

Exhibit 1404

Office Action Summary

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| Application No. 09/995,338 | Applicant(s) EATON ET AL. | |
| Examiner Thomas R. Peeso | Art Unit 2132 | |

-- 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) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 _____.
- 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) 1-72 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 51-54 and 64-72 is/are allowed.
- 6) Claim(s) 1-4, 10-24, 27-33, 36-46, 49 and 55-61 is/are rejected.
- 7) Claim(s) 5-9, 25, 26, 34, 35, 47, 48, 50, 62 and 63 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 11272001 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 11272001.
- 4) Interview Summary (PTO-413)
 - Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

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 –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 19-24, 27, 36-41, 46, 49, 55, 57-61 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 6,101,531 to Eggleston et al.

As per claims 1, 19, 20, 21, 27, 41, 55, Eggleston et al. disclose establishing for a firstof client data (col. 15, lines 29-33), transferring the pluralitymessaging client and establishing for the secondplurality of client data (col. 15, lines 46-50).

As per claims 2-4, 22-24, Eggleston et al. disclose the limitations of these claims (col. 6, lines 28-62).

As per claims 36-40, 46, 49, Eggleston et al. disclose these limitations (col. 8, lines 22-63).

As per claims 57-60, Eggleston et al. disclose these features (col. 5, lines 49-54).

As per claim 61, Eggleston et al. further disclose a mobile device (col. 4, lines 9-16).

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:

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(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 10-18, 28-33, 42-45, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston et al. as applied to claims 1-4, 19, 20, 22-24 above, and further in view of the examiner taking official notice.

As per claims 10-18, 28-33, 42-45, 56, Eggleston et al. do not specifically disclose these limitations. However, the examiner takes official notice that activation activity often results in a variety of transactions concerning the transfer and delivery of information. Specifically, these limitations make up the very essence of many communication systems so that users can be connected to each other in a reasonable fashion while maintaining account information pertinent to each user.

Allowable Subject Matter

Claims 51-54, 64-72 are allowed.

Claims 5-9, 25, 26, 34, 35, 47, 48, 50, 62, 63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,189,098 to Kaliski, Jr.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R. Peeso whose telephone number is 571 272-3809. The examiner can normally be reached on Mon.-Fri, 7:00 to 3:30 .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on 571 272-3799.



Thomas R. Peeso
Primary Examiner
Art Unit 2132

June 15, 2005