

EXHIBIT 5



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11/615,472	12/22/2006	Malcolm K. Beyer, JR.	10963.3809	1937				
22235	7590	10/27/2010	<table border="1"> <tr> <td colspan="2">EXAMINER</td> </tr> <tr> <td colspan="2">OBAYANJU, OMONIYI</td> </tr> </table>		EXAMINER		OBAYANJU, OMONIYI	
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MALIN HALEY DIMAGGIO BOWEN & LHOTA, P.A. 1936 S ANDREWS AVENUE FORT LAUDERDALE, FL 33316			ART UNIT	PAPER NUMBER				
			2617					
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The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/05/2010 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 2-6 have been considered but are moot in view of the new ground(s) of rejection.

However, the Examiner further reviewed the Applicant's amendment and arguments which have been found not persuasive.

In regards to the claims, the Applicant amended the claimed limitations to recite at least in part "...commanding and involuntarily forcing any other network participants..." Therefore, argued that the prior art reference (Crowley) fails to teach the claimed limitations.

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In response the Examiner respectfully disagrees with Applicant's

amendments and arguments. First, the Applicant did not point to at least a section or specific paragraphs and/or lines that clearly described the newly added and/or amended claimed limitations. However, after careful review of the Applicant's specification on file, the Examiner found nothing that mention and/or at least indicate "**commanding and involuntarily forcing any other network participants**" throughout the specification. Therefore, this newly added claimed limitation encompasses new matter which will be addressed in detail below.

Finally, for the sake of examination, the amended limitation as present above is unclear with respect to the subject matter of this invention. However given the amended claimed limitation its' broadest reasonable interpretation, the claimed limitation is fairly characterized as "**commanding and involuntarily forcing any other network participants**" (sending command messages to another user or device, and in response receiving certain information about the device

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2-6, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

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