

# EXHIBIT N

3

1c525 U.S. PTO  
09/499874  
02/07/00

370	410	Class	Subclass
ISSUE CLASSIFICATION			

BS

C

PATENT NUMBER  
**6452932**

6452932

U.S. UTILITY Patent Application

O.I.P.E. PATENT DATE  
SCANNED BK<sup>®</sup> Q.A. UTP SEP 17 2002

APPLICATION NO.	CONT/PRIOR	CLASS	SUBCLASS	ART UNIT	EXAMINER
09/499874	YES	370	410	2739 2662	Patel

APPLICANTS Joseph Christie

TITLE Method, system and apparatus for telecommunications control

PTO-2040  
12/99

ISSUING CLASSIFICATION							
ORIGINAL				CROSS REFERENCE(S)			
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
370	410	379	230				
INTERNATIONAL CLASSIFICATION							
H04L	12/28						
H04L	12/56						

Continued on Issue Slip Inside File Jacket

<input checked="" type="checkbox"/> <b>TERMINAL DISCLAIMER</b>	<b>DRAWINGS</b>			<b>CLAIMS ALLOWED</b>	
	Sheets Drwg.	Figs. Drwg.	Print Fig.	Total Claims	Print Claim for O.G.
	4	4	3	34	1
<input type="checkbox"/> The term of this patent subsequent to _____ (date) has been disclaimed.	_____ (Date)			<b>NOTICE OF ALLOWANCE MAILED</b>	
<input checked="" type="checkbox"/> The term of this patent shall not extend beyond the expiration date of U.S. Patent No. <u>5825780</u>	_____ (Date)			3/25-02	
	_____ (Primary Examiner)			<b>ISSUE FEE</b>	
	_____ (Date)			Amount Due	Date Paid
	_____ (Legal Instruments Examiner)			\$ 280.	7-1-02
<input type="checkbox"/> The terminal _____ months of this patent have been disclaimed.	_____ (Date)			<b>ISSUE BATCH NUMBER</b>	
<b>WARNING:</b> The information disclosed herein may be restricted. Unauthorized disclosure may be prohibited by the United States Code Title 35, Sections 122, 181 and 368. Possession outside the U.S. Patent & Trademark Office is restricted to authorized employees and contractors only.					

Form PTO-436A  
(Rev. 6/99)

FILED WITH:  DISK (CRF)  FICHE  CD-ROM  
(Attached in pocket on right inside flap)

Formal Drawings 1 - 3/21/02

ISSUE FEE IN FILE

(FACE)

MW

**PATENT APPLICATION**



09499874

U.S. PTO

09/499874



02/07/00

MAR 02 00.34

INITIALS

**CONTENTS**

	Date Received (Incl. C. of M.) or Date Mailed	Date Received (Incl. C. of M.) or Date Mailed
1. Application papers <sup>#8</sup>		42.
2. <del>Trans. Lt.</del>	2-7-00	43.
3. <del>I.D.s</del>	2-27-01	44.
4. <del>C.S.A.</del>	6-28-01	45.
5. <del>App. 7 mps</del>	7/3/01	46.
6. <del>App. (15)</del>	1/14/02	47.
7. <del>App. (3)</del>	1/14/02 (om)	48.
8. <del>App. (3)</del>	1/14/02 (3/02)	49.
9. <del>App. Corp.</del>		50.
10. <del>Terminal Disclaimer</del>	1-14-02	51.
11. <del>Notice of Allowance</del>	3-25-02	52.
12. <del>Suppl. Notice of Allowance</del>	4/12/02	53.
13. <del>App. Addl. Change</del>	7-9-02	54.
14. <del>Final Drawing (8) and 1</del>	5-3-02	55.
15.		56.
16.		57.
17.		58.
18.		59.
19.		60.
20.		61.
21.		62.
22.		63.
23.		64.
24.		65.
25.		66.
26.		67.
27.		68.
28.		69.
29.		70.
30.		71.
31.		72.
32.		73.
33.		74.
34.		75.
35.		76.
36.		77.
37.		78.
38.		79.
39.		80.
40.		81.
41.		82.

(LEFT OUTSIDE)

17



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/499,874	02/07/00	CHRISTIE	J 1057J1

028004 WM01/0731  
 SPRINT COMMUNICATIONS COMPANY L.P.  
 8140 WARD PARKWAY, MAIL STOP MOKCMP0506  
 KANSAS CITY MO 64114

EXAMINER	
PATEL, A	
ART UNIT	PAPER NUMBER

2662  
 DATE MAILED: 07/31/01

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

Commissioner of Patents and Trademarks

*GM*

<b>Office Action Summary</b>	Application No. 09/499,874	Applicant(s) J. CHRISTIE
	Examiner AJIT PATEL	Art Unit 2882

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

**Period for Reply**  
 A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on Feb 7, 2000

2a)  This action is FINAL.                      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-34 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-34 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

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

**Attachment(s)**

15)  Notice of References Cited (PTO-802)                      18)  Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)                      19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3                      20)  Other:

Application/Control Number: 09/499,874

Page 2

Art Unit: 2662

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1,18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 34 of U.S. Patent No. 5,825,780. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one skilled in the art to replace the network elements with narrowband and broadband (asynchronous) element to integrate the narrow and broadband traffic.

3. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

Application/Control Number: 09/499,874

Page 3

Art Unit: 2662

(703) 305-3988, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT PATEL whose telephone number is (703) 308-5347. The examiner can normally be reached on Monday-Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HASSAN KIZOU, can be reached on (703) 305-4744. The fax phone number for this Group is (703) 305-5403.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700 .

---

Application/Control Number: 09/499,874

Page 4

Art Unit: 2662

**AJIT PATEL**

July 29, 2001

  
Ajit Patel  
Primary Examiner



<b>Notice of References Cited</b>	Applicant/Patent <b>J. CHRISTIE</b>	Application/Control No. <b>09/499,874</b>	
	Examiner <b>AJIT PATEL</b>	Art Unit <b>2662</b>	Page 1 of 1

**U.S. PATENT DOCUMENTS**

	Document Number <small>Country Code-Number-Kind Code</small>	Date <small>MM-YYYY<sup>1</sup></small>	Name	Classification <sup>2</sup>	
A	5,528,359	8/1998	READ ET AL	370	410
B	5,115,427	5/1992	JOHNSON, JR. ET AL	370	395
C	5,509,010	4/1998	LA PORTA ET AL	370	410
D					
E					
F					
G					
H					
I					
J					
K					
L					
M					

**FOREIGN PATENT DOCUMENTS**

	Document Number <small>Country Code-Number-Kind Code</small>	Date <small>MM-YYYY<sup>1</sup></small>	Country	Name	Classification <sup>2</sup>	
N						
O						
P						
Q						
R						
S						
T						

**NON-PATENT DOCUMENTS**

	Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages
U	
V	
W	
X	

<sup>1</sup> A copy of this reference is not being furnished with this Office action. See MPEP § 707.05(e).

<sup>2</sup> Dates in MM-YYYY format are publication dates

<sup>3</sup> Classifications may be U.S. or foreign.