

EXHIBIT 8

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,744	12/10/2003	Michael T. McKibben	LEADP102USA	6665

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EXAMINER

MIZRAHI, DIANE D

ART UNIT	PAPER NUMBER
2165	

2165

DATE MAILED: 01/05/2006

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

Office Action Summary	Application No. 10/732,744	Applicant(s) MCKIBBEN ET AL.	
	Examiner DIANE D. MIZRAHI	Art Unit 2165	

-- 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 03 November 2005.
- 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) 1-10, 12-26, 28, 29 and 31-44 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 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.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) 1-10, 12-26 and 28-29, 31-44 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 03 November 2005 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-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

III. DETAILED ACTION

Claims 1-10, 12-26 and 28-29, 31-44 are presented for examination.

In response to communications filed on November 3, 2005, the Claims 1-10, 12-26 and 28-29, 31-44 are pending in the application, Applicant's arguments have been reconsidered but are not deemed persuasive for the reasons set forth below.

Response to Applicant's Remarks

Examiner has completed a through review and study of Applicant's amendment of November 3, 2005; especially, Applicant's amendments to claims 1-10, 12-26 and 28-29, 31-44 and remarks at pages 8-12.

In light of Applicant's newly submitted amendment of November 3, 2005, a new office action is issued. Examiner asserts that McKelvie in combination with Sigma teaches Applicant's invention. Please see the next section See below:

Claim Rejections - 35 USC 103

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.

Claims 1-10, 12-26 and 28-29, 31-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samuel J. McKelvie et al. (Pub. No. 2003/0217096 A1 and McKelvie hereinafter) and further in view of Brian Smiga et al. (US Patent No. 6,421,678 B2 and Smiga hereinafter).

Regarding Claim 1, McKelvie teaches computer-implemented system that facilitates the management of data [0037], comprising a unified horizontal data management tool for at least many-to-many user functionality [0101], the tool facilitating data communications [0031], data organization, data processing, and data storage [0101].

McKelvie does not expressly teach the data management tool facilitates collaboration among a plurality of users across a plurality of projects, and dynamically assigns at least one communication tool to at least one of the plurality of projects.

Sigma teaches data management tool facilitates collaboration among a plurality of users across a plurality of

projects, (i.e. collaboration between users or between applications) Brief Summary Text (paragraph7)): and dynamically assigns at least one communication tool to at least one of the plurality of projects (i.e. an action, a memo, a personal keynote, a shared keynote, an action request, an FYI (for your information) message or one of several other different types) (Detailed Description Text (paragraph 6)) see also (Detailed Description Text (paragraph 97)).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of McKelvie with the teachings of Sigma to include data management tool facilitates collaboration among a plurality of users across a plurality of projects, and dynamically assigns at least one communication tool to at least one of the plurality of projects with the motivation to provide for the user to be able to collaborate with other users to assign projects, accept project assignments, and inform others and user could update an action item easily, quickly and without losing the context in which he/she is currently engaged (Smiga, col 2, lines 60-67 to col 3, lines 1-16).

Regarding Claim 26, the limitations of this claim is similar in scope to the rejected claim above. In addition, McKelvie does not expressly teach tracking movement from user

environment ... and associating data and application with the second user

Sigma teaches tracking movement from user environment ... and associating data and application with the second user (i.e. users could collaborate and track action items between many participants and across many computer systems) (Brief Summary Text (paragraph 10)).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of McKelvie with the teachings of Sigma to include tracking movement from user environment ... and associating data and application with the second user ... with the motivation to provide for the user to be able to collaborate with other users to assign projects, accept project assignments, and inform others and user could update an action item easily, quickly and without losing the context in which he/she is currently engaged (Smiga, col 2, lines 60-67 to col 3, lines 1-16).

Regarding Claim 2, McKelvie teaches data management system structures data according to a user who generated the data [0061].

Regarding Claim 3, McKelvie teaches the data management system structures data according to the context in which the data was generated [0003].

Regarding Claim 4, McKelvie teaches the tool provides links to enterprise leadership priorities [0005][0008].

Regarding Claim 5, McKelvie teaches the tool performs communications tasks substantially simultaneously with reminding a user associated work priorities [0001][0080].

Regarding Claim 6, McKelvie teaches the tool automatically stores contextual information [0033] relating to an item of communication and utilizes that contextual information in performance of communication tasks [0104].

Regarding Claim 7, McKelvie teaches the tool integrates two or more different applications into a common application, the different applications comprising telephony, unified messaging, decision support, document management, portals, chat, collaboration, search, vote, relationship management, calendar, personal information management, profiling, directory management, executive information systems, dashboards, cockpits, tasking, meeting and, web and video conferencing[0108] [0041].

Regarding Claim 8, McKelvie teaches defines relationships between and among complex collections of data [0129].

Regarding Claim 9, McKelvie teaches the tool automates workflow between and among multiple entities [0035].

Regarding Claim 10, McKelvie teaches the tool facilitates data storage using at least one of relational and object storage

methodologies [0041].

Regarding Claim 12, McKelvie teaches at least one communications tool includes one or more of e-mail, voicemail, fax, teleconferencing, instant message, chat, contacts, calendar, task, notes, news, ideas, vote, web and video conferencing, and document sharing [0104].

Regarding Claim 13, McKelvie teaches the tool includes a plurality of applications, wherein at least one of the plurality of applications includes file storage pointers that are dynamic, and associated initially with a board within which the at least one application is launched [0370].

Regarding Claim 14, McKelvie teaches, the file storage pointers of a board can be acted upon from another board by the same application (Figure 3).

Regarding Claim 15, McKelvie teaches a computer [0010].

Regarding Claim 16, McKelvie teaches computer executable [0061].

Regarding Claim 17, McKelvie teaches data storage is encrypted [0096].

Regarding Claim 18, McKelvie teaches tracking component that tracks a change of the user from the first context to a second context, and automatically associates at least a portion of the context information with the second

context [0407] [0132].

Regarding Claim 19, McKelvie teaches ... collection of data and application functionality related to a user-defined topic [0073].

Regarding Claim 20, McKelvie teaches a web [0040] that is a collection of interrelated boards, the web maintains the location of data of the respective boards when one or more of the interrelated boards are moved into a different board interrelationship, whether within the web or to another web ...[00056] [0132].

Regarding Claim 21, McKelvie teaches the context information includes a relationship between a user and at least one of an application, application data, and user environment [0129].

Regarding Claim 22, McKelvie teaches the context component captures context information of the first context and context information related to one or more other contexts [0040].

Regarding Claim 23, McKelvie teaches the context information of the one or more other contexts is at least one of stipulated by the user, and suggested automatically by the system based upon various search and association criteria set by the user [0040].

Regarding Claim 24, McKelvie teaches data created in the first context can be associated with data created in the second context [0002][0101] .

Regarding Claim 25, McKelvie teaches context information is tagged to data when the data is created [0045].

Regarding Claims 28,29 and 31, these claims are similar in scope to the rejected claims above and are therefore rejected as set forth above.

Regarding Claim 32, McKelvie using a browser [0079].

Regarding Claim 33, McKelvie TCP/IP communication protocol [0049].

Regarding Claim 34, McKelvie teaches a URL address [0407].

Regarding Claim 35, McKelvie teaches a portable wireless device [0073].

Regarding Claim 36, McKelvie teaches providing a plurality of user environments traversing the collections of the user environments with one or more of the applications to locate the data associated ... [0040].

Regarding Claim 37, McKelvie teaches webslice that includes traversal information for locating the data associated with a given user environment [0040].

Regarding Claim 38, McKelvie teaches ... a collection ID , a user environment ID, and a routing path to the location of the

environment data [0096] [0306] .

Regarding Claim 39, McKelvie teaches data carry both hierarchical and non-hierarchical associations simultaneously within the applications (Figure 3).

Regarding Claims 40-41, these limitations of this claim is similar in scope to the rejected claims above. In addition, McKelvie tracking movement of the user from the user workspace of computing platform ... to a second user environment; and associating at least one of the data and the application with the second user environment such that the user can employ the application and data from the second environment [0117].

McKelvie does not expressly teach indexing the data of the user workspace such that a plurality of different users can access the data from a plurality of different user workspaces.

Sigma teaches indexing the data (i.e. FIGS. 15-18 i.e. reads on of tables in the object database) of the user workspace such that a plurality of different users can access the data from a plurality of different user workspaces (Brief Summary Text (paragraph, 13)) see also (Detailed Description Text (paragraph 113)).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of McKelvie with the teachings of Sigma to include

indexing the data of the user workspace such that a plurality of different users can access the data from a plurality of different user workspaces with the motivation to provide for the user to be able to collaborate with other users to assign projects, accept project assignments, and inform others and user could update an action item easily, quickly and without losing the context in which he/she is currently engaged (Smiga, col 2, lines 60-67 to col 3, lines 1-16).

Regarding Claims 42-43, McKelvie teaches ... user interface [0077] and server based user contexts [0049].

Regarding Claim 44, McKelvie teaches the data management information includes... an interface for accessing an application that facilitates messaging and chat at least two or more of telephony, unified messaging, decision support, document management, portals, chat, collaboration, search, vote, relationship management, calendar, personal information management, profiling, directory management, executive information systems, dashboards, cockpits, tasking, meeting and, web and video conferencing [0077] [0368].

Therefore, Claims 1-10, 12-26 and 28-29, 31-44 are rejected.

Applicant's arguments have been reconsidered but are not deemed persuasive for the reasons set forth above. Claims 1-10,

12-26 and 28-29, 31-44 are not allowable over the prior art made of record.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Other Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the

cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Diane Mizrahi
Primary Patent Examiner
Technology Center 2100

December 30, 2005