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EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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3992

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PAPER

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

The time period for reply, if any, is set in the attached communication.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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OCT 21 2010

CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NUMBER 95/001,408.

PATENT NUMBER 7,440,565.

TECHNOLOGY CENTER 3900.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

OFFICE ACTION IN INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination	
	95/001,408	7440565	
	Examiner	Art Unit	
	OVIDIO ESCALANTE	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

Responsive to the communication(s) filed by:

Patent Owner on _____

Third Party(ies) on 13 August 2010

RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:

For Patent Owner's Response:

2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.

For Third Party Requester's Comments on the Patent Owner Response:

30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892
2. Information Disclosure Citation, PTO/SB/08
3. _____

PART II. SUMMARY OF ACTION:

- 1a. Claims 1-18 are subject to reexamination.
- 1b. Claims _____ are not subject to reexamination.
2. Claims _____ have been canceled.
3. Claims 12 and 17 are confirmed. [Unamended patent claims]
4. Claims _____ are patentable. [Amended or new claims]
5. Claims 1-11,13-14,18 are rejected.
6. Claims _____ are objected to.
7. The drawings filed on _____ are acceptable are not acceptable.
8. The drawing correction request filed on _____ is: approved. disapproved.
9. Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:
 been received. not been received. been filed in Application/Control No 95001408.
10. Other _____

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DETAILED ACTION

1. This Office action addresses claims 1-18 of United States Patent No. 7,440,565 for which it has been determined in the Order Granting *Inter Partes* Reexamination (hereafter the "Order") that a substantial new question of patentability was raised in the request for *inter partes* reexamination, filed on August 13, 2010 (hereinafter the "Request").

Status of the Claims

2. Original claims 1-11, 13-16 and 18 are rejected.
Original claims 12 and 17 are confirmed.

Information Disclosure Statement

3. With respect to the Information Disclosure Statement filed on August 20, 2010 and August 30, 2010, the information cited has been considered as described in the MPEP. Note that MPEP 2256 and 2656 indicate that degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the information. Information that does not appear to be "patents or printed publications" as identified in 35 U.S.C. 301 have been considered to the same extent (unless otherwise noted), but have been lined through and will not be printed on any resulting reexamination certificate

Rejections Proposed by the Requester

4. The following issues for rejection were proposed in the Request for *inter partes* reexamination:

- Issue 1:** CINEMA is asserted as rendering claims 1, 3-8, 11, 14-16 and 18 anticipated.
- Issue 2: CINEMA in view of Homan is asserted as rendering claim 1 obvious.
- Issue 3: CINEMA in view of Schulzrinne '384 is asserted as rendering claims 1, 5-8, 11, 12, 14, 15, 17 and 18 obvious.
- Issue 4: CINEMA in view of Wood is asserted as rendering claims 1, 6, 8, 11, 12, 14, 15 and 17 obvious.
- Issue 5: CINEMA in view of Singh is asserted as rendering claims 1, 3, 4 and 8 obvious.
- Issue 6: CINEMA in view of Burg, Hanson '097 and Hanson '109 is asserted as rendering claims 1, 3-8, 11, 14 and 15 obvious.
- Issue 7: CINEMA in view of Archer is asserted as rendering claims 3 and 4 obvious.
- Issue 8: CINEMA in view of Schulzrinne is asserted as rendering claim 3 obvious.
- Issue 9: CINEMA in view of Hokusui is asserted as rendering claims 4, 7, 11 and 12 obvious.
- Issue 10: CINEMA in view of HTML 4.01 Specification is asserted as rendering claims 4, 11, 14, 15, 17 and 18 obvious.
- Issue 11: CINEMA is asserted as rendering claims 12 and 17 obvious.
- Issue 12: CINEMA in view of Burg is asserted as rendering claims 12 and 17 obvious.
- Issue 13:** Ram is asserted as rendering claim 1-11, 14, 15 and 16 anticipated
- Issue 14: Ram in view of Singh is asserted as rendering claim 2 obvious.
- Issue 15: Ram in view of Burg and further in view of Hanson '097 and further in view of Hanson '109 is asserted as rendering claim 2 obvious.
- Issue 16: Ram in view of Hokusui is asserted as rendering claims 9 and 10 obvious.

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- Issue 17 Ram is asserted as rendering claims 12 and 17 obvious.
- Issue 18 Ram in view of Schulzrinne '384 is asserted as rendering claim 16 obvious.
- Issue 19 Ram in view of Wood is asserted as rendering claim 16 obvious.
- Issue 20 Ram in view of HTML 4.01 Specification is asserted as rendering claim 16 obvious.
- ~~Issue 21 Lennox is asserted as rendering claim 1-8, 11, 14, 15 and 16 anticipated.~~
- Issue 22 Lennox in view of Singh is asserted as rendering claim 2 obvious.
- Issue 23 Lennox in view of Burg, Hanson '097 and Hanson '109 is asserted as rendering claim 2 obvious.
- Issue 24** Hariri is asserted as rendering claims 1, 3-6, 8, 11 and 13-16 anticipated.
- Issue 25 Hariri is asserted as rendering claims 12 and 13 obvious.
- Issue 26 Hariri in view of Singh is asserted as rendering claim 13 obvious.
- Issue 27¹ Hariri in view of Singh and further in view of CINEMA is asserted as rendering claim 13 obvious.
- Issue 28 Hariri in view of Singh and further in view of Ram is asserted as rendering claim 13 obvious.
- Issue 29 Hariri in view of Singh and further in view of Lennox is asserted as rendering claim 13 obvious.
- Issue 30 Hariri in view of Singh and further in view of Burg, Hanson '097 and Hanson '109 is asserted as rendering claim 13 obvious.
- Issue 31** Hokusui is asserted as rendering claims 14, 15 and 16 anticipated.

¹ CINEMA in view of Hariri and further in view of Singh '201 was asserted as rendering claim 13 obvious as shown on page xiv of the Request. However, on page viii, this SNQ was not in the listed contents and furthermore it was not included elsewhere in the Request. The Examiner believes that this is a typographical error and should have been noted as Hariri in view of Singh and further in view of CINEMA since this specific proposed rejection is listed on both page viii and on page 99 and since there is no corresponding Index for Hariri in view of Singh and further in view of CINEMA on pages xiv-xv. The Examiner thus, treats the noted listed index as a typographical error. The proposed rejection of Hariri in view of Singh and further in view of CINEMA is addressed as Issue 27.

- Issue 32 Hokusui is asserted as rendering claim 17 obvious.
- Issue 33** Archer is asserted as rendering claims 14, 15 and 16 anticipated.
- Issue 34** Schulzrinne is asserted as rendering claims 14 and 15 anticipated.

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.

Claim Rejections - 35 USC § 103

6. 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.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Issue 1 - Adopted

8. As set forth on page ix of the Request, CINEMA is listed with a publication date of May 2002. The Examiner however, acknowledges that the CINEMA document does not appear to include the May 2002 date as noted in the Request. In addition, the Examiner notes that at least one citation which appears in the References page is dated after the May 2002 publication date noted in the Request. For example item 32 on page 69 has a publication date of July 2002. For the purposes of addressing the proposed rejection, the Examiner treats the May 2002 date as the effective publication date of the CINEMA reference.

9. Claims 1, 3-8, 11, 14-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by CINEMA.

Regarding claim 1:

A system, comprising: a call processing server in communication with a call router operatively connectable to a communication network,

CINEMA discloses a call processing server which includes the SIP/PSTN gateway and media server, which function in coordination with CINEMA's SIP server, (pages 8-9 and Fig. 3).

The SIP/PSTN gateway and media server interface with the telephone network, (pages 8-9 and Fig. 3). The interface can be through a Private Branch Exchange (PBX) or directly with the switch (in CINEMA's example, the University telephone switch), (pages 27-30 & Fig. 15).

The Examiner notes that as disclosed on page 8, the SIP server "proxies/redirects the incoming calls for registered users thus acting as a call router".

said call router forwarding a session invite originating from a calling terminal to said call processing server, said session invite including a message header having a call destination field;

CINEMA also discloses that the call router forwards a session invite (via SIP) originating from a calling terminal to said call processing server, said session invite including a SIP message header having a call destination field, (pages 5-7 & Figs. 1, 2; pages 8-9 & Fig. 3; 19-23 & Fig. 8; 24-25 & Fig. 11).

a multiple contact lookup application associated with said call processing server configured to obtain a plurality of contact numbers associated with a primary contact number contained in said destination field;

CINEMA discloses a multiple contact lookup application associated with said call processing server (i.e., the SIP server and associated databases). The disclosed SIP server is configured to obtain a plurality of contact numbers associated with a primary contact number contained in said destination field, (pages 5-6, 11 and 20-22).

CINEMA's primary contact number is a "user identifier" (e.g. user@domain.com) that is associated with a variety of "contact[s] in a "Primary User Table" ("PUT"). See id., esp. at 9 ("User information is stored in the SQL database as the Primary User Table (PUT), indexed by user identifier The contacts table stores the current locations of the registered users, which can be updated from the web page or by the SIP phones using SIP registration." The contacts can include a variety of numbers (e.g., telephone numbers or IP addresses), (page 20).

a calling application associated with said call processing server configured to send said session invite to each of said plurality of contact numbers associated with said primary contact number;

CINEMA discloses a calling application associated with its call processing server (i.e., the SIP server and associated databases) that, at the option of the user, can be configured to send SIP session invites to each of the plurality of contact numbers associated with said primary contact number, (pages 5-7, 11 and 20-22). For example, CINEMA lets a user set call preferences and policy via a web interface to fork a call to one or several different locations, either sequentially or simultaneously: "Bob's preferences and policy are then executed. These may, for example, demand that a calling user be authenticated; refuse or redirect calls, or apply preferences about where Bob wants to be reached. If the server determines that Bob's current policy allows Alice's call to reach him, it contacts Bob's list of registered locations. Bob's current SIP phones ring, he picks up the handset and starts talking to AliceIf there are multiple contacts found for the user, then all of the contact locations are used. The preference values (q-value) of the contacts are used to order the contact locations. The more preferred value is tried first, and if it fails or times out, the next preferred location is used. If multiple contacts have the same or similar q values, then the server forks the call request to all those locations in proxy mode," (page 20).

a call connection application associated with said call processing server configured to establish a communication session between said calling terminal and a call reception terminal associated with a respective one of said plurality of contact numbers if a user accepts said session invite sent to said call reception terminal; and

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CINEMA discloses a call connection application, associated with said call processing server (i.e., SIP server and associated databases). CINEMA's call processing server can establish a communication session between the caller and a call reception terminal (e.g., a phone or computer) associated with a respective one of the plurality of contact numbers if a user accepts the relevant SIP session invite at that terminal, (pages 5-7, 11 and 20-22). For example,

CINEMA discloses the following:

"4. Alice has registered four contacts, with one of them (her desk phone) as her preferred location. Thus, the server at school.edu tries the more preferred location for Alice at her desk phone.

5. The phone is idle, and sends a ringing response. However, since it is not picked up, the server times out.

6. The server then forks the call request to all the remaining three locations simultaneously. The locations are Alice. Cueba@intern.com, alice@columbia.edu and acl14@hostel.school. com.")"

See also pages 11, 16 and 19-22 (esp. at 20-21: "For example, if user sales@company.com, has locations repl @pcl.company.com (preference 1.0), rep2@pc2.company.com (preference 1.0), rep3@pc 3.company.com (preference 0.8), senior-rep@company.com (preference 0.3) and manager@company.com (preference 0.3) then a call to sip:sales@company.com is first forwarded to both repl and rep2. If they do not pick up the phone or the call fails, then rep3 is tried. If rep3 also does not answer the call, then it is forwarded to senior-rep and manager simultaneously."), (page 6). CINEMA also discloses that the contacts can be numbers, e.g., telephone numbers, (page 20).

a voicemail email application configured to automatically generate an email notification that is sent to a designated email account indicating receipt of a voicemail message.

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CINEMA discloses a voicemail email application that is configured to automatically generate an email notification, which is sent to a designated email account and indicates receipt of a voicemail message, (page 38). CINEMA's preferred embodiment uses "uses SIP for signaling and RTSP for storage and retrieval of voice messages as described in [38]. The user gets an email notification when a new message arrives. The user messages are also listed on a web page as shown in Fig. 20, where they can be played by just a mouse-click. Alternatively, an RTSP client such as Apple's QuickTime can be used to play back the message. Using streaming media to deliver voicemail avoids having to download the whole message while traveling, for example."

Regarding claim 3:

The system of claim 1, further comprising a voicemail application for allowing a caller using said calling terminal to record a voicemail message if said user does not accept said session invite.

CINEMA discloses a voicemail application that permits a caller to record a voicemail message if the user does not accept said session invite. See page 4 discussing interoperability with voicemail systems and page 38 describing CINEMA's voicemail system.

Regarding claim 4:

The system of claim 1, further comprising a web-enabled control panel accessible by said user configured to allow said user to add contact numbers to said plurality of contact

numbers, delete contact numbers from said plurality of contact numbers, and temporarily deactivate contact numbers contained in said plurality of contact numbers.

CINEMA discloses a "web-based user interface to configure and manage the system." (page 16). The web-based user interface permits the user to access a plurality of data input fields, which allow the user to input a plurality of contact numbers associated with the primary contact number. The plurality of contact numbers are then stored in a database associated with said user (the "Primary User Database"). Data in the Primary User Table "can be updated from the web page or by the SIP phones using SIP registration." (page 9). A user may temporarily activate and deactivate one or more numbers contained in said plurality of contact numbers (e.g., based on time of day, the identity of the caller, or other preferences). See, pages 5-6, 11, 16, 20-22, 38, and 64. An additional implementation of a web-based control panel is described at pages 38 & Fig. 20. (email/voicemail application). See also Fig. 7 on page 17 (example of one portion of a web-based control panel).

Regarding claim 5:

The system of claim 1, further comprising a call answering application associated with said call processing server configured to establish an initial session between said calling terminal and said call processing server.

CINEMA includes a call answering application associated with its call processing server, which is configured to establish an initial session between said calling terminal and said call processing server, (see pages 5-22).

Regarding claim 6:

The system of claim 1, wherein said communication session comprises a VoIP communication session.

CINEMA includes at least one VoIP communication session. See, e.g., Ex. D at 5-22.

Indeed, CINEMA is a SIP-based system, which is a VoIP system, (pages 1-22).

Regarding claim 7:

The system of claim 1, wherein said session invite comprises a SIP message and said communication session comprises a VoIP communication session.

CINEMA includes at least one SIP message and at least one VoIP communication session. See, e.g., CINEMA at pages 5-22. Indeed, CINEMA is a SIP-based system, (pages 1-22).

Regarding claim 8:

A method, comprising: receiving a call from a calling terminal designating a primary contact number with a call processing server;

CINEMA discloses the step of receiving a telephone call from a calling terminal (e.g., a telephone) that designates a primary contact number (a "user identifier") with a call processing server (the CINEMA SIP server and related databases), (see pages 5-25). CINEMA discloses a call processing server in communication with a call router operatively connectable to a communication network. The call processing server includes the \SIP/PSTN gateway and media server, which function in coordination with CINEMA's SIP server and associated, (see pages 8-9

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& Fig. 3). The SIP/PSTN gateway and media server interface with the telephone network. The interface can be through a Private Branch Exchange (PBX) or directly with the switch (in CINEMA's example, the University telephone switch), (pages 27-30 & Fig. 15).

CINEMA also discloses that the call router forwards a session invite (via SIP) originating from a calling terminal to said call processing server, said session invite including a SIP message header having a call destination field, (pages 5-7 & Figs. 1, 2; 8-9 & Fig. 3; 19-23 & Fig. 8; 24-25 & Fig. 11).

retrieving a plurality of contact numbers correlated to said primary contact number;

CINEMA discloses the step of retrieving more than one contact numbers ("contact[s]") that is correlated to a primary contact number (the user's "user identifier") via, e.g., the Primary User Table, (pages 5-7, 11-12, 16-22).

establishing an initial session between said calling terminal and said call processing server;

CINEMA discloses the step of establishing an initial session between the calling terminal (a caller's telephone) and the call processing server (the CINEMA SIP server and related databases), (pages 5-22; Figs. 1, 2, 3, 8, 11 and 15).

attempting to establish a communication session with a plurality of call reception terminals associated with each contact number contained in said plurality of contact numbers;

CINEMA discloses the step of attempting to establish a communication session (a completed telephone call) with a plurality of call reception terminals (e.g., phones, computers,

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VoIP devices) associated with each contact number (each "contact") contained in the plurality of contact numbers (i.e. contained in the "Primary User Table"), (pages 5-7, 11-12, 16-22)

establishing said communication session with a respective one of said call reception terminals if a recipient accepts said call using said respective one of said call reception terminals;

CINEMA discloses the step of establishing a communication session (a completed telephone call) with one of the call reception terminals (e.g., a phone, computer, or VoIP device) if a recipient (a CINEMA user) accepts the call using that particular call reception terminal, (see pages 5-7, 11-12, 16-22).

establishing a voice based communication session between said calling terminal and said call reception terminal if said recipient chooses to answer said call and forwarding said call to voicemail if said recipient chooses to forward said call to voicemail; and

CINEMA discloses the step of establishing a voice-based communication session (an answered telephone call) between the calling terminal and the call reception terminal if the recipient (i.e., the CINEMA user) chooses to answer the call. CINEMA also discloses forwarding the call to voicemail if the recipient chooses to do so, (see pages 5-7, 11-12, 16-22, 38).

generating an email notification that is sent to a designated email address indicating receipt of a voicemail message.

CINEMA discloses the step of generating an email notification that is sent to a designated email address indicating receipt of a voicemail message, (page 38).

Regarding claim 11:

The method of claim 8, further comprising providing a web-enabled control panel configured to display said plurality of contact numbers to said recipient, said web-enabled control panel being further configured to allow said recipient to edit contact numbers stored in said plurality of contact numbers, delete contact numbers stored in said plurality of contact numbers, and temporarily deactivate contact numbers stored in said plurality of contact numbers.

CINEMA discloses a web-enabled control panel that can display a plurality of contact numbers of a recipient and which is configured to allow the recipient to edit the contact numbers, delete contact numbers, and temporarily deactivate selected contact numbers, (pages 5-6, 11, 16, 20-22, 38, and 64).

Regarding claim 14:

A system, comprising: a web browser based control panel allowing a user to correlate a plurality of contact numbers to a primary contact number;

CINEMA discloses a web browser based control panel that permits a user to correlate a plurality of contact numbers to a primary contact number, (see, pages 5-6, 11, 16, 20-22, 38, and 64).

a database for storing said plurality of contact numbers linked to said primary contact number;

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CINEMA discloses a database for storing a plurality of contact numbers linked to a primary contact number (a Primary User Table containing contacts), (see pages 5-6, 11, 16, 20-22, 38, and 64).

a call processing server operatively connectable to a communication network, said call processing server being configured to receive a session invite designating said primary contact number from a calling terminal;

CINEMA discloses a call processing server in communication with a call router operatively connectable to a communication network. The call processing server includes the SIP/PSTN gateway and media server, which function in coordination with CINEMA's SIP server and associated, (see pages 8-9 & Fig. 3). The SIP/PSTN gateway and media server interface with the telephone network. The interface can be through a Private Branch Exchange (PBX) or directly with the switch (in CINEMA's example, the University telephone switch), (see pages 27-30 & Fig. 15).

CINEMA also discloses that the call router forwards a session invite (via SIP) originating from a calling terminal to said call processing server, said session invite including a SIP message header having a call destination field, (see pages 5-7 & Figs. 1, 2; 8-9 & Fig. 3; 19-23 & Fig. 8; 24-25 & Fig. 11)

a lookup application configured to query said database to retrieve said plurality of contact numbers as a function of said primary contact number in response to said session invite;

CINEMA discloses a lookup application (e.g., the CINEMA SIP server and related databases) that is configured to query a database (e.g., the Primary User Table) to retrieve a

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plurality of contact numbers ("contact[s]") as a function of a primary contact number (a "user identifier") number and in response to a session invite generated by a caller's calling terminal, (see pages 5-22).

a calling application configured to create a set of session invites to a plurality of call reception terminals assigned to said plurality of contact numbers; and

CINEMA discloses a calling application configured to create a set of session invites to the plurality of call reception terminals (e.g., phones, computers, etc.) assigned to the plurality of contact numbers (i.e., the contacts within the Primary User Table), (pages 5-7, 11-12, 16-22).

a session establishment application for establishing a session between said first terminal and a respective one of said plurality of second terminals if said user accepts said session invite on a respective second terminal.

CINEMA discloses a session establishment application for establishing a session (e.g., a call) between said first terminal and a respective one of the plurality of second terminals if the CINEMA user accepts the caller's session invite on that terminal, (see pages 5-7, 11-12, 16-22).

Regarding claim 15:

The system of claim 14, said web browser based control panel being configured to allow said user to temporarily disable one or more of said plurality of contact numbers correlated to said primary contact number.

CINEMA discloses a web browser based control with a high degree of functionality, including being configurable to allow said user to temporarily disable one or more of said

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plurality of contact numbers correlated to said primary contact number (e.g., based on time of day, the identity of the caller, or other preferences), (pages 5-6, 11, 16, 20-22, 38, and 64).

The Examiner notes that for example, in the example stated in the Request regarding "time of day" (which is described on page 21 - Section 5.2), a user can have the office number being an activated contact number and the home number being a deactivated home number ~~during the day time since the user is at the office during the day time. In this scenario a user will~~ have a plurality of numbers linked to a primary contact number, however the home number will be deactivated (based on a user disabling the home number during office hours) since there would be no need to call the home number when the user is at the office.

Regarding claim 16:

The system of claim 14, said web browser based control panel being configured to allow said user to activate and deactivate a call screening option.

CINEMA discloses a web browser based control with a high degree of functionality, including being configurable to allow a CINEMA user to activate and deactivate various call screening options, (pages 5-6, 11, 16, 20-22, 38, and 64).

In the example, given on page 21, the user has the option to for example, activate call screening so that tele-marketer calls do not disturb the user.

Regarding claim 18:

The system of claim 14, wherein said web browser based control panel is configured to allow said user to activate and deactivate a do not disturb option.

As set forth in CINEMA, a “don’t disturb me” option can be used (section 5.2 on page 21). As additionally noted, this can be implemented by uploading a piece of software on the server which governs its behavior based on the time-of-day or caller identification. This software can be uploaded by using a web interface.

Issue 2 - Not Adopted

10. The rejection of claim 1 as being rejected under 35 U.S.C. 103(a) as being unpatentable over CINEMA in view of Homan is not adopted.

The Requester on page 36 of the Request noted that Homan “also discloses an e-mail notification system that automatically sends an email message, via a server connected to a network (such as the Internet), to a subscriber’s specified email address(es) to notify the subscriber that a voice and/or fax message is waiting on the system.”

The Examiner notes that under the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

With respect to CINEMA the Examiner agrees that the Requester determined the scope and contents of CINEMA. However, the Requester failed to ascertain the difference between the CINEMA and the claims at issue.

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CINEMA was already maintained to disclose of the teaching in which Homan is not relied upon. In addition, the motivation that was relied upon does not cure a deficiency that is within CINEMA. The Requester noted that "[b]ecause Homan discloses a voice/email application, one of ordinary skill in the art would have recognized that Homan's teachings may be used in order to further enhance the voicemail message delivery aspects of CINEMA's one number system.

The Examiner notes that it is not explained how Homan's system would "further enhance" the delivery aspects of CINEMA or how that relates to the claimed limitation at issue since it was already asserted that CINEMA discloses the same feature.

Thus, the Examiner does not adopt the Requester's proposed rejection of claim 1 over CINEMA in view of Homan.

Issue 3 - Adopted in Part

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over CINEMA in view of Schulzrinne '384.

As noted below, the Examiner does not adopt the rejections to claims 1, 3, 5-8, 11, 12, 14, 15, 17. The rejection of claim 18 is adopted.

As per claims 1, 5-8, 11, 14 and 15,

As set forth on page 37 of the Request, Schulzrinne '384 was noted to disclose a SIP-based find-me follow-me system that provides advanced call processing services, including voicemail, over the internet using various servers, including SIP servers and phone servers. Schulzrinne '384 also discloses a variety of internet-based telephone features including accessing

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and modifying its internet-based telephone system using a GUI interface on a PCI and other enhanced telephone services, including Internet-based voicemail features.

The Requester has not explained what limitation is being addressed with this proposed rejection.

With respect to claim 5, Schulzrinne '384 was noted to disclose modifying an internet-based telephone system using a GUI interface on a PC. This teaching was also noted to be disclosed by CINEMA.

With respect to claim 6, the Examiner acknowledges the Request's notation that SIP is related to a VoIP; however, as will be shown below, the Request failed to show why one would look to Schulzrinne to render obvious the claim language.

With respect to claim 7, the Request maintained that CINEMA includes at least one SIP message and at least one VoIP communication session. The Request noted that Schulzrinne '384 similarly disclosed a SIP based system with an internet-based telephone system using a GUI interface on a PC. As Noted below, the Request failed to show why one would look to Schulzrinne to render obvious the claim language.

The Examiner additionally notes that each of 8, 11, 14 and 15 also were noted to disclose similar teachings.

With each of the proposed rejections over CINEMA and Schulzrinne '384, the Request failed to present a *prima facie* case of obviousness.

As noted above, under *Graham vs John Deere*, one must ascertain the differences between the prior art at the claims at issue. The Requester failed to show what limitation(s) from the claim was missing from CINEMA.

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The Examiner notes that the motivation cited by the Request (e.g. claim 1) is directed to "the importance of integrating an Internet-based voicemail system with other Internet services like email, web, video mails, and fax...". The Examiner notes that the Requester has not explained how this pertains to the current claims and/or how Schulzrinne '384 teachings would cure any deficiency in CINEMA since CINEMA was noted to disclose each limitations in the above claims of this issue.

As per claims 12² and 17, the Examiner notes that the claim is directed to "providing a web-enabled control panel configured to allow said recipient to control whether said call reception terminal displays a caller identification number associated with said first terminal or said primary contact number.

On page 94 (page 132 for claim 17) of the Request, it was noted that CINEMA teaches a web-enabled control panel that can display a plurality of contact numbers of a recipient and which is configured to allow the recipient to edit the contact numbers, delete contact numbers, and temporarily deactivate selected contact numbers.

It was further noted that Schulzrinne '384 discloses a SIP-based find-me follow-me system that provides advanced call processing services, including voicemail, over the internet using various servers, including SIP servers and phone servers. It was further noted that

² On page vii, the Request disclosed that claim 12 was obvious over CINEMA and Schulzrinne '384. On page xiv, the Request did not assert that claim 12 was obvious over CINEMA and Schulzrinne '384. However, on page 94 of the Request, an explanation of how CINEMA and Schulzrinne raised a SNQ of claim 12 is presented. Thus, the Examiner treats page xiv as being a typographical error regarding the proposed SNQ over CINEMA and Schulzrinne '384 and claim 12. The Examiner considers claim 12 as being part of the proposed SNQ.

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Schulzrinne '384 discloses accessing and modifying its internet -based telephone system using a GUI interface on a PC, which is a web-enabled control panel.

In addition, it was noted that Schulzrinne '384 discloses "a network device running SIP that can be configured to display a caller identification number associated with the caller ("first terminal").

The Examiner notes that the citation provided in the Request (14:4-6) merely states "[t]hese states are generally entered by an input by a user through the user controls 160 indicating that a call is to be initiated."

These citations do not show or disclose any controlling of whether caller identification associated with the first terminal or primary contact number is to be displayed.

Thus, for the above reasons the Examiner only adopts the rejection of claim 18. This rejection follows below:

Regarding claim 18, the system of claim 14, wherein said web browser based control panel is configured to allow said user to activate and deactivate a do not disturb option.

As set forth in CINEMA, a "don't disturb me" option can be used (section 5.2 on page 21). As additionally noted, this can be implemented by uploading a piece of software on the server which governs its behavior based on the time-of-day or caller identification. This software can be uploaded by using a web interface.

Although the Examiner maintains that CINEMA anticipates the do not disturb option, the Examiner notes that Schulzrinne '384 supplements the teachings of CINEMA in that it shows that a do not disturb option can be provided on a user interface of a SIP based system.

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The Examiner agrees with the citation in Schulzrinne '384 in that it was known to have a do not disturb option, (col. 19, lines 31-38). As explained by Schulzrinne '384 a button on the user interface can be processed in order to invoke this feature. The "user interface" in Schulzrinne '384 can be different forms such as a physical button or having software architectures. As noted by Schulzrinne software architecture and functional definition described in connection with the stand alone appliance 100 can be processed on a PC based telephone device. In this case software can be used to perform the do not disturb function, (col. 17, lines 32-48). Schulzrinne '384 specifically discloses of a GUI interface that is provided by the software.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow a user to activate and deactivate a do not disturb option as taught and suggested by CINEMA and Schulzrinne so that a user can avoid receiving calls during certain hours or based on who is calling.

Issue 4 - Not Adopted

12. The rejection of claims 1, 6, 8, 11, 12, 14, 15 and 17 as being rejected under 35 U.S.C. 103(a) as being unpatentable over CINEMA in view of Wood is not adopted.

As set forth on page 38 (and the pages in the Request associated with claims 6,8,11,12,14,15 and 17) of the Request, Wood was noted to disclose "a web-enabled control panel to modify a central messaging system that integrates voicemail and email."

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The Examiner notes that claim 1 recites "a voicemail email application configured to automatically generate an email notification that is sent to a designated email account indicating receipt of a voicemail message."

The Requester has not shown how Wood would be used to supplement the teachings of CINEMA in order to meet a limitation of the claim. As set forth under *Graham vs John Deere*,

one must ascertain the differences between the prior art at the claims at issue. The Requester failed to show what limitation(s) from the claim was missing from CINEMA.

The Requester further notes that one would have motivated to incorporate Wood's voicemail/email application because CINEMA expressly discloses the need to utilize alternative communication mediums to reach a call recipient. The Examiner notes that the Request does not indicate which limitation in the claim they are refereeing to nor do they show what teaching CINEMA lacks or may lack under a specific interpretation of the claim language.

Thus, the Examiner does not adopt the rejection as proposed as being obvious over CINEMA in view of Wood.

Issue 5 - Not Adopted

13. The rejection of claims 1, 3, 4 and 8 as being rejected under 35 U.S.C. 103(a) as being unpatentable over CINEMA in view of Singh is not adopted.

As set forth on page 39 of the Request, Singh was noted to disclose "a unified messaging system that includes an email notification system that automatically sends an email message, via

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a server connected to a network (such as the Internet), to a subscriber's specified email address(es) to notify the subscriber that a voice and/or fax message is waiting on the system."

The Requester has not shown how Singh would be used to supplement the teachings of CINEMA in order to meet a limitation of the claim. The Requester already noted that CINEMA anticipated each limitation of claim 1. Thus, it appears that Singh is being relied upon for ~~teaching the same teachings set forth in CINEMA. However, as set forth under *Graham vs John*~~ *Deere*, one must ascertain the differences between the prior art at the claims at issue. The Requester failed to show what limitation(s) from the claim was missing from CINEMA.

In addition, the Request discloses that the motivation to incorporate Singh system with CINEMA is because CINEMA expressly discloses the need to utilize alternative communication mediums to reach a call recipient. The Examiner notes that the Request does not indicate which limitation in the claim they are referencing to nor do they show what teaching CINEMA lacks or may lack under a specific interpretation of the claim language. Likewise with respect to for example claim 8 (page 80) it was noted that both the references contain similar disclosures and each disclose a one number or unified messaging system in the field of telephony (including Internet telephony) and discloses the basic functionality of the claimed one number systems of the '565 Patent. With respect to this reasoning, it is clear that Singh does not provide any supplementary teaching with respect to CINEMA that is not already disclosed in CINEMA.

Thus, the Examiner does not adopt the rejection as proposed as being obvious over CINEMA in view of Singh.

Issue 6 - Not Adopted

14. The rejection of claims 1, 3-8, 11, 14 and 15 as being rejected under 35 U.S.C. 103(a) as being unpatentable over CINEMA in view of Burg, Hanson '097 and Hanson '109 is not adopted.

As set forth on page 39 of the Request, the combination of Burg, Hanson '097 and Hanson '109 was noted to disclose a voicemail/email application.

The Requester noted that "each limitation of claim 1 of the '564 Patent is duplicated in substance in then-pending claim 36 of the '256 Patent."

The Examiner, however, notes that the citation to Burg, Hanson '097 and Hanson '109 does not show how the rejection as proposed should be made. That is, the Requester did not ascertain the differences between CINEMA and the claims at issue. In addition, the Requester notes that the motivation to combine the references together is based on "the need to utilize alternative communication mediums to reach a call recipient." The Requester did not explain how this relates to the claim language or how the secondary teachings would be used to cure a deficiency within CINEMA.

As set forth under *Graham vs John Deere*, one must ascertain the differences between the prior art at the claims at issue. The Requester failed to show what limitation(s) from the claim was missing from CINEMA.

Thus, the Examiner does not adopt the rejection as proposed as being obvious over CINEMA in view of Burg, Hanson '037 and Hanson '109.

Issue 7 - Not Adopted

15. The rejection of claims 3 and 4 as being rejected under 35 U.S.C. 103(a) as being unpatentable over CINEMA in view of Archer is not adopted. .

As set forth on page 49 of the Request, it was noted that CINEMA "allow[s] a caller using a calling terminal to record a voicemail message if said user does not accept said session invite."

It was further noted that Archer "teaches that if the user/subscriber does not answer or accept a call, the caller can leave a message on voicemail.

As set forth under *Graham vs John Deere*, one must ascertain the differences between the prior art at the claims at issue. The Requester failed to show what limitation(s) from the claim was missing from CINEMA and thus this rejection is not proper under 35 U.S.C. 103.

Under 35 U.S.C. 103(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.

In this case the Requester did not point out any "differences" between the CINEMA and the claim at issue.

Thus, it is unknown how this rejection can be applied since the Requester failed to show how Archer would cure a deficiency from CINEMA.

Thus, the Examiner does not adopt the rejection as proposed as being obvious over CINEMA in view of Archer.

Issue 8 - Not Adopted

16. The rejection of claim 3 as being rejected under 35 U.S.C. 103(a) as being unpatentable over CINEMA in view of Schulzrinne is not adopted.

As set forth on page 49 Schulzrinne was noted to disclose the ability to leave a voicemail for a non-answering party using services implemented with SIP. CINEMA was also noted to anticipate the recording of a voicemail message if said user does not accept said session invite.

As set forth under *Graham vs John Deere*, one must ascertain the differences between the prior art at the claims at issue. The Requester failed to show what limitation(s) from the claim was missing from CINEMA and thus this rejection is not proper under 35 U.S.C. 103.

Under 35 U.S.C. 103(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.

In this case the Requester did not point out any “differences” between the CINEMA and the claim at issue.

Thus, the proposed rejection is not proper under 35 U.S.C. 103(a) and thus, the Examiner does not adopt the rejection as proposed as being obvious over CINEMA in view of Schulzrinne.

Issue 9 - Adopted in Part

17. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over CINEMA in view of Hakusui.

As per claim 7, the Request on page 69 notes that CINEMA includes at least one SIP message and at least one VoIP communication session.

It was also noted that Hokusui describes a SIP-based VoIP one number system.

The Examiner notes that under 35 U.S.C. 103(a) and under *Graham v John Deere*, one must show the differences between the prior art (i.e. CINEMA) and the claims at issue. The Requester failed to ascertain the differences and thus, the Requester has not presented a proper obviousness rejection.

In addition, it has not been explained how the motivation “to further enhance the web-based interface of the CINEMA one number system” applies to the claim language.

The Examiner notes that this rationale applies to claims 4 (page 54 of Request), 7 (Page 69 of Request) and 11 (page 87 of Request) since in each of these claims CINEMA was noted to disclose the claimed limitation and Hokusui was noted to disclose the same teachings.

Thus, there are no cited differences between the primary reference CINEMA and the claims at issue.

As per claim 12, the Examiner notes that the claim requires “providing a web-enabled control panel configured to allow said recipient to control whether said call reception terminal displays a caller identification number associated with said first terminal or said primary contact number.”

The Request notes that CINEMA teaches a web-enabled control panel that can display a plurality of contact numbers of a recipient and which is configured to allow the recipient to edit the contact numbers, delete contact numbers, and temporarily deactivate selected contact numbers.

In addition, the Examiner notes that the Request notes that Hokusui discloses a call-screening function, which allows a user to adjust, via a web-enabled control panel, a "whisper" or announcement feature for callers.

The Request then notes that "[i]t would be obvious to one of ordinary skill in the art to provide for a user to modify this whisper/announcement feature for callers to display a caller identification for call screening.

The Examiner notes that Hokusui does not disclose that caller ID can be controlled. It appears that the rejection relies upon a general obviousness statement without a clear showing in the art which supports the specific claim language. The citation of Hokusui is directed to the ability to indicate either a "whisper" or an "interrupt" for a specific incoming number. There is no showing that caller ID can be displayed (or not).

Thus, the examiner will not adopt the rejection of claims 7 and 12 over CINEMA in view of Hokusui.

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As per claims 4 and 11, while the Examiner notes that the Request likewise does not specifically point out the deficiencies in CINEMA, the Examiner, nonetheless adopts the rejection of claim 4 and 11 since the Examiner notes that Hokusui is clear as to providing a web control panel and how a user would use a web-enabled control panel to add, delete, activate or deactivate numbers.

Regarding claims 4 and 11:

The system of claim 1, further comprising a web-enabled control panel accessible by said user configured to allow said user to add contact numbers to said plurality of contact numbers, delete contact numbers from said plurality of contact numbers, and deactivate contact numbers contained in said plurality of contact numbers.

The system of claim 8, further comprising a web-enabled control panel configured to display said plurality of contact numbers to said recipient, said web-enabled control panel being further configured to allow said recipient to edit contact numbers stored in said plurality of contact numbers, delete contact numbers stored in said plurality of contact numbers, and temporarily deactivate contact numbers stored in said plurality of contact numbers.

As shown in Figure 3, Hokusui's web-browser control panel permits "a user to designate a plurality of contact numbers correlated to a primary contact number assigned to said user." In Hokusui's Figure 3, above, the primary contact number is 1-(978) 500-1000 and the correlated contact numbers are 1-(978) 500-1001, 1-(978) 500-1002, 1-(978) 500-1003, and 1-(978) 500-1004. Hokusui's web browser includes a selection item allowing said user to activate and deactivate select contact numbers contained in said plurality of contact numbers, by, e.g., the

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drop-down scroll panel indicated by the downward-facing arrow next to each contact number on the right, permitting the user to switch between a contact number (e.g. "1-(978) 500-1004") and no contact number (indicated by "none" in the fifth box).

Hakusui explains:

If the user will be temporarily in a different location, then the user can easily reconfigure his or her personal feature server to forward or simultaneously ring to the expected location. If the user's cell phone number changes, the user can easily reconfigure his or her personal feature server to forward calls to the new cell phone. If the user is expecting a telephone call from a particular person, the user can reconfigure his or her personal feature server to interrupt when the telephone call is received.

(col. 9, lines 30-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a selection item for temporarily activating or deactivating contact numbers as disclosed by Hakusui so that the user can easily reconfigure their personal contact numbers in situations that they need to temporarily change one of their contact numbers.

Issue 10 - Not Adopted

18. The rejection of claims 4, 11, 14, 15, 17 and 18 as being rejected under 35 U.S.C. 103(a) as being unpatentable over CINEMA in view of HTML 4.01 Specification is not adopted.

As set forth on page 58 of the Request, HTML 4.01 specification was noted to disclose using a check box (or other means) on a web browser control panel to activate and deactivate selected entries (such as contact numbers) contained in a plurality of entries.

As set forth under *Graham vs John Deere*, one must ascertain the differences between the prior art at the claims at issue. The Requester failed to show what limitation(s) from the claim was missing from CINEMA.

The Request further notes that one would have motivated to incorporate HTML 4.01 into CINEMA in order to further enhance the CINEMA based web-interface. The Examiner notes however, that the Request does not indicate which limitation in the claim they are referring to (i.e. that needs to be enhanced) nor do they show what teaching CINEMA lacks or may lack under a specific interpretation of the claim language.

In addition, the Examiner notes that HTML 4.01 Specification only discloses of check boxes in general. While the Examiner agrees with this, the Request does not show that HTML 4.01 Specification discloses a check box for contact numbers. The Request erred in maintaining that HTML 4.01 Specification discloses this limitation.

Thus, the Examiner does not adopt the rejection as proposed as being obvious over CINEMA in view of HTML 4.01 Specification.

Issue 11 - Not Adopted

19. The rejection of claims 12 and 17 as being rejected under 35 U.S.C. 103(a) as being unpatentable over CINEMA is not adopted.

Claims 12 and 17 are directed to provide a web-enabled control panel configured to allow said recipient to control whether said call reception terminal displays a caller identification number associated with said first terminal or said primary contact number.

The Request acknowledged that CINEMA does not specifically describe an implementation in which a user controls whether the call reception terminal displays a caller identification number associated with said first terminal or said primary contact number the Request, however maintains that this features is inherent.

In addition, the Request noted that it would have been obvious to one of ordinary skill to incorporate well-known features of the telephone system such as caller ID into CINEMA's system to control whether the call reception terminal displays a caller identification number associated with said first terminal or said primary contact number.

The Examiner agrees that it would have been obvious to incorporate "caller ID" into CINEMA's system; however, the claim does not merely recite having a caller ID. As is known in the art, a caller ID will display the number of calling terminal. The claim on the otherhand is directed to having a choice between displaying the calling terminal identification number of displaying the primary contact number. This teaching is absent within CINEMA. In addition, the claim further requires a web-enabled control panel to allow a user to select which one of these two caller ID numbers will be displayed.

Thus, while it is agreed that a user of CINEMA can set his or her preferences via a web-enabled control panel there is no teaching of a web-enabled control panel configured to allow a recipient to control whether caller identification associated with said first terminal or said primary contact number will be displayed.

For example, in relation to the '565 patent and Figure 5 of the '565 patent and its related text,

“caller identification control field 116 may also be included that allows the account holder to turn on and off caller identification functions. An incoming caller identification

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option 118 allows the account holder to enable the display of the contact number of the calling terminal 12 on the call receiving terminal 14. A primary contact number option 120 may cause the calling module 64 to display the primary contact number of the account holder on the call receiving terminal 14 instead of the contact number of the calling terminal 12.”

As explained in the patent specifications there are two numbers. The first being the contact number of the calling terminal and the second being the primary contact number of the account holder of the terminal.

The claim requires an option to select which one of the two will be displayed. Thus, as noted above, while it would have been obvious to enable/disable e.g. Caller ID using a web control panel, there is no support in CINEMA nor it is obvious with respect to CINEMA's disclosure that a web-based control panel which provides a user with the option to select either the primary contact number or the calling terminal number as the number that will be displayed.

Issue 12 - Not Adopted

20. The rejection of Claims 12 and 17 as being rejected under 35 U.S.C. 103(a) as being unpatentable over CINEMA in view of Burg is not adopted.

The Examiner notes that the claim requires “providing a web-enabled control panel configured to allow said recipient to control whether said call reception terminal displays a caller identification number associated with said first terminal or said primary contact number.”

The Request notes that CINEMA teaches a web-enabled control panel that can display a plurality of contact numbers of a recipient and which is configured to allow the recipient to edit the contact numbers, delete contact numbers, and temporarily deactivate selected contact numbers.

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In addition, the Examiner notes that the Request notes that Burg discloses a caller-ID delivery service that can be used for call screening, (col. 3, lines 24-44).

The Request then notes that “[i]t would be obvious to one of ordinary skill in the art to incorporate well known caller ID features and similar basic telephony features into the CINEMA system.

As noted above, the claim requires callerID to be controlled in that if the web-control panel will allow the recipient to control whether the first terminal or the primary contact number will be displayed.

Burg does not provide any control on whether the first terminal or primary contact number will be displayed.

Thus, the examiner will not adopt the rejection of CINEMA in view of Burg.

Issue 13 - Adopted in Part

21. Claims 1-11 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by RAM.

As per the proposed rejection to **claim 16**, the Examiner notes that he claim is directed to **a web browser based control panel being configured to allow said user to activate and deactivate a call screening option.**

The Request noted that Ram's VAS provides the ability to screen calls based on caller ID or some other information about the identity of the caller and to screen calls.

"In determining whether to deliver the call, the VAS may query the user. In one example of operation, the VAS calls the subscriber and provides the subscriber with information

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regarding the call, e.g., calling party identification, call type, calling entity, etc., and asks the subscriber whether he or she desires to receive the call. The subscriber responds, for example with a "1" to accept the call and with a "2" to reject the call. If the subscriber opts to receive the call, the call is delivered (step 522). The subscriber then has the opportunity to screen the call (step 523). If delivery is rejected, the call is sent to a message service (step 524)."

The Examiner agrees that Ram discloses call screening; however the claimed limitation is not directed to call screening generally. Instead, the claim recites a web browser control panel which allows a user to activate and deactivate a call screening option. The citations disclosed in the Request only show how call screening is used and not that a user can activate or deactivate call screening via a web browser.

Thus, the rejection is adopted in part since it excludes the proposed anticipation rejection of claim 16 under Ram.

Regarding claim 1:

A system, comprising: a call processing server in communication with a call router operatively connectable to a communication network, said call router forwarding a session invite originating from a calling terminal to said call processing server, said session invite including a message header having a call destination field;

Ram teaches a virtual assistant system ("VAS") that comprises computer software instructions executed by at least one computer server. Ram's server is connected to a communication network, (col. 3, lines 52-60). Ram discloses a call processing server, including an IVR, as part of its VAS. For example, Ram teaches that a gateway server (310A) and a media

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server (328A) may be coupled to a packet-switched data network (e.g., the Internet) and the telephone network to function as a call processing server for the VAS, (col. 8, lines 33-56; col. 3, lines 52-60; col. 4, line 37 - col. 5, line 15). Ram's VAS and associated components are network-independent and do not need to be in any particular location or associated with a particular telephone services provider, (col. 6, lines 13-21; col. 4, line 38 - col. 5, line 52).

Ram further teaches that its VAS uses a Network Services Controller (NSC) 316A that supports Session Initiation Protocol (SIP) for IP call control, i.e., Ram's VAS is thus a call router that is capable of forwarding a session invite originating from a calling terminal to a call processing server. The session invite includes a message header having a call destination field, i.e., states where the call should be routed, (col. 4, line 50 - col. 5, line 15; col. 7, lines 51-63).

a multiple contact lookup application associated with said call processing server configured to obtain a plurality of contact numbers associated with a primary contact number contained in said destination field;

Ram discloses a set of profile services (108) that uniquely identify each subscriber and provide contact information for that subscriber. The profile services include a multiple contact lookup application associated with a call processing server, which is configured to associate a plurality of contact numbers with a primary contact number of the user.

For example:

"A user's profile includes personal information for a corresponding subscriber, such personal information including the subscriber's name, the subscriber's address, and all pertinent contact information for the subscriber, e.g., home phone number(s), work phone number(s), mobile phone number(s), email address(es), IP address(es), pager number(s) and other information that may be employed to contact the subscriber. The profile also includes a plurality of reach lists for the subscriber, each reach list including a set of contact numbers/addresses for the subscriber. Corresponding to each reach list is a schedule that indicates when the reach list is active. "

All communications for the subscriber are received via a single telephone number, IP address (network address) and/or email address. Based upon the content of the reach lists and corresponding schedules, the VAS routes communications and messages to the subscriber and also notifies the subscriber of incoming communications,"

(col. 4, line 50 - col. 5, lines 15; abstract).

a calling application associated with said call processing server configured to send said session invite to each of said plurality of contact numbers associated with said primary contact number;

Ram's VAS comprises a plurality of computer software instructions that are executed by at least one computer server. Ram further teaches that its system uses a Network Services Controller (NSC) 316A that supports Session Initiation Protocol (SIP) for IP call control, i.e., Ram's VAS has a calling application associated with its call processing server that is configured to send session invites to each of the plurality of contact numbers associated with the primary contact number, (col. 7, lines 51-63; col. 4, line 50 - col. 5, line 15).

a call connection application associated with said call processing server configured to establish a communication session between said calling terminal and a call reception terminal associated with a respective one of said plurality of contact numbers if a user accepts said session invite sent to said call reception terminal; and

Ram's VAS includes a call connection application that is associated with its call processing server. Ram's call connection application is configured to establish a communication session (a voice call) between a caller's calling terminal (e.g., the caller's phone) and a user's call reception terminal (e.g. the user's phone). The user's call reception terminal is associated with

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one of the user's contact numbers. The call connection is established when the user accepts the session invite sent by RAM to the user's call reception terminal, (col. 4, line 50 - col. 5, line 15).

a voicemail email application configured to automatically generate an email notification that is sent to a designated email account indicating receipt of a voicemail message.

Ram teaches that its VAS sends an email notification if a voicemail message is received by Ram's system. The email notification can be sent, at the user's option, to a designated email account. For example:

"If subscriber A is unavailable, or elects not to receive the call, the VAS 102 routes the call to a voice mail service of the message services 106 so that the caller may leave a message. If a message is left, the VAS 102 may then send a notification to subscriber A in the form of a page, email message, or other notification communication. However, alternatively, no notification is provided," (col. 5, lines 35-43).

Regarding claim 2:

The system of claim 1, further comprising an application configured to present a caller using said calling terminal with a first option to attempt to directly contact said user or a second option to leave a voice mail message for said user during said initial session.

Ram recognizes that a user may simply want to leave voicemail rather than track a called party down using Ram's VAS. Ram's system can be configured to present a caller using a "calling terminal" (e.g., phone) with an option to attempt to directly contact Ram's user or to leave a voice mail message for Ram's user during the initial session. "When the subscriber is

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unavailable, the caller may leave a message for the subscriber, e.g., voice mail. In another operation, the caller may desire not to speak with the subscriber but to only leave a message,"

(col. 18, lines 17-20).

The Examiner notes that Ram specifically discloses that a user has the option to not speak to the subscriber and to only leave a message. Hence, Ram discloses presenting the user with a

~~first option to attempt to connect to the user or a second option to only leave a message for the~~
user.

Regarding claim 3:

The system of claim 1, further comprising a voicemail application for allowing a caller using said calling terminal to record a voicemail message if said user does not accept said session invite.

Ram's VAS supports SIP and permits a caller to leave voicemail for a called party if the called party fails to answer an incoming call. For example: "Further, if subscriber B is unavailable, or if subscriber B elects not to receive the call, the VAS 102 routes the call to a voice mail service of the message services 106 that is supported by the VAS 102," (col. 5, lines 64-68).

Regarding claim 4:

The system of claim 1, further comprising a web-enabled control panel accessible by said user configured to allow said user to add contact numbers to said plurality of contact

numbers, delete contact numbers from said plurality of contact numbers, and temporarily deactivate contact numbers contained in said plurality of contact numbers.

Ram's VAS includes information pages that provide the ability to edit and manage a user's personal information. These information page(s) are accessible over the internet, and permit a user to add contact numbers to the user's plurality of contact numbers, delete contact numbers, and temporarily deactivate contact numbers. For example:

"In a particular example of operation of the VAS, the subscriber establishes/alters his or her personal information. The personal information includes the name of the subscriber, the home address of the subscriber, the home phone number of the subscriber, the subscriber's VAS personal number, the subscriber's work phone number, the subscriber's mobile phone number, the subscriber's pager number, the subscriber's email address and the subscriber's personal IP address. The subscriber may alter any of this information from a personal information page provided by the VAS,"

(col. 14, lines 40-50).

Regarding claim 5:

The system of claim 1, further comprising a call answering application associated with said call processing server configured to establish an initial session between said calling terminal and said call processing server.

Ram's VAS comprises a plurality of computer software instructions that are executed by at least one computer server. Ram further teaches that its VAS uses a Network Services Controller (NSC) 316A that supports Session Initiation Protocol (SIP) for IP call control, i.e., establishing an initial session between said calling terminal and said call processing server, (col. 7, lines 51-63).

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Regarding claim 6:

The system of claim 1, wherein said communication session comprises a VoIP communication session.

Ram repeatedly refers to IP telephony, which includes VoIP. Ram also refers to SIP, which is a protocol that supports VoIP communication sessions, (col. 7, lines 51-63).

Regarding claim 7:

The system of claim 1, wherein said session invite comprises a SIP message and said communication session comprises a VoIP communication session.

Ram repeatedly refers to IP telephony, which includes VoIP. Ram also refers to SIP, which is a protocol that supports VoIP communication sessions, (col. 7, lines 51-63). For instance: "For IP call control, the NSC 316A supports the SIP, SIP+, ITAG+, H.323 and UNISTM protocols," (col. 7, lines 62-63). "The gateway server 310A supports the SIP, SIP+, ITAG, H. 323 and RTP protocols to the IP space and the PRI protocol to the TDM space," (col. 8, lines 42-44). "A subscriber to the VAS may access the system by a single (or multiple) line phone, a cellular phone or an IP based phone (e.g., H.323 phone, SIP phone, etc.)," (col. 10, lines 50-52).

Regarding claim 8:

A method, comprising: receiving a call from a calling terminal designating a primary contact number with a call processing server;

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Ram teaches a virtual assistant system ("VAS") that comprises computer software instructions executed by at least one computer server. Ram's server is connected to a communication network. Ram discloses a call processing server, including an IVR, as part of its VAS. For example, Ram teaches that a gateway server (310A) and a media server (328A) may be coupled to a packet-switched data network (e.g., the Internet) and the telephone network to function as a call processing server for the VAS; (col. 8, lines 33-56). Ram's VAS and associated components are network-independent and do not need to be in any particular location or associated with a particular telephone services provider, (col. 6, lines 13-21; 4, lines 38 - col. 6, line 52).

Ram further teaches that its VAS uses a Network Services Controller (NSC) 316A that supports Session Initiation Protocol (SIP) for IP call control, i.e., Ram's VAS is thus a call router that is capable of forwarding a session invite originating from a calling terminal to a call processing server. The session invite includes a message header having a call destination field, i.e., states where the call should be routed, (col. 4, line 50 - col. 5, line 15; col. 7, lines 51-63).

retrieving a plurality of contact numbers correlated to said primary contact number;

Ram discloses a set of profile services (108) that uniquely identify each subscriber and provide contact information for that subscriber. The profile services include a plurality of contact numbers correlated to a primary contact number. "A user's profile includes personal information for a corresponding subscriber, such personal information including the subscriber's name, the subscriber's address, and all pertinent contact information for the subscriber, e.g., home phone number(s), work phone number(s), mobile phone number(s), email address(es), IP address(es),

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pager number(s) and other information that may be employed to contact the subscriber. The profile also includes a plurality of reach lists for the subscriber, each reach list including a set of contact numbers/addresses for the subscriber. Corresponding to each reach list is a schedule that indicates when the reach list is active. All communications for the subscriber are received via a single telephone number, IP address (network address) and/or email address. Based upon the content of the reach lists and corresponding schedules, the VAS routes communications and messages to the subscriber and also notifies the subscriber of incoming communications," (col. 4, line 50 - col. 5, line 15).

establishing an initial session between said calling terminal and said call processing server;

Ram's Network Services Controller (NSC) 316A supports Session Initiation Protocol (SIP) for IP call control, and can establish an initial session between a calling terminal and Ram's call processing server, (col. 7, lines 51-63).

attempting to establish a communication session with a plurality of call reception terminals associated with each contact number contained in said plurality of contact numbers;

Ram's VAS uses a Network Services Controller (NSC) 316A that supports Session Initiation Protocol (SIP) for IP call control, (col. 7, lines 51- 63). Ram's VAS attempts to establish a communication session with a plurality of call reception terminals associated with each contact number contained in a Ram user's plurality of contact numbers, (col. 4, lines 50 - col. 5, line 15).

establishing said communication session with a respective one of said call reception terminals if a recipient accepts said call using said respective one of said call reception terminals;

Ram's VAS can establish a communication session with one of a plurality of call reception terminals (e.g., phones) if a recipient accepts a call using that call reception terminals, (col. 4, line 50 - col. 5, line 15; col. 7, lines 51-63).

establishing a voice based communication session between said calling terminal and said call reception terminal if said recipient chooses to answer said call and forwarding said call to voicemail if said recipient chooses to forward said call to voicemail; and

Ram's VAS permits a caller to leave voicemail for a called party if Ram's user chooses to forward the call to voicemail, (col. 5, lines 64-68)

"Further, if subscriber B is unavailable, or if subscriber B elects not to receive the call, the VAS 102 routes the call to a voice mail service of the message services 106 that is supported by the VAS 102."

generating an email notification that is sent to a designated email address indicating receipt of a voicemail message.

Ram teaches sending email notification of received voicemail messages to a user's designated email address, (col. 5, lines 35-43).

"If subscriber A is unavailable, or elects not to receive the call, the VAS 102 routes the call to a voice mail service of the message services 106 so that the caller may leave a message. If a message is left, the VAS 102 may then send a notification to subscriber A in the form of a

page, email message, or other notification communication. However, alternatively, no notification is provided."

Regarding claim 9:

The method of claim 8, further comprising generating a sound that is played to an initiator of said call on said calling terminal during said initial communication session.

Ram's VAS can solicit a greeting from a caller during the initial communication session for call screening purposes. In soliciting a greeting from a caller, the VAS must output spoken instructions to the calling party to record a greeting. The spoken instructions constitute a "sound" generated during an initial communication session. For example: "In one example of operation according to the present invention, caller X using telephone 120 places a call to subscriber A, using subscriber A's VAS telephone number. The telephone network 114 routes the call from telephone 120 to the VAS 102. The VAS 102 receives the call and accesses an active reach list for subscriber A. Based upon the content of the reach list, the VAS 102 determines that subscriber A may be contacted at telephone 110. Thus, the VAS 102 initiates a call to subscriber A at telephone 110. If subscriber A answers, the VAS 102 announces the caller with a recording of the caller's name (which is collected when the caller calls the subscriber) and asks subscriber A whether he or she desires to receive the call," (col. 5, lines 16-28).

Regarding claim 10:

The method of claim 8, further comprising prompting an initiator of said call for a greeting during said initial session and playing said greeting to said user prior to presenting said user with said option to answer said call or forward said call to voicemail.

Ram's VAS gives the subscriber the option of screening incoming calls. The caller is prompted by Ram's VAS to record a greeting and the recorded greeting is announced to Ram's user. User then has the option of accepting or rejecting the call. For example: "In one example of operation according to the present invention, caller X using telephone 120 places a call to subscriber A, using subscriber A's VAS telephone number. The telephone network 114 routes the call from telephone 120 to the VAS 102. The VAS 102 receives the call and accesses an active reach list for subscriber A. Based upon the content of the reach list, the VAS 102 determines that subscriber A may be contacted at telephone 110. Thus, the VAS 102 initiates a call to subscriber A at telephone 110. If subscriber A answers, the VAS 102 announces the caller with a recording of the caller's name (which is collected when the caller calls the subscriber) and asks subscriber A whether he or she desires to receive the call," (col. 5, lines 16-28).

Regarding claim 11:

The method of claim 8, further comprising providing a web-enabled control panel configured to display said plurality of contact numbers to said recipient, said web-enabled control panel being further configured to allow said recipient to edit contact numbers stored in said plurality of contact numbers, delete contact numbers stored in said plurality

of contact numbers, and temporarily deactivate contact numbers stored in said plurality of contact numbers.

Ram's VAS includes one or more information pages that provide the ability to edit and manage a user's individual personal information. The information pages are accessible over the internet, and permit a user to edit contact numbers stored in the user's plurality of contact numbers, delete contact numbers, and temporarily deactivate contact numbers. For example, "In

a particular example of operation of the VAS, the subscriber establishes/alters his or her personal information. The personal information includes the name of the subscriber, the home address of the subscriber, the home phone number of the subscriber, the subscriber's VAS personal number, the subscriber's work phone number, the subscriber's mobile phone number, the subscriber's pager number, the subscriber's email address and the subscriber's personal IP address. The subscriber may alter any of this information from a personal information page provided by the VAS," (col. 14, lines 40-50).

In addition, as set forth on col. 14, lines 20-39, Ram discloses that Reach lists can be modified. As noted therein, the reach list is activated and altered based on a schedule or can be altered over the Internet by the subscriber.

In this scenario contacts numbers such as the user's cell phone, satellite phone, fax number, email address, IP telephone address etc, can be activated/deactivate based on how their reach list is altered.

Regarding claim 14:

A system, comprising: a web browser based control panel allowing a user to correlate a plurality of contact numbers to a primary contact number;

Ram's Virtual Assistant System (VAS) includes one or more information pages that provide the ability to edit and manage a user's personal information. These information pages can include a web browser based control panel that allows a user to correlate the user's various contact numbers with a primary number. For example: "In a particular example of operation of the VAS, the subscriber establishes/alters his or her personal information. The personal information includes the name of the subscriber, the home address of the subscriber, the home phone number of the subscriber, the subscriber's VAS personal number, the subscriber's work phone number, the subscriber's mobile phone number, the subscriber's pager number, the subscriber's email address and the subscriber's personal IP address. The subscriber may alter any of this information from a personal information page provided by the VAS," (col. 14, lines 20-50.).

a database for storing said plurality of contact numbers linked to said primary contact number;

Ram's VAS uses a database server for storing subscriber data, including a plurality of contact numbers linked to said primary contact number, (col. 8, lines 17-19) ("The database server 324A provides a data repository for the subscriber, network, service and system information required to operate the CSPSN 302 and the services provided thereby."), (col. 4, line 4, line 50 - col. 5, line 15).

a call processing server operatively connectable to a communication network, said call processing server being configured to receive a session invite designating said primary contact number from a calling terminal;

Ram teaches a virtual assistant system ("VAS") that comprises computer software instructions executed by at least one computer server. Ram's server is connected to a communication network. Ram discloses a call processing server including an IVR, as part of its VAS. For example, Ram teaches that a gateway server (310A) and a media server (328A) may be coupled to a packet-switched data network (e.g., the Internet) and the telephone network to function as a call processing server for the VAS, (col. 8, lines 33-56). Ram's VAS and associated components are network-independent and do not need to be in any particular location or associated with a particular telephone services provider, (col. 6, lines 13-21; col. 4, line 38 - col. 6, line 52). Ram further teaches that its VAS uses a Network Services Controller (NSC) 316A that supports Session Initiation Protocol (SIP) for IP call control, i.e., Ram's VAS is thus a call router that is capable of forwarding a session invite originating from a calling terminal to a call processing server. The session invite includes a message header having a call destination field, i.e., states where the call should be routed, (col. 4, line 50 - col. 5, lines 15; col. 7, lines 51-63).

a lookup application configured to query said database to retrieve said plurality of contact numbers as a function of said primary contact number in response to said session invite;

Ram discloses a set of profile services 108 that uniquely identify each subscriber and provide contact information for that subscriber. The profile services include a lookup application configured to query Ram's database to retrieve a plurality of contact numbers as a function

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of a user's primary contact number and in response to a session invite sent by a caller. For example: "A user's profile includes personal information for a corresponding subscriber, such personal information including the subscriber's name, the subscriber's address, and all pertinent contact information for the subscriber, e.g., home phone number(s), work phone number(s), mobile phone number(s), email address(es), IP address(es), pager number(s) and other

~~information that may be employed to contact the subscriber. The profile also includes a plurality~~
of reach lists for the subscriber, each reach list including a set of contact numbers/addresses for the subscriber. Corresponding to each reach list is a schedule that indicates when the reach list is active.

All communications for the subscriber are received via a single telephone number, IP address (network address) and/or email address. Based upon the content of the reach lists and corresponding schedules, the VAS routes communications and messages to the subscriber and also notifies the subscriber of incoming communications," (col. 4, line 50 - col. 5, line 15).

a calling application configured to create a set of session invites to a plurality of call reception terminals assigned to said plurality of contact numbers; and

Ram's VAS uses a Network Services Controller (NSC) 316A that supports Session Initiation Protocol (SIP) for IP call control, i.e., a calling application configured to create a set of session invites, (col. 7, line 51-63). The session invites are to a plurality of call reception terminals assigned to a user's plurality of contact numbers, (col. 4, line 50 - col. 5, line 15).

a session establishment application for establishing a session between said first terminal and a respective one of said plurality of second terminals if said user accepts said session invite on a respective second terminal.

Ram's VAS establishes a session between a caller and a one of a Ram user's plurality of second terminals if Ram's user accepts the caller's session invite on that particular terminal, (col. 7, line 51-63; col. 4, line 50 - col. 5, line 15).

Regarding claim 15:

The system of claim 14, said web browser based control panel being configured to allow said user to temporarily disable one or more of said plurality of contact numbers correlated to said primary contact number.

Ram discloses using a web browser based control panel that is configured to allow a user to temporarily disable one or more of the user's plurality of contact numbers correlated to the user's primary contact number. For example:

"In a particular example of operation of the VAS, the subscriber establishes/alters his or her personal information. The personal information includes the name of the subscriber, the home address of the subscriber, the home phone number of the subscriber, the subscriber's VAS personal number, the subscriber's work phone number, the subscriber's mobile phone number, the subscriber's pager number, the subscriber's email address and the subscriber's personal IP address. The subscriber may alter any of this information from a personal information page provided by the VAS," (col. 14, lines 40-50).

In addition, as set forth on col. 14, lines 20-39, Ram discloses that Reach lists can be modified. As noted therein, the reach list is activated and altered based on a schedule or can be altered over the Internet by the subscriber.

In this scenario contacts numbers such as the user's cell phone, satellite phone, fax number, email address, IP telephone address etc, can be activated/deactivate based on how their reach list is altered.

Issue 14 - Not Adopted

22. The rejection of claim 2 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Ram in view of Singh is not adopted.

As set forth on page 43 of the Request, Ram was noted to disclose a system in which the caller is given a first option of directly contacting the callee and a second option of leaving a voicemail message for the callee.

The Request also notes Singh discloses a SIP-based telephony system that enables the user to set a variety of message conditions that indicate when a caller may be directed to voice mail. These message conditions can include the passage of a predetermined amount of time without an answer or other user preferences (e.g., who is calling, what time it is). Singh '201 also provides for call reclaiming, which enables a called party to pick up a call after the message recording process has begun.

The Examiner notes that under the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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With respect to Ram the Examiner agrees that the Requester determined the scope and contents of CINEMA. However, the Requester failed to ascertain the differences between the Ram and the claimed limitation at issue.

As noted above, the Requester noted that Ram disclosed of the claimed limitation. Singh '201 is relied upon for the same teachings. The Requester does not show how Singh' 201 would cure any deficiency within Ram.

In addition, assuming *arguendo* that Ram was deficient with respect to claim 2, Singh would fail to meet the limitations of claim 2.

As noted above, claim 2 requires an option to contact the user and a second option to leave a voicemail message for said user. The voicemail option in Singh is only provided after an initial contact of the user has failed. Specifically the citations disclose the presence of a message condition being present. This message condition is present only after a predetermined amount of time.

Singh fails to disclose of providing a user with a first option of attempting to contact the user or a second option to leave a voice mail message. As noted above, the option of leaving a voicemail message is only presented after an attempt to contact the user has failed.

Thus, the Examiner does not adopt the Requester's proposed rejection of claim 2 over Ram in view of Singh.

Issue 15 - Not Adopted

23. The rejection of claim 2 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Ram in view of Burg and further in view of Hanson '097 and further in view of Hanson '109 is not adopted.

As set forth on page 45 of the Request, it was noted that Burg, Hanson '097 and Hanson '1098 each disclose the same voicemail capability as Ram.

As set forth above, under 35 U.S.C. 103(a), one must point out the differences between the prior art and the claim at issue. The Request failed to ascertain the differences and thus, this proposed rejection is not proper.

In addition, the citations relied upon in the Request, fails to address the limitation of claim 2.

Claim 2, recites an application which presents a caller using said calling terminal with a first option to attempt to directly contact said user or a second option to leave a voice mail message for said user during said initial session. The Examiner agrees that Ram discloses this limitation as noted above in the anticipation rejection of Ram; however none of the citations disclosed in the Request for Burg, Hanson '097 and Hanson '109 address this limitation.

The Request noted that "each limitations of claim 2 of the '565 Patent is duplicated in substance in then-pending claims of the '256 Patent." The Examiner notes that the Request did not point out which specific claim was "duplicated in substance". Indeed, the Examiner maintains that none of the claims of the '256 Patent is directed to providing a user with an option to directly contact a user or a second option to leave a voice mail during the initial data session.

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The claim is clear in that these two options must be presented to the caller during the initial session. As noted above, none of Burg, Hanson '097 or Hanson '109 was shown to disclose this limitation.

Thus, the Examiner does not adopt this proposed rejection.

Issue 16 - Not Adopted

24. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ram in view of Hokusui.

As noted on page 82, the Request noted that Ram's VAS can solicit a greeting from a caller during the initial communication session for call screening purposes. In addition, it was noted that Hokusui similarly discloses a call-screening function, which allows a user to adjust, via a web-enabled control panel, a "whisper" or announcement feature for callers.

The Examiner notes that the Request does not point out the "differences" between Ram and the claim at issue.

Under 35 U.S.C. 103(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.

In this case the Requester did not point out any "differences" between the Ram and the claim at issue.

Thus, it is unknown how this rejection can be applied since the Requester failed to show how Hokusui would cure a deficiency from Ram.

Thus, the Examiner does not adopt the Requester's proposed rejection of claims 9 and 10 over Ram in view of Hokusui.

Issue 17 - Not Adopted:

25. The rejection of claims 12 and 17 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Ram is not adopted.

As set forth in the Request (page 91), Ram has the ability to allow a user to screen calls based on caller ID. As further noted therein, the VAS in Ram provides the subscriber with the caller ID information of the calling party for call screening purposes. The Examiner also agrees that Ram's VAS provides the user with the ability to edit and manage their personal information.

The Request failed to address the claim language since the Request does not mention whether or not Ram provides a web-enabled control panel which allows a recipient to control whether the call reception terminal displays a caller identification number associated with said first terminal or said primary contact number.

While it is agreed that Ram provides caller ID information and that providing caller ID is taught by Ram, the Request fails to address the claim language as noted above and further the Request failed to show that Ram discloses e.g., providing a web-enabled control panel configured to allow said recipient to control whether said call reception terminal displays a caller identification number associated with said first terminal or said primary contact number."

Thus, the proposed rejection is not adopted.

Issue 18 - Not Adopted

26. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ram in view of Schulzrinne '384.

Claim 16 is directed to a web browser based control panel being configured to allow said user to activate and deactivate a call screening option.

As set forth in this proposed rejection on page 128 of the Request, Ram was asserted to fully disclose this limitation, however for the reasons noted above, the Examiner does not agree that Ram discloses a web browser which allows a user to activate and deactivate a call screening option.

In addition, with respect to Schulzrinne '384, the Request noted that Schulzrinne '384 discloses a SIP-based find-me follow-me system that provides advanced call processing services, including voice-mail, over the internet using various servers, including SIP servers and phone servers. In addition, it was noted that Schulzrinne '384 discloses accessing and modifying its internet-based telephone system using a GUI interface on a PC, which is a web-enabled control panel.

The Examiner notes that the citations do not address the claim language of deactivating or activating a call screening option. While Schulzrinne '384 discloses of a GUI and other features, the Request fail to address the claim language.

In addition, the propose rejection does not properly present a proper 103 rejection since it does not show what it considers to be deficient in Ram. As noted above, under 35 U.S.C. 103(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

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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.

In this case the Requester did not point out any "differences" between the Ram and the claim at issue.

Thus the Examiner does not adopt this proposed rejection.

Issue 19 - Not Adopted

27. The rejection of claim 16 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Ram in view of Wood U.S. Patent Pub. 2002/0111990 is not adopted.

As noted in the Request, it was noted that Ram's VAS gives the subscriber the option of screening incoming calls, wherein the caller is prompted by Ram's VAS to record a greeting and the recorded greeting is announced to Ram's user. User then has the option of accepting or rejecting the call. In addition, it was noted that wood discloses a web-enabled control panel to modify a central messaging system that integrates voicemail and email.

The Examiner notes that this proposed rejection does not address the actual claim language. Ram was noted to disclose the option of accepting or rejecting a call; However, as disclosed by Ram this is done in real time.

The claims are directed to a web browser based control panel being configured to allow said user to activate and deactivate a call screening option.

In the claim an option to turn on/off call screening is specifically claimed. The Request does not address this claim language.

In addition, the propose rejection does not properly present a proper 103 rejection since it does not show what it considers to be deficient in Ram. As noted above, under 35 U.S.C. 103(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.

In this case the Requester did not point out any "differences" between the Ram and the claim at issue.

Thus the Examiner does not adopt this proposed rejection.

Issue 20 -Not Adopted

28. The rejection of claim 16 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Ram in view of HTML 4.01 Specification is not adopted.

The Examiner notes that on page 129 of the Request, it was noted that Ram's VAS gives the subscriber the option of screening incoming calls, wherein the caller is prompted by Ram's VAS to record a greeting and the recorded greeting is announced to Ram's user. User then has the option of accepting or rejecting the call. In addition, it was noted that HTML 4.01 Specification teaches basic HTML programming for providing web browser based control panel,

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including a check box (or other means) on a web browser control panel to activate and deactivate selected entries (such as contact numbers) contained in a plurality of entries.

The Examiner notes that the Requester's proposed rejection does not properly present a proper 103 rejection since it does not show what it considers to be deficient in Ram. As noted above, under 35 U.S.C. 103(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.

In this case the Requester did not point out any "differences" between the Ram and the claim at issue.

In addition, the Examiner notes that claim 16 is directed a web browser based control panel which allows a user to activate and deactivate a call screening option. While it is agreed that HTML 4.01 Specification shows that it was well known that pages can have various buttons and the like for selecting/deselecting entries, neither Ram nor HTML 4.01 specification is shown in the Request to support the activation/deactivation of a call screening option via a web browser based control panel.

Thus the Examiner does not adopt this proposed rejection.

Issue 21 - Adopted

29. Claims 1-8, 11 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lennox.

Regarding claim 1:

A system, comprising: a call processing server in communication with a call router operatively connectable to a communication network, said call router forwarding a session invite originating from a calling terminal to said call processing server, said session invite including a message header having a call destination field;

Lennox discloses the use of multiple call processing servers in communication with one or more call routers included in a communication network. Lennox utilizes Session Initiation Protocol (SIP), which involves the issuance of a session invite from a calling terminal that is sent to one or more call processing/signaling servers for processing and forwarding. All SIP invites have a message header having a call destination field, (page 10, 3rd and 4th full paragraphs) ("Signaling servers are devices which relay or control signaling information. In SIP [1], they are proxy servers, redirect servers, or registrars; in H.323 [14], they are gatekeepers. The most significant type of signaling processing performed by signaling servers is the handling of call setup requests. Signaling servers can perform three types of actions on these Requests. They can proxy them: forward them on to one or more end systems or other signaling servers, returning one of the responses received; redirect them: return a response informing the sending system of a different address to which it should send the request; or reject them: inform the sending system that the setup request could not be completed.").

This constitutes a call processing server in communication with a call router operatively connectable to a communication network, wherein the call router forwards a session invite originating from a calling terminal to a call processing server, and the session invite includes a message header having a call destination field (i.e., a SIP message heading indicating a user

address). For example: "An Internet telephony network contains two types of components: end systems and signaling servers. Roughly speaking, these are analogous to end hosts and routers, respectively, at layer 3 (the network layer) of an IP network," (page 9, last full paragraph).

a multiple contact lookup application associated with said call processing server configured to obtain a plurality of contact numbers associated with a primary contact number contained in said destination field;

Lennox teaches a system that provides user-location services by looking up multiple contact numbers associated with a primary contact number contained in a SIP invite designation field, (pages 1, 2, 13, 23, and 46).

For example: "A call is set up by issuing an INVITE request. This request contains header fields used to convey information about the call. Examples of some of the header fields are To, which lists the callee, From which lists the caller, Subject, which identifies the subject of the call, Call-ID which contains a unique call identifier, Contact which lists addresses where a user can be contacted, and Require, which allows for feature negotiation," (page 23, last full paragraph).

a calling application associated with said call processing server configured to send said session invite to each of said plurality of contact numbers associated with said primary contact number;

Lennox discloses how to transmit a plurality of SIP session invites to a plurality of contact numbers that are associated with a called party's (user's) primary contact number. For example: "Intelligent user location: When a call comes in, the list of locations where the user has registered should be consulted. Depending on the type of call (work, personal, etc.), the call

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should ring at an appropriate subset of the registered locations, depending on information in the registrations. If the user picks up from more than one station, the pick-ups should be reported back separately to the calling party," (page 13, 4th paragraph; pages 10-11) ("Signaling servers also normally maintain information about user location. Whether by means of registrations (SIP REGISTER or H.323 RAS messages), static configuration, or dynamic searches, signaling servers must have some means by which they can determine what destinations are currently associated with a user, in order to make intelligent choices about their proxying or redirection behavior. Signaling servers are usually general-purpose, Internet-located computers. As such, telephony services can take advantage of all the functionality that such devices are capable of, for example to store information for later retrieval, or to initiate or participate in other Internet-based activities.") (page 19, 3rd paragraph).

a call connection application associated with said call processing server configured to establish a communication session between said calling terminal and a call reception terminal associated with a respective one of said plurality of contact numbers if a user accepts said session invite sent to said call reception terminal; and

A call connection application is co-resident with the calling application at any of the signaling/Call Processing Language (CPL) servers that perform signaling operations disclosed in Lennox. The call connection application is configured to establish a communication session between the caller and a call reception terminal associated with one of a plurality of contacts.

For example: "A typical SIP transaction is depicted in Figure 2.3. The caller creates an INVITE request for some user, sip:joe@company.com. This request is forwarded to a local proxy (1). This proxy looks up company.com in DNS, and obtains the IP address of a server

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handling SIP requests for this domain. It then proxies the request to this server (2). The server for company.com knows about the user joe, but this user is currently logged in as j.user@university.edu. The server at example.com can know this through a static configuration, database entry, or a dynamic binding set up by the user using a SIP REGISTER message. So, the server redirects the proxy (3) to try this address. The local proxy looks up university.edu in DNS, and obtains the IP address of its SIP server. The request is then proxied there (4). The university server consults a local database (5), which indicates (6) that j.user@university.edu is known locally as j.smith@cs.university.edu. So, the main university server proxies the request to the computer science server (7). This server knows the IP address where the user is currently logged in, so it proxies the request there (8). The user accepts the call, and the response is returned through the proxy chain (9),(10),(11),(12)," (pages 24-25 and 71).

a voicemail email application configured to automatically generate an email notification that is sent to a designated email account indicating receipt of a voicemail message.

Lennox discloses a voicemail email application that alerts a user that an incoming call that has been sent to voicemail and redirects the user to a voicemail server to record a voicemail message, (pages 49-50) ("Forward to e-mail: When a call arrives at a server, the CGI script looks up the callee in a database and obtains their e-mail address. The script then sends e-mail to the user, containing the caller, time of call, and call subject. The caller is redirected to a voicemail server to record a message,").

Regarding claim 2:

The system of claim 1, further comprising an application configured to present a caller using said calling terminal with a first option to attempt to directly contact said user or a second option to leave a voice mail message for said user during said initial session.

Lennox discloses an application that can return a web page listing a plurality of ways to attempt to directly contact a user and, alternatively, the option of leaving voicemail, (page 187, 3rd Paragraph) ("Example 2 Multiple Expiration Timers A SIP request may specify a length of time for which the request is valid. Difficulties arise, however, if several servers are programmed to have special behavior if the timeout elapses before the call has been definitively accepted or rejected. For example, one proxy server P1 may be programmed to forward a call to a voicemail server when the expiration has elapsed, whereas another server P2 may respond with a web page giving alternate ways of contacting the destination."); (page 49, 3rd Full Paragraph) ("Redirection to web: When a call arrives at a server, the CGI script can lookup the called user in a corporate database, and using the information found there (such as picture, phone number, e-mail, etc. generate a web page dynamically containing reach information for that user. This web page can be returned to the caller in a SIP response.").

The Examiner notes that in Lennox, a person is given the option to connect to voicemail after a time has elapsed. The Examiner further note, as shown above, that Lennox discloses that it may provide an option for "alternative ways of contacting the destination." At this point the user is provided with two option, either connecting to voicemail or attempting to contact the user.

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Regarding claim 3:

The system of claim 1, further comprising a voicemail application for allowing a caller using said calling terminal to record a voicemail message if said user does not accept said session invite.

Lennox discloses a voicemail application that enables a calling party to leave voicemail if a user does not accept a session invite, (page 77, 1st Paragraph) ("5.12.3 Example: Call Forward, Redirect and Default The script in Figure 5.6 illustrates further proxy behavior. The server initially tries to proxy to a single address. If this attempt is redirected, a new redirection is generated using the locations returned. In all other failure cases for the proxy node, a default operation --forwarding to voicemail -- is performed.").

Regarding claim 4:

The system of claim 1, further comprising a web-enabled control panel accessible by said user configured to allow said user to add contact numbers to said plurality of contact numbers, delete contact numbers from said plurality of contact numbers, and temporarily deactivate contact numbers contained in said plurality of contact numbers.

Lennox suggests various different options for a user to enter location/contact information. First, a user may send a registration message to the system indicating the contact number/information. Second, the system may access a Uniform Resource Locator (URL) that provides that information. As is known in the art, URL's are addresses of web-pages. The user can activate, deactivate, and delete contact numbers at the user's option,. For example: "Signaling servers also normally maintain information about user location. Whether by means of

registrations (SIP REGISTER or H.323 RAS messages), static configuration, or dynamic searches, signaling servers must have some means by which they can determine what destinations are currently associated with a user, in order to make intelligent choices about their proxying or redirection behavior. Signaling servers are usually general-purpose, Internet-located computers. As such, telephony services can take advantage of all the functionality that such devices are capable of, for example to store information for later retrieval, or to initiate or participate in other Internet-based activities," (pages 10-11).

"Location Lookup: Locations can also be looked up through external means, through the use of location lookups. The node, described by the tag lookup, specifies a source for the list of locations. Two types of sources are defined. The registration source indicates that the destination's list of registered locations should be added to the location set. Alternately, a list of locations can be specified by a URL, indicating an external source to query for locations. This node also has an optional attribute, timeout, which specifies the time the script is willing to wait for the lookup to be performed. Lookup has three outputs: success, notfound, and failure. Notfound is taken if the lookup process succeeded but did not find any locations; failure is taken if the lookup failed for some reason, including that specified timeout was exceeded. Location Removal: A CPL script can also explicitly remove locations from the location set. The remove-location tag performs this action, and takes one tag arguments, location, specifying the location to remove," (page 71, 1st Two Paragraphs).

"CPL also must interoperate with existing location mechanisms. This is the primary motivation for the location set model. Early on, an approach was considered in which locations were explicit arguments to the proxy and redirect nodes. However, it was not at all clear how to

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associate this model with SIP's REGISTER method, through which a user's end points announce their locations to a signaling server. Thus, instead, the implicit location set was created, which allows REGISTERed locations to be added using the lookup node" (page 86, 1st full Paragraph).

Regarding claim 5:

The system of claim 1, further comprising a call answering application associated with said call processing server configured to establish an initial session between said calling terminal and said call processing server.

A call answering and call connection application is co-resident with the calling application at any of the signaling/Call Processing Language (CPL) servers that perform signaling operations disclosed in Lennox. This application configured to establish an initial session between a caller's calling terminal and Lennox's call processing server, (pages 24-25 and 71).

Regarding claim 6:

The system of claim 1, wherein said communication session comprises a VoIP communication session.

Lennox discloses establishing a communication session using SIP, which is one kind of VoIP telephony, (page 22, 4th paragraph) ("The Internet telephony services described in this thesis have been implemented atop the Session Initiation Protocol, SIP [1], as a platform for programming telephony.")

Regarding claim 7:

The system of claim 1, wherein said session invite comprises a SIP message and said communication session comprises a VoIP communication session.

Lennox discloses using a session invite in the form of a SIP message and a VoIP communication session, (page 22, 4th paragraph) ("The Internet telephony services described in this thesis have been implemented atop the Session Initiation Protocol, SIP [1], as a platform for programming telephony.")

As per claims 8, 11, 14, 15 and 16

The rejection was proposed by the third party requester in the request for reexamination, and it is adopted for the reasons set forth in the request for reexamination at pages 72-75 for claim 8, pages 84-85 for claim 11, pages 103-106 for claim 14, pages 118-119 for claim 15, pages 125-126 for claim 16, which are hereby incorporated by reference.

Issue 22 - Not Adopted

30. The rejection of claim 2 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Lennox in view of Singh is not adopted.

As set forth on page 42 of the Request, Lennox was noted to disclose a web-based system in which a caller is given a first option to leave voice mail for a callee instead of directly contacting the callee.

The Request also notes Singh discloses a SIP-based telephony system that enables the user to set a variety of message conditions that indicate when a caller may be directed to voice

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mail. These message conditions can include the passage of a predetermined amount of time without an answer or other user preferences (e.g., who is calling, what time it is). Singh '201 also provides for call reclaiming, which enables a called party to pick up a call after the message recording process has begun.

~~The Examiner notes that under the factual inquiries set forth in *Graham v. John Deere*~~

Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

With respect to Lennox the Examiner agrees that the Requester determined the scope and contents of Lennox. However, the Requester failed to ascertain the differences between Lennox and the claimed limitation at issue.

As noted above, the Request noted that Lennox disclosed of the claimed limitation. Singh '201 is relied upon for the same teachings. The Request does not show how Singh' 201 would cure any deficiency within Lennox.

In addition, assuming *arguendo* that Lennox was deficient with respect to claim 2, Singh would still fail to meet the limitations of claim 2.

As noted above, claim 2 requires an option to contact the user and a second option to leave a voicemail message for said user. The voicemail option in Singh is only provided after an initial contact of the user has failed. Specifically the citations disclose the presence of a message

condition being present. This message condition is present only after a predetermined amount of time.

Singh fails to disclose of providing a user with a first option of attempting to contact the user or a second option to leave a voice mail message. As noted above, the option of leaving a voicemail message is only presented after an attempt to contact the user has failed.

Thus, the Examiner does not adopt the Requester's proposed rejection of claim 2 over Lennox in view of Singh.

Issue 23 - Not Adopted

31. The rejection of claim 2 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Lennox in view of Burg, Hanson '097 and Hanson '109 is not adopted.

As set forth on page 44 of the Request, Lennox was noted to disclose a web-based system in which a caller is given a first option to leave voice mail for a callee instead of directly contacting the callee.

The Request also notes that Burg, Hanson '097 and Hanson '109 disclose such a voicemail/email application.

The Examiner notes that under the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

With respect to Lennox the Examiner agrees that the Requester determined the scope and contents of Lennox. However, the Requester failed to ascertain the differences between Lennox and the claimed limitation at issue.

As noted above, the Request noted that Lennox disclosed of the claimed limitation. Burg, Hanson '09 and Hanson '109 are relied upon for the same teachings. The Request does not show how those references would cure any deficiency within Lennox.

In addition, the citations relied upon in the Request, fails to address the limitation of claim 2.

Claim 2, recites an application which presents a caller using said calling terminal with a first option to attempt to directly contact said user or a second option to leave a voice mail message for said user during said initial session. The Examiner agrees that Lennox discloses this limitation as noted above in the anticipation rejection of Lennox; however none of the citations disclosed in the Request for Burg, Hanson '097 and Hanson '109 address this limitation.

The Request, on page 44, noted that "each limitations of claim 1 of the '565 Patent is duplicated in substance in then-pending claim 36 of the '256 Patent." The Examiner first notes that it is not understood why claim 1 is being reference instead of claim 2; nonetheless, the Examiner maintains that none of the claims of the '256 Patent is directed to providing a user with an option to directly contact a user or a second option to leave a voice mail during the initial data session.

The claim is clear in that these two options must be presented to the caller during the initial session. As noted above, none of Burg, Hanson '097 or Hanson '109 was shown to disclose this limitation.

Thus, the Examiner does not adopt the Requester's proposed rejection of claim 2 over Lennox in view of Burg, Hanson '097 and Hanson '109.

Issue 24 - Adopted

32. Claims 1, 3-6, 8, 11 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hariri³ U.S. Patent 7,379,543 (& incorporated by reference U.S. Patent 7,092,543).

The rejection was proposed by the third party requester in the request for reexamination, and it is adopted for the reasons set forth in the request for reexamination at pages 35-36 for claim 1, page 48 for claim 3, page 54 for claim 4, page 60 for claim 5, page 64 for claim 6, pages 76-78 for claim 8, page 86 for claim 11, pages 96-97 for claim 13, pages 108-109 for claim 14, pages 119-120 for claim 15 and pages 126-127 for claim 16 which are hereby incorporated by reference.

Issue 25 - Not Adopted

33. The rejection of claims 12 and 13 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Hariri is not adopted.

³ As noted on page 4 of the Request Hariri '543 is incorporate by reference into Hariri '498's disclosure. Thus the combination of Hariri '543 and Hariri '498 is treated as a single prior art reference.

Claim 12 is directed to providing a web-enabled control panel configured to allow said recipient to control whether said call reception terminals displays a caller identification number associated with said first terminal or said primary contact number.

The Request on page 93, noted that Hariri discloses a universal point of contact system that associates a plurality of contact numbers with a primary contact number assigned to a user.

Hariri discloses a web browser based control panel that allows the user to edit his or her profile for Hariri's one number system. Hariri also describes the use of a web-enabled control panel to enter or modify the information held in Hariri's point of contact database(s).

The Examiner notes that the Request did not address the claim language of controlling whether the call reception terminals displays "a caller identification number associated with said first terminal or said primary contact number."

Thus, the Examiner does not adopt the proposed rejection of claim 12 as being obvious over Hariri.

There is no support for providing a web-enabled control panel for allowing the recipient to control whether the said call reception terminal will display a caller identification number associated with the first terminal or the primary contact number.

Thus, the examiner does not adopt the proposed rejection to claim 12 as being obvious over Hariri.

Claim 13 is directed to automatically transmitting said voicemail message to a designated email address of said recipient.

On page 97, the Request noted that Hariri disclosed of automatically generated an email message that contains the voicemail as an attachment and sends the email to an email address.

The Request does not explain why Hariri would render obvious this limitation rather than anticipate the limitation. Thus, it is not clear how the rejection should be applied.

The Examiner notes that the Requester's proposed rejection does not properly present a proper 103 rejection since it does not show what it considers to be deficient in Hariri. As noted above, under 35 U.S.C. 103(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.

In this case the Requester did not point out any "differences" between the Hariri and the claim at issue.

Thus, this proposed rejection is not proper and thus will not be adopted.

Issue 26 - Not Adopted

34. The rejection of claim 13 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Hariri in view of Singh is not adopted.

As set forth on page 97 of the Request, the Request noted that Hariri automatically generates an email message that contains the voicemail as an attachment, and sends the email message to an email address designated by Hariri.

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The Request then proposed that Hariri can be combined with Singh for teaching this limitation in the context of IP telephone systems.

However, The Examiner notes that the Requester's proposed rejection does not properly present a proper 103 rejection since it does not show what it considers to be deficient in Ram. As noted above, under 35 U.S.C. 103(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.

In this case the Requester did not point out any "differences" between the Hariri and the claim at issue.

Issue 27 - Not Adopted

35. The rejection of claim 13 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Hariri in view Singh and further in view of CINEMA is not adopted..

As set forth on page 99 of the Request, the Request noted that Hariri and Singh teach the ability to attach voicemails to emails.

The Request then discusses CINEMA and notes that CINEMA does not specifically disclose transmitting the voicemail message to a designated email address.

The Examiner notes that this proposed rejection is not clear since the Request discusses deficiencies with respect to the secondary teaching references.

As noted above the Request must address how the primary reference Hariri would be deficient.

In this case the Requester did not point out any “differences” between the Hariri and the claim at issue.

Issue 28 - Not Adopted

36. The rejection of claim 13 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Hariri in view of Singh and further in view of Ram is not adopted.

As set forth on page 99 of the Request, the Request noted that Hariri and Singh teach the ability to attach voicemails to emails.

The Request then notes that Ram discloses provided an email notification of received voicemails messages.

As noted above the Request must address how the primary reference Hariri would be deficient.

In this case the Requester did not point out any “differences” between the Hariri and the claim at issue.

Issue 29 - Not Adopted

37. The rejection of claim 13 as rejected under 35 U.S.C. 103(a) as being unpatentable over Hariri in view of Singh and further in view of Lennox is not adopted.

As set forth on page 100 of the Request, the Request noted that Hariri and Singh teach the ability to attach voicemails to emails.

The Request then notes that Lennox discloses a voicemail/email application that alerts a user of various specifics of an incoming call that has been sent to voicemail and redirects the called party to a voicemail server to record a voicemail message.

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As noted above the Request must address how the primary reference Hariri would be deficient.

In this case the Requester did not point out any "differences" between the Hariri and the claim at issue.

Issue 30 - Not Adopted

38. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hariri in view of Singh and further in view of Burg, Hanson '097 and Hanson '109.

As set forth on page 101 of the Request, the Request noted that Hariri and Singh teach the ability to attach voicemails to emails.

The Request then notes that Burg, Hanson '097 and Hanson '109 disclose the same teaching.

As noted above the Request must address how the primary reference Hariri would be deficient. That is, under 35 U.S.C. 103(a), one must ascertain the differences between the prior art and the claims at issue. The Examiner agrees with the teachings of Hariri and Singh, however it has not been shown that they failed to disclose of the ability to attach voicemails to emails and thus, there would be no reason to use the discloses of Burg, Hanson '097 or Hanson '109 to supplement the teachings of Hariri or Singh.

In this case the Requester did not point out any "differences" between the Hariri and the claim at issue.

Issue 31 - Adopted

39. Claims 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hokusui

The rejection was proposed by the third party requester in the request for reexamination, and it is adopted for the reasons set forth in the request for reexamination at pages 109-110 for claim 14, page 120 for claim 15, pages 126-127 for claim 16, which are hereby incorporated by reference.

Issue 32 - Not Adopted

40. The rejection of claim 17 as being rejected under 35 U.S.C. 103(a) as being unpatentable over Hokusui is not adopted.

Claim 17 is directed to a web browser based control panel being configured to allow a user to either display a caller identification number associated with said first terminal or said primary contact number.

The Request noted that Hokusui discloses a call screening function, which allows a user to adjust, via a web-enabled control panel, a "whisper" or announcement features for callers.

The Request then notes that "[i]t would be obvious to one of ordinary skill in the art to provide for a user to modify this whisper/announcement feature for callers to display a caller identification for call screening.

The Examiner notes that Hokusui does not disclose that caller ID can be controlled. It appears that the rejection relies upon a general obviousness statement without a clear showing in the art which supports the specific claim language. The citation of Hokusui is directed to the ability to indicate either a "whisper" or an "interrupt" for a specific incoming number.

In addition, the claim does not merely require an option to display caller ID (or not). The option must allow a user to select whether a caller ID that is associated with the first terminal or the primary contact number (of the person that is call using the first terminal) to be displayed. This teaching is not supported by Hakuŝui.

Issue 33 - Adopted in Part

41. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Archer.

The rejection was proposed by the third party requester in the request for reexamination, and it is adopted for the reasons set forth in the request for reexamination at pages 110-111 for claim 14 which are hereby incorporated by reference.

As per claims 15 and 16, the Examiner notes that the claims recite a web browser based control panel which will allow a user to temporarily disable one or more contact number and to activate and deactivate a call screening option.

As per this limitation the Request merely noted that the claimed "web browser control panel" simply reflects an example of many well known means by which a web designer may design the user's ability to access the internet and make changes in a user-accessible database, including changing (activating or deactivating) the plurality of contact numbers.

The Examiner notes that the Request repeats this reasoning for claim 16. The Request fails to discuss the disabling or enabling of "call screening option". Nonetheless, with respect to the general citations that a web designer may design the user's ability to make changes, the Examiner agrees, however, the claims require a specific limitation which requires a plurality of number to be accessed and the ability to activate or deactivate those numbers. The Request failed to address this aspect of the claims.

There is no support in Archer of providing a web browser based control panel to temporarily disable one or more contact numbers and to activate and deactivate a call screening option.

Thus, the Examiner does not adopt the rejection to claims 15 and 16.

Issue 34 - Adopted in Part

42. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Schulzrinne

The rejection was proposed by the third party requester in the request for reexamination, and it is adopted for the reasons set forth in the request for reexamination at pages 112-114 for claim 14 which is hereby incorporated by reference.

As per claim 15, the Examiner notes that the Request noted that “Schulzrinne does not specifically disclose a web browser based control panel including means for allowing said user to temporarily activate and deactivate select contact numbers contained in said plurality of contacts number; however, one of ordinary skill in the art would immediately appreciate such functionality is inherent in Schulzrinne’s teachings.

The Examiner first notes that “inherency” must be supported by the specification in which the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.

The Request acknowledged that Schulzrinne does not disclose of the cited limitation, thus it cannot be inherent since the missing limitation is not “necessarily present”.

Thus, the Examiner does not adopt the rejection to claim 15 as proposed in the Request since it has not been shown that Schulzrinne either anticipates or renders obvious claim 15.

Conclusion

43. In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be an Action Closing Prosecution (ACP), will be governed by 37 CFR 1.116, which will be strictly enforced.

44. Extensions of time under 37 CFR 1.136(a) will not be permitted in *inter partes* reexamination proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to the patent owner in a reexamination proceeding. Additionally, 35 U.S.C. 314(c) requires that inter partes reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.937). Patent owner extensions of time in inter partes reexamination proceedings are provided for in 37 CFR 1.956. Extensions of time are not available for third party requester comments, because a comment period of 30 days from service of patent owner's response is set by statute. 35 U.S.C. 314(b)(3).

45. The Patent Owner is reminded of the continuing responsibility under 37 CFR 1.985(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving the US Patent 7,440,565 throughout the course of this reexamination proceeding. The Third Party Requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding through the course of this reexamination proceeding. See MPEP § 2686 and 2686.04.

46. All correspondence relating to this *inter partes* reexamination proceeding should be directed:

By EFS: Registered users may submit via the electronic filing system EFS-Web, at <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>.

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For EFS-Web transmissions, 37 CFR 1.8(a)(1)(i) (C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR 1.6(a)(4), and (b) includes a certificate of transmission for each piece of correspondence stating the data of transmission, which is prior to the expiration of the set period of time in the Office action.

Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

/Ovidio Escalante/
Ovidio Escalante
Primary Examiner
Central Reexamination Unit - Art Unit 3992
(571) 272-7537

Conferee:



Conferee:



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