# Exhibit 1403

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICANT: | EATON, ET AL. | ART UNIT: | 2132 |
| APPLN. NO.: | 09/995,338 | EXAMINER: | PEESO, THOMAS R. |
| FILED: | 11/27/2001 | | |
| TITLE: | SYSTEM FOR PROVIDING CONTINUITY BETWEEN MESSAGING CLIENTS AND METHOD THEREFOR | | |

AMENDMENT AND REPLY UNDER 37 C.F.R. § 1.111

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

Dear Sir:

Responsive to the Office Action dated June 20, 2005, consideration of the following amendments and remarks and withdrawal of the current objections and rejections is respectfully requested.

Please amend the above-referenced application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 18 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1-4. (canceled)

5. (currently amended) A method for providing continuity between a plurality of messaging clients as recited in claim 21 wherein the first messaging client further includes at least one user preference, the method further comprising:

transferring the at least one user preference from the first messaging client to the second messaging client; and

operating within the second communication connection by the second messaging client using the at least one user preference.

6. (canceled)

7. (currently amended) A method for providing continuity between a plurality of messaging clients as recited in claim 21 wherein the first messaging client operates within a first messaging device, and further wherein the first messaging device includes a user interface, the method further comprising prior to the transferring step:

requesting the transfer of the plurality of client data by a user input to the user interface of the first messaging device.

8. (currently amended) A method for providing continuity between a plurality of messaging clients as recited in claim 21 wherein the second messaging client operates within a second messaging device, and further wherein the second messaging device includes a user interface, the method further comprising prior to the transferring step:

requesting the transfer of the plurality of client data by a user input to the user interface of the second messaging device.

9. (currently amended) A method for providing continuity between a plurality of messaging clients as recited in claim 21 wherein the second messaging client operates within a mobile device, wherein in the transferring step the transfer of the plurality of client data is in response to a movement of the mobile device.

10. (currently amended) A method for providing continuity between a plurality of messaging clients as recited in claim 21 wherein in the transferring step the transfer of the plurality of client data is in response to an activation of the second messaging client.

11. (currently amended) A method for providing continuity between a plurality of messaging clients as recited in claim 21 wherein the second messaging client operates within a second messaging device, wherein the second messaging device includes a data transfer application, and further wherein in the transferring step the transfer of the plurality of client data is in response to an activation of the data transfer application.

12. (currently amended) A method for providing continuity between a plurality of messaging clients as recited in claim 21 wherein the first messaging client operates within a first messaging device, wherein the first messaging device includes a data transfer application, and further wherein in the transferring step the transfer of the plurality of client data is in response to an activation of the data transfer application.

13. (currently amended) A method for providing continuity between a plurality of messaging clients as recited in claim 21 wherein in the transferring step the transfer of the plurality of client data is in response to the second messaging client establishing the second communication connection.

14. (currently amended) A method for providing continuity between a plurality of messaging clients as recited in claim 21 wherein the second messaging client operates within a second messaging device, and further wherein in the transferring step the transfer of the plurality of client data is in response to activating the second messaging device.

15. (currently amended) A method for providing continuity between a plurality of messaging clients as recited in claim 21 further comprising:

disconnecting the first messaging client from the first communication connection prior to the transferring step.

16. (currently amended) A method for providing continuity between a plurality of messaging clients as recited in claim 21 further comprising:

disconnecting the first messaging client from the first communication connection after the transferring step.

17. (currently amended) A method for providing continuity between a plurality of messaging clients as recited in claim 21, wherein the plurality of client data includes at least one client data portion, and further wherein the transferring step comprises transferring the at least one client data portion.[[.]]

18. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 17 further comprising prior to the transferring step, sending from the second messaging client to the first messaging client a client data requirement, wherein the client data portion is determined using the client data requirement.

19. (currently amended) Within a messaging communication system having a plurality of messaging clients and a message server, a method for providing continuity between the plurality of messaging clients comprising:

establishing for a first messaging client a first communication connection with the message server including a plurality of client data;

establishing for a second messaging client a second communication connection with the message server; and

transferring the plurality of client data from the first messaging client to the second messaging client in response to the second communication connection.

20. (currently amended) Within a messaging communication system having a plurality of messaging clients and a message server, a method for providing continuity between the plurality of messaging clients comprising:

establishing for a first messaging client a first communication connection with the message server including a plurality of client data, wherein the first messaging client includes a first account identifier;

providing the first account identifier for the first messaging client to the messaging communication system;

transferring the plurality of client data from the first messaging client to a second messaging client, wherein the second messaging client includes a second account identifier;

providing the second account identifier from the second messaging client to the messaging communication system; and

establishing for the second messaging client a second communication connection with the message server including the plurality of client data using the second account identifier.

21. (original) Within a messaging communication system having a message server for managing the communication of a plurality of messages among a plurality of messaging clients, a method for providing continuity between the plurality of messaging clients comprising:

establishing a first communication connection including a plurality of client data between a first messaging client and the message server;

transferring the plurality of client data from the first messaging client to a second messaging client; and

establishing a second communication connection including the plurality of client data between the second messaging client and the message server.

22. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 21 further comprising:

authenticating an account user by the first messaging client using an authentication key prior to the transferring step.

transferring the authentication key from the first messaging client to the second messaging client; and

authenticating the account user by the second messaging client using the authentication key.

23. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 21 wherein the plurality of client data includes a plurality of contact data, and further wherein the plurality of contact data comprises at least one account identifier.

24. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 23 wherein the plurality of contact data further comprises a contact information for the at least one account identifier.

25. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 21 wherein the plurality of client data includes at least one user preference.

26. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 21 wherein the message server includes a server identity, wherein the plurality of client data includes the server identity, and further wherein the second communication connection is established using the server identity received within the plurality of client data.

27. (original) Within a messaging communication system having a plurality of messaging clients, a method for providing continuity between the plurality of messaging clients comprising:

establishing a first communication connection for a first messaging client;

establishing at least one messaging session having a session identifier between the first messaging client and at least one other messaging client of the plurality of messaging clients;

transferring a plurality of session data for the first session connection including the session identifier from the first messaging client to a second messaging client;

establishing a second communication connection including the plurality of session data for the second messaging client; and

participating in the at least one messaging session in the second communication connection using the session identifier.

28. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 27 further comprising:

sending a notification of session data transfer to at least one other messaging client participating in the at least one messaging session.

29. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 28 wherein the notification includes a client profile of the second messaging client.

30. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 28 wherein the notification is sent from the first messaging client.

31. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 28 wherein the notification is sent from the second messaging client.

32. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 28 wherein the messaging communication system further includes a messaging server, and further wherein the notification is sent from the messaging server.

33. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 28 further comprising:

informing an account user of the session data transfer by the at least one other messaging client in response to receiving the notification.

34. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 27 wherein the messaging session includes a session history having at least one session portion, and further wherein the plurality of session data further includes the session portion.

35. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 34 further comprising prior to the transferring step, sending from the second messaging client to the first messaging client a session data requirement, wherein the session portion is determined using the session data requirement.

36. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 27 wherein the plurality of session data further includes a session priority indicator, wherein the session priority indicator determines a priority of the messaging session within the messaging communication system.

37. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 27 wherein the plurality of session data further includes a session priority indicator, wherein the session priority indicator determines a priority of the messaging session within the second messaging client.

38. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 27 wherein the plurality of session data includes at least one user preference.

39. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 27 further comprising:

sending a notification of session data transfer, wherein the notification includes a client profile for the second messaging client; and

sending a plurality of content to the second messaging client using the client profile.

40. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 39 wherein the notification is sent from the first messaging client and the plurality of content is sent from at least one other messaging client.

41. (original) Within a messaging communication system having a plurality of messaging clients, a method for providing continuity between the plurality of messaging clients comprising:

establishing a first communication connection for a first messaging client;

establishing a plurality of messaging sessions each having a session identifier between the first messaging client and at least one of the plurality of messaging clients;

transferring a plurality of client data for the first communication connection including at least one session identifier for at least one messaging session from the first messaging client to a second messaging client;

establishing a second communication connection including the plurality of client data for the second messaging client; and

participating in the at least one messaging session in the second communication connection using the session identifier.

42. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 41 further comprising:

sending a notification of data transfer to at least one of the plurality of messaging clients participating in the at least one messaging session.

43. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 42 wherein the notification is sent from the first messaging client.

44. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 42 wherein the notification is sent from the second messaging client.

45. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 42 wherein the notification includes a client profile of the second messaging client.

46. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 41 further comprising:

sending a notification of data transfer, wherein the notification includes a client profile for the second messaging client; and

sending a plurality of content to the second messaging client using the client profile.

47. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 41 wherein the messaging session includes a session history having at least one session portion, and further wherein the plurality of client data further includes the session portion.

48. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 47 further comprising prior to the transferring step, sending from the second messaging client to the first messaging client a client data requirement, wherein the session portion is determined using the client data requirement.

49. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 41 wherein the plurality of client data further includes a session priority indicator, wherein the session priority indicator determines the priority of the messaging session within the messaging communication system.

50. (currently amended) A method for providing continuity between a plurality of messaging clients as recited in claim ~~42~~ 41 wherein the plurality of client data includes at least one user preference.

51. (original) Within a messaging communication system having a plurality of messaging clients, a method for providing continuity between the plurality of messaging clients comprising:

establishing a first communication connection for a first messaging client;

establishing at least one messaging session having a session identifier between the first messaging client and at least one other messaging client of the plurality of messaging clients;

transferring a plurality of client data for the first communication connection including the session identifier from the first messaging client to a second messaging client;

establishing a second communication connection including the plurality of client data for the second messaging client; and

adding the second messaging client to the at least one messaging session using the session identifier.

52. (original) Within a messaging communication system having a message server for managing a plurality of multiple user messaging sessions, wherein the multiple user messaging sessions comprise communication of a plurality of session messages among a plurality of messaging clients, a method for providing continuity between the plurality of messaging clients comprising:

establishing a first communication connection for a first messaging client within a multiple user messaging session of the message server;

transferring a plurality of client data for the first communication connection from the first messaging client to a second messaging client;

sending a data transfer message to the message server wherein the data transfer message includes a session reservation for the second messaging client; and

establishing a second communication connection for the second messaging client within the multiple user messaging session of the message server using the plurality of client data.

53. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 52 wherein the first messaging client has a first client identifier, wherein the multiple user messaging session has a session identifier, wherein the second messaging client has a second client identifier, wherein the plurality of client data includes the session identifier, and further wherein the data transfer message includes the session identifier, the first client identifier, and the second client identifier.

54. (original) A method for providing continuity between a plurality of messaging clients as recited in claim 53, wherein the multiple user messaging session includes at least one other messaging client, the method further comprising:

sending a notification of data transfer to the at least one other messaging client.

55. (currently amended) A plurality of messaging clients within a messaging communication system for providing continuity between the plurality of messaging clients comprising:

a first messaging client, for establishing a first communication connection including a plurality of client data with a message server; and

a second messaging client for receiving the plurality of client data from the first messaging client and for establishing a second communication connection including the plurality of client data with the message server.

56. (original) A plurality of messaging clients as recited in claim 55 wherein the first messaging client operates within a first messaging device and the second messaging client operates within a second messaging device.

57. (original) A plurality of messaging clients as recited in claim 56 wherein the first messaging device includes:

a memory coupled to the first messaging client for storing the plurality of client data, wherein the first messaging client accesses the plurality of client data from the memory, and further wherein the first messaging client transfers the plurality of client data to the second messaging device.

58. (original) A plurality of messaging clients as recited in claim 56 wherein the first messaging device includes:

a memory coupled to the first messaging client for storing the plurality of client data, wherein the first messaging client accesses the plurality of client data from the memory, and

a data transfer application coupled to the first messaging client for transferring the plurality of client data to the second messaging device.

59. (original) A plurality of messaging clients as recited in claim 56 wherein the second messaging device includes:

a memory coupled to the second messaging client, wherein the second messaging client receives the plurality of client data and stores the plurality of client data in the memory.

60. (original) A plurality of messaging clients as recited in claim 56 wherein the second messaging device includes:

a data transfer application coupled to the second messaging client for receiving the plurality of client data, wherein the second messaging client processes the received plurality of client data, and

a memory coupled to the second messaging client for storing the plurality of client data.

61. (original) A plurality of messaging clients as recited in claim 56 wherein the first messaging device is a fixed device and further wherein the second device is a mobile device.

62. (original) A plurality of messaging clients as recited in claim 56 wherein the first messaging device includes a first memory interconnect for connecting the first messaging device to a memory storage device, wherein the second messaging device includes a second memory interconnect for connecting the second messaging device to the memory storage device, wherein the first messaging device stores the plurality of client data on the memory storage device, and further wherein the second messaging device receives the plurality of client data from the memory storage device connecting to the second memory interconnect.

63. (original) A plurality of messaging clients as recited in claim 62 wherein the first messaging client and the second messaging client operate within a messaging device.

64. (original) A messaging communication system for providing continuity between a plurality of messaging clients comprising:

the plurality of messaging clients including:

a first messaging client,

a second messaging client, and

at least one other messaging client;

a message server for managing the communication of a plurality of session messages among the plurality of messaging clients, wherein the message server is programmed to:

establish a first communication connection for the first messaging client,

establish at least one messaging session having a session identifier between the first messaging client and the at least one other messaging client,

transfer a plurality of client data for the first communication connection including the session identifier from the first messaging client to the second messaging client,

establish a second communication connection including the plurality of client data for the second messaging client, and

transfer the at least one messaging session from the first messaging client to the second messaging client using the session identifier.

65. (original) A messaging communication system for providing continuity between a plurality of messaging clients as recited in claim 64 wherein the message server includes a server memory, wherein the first messaging client stores the plurality of client data in the server memory, and further wherein the second messaging client retrieves the plurality of client data from the server memory for use in the operation of the second communication connection.

66. (original) A messaging communication system as recited in claim 64 wherein the first messaging client operates within a first messaging device and the second messaging client operates within a second messaging device.

67. (original) A messaging communication system as recited in claim 64 wherein the first messaging client and the second messaging client operate within a messaging device.

68. (original) A messaging communication system as recited in claim 64 wherein the messaging communication system comprises a first messaging system and a second messaging system, wherein the first messaging client functions within the first messaging system, and further wherein the second messaging client functions within the second messaging system.

69. (original) A messaging communication system as recited in claim 68 wherein the first messaging system comprises a wired messaging system and further wherein the second messaging system comprises a wireless messaging system.

70. (original) A messaging communication system as recited in claim 68 wherein the first messaging system comprises a wireless messaging system and further wherein the second messaging system comprises a wired messaging system.

71. (original) A messaging communication system for providing continuity between a plurality of messaging clients comprising:

the plurality of messaging clients including:

a first messaging client for establishing a first communication connection including a plurality of client data, and

a second messaging client for establishing a second communication connection including the plurality of client data; and

a server memory coupled to the plurality of messaging clients, wherein the first messaging client stores the plurality of client data in the server memory, and further wherein the second messaging client retrieves the plurality of client data from the server memory for use in the operation of the second communication connection.

72. (original) A messaging communication system as recited in claim 71 wherein the server memory is contained within a message server of the messaging communication system.

# REMARKS

The issues currently in the instant application are as follows:

- Claims 1-4, 19-24, 27, 36-41, 46, 49, 55, and 57-61 were rejected under 35 U.S.C. § 102(b) as being anticipated by Eggleston (US 6,101,531).
- Claims 10-18, 28-33, 42-45, and 56 were rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston (US 6,101,531) in view of Official Notice.
- Claims 5-9, 25-26, 34-35, 47-48, 50, 62, and 63 have been objected to as being dependent upon a rejected base claim.

Applicant traverses all the outstanding objections and rejections and requests reconsideration and withdrawal thereof in light of the amendments and remarks contained herein.

## Amendments to the Claims

Claims 1-4 and 6 have been canceled.

Claims 5 and 7-17 have been amended to depend from independent claim 21 instead of claim 1. Claim 17 has also been amended to remove an extra period at the end of the sentence.

Claims 19-20 have been amended to recite a message server. One embodiment of a message server is element 172 shown in FIG. 8 and described on page 22 lines 3-13 of the originally-filed specification. Thus, no new matter has been added.

Claim 50 has been amended to depend from claim 41 instead of claim 42, which was a clerical error.

Claim 55 has been amended to recite a message server. One embodiment of a message server is element 172 shown in FIG. 8 and described on page 22 lines 3-13 of the originally-filed specification. Thus, no new matter has been added.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment was made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment was made to distinguish over a particular reference or combination of references.

35 U.S.C. § 102(b) - Eggleston

Claims 1-4, 19-24, 27, 36-41, 46, 49, 55, and 57-61 were rejected under 35 U.S.C. § 102(b) as being anticipated by Eggleston (US 6,101,531).

Claims 1-4 have been canceled.

Claims 19-20 and 55 have been amended to recite a "first messaging client" having a first communication connection with a message server and "a second messaging client" having a second communication connection with the message server. Claims 19-20 also recite transferring a plurality of client data from the first messaging client to the second messaging client. Claim 55 recites that the second messaging client receives the plurality of client data from the first messaging client. Applicant understands Eggleston to show only one client (e.g., Eggleston mobile station 105 or client 201) and several different types of servers (e.g., Eggleston communication server 110, 220 and post office host server 115, 240). Eggleston column 15 lines 46-50 does not show, suggest, or require that client data be transferred from one client to another client within a group. Only hindsight reconstruction might lead one of ordinary skill to conclude that multiple client packet rate governers (PRGs) 209 would be used to control group limits rather than the communication server's PRG 234. Thus, claims 19-20 and 55 are not anticipated by Eggleston. Claims 57-61 depend indirectly from claim 55 and thus are also not anticipated by Eggleston.

Similar to amended claims 19-20, original claim 21 recites "a first communication connection . . . between a first messaging client and the message server," "transferring . . . client data from the first messaging client to a second messaging client," and "a second

communication connection . . . between the second messaging client and the message server." As stated previously, Eggleston column 15 lines 46-50 does not show, suggest, or require that client data be transferred from one client to another client within a group. Thus, claim 21 is also not anticipated by Eggleston. Claims 22-24 depend directly or indirectly upon claim 21 and thus also are not anticipated by Eggleston.

Original claim 27 recites "establishing at least one messaging session having a session identifier between the first messaging client and at least one other messaging client" and "transferring . . . the session identifier from the first messaging client to a second message client." Eggleston describes a sessionless data flow between a mobile user 105 and a server 110. The server 110 maintains a session with a host 115, but the data flow between the mobile user 105 and the server 110 is managed through a virtual session and is actually sessionless. See Eggleston column 4 lines 35-56. Thus, Eggleston does not show or suggest (1) a messaging session with a session identifier or (2) transferring that session identifier from a first messaging client to a second messaging client as recited in claim 27. Claim 36-40 depend directly or indirectly upon claim 27 and also are not anticipated by Eggleston.

Similar to claim 27, original claim 41 recites "establishing a plurality of messaging sessions each having a session identifier between the first messaging client and at least one of the plurality of messaging clients" and "transferring . . . at least one session identifier . . . from the first messaging client to a second message client." Because Eggleston's data flow between the mobile user 105 and the server 110 is sessionless, claim 41 is not anticipated by Eggleston. Claim 46 and 49 depend directly upon claim 41 and also are not anticipated by Eggleston.

Reconsideration and withdrawal of the rejection of claims 1-4, 19-24, 27, 36-41, 46, 49, 55, and 57-61 under 35 U.S.C. § 102(b) as being anticipated by Eggleston is respectfully requested.

35 U.S.C. § 103(a) - Eggleston

Claims 10-18, 28-33, 42-45, and 56 were rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston (US 6,101,531) and further in view of Official Notice regarding activation activity.

Claims 10-17 have been amended to depend from independent claim 21. Claim 18 depends from claim 17, which depends from claim 21. Independent claim 21 has been discussed with respect to Eggleston above, and due to the dependency of claims 10-18 on claim 21, claims 10-18 are not unpatentable over Eggleston in view of Official Notice.

Claims 28-33 depend directly or indirectly from claim 27 (discussed with respect to Eggleston above) and thus are not unpatentable over Eggleston in view of Official Notice.

Claims 42-45 depend directly or indirectly from claim 41 (discussed with respect to Eggleston above) and thus are not unpatentable over Eggleston in view of Official Notice.

Claim 56 depends directly from claim 55 (discussed with respect to Eggleston above) and thus is not unpatentable over Eggleston in view of Official Notice.

Reconsideration and withdrawal of the rejection of claims 10-18, 28-33, 42-45, and 56 under 35 U.S.C. § 103(a) as being obvious in view of Eggleston and Official Notice is respectfully requested.

Allowable Subject Matter

Applicant acknowledges that the Examiner has indicated that claims 51-54 and 64-72 are allowable over the prior art of record. Applicant gratefully acknowledges that the Examiner has indicated that claims 5-9, 25-26, 34-35, 47-48, 50, 62, and 63 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

## SUMMARY

The application is in condition for allowance and a favorable response at an early date is earnestly solicited. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicant's representative at the telephone number indicated below.

Please charge any fees associated herewith, including extension of time fees, to **Deposit Account 502117.**

Respectfully submitted,

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