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| EXAMINER |
|---|
| GAGLIARDI, ALBERT J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3992 | |

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|---|---|
| 04/27/2009 | 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.

PTOL-90A (Rev. 04/07)

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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

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` MAILED

**APR 27 2009**

CENTRAL REEXAMINATION UNIT

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

REEXAMINATION CONTROL NO. : 95000344

PATENT NO. : 7283519

TECHNOLOGY CENTER : 3999

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.

PTOL-2070(Rev.07-04)

| ACTION CLOSING PROSECUTION (37 CFR 1.949) | Control No. 95/000,344 | Patent Under Reexamination 7283519 | |
|---|---|---|---|
| | Examiner ALBERT J. GAGLIARDI | Art Unit 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 <u>13 August 2008</u>
Third Party(ies) on <u>12 September 2008</u>

Patent owner may once file a submission under 37 CFR 1.951(a) within <u>1</u> month(s) from the mailing date of this Office action. Where a submission is filed, third party requester may file responsive comments under 37 CFR 1.951(b) within 30-days (not extendable- 35 U.S.C. § 314(b)(2)) from the date of service of the initial submission on the requester. **Appeal <u>cannot</u> be taken from this action.** Appeal can only be taken from a Right of Appeal Notice under 37 CFR 1.953.

**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.

**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. ☒ Office Action Appendix -4-2-2009

**PART II. SUMMARY OF ACTION:**

1a. ☒ Claims <u>1-19</u> are subject to reexamination.
1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled.
3. ☐ Claims _____ are confirmed. [Unamended patent claims]
4. ☐ Claims _____ are patentable. [Amended or new claims]
5. ☒ Claims <u>1-19</u> 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 _____
10. ☐ Other _____

## DETAILED ACTION CLOSING PROSECUTION

*Summary*

This Action Closing Prosecution concerns the *Inter Partes* reexamination of US 7,283,519 to Girard (hereafter *Girard*) and is responsive to Patent Owner's Response (8/13/2008) and Third Party Requester's Comments (9/12/2008) to a first Non-Final Action (6/13/2008). The *Girard* patent includes 19 original claims, all of which are subject to reexamination. Patent Owner's response did not include an amendment to the claims.

The current status of the claims is:

Claims 1-19 are original.

No claims are new or amended

As a result of this action:

Claims 1-19 are subject to at least one rejection.

No claims are confirmed.

The previously adopted rejection of claims 13-14 and 17-19 as being anticipated by *Gerszberg* has been withdrawn.

*Information Disclosure Statement*

The information disclosure statements filed 22 January 2009 and 8 August 2008 fail to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because of one or more of the following reasons:

a.       The listed litigation/court documents are non-complying in that they do not include at least an author and/or a date and place of publication. It is additionally noted that litigation/court documents are not otherwise proper items for listing on and IDS.

b.      No copies of the listed unpublished U.S. application documents have been

provided.

c.      The listed U.S. application file wrappers are not documents *per se*, but a

conglomerate of documents, none of which have been properly identified.

d.      The listed search report is not properly identified including at least the publication

date.

e.      The listed other art including documents and other pages downloaded from the

internet are not properly identified by title, publisher, author, date and place of publication,

relevant pages, etc.

The listed information has been placed in the application file, but the information

referred to therein has not been considered to any extent other than as may be noted elsewhere by

the examiner; as explained in other submissions; or as would routinely occur in a reexamination

proceeding.

**Note:** Where the IDS citations are submitted but not described, the examiner is only

responsible for cursorily reviewing the references. The initials of the examiner on the PTO-1449,

or equivalent, indicate only that degree of review unless the reference is either applied against

the claims, or discussed by the examiner as pertinent art of interest, in a subsequent office action.

See Guidelines for Reexamination of Cases in View of In re Portola Packaging, Inc., 110 F.3d

786, 42 USPQ2d 1295 (Fed. Cir. 1997), 64 FR at 15347, 1223 Off. Gaz. Pat. Office at 125

(response to comment 6). Consideration by the examiner of the information submitted in an IDS

means that the examiner will consider the documents in the same manner as other documents in

Office search files are considered by the examiner while conducting a search of the prior art in a

proper field of search. The initials of the examiner placed adjacent to the citations on the

PTO-1449 or PTO/SB/08A and 08B or its equivalent mean that the information has been

considered by the examiner to the extent noted above. MPEP § 609 (Eighth Edition, August

2001).

In this case, it is noted that due to the unusually large number of references cited, and the

absence of any description of the relevance of the references, it should be assumed that only the

most cursory review of the cited documents consistent with these guidelines has been performed.

### *References Cited in this Office Action*

Osterhout *et al.* – US 7,197,029 (*Osterhout*)

Wengrovitz – US 7,035,248 (*Wengrovitz*)

Baratz *et al.* – US 5,742,596 (*Baratz*)

Czajkowski *et al.* – US 6,526,058 (*Czajkowski*)

Gerszberg *et al.* – US 2002/0033416, (relying on US 6,510,152 in the Request) (*Gerszberg*)

Janning *et al.* – US 7,024,461 (*Janning*)

Nodoushani *et al.* – US 6,563,816 (*Nodoushani*)

Chow *et al.* – US 2003/0185203 (*Chow*)

Chung *et al.* – US 6,584,108 (*Chung*)

Oran – US 6,275,574 (*Oran*)

Inbar *et al.* – US 6,885,660 (*Inbar*)

Kung *et al.* – US 6,917,610 (*Kung*)

Girard *et al.*, <u>SIP Telephony Service Interface Overview</u> (*Girard-SIP*, corresponding to

*Girard* as cited in the Request)

***Reexam Prosecution Summary***

In the original Request (2/6/2008), twelve primary combinations of references (Issues 1-

12) were alleged to raise a substantial new question of patentability against the claims.

In the Order (4/16/2008) granting *inter partes* reexamination, it was agreed that the

twelve proposed primary combinations of references were considered to raise substantial new

questions of patentability against the claims.

In the Non-Final Action (6/13/2008), the examiner adopted all of the proposed rejections

as substantially presented or as modified.

In the Patent Owner's Response (8/13/2008) to the Non-Final Action, which did not

include amendments, at least one argument was presented in which it was requested that each of

the adopted rejections should be withdrawn.

In the Third Party Requester's Comments (9/12/2008), at least one comment was

presented for each of the adopted rejections requesting that the rejections be maintained.

**Note:** In order to simplify the this Action closing Prosecution, subject matter related to

aspects of this preceding that were discussed in previous actions (e.g., issues raising an SNQ,

proposed rejections adopted/not adopted, matter incorporated by reference, etc.,), but for which

there does not appear to be any current controversy and/or for which the examiner considers the

issues to have been completely developed, has not been repeated in this action. The examiner

notes that the decision not to repeat such information is not meant to reduce or diminish any

rights the parties may have in regard to any of the examiner's previous positions.

*Summary of Issues, Current Rejections and Status*

**Note:** The various claim chart appendices (C1, C2 . . . M1, N1) submitted by the requester to explain how the cited patents and printed publications should be applied to each claim for which reexamination was requested, and for which proposed rejections are currently adopted, have been incorporated into a single, examiner-annotated Office Action Appendix (4-2-2009) that is attached to this Action Closing Prosecution. The "OAA" page numbers refer to the Office Action Appendix, which is incorporated by reference.

The examiner notes the current OAA is essentially the same OAA submitted in the Non-Final Rejection, but has been updated to reflect the non-adoption of the anticipation rejection of claims 13-14 and 17-19 over *Gerszberg*. The OAA also includes (last two pages) the Index of Appendices submitted with the Request.

**Issue 1 –** *Osterhout*

| Issue 1A | **OAA pages 1-9** |
|---|---|
| Claims 1-6 and 9-12 are rejected as anticipated by *Osterhout*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 1B | **OAA pages 10-11** |
| Claims 7 and 8 are rejected as obvious over *Osterhout* in view of *Chung*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 1C | **OAA pages 12-17** |
| Claims 13-19 are rejected as obvious over *Osterhout* in view of *Inbar*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 1D | **OAA pages 18-22** |
| Claims 13-19 are rejected as obvious over *Osterhout* in view of *Kung*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |

## Issue 2 – *Wengrovitz*

| Issue 2A | **OAA pages 23-28** |
|---|---|
| Claims 1, 3-6, 9-10 and 12 are rejected as anticipated by *Wengrovitz*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 2B | **OAA pages 29-30** |
| Claims 7 and 8 are rejected as obvious over *Wengrovitz* in view of *Chung*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 2C | **OAA pages 31-33** |
| Claims 2 and 11 are rejected as obvious over *Wengrovitz* in view of *Osterhout*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 2D Intentionally left blank | |
| Issue 2E | **OAA pages 34-39** |
| Claims 13-17 are rejected as obvious over *Wengrovitz* in view of *Inbar*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 2E (modified) | **OAA pages 40-41** |
| Claims 18 and 19 are rejected as obvious over *Wengrovitz* in view of *Inbar* and further in view of *Osterhout*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 2F | **OAA pages 42-47** |
| Claims 13-18 are rejected as obvious over *Wengrovitz* in view of *Kung*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 2F (modified) | **OAA page 48** |
| Claim 19 is rejected as obvious over *Wengrovitz* in view of *Kung* and further in view of *Osterhout*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |

## Issue 3 – *Baratz*

| Issue 3A | OAA pages 49-55 |
|---|---|
| Claims 1, 3-5, 13-14 and 17-18 are rejected as anticipated by *Baratz*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issues 3B, 3E and 3H | OAA pages 56-70 |
| Claims 2, 6, 9-12, 15, 16 and 19 are rejected as obvious over *Baratz* in view of *Osterhout*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issues 3C and 3F | OAA pages 71-80 |
| Claims 6, 9-10, 12 and 15-16 are rejected as obvious over *Baratz* in view of *Wengrovitz*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issues 3D and 3G | OAA pages 81-90 |
| Claims 6, 9-10, 12 and 15-16 are rejected as obvious over *Baratz* in view of *Girard-SIP*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |

## Issue 4 – *Czajkowski*

| Issue 4A | OAA pages 94-98 |
|---|---|
| Claims 1-5 are rejected as anticipated by *Czajkowski* | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 4B and 4E | OAA pages 99-105 |
| Claims 6 and 9-12 are rejected as obvious over *Czajkowski* in view of *Osterhout*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 4C and 4F | OAA pages 106-112 |
| Claims 6 and 9-12 are rejected as obvious over *Czajkowski* in view of *Wengrovitz*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 4D and 4G | OAA pages 113-119 |
| Claims 6 and 9-12 are rejected as obvious over *Czajkowski* in view of *Girard-SIP*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |

| Issue 4H | **OAA pages 120-121** |
|---|---|
| Claims 7 and 8 are rejected as obvious over *Czajkowski* in view of *Chung*. | -- Patent Owner disagrees. <br> -- Requester essentially agrees. |
| Issue 4I | **OAA pages 122-127** |
| Claims 13-14 and 17-19 are rejected as obvious over *Czajkowski* in view of *Inbar*. | -- Patent Owner disagrees. <br> -- Requester essentially agrees. |
| Issue 4I (modified) | **OAA pages 128-131** |
| Claims 15-16 are rejected as obvious over *Czajkowski* in view of *Inbar* and further in view of *Osterhout*. | -- Patent Owner disagrees. <br> -- Requester essentially agrees. |
| Issue 4I (modified) | **OAA pages 132-135** |
| Claims 15-16 are rejected as obvious over *Czajkowski* in view of *Inbar* and further in view of *Wengrovitz*. | -- Patent Owner disagrees. <br> -- Requester essentially agrees. |
| Issue 4I (modified) | **OAA pages 136-139** |
| Claims 15-16 are rejected as obvious over *Czajkowski* in view of *Inbar* and further in view of *Girard-SIP*. | -- Patent Owner disagrees. <br> -- Requester essentially agrees. |
| Issue 4J | **OAA pages 140-145** |
| Claims 13-14 and 17-19 are rejected as obvious over *Czajkowski* in view of *Kung*. | -- Patent Owner disagrees. <br> -- Requester essentially agrees. |
| Issue 4J (modified) | **OAA pages 146-149** |
| Claims 15-16 are rejected as obvious over *Czajkowski* in view of *Kung* and further in view of *Osterhout*. | -- Patent Owner disagrees. <br> -- Requester essentially agrees. |
| Issue 4J (modified) | **OAA pages 150-153** |
| Claims 15-16 are rejected as obvious over *Czajkowski* in view of *Kung* and further in view of *Wengrovitz*. | -- Patent Owner disagrees. <br> -- Requester essentially agrees. |
| Issue 4J (modified) | **OAA pages 154-157** |
| Claims 15-16 are rejected as obvious over *Czajkowski* in view of *Kung* and further in view of *Girard-SIP*. | -- Patent Owner disagrees. <br> -- Requester essentially agrees. |

## Issue 5 – *Gerszberg*

| Issue 5A | **OAA pages 158-162** |
|---|---|
| Claims 1-5 are rejected as anticipated by *Czajkowski*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 5B and 5E | **OAA pages 167-176** |
| Claims 6, 9-12 and 15-16 are rejected as obvious over *Gerszberg* in view of *Osterhout*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 5C and 5F | **OAA pages 177-187** |
| Claims 6, 9-12 and 15-16 are rejected as obvious over *Gerszberg* in view of *Wengrovitz*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 5D and 5G | **OAA pages 188-197** |
| Claims 6, 9-12 and 15-16 are rejected as obvious over *Gerszberg* in view of *Girard-SIP*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 5H | **OAA pages 198-199** |
| Claims 7 and 8 are rejected as obvious over *Gerszberg* in view of *Chung*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |

## Issue 6 – *Janning*

| Issue 6A | **OAA pages 200-207** |
|---|---|
| Claims 1-6 and 9-12 are rejected as anticipated by *Janning*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 6B | **OAA pages 208-210** |
| Claims 7-8 are rejected as obvious over *Janning* in view of *Chung*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 6C Intentionally left blank | |

| Issue 6D | **OAA pages 211-216** |
|---|---|
| Claims 13-17 and 19 are rejected as obvious over *Janning* in view of *Inbar*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 6D (modified) | **OAA pages 217-218** |
| Claim 18 is rejected as obvious over *Janning* in view of *Inbar* and further in view of *Osterhout* | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 6E | **OAA pages 219-225** |
| Claims 13-17 and 19 are rejected as obvious over *Janning* in view of *Kung*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 6E (modified) | **OAA pages 226-227** |
| Claim 18 is rejected as obvious over *Janning* in view of *Kung* and further in view of *Osterhout* | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |

**Issue 7 – *Nodoushani***

| Issue 7A | **OAA pages 227-234** |
|---|---|
| Claims 1, 3-5, 13-14 and 17-19 are rejected as anticipated by *Nodoushani*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 7A (modified) | **OAA pages 227-234** |
| Claims 13-14 and 17-18 are rejected as obvious over *Nodoushani*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 7B, 7F and 7I | **OAA pages 235-248** |
| Claims 2, 6, 9-12, 15-16 and 19 are rejected as obvious over *Nodoushani* in view of *Osterhout*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 7C and 7G | **OAA pages 249-258** |
| Claims 6, 9-10, 12 and 15-16 are rejected as obvious over *Nodoushani* in view of *Wengrovitz*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |

| Issue 7D  Intentionally left blank | |
|---|---|
| Issue 7E and 7H | **OAA pages 259-270** |
| Claims 6, 9-10, 12 and 15-16 are rejected as obvious over *Nodoushani* in view of *Girard-SIP*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 7J | **OAA pages 271-273** |
| Claims 7 and 8 are rejected as obvious over *Nodoushani* in view of *Chung*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |

**Issue 8 – *Chow***

| Issue 8A | **OAA pages 274-280** |
|---|---|
| Claims 1-5, 7-8, 13-14 and 17-19 are rejected as anticipated by *Chow*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 8A (modified) | **OAA pages 274-280** |
| Claims 7-8 are rejected as obvious over *Chow*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 8B and 8F | **OAA pages 281-291** |
| Claims 6, 9-12 and 15-16 are rejected as obvious over *Chow* in view of *Osterhout*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 8C and 7G | **OAA pages 292-302** |
| Claims 6, 9-12 and 15-16 are rejected as obvious over *Chow* in view of *Wengrovitz*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 8D  Intentionally left blank | |
| Issue 8E and 8H | **OAA pages 303-312** |
| Claims 6, 9-12 and 15-16 are rejected as obvious over *Chow* in view of *Girard-SIP*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |

**Issue 9 – *Chung***

| Issue 9A | **OAA pages 313-318** |
|---|---|
| Claims 1-5, 7-8, 13-14 and 17-19 are rejected as anticipated by *Chung*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 9B | **OAA pages 319-325** |
| Claims 6, 15 and 16 are rejected as obvious over *Chung* in view of *Osterhout*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 9C | **OAA pages 326-332** |
| Claims 6, 15 and 16 are rejected as obvious over *Chung* in view of *Wengrovitz*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 9D | **OAA pages 333-339** |
| Claims 6, 15 and 16 are rejected as obvious over *Chow* in view of *Girard-SIP*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |

**Issue 10 – *Oran***

| Issue 10A | **OAA pages 340-342** |
|---|---|
| Claims 9-10 and 12 are rejected as anticipated by *Oran*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |
| Issue 10B | **OAA pages 343-344** |
| Claim 11 is rejected as obvious over *Oran* in view of *Osterhout*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |

**Issue 11 – *Inbar***

| Issue 11A | **OAA pages 345-346** |
|---|---|
| Claims 13, 14, 17 and 19 are rejected as anticipated by *Inbar*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |

## Issue 12 – *Kung*

| Issue 12A | OAA pages 347-349 |
|---|---|
| Claims 13, 14, 17 and 19 are rejected as anticipated by *Kung*. | -- Patent Owner disagrees.<br>-- Requester essentially agrees. |

## PROPOSED REJECTIONS NOT ADOPTED

## Issue 1

| Issue 1A | |
|---|---|
| The proposed rejections of claims 7-8 as anticipated by *Osterhout* have not been adopted. | Adopted as obvious over *Osterhout* in view of *Chung* (Issue 1B). |
| The proposed rejections of claims 13-19 as anticipated by *Osterhout* have not been adopted. | Adopted as obvious over *Osterhout* in view of *Inbar* (Issue 1C).<br>Adopted as obvious over *Osterhout* in view of *Kung* (Issue 1D). |

## Issue 2

| Issue 2A | |
|---|---|
| The proposed rejections of claims 2 and 11 as anticipated by *Wengrovitz* have not been adopted. | Adopted as obvious over *Wengrovitz* in view of *Osterhout* (Issue 2C). |
| The proposed rejections of claims 7 and 8 as anticipated by *Wengrovitz* have not been adopted. | Adopted as obvious over *Wengrovitz* in view of *Chung* (Issue 2B). |
| The proposed rejections of claims 13-17 as anticipated by *Wengrovitz* have not been adopted. | Adopted as obvious over *Wengrovitz* in view of *Inbar* (Issue 2E). |

| | |
|---|---|
| The proposed rejections of claims 18-19 as anticipated by *Wengrovitz* have not been adopted. | Adopted as obvious over *Wengrovitz* in view of *Inbar* and further in of *Osterhout* (Issue 2E, modified). Adopted as obvious over *Wengrovitz* in view of *Kung* and further in of *Osterhout* (Issue 2F, modified). |
| Issue 2C | |
| The proposed rejection of claim 19 as obvious over *Wengrovitz* in view of *Osterhout* has not been adopted. | Adopted as obvious over *Wengrovitz* in view of *Inbar* and further in of *Osterhout* (Issue 2E, modified). Adopted as obvious over *Wengrovitz* in view of *Kung* and further in of *Osterhout* (Issue 2F, modified). |
| Issue 2D | |
| The proposed rejection of claim 18 as obvious over *Wengrovitz* in view of *Osterhout* has not been adopted. | Adopted as obvious over *Wengrovitz* in view of *Inbar* and further in of *Osterhout* (Issue 2E, modified). |
| Issue 2E | |
| The proposed rejections of claims 18 and 19 as obvious over *Wengrovitz* in view of *Inbar* have not been adopted. | Adopted as obvious over *Wengrovitz* in view of *Inbar* and further in of *Osterhout* (Issue 2E, modified). |
| Issue 2F | |
| The proposed rejections of claims 18 and 19 as obvious over *Wengrovitz* in view of *Kung* have not been adopted. | Adopted as obvious over *Wengrovitz* in view of *Kung* and further in of *Osterhout* (Issue 2F, modified). |

## Issue 3

| Issue 3A | |
|---|---|
| The proposed rejections of claims 2 and 19 as anticipated by *Baratz* have not been adopted. | Adopted as obvious over *Baratz* in view of *Osterhout* (Issue 3E). |
| The proposed rejections of claims 7-8 as anticipated by *Baratz* have not been adopted. | Adopted as obvious over *Baratz* in view of *Chung* (Issue 3I). |
| Issue 3C | |
| The proposed rejection of claim 11 as obvious over *Baratz* in view of *Wengrovitz* has not been adopted. | Not Adopted |
| Issue 3D | |
| The proposed rejection of claim 11 as obvious over *Baratz* in view of *Girard-SIP* has not been adopted. | Not Adopted |

## Issue 4

| Issue 4A | |
|---|---|
| The proposed rejections of claims 7-8 as anticipated by *Czajkowski* have not been adopted. | Adopted as obvious over *Czajkowski* in view of *Chung* (Issue 4H). |
| The proposed rejections of claims 13-14 and 17-19 as anticipated by *Czajkowski* have not been adopted. | Adopted as obvious over *Czajkowski* in view of *Inbar* (Issue 4 I). |
| Issue 4B and 4E | |
| The proposed rejections of claims 15-16 as obvious over *Czajkowski* in view of *Osterhout* have not been adopted. | Adopted as obvious over *Czajkowski* in view of *Inbar* and further in view of *Osterhout* (Issue 4I, modified). |
| Issue 4C and 4F | |
| The proposed rejections of claims 15-16 as obvious over *Czajkowski* in view of *Wengrovitz* have not been adopted. | Adopted as obvious over *Czajkowski* in view of *Inbar* and further in view of *Wengrovitz* (Issue 4I, modified). |

| Issue 4D and 4G | |
|---|---|
| The proposed rejections of claims 15-16 as obvious over *Czajkowski* in view of *Girard-SIP* have not been adopted. | Adopted as obvious over *Czajkowski* in view of *Inbar* and further in view of *Girard-SIP* (Issue 4I, modified). |

## Issue 5

| Issue 5A | |
|---|---|
| The proposed rejections of claims 7-8 as anticipated by *Gerszberg* have not been adopted. | Adopted as obvious over *Czajkowski* in view of *Chung* (Issue 5H). |
| The proposed rejections of claims 13-14 and 17-19 as anticipated by *Czajkowski* have not been adopted. | Not Adopted.<br>This was a previously adopted rejection that is now withdrawn. |

## Issue 6

| Issue 6A | |
|---|---|
| The proposed rejections of claims 7-8 as anticipated by *Janning* have not been adopted. | Adopted as obvious over *Janning* in view of *Chung* (Issue 6B). |
| The proposed rejections of claims 13-19 as anticipated by *Janning* have not been adopted. | Adopted as obvious over *Janning* in view of *Chung* (Issue 6B). |
| Issue 6C | |
| The proposed rejections of claim 18 as obvious *Janning* in view of *Osterhout* have not been adopted. | Adopted as obvious over *Janning* in view of *Inbar* and further in view of *Osterhout* (Issue 6D, modified).<br>Adopted as obvious over *Janning* in view of *Kung* and further in view of *Osterhout* (Issue 6E, modified). |

## Issue 7

| Issue 7A | |
|---|---|
| The proposed rejections of claims 2 and 19 as anticipated by *Nodoushani* have not been adopted. | Adopted as obvious over *Nodoushani* in view of *Osterhout* (Issue 7B). |
| The proposed rejections of claims 7-8 as anticipated by *Nodoushani* have not been adopted. | Adopted as obvious over *Nodoushani* in view of *Chung* (Issue 7J). |
| Issue 7C | |
| The proposed rejection of claim 11 as obvious over *Nodoushani* in view of *Wengrovitz* has not been adopted. | |
| Issue 7E | |
| The proposed rejection of claim 11 as obvious over *Nodoushani* in view of *Girard-SIP* has not been adopted. | |

## Issue 8

| All proposed rejections were adopted. | |
|---|---|

## Issue 9

| All proposed rejections were adopted. | |
|---|---|

## Issue 10

| **Issue 10** | |
|---|---|
| The proposed rejection of claim 11 as anticipated by *Oran* has not been adopted. | Adopted as obvious over *Nodoushani* in view of *Osterhout* (Issue 10B). |

## Issue 11

| All proposed rejections were adopted. | |
|---|---|

## Issue 12

| All proposed rejections were adopted. | |
|---|---|

*Claim Rejections – Relevant Statutes*

### 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 –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(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.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(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.

*Detailed Analysis*

**Issue 1 – *Osterhout***

**Issue 1A**

**Claims 1-6 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by**

***Osterhout.***

Claim 1

*Osterhout* discloses (Figs. 2, 4) a network device (host computer (106) comprising:

a plurality of communication interfaces, including a telephone line interface (110), a computer data interface (104), and a broadband network interface (112);

a processor (col. 2, lines 55-60);



Osterhout

Figure 5

a machine-readable storage medium (col. 2, lines 60-65) which during use stores a call processing application (col. 4, lines 30-38; col. 4, line 60 to col. 5, line 24) and service profiles (col. 4, lines 39-59), and which stores executable instructions to mediate communications between the plurality of communication interfaces (col. 4, lines 56-59; col. 6, lines 17-27), the instructions causing the network device to detect network signaling events or trigger points in a telephone call (col. 4, lines 30-34; col. 6 lines 6-16; col. 5, lines 19-24); and
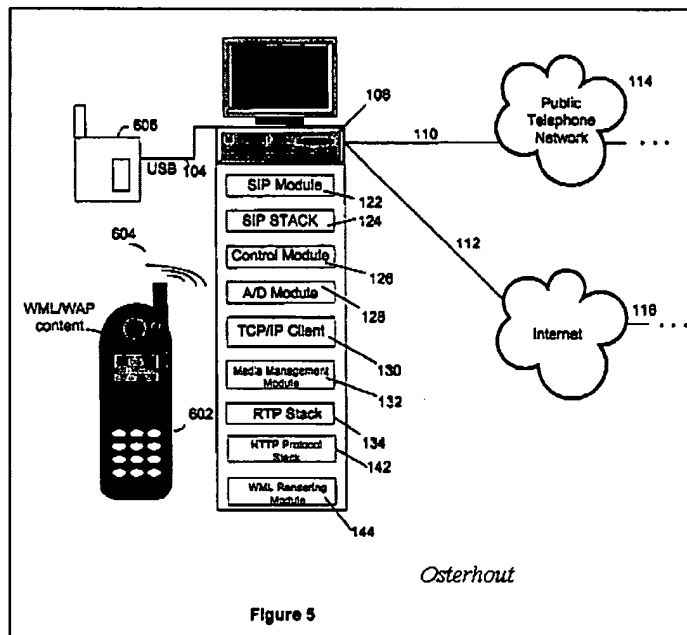
invoke the call processing application in response to the detected network signaling

events or trigger points (col. 4, line 65 to col. 5, line 30; the call processing application operating

according to parameters defined in the service

profiles (col. 4, lines 39-59), wherein the network

device consists of one or more customer premise

equipment modules (106).

Claim 2

Osterhout discloses that the plurality of

communication interfaces further includes a video

streaming device interface (col. 5, line 62 to col. 6,

line 5).

Claim 3

Osterhout discloses that the broadband

network interface terminates a broadband network

link that joins a customer premises to a packet

carrier network (col. 3, lines 49-62).

Claim 4

Osterhout discloses that the instructions

further cause the network device to route IP data



Figure 4                          Osterhout

between the computer data interface and the broadband network interface (col. 4, line 65 to col.

5, line 6).
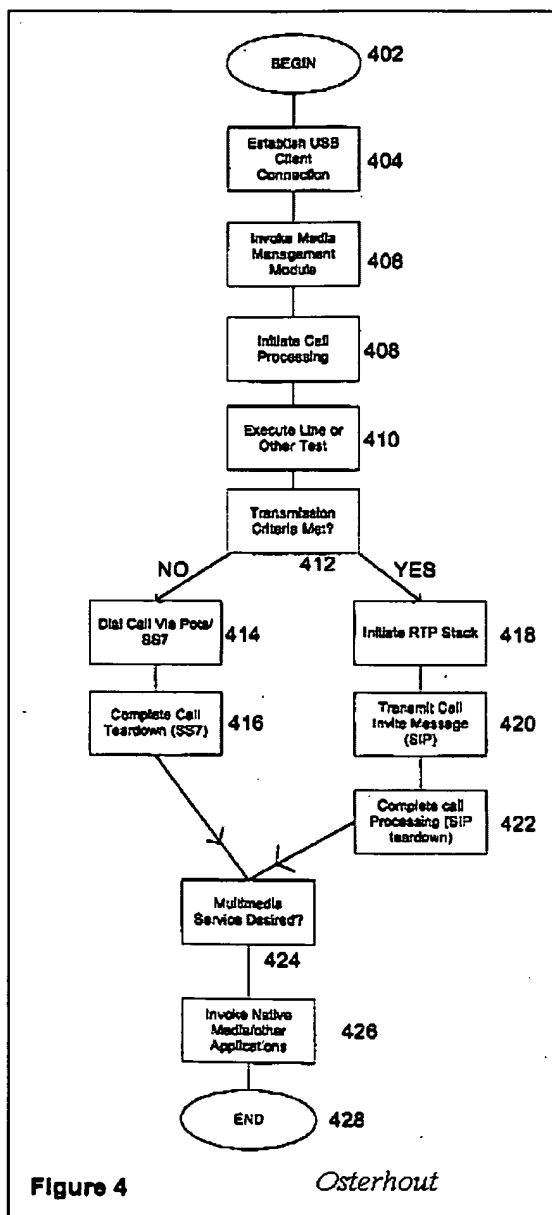
Claim 5

Osterhout discloses that the network device is contained in a single physical enclosure (inherent aspect of host computer 106).

Claim 6

Osterhout discloses that the instructions further cause the network device to provide a SIP user agent to represent a telephone that uses the telephone line interface.

Claim 9

Osterhout discloses (Figs. 2, 4) a network device (host computer (106) comprising:

a plurality of communication interfaces, including a telephone line interface (110), a computer data interface (104), and a broadband network interface (112);

a processor (col. 2, lines 55-60);

a machine-readable storage medium that stores processor-executable instructions (col. 2, lines 60-65) to provide SIP agents (122), the instructions causing the SIP agents to

provide a SIP user agent to represent a non-SIP telephone (102) that uses the telephone line interface, and

the instructions further causing the network device to implement a SIP proxy server (SIP stack 124) that mediates all SIP communications over the broadband network interface involving the non-SIP phone (col. 4, line 60 to col. 5, line 17).

Claim 10

Osterhout discloses that the computer data interface passes IP data (col. 4, line 65 to col. 5, line 6).

Claim 11

Osterhout discloses that the plurality of interfaces further includes a video streaming

device interface (col. 5, line 62 to col. 6, line 5).

Claim 12

Osterhout discloses that the network device is contained in a single physical enclosure

(inherent aspect of host computer 106).

**Note:** The preceding rejection is essentially the same as that proposed by the Requester

as set forth in Appendix C1. To the extent that Appendix C1 provides a more detailed

explanation of the adopted rejection, such explanation is made part of this office action by

reference to the OAA at pages 1-9.

**Issue 1B**

**Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Osterhout***

**as applied above, and further in view of *Chung*.**

Claim 7

Osterhout discloses that the storage medium during use further stores call routing

information, and the instructions further cause the network device to perform call routing for

telephone calls that use the telephone line interface (col. 4, lines 49-59).

Although Osterhout does not specifically disclose that the routing information is stored as

a routing table, those skilled in the art appreciate that a variety of forms for storing call routing

information are well known in the art including storing information in table from. Chung, for

example, discloses a system for routing information across networks wherein the call routing and

switching information can, as a non-limiting example, be stored in a table (col. 16, lines 14-18

and lines 41-50). Absent some degree of criticality, storing the information in table form, as known in the art, would have been a matter of routine design choice within the skill of a person of ordinary skill in the art.

Claim 8

*Osterhout* discloses that the storage medium during use further stores call routing information, and the instructions further cause the network device to perform call routing for telephone calls that use the telephone line interface (col. 4, lines 49-59).

Although *Osterhout* does not specifically disclose that the routing information is stored as a routing table, those skilled in the art appreciate that a variety of forms for storing call routing information are well known in the art including storing information in table from. *Chung*, for example, discloses a system for routing information across networks wherein the call routing and switching information can, as a non-limiting example, be stored in a table (col. 16, lines 14-18 and lines 41-50). Absent some degree of criticality, storing the information in table form, as known in the art, would have been a matter of routine design choice within the skill of a person of ordinary skill in the art.

**Note:** The preceding rejection is essentially the same as that proposed by the Requester as set forth in Appendix C2. To the extent that Appendix C2 provides a more detailed explanation of the adopted rejection, such explanation is made part of this office action by reference to the OAA at pages10-11).

## Issue 1C

**Claims 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over** *Osterhout* **as applied above, and further in view of** *Inbar.*

Claim 13

*Osterhout* discloses (Figs. 2, 4) a method for establishing a voice-over-packet network architecture, the method comprising:

locating a system management platform (control module 126) in a network device (106) connected to a sheared packet network (116), the system management platform collecting call data from the network device (col. 3, lines 49-58).

distributing (inherent or obvious aspect of the system) a plurality of network devices (106) that each include a telephone line interface (110), a computer data interface (104), a broadband network interface (112) terminating a link from the shared packet network (116), a processor (col. 2, lines 55-60, and a machine-readable storage medium (col. 2, lines 60-65) storing processor-executable instructions to control telephone calls (col. 4, line 65 to col. 5, line 10), the instructions causing each network device to route telephone calls in a peer-to-peer fashion over the shared packet network (col. 5, lines 11-17) and to send call log data to the system management platform (col. 4, lines 39-48; col. 6, lines 17-27).

Although *Osterhout* discloses a system management platform for the actual network device itself (i.e., each network device has its own management platform), *Osterhout* does not specifically disclose a system management platform that is arranged to collect call log data from other network devices (e.g., other similarly configured host computers 106).

Regarding the system management platform in a shared packet network collecting data

from a plurality of the network devices, those skilled in the art appreciate that it is well known in

the art to further facilitate voice-over-packet network communications by the use of a system

management platform in the shared network that collects data, such as call log data from a

plurality of network devices. *Inbar*, for example, discloses (Fig. 1 a system manageable for

peer-to-peer communications which
includes both local network devices (IP
Centers 2) and a Master-Server (6) which
acts as a system management platform
collecting call log data from the plurality of
network devices (2) (col. 4, lines 16-19; col.
5, line 62 to col. 6, line 14; col. 6, lines 43-
50; col. 8, lines 54-64). As those skilled in
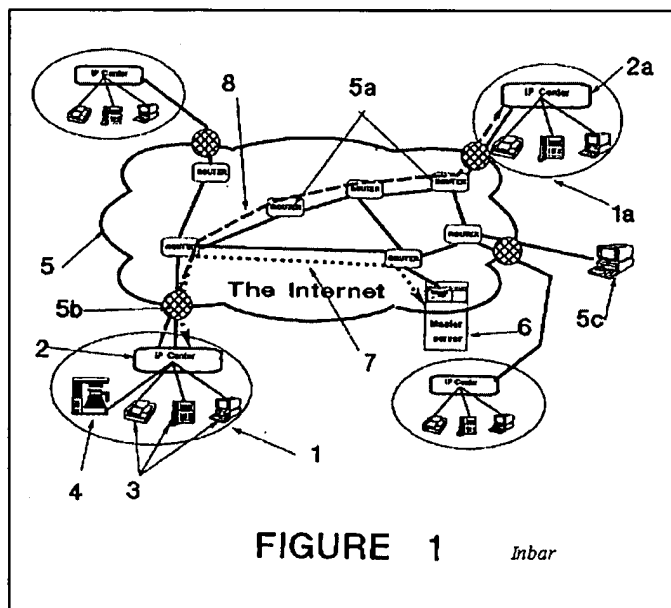the art appreciate, such a system



FIGURE 1 *Inbar*

management platform enables improved peer-to-peer communications and centralized billing.

*Inbar* also teaches that such an arrangement has the advantage that it allows subscribers to make

direct connections without making use of intermediate servers and further allows for remote

access to the network center (col. 7, lines 20-37 and ). Therefore it would have been obvious to

modify the method suggested by Osterhout to further include a step a locating a system

management platform collecting call log data from the plurality of network devices in a

centralized system to facilitate billing and to allow for the integration of additional services

without use of intermediate servers.

Claim 14

     *Osterhout* discloses that the broadband network interface terminates a broadband network link that joins a customer premises to a packet carrier network (col. 3, lines 49-62).

Claim 15

     *Osterhout* discloses that the routing of telephone calls includes SIP signaling (Col. 5, lines 7-16).

Claim 16

     *Osterhout* discloses that the system includes an SIP stack (126). Such SIP stack, together with the SIP control module (124) would store processor-executable instructions to act as an SIP proxy server for devices using the telephone line interface (110) and for devices using the computer data interface (104).

Claim 17

     *Osterhout* discloses that the shared packet network uses IP protocols 9col. 4, line 65 to col. 5, line 6).

Claim 18

     *Osterhout* discloses that the shared packet network uses ATM protocols (col. 5, lines 7-17).

Claim 19

     *Osterhout* discloses that the plurality of interfaces further includes a video streaming device interface (col. 5, line 62 to col. 6, line 5).

     **Note:** The preceding rejection is essentially the same as that proposed by the Requester as set forth in Appendix C3. To the extent that Appendix C3 provides a more detailed

explanation of the adopted rejection, such explanation is made part of this office action by reference to the OAA at pages 12-16).

**Issue 1D**

**Claims 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Osterhout,* as applied above, and further in view of *Kung.***

Claim 13-19

As noted above with regard to Issue 1C, although *Osterhout* does not specifically disclose a system management platform that is arranged to collect call log data from other network devices (such as other similarly configured host computers 106), but, as also noted above, such arrangements are well known in the art to further facilitate voice-over-packet network communications. *Kung*, like the *Inbar* reference, teaches locating a system management platform on the shared packet network (at IP Central Station 200) arranged to collect call log data from other network devices (Customer Premise Equipment) (col. 31, lines 10-17), such system allowing for improved call efficiency.

**Note:** The preceding rejection is essentially the same as that proposed by the Requester as set forth in Appendix C4. To the extent that Appendix C4 provides a more detailed explanation of the adopted rejection, such explanation is made part of this office action by reference to the OAA at pages 17-22.

**Issue 2 -- *Wengrovitz***

**Issue 2A**

**Claims 1, 3-6 and 9-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by *Wengrovitz*.**

Claim 1

*Wengrovitz* discloses (Figs. 2-5) a network device (e.g., switch 50) comprising:

a plurality of communication interfaces, including a telephone line interface (PBX signaling), a computer data interface (to location server 55), and a broadband network interface (to internet 45) (col. 3, lines 52-67);
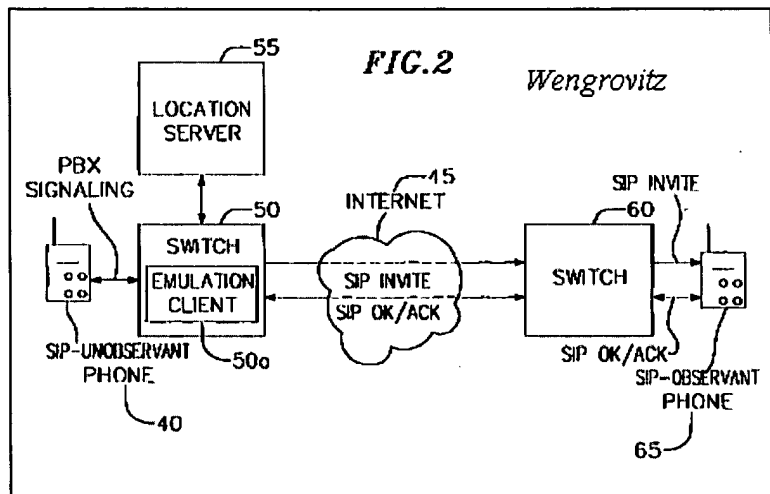


a processor (emulation client 50a) (col. 4, lines 18-21);

a machine-readable storage medium (inherent) which during use stores (col. 4, lines 11-21) a call processing application (emulation client 50a) and service profiles (col. 4, lines 34-47; see also col. 7, line 62 to col. 8, line 24), and which stores executable instructions to mediate communications between the plurality of communication interfaces (col. 4, lines 11-21), the instructions causing the network device to

detect network signaling events or trigger points in a telephone call (col. 4, lines 31-34); and

invoke the call processing application in response to the detected network signaling events or trigger points, the call processing application operating according to parameters defined in the service profiles (col. 4, lines 34-47); and

wherein the network device consists of one or more customer premise equipment modules (col. 4, lines 11-13).

Claims 3-6

The proposed anticipation rejection of claims 3-6 over *Wengrovitz* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Wengrovitz* reference as recited in Appendix D1 of the Request, which is made part of this office action by reference to the OAA at pages 25-26.

Claim 9

*Wengrovitz* discloses (Figs. 2-5) a network device (e.g., switch 50) comprising:

a broadband network interface (to internet 45);

a plurality of communication interfaces, including a telephone line interface (PBX signaling), a computer data interface (to location server 55) (col. 4, lines 11-21);

a processor (emulation client 50a) (col. 4, lines 18-21);

a machine-readable storage medium (inherent) that stores processor executable instructions to provide SIP agents ((col. 4, lines 11-21), the instructions causing the network device to

provide a SIP user agent to represent a non-SIP telephone that uses the telephone line interface (col. 4, lines 11-21), and

the instructions further causing the network device to implement a SIP proxy server that

mediates all SIP communications over the broadband network interface involving the non-SIP

telephone (col. 4, lines 31-47 and col. 4, lines 48-63).

Claims 10 and 12

The proposed anticipation rejection of claims 10 and 12 over *Wengrovitz* is adopted as

proposed. The examiner incorporates by reference the detailed explanation of the manner of

applying the *Wengrovitz* reference as recited in Appendix D1 of the Request, which is made part

of this office action by reference to the OAA at page 28.

**Issue 2B**

**Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

***Wengrovitz* and further in view of *Chung*.**

Claims 7 and 8

The proposed obviousness rejection of claims 7 and 8 over *Wengrovitz* in view of *Chung*

is adopted as proposed. The examiner incorporates by reference the detailed explanation of the

manner of applying the *Wengrovitz* and *Chung* references as recited in Appendix D2 of the

Request, which is made part of this office action by reference to the OAA at pages 29-30.

**Issue 2C**

**Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

***Wengrovitz*, as applied above, and further in view of *Osterhout*.**

Claim 2

Although *Wengrovitz* does not specifically disclose the plurality of communication

interfaces further includes a video streaming device interface, *Wengrovitz* teaches, as is well

known in the art, that SIP is a signaling protocol for creating, modifying and terminating multimedia sessions (col. 1, lines 19-21). In addition, it is routine in the art to arrange a network device to include a video streaming device interface (see for example *Osterhout* at col. 5, line 62 to col. 6, line 5). Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system disclosed by *Wengrovitz* to further include a video streaming device interface in order to allow for a system that takes full advantage of SIP.

Claim 11

Although *Wengrovitz* does not specifically disclose the plurality of communication interfaces further includes a video streaming device interface, *Wengrovitz* teaches, as is well known in the art, that SIP is a signaling protocol for creating, modifying and terminating multimedia sessions (col. 1, lines 19-21). In addition, it is routine in the art to arrange a network device to include a video streaming device interface (see for example *Osterhout* at col. 5, line 62 to col. 6, line 5). Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system disclosed by *Wengrovitz* to further include a video streaming device interface in order to allow for a system that takes full advantage of SIP.

**Note:** The preceding rejection is essentially the same as that proposed by the Requester as set forth in Appendix D3. To the extent that Appendix D3 provides a more detailed explanation of the adopted rejection, such explanation is made part of this office action by reference to the OAA at pages 31-33.

**Issue 2E**

Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

*Wengrovitz* in view of *Inbar*.

Claims 13-17

As noted above, *Wengrovitz* does not specifically disclose a system management platform

that is arranged to collect call log data from other network devices (such as other similarly

configured switches). *Inbar* teaches such a platform. Accordingly, the proposed rejection of

claims 13-17 as obvious over *Wengrovitz* in view of *Inbar* is adopted as set forth in Appendix D5

of the Request, which is made part of this office action by reference to the OAA at pages 34-39.

**Issue 2E (Modified)**

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

*Wengrovitz* in view of *Inbar*, as applied above, and further in view of *Osterhout*.

Claim 18

Although *Wengrovitz* and *Inbar* do not specifically disclose the use of ATM protocol, the

use of ATM protocols in network devices is well known (see for example *Osterhout* at col. 6,

line 1-5). Therefore, it would have been obvious to a person of ordinary skill in the art to modify

the system suggested by *Wengrovitz* and *Inbar* as applied to claim 13 above, to further

accommodate the use of ATM protocols in order to allow for a more versatile system that takes .

full advantage of known protocols.

Claim 19

Although *Wengrovitz* and *Inbar* do not specifically disclose the plurality of

communication interfaces further includes a video streaming device interface, *Wengrovitz*

teaches, as is well known in the art, that SIP is a signaling protocol for creating, modifying and terminating multimedia sessions (col. 1, lines 19-21). In addition, it is routine in the art to arrange a network device to include a video streaming device interface (see for example *Osterhout* at col. 5, line 62 to col. 6, line 5). Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system suggested by *Wengrovitz* and *Inbar* as applied to claim 13 above, to further include a video streaming device interface in order to allow for a system that takes full advantage of SIP.

**Note:** The preceding rejection is essentially equivalent to that proposed by the Requestor as set forth in Appendix D5 as applied above, and further in view of Appendix D3, which is made part of this office action by reference to the OAA at pages 40-41.

**Issue 2F**

**Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wengrovitz* in view of *Kung*.**

Claim 13-18

As noted above, *Wengrovitz* does not specifically disclose a system management platform that is arranged to collect call log data from other network devices (such as other similarly configured switches). *Kung* teaches such a platform. Accordingly, the proposed rejection of claims 13-18 as obvious over *Wengrovitz* in view of *Kung* is adopted as set forth in Appendix D6 of the Request, which is made part of this office action by reference to the OAA at pages 42-47.

**Issue 2F (Modified)**

**Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Wengrovitz* in view of *Kung*, as applied above, and further in view of *Osterhout*.**

<u>Claim 19</u>

Although *Wengrovitz* and *Kung* do not specifically disclose the plurality of communication interfaces further includes a video streaming device interface, *Wengrovitz* teaches, as is well known in the art, that SIP is a signaling protocol for creating, modifying and terminating multimedia sessions (col. 1, lines 19-21). In addition, it is routine in the art to arrange a network device to include a video streaming device interface (see for example *Osterhout* at col. 5, line 62 to col. 6, line 5). Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system suggested by *Wengrovitz* and *Kung* as applied to claim 13 above, to further include a video streaming device interface in order to allow for a system that takes full advantage of SIP.

**Note:** The preceding rejection is essentially equivalent to that proposed by the Requester as set forth in Appendix D6 as applied above, and further in view of Appendix D3, which is made part of this office action by reference to the OAA at page 48.

**Issue 3 -- *Baratz***

**Issue 3A**

**Claims 1, 3-5, 13-14 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by *Baratz*.**

Claims 1, 3-5, 13-14 and 17-18

The proposed anticipation rejection of claims 1, 3-5, 13-14 and 17-18 over *Baratz* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Baratz* reference as recited in Appendix E1 of the Request, which is made part of this office action by reference to the OAA at pages 49-55.

**Issues 3B, 3E and 3H**

**Claims 2, 6, 9-12, 15, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Baratz* in view of *Osterhout*.**

Claims 2 and 19

The proposed obviousness rejection of claims 2 and 19 over *Baratz* in view of *Osterhout* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Baratz* and *Osterhout* references as recited in Appendix E8 of the Request, which is made part of this office action by reference to the OAA at pages 56-57 and pages 69-70.

Claims 6, 15 and 16

The proposed obviousness rejection of claims 6, 15 and 16 over *Baratz* in view of *Osterhout* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Baratz* and *Osterhout* references as recited in

Appendix E5 of the Request, which is made part of this office action by reference to the OAA at

pages 58-59 and 65-68.

Claims 9-12

The proposed obviousness rejection of claims 9-12 over *Baratz* in view of *Osterhout* is

adopted as proposed. The examiner incorporates by reference the detailed explanation of the

manner of applying the *Baratz* and *Osterhout* references as recited in Appendix E2 of the

Request, which is made part of this office action by reference to the OAA at pages 60-64.

**Issues 3C and 3F**

**Claims 6, 9-10, 12 and 15-16 are rejected under 35 U.S.C. 103(a) as being**

**unpatentable over *Baratz* in view of *Wengrovitz*.**

Claims 6, 15 and 16

The proposed obviousness rejection of claims 6, 15 and 16 over *Baratz* in view of

*Wengrovitz* is adopted as proposed. The examiner incorporates by reference the detailed

explanation of the manner of applying the *Baratz* and *Wengrovitz* references as recited in

Appendix E6 of the Request, which is made part of this office action by reference to the OAA at

pages 71-72 and 77-80.

Claims 9-10 and 12

The proposed obviousness rejection of claims 9-10 and 12 over *Baratz* in view of

*Wengrovitz* is adopted as proposed. The examiner incorporates by reference the detailed

explanation of the manner of applying the *Baratz* and *Wengrovitz* references as recited in

Appendix E3 of the Request, which is made part of this office action by reference to the OAA at

pages 73-76.

**Issues 3D and 3G**

**Claims 6, 9-10, 12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Baratz* in view of *Girard-SIP*.**

Claims 6, 15 and 16

The proposed obviousness rejection of claims 6, 15 and 16 over *Baratz* in view of *Girard-SIP* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Baratz* and *Girard-SIP* references as recited in Appendix E7 of the Request, which is made part of this office action by reference to the OAA at pages 81-82 and 87-90.

Claims 9-10 and 12

The proposed obviousness rejection of claims 9-10 and 12 over *Baratz* in view of *Girard-SIP* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Baratz* and *Girard-SIP* references as recited in Appendix E4 of the Request, which is made part of this office action by reference to the OAA at pages 83-86.

**Issue 3I**

**Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Baratz* in view of *Chung*.**

Claims 7 and 8

The proposed obviousness rejection of claims 7 and 8 over *Baratz* in view of *Chung* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Baratz* and *Chung* references as recited in Appendix E9 of the Request, which is made part of this office action by reference to the OAA at pages 91-92.

**Issue 3J**

**Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Baratz* in view of *Czajkowski*.**

Claim 5

The proposed obviousness rejection of claim 5 over *Baratz* in view of *Czajkowski* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Baratz* and *Czajkowski* references as recited in Appendix E10 of the Request, which is made part of this office action by reference to the OAA at page 93.

**Issue 4 – *Czajkowski***

**Issue 4A**

**Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by *Czajkowski*.**

Claims 1-5

The proposed anticipation rejection of claims 1-5 over *Czajkowski* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Czajkowski* reference as recited in Appendix F1 of the Request, which is made part of this office action by reference to the OAA at pages 94-98.

**Issue 4B and 4E**

**Claims 6 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Czajkowski* in view of *Osterhout*.**

Claim 6

The proposed obviousness rejection of claim 6 over *Czajkowski* in view of *Osterhout* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the

manner of applying the *Czajkowski* and *Osterhout* references as recited in Appendix F5 of the

Request, which is made part of this office action by reference to the OAA at pages 99-100.

Claims 9-12

The proposed obviousness rejection of claims 9-12 over *Czajkowski* in view of *Osterhout*

is adopted as proposed. The examiner incorporates by reference the detailed explanation of the

manner of applying the *Czajkowski* and *Osterhout* references as recited in Appendix F2 of the

Request, which is made part of this office action by reference to the OAA pages 101-105.

**Issue 4C and 4F**

**Claims 6 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

***Czajkowski* in view of *Wengrovitz*.**

Claim 6

The proposed obviousness rejection of claim 6 over *Czajkowski* in view of *Wengrovitz* is

adopted as proposed. The examiner incorporates by reference the detailed explanation of the

manner of applying the *Czajkowski* and *Wengrovitz* references as recited in Appendix F6 of the

Request, which is made part of this office action by reference to the OAA at pages 106-107.

Claims 9-12

The proposed obviousness rejection of claims 9-12 over *Czajkowski* in view of

*Wengrovitz* is adopted as proposed. The examiner incorporates by reference the detailed

explanation of the manner of applying the *Czajkowski* and *Wengrovitz* references as recited in

Appendix F3 of the Request, which is made part of this office action by reference to the OAA at

pages 108-112.

**Issue 4D and 4G**

**Claims 6 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over** *Czajkowski* **in view of** *Girard-SIP.*

Claim 6

The proposed obviousness rejection of claim 6 over *Czajkowski* in view of *Girard-SIP* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Czajkowski* and *Girard-SIP* references as recited in Appendix F7 of the Request, which is made part of this office action by reference to the OAA at pages 113-114.

Claims 9-12

The proposed obviousness rejection of claims 9-12 over *Czajkowski* in view of *Girard-SIP* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Czajkowski* and *Girard-SIP* references as recited in Appendix F4 of the Request, which is made part of this office action by reference to the OAA at pages 115-119.

**Issue 4H**

**Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over** *Czajkowski* **in view of** *Chung.*

Claims 7 and 8

The proposed obviousness rejection of claims 7 and 8 over *Czajkowski* in view of *Chung* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Czajkowski* and *Chung* references as recited in Appendix F8 of the Request, which is made part of this office action by reference to the OAA at pages 120-121.

**Issue 4I**

**Claims 13-14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable
over *Czajkowski* in view of *Inbar*.**

Claims 13-14 and 17-19

The proposed obviousness rejection of claims 13-14 and 17-19 over *Czajkowski* in view

of *Inbar* is adopted as proposed. The examiner incorporates by reference the detailed explanation

of the manner of applying the *Czajkowski* and *Inbar* references as recited in Appendix F9 of the

Request, which is made part of this office action by reference to the OAA at pages 122-127.

**Issue 4I (Modified)**

**Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over
*Czajkowski* in view of *Inbar*, as applied above, and further in view of *Osterhout*.**

Claims 15-16

The proposed obviousness rejection of claim 15-16 over *Czajkowski* in view of *Osterhout*

is adopted as modified.  The examiner incorporates by reference the detailed explanation of the

manner of applying the *Osterhout* reference as recited in Appendix F9 further in view of F5 of

the Request, which is made part of this office action by reference to the OAA at pages 128-131.

**Issue 4I (Modified)**

**Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over
*Czajkowski* in view of *Inbar*, as applied above, and further in view of *Wengrovitz*.**

Claims 15-16

The proposed obviousness rejection of claim 15-16 over *Czajkowski* in view of

*Wengrovitz* is adopted as modified.  The examiner incorporates by reference the detailed

explanation of the manner of applying the *Wengrovitz* reference as recited in Appendix F9

further in view of Appendix F6 of the Request, which is made part of this office action by

reference to the OAA at pages 132-135.

**Issue 4I (Modified)**

**Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Czajkowski in view of Inbar, as applied above, and further in view of Girard-SIP.**

Claims 15-16

The proposed obviousness rejection of claim 15-16 over *Czajkowski* in view of *Girard-*

*SIP* is adopted as modified. The examiner incorporates by reference the detailed explanation of

the manner of applying the *Girard-SIP* reference as recited in Appendix F9 further in view of

Appendix F7 of the Request, which is made part of this office action by reference to the OAA at

pages 136-139.

**Issue 4J**

**Claims 13-14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable**

**over Czajkowski in view of Kung.**

Claims 13-14 and 17-19

The proposed obviousness rejection of claims 13-14 and 17-19 over *Czajkowski* in view

of *Kung* is adopted as proposed. The examiner incorporates by reference the detailed explanation

of the manner of applying the *Czajkowski* and *Kung* references as recited in Appendix F10 of the

Request, which is made part of this office action by reference to the OAA at pages 140-145.

**Issue 4J (Modified)**

**Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over**
*Czajkowski* **in view of** *Kung,* **as applied above, and further in view of** *Osterhout.*

Claims 15-16

The proposed obviousness rejection of claim 15-16 over *Czajkowski* in view of *Osterhout*
is adopted as modified. The examiner incorporates by reference the detailed explanation of the
manner of applying the *Osterhout* reference as recited in Appendix F10 further in view of
Appendix F5 of the Request, which is made part of this office action by reference to the OAA at
pages 146-149.

**Issue 4J (Modified)**

**Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over**
*Czajkowski* **in view of** *Kung,* **as applied above, and further in view of** *Wengrovitz.*

Claims 15-16

The proposed obviousness rejection of claim 15-16 over *Czajkowski* in view of
*Wengrovitz* is adopted as modified. The examiner incorporates by reference the detailed
explanation of the manner of applying the *Wengrovitz* reference as recited in Appendix F10
further in view of Appendix F6 of the Request, which is made part of this office action by
reference to the OAA at pages 150-153.

**Issue 4J (Modified)**

       **Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

***Czajkowski* in view of *Kung*, as applied above, and further in view of *Girard-SIP*.**

Claims 15-16

       The proposed obviousness rejection of claim 15-16 over *Czajkowski* in view of *Girard-*

*SIP* is adopted as modified. The examiner incorporates by reference the detailed explanation of

the manner of applying the *Girard-SIP* reference as recited in Appendix F10 further in view of

Appendix F7 of the Request, which is made part of this office action by reference to the OAA at

pages 154-157.

**Issue 5 – *Gerszberg***

**Issue 5A**

       **Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by *Gerszberg*.**

Claims 1-5

       The proposed anticipation rejection of claims 1-5, 13, 14 and 17-19 over *Gerszberg* is

adopted as proposed. The examiner incorporates by reference the detailed explanation of the

manner of applying the *Gerszberg* reference as recited in Appendix G1 of the Request, which is

made part of this office action by reference to the OAA at pages 158-162.

**Issue 5B and 5E**

**Claims 6, 9-12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gerszberg* in view of *Osterhout*.**

Claims 6 and 15-16

The proposed obviousness rejection of claims 6 and 15-16 over *Gerszberg* in view of *Osterhout* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Gerszberg* and *Osterhout* references as recited in Appendix G5 of the Request, which is made part of this office action by reference to the OAA at pages 167-168 and 173-176.

In further regard to claims 15-16, the examiner notes that *Osterhout* is considered to make up for any deficiencies that *Gerszberg* may have in regard to base claim 13.

Claims 9-12

The proposed obviousness rejection of claims 9-12 over *Gerszberg* in view of *Osterhout* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Gerszberg* and *Osterhout* references as recited in Appendix G2 of the Request, which is made part of this office action by reference to the OAA at pages 169-172.

**Issue 5C and 5F**

**Claims 6, 9-12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gerszberg* in view of *Wengrovitz*.**

Claims 6 and 15-16

The proposed obviousness rejection of claims 6 and 15-16 over *Gerszberg* in view of *Wengrovitz* is adopted as proposed. The examiner incorporates by reference the detailed

explanation of the manner of applying the *Gerszberg* and *Wengrovitz* references as recited in

Appendix G6 of the Request, which is made part of this office action by reference to the OAA at

pages 177-178 and 184-187.

In further regard to claims 15-16, the examiner notes that *Wengrovitz* is considered to make

up for any deficiencies that *Gerszberg* may have in regard to base claim 13.

Claims 9-12

The proposed obviousness rejection of claims 9-12 over *Gerszberg* in view of *Wengrovitz*

is adopted as proposed. The examiner incorporates by reference the detailed explanation of the

manner of applying the *Gerszberg* and *Wengrovitz* references as recited in Appendix G3 of the

Request, which is made part of this office action by reference to the OAA at pages 179-183.

**Issue 5D and 5G**

**Claims 6, 9-12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable**

**over *Gerszberg* in view of *Girard-SIP*.**

Claims 6 and 15-16

The proposed obviousness rejection of claims 6 and 15-16 over *Gerszberg* in view of

*Girard-SIP* is adopted as proposed. The examiner incorporates by reference the detailed

explanation of the manner of applying the *Gerszberg* and *Girard-SIP* references as recited in

Appendix G7 of the Request, which is made part of this office action by reference to the OAA at

pages 188-189 and 194-197.

In further regard to claims 15-16, the examiner notes that *Girard-SIP* is considered to make

up for any deficiencies that *Gerszberg* may have in regard to base claim 13.

Claims 9-12

The proposed obviousness rejection of claims 9-12 over *Gerszberg* in view of *Girard-SIP* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Gerszberg* and *Girard-SIP* references as recited in Appendix G4 of the Request, which is made part of this office action by reference to the OAA at pages 190-193.

**Issue 5H**

**Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gerszberg* in view of *Chung*.**

Claims 7 and 8

The proposed obviousness rejection of claims 7 and 8 over *Gerszberg* in view of *Chung* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Gerszberg* and *Chung* references as recited in Appendix G8 of the Request, which is made part of this office action by reference to the OAA at pages 198-199.

**Issue 6 – *Janning***

**Issue 6A**

**Claims 1-6 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by *Janning*.**

Claims 1-6 and 9-12

The proposed anticipation rejection of claims 1-6 and 9-12 over *Janning* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Janning* reference as recited in Appendix H1 of the Request, which is made part of this office action by reference to the OAA at pages 200-207.

**Issue 6B**

**Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over** *Janning* **in view of** *Chung.*

Claims 7 and 8

The proposed obviousness rejection of claims 7 and 8 over *Janning* in view of *Chung* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Janning* and *Chung* references as recited in Appendix H2 of the Request, which is made part of this office action by reference to the OAA at pages 208-210.

**Issue 6D**

**Claims 13-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over** *Janning* **in view of** *Inbar.*

Claims 13-17 and 19

The proposed obviousness rejection of claims 13-17 and 19 over *Janning* in view of *Inbar* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Czajkowski* and *Inbar* references as recited in Appendix H4 of the Request, which is made part of this office action by reference to the OAA at pages 211-216.

**Issue 6D (modified)**

**Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over** *Janning* **in view of** *Inbar,* **as applied above, and further in view of** *Osterhout.*

Claim 18

The proposed obviousness rejection of claim 18 over *Janning* in view of *Osterhout* is adopted as modified. The examiner incorporates by reference the detailed explanation of the

manner of applying the *Osterhout* reference as recited in Appendix H4 further in view of

Appendix H3 of the Request, which is made part of this office action by reference to the OAA at

pages 217-218.

**Issue 6E**

**Claims 13-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

***Janning* in view of *Kung*.**

Claims 13-17 and 19

The proposed obviousness rejection of claims 13-17 and 19 over *Janning* in view of

*Kung* is adopted as proposed. The examiner incorporates by reference the detailed explanation of

the manner of applying the *Janning* and *Kung* references as recited in Appendix H5 of the

Request, which is made part of this office action by reference to the OAA at pages 219-225.

**Issue 6E (Modified)**

**Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Janning* in**

**view of *Kung*, as applied above, and further in view of *Osterhout*.**

Claim 18

The proposed obviousness rejection of claim 18 over *Janning* in view of *Osterhout* is

adopted as modified.  The examiner incorporates by reference the detailed explanation of the

manner of applying the *Osterhout* reference as recited in Appendix H5 further in view of

Appendix H3 of the Request, which is made part of this office action by reference to the OAA at

pages 226-227.

**Issue 7** – *Nodoushani*

**Issue 7A**

**Claims 1, 3-5, 13-14 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by *Nodoushani*.**

Claims 1, 3-5, 13-14 and 17-18

The proposed anticipation rejection of claims 1, 3-5, 13-14 and 17-18 over *Nodoushani* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Nodoushani* reference as recited in Appendix I1 of the Request, which is made part of this office action by reference to the OAA at pages 228-234.

In regard to the performance of call logging by the system management platform, which supports end-to-end system level management functions to provide a rich set of OAM capabilities and functions that include, among other capabilities, at least monitoring and retrieval of status and counter values (see generally col. 38, line 67 to col. 39, line 52), it is considered that call logging would have been an inherent aspect such monitoring and information retrieval.

**Issue 7A (Modified)**

**Claims 13-14 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nodoushani*.**

To the extent that *Nodoushani* does not inherently disclose that the system management platform performs call logging, such call logging is well known and routine in the art, and as such, would have been and matter of routine design choice.

**Issues 7B, 7F and 7I**

**Claims 2, 6, 9-12, 15, 16 and 19 are rejected under 35 U.S.C. 103(a) as being
unpatentable over _Nodoushani_ in view of _Osterhout_.**

Claims 2, 11 and 19

The proposed obviousness rejection of claims 2, 11 and 19 over _Nodoushani_ in view of

_Osterhout_ is adopted as proposed. The examiner incorporates by reference the detailed

explanation of the manner of applying the _Nodoushani_ and _Osterhout_ references as recited in

Appendix I8 of the Request, which is made part of this office action by reference to the OAA at

pages 235-236 and 249-250.

Claims 6, 15 and 16

The proposed obviousness rejection of claims 6, 15 and 16 over _Nodoushani_ in view of

_Osterhout_ is adopted as proposed. The examiner incorporates by reference the detailed

explanation of the manner of applying the _Nodoushani_ and _Osterhout_ references as recited in

Appendix I5 of the Request, which is made part of this office action by reference to the OAA at

pages 237-239 and 243-246.

Claims 9-12

The proposed obviousness rejection of claims 9-12 over _Nodoushani_ in view of

_Osterhout_ is adopted as proposed. The examiner incorporates by reference the detailed

explanation of the manner of applying the _Nodoushani_ and _Osterhout_ references as recited in

Appendix I2 of the Request, which is made part of this office action by reference to the OAA at

pages 240-242.

**Issue 7C and 7G**

**Claims 6, 9-10, 12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nodoushani* in view of *Wengrovitz*.**

Claims 6, 15 and 16

The proposed obviousness rejection of claims 6, 15 and 16 over *Nodoushani* in view of *Wengrovitz* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Nodoushani* and *Wengrovitz* references as recited in Appendix I6 of the Request, which is made part of this office action by reference to the OAA at pages 249-251 and 255-258.

Claims 9-10 and 12

The proposed obviousness rejection of claims 9-10 and 12 over *Nodoushani* in view of *Wengrovitz* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Nodoushani* and *Wengrovitz* references as recited in Appendix I3 of the Request, which is made part of this office action by reference to the OAA at pages 252-254.

**Issue 7E and 7H**

**Claims 6, 9-10, 12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Nodoushani* in view of *Girard-SIP*.**

Claims 6, 15 and 16

The proposed obviousness rejection of claims 6, 15 and 16 over *Nodoushani* in view of *Girard-SIP* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Nodoushani* and *Girard-SIP* references as recited in

Appendix I7 of the Request, which is made part of this office action by reference to the OAA at

pages 259-261 and 267-270.

Claims 9-10 and 12

The proposed obviousness rejection of claims 9-10 and 12 over *Nodoushani* in view of

*Girard-SIP* is adopted as proposed. The examiner incorporates by reference the detailed

explanation of the manner of applying the *Nodoushani* and *Girard-SIP* references as recited in

Appendix I4 of the Request, which is made part of this office action by reference to the OAA at

pages 262-266.

**Issue 7J**

**Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

***Nodoushani* in view of *Chung*.**

Claims 7 and 8

The proposed obviousness rejection of claims 7 and 8 over *Nodoushani* in view of *Chung*

is adopted as proposed. The examiner incorporates by reference the detailed explanation of the

manner of applying the *Nodoushani* and *Chung* references as recited in Appendix I9 of the

Request, which is made part of this office action by reference to the OAA at pages 271-273.

**Issue 8 – *Chow***

**Issue 8A**

**Claims 1-5, 7-8, 13-14 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by *Chow*.**

Claims 1-5, 7-8, 13-14 and 17-19

The proposed anticipation rejection of claims 1-5, 7-8, 13-14 and 17-19 over *Chow* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Chow* reference as recited in Appendix J1 of the Request, which is made part of this office action by reference to the OAA at pages 274-280.

**Issue 8A (Modified)**

**Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chow*.**

To the extent that *Chow* does not inherently disclose that the call routing information is stored as a table, the use of table for strong information is well known and routine in the art, and as such, would have been and matter of routine design choice.

**Issues 8B and 8F**

**Claims 6, 9-12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chow* view of *Osterhout*.**

Claims 6, 15 and 16

The proposed obviousness rejection of claims 6, 15 and 16 over *Chow* in view of *Osterhout* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Chow* and *Osterhout* references as recited in Appendix

J5 of the Request, which is made part of this office action by reference to the OAA at pages 281-283 and 288-291.

Claims 9-12

The proposed obviousness rejection of claims 9-12 over *Chow* in view of *Osterhout* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Chow* and *Osterhout* references as recited in Appendix J2 of the Request, which is made part of this office action by reference to the OAA at pages 284-287.

**Issues 8C and 8G**

**Claims 6, 9-12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chow* in view of *Wengrovitz*.**

Claims 6, 15 and 16

The proposed obviousness rejection of claims 6, 15 and 16 over *Chow* in view of *Wengrovitz* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Chow* and *Wengrovitz* references as recited in Appendix J6 of the Request, which is made part of this office action by reference to the OAA at pages 292-294 and 299-302.

Claims 9-12

The proposed obviousness rejection of claims 9-12 over *Chow* in view of *Wengrovitz* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Chow* and *Wengrovitz* references as recited in Appendix J3 of the Request, which is made part of this office action by reference to the OAA at pages 295-298.

**Issues 8E and 8H**

**Claims 6, 9-12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chow* in view of *Girard-SIP*.**

Claims 6, 15 and 16

The proposed obviousness rejection of claims 6, 15 and 16 over *Chow* in view of *Girard-SIP* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Chow* and *Girard-SIP* references as recited in Appendix J7 of the Request, which is made part of this office action by reference to the OAA at pages 303-305 and 310-312.

Claims 9-12

The proposed obviousness rejection of claims 9-12 over *Chow* in view of *Girard-SIP* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Chow* and *Girard-SIP* references as recited in Appendix J4 of the Request, which is made part of this office action by reference to the OAA at pages 306-309.

**Issue 9 – *Chung***

**Issue 9A**

**Claims 1-5, 7-8, 13-14 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by *Chow*.**

Claims 1-5, 7-8, 13-14 and 17-19

The proposed anticipation rejection of claims 1-5, 7-8, 13-14 and 17-19 over *Chung* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the

manner of applying the *Chung* reference as recited in Appendix K1 of the Request, which is

made part of this office action by reference to the OAA at pages 313-318.

**Issue 9B**

       **Claims 6 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

***Chung* view of *Osterhout*.**

Claims 6, 15 and 16

       The proposed obviousness rejection of claims 6, 15 and 16 over *Chung* in view of

*Osterhout* is adopted as proposed. The examiner incorporates by reference the detailed

explanation of the manner of applying the *Chung* and *Osterhout* references as recited in

Appendix K2 of the Request, which is made part of this office action by reference to the OAA at

pages 319-325.

**Issue 9C**

       **Claims 6 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

***Chung* in view of *Wengrovitz*.**

Claims 6, 15 and 16

       The proposed obviousness rejection of claims 6, 15 and 16 over *Chung* in view of

*Wengrovitz* is adopted as proposed. The examiner incorporates by reference the detailed

explanation of the manner of applying the *Chung* and *Wengrovitz* references as recited in

Appendix K3 of the Request, which is made part of this office action by reference to the OAA at

pages 326-332.

**Issue 9D**

**Claims 6 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

*Chung* **in view of** *Girard-SIP.*

Claims 6, 15 and 16

The proposed obviousness rejection of claims 6, 15 and 16 over *Chung* in view of

*Girard-SIP* is adopted as proposed. The examiner incorporates by reference the detailed

explanation of the manner of applying the *Chung* and *Girard-SIP* references as recited in

Appendix K4 of the Request, which is made part of this office action by reference to the OAA at

pages 333-339.

**Issue 10 –** *Oran*

**Issue 10A**

**Claims 9-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by**

*Oran.*

Claims 9-10 and 12

The proposed anticipation rejection of claims 9-10 and 12 over *Oran* is adopted as

proposed. The examiner incorporates by reference the detailed explanation of the manner of

applying the *Oran* reference as recited in Appendix L1 of the Request, which is made part of this

office action by reference to the OAA at pages 340-342.

**Issue 10B**

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Oran* view of *Osterhout*.**

Claims 11

The proposed obviousness rejection of claim 11 over *Oran* in view of *Osterhout* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Oran* and *Osterhout* references as recited in Appendix L2 of the Request, which is made part of this office action by reference to the OAA at pages 343-344.

**Issue 11**

**Issue 11A**

**Claims 13-14, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by *Inbar*.**

Claims 13-14, 17 and 19

The proposed anticipation rejection of claims 13-14, 17 and 19 over *Inbar* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Inbar* reference as recited in Appendix M1 of the Request, which is made part of this office action by reference to the OAA at pages 345-346.

**Issue 12**

**Issue 12A**

**Claims 13-14, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by** *Kung.*

Claims 13-14, 17 and 19

The proposed anticipation rejection of claims 13-14, 17 and 19 over *Kung* is adopted as proposed. The examiner incorporates by reference the detailed explanation of the manner of applying the *Kung* reference as recited in Appendix N1 of the Request, which is made part of this office action by reference to the OAA at pages 347-349.

*Response to Patent Owner's Arguments*

**Patent Owner's arguments (8/13/2008) have been fully considered.**

With regard to Patent Owner's arguments against the rejections as applied in regard to Issues 1-4 (all rejected claims), Issue 5 (claims 1-12 and 15-16), and Issues 6-12 (all rejected claims), such arguments are not persuasive for the reasons as noted below.

With regard to Patent Owner's arguments against the rejections of claims 13-14 and 17-19 as applied in regard to Issue 5, such argument is convincing and that rejection of claims 13-14 and 17-19 in view of *Gerszberg* has been withdrawn.

Third Party Requester's comments (9/12/2008) have been fully considered.

With regard to Third Party Requester's comments in support of the rejections as applied in regard to Issues 1-4 (all rejected claims), Issue 5 (claims 1-12 and 15-16), and Issues 6-12 (all rejected claims), such comments are convincing and have generally been adopted.

With regard to Third Party Requester's comment in support of the rejection of claims 13, 14 and 17-19, such comment is not convincing, and that rejection has been withdrawn.

**Issue 1 –** *Osterhout*

Patent Owner's arguments (pages 3-11) against the rejections in view of *Osterhout* have been fully considered but they are not persuasive for the reasons noted below.

**In response to Patent Owner's argument** (page 3) that *Osterhout* does not teach the "telephone line interface" because the interface taught by *Osterhout* is not a "hardware component," the examiner notes that that the feature upon which Patent Owner relies (a hardware component) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, as noted above, *Osterhout* clearly teaches the "telephone line interface" as well as the other required interfaces.

The examiner's position is supported by the **Third Party Requester's comments** (at least at page 6 – II.B, and page 9 – III.A1), which are convincing.

**In response to Patent Owner's argument** (pages 3-5) that *Osterhout* does not teach a "call processing application" according to the narrow definition proposed by the Patent Owner in the Response (page 4), it is noted that such narrow definition is not adopted because during reexamination, claims are given the broadest reasonable interpretation consistent with the specification and limitations in the specification are not read into the claims (In re Yamamoto, 740 F.2d 1569, 222 USPQ 934 (Fed. Cir. 1984)). See also MPEP § 2258.

In this case, the narrow definition provided in the Response is not consistent with the patent disclosure which variously describes the function of the broad category of "CALL PROCESSING APPLICATIONS" (EMPHASIS in original) those applications which "define how the EDGE

SWITCH responds to certain events – they define EDGE SWITCH workflow in response to

network signaling events and device-level telephone events – and consequently they in effect

define the network services that are provided to the subscriber through TELEPHONE

STATATIONS and SET-TOP BOXES" (col. 47, lines 30-36). The disclosure also describes the broad

category of category of "CALL PROCESSING APPLICATIONS" as a "[c]ollection of software program

files (applications) stored on the FILE SYSTEM that are used by the EDGE SWITCH to support network

service delivery to users" (col. 51, lines 28-31). While it is further disclosed that CALL PROCESSING

APPLCATIONS "define the service logic for all network services delivered to the subscribers through

TELEPHONE STATATIONS and SET-TOP BOXES," it is also taught that "[t]hey may function as call

control agents that determine the progression of the call session, and/or they may function as device

control agents that perform various telephone gateway and feature delivery functions (col. 51, lines 32-

39). It is also disclosed that they can reference other CALL PROCESSING APPLICATIONS, enabling

the implementation of call control services (calling services) that impose no upper limit on the complexity

of service logic that may be supported (col. 51, lines 40-43).

Based on such disclosure, it is apparent that the broad category of "CALL PROCESSING

APPLICATIONS" is intended to encompass any of a variety of "call processing applications" all of

which need be limited to or include service logic for the network services delivered to the subscribers, but

rather may perform other functions. For example, as noted in the disclosure, "call processing

applications" may perform database queries, media store-and-forward operations, support group

conferencing, convert text to speech, recognize voice commands, or any one of a number of operations

that might be beyond the scope of what an EDGE SWITCH could perform without assistance from the·

network (col. 14, lines 24-31). As such, Patent Owner's proposed narrow definition is not considered as

the broadest reasonable definition consistent with the specification.

In addition, even if it could be argued there was support for even one "call processing application" defined in a manner consistent with Patent Owner's proposed definition of a call processing application, claim 1 merely require storing "a call processing application," not necessarily any particular call processing application.

The examiner also notes that even if *Osterhout* suggests that some of the resources responsible for "call processing" may be located on the Public Switched Telephone Network or on the Internet, such suggestion does not preclude the fact that at least some "call processing applications" are stored locally.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 5 – II.A, and page 9 – III.A1), which are convincing.

**In response to Patent Owner's arguments** (pages 5-6) that claims 7-8 are not obvious over *Osterhout* in view of *Chung* such arguments have been considered, but are not convincing.

In regard to claim 7-8, the Patent Owner essentially argues that *Chung* does not overcome the deficiencies of *Osterhout* with respect to claim 1. This argument is not convincing because, as noted above, the examiner does not consider *Osterhout* deficient with respect to claim 1.

**In response to Patent Owner's arguments** (pages 7-9) that claims 9-12 are not anticipated by *Osterhout*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Osterhout* does not teach a plurality of interfaces including a telephone line interface and a computer data interface, such argument is unconvincing for the reasons noted above in regard to claim 1.

In regard to Patent Owner's argument that *Osterhout* merely discloses an SIP user agent that has a SIP Module and a SIP Stack, but does not teach that the SIP Stack implements a "SIP proxy server," the examiner disagrees. *Osterhout* clearly teaches that the SIP Module and SIP Stack may be invoked to transmit, receive and parse SIP commands, wherein the calls may be established between a recipient telephone that may be a SIP-enabled device and the USB telephone (col. 5, lines 1-14). As such,

*Osterhout* clearly teaches the use of SIP Module and SIP Stack as a SIP proxy (i.e., intermediary) for SIP communications.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 9-10 – III.A.2), which are convincing.

**In response to Patent Owner's arguments** (pages 9-10) that claims 13-19 are not obvious over *Osterhout* in view of *Inbar*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Osterhout* does not include instructions to control telephone calls, the examiner disagrees. The examiner for notes that the last portion of the cited passage in *Osterhout* (col. 5, line 10) which sates "for processing the call," clearly suggests "controlling" telephone calls. This view is consistent with the preceding paragraph of *Osterhout* (col. 4, line 65 to col. 5, line 6) which states that "[i]f the criteria are met, the control module **126** may set up the remainder of the resources necessary to establish a SIP-based connection to a recipient telephone device **120**. The control module may invoke SIP module **122** and SIP stack **124** to transmit, receive parse SIP commands, a Transfer Control Protocol/Internet Protocol (TCP/IP) client 130 for Internet or other network interface, and a Real Time Protocol (RTP) stack 134 to manage streaming media and other information for call processing." As such, it is considered that *Osterhout* clearly teaches "instruction to control telephone calls." **Note:** For the sake of clarity, the examiner has amended the above rejection to further cite the above paragraph as additional support for the teaching of instructions to control telephone calls.

In regard to Patent Owner's argument that *Osterhout* does not teach routing the telephone calls in peer-to-peer fashion, the examiner disagrees. *Osterhout* clearly teaches that the instructions establish a phone call between the host system phone and a SIP phone (i.e., per-to-peer), wherein the host system transmits a "Call Invite Command, awaits a "200 OK" and "processes the call" and wherein, once the call is set up, other paths may be established between the user phone and the recipient phone (col. 5, lines 7-17).

In regard to Patent Owner's argument that *Inbar* does not overcome the deficiencies of *Osterhout*, this argument is not convincing because the examiner does not consider *Osterhout* deficient with respect to the reasons argued by Patent Owner. Regardless of the teaching of *Osterhout*, and contrary to arguments by Patent Owner, *Inbar* further teaches establishing peer-to-peer communication (*Inbar* at col. 7, lines 20-24), an obvious benefit because it allows more efficient establishment of communications without an intermediary. Patent Owners argument that *Inbar* does not teach "how" to support peer-to-peer communication (essentially an argument that *Inbar* is not enabled) is not convincing because U.S. patent s are presumptively enabled. In addition, in the absence of some explicit contrary teaching, the use of software for effecting such communication is so well known in the art as to be an inherently aspect of the *Inbar* disclosure.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 10-12 – III.A.3), which are convincing.

**In response to Patent Owner's arguments** (pages 10-11) that claims 13-19 are not obvious over *Osterhout* in view of *Kung*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Osterhout* does not include instructions to control telephone calls, and/or teach routing the telephone calls in peer-to-peer fashion, such arguments are unconvincing for the reasons noted above in regard to the rejections of claim 13-19 over *Osterhout* in view of *Inbar*.

In regard to Patent Owner's argument that *Kung* does not overcome the deficiencies of *Osterhout*, this argument is not convincing because the examiner does not consider *Osterhout* deficient with respect to the reasons argued by Patent Owner. Regardless of the teaching of *Osterhout*, and contrary to arguments by Patent Owner, *Kung* is considered to suggest peer-to-peer communications (col. 6, lines 3-8).

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 12-13 – III.A.4), which are convincing.

**Issue 2** – *Wengrovitz*

**In response to Patent Owner's arguments** (pages 11-12) that claims 1 and 3-6 are not anticipated by *Wengrovitz*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Wengrovitz* does not teach the network device stores service profiles, the examiner disagrees. The examiner notes that whether or not some service profiles may be stored on the location server (55) taught by *Wengrovitz*, at least some service profiles are also stored by emulation client (50a) of switch (50) (see for example col. 4, lines 34-47 and col. 7, line 62 to col. 8, line 24). The examiner has amended the original rejection to more clearly point out the support for the storing of service profiles. The examiner further notes that amending the rejection to clarify the support for a disclosed limitation is not a "new ground of rejection" because the claim is still rejected on the same grounds (i.e., a 102 rejection) and the same art (i.e., *Wengrovitz*).

In regard to Patent Owner's argument that *Wengrovitz* does not teach "a call processing application" including "service logic or code . . ." as such term is currently defined by the Patent Owner, such argument is unconvincing for the same reasons as noted above in regard to the rejection of claim 1 in view of *Osterhout*. That is to say, "service logic or code . . ." is not recited in the claims. As such, emulation client **50a** as taught by *Wengrovitz* is considered to meet the limitations of a call processing application.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 13-15 – III.B.1), which are convincing.

**In response to Patent Owner's arguments** (page 12) that claim 2 is not obvious over *Wengrovitz* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claim 2, the Patent Owner essentially argues that *Osterhout* does not overcome the deficiencies of *Wengrovitz* with respect to claim 1. This argument is not convincing because, as noted above, the examiner does not consider *Wengrovitz* is deficient with respect to claim 1. In addition, even if it were considered that *Wengrovitz* was deficient in any way, such deficiency would be cured by *Osterhout* for the same reasons as noted above in regard to the rejections in view of *Osterhout*.

**In response to Patent Owner's arguments** (pages 12-13) that claims 7-8 are not obvious over *Wengrovitz* in view of *Chung* such arguments have been considered, but are not convincing.

In regard to claim 7-8, the Patent Owner essentially argues that *Chung* does not overcome the deficiencies of *Wengrovitz* with respect to claim 1. This argument is not convincing because, as noted above, the examiner does not consider *Wengrovitz* deficient with respect to claim 1.

**In response to Patent Owner's arguments** (page 13) that claims 9-10 and 12 are not anticipated by *Wengrovitz*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Wengrovitz* does not teach a SIP proxy server, the examiner disagrees. *Wengrovitz* teaches a SIP proxy server as that term is broadly understood (see generally col. 4, lines 34-40; and col. 4, lines 48-63). The examiner notes that while *Wengrovitz* does teach that emulation client **50a** in "its simplest form" takes the role of a user agent client (col. 4, lines 16-18), such teaching does not preclude the fact that in other forms, the emulation client acts as a SIP proxy (intermediary) in other forms.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 15-16 – III.B.2), which are convincing.

**In response to Patent Owner's arguments** (pages 13-14) that claim 11 is not obvious over *Wengrovitz* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claim 11, the Patent Owner essentially argues that *Osterhout* does not overcome the deficiencies of *Wengrovitz* with respect to claim 9. This argument is not convincing because, as noted above, the examiner does not consider *Wengrovitz* is deficient with respect to claim 9. In addition, even if it were considered that *Wengrovitz* was deficient in any way, such deficiency would be cured by *Osterhout* for the same reasons as noted above in regard to the rejections in view of *Osterhout*.

**In response to Patent Owner's arguments** (pages 14-15) that claims 13-17 are not obvious over *Wengrovitz* in view of *Inbar*, such arguments have been considered, but are not convincing.

In regard to Patent Owner's argument that *Wengrovitz* does not include instruction to control telephone calls, the examiner notes that, contrary to Patent Owner's assertion, *Wengrovitz* clearly teaches that the device manages (i.e., controls) incoming and outgoing calls (col. 4, lines 11-14).

In regard to Patent Owner's argument that *Wengrovitz* does not route calls in peer-to-peer fashion over a shared packet network, the examiner notes that, contrary to Patent Owner's assertion, *Wengrovitz* teaches peer-to-peer calls between at least SIP observant **65** and SIP unobservant **40** phones (col. 4, lines 31-63) wherein the SIP observant network may be a wide area network such as the Internet (col. 3, lines 58-59).

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 16-17 – III.B.3), which are convincing.

**In response to Patent Owner's arguments** (pages 15-16) that claims 18-19 are not obvious over *Wengrovitz* in view of *Inbar* and *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 18-19, Patent Owner essentially argues that the claims are allowable for the same reasons as noted with regard to claim 13. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

**In response to Patent Owner's arguments** (page 16) that claims 13-18 are not obvious over *Wengrovitz* in view of *Kung*, such arguments have been considered, but are not convincing.

In regard to claims 13-18, Patent Owner essentially argues that the claims are allowable for the same reasons as noted with regard to the rejections over *Wengrovitz* in view of *Inbar*. Such arguments are unconvincing for the reasons noted above13.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 17 – III.B.4), which are convincing.

**In response to Patent Owner's arguments** (pages 16) that claim 19 is not obvious over *Wengrovitz* in view of *Kung* and *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claim 19, Patent Owner essentially argues that the claims are allowable for the same reasons as noted with regard to claim 13. Such arguments are unconvincing for the reasons noted above.

Issue 3 – *Baratz*

**In response to Patent Owner's arguments** (pages 16-17) that claims 1 and 3-5 are not anticipated by *Baratz*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Baratz* does not teach "a call processing application" including "service logic or code . . ." as such term is currently defined by the Patent Owner, such argument is unconvincing for the same reasons as noted above in regard to the rejection of claim 1 in view of *Osterhout* and other cited art.. That is to say, "service logic or code . . ." is not recited in the

claims. As such, the PBX call processing module which functions to control all call processes within server **44** as taught by *Baratz* is considered to meet the limitations of a call processing application.

In regard to Patent Owner's argument that *Baratz* does not teach the device includes instruction to mediate communications between the plurality of communications interfaces, the instructions causing the network device to detect network signaling events or trigger points on a telephone call . . ., " such argument is unconvincing. Among the other cited passages, *Baratz* teaches that "telephony server **44** provides centralized common management and all necessary resources for providing PBX switching control services (col. 5, lines 1-3), which would be understood by a person of ordinary skill in the art to at least implicitly teach "instruction causing the network device to detect network signaling events or trigger points in a telephone call . . .."

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 17-18 – III.C.1), which are convincing.

**In response to Patent Owner's arguments** (pages 17-18) that claims 2 and 6 are not obvious over *Baratz* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 2 and 6, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (page 18) that claims 9-12 are not obvious over *Baratz* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 9-12, Patent Owner argues that the claims are allowable because *Osterhout* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to the anticipation rejections in view of *Osterhout*, it is considered that *Osterhout* does suggest such instructions.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 19-20 – III.C.3), which are convincing.

**In response to Patent Owner's arguments** (pages 18-19) that claims 13-14 and 17-18 are not anticipated by *Baratz*, such arguments have been considered, but are not convincing.

In regard to Patent Owner's argument that the *Baratz* does not teach instructions to control telephone calls, the examiner notes that *Baratz* teaches such limitation (see at least at col. 10, lines 20-22 and Fig. 6).

In response to Patent Owner's argument that the *Baratz* does not teach routing telephone calls in peer-to-peer fashion over the shared packet network, it is noted that, as shown in Fig. 6, internal calls are inherently routed in peer-to-peer fashion over the shared packet network (**37**) (see also col. 5, line 63 to col. 6, line 6) which describes the packetizing and depacketizing of internal calls made over the network).

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 18-19 – III.C.2), which are convincing.

**In response to Patent Owner's arguments** (page 19) that claims 15, 16 and 19 are not obvious over *Baratz* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 15, 16 and 19, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Osterhout* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Osterhout*, it is considered that *Osterhout* does suggest such instructions.

**In response to Patent Owner's arguments** (page 19) that claim 6 is not obvious over

*Baratz* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that the claims are allowable based on their

dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (pages 19-20) that claims 9-10 and 12 are

not obvious over *Baratz* in view of *Wengrovitz*, such arguments have been considered, but are not

convincing.

In regard to claims 9-10 and 12, Patent Owner argues that the claims are allowable because

*Wengrovitz* does not suggests the network device has instructions providing a SIP user agent and SIP

proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of

*Wengrovitz*, it is considered that *Wengrovitz* does suggest such instructions.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at

page 20 – III.C.4), which are convincing.

**In response to Patent Owner's arguments** (page 20) that claims 15, 16 are not obvious

over *Baratz* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claims 15 and 16, Patent Owner essentially argues that the claims are allowable based

on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Wengrovitz* does not suggest the network

device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to

both anticipation and obviousness rejections in view of *Wengrovitz*, it is considered that *Wengrovitz*

does suggest such instructions.

**In response to Patent Owner's arguments** (page 21) that claim 6 is not obvious over

*Baratz* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (pages 21-22) that claims 9-10 and 12 are not obvious over *Baratz* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claims 9-10 and 12, Patent Owner argues that the claims are allowable because *Girard-SIP* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted in the Office Action Appendix at page 81 and 82, *Girard-SIP* teaches both a SIP User Agent Client and a SIP User Agent Server (*Girard-SIP* at page 6). It would have been obvious to modify *Baratz* to include the user agent server in order to allow for legacy telephones to participate in SIP communications.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 20 – III.C.5), which are convincing.

**In response to Patent Owner's arguments** (pages 22-23) that claims 15 and 16 are not obvious over *Baratz* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claims 15 and 16, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Girard-SIP* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to the obviousness rejections in view of *Girard-SIP*, it is considered that *Girard-SIP* does suggest the SIP proxy server (i.e., the SIP User Agent Server).

**In response to Patent Owner's arguments** (page 23) that claims 7 and 8 are not

obvious over *Baratz* in view of *Chung*, such arguments have been considered, but are not convincing.

In regard to claims 7 and 8, Patent Owner essentially argues that the claims are allowable based

on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (page 23) that claim 5 is not obvious over

*Baratz* in view of *Czajkowski*, such arguments have been considered, but are not convincing.

In regard to claim 5, Patent Owner essentially argues that the claims are allowable based on their

dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

### Issue 4 – *Czajkowski*

**In response to Patent Owner's arguments** (pages 23-24) that claims 1-5 are not

anticipated by *Czajkowski*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Czajkowski* does not teach "a call processing

application" including "service logic or code . . ." as such term is currently defined by the Patent Owner,

such argument is unconvincing for the same reasons as noted above in regard to the rejection of claim 1 in

view of *Osterhout* and other cited art.. That is to say, "service logic or code . . ." is not recited in the

claims. As such, PC application **61** as taught by *Czajkowski* is considered to meet the limitations of a

call processing application.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at

page 21 – III.D.1), which are convincing.

**In response to Patent Owner's arguments** (page 24) that claim 6 is not obvious over

*Czajkowski* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that the claims are allowable based on their

dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (page 24-25) that claim 6 is not obvious over *Czajkowski* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (page 25) that claim 6 is not obvious over *Czajkowski* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (page 25) that claims 7 and 8 are not obvious over *Czajkowski* in view of *Chung*, such arguments have been considered, but are not convincing.

In regard to claims 7 and 8, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (page 26) that claims 9-12 are not obvious over *Czajkowski* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 9-12, Patent Owner argues that the claims are allowable because *Osterhout* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to the anticipation rejections in view of *Osterhout*, it is considered that *Osterhout* does suggest such instructions.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 21 – III.D.2), which are convincing.

**In response to Patent Owner's arguments** (pages 26-27) that claims 9-12 are not obvious over *Czajkowski* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claims 9-12, Patent Owner argues that the claims are allowable because *Wengrovitz* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Wengrovitz*, it is considered that *Wengrovitz* does suggest such instructions.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 22 – III.D.3), which are convincing.

**In response to Patent Owner's arguments** (page 27) that claims 9-12 are not obvious over *Czajkowski* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claims 9-12, Patent Owner argues that the claims are allowable because *Girard-SIP* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted in the Office Action Appendix at page 81 and 82, *Girard-SIP* teaches both a SIP User Agent Client and a SIP User Agent Server (*Girard-SIP* at page 6). It would have been obvious to modify *Baratz* to include the user agent server in order to allow for legacy telephones to participate in SIP communications.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 22 – III.D.4), which are convincing.

**In response to Patent Owner's arguments** (pages 27-29) that claims 13-14 and 17-19 are not obvious over *Czajkowski* in view of *Inbar*, such arguments have been considered, but are not convincing.

In regard to Patent Owner's argument that *Czajkowski* does not teach instructions to control telephone calls, the examiner considers that PC application **61** includes instructions to control telephone calls (see at least at col. 10, lines 3-7).

In response to Patent Owner's argument that the *Czajkowski* does not teach routing telephone calls in peer-to-peer fashion over the shared packet network, it is noted that such peer-to-peer routing of calls over the shared packet network is generally shown in Fig. 2. Additional explanation is described at least at col. 10, lines 55-59.

In further regard to Patent Owner's argument that *Inbar* does not overcome the deficiencies of *Czajkowski*, this argument is not convincing because the examiner does not consider *Czajkowski* deficient with respect to the reasons argued by Patent Owner. Regardless of the teaching of *Czajkowski*, and contrary to arguments by Patent Owner, *Inbar* further teaches establishing peer-to-peer communication (*Inbar* at col. 7, lines 20-24).

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 22-23 – III.D.5), which are convincing.

**In response to Patent Owner's arguments** (page 29) that claims 15 and 16 are not obvious over *Czajkowski* in view of *Inbar* and *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 15 and 16, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Osterhout* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Osterhout*, it is considered that *Osterhout* does suggest such instructions.

**In response to Patent Owner's arguments** (page 29-30) that claims 15 and 16 are not

obvious over *Czajkowski* in view of *Inbar* and *Wengrovitz*, such arguments have been considered,

but are not convincing.

In regard to claims 15 and 16, Patent Owner essentially argues that the claims are allowable based

on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Wengrovitz* does not suggest the network

device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to

both anticipation and obviousness rejections in view of *Wengrovitz*, it is considered that *Wengrovitz*

does suggest such instructions.

**In response to Patent Owner's arguments** (pages 30-31) that claims 15 and 16 are not

obvious over *Czajkowski* in view of *Inbar* and *Girard-SIP*, such arguments have been considered,

but are not convincing.

In regard to claims 15 and 16, Patent Owner essentially argues that the claims are allowable based

on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Girard-SIP* does not suggest the network

device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to

the obviousness rejections in view of *Girard-SIP*, it is considered that *Girard-SIP* does suggest the SIP

proxy server (i.e., the SIP User Agent Server).

**In response to Patent Owner's arguments** (page 31) that claims 13-14 and 17-19 are

not obvious over *Czajkowski* in view of *Kung*, such arguments have been considered, but are not

convincing.

In regard to Patent Owner's argument that *Czajkowski* does not teach instructions to control

telephone calls, the examiner considers that PC application 61 includes instructions to control telephone

calls (see at least at col. 10, lines 3-7).

In response to Patent Owner's argument that the *Czajkowski* does not teach routing telephone

calls in peer-to-peer fashion over the shared packet network, it is noted that such peer-to-peer routing of

calls over the shared packet network is generally shown in Fig. 2. Additional explanation is described at

least at col. 10, lines 55-59.

In further regard to Patent Owner's argument that *Kung* does not overcome the deficiencies of

*Czajkowski*, this argument is not convincing because the examiner does not consider *Czajkowski*

deficient with respect to the reasons argued by Patent Owner. Regardless of the teaching of *Czajkowski*,

and contrary to arguments by Patent Owner, *Kung* is considered to suggest peer-to-peer communications

(col. 6, lines 3-8).

The examiner's position is also supported by the **Third Party Requester's comments** (at least at

page 23 – III.D.6), which are convincing.

**In response to Patent Owner's arguments** (pages 31-32) that claims 15 and 16 are not

obvious over *Czajkowski* in view of *Kung* and *Osterhout*, such arguments have been considered, but

are not convincing.

In regard to claims 15 and 16, Patent Owner essentially argues that the claims are allowable based

on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Osterhout* does not suggest the network

device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to

both anticipation and obviousness rejections in view of *Osterhout*, it is considered that *Osterhout* does

suggest such instructions.

**In response to Patent Owner's arguments** (pages 32-33) that claims 15 and 16 are not

obvious over *Czajkowski* in view of *Kung* and *Wengrovitz*, such arguments have been considered,

but are not convincing.

In regard to claims 15 and 16, Patent Owner essentially argues that the claims are allowable based

on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Wengrovitz* does not suggest the network

device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to

both anticipation and obviousness rejections in view of *Wengrovitz*, it is considered that *Wengrovitz*

does suggest such instructions.

**In response to Patent Owner's arguments** (pages 33-34) that claims 15 and 16 are not

obvious over *Czajkowski* in view of *Kung* and *Girard-SIP*, such arguments have been considered,

but are not convincing.

In regard to claims 15 and 16, Patent Owner essentially argues that the claims are allowable based

on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Girard-SIP* does not suggest the network

device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to

the obviousness rejections in view of *Girard-SIP*, it is considered that *Girard-SIP* does suggest the SIP

proxy server (i.e., the SIP User Agent Server).

<u>**Issue 5**</u> – *Gerszberg*

**In response to Patent Owner's arguments** (page 34) that claims 1-5 are not anticipated

by *Gerszberg*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Gerszberg* does not teach "a call processing

application" including "service logic or code . . ." as such term is currently defined by the Patent Owner,

such argument is unconvincing for the same reasons as noted above in regard to the rejection of claim 1 in view of *Osterhout* and other cited art.. That is to say, "service logic or code . . ." is not recited in the claims. As such, processor **102** performing the functions taught by *Gerszberg* (see col. 15, lines 39 to col. 16, line 5) is considered to meet the limitations of a call processing application.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 23-24 – III.E.1), which are convincing.

**In response to Patent Owner's arguments** (pages 34-35) that claim 6 is not obvious over *Gerszberg* in view of *Osterhout, Gerszberg* in view of *Wengrovitz Gerszberg* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that none of the references disclose the claimed call processing application, but such arguments are unconvincing for reasons noted above.

**In response to Patent Owner's arguments** (page 35) that claims 9-12 are not obvious over *Gerszberg* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 9-12, Patent Owner argues that the claims are allowable because *Osterhout* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to the anticipation rejections in view of *Osterhout*, it is considered that *Osterhout* does suggest such instructions.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 25 – III.E.3), which are convincing.

**In response to Patent Owner's arguments** (pages 35-36) that claims 9-12 are not obvious over *Gerszberg* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claims 9-12, Patent Owner argues that the claims are allowable because *Wengrovitz* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Wengrovitz*, it is considered that *Wengrovitz* does suggest such instructions.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 26 – III.E.4), which are convincing.

**In response to Patent Owner's arguments** (page 36-37) that claims 9-12 are not obvious over *Gerszberg* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claims 9-12, Patent Owner argues that the claims are allowable because *Girard-SIP* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to the obviousness rejections in view of *Girard-SIP*, it is considered that *Girard-SIP* does suggest such limitations.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 26 – III.E.5), which are convincing.

**In response to Patent Owner's arguments** (page 37-38) that claims 13, 14 and 17-19 are not anticipated by *Gerszberg*, such arguments have been considered, and are convincing.

In particular regard to patent Owner's argument that the claims are allowable because *Gerszberg* does not disclose that the plurality of network devices include instructions to "route telephone calls in peer-to-peer fashion over the shared packet network", the examiner tends to agree. In the rejection proposed by the Third Party Requester, it is asserted that FMP/C-FMP **32** "coordinates the flow of data packets," but such FMP/C-FMP is not part of network device IRG **22**. Requester's addition comment that IRG 22 may connect with a variety of devices including

analog and digital voice telephone, and perform intelligent multiplexing, dynamic bandwidth allocation, and routing of voice and data (Comment at page 25), even if accurate, is not a clear suggestion that the IRG **22** contains the instructions to route telephone calls in peer-to-peer fashion over the shared packet network.

As such the proposed anticipation rejection of claims 13, 14 and 17-19 is no longer adopted.

**Third Party Requester's comments** (page 24-2525 – III.E.2), are not convincing.

**In response to Patent Owner's arguments** (page 38) that claims 15-16 are not obvious over *Gerszberg* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 15 and 16, Patent Owner argues that neither *Gerszberg* nor *Osterhout* disclose or suggest that the plurality of network devices include instructions to "route telephone calls in peer-to-peer fashion over the shared packet network," but as noted in the rejections in view of *Osterhout*, it is considered that *Osterhout* does teach such a limitation. As such, it is considered that *Osterhout* makes up for any deficiencies of *Gerszberg* noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Osterhout* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Osterhout*, it is considered that *Osterhout* does suggest such instructions.

**In response to Patent Owner's arguments** (pages 38-39) that claims 15-16 are not obvious over *Gerszberg* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claims 15 and 16, Patent Owner argues that neither *Gerszberg* nor *Wengrovitz* disclose or suggest that the plurality of network devices include instructions to "route telephone

calls in peer-to-peer fashion over the shared packet network," but as noted in the rejections in view of *Wengrovitz*, it is considered that *Wengrovitz* does teach such a limitation. As such, it is considered that *Wengrovitz* makes up for any deficiencies of *Gerszberg* noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Wengrovitz* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Wengrovitz*, it is considered that *Wengrovitz* does suggest such instructions.

**In response to Patent Owner's arguments** (pages 39-40) that claims 15-16 are not obvious over *Gerszberg* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claims 15 and 16, Patent Owner argues that neither *Gerszberg* nor *Girard-SIP* disclose or suggest that the plurality of network devices include instructions to "route telephone calls in peer-to-peer fashion over the shared packet network," but as noted in the rejections in view of *Girard-SIP*, it is considered that *Girard-SIP* does teach such a limitation. As such, it is considered that *Girard-SIP* makes up for any deficiencies of *Gerszberg* noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Girard-SIP* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both other rejection in view of *Girard-SIP*, it is considered that *Girard-SIP* does suggest such instructions.

**In response to Patent Owner's arguments** (page 40) that claims 7 and 8 are not obvious over *Gerszberg* in view of *Chung*, such arguments have been considered, but are not convincing.

In regard to claims 7 and 8, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

## Issue 6 – *Janning*

**In response to Patent Owner's arguments** (pages 40-41) that claims 1-6 are not anticipated by *Janning*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Janning* does not teach "a call processing application" including "service logic or code . . ." as such term is currently defined by the Patent Owner, such argument is unconvincing for the same reasons as noted above in regard to the rejection of claim 1 in view of *Osterhout* and other cited art.. That is to say, "service logic or code . . ." is not recited in the claims. As such, processor SIP application **400** including SIP control **402** taught by *Janning* is considered to meet the limitations of a call processing application.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 26 – III.F.1), which are convincing.

**In response to Patent Owner's arguments** (page 41) that claims 7 and 8 are not obvious over *Janning* in view of *Chung*, such arguments have been considered, but are not convincing.

In regard to claims 7 and 8, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (pages 41-42) that claims 9-12 are not anticipated by *Janning*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Janning* does not teach the network device has instructions providing "a SIP user agent and SIP proxy server," such argument is unconvincing at least because the Patent Owner relies on limitations not recited in the claims. The examiner notes that whether or not SIP proxy server **218** is not part of the set-top device is irrelevant because the claims merely require that the instructions to implement the proxy server be located at the network device. Since SIP application **400** by way of SIP control **402** inherently requires some instructions so as to allow for the exchanges of SIP messages to implement the proxy server to set up a session, it is considered that *Janning* meets the claim limitations.

Patent Owner's additional argument that SIP control must be a SIP user agent because it communicates with an off-premise proxy server is without merit because there is no necessary requirement that only a use agent can communicate with a proxy servers or that two proxy agents, each acting as an intermediary, can not be included in a single communication path.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 26-27 – III.F.2), which are convincing.

**In response to Patent Owner's arguments** (pages 42-43) that claims 13-17 and 19 are not obvious over *Janning* in view of *Inbar*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Janning* does not teach instruction "to control telephone calls," the examiner disagrees. *Janning* discloses that the operating system running on processor **320** of the set-top device controls the various components within the device (col. 7, lines 5-7), and that one of the component within the device is a telephone/modem adapter **320** in which voice calls and data from a PSTN may be facilitated (col. 6, lines 61-62), and wherein SIP control **402** includes and interface to a PSTN using the telephone/modem adapter **320** (col. 7, lines 55-57). Such disclosure clearly suggests instruction to control telephone calls.

In regard to Owner's argument that *Janning* does not teach instructions "route telephone calls in per-to peer fashion, the examiner disagrees. *Janning* teaches that by registering a set-top box to a subscriber using instructions executed by the processor, subscriber services, can be directed to the subscriber at the location of the set-top box (col. 8, lines 28-32), the services including telephone calls directed to the subscriber using the subscriber's personal number (col. 8, lines 32-33). Such directing of telephone calls clearly suggests routing telephone calls in peer-to-peer fashion over the shared packet network.

In further regard to Patent Owner's argument that *Inbar* does not overcome the deficiencies of *Janning*, this argument is not convincing because the examiner does not consider *Janning* deficient with respect to the reasons argued by Patent Owner. Regardless of the teaching of *Janning*, and contrary to arguments by Patent Owner, *Inbar* further teaches establishing peer-to-peer communication (*Inbar* at col. 7, lines 20-24).

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 27-29 – III.F.3), which are convincing.

**In response to Patent Owner's arguments** (pages 43-44) that claim 18 is not obvious over *Janning* in view of *Inbar* and *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claim 18, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

**In response to Patent Owner's arguments** (page 44) that claims 13-17 and 19 are not obvious over *Janning* in view of *Kung*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Janning* does not teach instruction "to control telephone calls," the examiner disagrees. *Janning* discloses that the operating system running on processor **320** of the set-top device controls the various components within the device (col. 7, lines 5-7),

and that one of the component within the device is a telephone/modem adapter **320** in which voice calls

and data from a PSTN may be facilitated (col. 6, lines 61-62), and wherein SIP control **402** includes and

interface to a PSTN using the telephone/modem adapter **320** (col. 7, lines 55-57). Such disclosure clearly

suggests instruction to control telephone calls.

In regard to Owner's argument that *Janning* does not teach instructions "route telephone calls in

per-to peer fashion, the examiner disagrees. *Janning* teaches that by registering a set-top box to a

subscriber using instructions executed by the processor, subscriber services, can be directed to the

subscriber at the location of the set-top box (col. 8, lines 28-32), the services including telephone calls

directed to the subscriber using the subscriber's personal number (col. 8, lines 32-33). Such directing of

telephone calls clearly suggests routing telephone calls in peer-to-peer fashion over the shared packet

network.

In further regard to Patent Owner's argument that *Kung* does not overcome the deficiencies of

*Janning*, this argument is not convincing because the examiner does not consider *Janning* deficient with

respect to the reasons argued by Patent Owner. Regardless of the teaching of *Janning*, and contrary to

arguments by Patent Owner, *Kung* is considered to suggest peer-to-peer communications (col. 6,

lines 3-8).

The examiner's position is also supported by the **Third Party Requester's comments** (at least at

pages 27-29 – III.F.4), which are convincing.

**In response to Patent Owner's arguments** (page 44) that claim 18 is not obvious over

*Janning* in view of *Kung* and *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claim 18, Patent Owner essentially argues that the claims are allowable based on their

dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

**Issue 7** – *Nodoushani*

**In response to Patent Owner's arguments** (pages 44-45) that claims 1 and 3-5 are not

anticipated by *Nodoushani*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Nodoushani* does not teach "a call processing

application" including "service logic or code . . . for supervising service delivery from one end of a call

leg to another end of a call leg and from, e.g., the acceptance of an incoming call through the final

disposition of the call," as such term is currently defined by the Patent Owner, such argument is

unconvincing for the same reasons as noted above in regard to the rejection of claim 1 in view of

*Osterhout* and other cited art.. That is to say, "service logic or code . . . for supervising service delivery

from one end of a call leg to another end of a call leg and from, e.g., the acceptance of an incoming call

through the final disposition of the call" is not recited in the claims. As such, call processing software

**360**, which sets up and tears down connections based on commands received from the CPA 42 as taught

by *Nodoushani* is considered to meet the limitations of a call processing application. The fact

that call processing application (software) **360** may interact with other call processing

applications is not dispositive because the claims merely require the network device be capable

of storing of "a" call processing application, not necessary every call processing application

involved in a call.

In further regard to Patent Owner's argument that *Nodoushani* does not teach mediating a

phone call, it is noted that setting up and tearing down phone calls is considered as "mediating"

phone calls.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at

pages 29-30 – III.G.1), which are convincing.

**In response to Patent Owner's arguments** (page 45-46) that claims 13-14 and 17-18

are not anticipated by, or obvious over *Nodoushani*, such arguments has been considered, but are not

convincing.

In regard to Patent Owner's argument that *Nodoushani* does not teach instruction "to control

telephone calls," the examiner disagrees. As noted above, *Nodoushani* teaches a call processing

software **360**, which includes instructions that set up and tear down connections based on commands

received from the CPA **42**. Such setting up and tearing down of as taught by *Nodoushani* is considered

to meet the limitation of instructions that control phone calls.

In regard to Patent Owner's argument that *Nodoushani* does not teach instructions "to route

telephone calls in peer-to-peer fashion over the shared packet network," the examiner disagrees.

*Nodoushani* teaches routing telephone calls over the shared packet network to and from the

telephone modules (TMs) (col. 34, lines 50-52). Such routing of calls to telephone modules is

considered to meet the limitation of instructions to route telephone calls in peer-to-peer fashion over

the shared packet network.

In regard to Patent Owner's argument that *Nodoushani* does not teach, or that it would not be

obvious for the system management platform to perform call logging, the examiner disagrees. Whether

call logging is one of the inherent functions of the system management platform taught by *Nodoushani*,

it would have been an obvious design choice to include such a function at least for the purpose of

allowing service providers to track usage for the purpose of charging fees and improving

efficiency. Patent Owner's argument that "since some system management platforms do not

perform call logging and since call logging can be performed elsewhere or not at all" supports

the examiner's position that call logging is known in the art and that it is known to include such

call logging feature on system management platforms. References supporting the use of call

logging in system management platforms include at least the previously noted *Inbar* and *Kung* references.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 30-31 – III.G.2), which are convincing.

**In response to Patent Owner's arguments** (page 46) that claims 2 and 6 are not obvious over *Nodoushani* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 2 and 6, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (pages 46-47) that claims 15, 16 and 19 are not obvious over *Nodoushani* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 15, 16 and 19, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Osterhout* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Osterhout*, it is considered that *Osterhout* does suggest such instructions.

**In response to Patent Owner's arguments** (pages 47-48) that claims 15, 16 and 19 are not obvious over *Nodoushani* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claims 15, 16 and 19, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Wengrovitz* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Wengrovitz*, it is considered that *Wengrovitz* does suggest such instructions.

**In response to Patent Owner's arguments** (page 48) that claims 15, 16 and 19 are not obvious over *Nodoushani* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claims 15, 16 and 19, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Girard-SIP* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to the obviousness rejections in view of *Girard-SIP*, it is considered that *Girard-SIP* does suggest the SIP proxy server (i.e., the SIP User Agent Server).

**In response to Patent Owner's arguments** (page 49) that claims 9-12 are not obvious over *Nodoushani* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 9-12, Patent Owner argues that the claims are allowable because *Osterhout* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to the anticipation rejections in view of *Osterhout*, it is considered that *Osterhout* does suggest such instructions.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 31 – III.G.3), which are convincing.

**In response to Patent Owner's arguments** (page 49) that claim 6 is not obvious over *Nodoushani* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that the claim is allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (pages 49-50) that claims 9-10 and 12 are not obvious over *Nodoushani* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claims 9-10 and 12, Patent Owner argues that the claims are allowable because *Wengrovitz* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Wengrovitz*, it is considered that *Wengrovitz* does suggest such instructions.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 31 – III.G.4), which are convincing.

**In response to Patent Owner's arguments** (page 50) that claim 6 is not obvious over *Nodoushani* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that the claim is allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (pages 50-51) that claims 7 and 8 are not obvious over *Nodoushani* in view of *Chung*, such arguments have been considered, but are not convincing.

In regard to claims 7 and 8, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (page 51) that claims 9-10 and 12 are not obvious over *Nodoushani* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claims 9-10 and 12, Patent Owner argues that the claims are allowable because *Girard-SIP* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to the obviousness rejections in view of *Girard-SIP*, it is considered that *Girard-SIP* does suggest such limitations.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 32 – III.G.5), which are convincing.

Issue 8 – *Chow*

**In response to Patent Owner's arguments** (pages 51-52) that claims 1-5, 7 and 8 are not anticipated by *Chow*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Chow* does not teach "a call processing application" including "service logic or code . . . for supervising service delivery from one end of a call leg to another end of a call leg and from, e.g., the acceptance of an incoming call through the final disposition of the call," as such term is currently defined by the Patent Owner, such argument is unconvincing for the same reasons as noted above in regard to the rejection of claim 1 in view of *Osterhout* and other cited art.. That is to say, "service logic or code . . . for supervising service delivery from one end of a call leg to another end of a call leg and from, e.g., the acceptance of an incoming call through the final disposition of the call" is not recited in the claims. As such, call processing interworking unit **25**, in combination with the interconnected CPU **23** and memory **24** of CSM **6** as taught by *Chow* is considered to meet the

limitations of a call processing application. Regardless of whether or not interworking unit **25** is

itself a hardware component or a software component, it is clear the operation of CSM **6**

including the interworking unit **25** is by way of instructions stored within the CSM **6**.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at

page 32 – III.H.1), which are convincing.

**In response to Patent Owner's arguments** (page 52) that claim 6 is not obvious over

*Chow* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that the claims are allowable based on their

dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (page 52) that claim 6 is not obvious over

*Chow* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that the claim is allowable based on their

dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.


**In response to Patent Owner's arguments** (page 53) that claim 6 is not obvious over

*Chow* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that the claim is allowable based on their

dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (page 53-54 that claims 7-8 are not obvious

over *Chow*, such arguments have been considered, but are not convincing.

In regard to claims 7and 8, Patent Owner first argues that the claims are allowable based on their

dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

In further regard to regard to claims 7 and 8, Patent Owner argues that it would not be obvious to store call logging as a table. Such arguments are unconvincing. The examiner reiterates that storing call logging information is well known in the art and that storing such information in table form is a well-known and functionally equivalent design choice. Patent Owner's argument that "since call routing information can be stored in other manners and need not be stored at all" supports the examiner's position that the form of storing such information is a routine design choice. At least the previously noted *Chung* reference teaches storing such information in table form.

**In response to Patent Owner's arguments** (page 54) that claims 9-12 are not obvious over *Chow* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 9-12, Patent Owner argues that the claims are allowable because *Osterhout* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to the anticipation rejections in view of *Osterhout*, it is considered that *Osterhout* does suggest such instructions.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 33 – III.H.3), which are convincing.

**In response to Patent Owner's arguments** (pages 54-55) that claims 9-12 are not obvious over *Chow* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claims 9-12, Patent Owner argues that the claims are allowable because *Wengrovitz* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Wengrovitz*, it is considered that *Wengrovitz* does suggest such instructions.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 34 – III.H.4), which are convincing.

**In response to Patent Owner's arguments** (page 55) that claims 9-12 are not obvious over *Chow* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claims 9-12, Patent Owner argues that the claims are allowable because *Girard-SIP* does not suggests the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to the obviousness rejections in view of *Girard-SIP*, it is considered that *Girard-SIP* does suggest such limitations.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 34 – III.H.5), which are convincing.

**In response to Patent Owner's arguments** (pages 55-56) that claims 13, 14 and 17-19 are not anticipated by *Chow*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Chow* does not teach "controlling telephone calls" because interworking unit **25** is a hardware component, such argument is unconvincing for the same reasons as noted above in regard to the "call processing application" discussed in regard to claim 1 above.

In regard to Patent Owner's argument that *Chow* does not teach instructions "to route telephone calls in peer-to-peer fashion over the shared packet network," the examiner disagrees. *Chow* teaches routing telephone calls over the shared packet network in and end-to-end connection [0044]. Such routing of calls by CSM **6**, which includes CPU **23** and memory **24** is considered to meet the limitation of instructions to route telephone calls in peer-to-peer fashion over the shared packet network.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 32-33 – III.H.2), which are convincing.

**In response to Patent Owner's arguments** (pages 56-57) that claims 15 and 16 are not obvious over *Chow* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 15 and 16, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Osterhout* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Osterhout*, it is considered that *Osterhout* does suggest such instructions.

**In response to Patent Owner's arguments** (page 57) that claims 15 and 16 are not obvious over *Chow* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claims 15 and 16, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Wengrovitz* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Wengrovitz*, it is considered that *Wengrovitz* does suggest such instructions.

**In response to Patent Owner's arguments** (page 58) that claims 15 and 16 are not obvious over *Chow* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claim 15 and 16, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Girard-SIP* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to the obviousness rejections in view of *Girard-SIP*, it is considered that *Girard-SIP* does suggest the SIP proxy server (i.e., the SIP User Agent Server).

**Issue 9 – *Chung***

**In response to Patent Owner's arguments** (pages 58-59) that claims 1-5 and 7 are not anticipated by *Chung*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Chung* does not teach a plurality of communication interfaces including a telephone line interface and a computer data interface, such argument is unconvincing. In particular, Patent Owner's characterization of the "two serial ports" and the "six analog voice ports" as representing one interface (referring to Remarks at pages 5-6) is a mischaracterization of the teaching of *Chung* (col. 6, lines 47-48) which discloses them as two separate interfaces.

In regard to Patent Owner's argument that *Chung* does not teach "a call processing application" including "service logic or code . . ." as such term is currently defined by the Patent Owner, such argument is unconvincing for the same reasons as noted above in regard to the rejection of claim 1 in view of *Osterhout* and other cited art.. That is to say, "service logic or code . . ." is not recited in the claims. As such, voice processing subsystem **200** taught by *Janning* is considered to meet the limitations of a call processing application.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 34-35 – III.I.1), which are convincing.

**In response to Patent Owner's arguments** (page 59) that claim 6 is not obvious over *Chung* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (page 59) that claim 6 is not obvious over *Chung* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that the claim is allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (pages 59-60) that claim 6 is not obvious over *Chung* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claim 6, Patent Owner essentially argues that the claim is allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 1.

**In response to Patent Owner's arguments** (page 60) that claims 13, 14 and 17-19 are not anticipated by *Chung*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Chung* does not teach a plurality of communication interfaces including a telephone line interface and a computer data interface, such argument is unconvincing for the reasons discussed in regard to claim 1 above.

In regard to Patent Owner's argument that *Chung* does not teach instructions to "control telephone calls" such argument is unconvincing for essentially the same reasons as noted above in regard to the "call processing application" discussed in regard to claim 1 above.

In regard to Patent Owner's argument that *Chow* does not teach instructions "to route telephone calls in peer-to-peer fashion over the shared packet network," the examiner disagrees. *Chung* teaches routing data, voice and video traffic over the shared packet network (col. 6, lines 11-13). Such routing of voice traffic is considered to meet the limitation of instructions to route telephone calls in peer-to-peer fashion over the shared packet network.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 32-33 – III.I.2), which are convincing.

**In response to Patent Owner's arguments** (page 61) that claims 15 and 16 are not obvious over *Chung* in view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claims 15 and 16, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Osterhout* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Osterhout*, it is considered that *Osterhout* does suggest such instructions.

**In response to Patent Owner's arguments** (pages 61-62) that claims 15 and 16 are not obvious over *Chung* in view of *Wengrovitz*, such arguments have been considered, but are not convincing.

In regard to claims 15 and 16, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Wengrovitz* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to both anticipation and obviousness rejections in view of *Wengrovitz*, it is considered that *Wengrovitz* does suggest such instructions.

**In response to Patent Owner's arguments** (pages 62-63) that claims 15 and 16 are not obvious over *Chung* in view of *Girard-SIP*, such arguments have been considered, but are not convincing.

In regard to claim 15 and 16, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 13.

In further regard to claim 16, Patent Owner argues that *Girard-SIP* does not suggest the network device has instructions providing a SIP user agent and SIP proxy server, but as noted above in regard to the obviousness rejections in view of *Girard-SIP*, it is considered that *Girard-SIP* does suggest the SIP proxy server (i.e., the SIP User Agent Server).

## Issue 10 – *Oran*

**In response to Patent Owner's arguments** (pages 63-64) that claims 9-10 and 12 are not anticipated by *Oran*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Oran* does not disclose instructions providing both a SIP user agent and a SIP proxy server, the examiner disagrees. *Oran* teaches at col. 2, lines 15-17 that the dial plan mapper allows normal circuit-switched telephones to be used with VoIP and allows existing dialing conventions to be utilized. As such the dial plan mapper is considered to meet the SIP user agent as recited in the claims. *Oran* further teaches that session application **34** provides call translation required between the telephone interface **36** and the IP interface **38** (col. 3, lines 37-39). As such the dial plan mapper is considered to meet the SIP user agent as recited in the claims. *Oran* further teaches the use if SIP protocol (col. 6, lines 14-15).

The examiner's position is also supported by the **Third Party Requester's comments** (at least at page 36-37 – III.J.2), which are convincing.

**In response to Patent Owner's arguments** (page 64) that claim 11 is not obvious over *Oran* view of *Osterhout*, such arguments have been considered, but are not convincing.

In regard to claim 11, Patent Owner essentially argues that the claims are allowable based on their dependency. Such arguments are unconvincing for the reasons noted above in regard to claim 9.

**Issue 11 –** *Inbar*

**In response to Patent Owner's arguments** (pages 64-65) that claims 13, 14 and 17-19

are not anticipated by *Inbar*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Inbar* merely discloses supporting peer-to-peer

communication (*Inbar* at col. 7, lines 20-24), but does not disclose or suggests using software to support

such communication, the examiner disagrees. *Inbar* clearly teachers that IPCenter comprises software to

perform and manage the various IPCenter activities (col. 5, lines 5-7). Regardless of the express teaching

of *Inbar*, the use of software for effecting such communication is so well known in the art as to be an

inherent aspect of the *Inbar* disclosure. The examiner notes that just the ability of the IPCenter to "use IP

addresses" would be understood by a person of ordinary skill in the art as inherently requiring some

minimal software instruction set.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at

pages 37-38 – III.K.1), which are convincing.

**Issue 12 –** *Kung*

**In response to Patent Owner's arguments** (pages 65-66) that claims 13, 14 and 17-19

are not anticipated by *Kung*, such arguments has been considered, but are not convincing.

In regard to Patent Owner's argument that *Kung* merely discloses a memory for storing

information and operating data (*Kung* at col. 18, lines 46-48), but does not disclose or suggests using

instructions to control telephone calls, the examiner disagrees. *Kung* teachers that the information and

operating data within the residential gateway relate to providing functionality to such devices as one or

more telephones (col. 17, lines 54-62). The examiner notes that the ability of the residential gateway to

provide such functionality would be understood by a person of ordinary skill in the art as inherently

requiring some minimal software instruction set.

The examiner's position is also supported by the **Third Party Requester's comments** (at least at pages 37-38 – III.K.1), which are convincing.

*Response to Requester's Comments*

**Requester's Comments (9/12/2008) have been fully considered.**

Except as noted below, the examiner's position is generally consistent with Requester's comments, and no additional discussion is deemed necessary.

In regard to the examiner's withdrawal of the of the previously adopted rejection of claims 13-14 and 17-19 as being anticipated by *Gerszberg*, the examiner notes that while *Gerszberg* clearly suggests the routing of telephone calls in peer-to-peer fashion, it is not necessarily an inherent aspect of the *Gerszberg* system that the stored instructions causing each network device to route the calls in peer-to-peer fashion are stored in each network device since it is possible they could be located at another location.

*Conclusion*

**This is an ACTION CLOSING PROSECUTION (ACP);** see MPEP § 2671.02.

(1) Pursuant to 37 CFR 1.951(a), the patent owner may once file written comments limited to the issues raised in the reexamination proceeding and/or present a proposed amendment to the claims which amendment will be subject to the criteria of 37 CFR 1.116 as to whether it shall be entered and considered. Such comments and/or proposed amendments must be filed within <u>a time period of 30 days or one month (whichever is longer) from the mailing date of this action</u>. Where the patent owner files such comments and/or a proposed amendment, the third party requester may once file comments under 37 CFR 1.951(b) responding to the

patent owner's submission within <u>30 days from the date of service</u> of the patent owner's

submission on the third party requester.

(2) If the patent owner does not timely file comments and/or a proposed amendment

pursuant to 37 CFR 1.951(a), then the third party requester is precluded from filing comments

under 37 CFR 1.951(b).

(3) Appeal **cannot** be taken from this action, since it is not a final Office action.

EXTENSIONS OF TIME

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).

SERVICE OF PAPERS

Any paper filed with the USPTO, i.e., any submission made, by either the Patent Owner

or the Third Party Requester must be served on every other party in the reexamination

proceeding, including any other third party requester that is part of the proceeding due to merger

of the reexamination proceedings. As proof of service, the party submitting the paper to the

Office must attach a Certificate of Service to the paper, which sets forth the name and address of

the party served and the method of service. Papers filed without the required Certificate of

Service may be denied consideration. 37 CFR 1.903; MPEP 2666.06.

AMENDMENT IN REEXAMINATION PROCEEDINGS

Any proposed amendment to the specification and/or claims in this reexamination

proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37

CFR 1.52(a) and (b), and must contain any fees required by 37 CFR 1.20(c). Amendments in an

inter partes reexamination proceeding are made in the same manner that amendments in an ex

parte reexamination are made. MPEP 2666.01. See MPEP 2250 for guidance as to the manner

of making amendments in a reexamination proceeding.

NOTIFICATION OF CONCURRENT PROCEEDINGS

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 patent

undergoing reexamination or any related patent throughout the course of this reexamination

proceeding. The third party requester is also reminded of the ability to similarly inform the

Office of any such activity or proceeding throughout the course of this reexamination

proceeding. See MPEP § 2686 and 2686.04.

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

By Mail to:    Mail Stop *Inter Partes* Reexam
Attn: Central Reexamination Unit
Commissioner of Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to:  (571) 273-9900
                    Central Reexamination Unit

By hand:    Customer Service Window
                    Randolph Building
                    401 Dulany Street
                    Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html. EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:

/Albert J Gagliardi/
Primary Examiner, Art Unit 3992

Conferees:

/Deandra M Hughes/
Primary Examiner, Art Unit 3992

ERIC S. KEASEL
CRU SPE-AU 3992

# Office Action Appendix
# 4-2-2009

| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 |
|---|---|---|
| Claim 1 | A network device (host computer 106) comprising: a plurality of communication interfaces, including a telephone line interface (host computer 106 interface to public telephone network 114), a computer data interface (USB connection 104), and a broadband network interface (host computer 106 interface to Internet 116); | "USB phone 102 may be connected to the host computer 106 via a wired USB connection 104. The host computer 106 is in turn connected to telecommunications and network resources for call processing. The host computer 106 may for instance be connected over communications link 110 to the public switched telephone network 114, to which in turn a recipient telephone device 118 is connected. The communications link 110 may be or include, for instance, the local loop connected to the local telephone central office in the user's area, or other resources." Col. 3, ll. 49-58. |
| | | "The host computer 106 may also be connected to a data network, for instance via communications link 112 to the public Internet 116, to which a recipient telephone device 120 may in turn be connected." Col. 3, ll. 49-62. |
| | | "Each of communications links 110 and 112 may be, include or interface to any one or more of, for instance, the Internet, an intranet, a PAN (Personal Area Network), a LAN (Local Area Network), a WAN (Wide Area Network) or a MAN (Metropolitan Area Network), a storage area network (SAN), a frame relay connection, an Advanced Intelligent Network (AIN) connection, a synchronous optical network (SONET) connection, a digital T1, T3, E1 or E3 line, Digital Data Service (DDS) connection, DSL (Digital Subscriber Line) connection, an Ethernet connection, an ISDN (Integrated Services Digital Network) line, a dial-up port such as a V.90, V.34 or V.34bis analog modem connection, a cable modem, an ATM (Asynchronous Transfer Mode) connection, or an FDDI (Fiber Distributed Data Interface) or CDDI (Copper Distributed Data Interface) connection." Col. 3, l. 63 - col. 4, l. 10. |
| | a processor (microprocessor of host computer 106); | "The host computer 106 may include a microprocessor such as an Intel x86-based device, a Motorola 68K or PowerPC.TM. device, a MIPS, Hewlett-Packard Precision.TM., or Digital Equipment Corp. Alpha.TM. RISC processor, a microcontroller or other general or special purpose device operating under programmed control." Col. 2, ll. 55-60. |
| | a machine-readable storage medium (memory of host computer 106) which during use stores | storage medium: The host computer 106 may furthermore include electronic memory such as RAM (random access memory) or EPROM (electronically programmable read only memory), storage. Col. 2, ll. 60-62. |

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| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 |
|---|---|---|
| | a call processing application (collectively, SIP module 122, SIP stack 124, A/D module 128, TCP/IP client 130 and RTP stack 134) and | call processing application: "If the criteria are met, the control module 126 may set up the remainder of the resources necessary to establish a SIP-based connection to a recipient telephone device 120. The control module may invoke SIP module 122 and SIP stack 124 to transmit, receive parse SIP commands, a Transfer Control Protocol/Internet Protocol (TCP/IP) client 130 for Internet or other network interface, and a Real Time Protocol (RTP) stack 134 to manage streaming media and other information for call processing." Col. 4, l. 65 - Col. 5 - l. 6. |
| | | For instance, the SIP module 122 may transmit a Call Invite command to the recipient telephone device 120, in this instance a SIP-enabled device, to await a 200 OK or other acknowledgment message for processing the call. Once the call setup is achieved via SIP messaging, a voice or other path, such as VoIP or VOATM, may be established between the USB telephone 102 and the recipient telephone device 120. Other voice path or other protocols may be used, such as voice over UDP or fax over TCP, or others known in the art. Call processing my proceed according to known messaging according to those protocols, once established. Col. 5, ll. 7-17. |
| | | Conversely, if during call initiation the control module 126 determines that conditions on communications link 112 or other variables are insufficient to prepare a call event according to the user's criteria, the control module 126 may automatically revert to delivering the call over the public switched telephone network 114, illustratively via communications link 110. Col. 5, ll. 18-24. |
| | service profiles (user-defined call parameters stored in control module 126 define conditions under which the user will make a network based call as opposed to a POTS call), | service profiles: "The control module 126 may receive and store desired call parameters for the user, for instance minimum call quality parameters which will be acceptable for the user to place a network-based call. For instance, the control module 126 may monitor the communications link 112 to determine line conditions or other variables for the placement of a digital network call. These variables may include signal-to-noise ratio (SNR), packet congestion or delay, or other parameters affecting the quality, features, costs or other aspects of a call." Col. 4, ll. 39-48. |
| | | "A user may set via the human interface 108 a minimum set of parameters |

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| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 |
|---|---|---|
| | | including sound quality which they will accept for a SIP-based network call, which may be translated into SNR and other criteria by control module 126. Other parameters besides audio or network variables may be programmed, such as time of day, day of week, long distance or other telephone cost to take advantage of Internet-based telephony during high rate periods. User-defined routing variables, such as the routing of all 1+ numbers (long distance) using SIP or IP compliant networks but all other calls over POTS, may also be programmed." Col. 4, ll. 39-59. |
| | and which stores executable instructions to mediate communications between the plurality of communication interfaces (control module 126 determines whether to make SIP or POTS call), | mediate communications: Control module 126 mediates communications. "In step 412, a determination may be made whether the transmission criteria for the user may be met. The control module 126 may record different criteria for different users, and present a user login screen to apply those criteria. If the determination of step 412 is that the transmission criteria are not met, then call processing proceeds to step 414. In step 414 a call may be dialed using the public switched telephone network via POTS and SS7 signaling, or other telephony standards. In step 416, call teardown of the public telephony network call may be completed and processing continues to step 424." Col. 6, ll. 17-27. |
| | the instructions causing the network device to detect network signaling events or trigger points in a telephone call (step 406 of Figure 4 in which host computer 106 invokes control module 126 to perform call testing, channel selection and call setup after detecting call event from USB telephone 102) and | Telephone 102 initiates a call event and the instructions on host computer detect the event and activate control module 126. "As illustrated in FIG. 2, in one embodiment a user wishing to use the USB telephone 102 to initiate a call event my activate the host computer 106, which may invoke, execute or manage a set of media and other resources for that purpose. As illustrated, upon activation a control module 126 may establish the connection with the USB telephone 102." Col. 4, ll. 30-34. <br><br>"Overall processing according to an embodiment of the invention is illustrated in FIG. 4. In step 402, processing begins. In step 404, a USB client connection may be established to USB telephone 102. In step 406, the host computer 106 may invoke the control module 126 to perform call testing, channel selection and call setup. In step 408, call processing may begin. In step 410, the control module 126 may execute line condition or other tests on communications link 112 to determine if minimum criteria are satisfied, such as SNR or packet delay." Col. 6, ll. 6-16. |

| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 |
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| | | In addition: <br><br>"if during call initiation the control module 126 determines that conditions on communications link 112 or other variables are insufficient to prepare a call event according to the user's criteria then control module 126 may automatically revert to delivering the call over the public switched telephone network 114, illustratively via communications link 110." Col. 5, ll. 19-24. |
| | invoke the call processing application in response to the detected network signaling events or trigger points (PBX call processing module 154 in telephony server 44, Fig. 6), | Invoking of call processing application: <br><br>The control module may invoke SIP module 122 and SIP stack 124 to transmit, receive parse SIP commands, a Transfer Control Protocol/Internet Protocol (TCP/IP) client 130 for Internet or other network interface, and a Real Time Protocol (RTP) stack 134 to manage streaming media and other information for call processing. Col. 5, ll. 1-6. <br><br>For instance, the SIP module 122 may transmit a Call Invite command to the recipient telephone device 120, in this instance a SIP-enabled device, to await a 200 OK or other acknowledgment message for processing the call. Once the call setup is achieved via SIP messaging, a voice or other path, such as VoIP or VOATM, may be established between the USB telephone 102 and the recipient telephone device 120. Other voice path or other protocols may be used, such as voice over UDP or fax over TCP, or others known in the art. Call processing my proceed according to known messaging according to those protocols, once established. Col. 5, ll. 7-17. <br><br>Conversely, if during call initiation the control module 126 determines that conditions on communications link 112 or other variables are insufficient to prepare a call event according to the user's criteria, the control module 126 may automatically revert to delivering the call over the public switched telephone network 114, illustratively via communications link 110. Col. 5, ll. 18-24. <br><br>In this instance, the control module 126 may activate other resources, such as Analog-to-Digital (A/D) module 128 to convert the serial voice data received via |

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| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 |
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| | | USB connection 104 to analog output to the local loop. Call setup may then proceed according to the SS7 or other telephony protocols to recipient telephone device 118." Col 4, l. 65 - Col. 5, l. 30. |
| | the call processing application operating according to parameters defined in the service profiles | Service Profiles: The control module 126 may receive and store desired call parameters for the user, for instance minimum call quality parameters which will be acceptable for the user to place a network-based call. For instance, the control module 126 may monitor the communications link 112 to determine line conditions or other variables for the placement of a digital network call. These variables may include signal-to-noise ratio (SNR), packet congestion or delay, or other parameters affecting the quality, features, costs or other aspects of a call. Col 4, ll. 39-48. |
| | wherein the network device consists of one or more customer premise equipment modules (Host computer 106). | Customer premise: Host computer 106 may be one of many different devices used at a customer premises and it is intended to allow a user to place a call using a USB phone using either SIP or POTS. For example, while referred to as a computer, the host computer 106 may also be or include other intelligent devices, for instance a network-enabled appliance such as a WebTV.TM. unit, radio-enabled Palm.TM. Pilot or similar unit, a set-top box, a networkable game-playing console such as Sony Playstation.TM. or Sega Dreamcas.TM., a browser-equipped cellular telephone, or other TCP/IP client or other device. |
| Claim 2 | The network device of claim 1, wherein the plurality of communication interfaces further includes a video streaming device interface (video input). | "The native media applications may likewise include an audio/visual module 134b, such as an audio management tool such as an MP3 codec, RealAudio or other package. A video management tool such as Avid, RealVideo or other packages or protocols may also be used for video teleconferencing or other applications, if the USB telephone 102, host computer 106 or other resources are equipped with video input. Video or combined audio/video streams again may be output over data network or telephony links. Other multimedia applications are possible." Col. 5, l. 62 - Col. 6, l. 5. |
| Claim 3 | The network device of claim 1, wherein the broadband network interface terminates a broadband network link that joins a customer premises to a packet | "The host computer 106 may also be connected to a data network, for instance via communications link 112 to the public Internet 116, to which a recipient |

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| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 |
|---|---|---|
| | carrier network (interface to internet 116). | telephone device 120 may in turn be connected." Col. 3, ll. 49-62. |
| Claim 4 | The network device of claim 1, wherein the instructions further cause the network device to route IP data between the computer data interface and the broadband network interface. | "If the criteria are met, the control module 126 may set up the remainder of the resources necessary to establish a SIP-based connection to a recipient telephone device 120. The control module may invoke SIP module 122 and SIP stack 124 to transmit, receive parse SIP commands, a Transfer Control Protocol/Internet Protocol (TCP/IP) client 130 for Internet or other network interface, and a Real Time Protocol (RTP) stack 134 to manage streaming media and other information for call processing." Col. 4, l. 65 - Col. 5 - l. 6. |
| Claim 5 | The network device of claim 1, wherein the network device is contained in a single physical enclosure. | Host computer 106 contained in a single physical enclosure. Figure 5. |
| Claim 6 | The network device of claim 1, wherein the instructions further cause the network device to provide a SIP user agent to represent a telephone that uses the telephone line interface. | SIP module 122 causes the network device to provide a SIP user agent to represent a telephone that uses the telephone line interface. Figure 5. |
| Claim 7 | The network device of claim 1, wherein the storage medium during use further stores call routing tables (user-defined routing variables), and the instructions further cause the network device to perform call routing for telephone calls that use the telephone line interface. | "A user may set via the human interface 108 a minimum set of parameters including sound quality which they will accept for a SIP-based network call, which may be translated into SNR and other criteria by control module 126. Other parameters besides audio or network variables may be programmed, such as time of day, day of week, long distance or other telephone cost to take advantage of Internet-based telephony during high rate periods. User-defined routing variables, such as the routing of all 1+ numbers (long distance) using SIP or IP compliant networks but all other calls over POTS, may also be programmed." Col. 4, ll. 49-59. |
| Claim 8 | The network device of claim 1, wherein the storage medium during use further stores call routing tables (user-defined routing variables), and the instructions further cause the network device to perform call routing for telephone calls according to the call routing tables, the telephone calls using the telephone line | "A user may set via the human interface 108 a minimum set of parameters including sound quality which they will accept for a SIP-based network call, which may be translated into SNR and other criteria by control module 126. Other parameters besides audio or network variables may be programmed, such as time |

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| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 |
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| | Interface. | of day, day of week, long distance or other telephone cost to take advantage of Internet-based telephony during high rate periods. User-defined routing variables, such as the routing of all 1+ numbers (long distance) using SIP or IP compliant networks but all other calls over POTS, may also be programmed." Col. 4, ll. 49-59. |
| Claim 9 | A network device (host computer 106) comprising: a broadband network interface (host computer 106 Interface to Internet 116); a plurality of communication interfaces, including a telephone line interface (interface to USB phone 102) and a computer data interface (wireless interface module 136); | "USB phone 102 may be connected to the host computer 106 via a wired USB connection 104. The host computer 106 is in turn connected to telecommunications and network resources for call processing. The host computer 106 may for instance be connected over communications link 110 to the public switched telephone network 114, to which in turn a recipient telephone device 118 is connected. The communications link 110 may be or include, for instance, the local loop connected to the local telephone central office in the user's area, or other resources." Col 3, ll. 49-58.

The host computer 106 may also be connected to a data network, for instance via communications link 112 to the public Internet 116, to which a recipient telephone device 120 may in turn be connected." Col 3, ll. 49-62.

"Each of communications links 110 and 112 may be, include or interface to any one or more of, for instance, the Internet, an intranet, a PAN (Personal Area Network), a LAN (Local Area Network), a WAN (Wide Area Network) or a MAN (Metropolitan Area Network), a storage area network (SAN), a frame relay connection, an Advanced Intelligent Network (AIN) connection, a synchronous optical network (SONET) connection, a digital T1, T3, E1 or E3 line, Digital Data Service (DDS) connection, DSL (Digital Subscriber Line) connection, an Ethernet connection, an ISDN (Integrated Services Digital Network) line, a dial-up port such as a V.90, V.34 or V.34bis analog modem connection, a cable modem, an ATM (Asynchronous Transfer Mode) connection, or an FDDI (Fiber Distributed Data Interface) or CDDI (Copper Distributed Data Interface) connection." Col. 3, l. 63 - col. 4, l. 10. |
| | a processor (microprocessor of host computer 106); | "The host computer 106 may include a microprocessor such as an Intel x86-based device, a Motorola 68K or PowerPC.TM. device, a MIPS, Hewlett-Packard |

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| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 |
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| | | Precision.TM., or Digital Equipment Corp. Alpha.TM. RISC processor, a microcontroller or other general or special purpose device operating under programmed control." Col. 2, ll. 55-60. |
| | a machine-readable storage medium that stores processor-a machine-readable storage medium that stores processor-executable instructions to provide SIP agents (SIP module 122) | storage medium: The host computer 106 may furthermore include electronic memory such as RAM (random access memory) or EPROM (electronically programmable read only memory), storage. Col. 2, ll. 60-62. |
| | the instructions causing the network device to provide a SIP user agent to represent a non-SIP telephone that uses the telephone line interface (SIP module 122 represents USB phone 102 ), and the instructions further causing the network device to implement a SIP proxy server (SIP stack 124) that mediates all SIP communications over the broadband network interface involving the non-SIP telephone. | SIP user agent and SIP proxy server:

The '519 patent states that the SIP proxy server functionality is essentially a SIP protocol stack. Col. 24, ll. 24-38. SIP stack 124 of Osterhout acts as an intermediary and transmits and receives SIP commands.

"If the criteria are met, the control module 126 may set up the remainder of the resources necessary to establish a SIP-based connection to a recipient telephone device 120. The control module may invoke SIP module 122 and SIP stack 124 to transmit, receive parse SIP commands, a Transfer Control Protocol/Internet Protocol (TCP/IP) client 130 for Internet or other network interface, and a Real Time Protocol (RTP) stack 134 to manage streaming media and other information for call processing." Col. 4, l. 65 - Col. 5 - l. 6.

For instance, the SIP module 122 may transmit a Call Invite command to the recipient telephone device 120, in this instance a SIP-enabled device, to await a 200 OK or other acknowledgment message for processing the call. Once the call setup is achieved via SIP messaging, a voice or other path, such as VoIP or VOATM, may be established between the USB telephone 102 and the recipient telephone device 120. Other voice path or other protocols may be used, such as voice over UDP or fax over TCP, or others known in the art. Call processing my proceed according to known messaging according to those protocols, once established. Col. 5, ll. 7-17. |
| Claim 10 | The network device of claim 9, wherein the computer data interface passes IP data. | "If the criteria are met, the control module 126 may set up the remainder of the resources necessary to establish a SIP-based connection to a recipient telephone |

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| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 |
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| | | device 120. The control module may invoke SIP module 122 and SIP stack 124 to transmit, receive parse SIP commands, a Transfer Control Protocol/Internet Protocol (TCP/IP) client 130 for Internet or other network interface, and a Real Time Protocol (RTP) stack 134 to manage streaming media and other information for call processing." Col. 4, l. 65 - Col. 5 - l. 6. |
| Claim 11 | The network device of claim 9, wherein the plurality of interfaces includes a video streaming device interface (video input). | "The native media applications may likewise include an audio/visual module 134b, such as an audio management tool such as an MP3 codec, RealAudio or other package. A video management tool such as Avid, RealVideo or other packages or protocols may also be used for video teleconferencing or other applications, if the USB telephone 102, host computer 106 or other resources are equipped with video input. Video or combined audio/video streams again may be output over data network or telephony links. Other multimedia applications are possible." Col. 5, l. 62 - Col. 6, l. 5. |
| Claim 12 | The network device of claim 9, wherein the network device is contained in a single physical enclosure. | Host computer 106 is contained in a single physical enclosure. |
| Claim 13 | A method for establishing a voice-over-packet network architecture, the method comprising: locating a system management platform in a shared packet network (control module 126), the system management platform collecting call log data from a plurality of network devices ; and | "USB phone 102 may be connected to the host computer 106 via a wired USB connection 104. The host computer 106 is in turn connected to telecommunications and network resources for call processing. The host computer 106 may for instance be connected over communications link 110 to the public switched telephone network 114, to which in turn a recipient telephone device 118 is connected. The communications link 110 may be or include, for instance, the local loop connected to the local telephone central office in the user's area, or other resources." Col 3, ll. 49-58. "Each of communications links 110 and 112 may be, include or interface to any one or more of, for instance, the Internet, an intranet, a PAN (Personal Area Network), a LAN (Local Area Network), a WAN (Wide Area Network) or a MAN (Metropolitan Area Network), a storage area network (SAN), a frame relay. |

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| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 | Secondary References |
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| | | such as a WebTV.™ unit, radio-enabled Palm.™. Pilot or similar unit, a set-top box, a networkable game-playing console such as Sony Playstation ™. or Sega Dreamcas.™., a browser-equipped cellular telephone, or other TCP/IP client or other device. | |
| Claim 7 | The network device of claim 1, wherein the storage medium during use further stores call routing tables (user-defined routing variables), and the instructions further cause the network device to perform call routing for telephone calls that use the telephone line interface. | "A user may set via the human interface 108 a minimum set of parameters including sound quality which they will accept for a SIP-based network call, which may be translated into SNR and other criteria by control module 126. Other parameters besides audio or network variables may be programmed, such as time of day, day of week, long distance or other telephone cost to take advantage of Internet-based telephony during high rate periods. User-defined routing variables, such as the routing of all 1+ numbers (long distance) using SIP or IP compliant networks but all other calls over POTS, may also be programmed." Col. 4, ll. 49-59. | To the extent that Osterhout does not explicitly teach call routing tables, Chung (U.S. Patent 6584108) teaches call routing tables. "The extra digits are passed on to the private branch exchange which will use them to connect the call to the correct extension. Call routing is supported via a static mapping table in each MAC, but the embodiment is not so limited." (Col. 16, ll. 14-18). Chung teaches the use of call routing tables in order to efficiently route telephone calls and avoid the need for call routing through the private branch exchange. Col. 16., ll. 41-50. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize call routing tables as taught by Chung (U.S. Patent 6584108) to enable the network device telephones of . Osterhout to efficiently route telephone calls, for example. |

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| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 | Secondary References |
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| Claim 8 | The network device of claim 1, wherein the storage medium during use further stores call routing tables (user-defined routing variables), and the instructions further cause the network device to perform call routing for telephone calls according to the call routing tables, the telephone calls using the telephone line interface. | "A user may set via the human interface 108 a minimum set of parameters including sound quality which they will accept for a SIP-based network call, which may be translated into SNR and other criteria by control module 126. Other parameters besides audio or network variables may be programmed, such as time of day, day of week, long distance or other telephone cost to take advantage of Internet-based telephony during high rate periods. User-defined routing variables, such as the routing of all 1+ numbers (long distance) using SIP or IP compliant networks but all other calls over POTS, may also be programmed." Col. 4, ll. 49-59. | To the extent that Osterhout does not explicitly teach call routing tables, Chung (U.S. Patent 6584108) teaches call routing tables. "The extra digits are passed on to the private branch exchange which will use them to connect the call to the correct extension. Call routing is supported via a static mapping table in each MAC, but the embodiment is not so limited." (Col. 16, ll. 14-18). Chung teaches the use of call routing tables in order to efficiently route telephone calls and avoid the need for call routing through the private branch exchange. Col. 16., ll. 41-50. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize call routing tables as taught by Chung (U.S. Patent 6584108) to enable the network device telephones of Osterhout to efficiently route telephone calls, for example. |

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Osterhout in view of Inbar

| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 | Secondary References |
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| Claim 13 | A method for establishing a voice-over-packet network architecture, the method comprising: locating a system management platform in a shared packet network (control module 126), the system management platform collecting call log data from a plurality of network devices ; and | "USB phone 102 may be connected to the host computer 106 via a wired USB connection 104. The host computer 106 is in turn connected to telecommunications and network resources for call processing. The host computer 106 may for instance be connected over communications link 110 to the public switched telephone network 114, to which in turn a recipient telephone device 118 is connected. The communications link 110 may be or include, for instance, the local loop connected to the local telephone central office in the user's area, or other resources." Col 3, ll. 49-58. "Each of communications links 110 and 112 may be, include or interface to any one or more of, for instance, the Internet, an intranet, a PAN (Personal Area Network), a LAN (Local Area Network), a WAN (Wide Area Network) or a MAN (Metropolitan Area Network), a storage area network (SAN), a frame relay connection, an Advanced Intelligent Network (AIN) connection, a synchronous optical network (SONET) connection, a digital T1, T3, E1 or E3 line, Digital Data Service (DDS) connection, DSL (Digital Subscriber Line) connection, an Ethernet connection, an ISDN (Integrated Services Digital Network) line, a dial-up port such as a V.90, V.34 or V.34bis analog modem connection, a cable modem, an ATM (Asynchronous Transfer Mode) connection, or an FDDI (Fiber Distributed Data Interface) or CDDI (Copper Distributed Data Interface) connection." Col. 3, l. 63 - col. 4, l. 10. | Base System—Osterhout discloses a network device for establishing a voice-over-packet network architecture (e.g., host computer 106). Known Technique—A person having ordinary skill in the art in 2001 would have been well-aware of system management platform technology. Inbar, for example, describes a system management platform collecting call log data from a plurality of network devices. For example, Inbar states: "The IPCenter preferably records usage and billing information, and, as described above, reports billing information to the Master-Server, or to a separate billing unit associated with the master server. In addition to usage and billing information, the IPCenter may report Quality-of-Service (QoS) information, and in some cases connectivity monitoring information, status information of connected devices and other information as may be defined." Figure 1; Col. 8, ll. 54-62. "The system preferably further comprises a billing mechanism for accumulating a transaction log at the subscriber end and retrieving data of said log to the master server." Col. 4, ll. 16-19. Improved System—A person having ordinary skill in the art in 2001 would have considered it obvious to modify the base system of Osterhout to include a system management platform, for example, to maintain these records in a centralized system and facilitate billing: "all of these services |

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Control Number 95/000,344

**Office Action Appendix**
**4-2-2009**
**APPENDIX C3**

Part of Paper No. 20090402

Osterhout in view of Inbar

| '519 Claim | Claim Limitations | Osterhout (U.S. Patent 7,197,029) | Secondary References |
|---|---|---|---|
| | | | have to be integrated with each other, with a central control and with billing servers and other functions." Col. 1, ll. 41-43. |
| | distributing the plurality of network devices (host computer 106) that each include<br><br>a telephone line interface (interface to USB phone 102),<br><br>a computer data interface (wireless interface module 136),<br><br>a broadband network interface terminating a link from the shared packet network (host computer 106 interface to internet 116) | "The host computer 106 may also be connected to a data network, for instance via communications link 112 to the public Internet 116, to which a recipient telephone device 120 may in turn be connected." Col 3, ll. 49-62. | |
| | a processor (microprocessor of host computer 106); | "The host computer 106 may include a microprocessor such as an Intel x86-based device, a Motorola 68K or PowerPC.TM. device, a MIPS, Hewlett-Packard Precision.TM., or Digital Equipment Corp. Alpha.TM. RISC processor, a microcontroller or other general or special purpose device operating under programmed control." Col. 2, ll. 55-60. | |
| | a machine-readable storage medium storing processor-executable instructions to control telephone calls (SIP module 122), | storage medium: "The host computer 106 may furthermore include electronic memory such as RAM (random access memory) or EPROM (electronically programmable read only memory), storage. Col. 2, ll. 60-62.<br><br>SIP module 122 may transmit a Call Invite command to the recipient telephone device 120, in this instance a SIP-enabled device, to await a 200 OK or other acknowledgment message | |

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**Office Action Appendix**
**4-2-2009**
**APPENDIX C3**

Part of Paper No. 20090402

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| '519 Claim | Claim Limitations | Osterhout (U.S. Patent 7,197,029) | Secondary References |
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| | | for processing the call. Col. 5, ll. 7-10. | |
| | the instructions causing each network device to route telephone calls in a peer-to-peer fashion over the shared packet network (a voice or other path, such as VoIP or VOATM, may be established between the USB telephone 102 and the recipient telephone device 120). and to send call log data to the system management platform (control module 126 is a platform (software framework) running at host computers 106 and may receive and store call parameters). | "Once the call setup is achieved via SIP messaging, a voice or other path, such as VoIP or VOATM, may be established between the USB telephone 102 and the recipient telephone device 120. Other voice path or other protocols may be used, such as voice over UDP or fax over TCP, or others known in the art. Call processing my proceed according to known messaging according to those protocols, once established." Col. 5, ll. 11-16.<br><br>System management platform: Control module 126 is a platform (software framework) running at host computers and may receive and store call parameters. For example, a first control module 126 running at a first host computer 106 receives and stores call parameters for a call to second control module 126 running at a second host computer 106. Control modules 126 operate as a system managment platform collecting call log data for a plurality of network devices (host computers 106).<br>"The control module 126 may receive and store desired call parameters for the user, for instance minimum call quality parameters which will be acceptable for the user to place a network-based call. For instance, the control module 126 may monitor the communications link 112 to determine line conditions or other variables for the placement of a digital network call. These variables may include signal-to-noise ratio (SNR), packet congestion or delay, or other parameters affecting the quality, features, costs or other aspects of a call." Col. 4, ll. 39-48.<br><br>"In step 412, a determination may be made whether the transmission criteria for the user may be met. The control module 126 may record different criteria for different users, and present a user login screen to apply those criteria. If the | Base System—Osterhout discloses a network device for establishing a voice-over-packet network architecture (e.g., host computer 106).<br><br>Known Technique—A person having ordinary skill in the art in 2001 would have been well-aware of system management platform technology. *Inbar*, for example, describes a system management platform collecting call log data from a plurality of network devices.<br><br>For example, Inbar states: "The IPCenter preferably records usage and billing information, and, as described above, reports billing information to the Master-Server, or to a separate billing unit associated with the master server. In addition to usage and billing information, the IPCenter may report Quality-of-Service (QoS) information, and in some cases connectivity monitoring information, status information of connected devices and other information as may be defined." Figure 1; Col. 8, ll. 54-62.<br><br>"The system preferably further comprises a billing mechanism for accumulating a transaction log at the subscriber end and retrieving data of said log to the master server." Col. 4, ll. 16-19.<br><br>Improved System—A person having ordinary skill in the art in 2001 would have considered it obvious to modify the base system of Osterhout to include a system management platform, for example, to maintain these records in a centralized |

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Osterhout in view of Inbar

| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 | Secondary References |
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| | | determination of step 412 is that the transmission criteria are not met, then call processing proceeds to step 414. In step 414 a call may be dialed using the public switched telephone network via POTS and SS7 signaling, or other telephony standards. In step 416, call teardown of the public telephony network call may be completed and processing continues to step 424." Col. 6, ll. 17-27. | system and facilitate billing: "all of these services have to be integrated with each other, with a central control and with billing servers and other functions." Col. 1, ll. 41-43. |
| Claim 14 | The method of claim 13, wherein for each device the broadband network interface terminates a link from the shared packet network. | "The host computer 106 may also be connected to a data network, for instance via communications link 112 to the public Internet 116, to which a recipient telephone device 120 may in turn be connected." Col. 3, ll. 49-62. | |
| Claim 15 | The method of claim 13, wherein the routing of telephone calls includes SIP signaling. | For instance, the SIP module 122 may transmit a Call Invite command to the recipient telephone device 120, in this instance a SIP-enabled device, to await a 200 OK or other acknowledgment message for processing the call. Once the call setup is achieved via SIP messaging, a voice or other path, such as VoIP or VOATM, may be established between the USB telephone 102 and the recipient telephone device 120. Other voice path or other protocols may be used, such as voice over UDP or fax over TCP, or others known in the art. Col. 5, ll. 7-16. | |
| Claim 16 | The method of claim 13, wherein the storage medium further stores processor-executable Instructions to act as an SIP proxy server for devices using the telephone line interface and for devices using the computer data interface. | The '519 patent states that the SIP protocol stack "functions as the default SIP Proxy Server." Col. 24, ll. 27-28. SIP stack 124 of Osterhout acts as an intermediary and transmits and receives SIP commands. | |
| Claim 17 | The method of claim 13, wherein the shared packet network uses IP protocols. | "If the criteria are met, the control module 126 may set up the remainder of the resources necessary to establish a SIP-based | |

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| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 | Secondary References |
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| | | connection to a recipient telephone device 120. The control module may invoke SIP module 122 and SIP stack 124 to transmit, receive parse SIP commands, a Transfer Control Protocol/Internet Protocol (TCP/IP) client 130 for Internet or other network interface, and a Real Time Protocol (RTP) stack 134 to manage streaming media and other information for call processing." Col. 4, l. 65 - Col. 5 - l. 6. | |
| Claim 18 | The method of claim 13, wherein the shared packet network uses ATM protocols. | For instance, the SIP module 122 may transmit a Call Invite command to the recipient telephone device 120, in this instance a SIP-enabled device, to await a 200 OK or other acknowledgment message for processing the call. Once the call setup is achieved via SIP messaging, a voice or other path, such as VoIP or VOATM, may be established between the USB telephone 102 and the recipient telephone device 120. Other voice path or other protocols may be used, such as voice over UDP or fax over TCP, or others known in the art. Call processing my proceed according to known messaging according to those protocols, once established. Col. 5, ll. 7-17. | |
| Claim 19 | The method of claim 13, wherein the plurality of network devices each further include a video streaming device interface (video input). | "The native media applications may likewise include an audio/visual module 134b, such as an audio management tool such as an MP3 codec, RealAudio or other package. A video management tool such as Avid, RealVideo or other packages or protocols may also be used for video teleconferencing or other applications, if the USB telephone 102, host computer 106 or other resources are equipped with video input. Video or combined audio/video streams again may be output over data network or telephony links. Other multimedia applications are possible." Col. 5, l. 62 - Col. 6, l. 5. | |

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| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 | Secondary References |
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| Claim 13 | A method for establishing a voice-over-packet network architecture, the method comprising:<br><br>locating a system management platform in a shared packet network (control module 126), the system management platform collecting call log data from a plurality of network devices ; and | "USB phone 102 may be connected to the host computer 106 via a wired USB connection 104. The host computer 106 is in turn connected to telecommunications and network resources for call processing. The host computer 106 may for instance be connected over communications link 110 to the public switched telephone network 114, to which in turn a recipient telephone device 118 is connected. The communications link 110 may be or include, for instance, the local loop connected to the local telephone central office in the user's area, or other resources." Col 3, ll. 49-58.<br><br>"Each of communications links 110 and 112 may be, include or interface to any one or more of, for instance, the Internet, an intranet, a PAN (Personal Area Network), a LAN (Local Area Network), a WAN (Wide Area Network) or a MAN (Metropolitan Area Network), a storage area network (SAN), a frame relay connection, an Advanced Intelligent Network (AIN) connection, a synchronous optical network (SONET) connection, a digital T1, T3, E1 or E3 line, Digital Data Service (DDS) connection, DSL (Digital Subscriber Line) connection, an Ethernet connection, an ISDN (Integrated Services Digital Network) line, a dial-up port such as a V.90, V.34 or V.34bis analog modem connection, a cable modem, an ATM (Asynchronous Transfer Mode) connection, or an FDDI (Fiber Distributed Data Interface) or CDDI (Copper Distributed Data Interface) connection." Col. 3, l. 63 - col. 4, l. 10. | Base System—Osterhout discloses a network device for establishing a voice-over-packet network architecture (e.g., host computer 106).<br><br>Known Technique—A person having ordinary skill in the art in 2001 would have been well-aware of system management platform technology. *Kung*, for example, describes a system management platform collecting call log data from a plurality of network devices.<br><br>For example, Kung teaches an IP central station 200 that stores a call log: "The present invention may include an activity log that may have user proactive bill management capability and be used in the aforementioned broadband communication system. The activity log may log, for example, incoming calls directory numbers (DNs) and outgoing call DNs in a database. The database containing the activity log may be provided at a central system location, such as the at IP Central Station 200." Col. 31, ll. 10-17.<br><br>Figure 8 of Kung includes an example call log.<br><br>The call log is stored at BRG 300 and/or IP central station 200. Col. 32, ll.9-10.<br><br>The system subscriber's customer premises equipment (broadband residential gateway 300) records the call log data and forwards the call log data to other locations, such as to IP central station 200, for billing purposes as an example. Figure 8; |

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| '519 Claim | Claim Limitations | Osterhout U.S. Patent 7,197,029 | Secondary References |
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| | | | Col. 35, l. 37 - col. 36, l. 10.<br><br>Improved System—A person having ordinary skill in the art in 2001 would have considered it obvious to modify the base system of Osterhout to include a system management platform, for example, to collect call log data from the network devices of Osterhout. |
| | distributing the plurality of network devices (host computer 106) that each include<br><br>a telephone line interface (interface to USB phone 102),<br><br>a computer data interface (wireless interface module 136),<br><br>a broadband network interface terminating a link from the shared packet network (host computer 106 interface to internet 116) | "The host computer 106 may also be connected to a data network, for instance via communications link 112 to the public Internet 116, to which a recipient telephone device 120 may in turn be connected." Col 3, ll. 49-62. | |
| | a processor (microprocessor of host computer 106); | "The host computer 106 may include a microprocessor such as an Intel x86-based device, a Motorola 68K or PowerPC.TM. device, a MIPS, Hewlett-Packard Precision.TM., or Digital Equipment Corp. Alpha.TM. RISC processor, a microcontroller or other general or special purpose device operating under programmed control." Col. 2, ll. 55-60. | |
| | a machine-readable storage medium storing processor-executable instructions to control telephone calls (SIP module 122), | storage medium: The host computer 106 may furthermore include electronic memory such as RAM (random access memory) or EPROM (electronically programmable read only | |