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

Commissioner of Patents and Trademarks

PTC-90C (Rev 2/95) U S. G.P.O 2000; 465-188/25266

1- File Copy

	Application No. 09/353,401 Examiner AJIT PATEL		J. CHRISTIE					
Office Action Summary			Group Art Unit 2738					
⊠ Responsive to communication(s) filed on <u>Jul 15, 1999</u>								
☐ This action is FINAL.								
☐ 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 QueyNe35 C.D. 11; 453 O.G. 213.								
A shortened statutory period for response to this action is set longer, from the mailing date of this communication. Failure application to become abandoned. (35 U.S.C. § 133). Exter 37 CFR 1.136(a).	to expire 3 to respond within the asions of time may be	month(s period for a obtained u), or thirly days, t response will cau nder the provisio	whichever is use the ns of				
Disposition of Claim								
Claim(s) 1-46		···	is/are pendi	ing in the applicat				
Of the above, claim(s)			s/are withdrawn	from consideration				
Claim(s)			is/are	allowed.				
			is/are	rejected.				
Claim(s)			is/are	objected to.				
☐ Claims	ar	e subject to	restriction or ele	ection requirement.				
Application Papers See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. The drawing(s) filed on								
☐ received. ☐ received in Application No. (Series Code/Serial Number) ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)) *Certified copies not received: ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e)								
Attachment(s) Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO- Notice of Informal Patent Application, PTO-152	r No(s)							
SEE OFFICE ACTION	ON THE FOLLOWING I	PAGES						

Application/Control Number: 09/439,033

Page 2

Art Unit: 2738

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@ 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 and 24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,4,15,35, 45-47 of U.S. Patent No.5,991,301. 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 delete the feature that the applicant does not consider to the critical to their invention.
- 3. Claims 1 and 24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,7,9,15 of copending Application No. 09/439,033. 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 delete the feature that the applicant does not consider to the critical to their invention.

Art Unit: 2738

Application/Control Number: 09/439,033

Page 3

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the 4. basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 3710 of this title before the invention thereof by the applicant for patent.

5. Claims 1-3,5-13,16,20,24-26,28-36,39,43 are rejected under 35 U.S.C. 102(e) as being anticipated by Doshi et al (5,483,527).

Doshi et al disclose an ATM network incorporating the steps of receiving a message indicating a connection and an identifier into an internetworking unit (215-1 of fig. 1); receiving a use communication from the connection into the interworking unit (215 of fig. 1); converting the user communication from the connection into asynchronous communications with the identifier in response to the message (210, 211 of fig. 1); transferring the synchronous communications from the interworking unit and receiving the asynchronous communications into a routing system (220 of fig. 1); transferring the asynchronous communications through the routing system based on the identifier (220, S2 of fig. 1).

Application/Control Number: 09/439,033

Art Unit: 2738

Page 4

Regarding claims 20 and 43 Doshi et al disclose the limitation of receiving an echo

cancellation instruction into the internetworking unit and canceling echo from the user communication

in response to the echo cancellation instruction (lines 18-22, col. 2)

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 negatived by the manner in which the

invention was made,

7. Claims 4,14,15,17-19,21-23,27,37-38,40-42,44-46 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Doshi et al (5,483,527).

Doshi et al disclose all the claimed subject matter as described in previous paragraph except

encryption technique, compression technique etc. Those techniques are well in the art. Therefore, it

would have been obvious to one skilled in the art to use above mentioned techniques in the network

of Doshi et al to make the system more efficient and reliable.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Application/Control Number: 09/439,033

Art Unit: 2738

Page 5

or faxed to:

(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).

9. 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) 305-3900.

Case 2:05-cv-02433-JWL Document 220-27 Filed 06/12/2007 Page 10 of 11

Application/Control Number: 09/439,033

Page 6

Art Unit: 2738

Ajit Patel

Primary Examiner

AJIT PATEL

October 2, 2000

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				Application No 09/353,		Applicant(s,	J. CHRI	STIE	D	
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	U.S. PATENT DOCUMENTS									
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Notice of References Cited

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