

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

Rothschild *et al.*

Appl. No. 09/407,371

Filed: September 28, 1999

For: **Server-Group Messaging System  
for Interactive Applications**

Art Unit: 2758

Examiner: *To Be Assigned*

Atty. Docket: 1719.0050002

**SECOND SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT  
UNDER MPEP § 2001.06(c)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are one-hundred and one (101) documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This "Second Supplemental Information Disclosure Statement under MPEP § 2001.06(c)" is a follow-up to the "First Supplemental Information Disclosure Statement under MPEP § 2001.06(c)" filed by the Applicants on November 1, 2000. That is, the documents listed on the accompanying Form PTO-1449 were also brought to the attention of the undersigned as a result of a litigation captioned HearMe v. Lipstream Networks, Inc., Case No. C-99-04506 (WHA), filed in the United States District Court for the Northern District of California on October 8, 1999. This suit involved U.S. Patents Nos. 5,822,523 and 6,018,766, to which the present application claims priority under 35 U.S.C. § 120. The suit was ultimately settled on August 30, 2000. In any event, due to the requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98, as well as MPEP § 2001.06(c) (7th ed., Rev. 1, Feb. 2000), the undersigned felt it best to cite these xx documents on the accompanying Form PTO-1449.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to further establish the patentability of the claimed invention over any of the listed documents should they be applied as references, and/or to prove that some of these documents may not be prior art, and/or to prove that some of these documents may not be enabling for the teachings they purport to offer.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required. Nevertheless, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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