

EXHIBIT A

11-29-01

A

11/27/01
3812 U.S. PTO

835566/60
11/27/01

Please type a plus sign (+) inside this box

UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No.:	PT03730U
	First Inventor:	EATON, ERIC THOMAS ET AL.
	Title:	SYSTEM FOR PROVIDING CONTINUITY BETWEEN MESSAGING CLIENTS AND METHOD THEREFOR
	Express Mail Label No.:	ET502955928US

APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning utility patent application contents.</small>	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, D.C. 20231
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1. Fee Transmittal Form in duplicate
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status
See 37 CFR 1.27
3. Specification [Total Pages (preferred arrangement set forth below)
-Descriptive title of the invention
-Cross Reference to Related Applications
-Statement Regarding Fed sponsored R&D
-Reference to sequence listing, a table, or a computer program listing appendix
-Background of the Invention
-Brief Summary of the Invention
-Brief Description of the Drawings (if filed)
-Detailed Description
-Claim(s)
-Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets - 5. Oath or Declaration [Total Pages - a. Newly executed (original or copy)
- b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/ divisional with Box 18 completed)
 - i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

- 6. Application Data Sheet under 37 CFR 1.76

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence (if applicable, all necessary)
 - a. Computer Readable Form (CFR)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies);
 - ii. or paper
 - c. Statements verifying identify of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement (when there is an assignee) Power of Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document (if foreign priority is claimed)
16. Nonpublication Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. Other: _____

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

<input type="checkbox"/> Continuation	<input type="checkbox"/> Divisional	<input type="checkbox"/> Continuation-in- Part (CIP)	<input type="checkbox"/> Prior Appl. No. <input type="text"/>
Prior Appl. information:		Examiner: <input type="text"/>	Group/Art Unit: <input type="text"/>

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	*24273*	<input type="checkbox"/> Correspondence address below
Name		
Address		
City	State	Zip Code
Country	U.S.A.	Telephone (954) 723-6449 Fax (954) 723-3871
Name	Randi L. Dulaney	Registration Number (Attorney/Agent) 46,148
SIGNATURE	<i>Randi L. Dulaney</i>	Date 11/27/01

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$) 2388.00	Attorney Docket No.	PT03730U
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Complete if Known

Application No.	
Filing Date	
First Named Inventor	EATON, ERIC THOMAS ET AL.
Examiner Name	
Group Art Unit	

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)
--	-----------------------------

Check
 Credit card
 Money Order
 Other
 None
 Deposit Account
 Deposit Account Number: **50-0757**
 Deposit Account Name: **Motorola, Inc.**
 The Commissioner is hereby authorized to: (check all that apply)
 Charge fee(s) indicated below
 Credit any overpayment
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late Provisional filing	
139	130	139	130	Non-English specification	
147	2520	147	2520	For filing a request for ex parte Reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1840*	113	1840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1440	218	720	Extension for reply within fourth month	
128	1960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1510	138	1510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1280	241	640	Petition to revive - unintentional	
142	1280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	123	50	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of IDS	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	740
105	330	206	165	Design filing fee	
102	510	207	255	Plant filing fee	
106	740	208	370	Reissue filing fee	
114	180	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 740

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: 72
 -20* = 52
 x
 Fee from below: 18
 =
 Fee Paid: 936.00
 Independent Claims: 11
 -3* = 8
 x
 Fee from below: 84
 =
 Fee Paid: 672.00
 Multiple Dependent:
 Fee from below: 280
 =
 Fee Paid:

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 1608

**or number previously paid, if greater. For Reissues, see above
 *Reduced by Basic Filing Fee Pd

Other fee (specify) _____

SUBTOTAL (3) **(\$)** 40

SUBMITTED BY		Complete (if applicable)	
Name (Print)	Randi L. Dulaney	Registration No. (Attorney/Agent)	46,148
Signature	<i>Randi L. Dulaney</i>	Telephone:	(954) 723-6449
		Date	11/27/01

**DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)
COMBINED WITH POWER OF ATTORNEY**

<input checked="" type="checkbox"/> Declaration Submitted with Initial Filing	<input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)	Attorney Docket Number	<u>PT03730U</u>
		First Named Inventor	<u>Eric Thomas Eaton</u>
		Application Number	_____
		Filing Date	_____
<input checked="" type="checkbox"/> Regular (Utility) Application	<input type="checkbox"/> Design application	Group Art Unit	_____
		Examiner Name	_____

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM FOR PROVIDING CONTINUITY BETWEEN MESSAGING CLIENTS AND METHOD THEREFOR

the specification of which:

<input checked="" type="checkbox"/> is attached hereto	<input type="checkbox"/> was filed on: _____
	as U.S. Serial No.: _____
	and was amended on: _____ <i>(if applicable)</i>

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed::

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

PTO/SB/02B (Rev. 11-2001)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Provisional Application Serial No.:	
Provisional Application Filing Date:	

I hereby claim the priority benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which is material to the patentability of this application and which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s):

- no such application(s) filed
 such application(s) identified as follows:

Application No.	Filing Date (day, month, year)	Status (Patented, Pending, Abandoned)

I hereby declare that: as to any claimed subject matter of this application which is common to my earlier United States or foreign application(s), if any, which I have identified above and claimed the benefit of priority thereof, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the first of said earlier application(s), or in public use or on sale in the United States more than one year prior to the first of said earlier application(s), and that the said common subject matter has not been patented or made the subject of an inventor's certificate before the date of the first of said earlier U.S. application(s) in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the first of said earlier U.S. application(s), if any; and that, as to any claimed subject matter of this application which is not common to said earlier application(s), if any, I do not know and do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the date of this application.

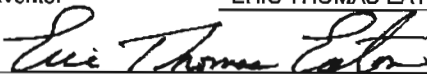
I hereby appoint the attorney(s) or agent(s) associated with: Customer Number 24273 to prosecute this application and transact all business in the patent and trademark office connected therewith. . *24273*


Address all telephone calls to:

Randi L. Dufaney
 Telephone: 954-723-6449
 Facsimile: 954-723-3871

Address all correspondence to: Customer Number 24273

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first-named or sole inventor	ERIC THOMAS EATON	
Inventor's signature		Date <u>11/19/01</u>
Residence	<u>Lake Worth</u> City	<u>Florida</u> State or Foreign Country
Citizenship	<u>U.S.A.</u> Country	
Post Office Address	<u>3198 Medinah Circle</u> Street Address	
	<u>Lake Worth</u> City	<u>Florida</u> State or Country
		<u>33467</u> Zip Code

Full name of second-named joint inventor	DAVID JEFFERY HAYES	
Inventor's signature		Date <u>11/19/01</u>
Residence	<u>Lake Worth</u> City	<u>Florida</u> State or Foreign Country
Citizenship	<u>U.S.A.</u> Country	
Post Office Address	<u>7544 Wentworth Drive</u> Street Address	
	<u>Lake Worth</u> City	<u>Florida</u> State or Country
		<u>33467</u> Zip Code

11/19/01 11:53 AM

Full name of third-named joint inventor	VON ALAN MOCK	
Inventor's signature	<i>Von Alan Mock</i>	Date 11/19/01
Residence	Boynton Beach City	Florida State or Foreign Country
Citizenship	U.S.A. Country	
Post Office Address	8114 Rose Marie Circle Street Address	
	Boynton Beach City	Florida 33437 State or Country Zip Code

Full name of fourth-named joint inventor	_____	
Inventor's signature	_____	Date _____
Residence	_____ City	_____ State or Foreign Country
Citizenship	_____ Country	
Post Office Address	_____ Street Address	
	_____ City	_____ State or Country Zip Code

Full name of fifth-named joint inventor	_____	
Inventor's signature	_____	Date _____
Residence	_____ City	_____ State or Foreign Country
Citizenship	_____ Country	
Post Office Address	_____ Street Address	
	_____ City	_____ State or Country Zip Code

11/19/01 11:19 AM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

DATE:

DOCKET NO.: PT03730U

APPLICANT: EATON, ERIC THOMAS ET AL.

ART UNIT:

SERIAL NO.:

EXAMINER:

FILING DATE::

ENTITLED: SYSTEM FOR PROVIDING CONTINUITY BETWEEN MESSAGING CLIENTS AND METHOD THEREFOR

INFORMATION DISCLOSURE STATEMENT (IDS)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. § 1.56 and in compliance with 37 C.F.R. §§ 1.97 and 1.98, the references listed on attached Form PTO/SB/08 and/or subsequently identified herein, are being submitted herewith for consideration by the United States Patent and Trademark Office.

I. COPIES

- a. A legible copy of (i) each U.S. and foreign patents; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed, is included herewith.
- b. Any patents, publications or other information which are listed on Form PTO/SB/08 which are not enclosed herewith were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

<u>U.S. Serial Number</u>	<u>U.S. Filing Date</u>
---------------------------	-------------------------

II. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- a. Except as may be indicated below in (b) of this section, all of the patents, publications or other information are in the English language (concise explanation not required).
- b. A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. The following additional information is provided for the Examiner's consideration:

III. CROSS REFERENCE TO RELATED APPLICATION(S)

The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this (these) applications to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

<u>U.S. Serial No.</u>	<u>U.S. Filing Date</u>	<u>Art Unit</u>
------------------------	-------------------------	-----------------

FEESIV. THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(b): (check one box)

- a. within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.
- b. within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. before the mailing date of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.
- d. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) provided below, or if no statement has been made, charge deposit account 50-0757 the fee set forth in 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(c): (check one box)

before the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)), or a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)).

- a. No statement; therefore, charge deposit account 50-0757 the fee set forth in 37 C.F.R. § 1.17(p).
- b. See the statement below. No fee is required.

VI. THIS IDS IS BEING FILED UNDER 37 C.F.R. §1.97(d):

on or before payment of the issue fee and is accompanied by the following:

- 1) a statement under 37 C.F.R. § 1.97(e) as provided below;
- 2) Applicant(s) hereby a petition for consideration of this information disclosure statement; and
- 3) charge deposit account 50-0757 the petition fee set forth in § 1.17(i).

VII. Statement under 37 C.F.R. §1.97(e) (check only one box, if applicable)

The undersigned hereby states that:

- a. each item of information contained in the IDS was cited in a communication from a foreign Patent Office is a counterpart foreign application not more than three months prior to the filing of IDS; or
- b. no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and to knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement, or
- c. some of the items of information contained in the IDS were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information

contained in the IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.


VIII. PAYMENT OF FEES (check one box)

- A check in the amount of \$ _____ is enclosed for the above-identified fee(s).
- Please charge Deposit Account No. 50-0757 in the amount of \$180.00 for the above-indicated fee(s).
- If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 50-0757.
- Two Copies of this paper are attached for Deposit Account charges and debits.

It is Applicants' opinion that the claims presently on file patently distinguish the present invention from each of these references. The above references are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person or ordinary skill in the art.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-0757.

Respectfully submitted,



 Randi L. Dulaney
 Attorney

Registration No. 46,148
 Telephone: 954-723-6449
 Facsimile: 954-723-3871

Motorola, Inc.
 Customer No. 24273

Enclosures: PTO/SB/08
 References
 Foreign Search Report
 Other:

type a plus sign (+) inside this box.

J1003 U.S. PTO
 09/995338
 11/27/01

Substitute for form 1449A/PTO		<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Application Number	
		Filing Date	
		First Named Inventor	Eric Thomas Eaton
		Group Art Unit	
		Examiner Name	
Sheet	of	Attorney Docket No.	PT03730U

U. S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code* (if known)			
		4,811,377				
		5,535,436				
		6,038,296				
		6,041,229				

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation* ⁸
		Office	Number ⁴	Kind Code* (if known)				

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation, if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ a citation designation number. ² See Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For use patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is used.



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,338	11/27/2001	Eric Thomas Eaton	PT03730U	9642

24273 7590 06/20/2005
MOTOROLA, INC
INTELLECTUAL PROPERTY SECTION
LAW DEPT
8000 WEST SUNRISE BLVD
FT LAUDERDAL, FL 33322

EXAMINER

PEESO, THOMAS R

ART UNIT PAPER NUMBER

2132

DATE MAILED: 06/20/2005

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

Office Action Summary

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: _____.

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:

Art Unit: 2132

(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