

EXHIBIT B



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/574,537	12/19/95	EGGLESTON	G PD05517AW

ANTHONY J SARLI JR
MOTOROLA INC
1303 EAST ALGONQUIN ROAD
SCHAUMBURG IL 60196

B3M1/0429

EXAMINER	
LUI, L	
ART UNIT	PAPER NUMBER
2317	2

DATE MAILED: 04/23/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ 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 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 mos month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-39 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-39 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

Serial Number: 08/574,537
Art Unit: 2317

2

1. Claims 1-39 are presented for examination.
2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
3. The disclosure is objected to because of the following informalities: Applicant provided incorrect filing date of application serial no. 08/557,657. The correct filing date should be November 13, 1995. Appropriate correction is required.
4. 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 --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.
5. Claims 1, 5-8, 10, 11-13, 18-19, 21, 25, 28-32, 35, and 37 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Vaudreuil** patent no. **5,621,727**.

Serial Number: 08/574,537
Art Unit: 2317

3

6. As to claim 1, Vaudreuil teaches the invention substantially as claimed, including a system for communicating data with a communication unit associated with a first user (figure 1) comprising:

a host server (col. 7 line 51 - col. 8 line 24); and

a communication server (col. 3 line 65 - col. 4 line 25), in communication with the host server and communication unit, comprising a data transfer manager (col. 9 lines 10-25) operable for controlling communication of data between the communication unit and host server including filtering data (col. 22 lines 6-17) from the host server based on at least on user-definable filter parameter (col. 4 lines 51-67, and col. 23 lines 3-17).

7. As to claims 5-6, Vaudreuil teaches the communication server comprises a user profile, and the data transfer manager using query manager to determine the filter parameter from the user profile and communicating the filter parameter to the host server (figure 10).

8. As to claim 7, Vaudreuil teaches a summary database (col. 17 lines 30-38, and col. 23 lines 3-17).

9. As to claim 8, Vaudreuil teaches host server is an electronic mail post office operating on a host processor, the first and

Serial Number: 08/574,537
Art Unit: 2317

4

second data units are email messages, and the filter parameters are at least one of a group consisting of an author name, priority level, mail date, message size, and subject word (col. 3 line 65 - col. 4 line 25, and col. 31 lines 12-38).

10. As to claim 10, Vaudreuil teaches the host server is one of a group consisting of an electronic mail post office, a client server host, a multimedia application host, and a voice processor (col. 3 line 65 - col. 4 line 50).

11. 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 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 negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Serial Number: 08/574,537
Art Unit: 2317

5

12. Claims 2, 9, 14-17, 20, 22-24, 33-34, 36, and 38-39 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Vaudreuil** patent no. **5,621,727**.

13. As to claim 2, Vaudreuil teaches the invention substantially as claimed as discussed above; however Vaudreuil does not explicitly teach the host server communicate with the communication server via a well-known WAN communication channel.

Vaudreuil teaches using TCP/IP protocol and internal interface for communication between all modules in the communications system; it is well-known that the Internet network using TCP/IP protocol.

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Vaudreuil to use the well-known WAN communication channel for communications between the host server and the communication server because it would allow hub resources to be distributed geographically.

14. As to claim 9, Vaudreuil does not explicitly teach the host server and communication server are operating on a same host processor. It would have been obvious matter of design choice to one of ordinary skill in the Data Processing art at the time of the invention to combine the functions of the host server and the

Serial Number: 08/574,537
Art Unit: 2317

6

communication server into one timesharing computer because it would save hardware cost.

15. As to claims 15-16, truncating a size of a data unit to a maximum size specified in the maximum data unit size parameter and modifying a data unit by stripping an attachment and transferring the data unit are well-known.

16. Claims 3 and 27 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Vaudreuil** patent no. **5,621,727** in view of **Messenger** patent no. **5,276,680**.

17. As to claim 3, Vaudreuil teaches the invention substantially as claimed as discussed above; however Vaudreuil does not explicitly teach the communication server and communication unit are coupled through a wireless channel.

Messenger teaches portable unit use wireless communications to communicate with server through controllers (figure 1).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Vaudreuil and Messenger to use wireless communication because it would allow users to access the communication server regardless of locations.

Serial Number: 08/574,537
Art Unit: 2317

7

18. Claims 4 and 26 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Vaudreuil** patent no. **5,621,727** in view of **Baudoin** patent no. **5,406,557**.

19. As to claim 4, Vaudreuil teaches the invention substantially as claimed as discussed above; however Vaudreuil does not explicitly teach sessionless-oriented communication protocol nor session-oriented protocol.

Baudoin teaches inter-hub links use any one of the industry standard networking protocols such as TCP/IP, X.25, or DECnet (sessionless-oriented), and external-hub links use IBM's SNA protocol (session-oriented) (col. 4 lines 14-16, and col. 7 lines 4-7).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Vaudreuil and Baudoin to use sessionless-oriented protocol for communication between virtual session manager and the communication unit and session-oriented protocol for communication between virtual session manager and the host server because it would reduce communication cost.

20. Claims 11-14 and 17-27 are corresponding apparatus claims of claims 1-10; therefore, they are rejected under the same rationale.

Serial Number: 08/574,537
Art Unit: 2317

8

21. Claims 28-39 are similar to claims 1-10 and 15-16; therefore, they are rejected under the same rationale.

22. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.


23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu, whose telephone number is (703) 305-9650. The examiner can normally be reached Monday through Friday from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee, can be reached at (703) 305-9717. The fax phone number for this Group is (703) 308-5359.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Le H. Luu

April 24 1997


THOMAS C. LEE
SUPERVISORY PATENT EXAMINER
250

FORM PTO-892		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Serial No. 08/574,537	GROUP ART UNIT 2317	ATTACHMENT TO PAPER NUMBER	2	
NOTICE OF REFERENCES CITED				APPLICANT(S) Eggleston et al				
U.S. PATENT DOCUMENTS								
*		DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE	
	A	5,621,727	04/15/97	Vaudreuil	379	225	09/16/94	
	B	5,276,680	01/04/94	Messenger	370	311		
	C	5,406,557	04/11/95	Baudoin	370	407		
	D	5,287,456	02/15/94	Rhodes et al	395	200.01		
	E	5,513,126	04/30/96	Harkins et al	364	514a	10/04/93	
	F	5,568,540	10/22/96	Greco et al	379	89	09/22/93	
	G							
	H							
	I							
	J							
	K							
FOREIGN PATENT DOCUMENTS								
*		DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB-CLASS	PERTINENT SHTS. PP. DWG SPEC
	L							
	M							
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)								
	R							
	S							
EXAMINER Le Hien Luu		04/24/97						
Form 892B/MR2107								
<p>* A copy of this reference is not being furnished with this office action. See Manual of Patent Examining Procedure, section 707.05(a).)</p>								