing devices: Pocket PCs, Laptops, Tablet PCs, and desktop computers.



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<sup>™</sup> 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

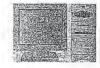
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Panasonic

Here the allowable configuration modes of the client:

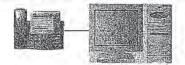
#### Stand-Alone (PC Only)



In this mode, communication is provided through the PC's speakers and microphone. The user can utilize an optional headset for a private conversation.

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#### Stand-Alone with locally controlled VolP phone



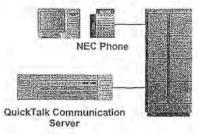
The user is free to use the phone and/or PC for instant voice communications. To transfer communication to the phone the user simply picks up the handset of the phone.

#### Remotely controlled VolP phone



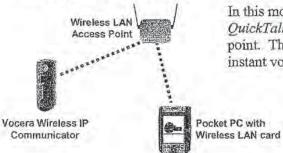
In this mode, the phone is remotely controlled from a virtual client on the *QuickTalk Communication Platform*. This allows the phone to be used independently from a PC.

#### Non-VolP 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.

## Wireless LAN IP devices



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<sup>TM</sup> 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<sup>TM</sup> with its patent pending *instant voice* technology promises to be the most convenient and cost-effective messaging solution for business people on the move.

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## REDACTED

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

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This email is a confidential and privileged attorney-client communication.

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This email is a confidential and privileged attorney-client communication.

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----- 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

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But I think we will wrap things

> up next week.

> On Wed, 2003-08-27 at 16:26, neil adams wrote:

- > > Brad, > >
- >>
- >>,

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-----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

#### FY1

#### 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

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> > Subject: Re: CD with IMvox software

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>>> >>> >>> On Wed, 2003-08-27 at 16:26, neil adams wrote: >>>> Brad, >>>>

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>>>> >> >>>: >> REDACTED >>> 11 -12 >>>> >>>> >> REDACTED >>>> >>>> >>>>Neil >>>-->>: >>> >>> . >>>. • REDACTED ··· >>>! >>> >>>-->>> This email is a confidential and privileged attorney-client communication. >>> > ---2 2 >' REDACTED ... 2 > > >--> This email is a confidential and privileged attorney-client communication. >

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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

8

Mike,

Here's some additional information I need to add to the CD for Brad.

REDACTED

Questions

, REDACTED

REDACTED

REDACTED .

REDACTED

REDACTED

REDACTED -

Neil

















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## 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

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Brad,

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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



## **a REDACTED**

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From: nell 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



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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

REDACTED

I talked with the person at Scully who will be responsible for supporting our patent application. He is Alex Vodovozov.

7 REDACTED

Basically we went through a variety of questions about the patent draft .....

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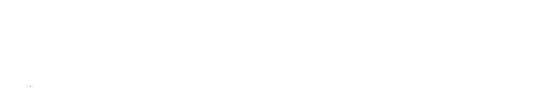
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Neil

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## 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

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### 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

J 167

#### 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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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 Pate                                       | ent App                      | lication Fe     | e Transm         | ittal                  |                         |  |  |
|---|------------------------------|-----------------|------------------|------------------------|-------------------------|--|--|
| Application Number:                                   | 107                          | 40030           |                  |                        |                         |  |  |
| Filing Date:  | 18-Dec-2003                  |                 |                  |                        |                         |  |  |
| Title of Invention:                                   | Sys                          | stem and method | for instant VolF | <sup>o</sup> messaging |                         |  |  |
| First Named Inventor/Applicant Name: Michael J. Rojas |                              |                 |                  |                        |                         |  |  |
| Filer:  | Paul J. Esatto/Roseann Gallo |                 |                  |                        |                         |  |  |
| Attorney Docket Number:                               | 17                           | 88              |                  |                        |                         |  |  |
| Filed as Small Entity                                 |                              |                 |                  |                        |                         |  |  |
| Utility Filing Fees                                   |                              |                 |                  |                        |                         |  |  |
| Description   |                              | Fee Code        | Quantity         | Amount                 | Sub-Total in<br>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            | 4                | 60                     | 60                      |  |  |

| Description    | Fee Code          | Quantity | Amount | Sub-Total in<br>USD(\$) |
|----------------|-------------------|----------|--------|-------------------------|
| Miscellaneous: |                   |          |        |                         |
|                | Total in USD (\$) |          | (\$)   | 60                      |

|                                      | cknowledgement 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 |  |  |  |  |
|  | C.F.R. Section 1.17 (Patent application and reexamination processing fees      |  |  |  |  |

| Document<br>Number  | Document Description   | File Name  | File Size(Bytes)<br>/Message Digest  | Multi<br>Part /.zip  | Pages<br>(if appl.)                          |  |  |  |
|---|--|--|--|--|--|--|--|--|
|   |  | ANELIDAE AT L.Y.   | 272137   |  | 5  |  |  |  |
| 1   |  | AMEND2EOT.pdf  | 559a111695555820ed564ec18a03c5e9<br>b91852a6   | yes  |  |  |  |  |
|   | Multipart Description/PDF files in .zip description  |  |  |  |  |  |  |  |
|   | Document Des   | Start  | E  | nd   |  |  |  |  |
|   | Amendment - After Nor  | n-Final Rejection  | 3  | 1  |  |  |  |  |
|   | Applicant Arguments/Remarks  | 2  | 3  |  |  |  |  |  |
|   | Extension of   | Time   | 4  | ţ  | 5  |  |  |  |
| Warnings:   |  |  |  | -  |  |  |  |  |
| Information:  |  |  |  |  |  |  |  |  |
| 2   | Rule 130, 131 or 132 Affidavits  | 1131EXHIBIT.pdf  | 2419512  |  | 47   |  |  |  |
| 2   | Hule 130, 131 of 132 Allidavits  | 1131ЕХНІВП.рог   | 343cb6c546453241e787bct9ad0412dc2<br>dcd7dec   | no   | 7/   |  |  |  |
| Warnings:   |  |  |  |  |  |  |  |  |
| Information:  |  |  |  |  | _  |  |  |  |
| 3   | Fee Worksheet (PTO-06)   | fee-info.pdf   | 8143   | no   | 2  |  |  |  |
| Warnings:   |  |  | 1290891803c33abbdad5ae675d70fc0d<br>01936076   |  |  |  |  |  |
| Information:  |  |  |  |  | _  |  |  |  |
| information.  |  | Total Files Size (in bytes)  |  | 99792  |  |  |  |  |
| characterized<br>similar to a Po<br><u>New Applicati</u><br>If a new applic<br>37 CFR 1.53(b<br>shown on this<br><u>National Stage</u><br>If a timely sub<br>of 35 U.S.C. 3 | edgement Receipt evidences rec<br>by the applicant, and including<br>ost Card, as described in MPEP :<br>ons Under 35 U.S.C. 111<br>cation is being filed and the appl<br>of and MPEP 506), a Filing Re<br>a Acknowledgement Receipt will<br>e of an International Application<br>omission to enter the national sta<br>71 and other applicable requiren<br>a national stage submission un | page counts, where applic<br>503.<br>lication includes the neces<br>ceipt (37 CFR 1.54) will be<br>establish the filing date of<br><u>under 35 U.S.C. 371</u><br>age of an international app<br>nents a Form PCT/DO/EO/S | able. It serves as ev<br>sary components fo<br>issued in due cours<br>the application.<br>lication is compliant<br>03 indicating accep | vidence of the contract of the | receipt<br>ate (see<br>late<br>ondition<br>e |  |  |  |
| If a new intern<br>components f<br>International<br>course, subje   | onal Application Filed with the Unational application is being filed<br>or an international filing date (see<br>Application Number and of the In<br>ct to prescriptions concerning n<br>stablish the international filing d  | and the international app<br>be PCT Article 11 and MPE<br>nternational Filing Date (For<br>ational security, and the d   | lication includes the<br>P 1810), a Notificatio<br>prm PCT/RO/105) wil   | on of the<br>I be issued   | in due                                       |  |  |  |

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

| PATENT APPLICATION FEE DETERMINATION RECORD<br>Substitute for Form PTO-875 |   |   |   |   |  | Application or 10/74  | Filing Date<br>12/18/2003  |                  | X To be Maile         |                        |
|--|---|---|---|---|--|-----------------------|----------------------------|------------------|-----------------------|------------------------|
| 1  | AF  | PLICATION                                 | AS FILE<br>(Column 1                            |   | Column 2)                                    | SMALL                 |                            | OR               |                       | HER THAN               |
|  | FOR   | Ň   | UMBER FI  | ED NUM  | MBER EXTRA                                   | RATE (\$)             | FEE (\$)                   |                  | RATE (\$)             | FEE (\$)               |
|  | BASIC FEE<br>(37 CFR 1.16(a), (b), c                                | or (c))                                   | N/A   | 1.1   | N/A  | N/A                   | 1                          | 1.1              | N/A                   |                        |
|  | SEARCH FEE<br>(37 CFR 1.16(k), (i), c                               |   | N/A   | - C - C - A   | N/A  | N/A                   | I                          | 1                | N/A                   | -                      |
|  | EXAMINATION FE<br>(37 CFR 1.16(o), (p), o                           | E   | N/A   | - 1   | N/A  | N/A                   | ) <del>.</del> ;           |                  | N/A                   |                        |
|  | TAL CLAIMS<br>CFR 1.16(i))  |   | mit   | us 20 = *   |  | X \$ =                | 1                          | OR               | X \$ =                |                        |
| ND   | EPENDENT CLAIM  | s   | minus 3 = *                                     |   |  | xs =                  | 1                          |                  | X \$ =                | 1                      |
|  | APPLICATION SIZE<br>(37 CFR 1.16(s))<br>MULTIPLE DEPEN              | FEE shee<br>is \$2<br>addit<br>35 U       | ts of pap<br>50 (\$125<br>ional 50<br>.S.C. 41( | ation and drawing<br>er, the applicatio<br>for small entity)<br>sheets or fractior<br>a)(1)(G) and 37 | n size fee due<br>for each<br>n thereof. See |                       |                            |                  |                       |                        |
| lf 1   | the difference in colu  |   |   | - una   | -  | TOTAL                 |                            | 198              | TOTAL                 |                        |
| 1  | (Column 1) (Column 2)<br>CLAIMS HIGHEST                             |   | (Column 3)                                      | SMAL  |  | OR                    |                            | ER THAN          |                       |                        |
|  | 07/07/2008  | REMAINING<br>AFTER                        |   | NUMBER<br>PREVIOUSLY  | PRESENT<br>EXTRA                             | RATE (\$)             | ADDITIONAL<br>FEE (\$)     | ${\cal C}_{i,i}$ | RATE (\$)             | ADDITIONAL<br>FEE (\$) |
|  | Total (37 CFR   | AMENDMENT<br>* 70                         | Minus   | PAID FOR<br>** 76   | = 0  | X \$25 =              | 0                          | OR               | x \$ =                | -                      |
|  | Independent<br>(37 CFR 1.16(h))                                     | • 14                                      | Minus   | 14  | = 0  | X \$105 =             | 0                          | OR               | X \$ =                |                        |
|  | Application Size Fee (37 CFR 1.16(s))                               |   |   |   |  | 1                     |                            | 125              | 1:                    |                        |
|  | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))     |   |   |   |  |                       |                            | OR               | 1.1                   |                        |
|  |   |   |   |   | -  | TOTAL<br>ADD'L<br>FEE | 0                          | OR               | TOTAL<br>ADD'L<br>FEE |                        |
|  |   | (Column 1)                                | _   | (Column 2)  | (Column 3)                                   |                       |                            | _                | _                     | _                      |
|  |   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |   | HIGHEST<br>NUMBER<br>PREVIOUSLY<br>PAID FOR   | PRESENT<br>EXTRA                             | RATE (\$)             | additional<br>Fee (\$)     |                  | RATE (\$)             | ADDITIONAL<br>FEE (\$) |
|  | Total (37 CFR<br>1.16(i))   | A   | Minus   | н.  | <i>.</i> =                                   | X \$ =                |                            | OR               | X \$ =                |                        |
|  | Independent<br>(37 CFR 1.16(h))                                     |   | Minus   | ***   | (a   | X S =                 |                            | OR               | X \$ =                |                        |
|  | Application Si  | ze Fee (37 CFR 1                          | .16(s))   |   |  | 1                     |                            | 1.1              |                       |                        |
| 20.2   | FIRST PRESEN  | TATION OF MULTIP                          | LE DEPEN  | DENT CLAIM (37 CFF  | R 1.16(j))                                   | 1                     | B                          | OR               |                       | -                      |
| ĺ  | S   |   |   |   | 1  | TOTAL<br>ADD'L<br>FEE | · · · ·                    | OR               | TOTAL<br>ADD'L<br>FEE |                        |
| If   | the entry in column 1<br>the "Highest Numbe<br>If the "Highest Numb | er Previously Paid                        | For" IN TH                                      | HIS SPACE is less   | than 20, enter "20"                          | Legal Ir<br>/NICHE    | nstrument Ex<br>LE PETERSC | amin<br>DN/      | er:                   |                        |

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.