

EXHIBIT 5

Docket No.: MOC-005
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:
Malcolm K. Beyer, Jr.

Application No.: 14/633,804

Confirmation No.: 8573

Filed: February 27, 2015

Art Unit: 2646

For: METHOD TO PROVIDE AD HOC AND
PASSWORD PROTECTED DIGITAL AND
VOICE NETWORKS

Examiner: O. Obayanju

AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION

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

INTRODUCTORY COMMENTS

In response to the Office Action dated February 19, 2016, in connection with the patent application identified above, the following Amendment and Response is respectfully submitted, along with a request for a one-month extension of time. The Commissioner is hereby authorized to charge excess claim fees and extension of time fees to the credit card identified in this filing, and no additional fees are believed to be required. If any such fees are due, however, the Commissioner is hereby also authorized to charge such fees to our Deposit Account No. 50-4634, with reference to Order No. MOC-005.

Please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 11 of this paper.

REMARKS

Administrative Overview

Prior to the Office Action of February 19, 2016, claims 1, 2, 8, 9, 11-14, 20, 21, 23, 24, and 31-44 were pending. In the Office Action:

- the independent claims (i.e., claims 1 and 13) were rejected under 35 U.S.C. § 103 as purportedly being obvious over U.S. Pub. No. 2004/0148090 (“Melen”) in view of U.S. Patent No. 8,014,763 (“Hymes”); and
- each of the dependent claims was rejected under 35 U.S.C. § 103 as purportedly being obvious over Melen / Hymes alone or in combination with other secondary references.

In the present Amendment, claims 9 and 21 are canceled without prejudice or disclaimer, claims 1, 11, 13, 23, 31, 33, 37, and 39 are amended, and claims 45-55 are added. No new matter is added.

Support for the claim amendments and for new claims 45-51 and 54 can be found, for example, in U.S. Patent No. 7,630,724 (“the ‘724 patent”) in col. 5, lines 51-67; col. 7, line 48 – col. 8, line 48; col. 9, lines 41-45; col. 10, lines 23-56; and col. 18, line 57 – col. 19, line 7. Support for new claims 52 and 53 can be found, for example, in the ‘724 patent in col. 10, lines 9-22. Support for new claim 55 can be found, for example, in the ‘724 patent in col. 2, lines 64-67; and col. 11, lines 2-7. It is noted that the ‘724 patent was incorporated by reference into the present application at the time of the present application’s filing.

Applicability of Post-AIA Provisions of the Patent Laws to the Present Application

The Office Action (p. 2) states that “[t]he present application is being examined under the pre-AIA first to invent provisions” of the patent laws. For the reasons stated in the Response filed on November 13, 2015, it is understood that the present application will be examined under the post-AIA, first-to-file provisions of the patent laws.

Interview Summary

Applicant thanks Examiner Obayanju for conducting a telephonic interview on May 26, 2016. The participants included Examiner Obayanju, Applicant’s undersigned representative