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<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	10963.3819
		Application Number	
Title of Invention	METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS		
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**Application Information:**

<b>Title of the Invention</b>	METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS		
<b>Attorney Docket Number</b>	10963.3819	<b>Small Entity Status Claimed</b>	<input checked="" type="checkbox"/>
<b>Application Type</b>	Nonprovisional		
<b>Subject Matter</b>	Utility		
<b>Suggested Class (if any)</b>		<b>Sub Class (if any)</b>	
<b>Suggested Technology Center (if any)</b>			
<b>Total Number of Drawing Sheets (if any)</b>		<b>Suggested Figure for Publication (if any)</b>	

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Prior Application Status	Pending		<a href="#">Remove</a>		
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)		
	Continuation in part of	11612830	2006-12-19		
Prior Application Status	Pending		<a href="#">Remove</a>		
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11612830	Continuation in part of	11308648	2006-04-17		
Prior Application Status	Patented		<a href="#">Remove</a>		
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
11308648	Continuation in part of	10711490	2004-09-21	7031728	2006-04-18
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<input type="button" value="Remove"/>			
Application Number	Country <sup>i</sup>	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			<input checked="" type="radio"/> Yes <input type="radio"/> No
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<b>Signature</b>	/barry l haley/			Date (YYYY-MM-DD)	2008-11-26
First Name	Barry L.	Last Name	Haley	Registration Number	25339

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## METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS

### BACKGROUND OF THE INVENTION

5 This application is a continuation-in-part of U.S. Patent Application Serial No. 11/612830 filed on December 19, 2006 which is a continuation-in-part of U.S. Patent Application Serial No. 11/308,648 filed April 17, 2006 which is a continuation-in-part of U.S. Patent Application Serial No. 10/711,490 now U.S. Patent No. 7,031,728.

10 1. Field of the Invention

A communications system and method that uses a plurality of PCs and PDA/cell phones for the coordination of two or more people through the use of a communications network. The system and method provide each user with a PC or PDA/cell phone that has forced message alert software that enables a user to create and send a voice or text message alert that forces an automatic acknowledgement upon receipt and a manual response from the recipient.

15 2. Description of Related Art

The purpose of a communications system is to transmit information bearing digital messages from a source, located at one point, to a user destination, located at another point some distance away. A communications system is generally comprised of three basic elements: transmitter, information channel and receiver. One form of communication in recent years is cellular phone telephony. A network of cellular communication systems set up around an area such as the United States allows multiple users to talk to each other, either on individual calls or on group calls, with handheld devices. Some cellular phone services enable a cellular phone to engage in conference calls with a small number of users. Furthermore,

cellular conference calls can be established through 800 number services. Cellular telephony also now includes the ability to access local WiFi connections, allowing the devices to utilize cellular phone data transmission technology as well as the data transmission ability of the Internet.

5           The method and operation of the integrated PDA/cell phones (cell phone/PDA/GPS with touch screen) used herein is described in U.S. Patent 7,031,728, which is hereby incorporated by reference, pending U.S. Patent Application Serial No. 11/308,648, and pending U.S. Patent Application Serial No. 11/612,830, and are usually discussed herein as a cell phone.

10           In many situations it is desirable for a user to be able to simultaneously send a message to the cell phones or PCs of a large group of people. This can be typically accomplished using Digital SMS (Smart Message Service) and TCP/IP messages that are transmitted using cellular technology such as the various versions of GSM and CDMA or via a WiFi local area network. However, in some situations it is additionally desirable to know: (a) which people received the  
15 message on their cell phone or PC, (b) which people did not receive the message on their cell phone or PC, and (c) the response of each person receiving the message. Digital SMS and TCP/IP messages do not provide each of those functions. As a result, what is needed is a method in which a sender of a text or voice message can force an automatic acknowledgement upon receipt from a recipient's cell phone or PC and a manual response from the recipient via  
20 the recipient's cell phone or PC when sending the text or voice message.

SUMMARY OF THE INVENTION

Applicant's communication system and method described herein is embodied in the forced alert software developed by applicant and installed in the PCs and PDA/cell phones  
5 used herein.

A plurality of PCs and PDA/cell phones each having forced alert software installed providing a communication network of PCs and PDA/cell phones with the ability to: a) allow an operator to create and transmit (via TCP/IP or another digital transmission means) a forced voice alert, wherein said forced voice alert is comprised of a text or voice message file and a  
10 forced alert software packet, from a sender PC or PDA/cell phone to one or more recipient PCs and PDA/cell phones within said communication network; (b) automatically transmit an acknowledgement of receipt from said recipient PCs and PDA/cell phones to the sender PCs or PDA/cell phones upon receipt of the forced message alert by the recipient PCs and PDA/cell phones; (c) periodically resend the message to the recipient PCs and PDA/cell  
15 phones that have not sent an acknowledgement until an acknowledgement is received from every recipient PC and PDA/cell phone; (d) provide an indication on the display of the sender PC or PDA/cell phone of which recipient PCs and PDA/cell phones have acknowledged the forced message alert; (e) provide a manual response list on the display of the recipient PC and PDA/cell phone's display that can only be cleared by manually selecting and transmitting a  
20 response from the list or recording and transmitting a voice response after sending said automatic acknowledgment; and (f) provide an indication on the sender PC or PDA/cell phone

of the status the manual response and the content of the manual response from each recipient PCs and PDA/cell phones.

A communication network server can act as a forwarder for TCP/IP communications between any combination of PC users or PDA/cell phone users. The server can also act as a  
5 forwarder of data addressed from one participant to one or more addressed participants, thus permitting the transmission of forced text or voice messages, other messages, photographs, video, E-mail and URL data from one network participant to other selected network participants.

The above functions can also be accomplished using WiFi, WiMax or other peer to  
10 peer communications. However, for use with cellular communications and to assure the level of security that cell phone companies require, a centralized static IP routable server is used.

It is the object of this invention provide to a method in which by sending a forced text or voice message to a recipient or a group of recipients, a sender can compel an automatic acknowledgement of receipt from each recipient's PC or PDA/cell phone and require a manual  
15 response from the recipient via the recipient's cell phone before the message can be cleared.

In accordance with these and other objects which will become apparent hereinafter, the instant invention will now be described with particular reference to the accompanying drawings.

### BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1a shows a front elevational view of an integrated PDA/cell phone having a touch screen that includes forced message alert software described herein.

Figure 1b shows a flow chart that explains the device shown in Figure 1a.

5        Figure 2 shows the installation and set up of the forced message alert software on a communication network of cell phones, integrated PDA/cell phones, and PCs.

Figure 3A shows the first section of a flow chart showing a process of sending a forced message alert to one or more recipients as well as for ascertaining which recipients received the forced message alert and which recipients responded to the forced message alert.

10       Figure 3B shows the second section of a flow chart showing a process of sending a forced message alert to one or more recipients as well as for ascertaining which recipients received the forced message alert and which recipients responded to the forced message alert.

Figure 4 shows a flow chart showing a process of receiving a forced message alert as well as providing an acknowledgment of receipt and a response by the recipient.

15

PREFERRED EMBODIMENT OF THE INVENTION

A communication system and method that joins participants in a communications network using personal computers ("PC") and handheld cell phones having integrated  
5 personal digital assistant ("PDA/cell phone") with a forced message alert software application program that allows a participant to send a text or voice message to a group of people and force an automatic acknowledgment of receipt and a manual response.

Each PDA/cell phone described herein for the participant network has its own individual on/off power and can function just as any other cell phone. It can also function  
10 with its PDA. To operate on the network, obviously the PDA/cell phone power switch has to be on. If the PDA/cell phone is completely turned off, then it is not part of the participating network and cannot send or receive any forced message alerts. In addition to its own on and off power switch, it has the forced message alert software application program that is activated manually when preparing to send a text or voice message or is activated automatically when  
15 receiving a forced message alert from another PC or PDA/cell phone.

Each PC described herein is like any other contemporary PC, except that it has the forced message alert software application program installed on it. To operate on the network, obviously the PC must be on and have an active connection to the Internet or other digital transmission means. If the PC is completely turned off, then it is not part of the participating  
20 network and cannot send or receive any forced message alerts. The forced message alert software application program on the PC is activated manually when preparing to send a text or

voice message or is activated automatically when receiving a forced message alert from another PC or PDA/cell phone.

The communication system also includes a server that acts as a forwarder for IP communications between any combination of PDA/cell phone users and/or PC based users.

5 Network participant location, identity and status messages are sent to the server by each user. The users are the network participants. Network participant entered tracks are also sent to the server. Because this data is of interest to all the network participants, the server forwards the data received from one participant to all other participants, thus providing the information necessary for all network participants to know the identity, location and status of all other

10 network participants. In addition, the server keeps all of the network participants updated on information kept in its databases, such as all of the participants' telephone numbers, E-mail addresses and other information necessary to carry on the communications described herein.

The server also acts as a forwarder of data addressed from one participant to one or more addressed participants, thus permitting the transmission of forced message alerts, other

15 text and voice messages, photographs, video, E-mail and URL data from one network participant to other selected network participants.

The above functions can also be accomplished using WiFi, WiMax, or other peer to peer communications. However, for use with cellular communications and to assure the level of security that cell phone companies require, a centralized static IP routable server is used.

20 Referring now to the drawings and, in particular, Figure 1a and 1b, a small handheld cellular phone 10 is shown that includes a PDA integrated in housing 12 that includes an

on/off power switch 19, a microphone 38, and an LCD display 16 that is also a touch screen system. The small area 16a is the navigation bar that depicts the telephone, GPS and other status data and the active software. Each cell phone includes a CPU and databases that store information useful in the communication network. With the touch screen 16, data can be  
5 entered through the operator using a stylus 14 (or operator finger) by manipulatively directing the stylus 14 to literally touch display 16. Soft switches 16d displayed on the display 16 are likewise activated by using a stylus 14 and physically and manipulatively directing the stylus to literally touch display 16. The display x, y coordinates of the touched point are known by a CPU in the PDA section of the communication system in housing 12 that can coordinate  
10 various information contained in the PDA relative to the x, y coordinate position on the display 16. Inside housing 12 is contained the conventional cellular phone elements including a modem, a CPU for use with a PDA and associated circuitry connected to speaker 24 and microphone 38. Conventional PDA/cellular phones are currently on sale and sold as a unit that can be used for cellular telephone calls and sending cellular SMS and TCP/IP or other  
15 messages using the PDA's display 16 and CPU. The device 10 includes a pair of cellular phone hardware activating buttons 20 to turn the cellular phone on and 22 to turn the cellular phone off. Navigation pad actuator 18 is similar to a joy or force stick in that the actuator 18 manually provides movement commands that can be used by the PDA's software to move a cursor on display 16. Switches 26 and 28 are designed to quickly select an operator specified  
20 network software program. Speaker 24 and microphone 38 are used for audio messages.



Switch 19 at the top left of device 10 is the power on and power off switch for the entire device.

The heart of the invention lies in the forced message alert software application program provided in each PC or PDA/cell phone. The forced message alert software application program is activated through use of a screen drawn soft switch or by clicking on an icon on the PC or PDA/cell phone display screen or when a forced message alert transmission is received by another PC or PDA/cell phone. The display 16 is mounted within the housing 12 as part of the PDA and the CPU (not shown). The internal CPU includes databases and software application programs that provide for a geographical map and georeferenced entities that are shown as display portion 16b that includes as part of the display various areas of interest in the particular local map section.

When looking at display 16, the software switches (soft switches) which appear at the very bottom of the display 16d are used to control by touch many of the software driven functions of the PDA/cell phone. The soft switches are activated through the operator's use of the navigation pad 18, or a small track ball, force stick or similar hardware display cursor pointing device. Alternatively, the operator may choose to activate the software switches by touching the screen with a stylus 14 (or finger) at the switches' 16d locations. When some of the software switches are activated, different software switches appear. The bar display 16d shows the software switches "ZM IN (zoom in)," "ZM OT (zoom out)," "CENT (center)" and "GRAB (pan/grab)" at the bottom of the screen. These software switches enable the operator to perform these functions. The "SWITH (switch)" software switch at the lower right causes a

matrix of layered software switches (soft switches) to appear above the bottom row of switches. Through use of the software switches, the operator can also manipulate the geographical map 16b or chart display. When looking at Figure 1a, display symbols depict permanent geographical locations and buildings are shown. For example, the police station is shown and, when the symbol is touched by the stylus or finger, the latitude and longitude of the symbol's location, as shown in display section 16c, is displayed at the bottom left of the screen. The bottom right side of display 16c is a multifunction inset area that can contain a variety of information including: a) a list of the communication link participants; b) a list of received messages; c) a map, aerial photograph or satellite image with an indication of the zoom and offset location of the main map display, which is indicated by a square that depicts the area actually displayed in the main geographical screen 16b; d) applicable status information; and e) a list of the communication net participants. Each participant user would have a device 10 shown in Figure 1a and 1b.

Also shown on the display screen 16, specifically the geographical display 16b, is a pair of different looking symbols 30 and 34, a small triangle and a small square, which are not labeled. These symbols 30 and 34 can represent communication net participants having cellular phones in the displayed geographical area that are part of the overall cellular phone communications net, each participant having the same device 10 used. The latitude and longitude of symbol 30 is associated within a database with a specific cell phone number and, if available, its IP address and E-mail address. The screen display 16b, which is a touch screen, provides x and y coordinates of the screen 16b to the CPU's software from a map in a

geographical database. The software has an algorithm that relates the x and y coordinates to latitude and longitude and can access a communications net participant's symbol or a fixed or movable entity's symbol as being the one closest to that point.

In order to initiate a telephone call to the PDA/cell phone user (communication net  
5 participant) represented by symbol (triangle) 30 at a specific latitude and longitude displayed on chart 16b, the operator touches the triangle 30 symbol with the stylus 14. The operator then touches a "call" software switch from a matrix of displayed soft switches that would overlay the display area 16c. Immediately, the PDA/cell phone will initiate a cellular telephone call to the PDA/cell phone user at the geographical location shown that represents symbol 30. A  
10 second PDA/cell phone user (communication net participant) is represented by symbol 34 which is a small square (but could be any shape or icon) to represent an individual cellular phone device in the display area. The ring 32 around symbol 30 indicates that the symbol 30 has been touched and that a telephone call can be initiated by touching the soft switch that says "call." When this is done, the telephone call is initiated. Other types of symbolic elements on  
15 the display 16 can indicate that a cellular phone call is in effect. Additionally, the operator can touch both symbol 34 and symbol 30 and can activate a conference call between the two cellular phones and users represented by symbols 30 and 34. Again, a symbolic ring around symbol 34 indicates that a call has been initiated.

Equally important, an operator/user with a PDA/cell phone call the police station or  
20 any other specific geographical facility displayed on the cell display map, including: buildings, locations of people, vehicles, facilities, restaurants, and the like, whose PDA/cell phone

numbers and, if available, E-mail addresses, IP addresses and their URLs are previously stored in the database, by touching a specific facility location on the map display using the stylus 14 and then touching the cellular phone call switch. As an example, the operator/user can touch and point to call a restaurant using a soft switch by touching the restaurant location on the display with a stylus and then touching the call soft switch. The cellular phone will then call the restaurant. Thus, using the present invention, each participant can touch and point to call to one or more other net participants symbolically displayed on the map, each of whom has a device as shown in Figure 1a and can also point to call facilities and regular phone numbers that had been previously stored in the phone's database. Furthermore, this symbol hooking and soft switch technique can be used to go to a fixed facility's website or to automatically enter the fixed facility's E-mail address in an e-mail.

Each PDA/cell phone user device is identified on the map display of the other participants users' phone devices by a display symbol that is generated on each user phone display to indicate each user's identity. Each symbol is placed at the correct geographical location on the user display and is correlated with the map on the display. The operator of each PDA/cell phone device may also enter one or more other fixed entities (buildings, facilities, restaurants, police stations, etc.) and geo-referenced events such as fires, accidents, or other events into its database. This information can be likewise transmitted to all the other participants on the communications net. The map, fixed entities, events and PDA/cell phone device communication net participants' latitude and longitude information is related to the "x" and "y" location on the touch screen display map by a mathematical correlation algorithm.

When the PDA/cell phone device user uses a stylus or finger to touch one or more of the symbols or a location displayed on the cellular phone map display, the system's software causes the status and latitude and longitude information concerning that symbol or location to be displayed. In order to hook a symbol or "track" such as another net participant which represents an entity on the geo-referenced map display, or a fixed geographical entity such as a restaurant, police station or a new entity observed by a cell phone user which is discussed below, the operator points at or near the location of a geo-referenced symbol appearing on the PDA/cell phone display that represents a specific track or specific participant or other entity. The hook application software determines that the stylus is pointed close to or at the location of the symbol and puts a circle, square or other indication around the symbol indicating that amplification information concerning the symbol is to be displayed and indicating that additional data or change in data can be made to the indicated symbol. The hook application code then sends a message to the display application code to display the net participant, facility or entity's amplifying data. The display application code retrieves the primary data and amplification data concerning the symbol or entity from the database and displays the information at the correct screen location. The operator can then read the amplification data that relates to that specific symbol at the specific location. The PDA/cell phone operator can also select soft switches on the touch screen display to change the primary data and amplification data. Furthermore, the operator can use a similar method of hooking and selecting to activate particular soft switches to take other actions which could include: making cellular phone calls, conference calls, 800 number calls; sending a free text message, operator

selected preformatted messages, photographs or videos to the hooked symbol; or to drop a entered symbol.

Each known net participant has a PDA/cell phone number, IP address and, if available, E-mail address that is stored in each participant's device database.

5 Referring now to Figure 2, in order to set up a communication network that utilizes the forced message alert system, the forced message alert software application program must be installed on a plurality of PCs and/or PDA/cell phones. The application will provide for a forced alert message that can be designated for transmission according to several criteria: a.) A single PC and/or PDA/cell phone, b.) The list of users currently participating in the network,  
10 and c.) A user or administrator predefined list of network participants.

A required response list which will be either preinstalled in the phone application software or sent with the forced message alert will be presented to the user operator upon receipt of the forced message. When the forced text or voice alert is received, the user operator is presented with the required response list. In order to clear the forced text message alert from  
15 the user operator's PC or PDA/cell phone display, the user operator is required to select a reply from this list. If the alert is a voice message, the message keeps repeating at a defined rate until the user operator selects from the required response list. A military default response list would typically consist of choices such as, "will comply," will not comply," and "have complied." However, depending on the nature of the industry in which the users in the  
20 communication network are in, this default response list could vary significantly.

The contact and identifying information for each PC and PDA/cell phone that is anticipated to be a member of the communication network and the default response list is loaded on to every member PC and PDA/cell phone in the preferred embodiment. This step makes sure the each user of the communication network has, in addition to the necessary software, the necessary information to send a forced message alert to any and every known member of the communication network. When operating in an open network mode where all that know the password can join the network, the default list is created or expanded as new members join.

Referring now to Figure 3A and Figure 3B, the process of sending a forced message alert from a PC or PDA/cell phone begins with a sender selecting the forced message alert software application program on a sender PC or PDA/cell phone. The sender can then select by said sender PC or PDA/cell phone to type a text message or record a voice message or select the text alert or voice alert from a list. Once the sender types a text message or records a voice message or selects a voice or text message on said PC or PDA/cell phone, the sender can then use a soft switch or selection from a list to send the forced alert to: a.) Another network participant, b.) The current PC or PDA/cell phone network participants or c.) A user or administrator predefined list of network participants. The response list from which the message receiver must select can either be included in the forced alert message or be preloaded in each phone. The forced alert message is then transmitted via TCP/IP or other digital transmission means to every PC or PDA/cell phone designated to receive the forced

message alert either directly or through a server whose function is to retransmit the messages to the correct users in the communications network.

After the forced message alert is transmitted, the sender PC or PDA/cell phone monitors for and receives electronic transmissions with acknowledgments of receipt from the  
5 PCs or PDA/cell phones that have received the forced message alert. Then, the sender PC or PDA/cell phone provides an indication of which of the PC or PDA/cell phone that the forced message alert was sent to have acknowledged receipt and which of the PC or PDA/cell phone that the forced message alert was sent to have not acknowledged receipt on its display. The sender PC or PDA/cell phone will then periodically resend the forced message alert to the PC  
10 or PDA/cell phone that have not acknowledged receipt.

The sender PC or PDA/cell phone also monitors for and receives electronic transmissions with manual responses to the forced message alert from the PC or PDA/cell phone that received the message. As these electronic transmissions with manual responses are received, the sender PC or PDA/cell phone displays an indication of the response from each  
15 recipient cell phone, integrated PDA/cell phone and PC.

Referring now to Figure 4, the process of receiving, acknowledging and responding to a forced message alert from the sender PC or PDA/cell phone begins when an electronic transmission is received by a recipient PC or PDA/cell phone. When the electronic transmission is received by the recipient PC or PDA/cell phone, the recipient PC or PDA/cell  
20 phone identifies the transmission as a forced message alert and the forced message alert software application program on the recipient PC or PDA/cell phone separates the text or



voice message and the forced message alert software packet. Immediately following the detection of the forced message alert, the forced message alert software application program on the recipient PC or PDA/cell phone prepares and electronically transmits an automatic acknowledgement of receipt to the sender PC or PDA/cell phone. However, if the recipient PC  
5 or PDA/cell phone is powered off or is not able to receive electronic transmissions, the forced message alert is not received by the recipient PC or PDA/cell phone and no acknowledgment is transmitted. If no acknowledgement is received, the sender PC or PDA/cell phone continues to transmit the forced alert at a predefined rate until acknowledged.

After the acknowledgement of receipt is transmitted, the forced voice alert software  
10 application program effectively takes control of the recipient PC or PDA/cell phone. If a text message was received, the forced voice alert software application program causes the text message and the response list to be shown on the display of the recipient PC or PDA/cell phone until a manual response is selected from the response list. Upon selection of the desired response, the forced alert text data is cleared from the recipient PC or PDA/cell phone display.  
15 If a voice message was received, the forced voice alert software application program causes the voice message to be periodically repeated using the speakers of the recipient PC or PDA/cell phone while the response list is shown on the display. This voice message cannot be stopped from repeating until one of the entries on the response list is selected.

Once a response is selected or recorded and transmitted to the sender PC or PDA/cell  
20 phone, the forced message alert software application program releases effective control of the

recipient PC or PDA/cell phone, clears the display, and or stops repeating the voice message and transmits the response to the force alert sender.

The instant invention has been shown and described herein in what is considered to be the most practical and preferred embodiment. It is recognized, however, that departures may  
5 be made there from within the scope of the invention and that obvious modifications will occur to a person skilled in the art.

CLAIMS

What is claimed is:

1. A communication system for transmitting, receiving, confirming receipt, and responding to an electronic message, comprising:

5 a predetermined network of participants, wherein each participant has a similarly equipped PC or PDA/cell phone that includes a CPU and a touch screen display a CPU and memory;

a data transmission means that facilitates the transmission of electronic files between said PCs and said PDA/cell phones in different locations;

10 a sender PC or PDA/cell phone and at least one recipient PC or PDA/cell phone for each electronic message; and

a forced message alert software application program loaded on each participating PC or PDA/cell phone.

2. The system as in claim 1, wherein the forced message alert software application  
15 program on the sender PC or PDA/cell phone:

means for attaching a forced message alert software packet to a voice or text message creating a forced message alert that is transmitted by said sender PC or PDA/cell phone to the recipient PC or PDA/cell phone, wherein said forced message alert software packet contains a response list and requires the forced message alert software on said recipient PC or PDA/cell  
20 phone to transmit an automatic acknowledgment to the sender PC or PDA/cell phone as soon as said forced message alert is received by the recipient PC or PDA/cell phone;

means for receiving and displaying a listing of which recipient PCs or PDA/cell phones have automatically acknowledged the forced message alert and which recipient PCs or PDA/cell phones have not automatically acknowledged the forced message alert;

means for periodically resending said forced message alert to said recipient PCs  
5 or PDA/cell phones that have not automatically acknowledged the forced message alert; and

means for receiving and displaying a listing of which recipient PCs or PDA/cell phones have transmitted a manual response to said forced message alert and details the response from each recipient PC or PDA/cell phone that responded.

3. The system as in claim 1, wherein the forced message alert software application  
10 program on the recipient PC or PDA/cell phone:

means for transmitting the acknowledgment of receipt to said sender PC or PDA/cell phone immediately upon receiving a forced message alert from the sender PC or PDA/cell phone;

means for controlling of the recipient PC or PDA/cell phone upon transmitting  
15 said automatic acknowledgment and causes, in cases where the force message alert is a text message, the text message and a response list to be shown on the display of the recipient PC or PDA/cell phone or causes, in cases where the force message alert is a voice message, the voice message to be periodically repeated by the speakers of the recipient PC or PDA/cell phone while said response list is shown on the display;

means for allowing a manual response to be manually selected from the response list or manually recorded and transmits said manual response to the sender PC or PDA/cell phone; and

means for clearing the text message and a response list from the display of the  
5 recipient PC or PDA/cell phone or stops the repeating voice message and clears the response list from the display of the recipient PC or PDA/cell phone once the manual response is transmitted.

4. The system as in claim 1, wherein said data transmission means is TCP/IP or another communications protocol.

10 5. The system as in claim 1, wherein the response list that is transmitted within the forced message alert software packet is a default response list that is embedded in the forced message alert software application program.

6. The system as in claim 1, wherein the response list that is transmitted within the forced message alert software packet is a custom response list that is created at the time the  
15 specific forced message alert is created on the sender PC or PDA/cell phone.

7. A method of sending a forced message alert to one or more recipient PCs or PDA/cell phones within a predetermined communication network, wherein the receipt and response to said forced message alert by each intended recipient PC or PDA/cell phone is tracked, said method comprising the steps of:

20 accessing a forced message alert software application program on a sender PC or PDA/cell phone;

creating the forced message alert on said sender PC or PDA/cell phone by attaching a voice or text message to a forced message alert application software packet to said voice or text message;

designating one or more recipient PCs or PDA/cell phones in the  
5 communication network;

electronically transmitting the forced message alert to said recipient PCs or PDA/cell phones;

receiving automatic acknowledgements from the recipient PCs or PDA/cell phones that received the message and displaying a listing of which recipient PCs or PDA/cell  
10 phones have acknowledged receipt of the forced message alert and which recipient PCs or PDA/cell phones have not acknowledged receipt of the forced message alert;

periodically resending the forced message alert to the recipient PCs or PDA/cell phones that have not acknowledged receipt;

receiving responses to the forced message alert from the recipient PCs or  
15 PDA/cell phones and displaying the response from each recipient PC or PDA/cell phone; and

clearing the receiver's display screen or causing the repeating voice alert to cease upon selecting a response.

8. The method as in claim 7, wherein each PC or PDA/cell phone within a predetermined communication network is similarly equipped and has the forced message alert  
20 software application program loaded on it.

9. The method as in claim 7, wherein said forced message alert application software packet contains a response list, wherein said response list is a default list embedded in the forced message alert software application program.

10. The method as in claim 7, wherein said forced message alert application software packet contains a response list, wherein said response list is a custom response list that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone.

11. A method of receiving, acknowledging and responding to a forced message alert from a sender PC or PDA/cell phone to a recipient PC or PDA/cell phone, wherein the receipt, acknowledgment, and response to said forced message alert is forced by a forced message alert software application program, said method comprising the steps of:

receiving an electronically transmitted electronic message;

identifying said electronic message as a forced message alert, wherein said forced message alert consists of a voice or text message and a forced message alert application software packet, which triggers the activation of the forced message alert software application program within the recipient PC or PDA/cell phone;

transmitting an automatic acknowledgment of receipt to the sender PC or PDA/cell phone, which triggers the forced message alert software application program to take control of the recipient PC or PDA/cell phone and show the content of the text message and a response list on the display recipient PC or PDA/cell phone or to repeat audibly the content of

the voice message on the speakers of the recipient PC or PDA/cell phone and show the response list on the display recipient PC or PDA/cell phone; and

transmitting a selected response, whether said selected response is a chosen option from the response list, causing the forced message alert software to release control of  
5 the recipient PC or PDA/cell phone and stop showing the content of the text message and a response list on the display recipient PC or PDA/cell phone and or stop repeating the content of the voice message on the speakers of the recipient PC or PDA/cell phone;

displaying the response received from the PC or PDA cell phone that transmitted the response on the sender of the forced alert PC or PDA/cell phone; and

10 providing a list of the recipient PC or PDA/cell phones have automatically acknowledged receipt of a forced alert message and their response to the forced alert message.

12. The method as in claim 11, wherein each PC or PDA/cell phone within a predetermined communication network is similarly equipped and has the forced message alert software application program loaded on it.

15 13. The method as in claim 11, wherein said forced message alert application software packet contains a response list, wherein said response list is a default list embedded in the forced message alert software application program.

14. The method as in claim 11, wherein said forced message alert application software packet contains a response list, wherein said response list is a custom response list  
20 that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone.



ABSTRACT OF THE DISCLOSURE

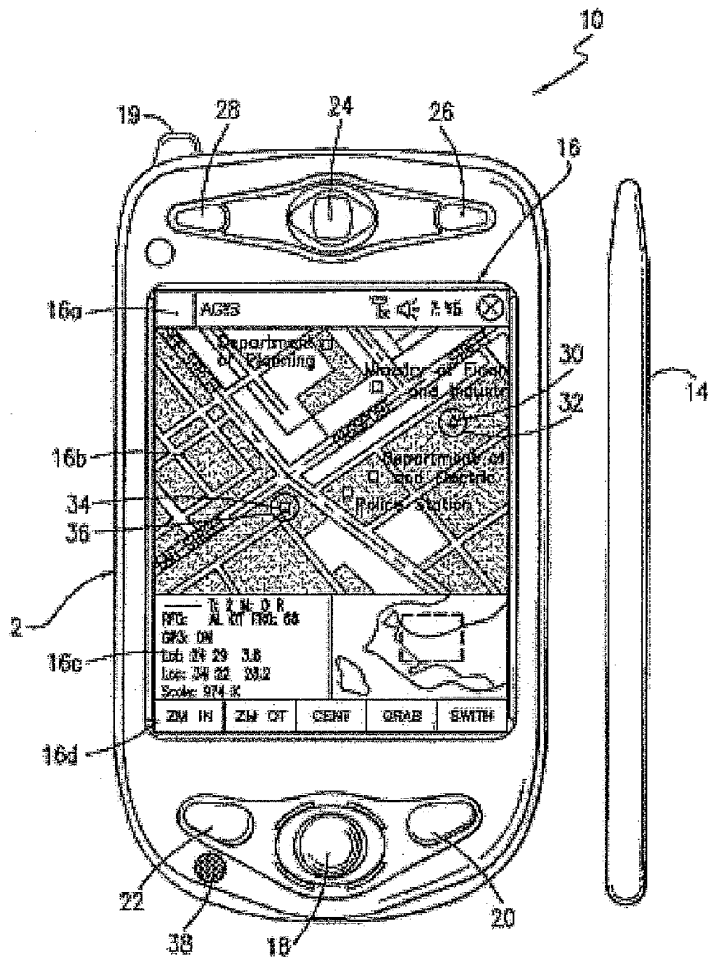
The system and method having a specialized software application on a personal computer or a PDA/cell phone that that enables a participant to force an automatic acknowledgement and a manual response to a text or voice message from other participants

5 within the same network. Each participant's PC or PDA/cell phone includes a force message alert software application program for both creating and processing these forced message alerts. The system and method enabled by the force message alert software application program provides the ability to (a) allow an operator to create and transmit a forced message alert from a sender PC or PDA/cell phone to one or more recipient PCs and PDA/cell phones

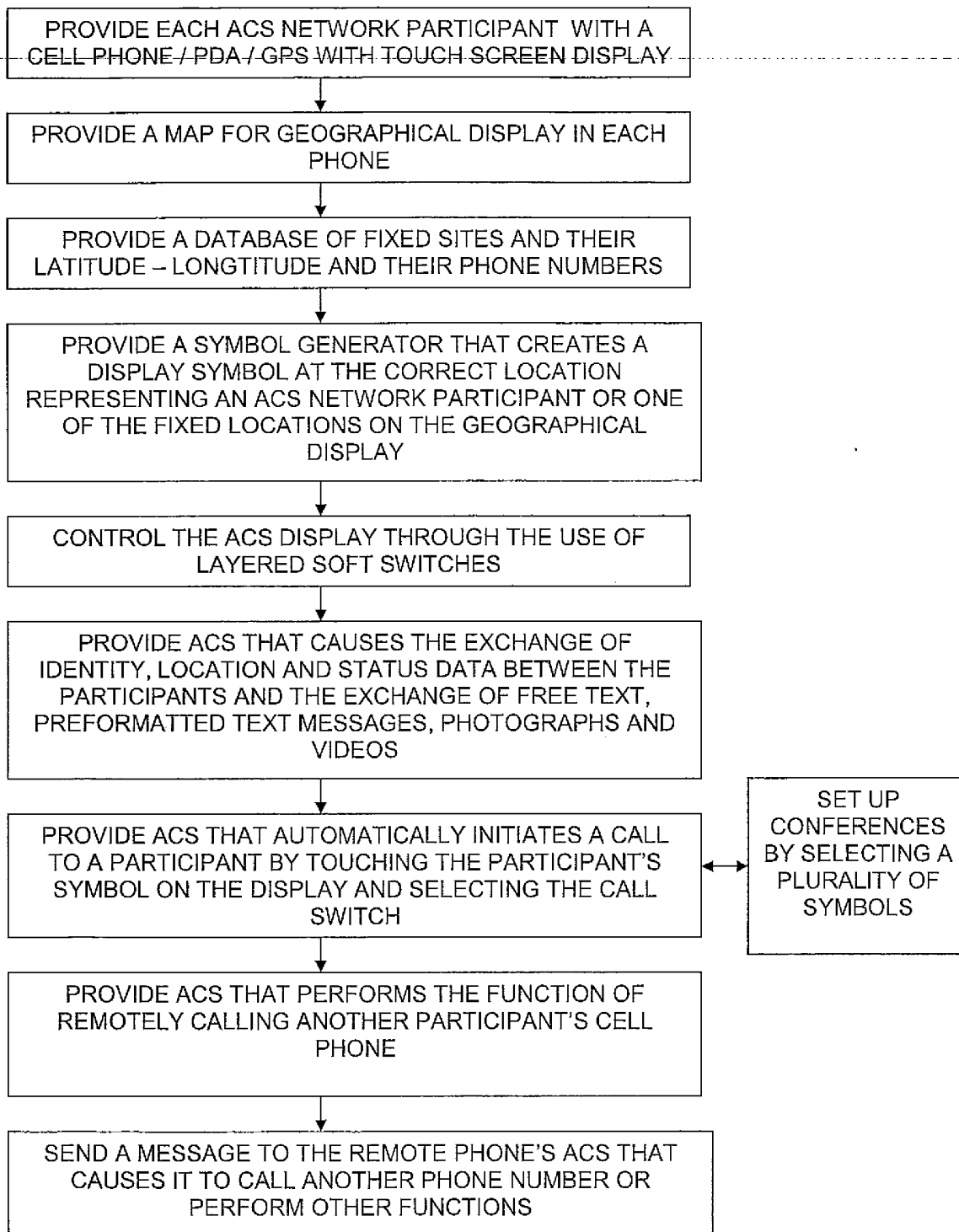
10 within the communication network; (b) automatically transmit an acknowledgement of receipt to the sender PC or PDA cell phone upon the receipt of the forced message alert; (c) periodically resend the message to the recipient PCs and PDA/cell phones that have not sent an acknowledgement; (d) provide an indication of which recipient PCs and PDA/cell phones have acknowledged the forced message alert; (e) provide a manual response list on the display

15 of the recipient PC and PDA/cell phone's display that can only be cleared by manually transmitting a response; and (f) provide an indication on the sender PC or PDA/cell phone of the status and content the manual responses

20 IA10000\10963\patents\3819.application with cap's comments.doc



**Fig 1a**



***Fig 1b***

Fig. 2

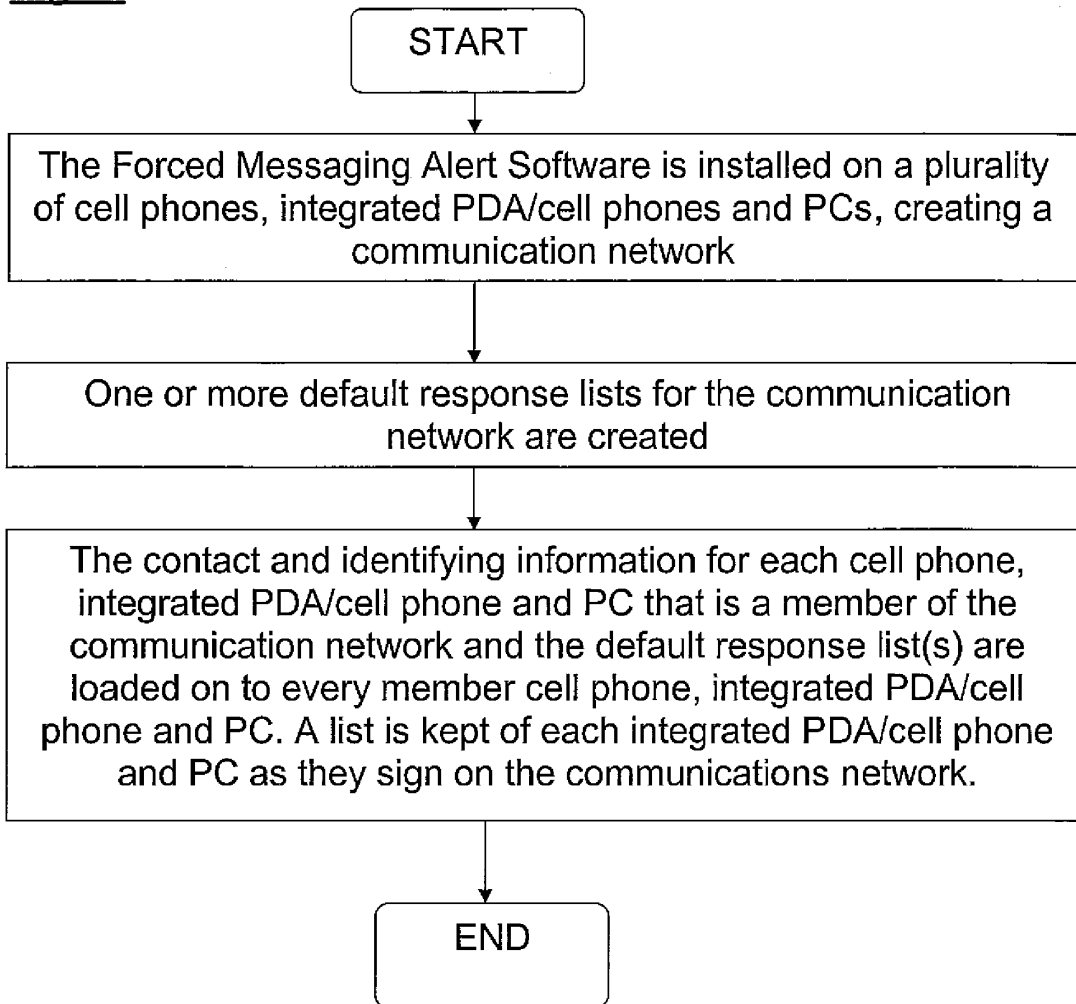


Fig. 3A

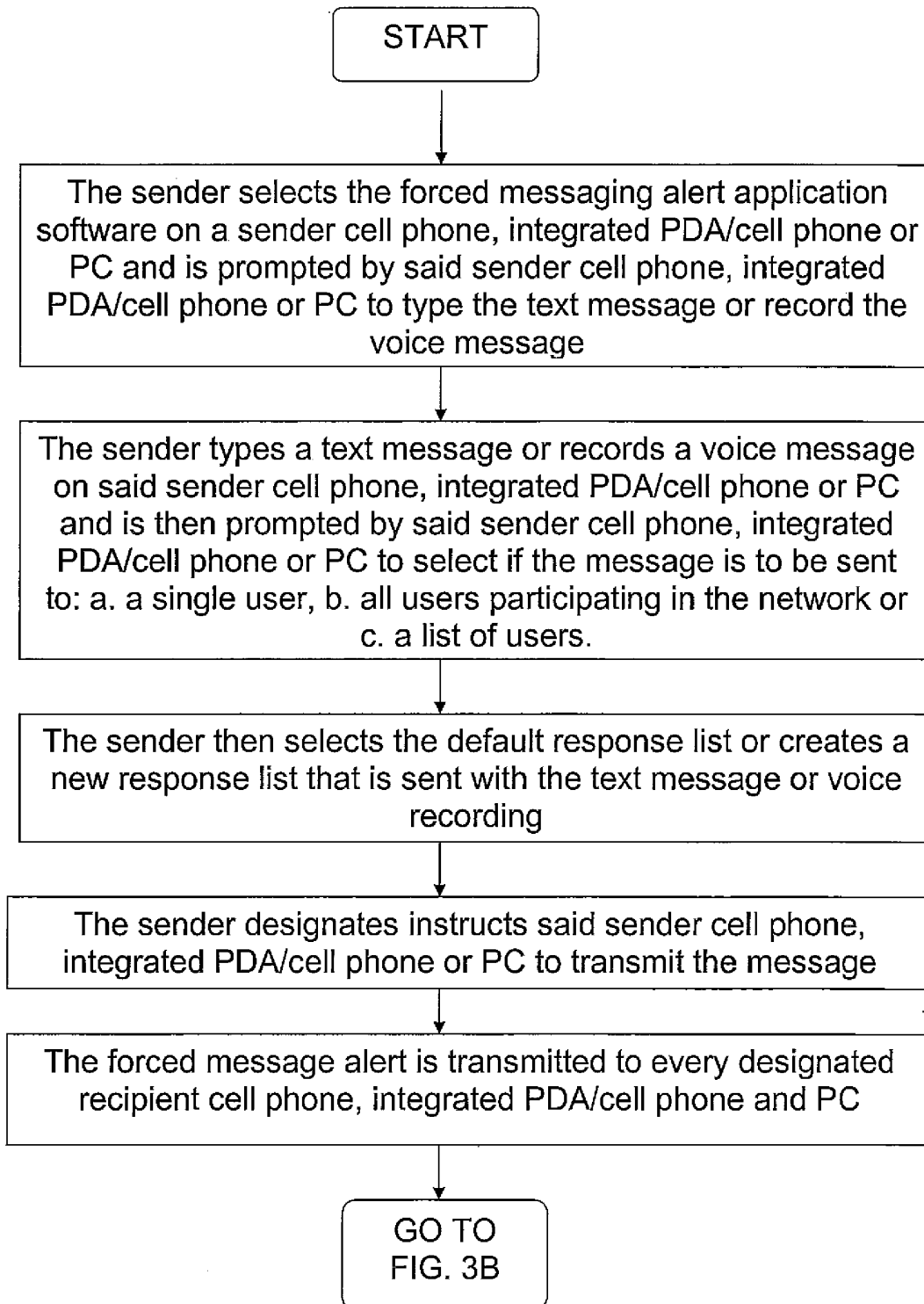


Fig. 3B

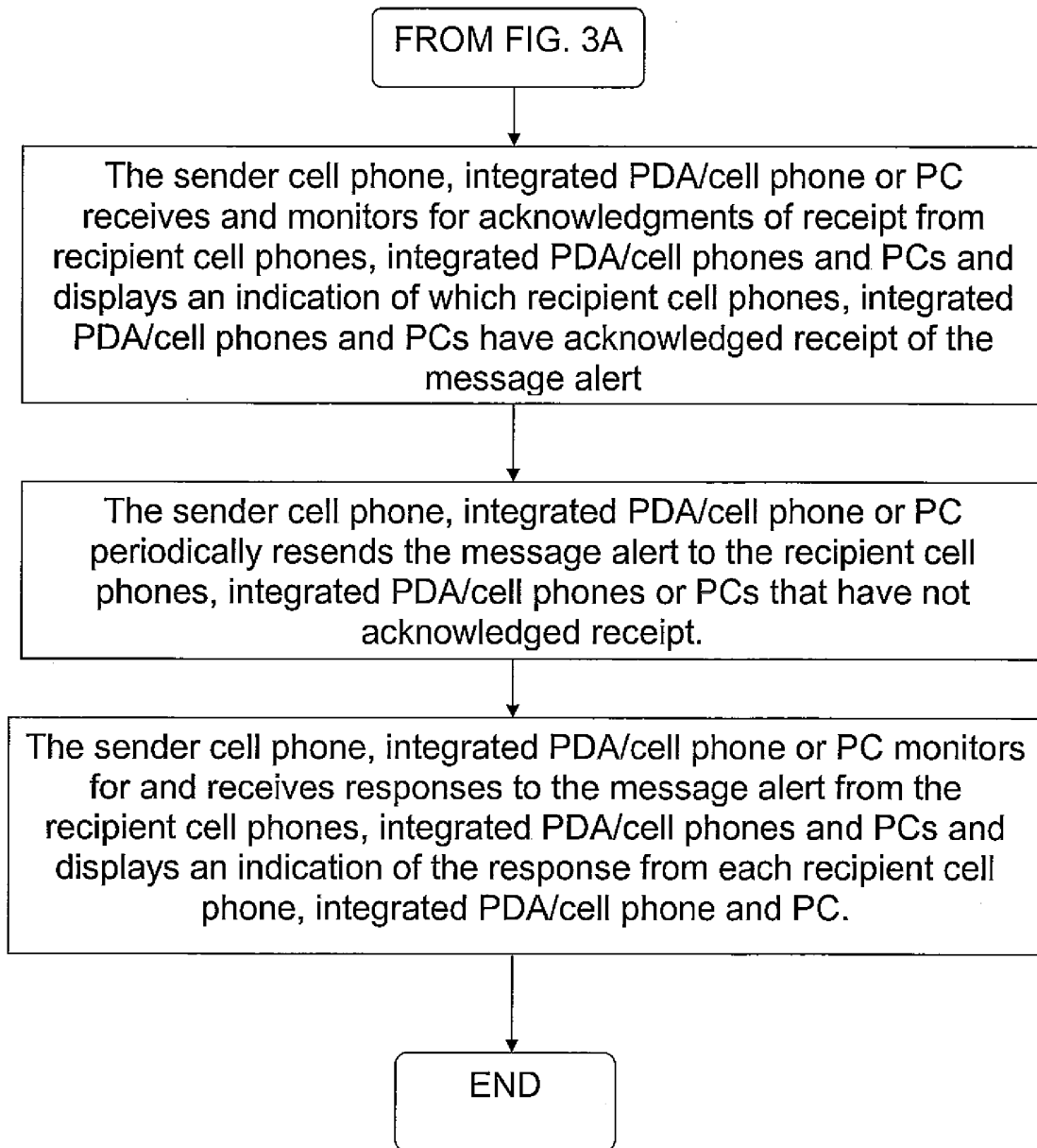
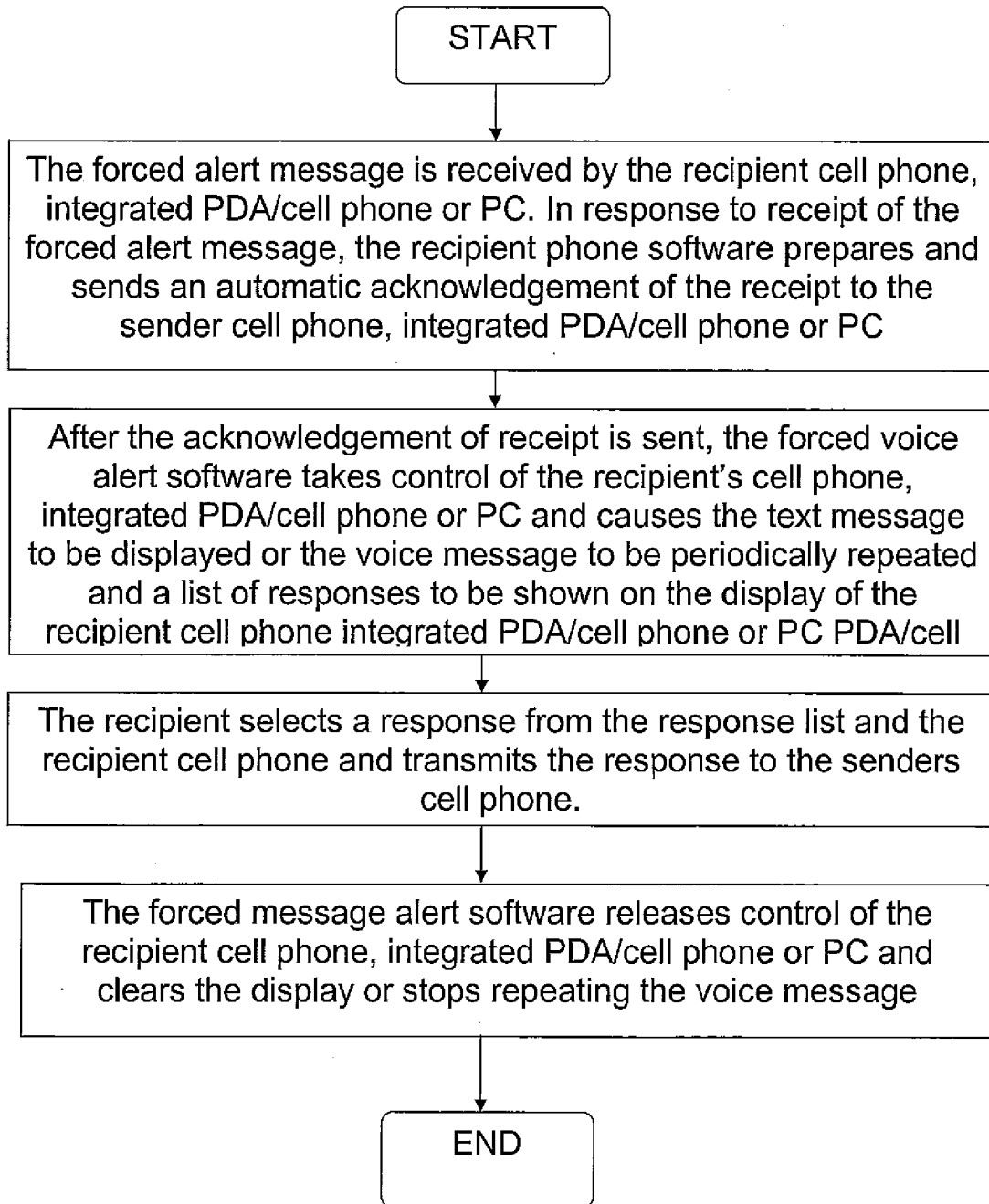


Fig. 4



**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**  
**(English Language Declaration)**

Our File No.: 10963.3819

As a below named inventor, I hereby declare that:

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

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS**, the specification of which (check one):

is attached hereto  
 was filed on \_\_\_\_\_ as Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

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

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability, as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>		<u>Priority Claimed</u>	
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year</u>	
			<u>Yes</u> <u>No</u>

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations 1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
11/612,830	December 19, 2006	
11/308,648	April 17, 2006	Pending
10/711,490	September 21, 2004	Issued (U.S. Patent No. 7,031,728)

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

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**POWER OF ATTORNEY**

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith along with any and all foreign applications filed and foreign patents issued therefrom.

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Second Inventor's Signature Date

Residence  
Post Office Address

F:\10893\fm\3819\declaration

Electronic Patent Application Fee Transmittal				
<b>Application Number:</b>				
<b>Filing Date:</b>				
<b>Title of Invention:</b>		METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS		
<b>First Named Inventor/Applicant Name:</b>		Malcom K. Beyer, Jr.		
<b>Filer:</b>		Barry Lee Haley		
<b>Attorney Docket Number:</b>		10963.3819		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>462</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	4362702
<b>Application Number:</b>	12324122
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9036
<b>Title of Invention:</b>	METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS
<b>First Named Inventor/Applicant Name:</b>	Malcom K. Beyer, Jr.
<b>Customer Number:</b>	22235
<b>Filer:</b>	Barry Lee Haley
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	10963.3819
<b>Receipt Date:</b>	26-NOV-2008
<b>Filing Date:</b>	
<b>Time Stamp:</b>	15:16:33
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$462
RAM confirmation Number	2080
Deposit Account	131130
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 1.21 (Miscellaneous fees and charges)	

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<b>Document Number</b>	<b>Document Description</b>	<b>File Name</b>	<b>File Size(Bytes)/ Message Digest</b>	<b>Multi Part /.zip</b>	<b>Pages (if appl.)</b>
1	Application Data Sheet	3819Ads.pdf	1685926 b27ff136d29b2f60bafbea36a6cba31fa7e4b541	no	4
<b>Warnings:</b>					
<b>Information:</b>					
2		3819application.pdf	866380 810f2429d9d42bb1d2ced1228c2d0bdfec7ca132	yes	33
	<b>Multipart Description/PDF files in .zip description</b>				
	<b>Document Description</b>		<b>Start</b>	<b>End</b>	
	Specification		1	18	
	Claims		19	24	
	Abstract		25	25	
	Drawings-only black and white line drawings		26	31	
	Oath or Declaration filed		32	33	
<b>Warnings:</b>					
<b>Information:</b>					
3	Fee Worksheet (PTO-06)	fee-info.pdf	33183 03dceb97e3360ef3a08a09a4506746fe7683d6f7	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			2585489		

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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.

Filing Date: 11/26/08

PTO/SB/06 (12-04)

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<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875	Application or Docket Number <b>12/324,122</b>
---	---

APPLICATION AS FILED – PART I			SMALL ENTITY		OTHER THAN SMALL ENTITY	
(Column 1) (Column 2) (Column 3)						
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	<b>82</b>	N/A	
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	<b>270</b>	N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	<b>110</b>	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	<b>14</b> minus 20 =		x\$26		x\$52	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	<b>3</b> minus 3 =		x\$110		x\$220	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			195		390	
			<b>TOTAL</b>	<b>462</b>	<b>TOTAL</b>	

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

APPLICATION AS AMENDED – PART II					SMALL ENTITY		OTHER THAN SMALL ENTITY		
(Column 1) (Column 2) (Column 3)									
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X	=	X	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X	=	X	=
	Application Size Fee (37 CFR 1.16(s))								
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		N/A	
					<b>TOTAL</b>		<b>TOTAL</b>		
					ADD'T FEE		ADD'T FEE		

APPLICATION AS AMENDED – PART II					SMALL ENTITY		OTHER THAN SMALL ENTITY		
(Column 1) (Column 2) (Column 3)									
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X	=	X	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X	=	X	=
	Application Size Fee (37 CFR 1.16(s))								
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		N/A	
					<b>TOTAL</b>		<b>TOTAL</b>		
					ADD'T FEE		ADD'T FEE		

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

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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



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Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/324,122, 11/26/2008, 2617, 462, 10963.3819, 14, 3

CONFIRMATION NO. 9036

22235
MALIN HALEY AND DIMAGGIO, PA
1936 S ANDREWS AVENUE
FORT LAUDERDALE, FL 33316

FILING RECEIPT



Date Mailed: 12/10/2008

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

Applicant(s)

Malcolm K. Beyer JR., Jupiter Inlet Colony, FL;

Power of Attorney:

Barry Haley--25339
Dale Di Maggio--31823
David Lhota--39275
Mark Bowen--39914

Domestic Priority data as claimed by applicant

This application is a CIP of 11/612,830 12/19/2006
which is a CIP of 11/308,648 04/17/2006
which is a CIP of 10/711,490 09/21/2004 PAT 7,031,728

Foreign Applications

If Required, Foreign Filing License Granted: 12/08/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/324,122

Projected Publication Date: 03/19/2009

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*



**Title**

METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS

**Preliminary Class**

455

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

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

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

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

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

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

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

page 2 of 3

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

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

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**NOT GRANTED**

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/324,122	11/26/2008	Malcolm K. Beyer JR.	10963.3819

**CONFIRMATION NO. 9036**

22235  
MALIN HALEY AND DIMAGGIO, PA  
1936 S ANDREWS AVENUE  
FORT LAUDERDALE, FL 33316

**NOTICE**



Date Mailed: 12/10/2008

**NOTICE OF INFORMAL APPLICATION**

This application is considered to be informal since it does not comply with the regulations for the reason(s) indicated below. The period within to correct the informalities noted below and avoid abandonment is set in the accompanying Office action.

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Early Pre-grant Publication has been requested, however the early Pre-GRANT Publication Fee of **\$300** as required by 37 CFR 1.18(d) has not been paid. The application will be published as per the normal publication schedule.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		12324122	
	Filing Date		2008-11-26	
	First Named Inventor	Malcolm K. Beyer JR.		
	Art Unit			
	Examiner Name			
	Attorney Docket Number		10963.3819	

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Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	7031728		2006-04-18	Beyer, Jr.		

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Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	20080076410		2008-03-27	Beyer		
	2	20060199612		2006-09-07	Beyer, JR. et al.		

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	1							<input type="checkbox"/>

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12324122
	Filing Date	2008-11-26
	First Named Inventor	Malcolm K. Beyer JR.
	Art Unit	
	Examiner Name	
	Attorney Docket Number	10963.3819

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

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**EXAMINER SIGNATURE**

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

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

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

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12324122
	Filing Date	2008-11-26
	First Named Inventor	Malcolm K. Beyer JR.
	Art Unit	
	Examiner Name	
	Attorney Docket Number	10963.3819

**CERTIFICATION STATEMENT**

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

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

**OR**

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

See attached certification statement.

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

None

**SIGNATURE**

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

Signature	/barry l haley/	Date (YYYY-MM-DD)	2009-02-19
Name/Print	Barry L. Haley	Registration Number	25,339

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## Privacy Act Statement

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

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

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

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	4820668
<b>Application Number:</b>	12324122
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9036
<b>Title of Invention:</b>	METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS
<b>First Named Inventor/Applicant Name:</b>	Malcolm K. Beyer
<b>Customer Number:</b>	22235
<b>Filer:</b>	Barry Lee Haley
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	10963.3819
<b>Receipt Date:</b>	19-FEB-2009
<b>Filing Date:</b>	26-NOV-2008
<b>Time Stamp:</b>	13:24:27
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed (SB/08)	3819lds.pdf	863891 <small>a0fab4ae304cfdaddb53502e4153941577 c7fdb</small>	no	4

### Warnings:

### Information:



This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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Table with 4 columns: APPLICATION NUMBER (12/324,122), FILING OR 371(C) DATE (11/26/2008), FIRST NAMED APPLICANT (Malcolm K. Beyer JR.), ATTY. DOCKET NO./TITLE (10963.3819)

CONFIRMATION NO. 9036

PUBLICATION NOTICE

22235
MALIN HALEY AND DIMAGGIO, PA
1936 S ANDREWS AVENUE
FORT LAUDERDALE, FL 33316



Title:METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS

Publication No.US-2009-0075685-A1

Publication Date:03/19/2009

NOTICE OF PUBLICATION OF APPLICATION

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

The publication may be accessed through the USPTO's publicly available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

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

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

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

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



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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE. Includes application details for Malcolm K. Beyer JR. and examiner LEBASSI, AMANUEL.

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@mhdpatents.com

<b>Office Action Summary</b>	<b>Application No.</b> 12/324,122	<b>Applicant(s)</b> BEYER, MALCOLM K.	
	<b>Examiner</b> AMANUEL LEBASSI	<b>Art Unit</b> 2617	

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

**Period for Reply**

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

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

**Status**

- 1)  Responsive to communication(s) filed on 26 November 2008.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-14 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 26 November 2008 is/are: a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

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

**Attachment(s)**

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

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

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

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(e) as being unpatentable by Keating et al. US 20040082352.

Regarding claim 1, Keating discloses A communication system for transmitting, receiving, confirming receipt, and responding to an electronic message (**see abstract - selecting a group of mobile stations to participate in the wireless group call and causing an invitation message to be transmitted to the group of mobile stations**). Keating discloses a predetermined network of participants, wherein each participant has a similarly equipped PC or PDA/cell phone that includes a CPU and a touch screen display a CPU and memory (**paragraph [0016] where participants are mobile stations such as 16a and 16b and so on**). Keating discloses a data transmission means that facilitates the transmission of electronic files between said PCs and said PDA/cell phones in different locations (**paragraph [0020] where wireless data controller controls transmission of data therefore a data transmission means that facilitates the transmission of electronic files**). Keating discloses a sender PC or PDA/cell phone and at least one recipient PC or

PDA/cell phone for each electronic message (**paragraph [0022] where a group call originator, or leader, initiates set-up of a group call through his or her mobile station y choosing or selecting a group call participant list therefore a sender PC or PDA/cell phone and at least one recipient PC or PDA).**

Keating discloses a forced message alert software application program loaded on each participating PC or PDA/cell phone (**paragraph [0025] where an alert message is queued in the mobile stations therefore a message alert software application program).**

Regarding claim 4, Keating discloses wherein said data transmission means is TCP/IP or another communications protocol (paragraph [0020] - **Internet Protocol (IP)).**

Regarding claim 6, Keating discloses wherein the response list that is transmitted Within the forced message alert software packet is a custom response list that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone (**see Fig. 2).**

***Claim Rejections - 35 USC § 103***

1. 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 negated by the manner in which the invention was made.

2. Claim 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keating et al. US 20040082352 in view of Esler et al. US 20050241026.

Regarding claim 2, the combination of above discloses wherein the forced message alert software application program on the sender PC or PDA/cell phone :means for attaching a forced message alert software packet to a voice or text message creating a forced message alert that is transmitted by said sender PC or PDA/cell phone to the recipient PC or PDA/cell phone, wherein said forced message alert software packet contains a response list and requires the forced message alert software on said recipient PC or PDA/cell phone to transmit an automatic acknowledgment to the sender PC or PDA/cell phone as soon as said forced message alert is received by the recipient PC or PDA/cell phone; means for receiving and displaying a listing of which recipient PCs or PDA/cell phones have automatically acknowledged the forced message alert and which recipient PCs or PDA/cell phones have not automatically acknowledged the

forced message alert; means for periodically resending said forced message alert to said recipient PCs or PDA/cell phones that have not automatically acknowledged the forced message alert; and means for receiving and displaying a listing of which recipient PCs or PDA/cell phones have transmitted a manual response to said forced message alert and details the response from each recipient PC or PDA/cell phone that responded (see above).

Regarding claim 3, Keating modified by Esler discloses wherein the forced message alert software application program on the recipient PC or PDA/cell phone: means for transmitting the acknowledgment of receipt to said sender PC or PDA/cell phone immediately upon receiving a forced message alert from the sender PC or PDA/cell phone (**paragraph [0027] where Keating discloses where a message is sent to inform the mobile stations that the group call is set to begin**). Keating modified by Esler discloses means for controlling of the recipient PC or PDA/cell phone upon transmitting said automatic acknowledgment and causes, in cases where the force message alert is a text message, the text message and a response list to be shown on the display of the recipient PC or PDA/cell phone or causes, in cases where the force message alert is a voice message, the voice message to be periodically repeated by the speakers of the recipient PC or PDA/cell phone while said response list is shown on the display (**paragraph [0027] where the message is displayed on the participating mobile phones**). Keating modified by Esler discloses means for



allowing a manual response to be manually selected from the response list or manually recorded and transmits said manual response to the sender PC or PDA/cell phone (**paragraph [0027]**) and means for clearing the text message and a response list from the display of the recipient PC or PDA/cell phone or stops the repeating voice message and clears the response list from the display of the recipient PC or PDA/cell phone once the manual response is transmitted (**paragraph [0028] where the message is cleared**).

Regarding claim 5, Keating modified by Esler discloses wherein the response list that is transmitted within the forced message alert software packet is a default response list that is embedded in the forced message alert software application program (**paragraph [0027]**).

3. Claim 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keating et al. US 20040082352 in view of Dalton et al. US 20040192365.

Regarding claim 7, Keating discloses a method of sending a forced message alert to one or more recipient PCs or PDA/cell phones within a predetermined communication network, wherein the receipt and response to said forced message alert by each intended recipient PC or PDA/cell phone is tracked, said method comprising the steps of: accessing a forced message alert software application program on a sender PC or PDA/cell phone (**paragraph**

**[0025] where an alert message is queued in the mobile stations therefore a forced message alert software application program ).** Keating discloses creating the forced message alert on said sender PC or PDA/cell phone by attaching a voice or text message to a forced message alert application software packet to said voice or text message **(paragraph [0022]).** Keating discloses designating one or more recipient PCs or PDA/cell phones in the communication network **(paragraph [0022] where a group call originator, or leader, initiates set-up of a group call through his or her mobile station y choosing or selecting a group call participant list).** Keating discloses electronically transmitting the forced message alert to said recipient PCs or PDA/cell phones **(paragraph [0022]).** Keating discloses receiving automatic acknowledgements from the recipient PCs or PDA/cell phones that received the message and displaying a listing of which recipient PCs or PDA/cell phones have acknowledged receipt of the forced message alert and which recipient PCs or PDA/cell phones have not acknowledged receipt of the forced message alert **(see Fig. 2 - steps 42 and 43 where acknowledgements are received from the recipient mobile phones).** Keating discloses periodically resending the forced message alert to the recipient PCs or PDA/cell phones that have not acknowledged receipt **(see Fig. 2).** Keating discloses receiving responses to the forced message alert from the recipient PCs or PDA/cell phones and displaying the response from each recipient PC or PDA/cell phone and clearing

the receiver's display screen or causing the repeating voice alert to cease upon selecting a response (**paragraph [0028] where the message is cleared**).

Keating is silent responses to the forced message alert from the recipient PCs or PDA/cell phones and displaying the response from each recipient PC or PDA/cell phone and clearing the receiver's display screen or causing the repeating voice alert to cease upon selecting a response. However, Dalton teaches responses to the forced message alert from the recipient PCs or PDA/cell phones and displaying the response from each recipient PC or PDA/cell phone and clearing the receiver's display screen or causing the repeating voice alert to cease upon selecting a response (**paragraph [0014] where each active mobile device responds to the predetermined message and performs a specific function related to the predetermined message**).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the invention of Keating with that of Dalton, thereby **integrating plurality of mobile devices as taught by Dalton (paragraph [0001])**.

Regarding claim 8, Keating discloses herein each PC or PDA]cell phone within a predetermined communication network is similarly equipped and has the forced message alert software application program loaded on it (**paragraph [0016] where participants are mobile stations such as 16a and 16b and so on which are similarly equipped**).

Regarding claim 9, Keating modified by Dalton discloses wherein said forced message alert application software packet contains a response list, wherein said response list is a default list embedded in the forced message alert software application program (**paragraph [0027]**).

Regarding claim 10, Keating discloses wherein said forced message alert application software packet contains a response list, wherein said response list is a custom response list that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone (**paragraph [0027]**).

Regarding claim 11, Keating discloses a method of receiving, acknowledging and responding to a forced message alert from a sender PC or PDA/cell phone to a recipient PC or PDA/cell phone, wherein the receipt, acknowledgment, and response to said forced message alert is forced by a forced message alert software application program (**paragraph [0027] where Keating discloses where a message is sent to inform the mobile stations that the group call is set to begin**), said method comprising the steps of: receiving an electronically transmitted electronic message (**Fig. 2 step 34 where message is received after being transmitted**). Keating discloses identifying said electronic message as a forced message alert, wherein said forced message alert consists of a voice or text message and a forced message alert

application software packet, which triggers the activation of the forced message alert software application program within the recipient PC or PDA/cell phone (abstract where **an invitation message to be transmitted to the group of mobile stations**). Keating discloses transmitting an automatic acknowledgment of receipt to the sender PC or PDA/cell phone, which triggers the forced message alert software application program to take control of the recipient PC or PDA/cell phone and show the content of the text message and a response list on the display recipient PC or PDA/cell phone or to repeat audibly the content of the voice message on the speakers of the recipient PC or PDA/cell phone and show the response list on the display recipient PC or PDA/cell phone (**see Fig. 2 - steps 42 and 43 where acknowledgements are received from the recipient mobile phones**) and transmitting a selected response, whether said selected response is a chosen option from the response list, causing the forced message alert software to release control of the recipient PC or PDA/cell phone and stop showing the content of the text message and a response list on the display recipient PC or PDA/cell phone and or stop repeating the content of the voice message on the speakers of the recipient PC or PDA/cell phone (**paragraph [0028] where a message is responded**). Keating discloses displaying the response received from the PC or PDA cell phone that transmitted the response on the sender of the forced alert PC or PDA/cell phone (**see Fig. 2 step 36 where list of responsive participants is displayed upon request**) and providing a list of the recipient PC or PDA/cell phones have automatically

acknowledged receipt of a forced alert message (**see Fig. 2 step 43 where group members allow communication therefore automatically acknowledged receipt of a forced alert message**).

Keating is silent their response to the forced alert message. . However, Dalton teaches responses to the forced message alert (**paragraph [0014] where each active mobile device responds to the predetermined message and performs a specific function related to the predetermined message**).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the invention of Keating with that of Dalton, thereby **integrating plurality of mobile devices as taught by Dalton (paragraph [0001])**.

Regarding claim 12, Keating discloses wherein each PC or PDA/cell phone within a predetermined communication network is similarly equipped and has the forced message alert software application program loaded on it (**paragraph [0016] where participants are mobile stations such as 16a and 16b and so on**).

Regarding claim 13, Keating discloses wherein said forced message alert application software packet contains a response list, wherein said response list is a default list embedded in the forced message alert software application program

**(paragraph [0027] where the message is displayed on the participating mobile phones).**

Regarding claim 14, Keating discloses wherein said forced message alert application software packet contains a response list, wherein said response list is a custom response list that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone **(see Fig. 2)**.

### ***Conclusion***

1. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amanuel Lebassi, whose telephone number is (571) 270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Application/Control Number: 12/324,122

Page 13

Art Unit: 2617

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Amanuel Lebassi*

/A. L/

09092010

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617



<b>Notice of References Cited</b>	Application/Control No. 12/324,122	Applicant(s)/Patent Under Reexamination BEYER, MALCOLM K.	
	Examiner AMANUEL LEBASSI	Art Unit 2617	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-2004/0082352	04-2004	Keating et al.	455/519
*	B US-2005/0241026	10-2005	Esler et al.	D24/100
*	C US-2004/0192365	09-2004	Dalton et al.	455/517
	D US-			
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			

**FOREIGN PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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	O				
	P				
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**NON-PATENT DOCUMENTS**

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

Receipt date: 02/19/2009

12324122 - GAIL: 2617

Doc code: IDS

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Doc description: Information Disclosure Statement (IDS) Filed

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

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number	12324122
	Filing Date	2008-11-26
	First Named Inventor	Malcolm K. Beyer JR.
	Art Unit	
	Examiner Name	
	Attorney Docket Number	10963.3819

U.S. PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	7031728		2006-04-18	Beyer, Jr.		

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Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	20080076410		2008-03-27	Beyer		
	2	20060199612		2006-09-07	Beyer, JR. et al.		

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	Filing Date		2008-11-26		
	First Named Inventor	Malcolm K. Beyer JR.			
	Art Unit				
	Examiner Name				
	Attorney Docket Number		10963.3819		

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>5</sup>
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Examiner Signature	/Amanuel Lebassi/	Date Considered	09/09/2010
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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

## EAST Search History

## EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	9425	(alert) with (participat \$3 ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2010/09/09 17:09
L2	9425	(message alert software) and L1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2010/09/09 17:09
L3	9425	(message alert software) and L1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2010/09/09 17:17
L4	1	(message alert software) and L1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:17
L5	192	(message near2 software) and L1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:17
L6	26	(alert software) and L1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:17
L7	26	L6	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:18

L8	5	(alert) with (participat \$3 ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	NEAR	ON	2010/09/09 17:19
L9	1	(message near2 software) and L8	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:19
L10	5	(alert\$3) with (participat \$3 ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	NEAR	ON	2010/09/09 17:22
L11	0	(buzz\$3) with (participat \$3 ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	NEAR	ON	2010/09/09 17:22
L12	0	(message alert software) same mobiles	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:25
L13	1	(message alert software) with ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:26
L14	1	(message alert software) same((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:27

L15	1	(message alert software) and ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:27
L16	3756	(message near2 software) and ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:27
L17	659	(message near2 software) same((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:27
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L20	1	forced message alert software application	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:32
L21	1	message alert software application	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:32

L22	14	message alert application	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2010/09/09 17:33
S1	1	12/324,122	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2010/09/08 19:27
S2	12	(Malcolm near3 Beyer). in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2010/09/09 11:02
S3	2	11/612,830	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2010/09/09 11:03
S4	1	12/324,122	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2010/09/09 11:03
S5	1	S2 and forced alert	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2010/09/09 11:25
S6	5	S2 and alert	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2010/09/09 11:25
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S10	0	S9 same participants	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2010/09/09 12:04
S11	55	S9 same participants	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2010/09/09 12:04
S12	29	S9 with participants	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2010/09/09 12:04
S13	9425	(alert) with (participat \$3 ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2010/09/09 12:25
S14	75	S13 with participants	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2010/09/09 12:26
S15	9425	(alert) with (participat \$3 ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2010/09/09 14:55
S16	75	S15 with participants	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2010/09/09 14:55
S17	75	S16	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2010/09/09 14:55



S18	21	S17 and "455"/\$.cls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	ON	2010/09/09 14:55
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<b>Index of Claims</b> 	<b>Application/Control No.</b> 12324122	<b>Applicant(s)/Patent Under Reexamination</b> BEYER, MALCOLM K.
	<b>Examiner</b> AMANUEL LEBASSI	<b>Art Unit</b> 2617

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

Claims renumbered in the same order as presented by applicant
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CLAIM		DATE							
Final	Original	09/09/2010							
	1	✓							
	2	✓							
	3	✓							
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	8	✓							
	9	✓							
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	11	✓							
	12	✓							
	13	✓							
	14	✓							

<b>Search Notes</b>  	<b>Application/Control No.</b>  12324122	<b>Applicant(s)/Patent Under Reexamination</b>  BEYER, MALCOLM K.
	<b>Examiner</b>  AMANUEL LEBASSI	<b>Art Unit</b>  2617

<b>SEARCHED</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>
455	41.1, 416, 518, 519	9/9/2010	AL

<b>SEARCH NOTES</b>		
<b>Search Notes</b>	<b>Date</b>	<b>Examiner</b>
Inventor Search	9/9/2010	AL

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

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SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.	
12/324,122	11/26/2008	455	2617	10963.3819	
<b>APPLICANTS</b> Malcolm K. Beyer JR., Jupiter Inlet Colony, FL;					
<b>** CONTINUING DATA *****</b> This application is a CIP of 11/612,830 12/19/2006 which is a CIP of 11/308,648 04/17/2006 PAT 7,630,724 which is a CIP of 10/711,490 09/21/2004 PAT 7,031,728					
<b>** FOREIGN APPLICATIONS *****</b>					
<b>** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY **</b> 12/08/2008					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input type="checkbox"/> No Verified and Acknowledged <u>/AMANUEL LEBASSI/</u> <small>Examiner's Signature</small>	<input type="checkbox"/> Met after Allowance <small>Initials</small>	<b>STATE OR COUNTRY</b> FL	<b>SHEETS DRAWINGS</b> 6	<b>TOTAL CLAIMS</b> 14	<b>INDEPENDENT CLAIMS</b> 3
<b>ADDRESS</b> MALIN HALEY DIMAGGIO BOWEN & LHOTA, P.A. 1936 S ANDREWS AVENUE FORT LAUDERDALE, FL 33316 UNITED STATES					
<b>TITLE</b> METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS					
<b>FILING FEE RECEIVED</b> 462	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

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

In re application of: Malcolm K. Beyer, Jr.	)	
	)	
Serial No.: 12/324,122	)	Confirmation No: 9036
	)	
Filed: November 26, 2008	)	Group Art Unit: 2617
	)	
Entitled: METHOD OF UTILIZING	)	Examiner: LEBASSI, Amanuel
FORCED ALERTS FOR	)	
INTERACTIVE REMOTE	)	
COMMUNICATIONS	)	
_____	)	

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

December 17, 2010

*Filed Electronically*

**RESPONSE AND AMENDMENT**

Dear Sir:

In response to the Office Action dated September 20, 2010, please amend the above referenced patent application as follows and consider the remarks below. This Response is believed to be timely. However, in the event that any further extension of time is required, please consider this a request therefor. The Commissioner is authorized to charge any additional fees due or credit any overpayment to Deposit Account 13-1130.

Please amend the claims as shown on pages 2-7.

Remarks begin on page 8.

### CLAIM AMENDMENTS

Please amend the claims (~~striketrough~~ indicating deletion and underline indicating insertion) as follows:

1. (Cancelled)

2. (Currently Amended) A communication system for transmitting, receiving, confirming receipt, and responding to an electronic message, comprising:

a predetermined network of participants, wherein each participant has a similarly equipped PC or PDA/cell phone that includes a CPU and a touch screen display a CPU and memory;

a data transmission means that facilitates the transmission of electronic files between said PCs and said PDA/cell phones in different locations;

a sender PC or PDA/cell phone and at least one recipient PC or PDA/cell phone for each electronic message; and

a forced message alert software application program loaded on each participating PC or PDA/cell phone [.] ;

~~The system as in claim 1, wherein the forced message alert software application program on the sender PC or PDA/cell phone:~~

means for attaching a forced message alert software packet to a voice or text message creating a forced message alert that is transmitted by said sender PC or PDA/cell phone to the recipient PC or PDA/cell phone, ~~wherein~~ said forced message alert software packet ~~contains~~ containing a response list and ~~requires~~ requiring the forced message alert software on said recipient PC or PDA/cell phone to transmit an automatic acknowledgment to the sender PC or

PDA/cell phone as soon as said forced message alert is received by the recipient PC or PDA/cell phone;

means for receiving and displaying a listing of which recipient PCs or PDA/cell phones have automatically acknowledged the forced message ~~alert~~ alert and which recipient PCs or PDA/cell phones have not automatically acknowledged the forced message alert;

means for periodically resending said forced message alert to said recipient PCs or PDA/cell phones that have not automatically acknowledged the forced message alert; and

means for receiving and displaying a listing of which recipient PCs or PDA/cell phones have transmitted a manual response to said forced message alert and details the response from each recipient PC or PDA/cell phone that responded.

3. (Currently Amended) The system as in claim ~~1~~ 2 , wherein the forced message alert software application program on the recipient PC or PDA/cell phone includes:

means for transmitting the acknowledgment of receipt to said sender PC or PDA/cell phone immediately upon receiving a forced message alert from the sender PC or PDA/cell phone;

means for controlling of the recipient PC or PDA/cell phone upon transmitting said automatic acknowledgment and ~~causes~~ causing, in cases where the force message alert is a text message, the text message and a response list to be shown on the display of the recipient PC or PDA/cell phone or causes, in cases where the force message alert is a voice message, the voice message ~~to be~~ being periodically repeated by the speakers of the recipient PC or PDA/cell phone while said response list is shown on the display;

means for allowing a manual response to be manually selected from the response list or manually recorded and ~~transmits~~ transmitting said manual response to the sender PC or PDA/cell phone; and

means for clearing the text message and a response list from the display of the recipient PC or PDA/cell phone or ~~stops~~ stopping the repeating voice message and ~~clears~~ clearing the response list from the display of the recipient PC or PDA/cell phone once the manual response is transmitted.

4. (Currently Amended) The system as in claim 4 2, wherein said data transmission means is TCP/IP or another communications protocol.

5. (Currently Amended) The system as in claim 4 2, wherein the response list that is transmitted within the forced message alert software packet is a default response list that is embedded in the forced message alert software application program.

6. (Currently Amended) The system as in claim 4 2, wherein the response list that is transmitted within the forced message alert software packet is a custom response list that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone.

7. (Currently Amended) A method of sending a forced message alert to one or more recipient PCs or PDA/cell phones within a predetermined communication network, wherein the receipt and response to said forced message alert by each intended recipient PC or PDA/cell phone is tracked, said method comprising the steps of:

accessing a forced message alert software application program on a sender PC or PDA/cell phone;



creating the forced message alert on said sender PC or PDA/cell phone by attaching a voice or text message to a forced message alert application software packet to said voice or text message;

designating one or more recipient PCs or PDA/cell phones in the communication network;

electronically transmitting the forced message alert to said recipient PCs or PDA/cell phones;

receiving automatic acknowledgements from the recipient PCs or PDA/cell phones that received the message and displaying a listing of which recipient PCs or PDA/cell phones have acknowledged receipt of the forced message alert and which recipient PCs or PDA/cell phones have not acknowledged receipt of the forced message alert;

periodically resending the forced message alert to the recipient PCs or PDA/cell phones that have not acknowledged receipt;

receiving responses to the forced message alert from the recipient PCs or PDA/cell phones and displaying the response from each recipient PC or PDA/cell phone; and

providing a manual response list on the display of the recipient PC or PDA/cell phone;

clearing the receiver's display screen or causing the repeating voice alert to cease upon selecting a response that can only be cleared by manually selecting and transmitting a response to the manual response list.

8. (Original) The method as in claim 7, wherein each PC or PDA/cell phone within a predetermined communication network is similarly equipped and has the forced message alert software application program loaded on it.

9. (Original) The method as in claim 7, wherein said forced message alert application software packet contains a response list, wherein said response list is a default list embedded in the forced message alert software application program.

10. (Original) The method as in claim 7, wherein said forced message alert application software packet contains a response list, wherein said response list is a custom response list that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone.

11. (Currently Amended) A method of receiving, acknowledging and responding to a forced message alert from a sender PC or PDA/cell phone to a recipient PC or PDA/cell phone, wherein the receipt, acknowledgment, and response to said forced message alert is forced by a forced message alert software application program, said method comprising the steps of:

receiving an electronically transmitted electronic message;

identifying said electronic message as a forced message alert, wherein said forced message alert ~~consists~~ comprises of a voice or text message and a forced message alert application software packet, which triggers the activation of the forced message alert software application program within the recipient PC or PDA/cell phone;

transmitting an automatic acknowledgment of receipt to the sender PC or PDA/cell phone, which triggers the forced message alert software application program to take control of the recipient PC or PDA/cell phone and show the content of the text message and a response list on the display recipient PC or PDA/cell phone or to repeat audibly the content of the voice message on the speakers of the recipient PC or PDA/cell phone and show the response list on the display recipient PC or PDA/cell phone; and

transmitting a selected response, whether said selected response is a chosen option from the response list, causing the forced message alert software to release control of the recipient PC or PDA/cell phone and stop showing the content of the text message and a response list on the display recipient PC or PDA/cell phone and or stop repeating the content of the voice message on the speakers of the recipient PC or PDA/cell phone;

displaying the response received from the PC or PDA cell phone that transmitted the response on the sender of the forced alert PC or PDA/cell phone; and

providing a list of the recipient PC or PDA/cell phones have automatically acknowledged receipt of a forced alert message and their response to the forced alert message.

12. (Original) The method as in claim 11, wherein each PC or PDA/cell phone within a predetermined communication network is similarly equipped and has the forced message alert software application program loaded on it.

13. (Original) The method as in claim 11, wherein said forced message alert application software packet contains a response list, wherein said response list is a default list embedded in the forced message alert software application program.

14. (Original) The method as in claim 11, wherein said forced message alert application software packet contains a response list, wherein said response list is a custom response list that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone

**REMARKS**

The Office Action mailed September 20, 2010 has been received and reviewed. By the present Response and Amendment, Claim 1 is canceled, Claims 2-7 and 11 have been amended and claims 2-14 remain. No new matter is introduced.

***Claim Rejections – 35 USC § 102***

The Examiner's rejection of Claims 1, 4 and 6 under 35 U.S.C. § 102(e) as being anticipated by Keating et al. (US 2004/0082352) is respectfully traversed. It is elementary patent law that to sustain a rejection based on anticipation, each and every element recited in the claims that are rejected must be present in the reference cited by the Examiner. Claim 1 has been canceled. Remaining claims 4 and 6 have been amended to depend from amended claim 2. The Keating *et al.* patent is very specific about being a system and method to develop accurate billing for Push To Talk (PTT) phones. The described technique sets up a group of mobile stations based on digital replies automatically received from the group of mobile stations. Applicant's invention is about sending commands to individuals using any communications means that require a manual response from the individual to whom the command was issued, in much the same manner that when a U.S. Marine issues a command and he demands a "Yes Sir" or "No Sir" response from the person to whom the command was issued. Additionally, there is no use of remote or automatically generated voice commands that demand a response being sent in Keating *et al.* The Keating *et al.* reference does not disclose a forced message alert software application program loaded on each participating PC or PDA/cell phone as required in amended independent claim 2 from which claims 4 and 6 depend. The system in the Keating *et al.* reference is completely different in purpose and methodology and in other words structure and

function. The purpose of the system in the Keating *et al.* reference is to enable accurate billing of multiple call participants in a wireless group. There is no discussion or suggestion in Keating *et al.* to provide a forced message alert which is described in Applicant's specification. The Examiner states in the rejection that "Keating *et al.* discloses a forced message alert software application program loaded on each participating PC in paragraph (0025)". A review of paragraph (0025) of the Keating *et al.* reference shows that the leader sends a message to a wireless data controller that requests a list of participants that have responded that want to participate in a group call. This is not the forced message alert as described in applicant's specification and recited in amended claim 2. In the Keating *et al.* reference if there is no response then the recipient is not added to the group. Applicant's forced message alert forces a recipient to respond with an appropriate predetermined response. Again, the whole purpose of the Keating *et al.* invention is to make sure that there is an accurate billing among the receipt members. See paragraph (0005) of Keating *et al.*; the Keating *et al.* reference does not anticipate amended claim 2 from which claims 4 and 6 depend and therefore claims 4 and 6 are allowable.

***Claim Rejections – 35 U.S.C. § 103***

The Examiner's rejection of Claims 2, 3 and 5 under 35 U.S.C. 103(a) as being unpatentable over Keating *et al.* (US 2004/0082352) in view of Esler *et al.* (US 2005/0241026) is respectfully traversed. As stated above, with respect to the Keating *et al.* reference, the structure, methodology, and purpose of the Keating *et al.* reference are completely different than those in Applicant's claimed invention. Applicant's Claim 2 has been amended to distinguish the forced message alert. Esler *et al.* shows a device and method for storing data message alerts on medical devices. The medical device can be interrogated with a programmer. The method in

Esler's patent is the reverse of Applicant's patent claims. In the Esler patent, the individuals automatically provide unsolicited data to a remote computer which periodically polls for health data. There is no command sent to the participant to manually respond. There is no voice command involved. The method may also include communicating the data message alert by the programmer in response to detecting the data message alert stored in a dedicated alert field of a medical device. It is difficult to understand how a person of ordinary skill in the art that deals with the communication network that has forced message alerts would even consider the combination of device and method disclosed in the Keating *et al.* reference in conjunction with the method disclosed in Esler *et al.* since the two methods and systems are completely different and offer no suggestion or motivation to arrive at Applicant's claimed invention. It is Applicant's position that even if one combined or attempted to combine the method and systems described in Keating *et al.* with the method and systems described in Esler *et al.*, one would not arrive at Applicant's claimed invention. Since the references even if combined do not provide a prima facie obviousness rejection of these claims, it is Applicant's position that these claims are allowable over the references cited by the examiner.

The Examiner's rejection of Claims 7 – 14 under 35 U.S.C. § 103(a) as being unpatentable over Keating *et al.* (US 2004/0082352) in view of Dalton *et al.* (US 2004/0192365) is respectfully traversed. Applicant hereby asserts the arguments made above as to why Keating *et al.* is not an appropriate reference with respect to Applicant's claimed invention and claims 7 through 14. Applicant's claim 7 has been amended to include the steps of providing a manual response list on the display of the recipient PC/PDA and providing that clearing of the receiver's display screen in order to get the alert to cease can only be cleared by manually selecting and transmitting a response to the manual response list. Additionally, there is no use of remote or

automatically generated voice commands that demand a response being sent in Dalton *et al.* The steps are not taught or suggested in the references when viewed together cited by the Examiner. Dalton *et al.* shows a communications system and method that includes a data concentrator computer and a gateway device that allows direct communication between first and second mobile data acquisition devices. Again, it is Applicant's position that even if the method and reference device shown in Keating *et al.* were somehow to be combined with the system and method shown in Dalton *et al.*, Applicant's claimed invention cannot result based on the amendments to claim 7. Therefore, the Examiner has failed to present a prima facie case of obviousness under 35 U.S.C. § 103 with respect to claim 7. Therefore, it is Applicant's position that claims 7-14 are allowable over the art of record.

Claim 1 is canceled. Claims 2 through 14 are believed allowable over the art record for the reasons stated above.

**CONCLUSION**

In view of the amendments submitted herein and the above comments, it is believed that all grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Accordingly, Applicant earnestly solicits early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone Applicant's undersigned attorney at (954) 763-3303.

Respectfully submitted,

s/ Barry L. Haley  
Barry L. Haley, Esq. (Reg. No. 25,339)

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## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	9059437
<b>Application Number:</b>	12324122
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9036
<b>Title of Invention:</b>	METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS
<b>First Named Inventor/Applicant Name:</b>	Malcolm K. Beyer
<b>Customer Number:</b>	22235
<b>Filer:</b>	Barry Lee Haley/Amy Allen
<b>Filer Authorized By:</b>	Barry Lee Haley
<b>Attorney Docket Number:</b>	10963.3819
<b>Receipt Date:</b>	17-DEC-2010
<b>Filing Date:</b>	26-NOV-2008
<b>Time Stamp:</b>	11:08:29
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		05_RespToOAMailed09-20-10.pdf	63928 0e8c749d22c36b948ecc0f3c8f173bcfe5004523	yes	12

<b>Multipart Description/PDF files in .zip description</b>			
<b>Document Description</b>		<b>Start</b>	<b>End</b>
Amendment/Req. Reconsideration-After Non-Final Reject		1	1
Claims		2	7
Applicant Arguments/Remarks Made in an Amendment		8	12

**Warnings:**

**Information:**

**Total Files Size (in bytes):**

63928

**This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.**

**New Applications Under 35 U.S.C. 111**

**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**

**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**

**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875					Application or Docket Number <b>12/324,122</b>		Filing Date <b>11/26/2008</b>		<input type="checkbox"/> To be Mailed	
<b>APPLICATION AS FILED – PART I</b>					OTHER THAN					
(Column 1)		(Column 2)		SMALL ENTITY <input checked="" type="checkbox"/> OR			SMALL ENTITY			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A				
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	minus 20 = *		X \$ =			X \$ =				
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 = *		X \$ =			X \$ =				
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>										
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL		TOTAL			
<b>APPLICATION AS AMENDED – PART II</b>					OTHER THAN					
(Column 1)		(Column 2)		SMALL ENTITY			SMALL ENTITY			
<b>AMENDMENT</b>	<b>12/17/2010</b>	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	* 13	Minus	** 20	= 0	X \$26 =	0	OR	X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	* 3	Minus	***3	= 0	X \$110 =	0	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>									
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		
<b>AMENDMENT</b>		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	X \$ =		OR	X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	X \$ =		OR	X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>									
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.					Legal Instrument Examiner: /STANLEY JORDAN/					
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".										
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".										
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**  
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 12/324,122, 11/26/2008, Malcolm K. Beyer JR., 10963.3819, 9036
Row 2: 22235, 7590, 03/11/2011, MALIN HALEY DIMAGGIO BOWEN & LHOTA, P.A., 1936 S ANDREWS AVENUE, FORT LAUDERDALE, FL 33316
Row 3: EXAMINER, LEBASSI, AMANUEL
Row 4: ART UNIT, PAPER NUMBER, 2617
Row 5: NOTIFICATION DATE, DELIVERY MODE, 03/11/2011, ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@mhdpatents.com

<b>Office Action Summary</b>	<b>Application No.</b> 12/324,122	<b>Applicant(s)</b> BEYER, MALCOLM K.	
	<b>Examiner</b> AMANUEL LEBASSI	<b>Art Unit</b> 2617	

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

**Period for Reply**

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

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

**Status**

- 1)  Responsive to communication(s) filed on 17 December 2010.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 2-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 2-14 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 26 November 2008 is/are: a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

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

**Attachment(s)**

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

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 2-14 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

1. 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 negated by the manner in which the invention was made.

2. Claim 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keating et al. US 20040082352 in view of Maggenti et al. US 20020061762.

Regarding claim 2, Keating discloses a communication system for transmitting, receiving, confirming receipt, and responding to an electronic message (**see abstract - selecting a group of mobile stations to participate in the wireless group call and causing an invitation message to be transmitted to the group of mobile stations**). Keating discloses a predetermined network of participants, wherein each participant has a similarly equipped PC or PDA/cell phone that includes a CPU and a touch screen display a CPU and memory (**paragraph [0016] where participants are mobile stations such as 16a and 16b and so on**). Keating disclose a data transmission means that facilitates the transmission of electronic files between said PCs and said

PDA/cell phones in different locations (**paragraph [0020] where wireless data controller controls transmission of data therefore a data transmission means that facilitates the transmission of electronic files**). Keating discloses a sender PC or PDA/cell phone and at least one recipient PC or PDA/cell phone for each electronic message (**paragraph [0022] where a group call originator, or leader, initiates set-up of a group call through his or her mobile station y choosing or selecting a group call participant list therefore a sender PC or PDA/cell phone and at least one recipient PC or PDA**). Keating discloses a forced message alert software application program loaded on each participating PC or PDA/cell phone (**paragraph [0025] where an alert message is queued in the mobile stations therefore a message alert software application program**). Keating discloses an alert message but is silent on disclosing means for attaching a forced message alert software packet to a voice or text message creating a forced message alert that is transmitted by said sender PC or PDA/cell phone to the recipient PC or PDA/cell phone, wherein said forced message alert software packet contains containing a response list and requires requiring the forced message alert software on said recipient PC or PDA/cell phone to transmit an automatic acknowledgment to the sender PC or PDA/cell phone as soon as said forced message alert is received by the recipient PC or PDA/cell phone; means for receiving and displaying a listing of which recipient PCs or PDA/cell phones have automatically acknowledged the forced message ~ alert and which recipient PCs or PDA/cell

phones have not automatically acknowledged the forced message alert; means for periodically resending said forced message alert to said recipient PCs or PDA/cell phones that have not automatically acknowledged the forced message alert; and means for receiving and displaying a listing of which recipient PCs or PDA/cell phones have transmitted a manual response to said forced message alert and details the response from each recipient PC or PDA/cell phone that responded.

Maggenti teaches means for attaching a forced message alert software packet to a voice or text message creating a forced message alert that is transmitted by said sender PC or PDA/cell phone to the recipient PC or PDA/cell phone, wherein said forced message alert software packet contains containing a response list and requires requiring the forced message alert software on said recipient PC or PDA/cell phone to transmit an automatic acknowledgment to the sender PC or PDA/cell phone as soon as said forced message alert is received by the recipient PC or PDA/cell phone (**paragraph [0120] and [0129] where an alert message is transmitted and upon receiving the request where the communication device acknowledges the response**). Maggenti teaches means for receiving and displaying a listing of which recipient PCs or PDA/cell phones have automatically acknowledged the forced message alert and which recipient PCs or PDA/cell phones have not automatically acknowledged the forced message alert (**paragraph [0141] where communication devices confirm the invitation by sending acknowledgements therefore list of**



**recipients have or not automatically acknowledged the forced message alert).** Maggenti teaches means for periodically resending said forced message alert to said recipient PCs or PDA/cell phones that have not automatically acknowledged the forced message alert (**paragraph [0129] where the alert is resend therefore periodically resending said forced message alert to said recipient)** and means for receiving and displaying a listing of which recipient PCs or PDA/cell phones have transmitted a manual response to said forced message alert and details the response from each recipient PC or PDA/cell phone that responded (**paragraph [0153] where server responds by resending the lost message response).**

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the invention of Keating with that of Maggenti, thereby determining participants in a net within a group communication network as taught by Maggenti (**paragraph [0004]).**

Regarding claim 3, Maggenti teaches wherein the forced message alert software application program on the recipient PC or PDA/cell phone includes: means for transmitting the acknowledgment of receipt to said sender PC or PDA/cell phone immediately upon receiving a forced message alert from the sender PC or PDA/cell phone (**paragraph [0120] and [0129]).** Maggenti teaches means for controlling of the recipient PC or PDA/cell phone upon transmitting

said automatic acknowledgment and causing, in cases where the force message alert is a text message, the text message and a response list to be shown on the display of the recipient PC or PDA/cell phone or causes, in cases where the force message alert is a voice message, the voice message being periodically repeated by the speakers of the recipient PC or PDA/cell phone while said response list is shown on the display (**paragraph [0141]**) and means for allowing a manual response to be manually selected from the response list or manually recorded and transmitting said manual response to the sender PC or PDA/cell phone and means for clearing the text message and a response list from the display of the recipient PC or PDA/cell phone or stopping the repeating voice message and clearing the response list from the display of the recipient PC or PDA/cell phone once the manual response is transmitted (**paragraph [0153]**).

Regarding claim 4, Keating discloses wherein said data transmission means is TCP/IP or another communications protocol (paragraph [0020] - **Internet Protocol (IP)**).

Regarding claim 5, Keating discloses wherein the response list that is transmitted within the forced message alert software packet is a default response list that is embedded in the forced message alert software application program (**paragraph [0027]**).

Regarding claim 6, Keating discloses wherein the response list that is transmitted within the forced message alert software packet is a custom response list that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone **(see Fig. 2)**.

Regarding claim 7, Keating discloses A method of sending a forced message alert to one or more recipient PCs or PDA/cell phones within a predetermined communication network, wherein the receipt and response to said forced message alert by each intended recipient PC or PDA/cell phone is tracked, said method comprising the steps of: accessing a forced message alert software application program on a sender PC or PDA/cell phone **paragraph [0025] where an alert message is queued in the mobile stations therefore a forced message alert software application program** ). Keating discloses creating the forced message alert on said sender PC or PDA/cell phone by attaching a voice or text message to a forced message alert application software packet to said voice or text message **(paragraph [0022])**. Keating discloses designating one or more recipient PCs or PDA/cell phones in the communication network **(paragraph [0022] where a group call originator, or leader, initiates set-up of a group call through his or her mobile station y choosing or selecting a group call participant list)**. Keating discloses electronically transmitting the forced message alert to said recipient PCs or PDA/cell phones **(paragraph [0022])**. Keating discloses receiving automatic acknowledgements

from the recipient PCs or PDA/cell phones that received the message and displaying a listing of which recipient PCs or PDA/cell phones have acknowledged receipt of the forced message alert and which recipient PCs or PDA/cell phones have not acknowledged receipt of the forced message alert **(see Fig. 2 - steps 42 and 43 where acknowledgements are received from the recipient mobile phones)**. Keating discloses periodically resending the forced message alert to the recipient PCs or PDA/cell phones that have not acknowledged receipt **(see Fig. 2)**. Keating discloses receiving responses to the forced message alert from the recipient PCs or PDA/cell phones and displaying the response from each recipient PC or PDA/cell phone and clearing the receiver's display screen or causing the repeating voice alert to cease upon selecting a response that can only be cleared by manually selecting and transmitting a response to the manual response list **(paragraph [0028] where the message is cleared)**.

Keating is silent providing a manual response list on the display of the recipient PC or PDA/cell phone. Maggenti teaches providing a manual response list on the display of the recipient PC or PDA/cell phone **(paragraph [0011]** where the communication device sends a response to the message within a predetermined time period).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the invention of Keating with that of Maggenti,

thereby determining participants in a net within a group communication network as taught by Maggenti (**paragraph [0004]**).

Regarding claim 8, Keating discloses wherein each PC or PDA/cell phone within a predetermined communication network is similarly equipped and has the forced message alert software application program loaded on it (**paragraph [0016] where participants are mobile stations such as 16a and 16b and so on which are similarly equipped**).

Regarding claim 9, Keating discloses wherein said forced message alert application software packet contains a response list, wherein said response list is a default list embedded in the forced message alert software application program (**paragraph [0027]**).

Regarding claim 10, Keating discloses wherein said forced message alert application software packet contains a response list, wherein said response list is a custom response list that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone (**paragraph [0027]**).

3. Claim 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keating et al. US 20040082352 in view of Dalton et al. US 20040192365.

Regarding claim 11, Keating discloses a method of receiving, acknowledging and responding to a forced message alert from a sender PC or PDA/cell phone to a recipient PC or PDA/cell phone, wherein the receipt, acknowledgment, and response to said forced message alert is forced by a forced message alert software application program (**paragraph [0027] where Keating discloses where a message is sent to inform the mobile stations that the group call is set to begin**), said method comprising the steps of: receiving an electronically transmitted electronic message (**Fig. 2 step 34 where message is received after being transmitted**). Keating discloses identifying said electronic message as a forced message alert, wherein said forced message alert comprises of a voice or text message and a forced message alert application software packet, which triggers the activation of the forced message alert software application program within the recipient PC or PDA/cell phone (abstract where **an invitation message to be transmitted to the group of mobile stations**). Keating discloses transmitting an automatic acknowledgment of receipt to the sender PC or PDA/cell phone, which triggers the forced message alert software application program to take control of the recipient PC or PDA/cell phone and show the content of the text message and a response list on the display recipient PC or PDA/cell phone or to repeat audibly the content of the

voice message on the speakers of the recipient PC or PDA/cell phone and show the response list on the display recipient PC or PDA/cell phone (**see Fig. 2 - steps 42 and 43 where acknowledgements are received from the recipient mobile phones**) and transmitting a selected response, whether said selected response is a chosen option from the response list, causing the forced message alert software to release control of the recipient PC or PDA/cell phone and stop showing the content of the text message and a response list on the display recipient PC or PDA/cell phone and or stop repeating the content of the voice message on the speakers of the recipient PC or PDA/cell phone (**paragraph [0028] where a message is responded**). Keating discloses displaying the response received from the PC or PDA cell phone that transmitted the response on the sender of the forced alert PC or PDA/cell phone (**see Fig. 2 step 36 where list of responsive participants is displayed upon request**) and providing a list of the recipient PC or PDA/cell phones have automatically acknowledged receipt of a forced alert message (**see Fig. 2 step 43 where group members allow communication therefore automatically acknowledged receipt of a forced alert message**).

Keating is silent their response to the forced alert message. . However, Dalton teaches responses to the forced message alert (**paragraph [0014] where each active mobile device responds to the predetermined message and performs a specific function related to the predetermined message**).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the invention of Keating with that of Dalton, thereby integrating plurality of mobile devices as taught by Dalton (**paragraph [0001]**).

Regarding claim 12, Keating discloses wherein each PC or PDA/cell phone within a predetermined communication network is similarly equipped and has the forced message alert software application program loaded on it (**paragraph [0016] where participants are mobile stations such as 16a and 16b and so on**).

Regarding claim 13, Keating discloses wherein said forced message alert application software packet contains a response list, wherein said response list is a default list embedded in the forced message alert software application program (**paragraph [0027] where the message is displayed on the participating mobile phones**).

Regarding claim 14, Keating discloses wherein said forced message alert application software packet contains a response list, wherein said response list is a custom response list that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone(**see Fig. 2**).



***Conclusion***

1. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amanuel Lebassi, whose telephone number is (571) 270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Amanuel Lebassi*  
/A. L./  
3/01/2011

/HUY PHAN/  
Primary Examiner, Art Unit 2617

<b>Notice of References Cited</b>	Application/Control No. 12/324,122	Applicant(s)/Patent Under Reexamination BEYER, MALCOLM K.	
	Examiner AMANUEL LEBASSI	Art Unit 2617	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-2004/0082352	04-2004	Keating et al.	455/519
*	B US-2002/0061762	05-2002	Maggenti et al.	455/519
*	C US-2004/0192365	09-2004	Dalton et al.	455/517
	D US-			
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			

**FOREIGN PATENT DOCUMENTS**

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

**NON-PATENT DOCUMENTS**

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

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

<b>Index of Claims</b>  <b>*1232412</b>  <b>2*</b>	<b>Application/Control No.</b> 12324122	<b>Applicant(s)/Patent Under Reexamination</b> BEYER, MALCOLM K.
	<b>Examiner</b> AMANUEL LEBASSI	<b>Art Unit</b> 2617

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

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

CLAIM		DATE							
Final	Original	09/09/2010	02/23/2011						
	1	✓	-						
	2	✓	✓						
	3	✓	✓						
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	7	✓	✓						
	8	✓	✓						
	9	✓	✓						
	10	✓	✓						
	11	✓	✓						
	12	✓	✓						
	13	✓	✓						
	14	✓	✓						

<b>Search Notes</b>  *1232412  2*	<b>Application/Control No.</b>  12324122	<b>Applicant(s)/Patent Under Reexamination</b>  BEYER, MALCOLM K.
	<b>Examiner</b>  AMANUEL LEBASSI	<b>Art Unit</b>  2617

<b>SEARCHED</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>
455	41.1, 416, 518, 519	9/9/2010	AL

<b>SEARCH NOTES</b>		
<b>Search Notes</b>	<b>Date</b>	<b>Examiner</b>
Inventor Search	9/9/2010	AL

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

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## EAST Search History

## EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S49	1	"20040082352".pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/02 14:42
S50	1	(forced near3 (message alert software))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/02 16:28
S51	71	(forced near3 ( alert ))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/02 16:28
S52	1496	(alert) with (participat \$3 PDA)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2011/02/02 16:29
S53	2	S51 and S52	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/02 16:29
S54	7748	(alert) with (participat \$3 ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2011/02/02 16:32
S55	7340	(alert) with (((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2011/02/02 16:32

S56	7748	(alert) with (participat\$3 (((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit))))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2011/02/02 16:33
S57	20	S51 and S56	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/02 16:33
S58	3	S57 and (ACK or Acknowledge)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/02 16:34
S59	18128	(alert\$4) same (participat\$3 ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2011/02/02 16:35
S60	2480	S59 and (ACK or Acknowledge)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/02 16:35
S61	5	S59 and automatic (ACK or Acknowledge)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/02 16:36
S62	5	S59 and (automatic (ACK or Acknowledge))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/02 16:36
S63	7	(forced near3 (alert \$4)) same (participat\$3 ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	OR	OFF	2011/02/02 16:37

S65	1	(automatic\$5 acknowledg\$3 receipt) and (forced alert message)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/02 17:35
S66	1	(automatic\$5 acknowledg\$3) and (forced alert message)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/02 17:35
S67	1	(automatic\$5 acknowledg\$3) and (forced alert )	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/02 17:35
S68	1	(automatic\$5 near2 acknowledg\$3) and (forced alert )	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/02 17:35
S69	1	(automatic\$5 near2 acknowledg\$3 ) and (forced near2 alert )	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/02 17:39
S70	1	(automatic\$5 near2 acknowledg\$3 ) and (forced near2 alert\$4 )	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/02 17:39
S71	324	(automatic\$5 near2 acknowledg\$3 ) and (alert\$4 )	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/02 17:39
S72	48	S71 and S59	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/02 17:40
S73	46	S72 and S60	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/02 17:40

S74	20	"455"/\$.ccls. and S73	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/02 18:04
S75	1	12/324,122	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 14:37
S76	1704	(alert near2 message) with (voice or text)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 15:04
S77	3	(alert) with (participat \$3 ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/08 15:04
S78	24	(alert) with (participat \$3 near4 ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/08 15:05
S79	76	(alert\$3) same (participat\$3 near4 ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/08 15:05
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S83	22	((@prad < "20040921") or (@rlad < "20040921") or ( @ad< "20040921")) and S79	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 15:58
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S86	100	S84 and ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	ON	2011/02/08 16:22
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S88	24	"455"/\$.cls. and S87	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 16:23
S89	10	periodic\$4 with (resend \$3 or re-send\$3 or retransmit\$4) with alert	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 17:00
S90	2	S84 and S89	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 17:00

S91	0	S89 same (ACK or acknowledge)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 17:01
S92	2	S89 and (ACK or acknowledge)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 17:01
S93	79	periodic\$4 same (resend\$3 or re-send\$3 or retransmit\$4) same alert\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 17:02
S94	12	S93 same (ACK or acknowledge)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 17:02
S95	10	((@prad < "20040921") or (@rlad < "20040921") or (@ad < "20040921")) and S94	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 17:02
S96	647	(periodic\$4 same (resend\$3 or re-send\$3 or retransmit\$4)) and alert\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 17:04
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S98	168	((@prad < "20040921") or (@rlad < "20040921") or (@ad < "20040921")) and S97	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 17:04
S99	40	"455"/\$.cls. and S98	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/08 17:05

S100	1	"20020061762".pn. and (respon\$4 with participant\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2011/02/23 16:22
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: BEYER, JR., Malcolm K.	)	
	)	
Serial No.: 12/324,122	)	
	)	Confirmation No: 9036
Filed: November 26, 2008	)	
	)	Group Art Unit: 2617
Entitled: METHOD OF UTILIZING	)	
FORCED ALERTS FOR	)	Examiner: LEBASSI, Amanuel
INTERACTIVE REMOTE	)	
COMMUNICATIONS	)	
_____	)	

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

September 9, 2011  
*Filed Electronically*

**RESPONSE AND AMENDMENT**

Dear Sir:

In response to the Office Action dated March 11, 2011, please amend the above referenced patent application as follows and consider the remarks below. This Response is filed within six months of the mailing date of the Office Action; therefore, a petition for a three-month extension of time is submitted herewith. In the event that any further extension of time is required, please consider this a request therefor. The Commissioner is authorized to charge any additional fees due or credit any overpayment to Deposit Account 13-1130.

Please amend the claims as shown on pages 2-7.

Remarks begin on page 8.

### CLAIM AMENDMENTS

Please amend the claims (~~striketrough~~ indicating deletion and underline indicating insertion) as follows:

1. (Cancelled)

2. (Currently amended) A communication system for transmitting, receiving, confirming receipt, and responding to an electronic message, comprising:

a predetermined network of participants, wherein each participant has a similarly equipped PC or PDA/cell phone that includes a CPU and a touch screen display a CPU and memory;

a data transmission means that facilitates the transmission of electronic files between said PCs and said PDA/cell phones in different locations;

a sender PC or PDA/cell phone and at least one recipient PC or PDA/cell phone for each electronic message;

a forced message alert software application program including a list of required possible responses to be selected by a participant recipient of a forced message response loaded on each participating PC or PDA/cell phone;

means for attaching a forced message alert software packet to a voice or text message creating a forced message alert that is transmitted by said sender PC or PDA/cell phone to the recipient PC or PDA/cell phone, said forced message alert software packet containing a list of possible required responses ~~response list~~ and requiring the forced message alert software on said recipient PC or PDA/cell phone to transmit an automatic acknowledgment to the sender PC or PDA/cell phone as soon as said forced message alert is received by the recipient PC or PDA/cell phone;

means for requiring a required manual response from the response list by the recipient in order to clear recipient's response list from recipient's cell phone display;

means for receiving and displaying a listing of which recipient PCs or PDA/cell phones have automatically acknowledged the forced message alert and which recipient PCs or PDA/cell phones have not automatically acknowledged the forced message alert;

means for periodically resending said forced message alert to said recipient PCs or PDA/cell phones that have not automatically acknowledged the forced message alert; and

means for receiving and displaying a listing of which recipient PCs or PDA/cell phones have transmitted a manual response to said forced message alert and details the response from each recipient PC or PDA/cell phone that responded.

3. (Currently amended) The system as in claim 2, wherein the forced message alert software application program on the recipient PC or PDA/cell phone includes:

means for transmitting the acknowledgment of receipt to said sender PC or PDA/cell phone immediately upon receiving a forced message alert from the sender PC or PDA/cell phone;

means for controlling of the recipient PC or PDA/cell phone upon transmitting said automatic acknowledgment and causing, in cases where the force message alert is a text message, the text message and a response list to be shown on the display of the recipient PC or PDA/cell phone or causes, in cases where the ~~force~~ forced message alert is a voice message, the voice message being periodically repeated by the speakers of the recipient PC or PDA/cell phone while said response list is shown on the display;

means for allowing a manual response to be manually selected from the response list or manually recorded and transmitting said manual response to the sender PC or PDA/cell phone; and

means for clearing the text message and a response list from the display of the recipient PC or PDA/cell phone or stopping the repeating voice message and clearing the response list from the display of the recipient PC or PDA/cell phone once the manual response is transmitted.

4. (Previously presented) The system as in claim 2, wherein said data transmission means is TCP/IP or another communications protocol.

5. (Previously presented) The system as in claim 2, wherein the response list that is transmitted within the forced message alert software packet is a default response list that is embedded in the forced message alert software application program.

6. (Previously presented) The system as in claim 2, wherein the response list that is transmitted within the forced message alert software packet is a custom response list that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone.

7. (Currently amended) A method of sending a forced message alert to one or more recipient PCs or PDA/cell phones within a predetermined communication network, wherein the receipt and response to said forced message alert by each intended recipient PC or PDA/cell phone is tracked, said method comprising the steps of:

accessing a forced message alert software application program on a sender PC or PDA/cell phone;

creating the forced message alert on said sender PC or PDA/cell phone by attaching a voice or text message to a forced message alert application software packet to said voice or text message;

designating one or more recipient PCs or PDA/cell phones in the communication network;

electronically transmitting the forced message alert to said recipient PCs or PDA/cell phones;

receiving automatic acknowledgements from the recipient PCs or PDA/cell phones that received the message and displaying a listing of which recipient PCs or PDA/cell phones have acknowledged receipt of the forced message alert and which recipient PCs or PDA/cell phones have not acknowledged receipt of the forced message alert;

periodically resending the forced message alert to the recipient PCs or PDA/cell phones that have not acknowledged receipt;

receiving responses to the forced message alert from the recipient PCs or PDA/cell phones and displaying the response from each recipient PC or PDA/cell phone; and

providing a manual response list on the display of the recipient PC or PDA/cell phone that can only be cleared by the recipient providing a required response from the list;

clearing the ~~receiver's~~ recipient's display screen or causing the repeating voice alert to cease upon recipient selecting a response from the response list required that can only be cleared by manually selecting and transmitting a response to the manual response list.

8. (Original) The method as in claim 7, wherein each PC or PDA/cell phone within a predetermined communication network is similarly equipped and has the forced message alert software application program loaded on it.



9. (Original) The method as in claim 7, wherein said forced message alert application software packet contains a response list, wherein said response list is a default list embedded in the forced message alert software application program.

10. (Original) The method as in claim 7, wherein said forced message alert application software packet contains a response list, wherein said response list is a custom response list that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone.

11. (Currently amended) A method of receiving, acknowledging and responding to a forced message alert from a sender PC or PDA/cell phone to a recipient PC or PDA/cell phone, wherein the receipt, acknowledgment, and response to said forced message alert is forced by a forced message alert software application program, said method comprising the steps of:

receiving an electronically transmitted electronic message;

identifying said electronic message as a forced message alert, wherein said forced message alert comprises of a voice or text message and a forced message alert application software packet, which triggers the activation of the forced message alert software application program within the recipient PC or PDA/cell phone;

transmitting an automatic acknowledgment of receipt to the sender PC or PDA/cell phone, which triggers the forced message alert software application program to take control of the recipient PC or PDA/cell phone and show the content of the text message and a required response list on the display recipient PC or PDA/cell phone or to repeat audibly the content of the voice message on the speakers of the recipient PC or PDA/cell phone and show the required response list on the display recipient PC or PDA/cell phone; and

transmitting a selected required response from the response list in order to allow the message required response list to be cleared from the recipient's cell phone display, ~~whether said selected response is a chosen option from the response list~~, causing the forced message alert software to release control of the recipient PC or PDA/cell phone and stop showing the content of the text message and a response list on the display recipient PC or PDA/cell phone and or stop repeating the content of the voice message on the speakers of the recipient PC or PDA/cell phone;

displaying the response received from the PC or PDA cell phone that transmitted the response on the sender of the forced alert PC or PDA/cell phone; and

providing a list of the recipient PC or PDA/cell phones have automatically acknowledged receipt of a forced alert message and their response to the forced alert message.

12. (Original) The method as in claim 11, wherein each PC or PDA/cell phone within a predetermined communication network is similarly equipped and has the forced message alert software application program loaded on it.

13. (Original) The method as in claim 11, wherein said forced message alert application software packet contains a response list, wherein said response list is a default list embedded in the forced message alert software application program.

14. (Original) The method as in claim 11, wherein said forced message alert application software packet contains a response list, wherein said response list is a custom response list that is created at the time the specific forced message alert is created on the sender PC or PDA/cell phone

**REMARKS**

The Office Action mailed March 11, 2011 has been received and reviewed. By the present Response and Amendment, Claims 2, 3, 7 and 11 have been amended. No new matter is introduced. Claim 1 has been cancelled previously.

***Claim Rejections – 35 U.S.C. § 103***

The Examiner's rejection of Claims 2-10 under U.S.C. § 103(a) as being unpatentable over Keating et al. (US 2004/0082352) in view of Maggenti et al. (US 2002/0061762) is respectfully traversed.

The Keating (US 2004/0082352) reference describes an enhanced group call implementation having nothing to do with Applicant's claimed invention providing a forced message alert and requiring a specific response from a recipient selected from the prepared list of responses prior to the recipients display being cleared of the message and required response.

Figures 2 and 4 of Keating show flowcharts delineating the essence of the communication system disclosed in Keating. The flowcharts are described in detail in paragraphs 0022 and 0031 of Keating. There is no discussion or disclosure that would suggest the system and method recited in amended Claims 2, 7 and 11 concerning the initiation of a required response from a recipient which is automatically transmitted by the recipient's device and the requirement in response to the forced message alert that the recipient must respond with a particular answer selected from previously provided list of potential answers especially before the recipient's display screen can be cleared. In fact, Keating is concerned with the accurate billing that reflects specific time spent by the mobile station participating in a group call. See paragraph 0030 Keating. The purpose and function of the group calling system in Keating is

completely different than Applicant's claimed system and methods recited in the amended Claims 2, 7 and 11. The statement of the Examiner that "Keating discloses a forced message alert software application program" Applicant respectfully submits is incorrect and has a stretched interpretation of what is actually disclosed in Keating.

The Maggenti et al. (US 2002/0061762) reference discloses a method for sending a message to a communication device to determine whether the communication device wishes to be a participant and then lists the communication device as a participant if there is a response to a message within a predetermined time. See paragraphs 0010 and 0011. There is no teaching or disclosure of Applicant's claimed system and method in Maggenti et al.

The communication system recited in amended Claims 7 and 11 includes a forced message alert software system that requires a response from the recipient of a specific answer from a selected list before the recipient can clear the recipient's display. This is completely different in function and structure than a system asking whether a participant wants to stay as a participant in the net.

It is Applicant's position – even if a person of ordinary skill in the art were to combine the Keating reference with the Maggenti et al. reference, Applicant's claimed invention as recited in the amended Claims 2 and 7 at issue could not possibly result because of the lack of relevant disclosure in the references when combined. Therefore, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. § 103 with respect to Claims 2 - 10.

The Examiner's rejection of Claims 11 - 14 under 35 U.S.C. § 103(a) as being unpatentable over Keating et al. (US 2004/0082352) in view of Dalton et al. (US 2004/0192365) is respectfully traversed.

The Dalton (US 2004/0192365) communication system is a completely different system than Applicant's claimed communication system and method recited in Claims 11 - 14. A key element in Dalton is a data concentrator computer with a gateway device for communicating with the data concentrator computer so that the gateway device provides communications data between a first mobile data acquisition device and a second mobile data acquisition device without communication with the data concentrator computer. Paragraphs 0010, 0014 and 0015 in Dalton describe a system to manage two or more mobile devices forming a business data collection and to communicate asynchronously in the operational needs of a business application. None of the functions described in the Dalton reference have anything to do with providing a forced message alert as required in Claims 11 - 14 as amended. Applicant reiterates the comments above with respect to the Keating reference. Again, the combination of Keating and Dalton cannot result in Applicant's claimed invention because the references together fail to suggest Applicant's claimed invention. It is Applicant's position that the Examiner has failed to establish a *prima facie* case of obviousness with respect to Claims 11 - 14.

As an initial matter, the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. MPEP § 2143. A claim is obvious under 35 U.S.C. §103 if and only if the references relied on teach or suggest each and every element of the claimed invention, and it would be obvious to one skilled in the art to combine the references so relied on. A rationale to support a conclusion that a claim would have been obvious is that *all the claimed elements were known in the prior art* and one skilled in the art could have combined the

elements as claimed by known methods with no change in their respective known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art. *KSR International Co v. Teleflex Inc.*, 550 U.S. 398, 401 (2007); see also, *KSR International Co. v. Teleflex Inc.*, 550 U.S. at 415-417 (2007) citing *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.*, 340 U.S. 147, 152 (1950), *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62-63 (1969), and *Sakraida v. AG Pro., Inc.*, 425 U.S. 273, 282 (1976).

In determining the differences between the prior art and the claims, the question under 35 U.S.C. §103 is not whether the differences themselves would have been obvious, but whether the claimed invention *as a whole* would have been obvious. § MPEP 2141.02; *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983). Additionally, an obviousness rejection cannot be based on a reference or combination of references that are non-analogous to the invention at issue. MPEP § 2141.01(a).

**CONCLUSION**

In view of the amendments submitted herein and the above comments, it is believed that all grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Accordingly, Applicant earnestly solicits early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone Applicant's undersigned attorney at (954) 763-3303.

Respectfully submitted,

/Barry L. Haley/  
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Electronic Patent Application Fee Transmittal				
<b>Application Number:</b>	12324122			
<b>Filing Date:</b>	26-Nov-2008			
<b>Title of Invention:</b>	METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS			
<b>First Named Inventor/Applicant Name:</b>	Malcolm K. Beyer			
<b>Filer:</b>	Barry Lee Haley/Amy Allen			
<b>Attorney Docket Number:</b>	10963.3819			
Filed as Small Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				
Extension - 3 months with \$0 paid	2253	1	555	555

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>555</b>

<b>Electronic Acknowledgement Receipt</b>	
<b>EFS ID:</b>	10916464
<b>Application Number:</b>	12324122
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9036
<b>Title of Invention:</b>	METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS
<b>First Named Inventor/Applicant Name:</b>	Malcolm K. Beyer
<b>Customer Number:</b>	22235
<b>Filer:</b>	Barry Lee Haley/Amy Allen
<b>Filer Authorized By:</b>	Barry Lee Haley
<b>Attorney Docket Number:</b>	10963.3819
<b>Receipt Date:</b>	09-SEP-2011
<b>Filing Date:</b>	26-NOV-2008
<b>Time Stamp:</b>	16:11:18
<b>Application Type:</b>	Utility under 35 USC 111(a)

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Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$555
RAM confirmation Number	3059
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<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <ul style="list-style-type: none"> <li>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)</li> <li>Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)</li> </ul>	

<b>File Listing:</b>					
<b>Document Number</b>	<b>Document Description</b>	<b>File Name</b>	<b>File Size(Bytes)/ Message Digest</b>	<b>Multi Part /.zip</b>	<b>Pages (if appl.)</b>
1		07_RespToOAMailed03-11-11.pdf	66770 094aaa83fc85c934be3185de237ee43542bde01	yes	12
<b>Multipart Description/PDF files in .zip description</b>					
		<b>Document Description</b>	<b>Start</b>	<b>End</b>	
		Amendment/Req. Reconsideration-After Non-Final Reject	1	1	
		Claims	2	7	
		Applicant Arguments/Remarks Made in an Amendment	8	12	
<b>Warnings:</b>					
<b>Information:</b>					
2	Extension of Time	08_3MthEOT.pdf	316002 ab3e6dce7c00ee217aa08701dcd9c18780f603fe	no	2
<b>Warnings:</b>					
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3	Fee Worksheet (SB06)	fee-info.pdf	30328 f1a1fbc74475a0c036f5b840a28e02121d975995	no	2
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<b>Total Files Size (in bytes):</b>			413100		
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<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875					Application or Docket Number <b>12/324,122</b>	Filing Date <b>11/26/2008</b>	<input type="checkbox"/> To be Mailed				
<b>APPLICATION AS FILED – PART I</b>					<b>OTHER THAN</b>						
(Column 1)		(Column 2)		<b>SMALL ENTITY</b> <input checked="" type="checkbox"/>		OR		<b>SMALL ENTITY</b>			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)				
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A					
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A					
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A					
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	minus 20 = *		X \$ =			X \$ =					
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 = *		X \$ =			X \$ =					
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).										
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>											
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL		TOTAL				
<b>APPLICATION AS AMENDED – PART II</b>					<b>OTHER THAN</b>						
(Column 1)		(Column 2)		(Column 3)		<b>SMALL ENTITY</b>		OR		<b>SMALL ENTITY</b>	
<b>AMENDMENT</b>	<b>09/09/2011</b>	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)	
	Total <small>(37 CFR 1.16(i))</small>	* 12	Minus	** 20	= 0	X \$26 =	0	OR	X \$ =		
	Independent <small>(37 CFR 1.16(h))</small>	* 3	Minus	***3	= 0	X \$110 =	0	OR	X \$ =		
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>								OR			
					TOTAL ADD'L FEE	<b>0</b>	OR	TOTAL ADD'L FEE			
<b>AMENDMENT</b>		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)	
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=	X \$ =		OR	X \$ =		
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=	X \$ =		OR	X \$ =		
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>										
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>								OR			
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.					Legal Instrument Examiner: /KAREN VESTAL/						
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".											
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The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											

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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE. Includes application details for Malcolm K. Beyer JR. and examiner LEBASSI, AMANUEL.

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@mhdpatents.com

<b>Advisory Action Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 12/324,122	<b>Applicant(s)</b> BEYER, MALCOLM K.
	<b>Examiner</b> AMANUEL LEBASSI	<b>Art Unit</b> 2617

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

THE REPLY FILED 09 September 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

- (a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
(b)  They raise the issue of new matter (see NOTE below);  
(c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: The amendment of Independent claims 2, 7 and 11 raise new issues and require further search & considerations. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

- Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.

12.  Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). \_\_\_\_\_

13.  Other: \_\_\_\_\_.

/NICK CORSARO/ Supervisory Patent Examiner, Art Unit 2617	
--	--



DO NOT ENTER: /A.L./

Serial No.: 12/324,122  
Attorney Docket No.: 10963.3819  
PATENT

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

In re application of: BEYER, JR., Malcolm K. )  
)  
Serial No.: 12/324,122 )  
)  
Filed: November 26, 2008 )  
)  
Entitled: METHOD OF UTILIZING )  
FORCED ALERTS FOR )  
INTERACTIVE REMOTE )  
COMMUNICATIONS )  
\_\_\_\_\_ )

Confirmation No: 9036

Group Art Unit: 2617

Examiner: LEBASSI, Amanuel

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

September 9, 2011

*Filed Electronically*

**RESPONSE AND AMENDMENT**

Dear Sir:

In response to the Office Action dated March 11, 2011, please amend the above referenced patent application as follows and consider the remarks below. This Response is filed within six months of the mailing date of the Office Action; therefore, a petition for a three-month extension of time is submitted herewith. In the event that any further extension of time is required, please consider this a request therefor. The Commissioner is authorized to charge any additional fees due or credit any overpayment to Deposit Account 13-1130.

Please amend the claims as shown on pages 2-7.

Remarks begin on page 8.



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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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@mhdpatents.com

<b><i>Applicant-Initiated Interview Summary</i></b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	12/324,122	BEYER, MALCOLM K.	
	<b>Examiner</b>	<b>Art Unit</b>	
	AMANUEL LEBASSI	2617	

All participants (applicant, applicant's representative, PTO personnel):

- (1) AMANUEL LEBASSI. (3)\_\_\_\_\_.
- (2) Attorney Barry L. Haley, Esq. (Reg. No. 25,339). (4)\_\_\_\_\_.

Date of Interview: 12/15/2011.

Type:  Telephonic  Video Conference  
 Personal [copy given to:  applicant  applicant's representative]

Exhibit shown or demonstration conducted:  Yes  No.  
If Yes, brief description: \_\_\_\_\_.

Issues Discussed 101 112 102 103 Others  
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: \_\_\_\_\_.

Identification of prior art discussed: \_\_\_\_\_.

**Substance of Interview**

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

*Applicant received an advisory instead of final office action. Therefore the examiner agreed the last office acti will be vacated.*

**Applicant recordation instructions:** The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

**Examiner recordation instructions:** Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Attachment

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



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<b>APPLICATION NO./ CONTROL NO.</b>	<b>FILING DATE</b>	<b>FIRST NAMED INVENTOR / PATENT IN REEXAMINATION</b>	<b>ATTORNEY DOCKET NO.</b>
12/324,122	26 November, 2008	BEYER, MALCOLM K.	10963.3819

MALIN HALEY DIMAGGIO BOWEN & LHOTA, P.A. 1936 S ANDREWS AVENUE FORT LAUDERDALE, FL 33316	<b>EXAMINER</b>	
	AMANUEL LEBASSI	
	<b>ART UNIT</b>	<b>PAPER</b>
	2617	20120124

DATE MAILED:

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

Commissioner for Patents

Applicant received an advisory on 10/07/2011 instead of final action. The final rejection of 3/11/2011 should be entered as non final on edan. Therefore the previous office action dated "03/11/2011" is hereby vacated.

Attached: Interview summary date "12/15/2011"

/Amanuel Lebassi/  
Examiner, Art Unit 2617

/Nick Corsaro/ SPE AU2617

PTO-90C (Rev.04-03)



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NOTICE OF ALLOWANCE AND FEE(S) DUE

22235 7590 04/25/2012
MALIN HALEY DIMAGGIO BOWEN & LHOTA, P.A.
1936 S ANDREWS AVENUE
FORT LAUDERDALE, FL 33316

EXAMINER

LEBASSI, AMANUEL

ART UNIT PAPER NUMBER

2617

DATE MAILED: 04/25/2012

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

12/324,122 11/26/2008 Malcolm K. Beyer JR. 10963.3819 9036

TITLE OF INVENTION: METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS

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

nonprovisional YES \$870 \$300 \$0 \$1170 07/25/2012

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

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

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

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

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

If the SMALL ENTITY is shown as NO:

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

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

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

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

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

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

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

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

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

22235 7590 04/25/2012  
**MALIN HALEY DIMAGGIO BOWEN & LHOTA, P.A.**  
 1936 S ANDREWS AVENUE  
 FORT LAUDERDALE, FL 33316

**Certificate of Mailing or Transmission**

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/324,122	11/26/2008	Malcolm K. Beyer JR.	10963.3819	9036

TITLE OF INVENTION: METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	07/25/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
LEBASSI, AMANUEL	2617	455-424000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

- Change of correspondence address (or Change of Correspondence Address Form PTO/SB/122) attached.
- "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

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

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

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

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

4a. The following fee(s) are submitted:

- Issue Fee
- Publication Fee (No small entity discount permitted)
- Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- A check is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

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

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

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

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO., EXAMINER, ART UNIT, PAPER NUMBER. Includes text: MALIN HALEY DIMAGGIO BOWEN & LHOTA, P.A., FORT LAUDERDALE, FL 33316, DATE MAILED: 04/25/2012

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 254 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 254 day(s).

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

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

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



## Privacy Act Statement

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

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

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

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	12/324,122	BEYER, MALCOLM K.	
	<b>Examiner</b>	<b>Art Unit</b>	
	AMANUEL LEBASSI	2617	

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

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

1.  This communication is responsive to 09/09/2011.
2.  An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
3.  The allowed claim(s) is/are 2-14.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_ .
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

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

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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

/A. L./ Examiner, Art Unit 2617	4/17/2012
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**DETAILED ACTION**  
**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with **Attorney Barry L. Haley Reg. No. 25,339** on **4/17/2012**.

**The application has been amended as follows:**

1. (Cancelled)

2. (Currently Amended) A communication system for transmitting, receiving, confirming receipt, and responding to an electronic message, comprising:

a predetermined network of participants, wherein each participant has a similarly equipped ~~PC or~~ PDA/cell phone that includes a CPU and a touch screen display a CPU and memory;

a data transmission means that facilitates the transmission of electronic files between ~~said PCs and~~ said PDA/cell phones in different locations;

a sender ~~PC or~~ PDA/cell phone and at least one recipient ~~PC or~~ PDA/cell phone for each electronic message;

a forced message alert software application program including a list of required possible responses to be selected by a participant recipient of a forced message response loaded on each participating ~~PC or~~ PDA/cell phone;

means for attaching a forced message alert software packet to a voice or text message creating a forced message alert that is transmitted by said sender ~~PC or~~ PDA/cell phone to the recipient ~~PC or~~ PDA/cell phone, said forced message alert software packet containing a list of possible required responses and requiring the forced message alert software on said recipient ~~PC or~~ PDA/cell phone to transmit an automatic acknowledgment to the sender ~~PC or~~ PDA/cell phone as soon as said forced message alert is received by the recipient ~~PC or~~ PDA/cell phone;

means for requiring a required manual response from the response list by the recipient in order to clear recipient's response list from recipient's cell phone display;

means for receiving and displaying a listing of which recipient ~~PCs or~~ PDA/cell phones have automatically acknowledged the forced message alert and which recipient ~~PCs or~~ PDA/cell phones have not automatically acknowledged the forced message alert;

means for periodically resending said forced message alert to said recipient ~~PCs or~~ PDA/cell phones that have not automatically acknowledged the forced message alert; and

means for receiving and displaying a listing of which recipient ~~PCs or~~ PDA/cell phones have transmitted a manual response to said forced message alert and details the response from each recipient ~~PC or~~ PDA/cell phone that responded.

3. (Currently amended) The system as in claim 2, wherein the forced message alert software application program on the recipient ~~PC or~~ PDA/cell phone includes:

means for transmitting the acknowledgment of receipt to said sender ~~PC or~~ PDA/cell phone immediately upon receiving a forced message alert from the sender ~~PC or~~ PDA/cell phone;

means for controlling of the recipient ~~PC or~~ PDA/cell phone upon transmitting said automatic acknowledgment and causing, in cases where the force message alert is a text message, the text message and a response list to be shown on the display of the recipient ~~PC or~~ PDA/cell phone or causes, in cases where the forced message alert is a voice message, the voice message being periodically repeated by the speakers of the recipient ~~PC or~~ PDA/cell phone while said response list is shown on the display;

means for allowing a manual response to be manually selected from the response list or manually recorded and transmitting said manual response to the sender ~~PC or~~ PDA/cell phone; and

means for clearing the text message and a response list from the display of the recipient ~~PC or~~ PDA/cell phone or stopping the repeating voice message and clearing the response list from the display of the recipient ~~PC or~~ PDA/cell phone once the manual response is transmitted.

4. (Previously presented) The system as in claim 2, wherein said data transmission means is TCP/IP or another communications protocol.

5. (Previously presented) The system as in claim 2, wherein the response list that is transmitted within the forced message alert software packet is a default response list that is embedded in the forced message alert software application program.

6. (Currently Amended) The system as in claim 2, wherein the response list that is transmitted within the forced message alert software packet is a custom response list that is created at the time the specific forced message alert is created on the sender ~~PC or~~ PDA/cell phone.

7. (Currently amended) A method of sending a forced message alert to one or more recipient ~~PCs or~~ PDA/cell phones within a predetermined communication network, wherein the receipt and response to said forced message alert by each intended recipient ~~PC or~~ PDA/cell phone is tracked, said method comprising the steps of:

accessing a forced message alert software application program on a sender ~~PC or~~ PDA/cell phone;

creating the forced message alert on said sender ~~PC or~~ PDA/cell phone by attaching a voice or text message to a forced message alert application software packet to said voice or text message;

designating one or more recipient ~~PCs or~~ PDA/cell phones in the communication network;

electronically transmitting the forced message alert to said recipient ~~PCs or~~ PDA/cell phones;

receiving automatic acknowledgements from the recipient ~~PCs or~~ PDA/cell phones that received the message and displaying a listing of which recipient ~~PCs or~~ PDA/cell phones have acknowledged receipt of the forced message alert and which recipient ~~PCs or~~ PDA/cell phones have not acknowledged receipt of the forced message alert;

periodically resending the forced message alert to the recipient ~~PCs or~~ PDA/cell phones that have not acknowledged receipt;

receiving responses to the forced message alert from the recipient ~~PCs or~~ PDA/cell phones and displaying the response from each recipient ~~PC or~~ PDA/cell phone; and

providing a manual response list on the display of the recipient ~~PC or~~ PDA/cell phone that can only be cleared by the recipient providing a required response from the list;

clearing the recipient's display screen or causing the repeating voice alert to cease upon recipient selecting a response from the response list required that can only be cleared by manually selecting and transmitting a response to the manual response list.

8. (Currently Amended) The method as in claim 7, wherein each ~~PC or~~ PDA/cell phone within a predetermined communication network is similarly equipped and has the forced message alert software application program loaded on it.

9. (Original) The method as in claim 7, wherein said forced message alert application software packet contains a response list, wherein said response list is a default list embedded in the forced message alert software application program.

10. (Currently Amended) The method as in claim 7, wherein said forced message alert application software packet contains a response list, wherein said response list is a custom response list that is created at the time the specific forced message alert is created on the sender ~~PC or~~ PDA/cell phone.

11. (Currently amended) A method of receiving, acknowledging and responding to a forced message alert from a sender ~~PC-OR~~ PDA/cell phone to a recipient ~~PC-OR~~ PDA/cell phone, wherein the receipt, acknowledgment, and response to said forced message alert is forced by a forced message alert software application program, said method comprising the steps of: receiving an electronically transmitted electronic message; identifying said electronic message as a forced message alert, wherein said forced message alert comprises of a voice or text message and a forced message alert application software packet, which triggers the activation of the forced message alert software application program within the recipient ~~PC-OR~~ PDA/cell phone; transmitting an automatic acknowledgment of receipt to the sender ~~PC-OR~~ PDA/cell phone, which triggers the forced message alert software application program to take control of the recipient ~~PC-OR~~ PDA/cell phone and show the content of the text message and a required response list on the display recipient ~~PC-OR~~ PDA/cell phone or to repeat audibly the content of the voice message on the speakers of the recipient ~~PC-OR~~ PDA/cell phone and show the required response list on the display recipient ~~PC-OR~~ PDA/cell phone; and transmitting a selected required response from the response list in order to allow the message required response list to be cleared from the recipient's cell phone display, whether said selected response is a chosen option from the response list, causing the forced message alert software to release control of the recipient ~~PC-OR~~ PDA/cell phone and stop showing the content of the text message and a response list on the display recipient ~~PC-OR~~ PDA/cell phone and or stop repeating the content of the voice message on the speakers of the recipient ~~PC-OR~~ PDA/cell phone;



displaying the response received from the ~~PC or~~ PDA cell phone that transmitted the response on the sender of the forced alert ~~PC or~~ PDA/cell phone; and  
providing a list of the recipient ~~PC or~~ PDA/cell phones have automatically acknowledged receipt of a forced alert message and their response to the forced alert message. 12. (Original)

12. (Currently amended) The method as in claim 11, wherein each ~~PC or~~ PDA/cell phone within a predetermined communication network is similarly equipped and has the forced message alert software application program loaded on it.

13. (Original) The method as in claim 11, wherein said forced message alert application software packet contains a response list, wherein said response list is a default list embedded in the forced message alert software application program.

14. (Currently amended) The method as in claim 11, wherein said forced message alert application software packet contains a response list, wherein said response list is a custom response list that is created at the time the specific forced message alert is created on the sender ~~PC or~~ PDA/cell phone.

*Allowable Subject Matter*

1. Claims 2-14 are allowed.
2. The following is an **examiner's statement of reasons for allowance**:

The following is an examiner's statement of reasons for allowance: claims 2-14 have been found to be novel and the inventive because prior art record fails to show or teach means for attaching a forced message alert software packet to a voice or text message creating a forced message alert that is transmitted by said sender PDA/cell phone to the recipient PDA/cell phone, said forced message alert software packet containing a list of possible required responses and requiring the forced message alert software on said recipient PDA/cell phone to transmit an automatic acknowledgment to the sender PDA/cell phone as soon as said forced message alert is received by the recipient PDA/cell phone; means for requiring a required manual response from the response list by the recipient in order to clear recipient's response list from recipient's cell phone display; means for receiving and displaying a listing of which recipient PDA/cell phones have automatically acknowledged the forced message alert and which recipient PDA/cell phones have not automatically acknowledged the forced message alert.

2. 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."

#### *Conclusion*

1. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amanuel Lebassi, whose telephone number is (571) 270-5303. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Amanuel Lebassi*  
/A. L/  
4/17/2012

/NICK CORSARO/  
Supervisory Patent Examiner, Art Unit 2617

<b>Search Notes</b>  	<b>Application/Control No.</b>  12324122	<b>Applicant(s)/Patent Under Reexamination</b>  BEYER, MALCOLM K.
	<b>Examiner</b>  AMANUEL LEBASSI	<b>Art Unit</b>  2617

SEARCHED			
Class	Subclass	Date	Examiner
455	41.1, 416, 518, 519	9/9/2010	AL
455	41.3, 88, 404.2, 412.1, 412.2, 414.4 ,415 ,416, 418, 419, 420, 456.1, 456.3, 457, 458, 463	4/17/2012	AL
701	213, 482	4/17/2012	AL

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor Search	9/9/2010	AL
Updated Search	4/17/2012	AL

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
455	41.3, 88, 404.2, 412.1, 412.2, 414.4 ,415 ,416, 418, 419, 420, 456.1, 456.3, 457, 458, 463	4/17/2012	AL


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**EAST Search History**

**EAST Search History (Prior Art)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S100	1	12/324,122	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2012/04/17 13:14
S101	67	(Beyer near2 Jr\$1).in.	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2012/04/17 15:29
S102	42	(Beyer near2 Jr\$1).in.	USPAT	ADJ	OFF	2012/04/17 15:29
S103	0	455/41.3,"88", "404.2", "412.1", "412.2", "414.4" ",415" ",416", "418", "419", "420", "456.1", "456.3", "457", "458", "463".ccls.	USPAT	ADJ	OFF	2012/04/17 15:54
S104	0	455/41.3,88,404.2,412.1,412.2,414.4 "415,416,418,419,420,456"" ""1,456"" ""3,457,458,463".ccls.	USPAT	ADJ	OFF	2012/04/17 15:55
S105	11944	455/41.3,88,404.2,412.1,412.2,414.4,415,416,418,419,420,456.1,456.3,457,458,463.ccls.	USPAT	ADJ	OFF	2012/04/17 15:56
S106	756	(periodic\$4 same (resend\$3 or re-send\$3 or retransmit\$4)) and alert\$3	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2012/04/17 15:57
S107	268	S106 and (ACK or acknowledge)	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2012/04/17 15:57
S108	180	((@prad < "20040921") or (@riad < "20040921") or ( @ad< "20040921")) and S107	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2012/04/17 15:57
S109	0	((forced near3 (alert\$4)) same (participat\$3 ((mobile or portable or wireless or cell\$4 or handheld) adj (telephone or phone or terminal or station or device or unit)))	US- PGPUB; USPAT; USOCR; FPRS; EPO; JPO	ADJ	OFF	2012/04/17 15:58

4/ 17/ 2012 6:13:24 PM  
 C:\Users\alebassi\Documents\EAST\Workspaces\12324122.wsp

<b>Issue Classification</b> 	<b>Application/Control No.</b> 12324122	<b>Applicant(s)/Patent Under Reexamination</b> BEYER, MALCOLM K.
	<b>Examiner</b> AMANUEL LEBASSI	<b>Art Unit</b> 2617

ORIGINAL						INTERNATIONAL CLASSIFICATION														
CLASS			SUBCLASS			CLAIMED					NON-CLAIMED									
455			466			H	0	4	W	4 / 00 (2009.01.01)										
<b>CROSS REFERENCE(S)</b>																				
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																			
455	88	404.2	412.1	412.2	414.4															
455	415	416	418	419	420															
455	456.1	456.3	457	458	463															
455	500	517	518	519	556.2															
701	213	482																		

<input type="checkbox"/> <b>Claims renumbered in the same order as presented by applicant</b> <input type="checkbox"/> <b>CPA</b> <input type="checkbox"/> <b>T.D.</b> <input type="checkbox"/> <b>R.1.47</b>															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
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12	13														
13	14														

/AMANUEL LEBASSI/ Examiner.Art Unit 2617  (Assistant Examiner)	4/17/2012  (Date)	<b>Total Claims Allowed:</b>  13	
/NICK CORSARO/ Supervisory Patent Examiner.Art Unit 2617  (Primary Examiner)	04/19/2012  (Date)	O.G. Print Claim(s)  2	O.G. Print Figure  Fig. 1a

**EAST Search History**

**EAST Search History (Interference)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S110	12074	455/41.3,88,404.2,412.1,412.2,414.4,415,416,418,419,420,456.1,456.3,457,458,463.ccls.	USPAT; UPAD	ADJ	OFF	2012/04/17 15:56
S111	0	S110 and ( requiring a required manual response from the response list by the recipient in order to clear recipient's response list from recipient's cell phone display).clm.	USPAT; UPAD	ADJ	OFF	2012/04/17 15:57
S112	0	S110 and ( requiring a required manual response from the response list by the recipient in order to clear recipient's response list from recipient's cell phone display).clm.	USPAT; UPAD	AND	OFF	2012/04/17 15:57
S113	0	S110 and ( requiring a required manual response from the response list by the recipient in order to clear recipient's response list from recipient's\$1 cell phone display).clm.	USPAT; UPAD	AND	OFF	2012/04/17 15:57
S114	0	S110 and ( requiring a required manual response from the response list by the recipient in order to clear recipient's\$1 response list from recipient's\$1 cell phone display).clm.	USPAT; UPAD	AND	OFF	2012/04/17 15:57

4/ 17/ 2012 6:13:42 PM

C:\Users\alebassi\Documents\EAST\Workspaces\12324122.wsp

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

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

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

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

22235 7590 04/25/2012  
**MALIN HALEY DIMAGGIO BOWEN & LHOTA, P.A.**  
**1936 S ANDREWS AVENUE**  
**FORT LAUDERDALE, FL 33316**

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

**Certificate of Mailing or Transmission**

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

(Depositor's name)
Filed Electronically
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/324,122	11/26/2008	Malcolm K. Beyer JR.	10963.3819	9036

TITLE OF INVENTION: METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	07/25/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
LEBASSI, AMANUEL	2617	455-424000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

- Change of correspondence address (or Change of Correspondence Address Form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

- 1 MALIN HALEY DIMAGGIO  
 2 BOWEN & LHOTA, P.A.  
 3 \_\_\_\_\_

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

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

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Advanced Ground Information Systems, Inc. Jupiter, Florida

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

4a. The following fee(s) are submitted:

- Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies 10

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- A check is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 13-1130 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

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

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

Authorized Signature /barry l. haley/ Date May 24, 2012  
 Typed or printed name Barry L. Haley Registration No. 25,339

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Electronic Patent Application Fee Transmittal				
<b>Application Number:</b>	12324122			
<b>Filing Date:</b>	26-Nov-2008			
<b>Title of Invention:</b>	METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS			
<b>First Named Inventor/Applicant Name:</b>	Malcolm K. Beyer			
<b>Filer:</b>	Barry Lee Haley/Amy Allen			
<b>Attorney Docket Number:</b>	10963.3819			
Filed as Small Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
Utility Appl issue fee	2501	1	870	870
<b>Extension-of-Time:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
Printed copy of patent - no color	8001	10	3	30
<b>Total in USD (\$)</b>				<b>900</b>

<b>Electronic Acknowledgement Receipt</b>	
<b>EFS ID:</b>	12854129
<b>Application Number:</b>	12324122
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9036
<b>Title of Invention:</b>	METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS
<b>First Named Inventor/Applicant Name:</b>	Malcolm K. Beyer
<b>Customer Number:</b>	22235
<b>Filer:</b>	Barry Lee Haley/Amy Allen
<b>Filer Authorized By:</b>	Barry Lee Haley
<b>Attorney Docket Number:</b>	10963.3819
<b>Receipt Date:</b>	24-MAY-2012
<b>Filing Date:</b>	26-NOV-2008
<b>Time Stamp:</b>	11:11:08
<b>Application Type:</b>	Utility under 35 USC 111(a)

**Payment information:**

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$900
RAM confirmation Number	10940
Deposit Account	131130
Authorized User	
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <ul style="list-style-type: none"> <li>Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)</li> <li>Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)</li> </ul>	

<b>File Listing:</b>					
<b>Document Number</b>	<b>Document Description</b>	<b>File Name</b>	<b>File Size(Bytes)/ Message Digest</b>	<b>Multi Part /.zip</b>	<b>Pages (if appl.)</b>
1	Issue Fee Payment (PTO-85B)	10_IssueFeeTransmittal.pdf	141692 <small>3f2c967da2a77726b3f472de20f7a91a3927b82f</small>	no	1
<b>Warnings:</b>					
<b>Information:</b>					
2	Fee Worksheet (SB06)	fee-info.pdf	31994 <small>61febb4bd13c1ffac7c44e4236805f9ab3e08db3</small>	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			173686		
<p><b>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</b></p>					

Electronic Patent Application Fee Transmittal				
<b>Application Number:</b>	12324122			
<b>Filing Date:</b>	26-Nov-2008			
<b>Title of Invention:</b>	METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS			
<b>First Named Inventor/Applicant Name:</b>	Malcolm K. Beyer			
<b>Filer:</b>	Barry Lee Haley/Amy Allen			
<b>Attorney Docket Number:</b>	10963.3819			
Filed as Large Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
Publ. Fee- early, voluntary, or normal	1504	1	300	300
<b>Extension-of-Time:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>300</b>

<b>Electronic Acknowledgement Receipt</b>	
<b>EFS ID:</b>	12858491
<b>Application Number:</b>	12324122
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9036
<b>Title of Invention:</b>	METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE REMOTE COMMUNICATIONS
<b>First Named Inventor/Applicant Name:</b>	Malcolm K. Beyer
<b>Customer Number:</b>	22235
<b>Filer:</b>	Barry Lee Haley/Amy Allen
<b>Filer Authorized By:</b>	Barry Lee Haley
<b>Attorney Docket Number:</b>	10963.3819
<b>Receipt Date:</b>	24-MAY-2012
<b>Filing Date:</b>	26-NOV-2008
<b>Time Stamp:</b>	15:16:58
<b>Application Type:</b>	Utility under 35 USC 111(a)

**Payment information:**

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$300
RAM confirmation Number	1651
Deposit Account	131130
Authorized User	
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <ul style="list-style-type: none"> <li>Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)</li> <li>Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)</li> </ul>	

<b>File Listing:</b>					
<b>Document Number</b>	<b>Document Description</b>	<b>File Name</b>	<b>File Size(Bytes)/ Message Digest</b>	<b>Multi Part /.zip</b>	<b>Pages (if appl.)</b>
1	Fee Worksheet (SB06)	fee-info.pdf	30373 <small>ca3132211ac0f96780f83e7d56a7c5bc840aa8d1</small>	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			30373		
<p>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.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					





UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/324,122	07/03/2012	8213970	10963.3819	9036

22235            7590            06/13/2012  
MALIN HALEY DIMAGGIO BOWEN & LHOTA, P.A.  
1936 S ANDREWS AVENUE  
FORT LAUDERDALE, FL 33316

**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 367 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

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

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

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

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

Malcolm K. Beyer JR., Jupiter Inlet Colony, FL;

TO: <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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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 for the Eastern District of Texas - Marshall Division on the following

Trademarks or  Patents. (  the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 2:17-cv-00517-JRG	DATE FILED June 21, 2017	U.S. DISTRICT COURT Eastern District of Texas - Marshall Division
PLAINTIFF AGIS Software Development LLC		DEFENDANT ZTE Corporation , et al.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,213,970	July 3, 2012	AGIS Software Development LLC
2 9,408,055	August 2, 2016	AGIS Software Development LLC
3 9,445,251	September 13, 2016	AGIS Software Development LLC
4 9,467,838	October 11, 2016	AGIS Software Development LLC
5		

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

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK	(BY) DEPUTY CLERK	DATE
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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

<b>TO:</b> <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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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 for the Eastern District of Texas - Marshall Division on the following

Trademarks or  Patents. (  the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 2:17-cv-00515-JRG	DATE FILED June 21, 2017	U.S. DISTRICT COURT Eastern District of Texas - Marshall Division
PLAINTIFF AGIS Software Development LLC		DEFENDANT LG Electronics, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,213,970	July 3, 2012	AGIS Software Development LLC
2 9,408,055	August 2, 2016	AGIS Software Development LLC
3 9,445,251	September 13, 2016	AGIS Software Development LLC
4 9,467,838	October 11, 2016	AGIS Software Development LLC
5		

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

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT
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CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

<b>TO:</b> <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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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 for the Eastern District of Texas - Marshall Division on the following

Trademarks or  Patents. (  the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 2:17-cv-00513-JRG	DATE FILED June 21, 2017	U.S. DISTRICT COURT Eastern District of Texas - Marshall Division
PLAINTIFF AGIS Software Development LLC		DEFENDANT Huawei Device USA Inc., et al.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,213,970	July 3, 2012	AGIS Software Development LLC
2 9,408,055	August 2, 2016	AGIS Software Development LLC
3 9,445,251	September 13, 2016	AGIS Software Development LLC
4 9,467,838	October 11, 2016	AGIS Software Development LLC
5		

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

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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<b>TO:</b> <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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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 for the Eastern District of Texas - Marshall Division on the following

Trademarks or  Patents. (  the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 2:17-cv-00516-JRG	DATE FILED June 21, 2017	U.S. DISTRICT COURT Eastern District of Texas - Marshall Division
PLAINTIFF AGIS Software Development LLC		DEFENDANT Apple, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,213,970	July 3, 2012	AGIS Software Development LLC
2 9,408,055	August 2, 2016	AGIS Software Development LLC
3 9,445,251	September 13, 2016	AGIS Software Development LLC
4 9,467,838	October 11, 2016	AGIS Software Development LLC
5		

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

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT
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CLERK	(BY) DEPUTY CLERK	DATE
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<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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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 for the Eastern District of Texas - Marshall Division on the following

Trademarks or  Patents. (  the patent action involves 35 U.S.C. § 292.);

DOCKET NO. 2:17-cv-00514-JRG	DATE FILED June 21, 2017	U.S. DISTRICT COURT Eastern District of Texas - Marshall Division
PLAINTIFF AGIS Software Development LLC		DEFENDANT HTC Corporation
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,213,970	July 3, 2012	AGIS Software Development LLC
2 9,408,055	August 2, 2016	AGIS Software Development LLC
3 9,445,251	September 13, 2016	AGIS Software Development LLC
4 9,467,838	October 11, 2016	AGIS Software Development LLC
5		

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

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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DECISION/JUDGEMENT
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