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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/686,469	01/17/2017	9547842	IN920090098US1	9662

26502 7590 12/28/2016  
IBM CORPORATION  
IPLAW SHCB/256-3  
1701 NORTH STREET  
ENDICOTT, NY 13760

## ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

### **Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)** (application filed on or after May 29, 2000)

The Patent Term Adjustment is 2042 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Jan De la Rosa, Austin, TX;  
Salil P. Gandhi, Pune, INDIA;  
Saidas T. Kottawar, Pune, INDIA;  
Sandip D. Mahajan, Pune, INDIA;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit [SelectUSA.gov](http://SelectUSA.gov).

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		12686469 - GAU: 2457	
	Filing Date			
	First Named Inventor	Jan De la Rosa		
	Art Unit			
	Examiner Name			
	Attorney Docket Number	IN920090098US1		

6	20080133302	A1	2008-06-05	Brauninger et al.	
7	20070192678	A1	<del>2008-08-10</del> 8/2007	Tang et al.	

If you wish to add additional U.S. Published Application citation information please click the Add button.

**FOREIGN PATENT DOCUMENTS**

Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup>	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
	1	2007094821	WO	A1	2007-08-23	Siemens Communications, Inc.		<input type="checkbox"/>

If you wish to add additional Foreign Patent Document citation information please click the Add button.

**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>5</sup>
Change(s) applied to document, /M.C./	1		<input type="checkbox"/>
	9/27/2016		

If you wish to add additional non-patent literature document citation information please click the Add button.

**EXAMINER SIGNATURE**

Examiner Signature	/Blake Rubin/	Date Considered	09/27/2012
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.R./

**PART B - FEE(S) TRANSMITTAL**

*J.P. Friedman*

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
 or **Fax** (571)-273-2885

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

30449 7590 09/14/2016  
**SCHMEISER, OLSEN & WATTS**  
 22 CENTURY HILL DRIVE  
 SUITE 302  
 LATHAM, NY 12110



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____	(Depositor's name)
_____	(Signature)
_____	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1	9662

TITLE OF INVENTION: AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	12/14/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
RUBIN, BLAKE J	2457	709-206000

12/12/2016 SMOHAMM1 00000098 090457 12686469  
 01 FC:1501 96A.00 DA

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Schmeiser, Olsen & Watts, LLP  
 1 \_\_\_\_\_  
 2 John Pivnichny  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: International Business Machines Corporation, Armonk, NY

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are submitted:

Issue Fee

Publication Fee (No small entity discount permitted)

Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number 090457 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

Applicant certifying micro entity status. See 37 CFR 1.29

Applicant asserting small entity status. See 37 CFR 1.27

Applicant changing to regular undiscouted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

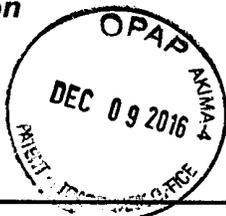
NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature *Jack P. Friedman* Date 10/11/2016

Typed or printed name Jack P. Friedman Registration No. 44688

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**CHANGE OF  
CORRESPONDENCE ADDRESS  
Application**Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	12/686,469
Filing Date	1/13/2010
First Named Inventor	Jan De la Rosa et al.
Art Unit	2457
Examiner Name	RUBIN, BLAKE J.
Attorney Docket Number	IN920090098US1

Please change the Correspondence Address for the above-identified patent application to:

 The address associated with  
Customer Number:

26,502

OR

 Firm or  
Individual Name

Address

City

State

Zip

Country

Telephone

Email

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

- Applicant/Inventor
- Assignee of record of the entire interest.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- Attorney or agent of record. Registration Number 44688
- Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number \_\_\_\_\_

Signature

*Jack P. Friedman*Typed or Printed  
Name Jack P. FriedmanDate 10/11/2016Telephone 5182201850

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



NOTICE OF ALLOWANCE AND FEE(S) DUE

30449 7590 09/14/2016
SCHMEISER, OLSEN & WATTS
22 CENTURY HILL DRIVE
SUITE 302
LATHAM, NY 12110

EXAMINER

RUBIN, BLAKE J

ART UNIT PAPER NUMBER

2457

DATE MAILED: 09/14/2016

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

12/686,469 01/13/2010 Jan De la Rosa IN920090098US1 9662

TITLE OF INVENTION: AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM

Table with 7 columns: APPLN. TYPE, ENTITY STATUS, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE

nonprovisional UNDISCOUNTED \$960 \$0 \$0 \$960 12/14/2016

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

**PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax (571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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**SCHMEISER, OLSEN & WATTS**  
 22 CENTURY HILL DRIVE  
 SUITE 302  
 LATHAM, NY 12110

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1	9662

TITLE OF INVENTION: AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	12/14/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
RUBIN, BLAKE J	2457	709-206000

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. <b>Use of a Customer Number is required.</b></p>	<p>2. For printing on the patent front page, list</p> <p>(1) The names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1</p> <p>(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. _____ 2</p> <p>_____ 3</p>
---	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE \_\_\_\_\_ (B) RESIDENCE: (CITY and STATE OR COUNTRY) \_\_\_\_\_

Please check the appropriate assignee category or categories (will not be printed on the patent) :  Individual  Corporation or other private group entity  Government

<p>4a. The following fee(s) are submitted:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s): (<b>Please first reapply any previously paid issue fee shown above</b>)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
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5. **Change in Entity Status** (from status indicated above)

Applicant certifying micro entity status. See 37 CFR 1.29

Applicant asserting small entity status. See 37 CFR 1.27

Applicant changing to regular undiscouted fee status.

**NOTE:** Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

**NOTE:** If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

**NOTE:** Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

**NOTE:** This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_



UNITED STATES PATENT AND TRADEMARK OFFICE

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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/686,469 01/13/2010 Jan De la Rosa IN920090098US1 9662

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EXAMINER

RUBIN, BLAKE J

ART UNIT PAPER NUMBER

2457

DATE MAILED: 09/14/2016

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

## OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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**The Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## Notice of Allowability

**Application No.**

12/686,469

**Applicant(s)**

DE LA ROSA ET AL.

**Examiner**

BLAKE RUBIN

**Art Unit**

2457

**AIA (First Inventor to File)  
Status**

No

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 8/9/16.  
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_\_.
2.  An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
3.  The allowed claim(s) is/are 15-17 and 23-39. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see [http://www.uspto.gov/patents/init\\_events/pph/index.jsp](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

**Certified copies:**

- a)  All    b)  Some    \*c)  None of the:
1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
 including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
3.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
4.  Interview Summary (PTO-413),  
Paper No./Mail Date 8/24/16.
5.  Examiner's Amendment/Comment
6.  Examiner's Statement of Reasons for Allowance
7.  Other PTOL-2323 AFCP 2.0 Decision.

/BLAKE RUBIN/  
Examiner, Art Unit 2457

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457

### **DETAILED ACTION**

1. This action is in response to communications filed August 9, 2016.
2. Claims 15-17 and 23-39 are hereby allowed. Claims 15-16, 28, and 34 are currently amended and entered as part of a AFCP 2.0 request.
3. The present application is being examined under the pre-AIA first to invent provisions.

### ***Allowable Subject Matter***

4. Claims 15-17 and 23-39 are allowed. The following is an examiner's statement of reasons for allowance: the claims have been amended to further limit the invention to notifying a user of an email system of a future date for which another user will be unavailable. The notification being available to a "sending" user, prior to the start date of the unavailability of the "recipient" user, is not taught in the prior art of record, and subsequent search for the amended limitation yielded no applicable prior art. Therefore the claims are hereby allowed.
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAKE RUBIN whose telephone number is (571)270-3802. The examiner can normally be reached on Monday - Friday, 9:00am - 5:00pm.

Art Unit: 2457

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/6/16

/BLAKE RUBIN/  
Examiner, Art Unit 2457

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 12/686,469	<b>Applicant(s)</b> DE LA ROSA ET AL.	
	<b>Examiner</b> BLAKE RUBIN	<b>Art Unit</b> 2457	

All participants (applicant, applicant's representative, PTO personnel):

- (1) BLAKE RUBIN. (3)\_\_\_\_\_.
- (2) JACK FRIEDMAN. (4)\_\_\_\_\_.

Date of Interview: 24 August 2016.

Type:  Telephonic  Video Conference  
 Personal [copy given to:  applicant  applicant's representative]

Exhibit shown or demonstration conducted:  Yes  No.  
If Yes, brief description: \_\_\_\_\_.

Issues Discussed 101 112 102 103 Others  
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 15.

Identification of prior art discussed: \_\_\_\_\_.

**Substance of Interview**

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant provided an overview of the invention, including how the claim amendments submitted as part of a AFCP 2.0 request were meant to further clarify the invention, whereby the recipient user is able to foresee the unavailable notice prior to the start date. The examiner gained a better understanding of the invention and conceded that further search and consideration would be necessary to determine patentability. And that such a search would be conducted under AFCP 2.0.

**Applicant recordation instructions:** It is not necessary for applicant to provide a separate record of the substance of interview.

**Examiner recordation instructions:** Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Attachment

/BLAKE RUBIN/  
Examiner, Art Unit 2457

# AFCP 2.0 Decision

**Application No.**

12/686,469

**Applicant(s)**

DE LA ROSA ET AL.

**Examiner**

BLAKE RUBIN

**Art Unit**

2457

This is in response to the After Final Consideration Pilot request filed 8/9/16.

1. **Improper Request** – The AFCP 2.0 request is improper for the following reason(s) and the after final amendment submitted with the request will be treated under pre-pilot procedure.

- An AFCP 2.0 request form PTO/SB/434 (or equivalent document) was not submitted.
- A non-broadening amendment to at least one independent claim was not submitted.
- A proper AFCP 2.0 request was submitted in response to the most recent final rejection.
- Other:

2. **Proper Request**

A. After final amendment submitted with the request will not be treated under AFCP 2.0.

The after final amendment cannot be reviewed and a search conducted within the guidelines of the pilot program.

- The after final amendment will be treated under pre-pilot procedure.

B. Updated search and/or completed additional consideration.

The examiner performed an updated search and/or completed additional consideration of the after final amendment within the time authorized for the pilot program. The result(s) of the updated search and/or completed additional consideration are:

- 1. All of the rejections in the most recent final Office action are overcome and a Notice of Allowance is issued herewith.
- 2. The after final amendment would not overcome all of the rejections in the most recent final Office action. See attached interview summary for further details.
- 3. The after final amendment was reviewed, and it raises a new issue(s). See attached interview summary for further details.
- 4. The after final amendment raises new issues, but would overcome all of the rejections in the most recent final Office action. A decision on determining allowability could not be made within the guidelines of the pilot. See attached interview summary for further details, including any newly discovered prior art.
- 5. Other:

Examiner Note: Please attach an interview summary when necessary as described above.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: De la Rosa et al.

Art Unit: 2457 / Confirmation No.: 9662

Application No.: 12/686,469

Examiner: Rubin, Blake J.

Filing Date: 01/13/2010

Docket No.: IN920090098US1

Title: **AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM**  
(as amended 01/08/2013)

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**OFFICE ACTION RESPONSE**

Sir:

This communication is in response to the Final Office Action dated June 10, 2016.





<b>Issue Classification</b> 	<b>Application/Control No.</b> 12686469	<b>Applicant(s)/Patent Under Reexamination</b> DE LA ROSA ET AL.
	<b>Examiner</b> BLAKE RUBIN	<b>Art Unit</b> 2457

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47									
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
-	1	3	17	14	33										
-	2	-	18	15	34										
-	3	-	19	16	35										
-	4	-	20	17	36										
-	5	-	21	18	37										
-	6	-	22	19	38										
-	7	4	23	20	39										
-	8	5	24												
-	9	6	25												
-	10	7	26												
-	11	8	27												
-	12	9	28												
-	13	10	29												
-	14	11	30												
1	15	12	31												
2	16	13	32												

/BLAKE RUBIN/ Examiner.Art Unit 2457  (Assistant Examiner)	9/6/16  (Date)	<b>Total Claims Allowed:</b>  20	
/ARIO ETIENNE/ Supervisory Patent Examiner.Art Unit 2457  (Primary Examiner)	09/07/2016  (Date)	O.G. Print Claim(s)  15	O.G. Print Figure  3

<b>Index of Claims</b>  	<b>Application/Control No.</b>  12686469	<b>Applicant(s)/Patent Under Reexamination</b>  DE LA ROSA ET AL.
	<b>Examiner</b>  BLAKE RUBIN	<b>Art Unit</b>  2457

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

CLAIM		DATE								
Final	Original	09/27/2012	01/29/2013	08/16/2013	04/11/2016	09/06/2016				
-	1	✓	-	-	-	-				
-	2	✓	-	-	-	-				
-	3	✓	-	-	-	-				
-	4	✓	-	-	-	-				
-	5	✓	-	-	-	-				
-	6	✓	-	-	-	-				
-	7	✓	-	-	-	-				
-	8	✓	-	-	-	-				
-	9	✓	-	-	-	-				
-	10	✓	-	-	-	-				
-	11	✓	-	-	-	-				
-	12	✓	-	-	-	-				
-	13	✓	-	-	-	-				
-	14	✓	-	-	-	-				
1	15	✓	✓	✓	✓	=				
2	16	✓	✓	✓	✓	=				
3	17	✓	✓	✓	✓	=				
-	18	✓	-	-	-	-				
-	19	✓	-	-	-	-				
-	20	✓	-	-	-	-				
-	21	✓	-	-	-	-				
-	22	✓	-	-	-	-				
4	23		✓	✓	✓	=				
5	24		✓	✓	✓	=				
6	25		✓	✓	✓	=				
7	26		✓	✓	✓	=				
8	27		✓	✓	✓	=				
9	28		✓	✓	✓	=				
10	29		✓	✓	✓	=				
11	30		✓	✓	✓	=				
12	31		✓	✓	✓	=				
13	32		✓	✓	✓	=				
14	33		✓	✓	✓	=				
15	34		✓	✓	✓	=				
16	35		✓	✓	✓	=				
17	36		✓	✓	✓	=				

<b>Index of Claims</b>  	<b>Application/Control No.</b>  12686469	<b>Applicant(s)/Patent Under Reexamination</b>  DE LA ROSA ET AL.
	<b>Examiner</b>  BLAKE RUBIN	<b>Art Unit</b>  2457

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

CLAIM		DATE								
Final	Original	09/27/2012	01/29/2013	08/16/2013	04/11/2016	09/06/2016				
18	37		✓	✓	✓	=				
19	38		✓	✓	✓	=				
20	39		✓	✓	✓	=				

<b>Search Notes</b>  	<b>Application/Control No.</b>  12686469	<b>Applicant(s)/Patent Under Reexamination</b>  DE LA ROSA ET AL.
	<b>Examiner</b>  BLAKE RUBIN	<b>Art Unit</b>  2457

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
709	206	9/27/12	BJR

SEARCH NOTES		
Search Notes	Date	Examiner
Searched Inventors	9/27/12	BJR
Searched 709/206 with text	9/27/12	BJR
Searched EAST	9/27/12	BJR
Searched Google	9/27/12	BJR
Consulted Primary Examiner Moustafa Meki	1/29/13	BJR
Consulted Primary Examiner Moustafa Meki	8/14/13	BJR
Consulted Primary Examiner Jeff Burke	4/11/16	BJR
Consulted Primary Examiner Moustafa Meki	9/6/16	BJR

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
G06Q	10/107	9/6/16	BJR
H04L	12/5855, 51/14	9/6/16	BJR

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: De la Rosa et al.

Art Unit: 2457 / Confirmation No.: 9662

Application No.: 12/686,469

Examiner: Rubin, Blake J.

Filing Date: 01/13/2010

Docket No.: IN920090098US1

Title: **AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM**  
(as amended 01/08/2013)

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**OFFICE ACTION RESPONSE**

Sir:

This communication is in response to the Final Office Action dated June 10, 2016.

**In the Claims:**

Please amend claims 15, 28 and 34. The claims are as follows:

1-14. (Canceled)

15. (Currently amended) A method for transmitting availability information in an electronic mail system, said method comprising:

receiving, by a first processor of a first system from a user of the first system on a date prior to a start date, a notification that the user is unavailable from the start date to an end date;  
in response to said receiving the notification, said first processor activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that ~~[[a]] the user of the first system~~ is unavailable from ~~[[a]] the~~ start date to ~~[[an]] the~~ end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor determining that an e-mail has not been sent from the first system to a receiver in a second system linked to the first system since said activating;

said processor ascertaining whether a current date is prior to the start date and determining, from said ascertaining, that the current date is prior to the start date;

in response to said determining that the current date is prior to the start date and to said determining that the e-mail has not been sent from the first system to the receiver in the second system, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

16. (Previously presented) The method of claim 15, said method further comprising

receiving, by a second processor of a second system, the e-mail with the attached availability indicator metadata sent by the first processor of the first system;

said second processor extracting the availability indicator metadata from the received e-mail; and

said second processor storing the availability indicator metadata.

17. (Previously presented) The method of claim 16, said method further comprising:

said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date;

said second processor determining from said comparing that the current date matches the preselected date; and

in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

18-22. (Canceled)

23. (Previously presented) The method of claim 15, said method further comprising:

defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

24. (Previously presented) The method of claim 17, wherein the pre-selected date is the start date.

25. (Previously presented) The method of claim 17, wherein the pre-selected date is the end date.

26. (Previously Presented) The method of claim 17, wherein the pre-selected date is the date in response to the start date.

27. (Preciously Presented) The method of claim 17, wherein the pre-selected date is the date in response to the end date.

28. (Currently amended) A computer system comprising a first system that comprises a first processor, a first memory coupled to the first processor, and a first computer readable storage device coupled to the first processor, said first computer readable storage device containing first program code configured to be executed by the first processor via the first memory to implement a method for transmitting availability information in an electronic mail system, said method comprising:

receiving, by the first processor of the first system from a user of the first system on a date prior to a start date, a notification that the user is unavailable from the start date to an end date;

in response to said receiving the notification, said first processor activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that [[a]] the user of the first system is unavailable from [[a]] the start date to [[an]] the end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor determining that an e-mail has not been sent from the first system to a receiver in a second system linked to the first system since said activating;

said processor ascertaining whether a current date is prior to the start date and determining, from said ascertaining, that the current date is prior to the start date;

in response to said determining that the current date is prior to the start date and to said determining that the e-mail has not been sent from the first system to the receiver in the second system, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

29. (Preciously presented) The computer system of claim 28, said computer system further comprising the second system, said second system comprising a second processor, a second memory coupled to the second processor, and a second computer readable storage device coupled to the second processor, said second computer readable storage device containing second program code configured to be executed by the second processor via the second memory to further implement said method for transmitting availability information, said method further comprising:

said second processor receiving the e-mail with the attached availability indicator metadata sent by the first processor of the first system;

said second processor extracting the availability indicator metadata from the received e-mail; and

said second processor storing the availability indicator metadata.

30. (Previously presented) The computer system of claim 29, said method further comprising:

said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date;

said second processor determining from said comparing that the current date matches the preselected date; and

in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

31. (Previously presented) The computer system of claim 28, said method further comprising:

defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

32. (Preciously presented) The computer system of claim 30, wherein the pre-selected date is the start date.

33. (Previously presented) The computer system of claim 30, wherein the pre-selected date is the end date.

34. (Currently amended) Storage media comprising a first hardware storage device having first program code stored therein, said first program code configured to be executed by a first processor of a first system to implement a method for transmitting availability information in an electronic mail system, said method comprising:

receiving, by the first processor of the first system from a user of the first system on a date prior to a start date, a notification that the user is unavailable from the start date to an end date;

in response to said receiving the notification, said first processor activating, ~~by a first processor of a first system,~~ an availability indicator in the first system, wherein the availability indicator indicates that ~~[[a]] the user of the first system~~ is unavailable from ~~[[a]] the start date to~~ ~~[[an]] the end date;~~

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor determining that an e-mail has not been sent from the first system to a receiver in a second system linked to the first system since said activating;

said processor ascertaining whether a current date is prior to the start date and determining, from said ascertaining, that the current date is prior to the start date;

in response to said determining that the current date is prior to the start date and to said determining that the e-mail has not been sent from the first system to the receiver in the second

system, said first processor attaching the extracted availability indicator metadata to the e-mail;  
and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

35. (Previously presented) The storage media of claim 34, said storage media further comprising a second hardware storage device having second program code stored therein, said second program code configured to be executed by a second processor of the second system to implement said method for transmitting availability information, said method further comprising:

said second processor receiving the e-mail with the attached availability indicator metadata sent by the first processor of the first system;

said second processor extracting the availability indicator metadata from the received e-mail; and

said second processor storing the availability indicator metadata.

36. (Previously presented) The storage media of claim 35, said method further comprising:

said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date;

said second processor determining from said comparing that the current date matches the preselected date; and

in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

37. (Previously presented) The storage media system of claim 34, said method further comprising:

defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

38. (Previously presented) The storage media of claim 36, wherein the pre-selected date is the start date.

39. (Previously presented) The storage media of claim 36, wherein the pre-selected date is the end date.

## REMARKS

Applicants have amended claims 15-16, 28 and 34, and have cancelled claims 1-14 and 18-22, during prosecution of this patent application. Applicants are not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

Applicants are filing a request for examination under AFCP 2.0 for consideration of Applicants' claim amendment.

The Examiner previously rejected claims 15-17 and 23-39 under pre-AIA 35 U.S.C. § 103(a) as allegedly being unpatentable over Keohane et al. (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).

Applicants respectfully traverse the § 103(a) rejection with the following arguments.

**Pre-AIA 35 U.S.C. § 103(a): Claims 15, 28 and 35**

The Examiner previously rejected claims 15-17 and 23-39 under pre-AIA 35 U.S.C. § 103(a) as allegedly being unpatentable over Keohane et al. (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).

**Claims 15, 28 and 34**

Applicants respectfully contend that claims 15, 28 and 34 are not unpatentable over Keohane, because Keohane does not teach or suggest each and every feature of claims 15, 28 and 34.

All of the steps in claims 15, 28 and 34 are performed by a first processor of a first system with respect to a user, of the first system, being subsequently unavailable from a start date to an end date. In the last step of claims 15, 28 and 34, the first processor of the first system sends an email to a second system, wherein the email includes availability indicator metadata comprising the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date.

The Examiner relies on Keohane, Pars. [0042]-[0043] which recites steps by a processor of the claimed second system that receives the email, from the first system, that includes an out-of-office notification that the user of the first system is unavailable from the start date to the end date.

Keohane does not disclose the steps of claims 15, 28 and 34 as being performed by the first processor of a first system with respect to the user of the first system being subsequently unavailable from the start date to the end date.

Keohane, Par. [0024] describes an Out-Of-Office utility 136 that may exist in both the first system and the second system, wherein the Out-Of-Office utility 136 processes the out-of-office notification received from an other system with respect to a user of the other system being unavailable from the start date to the end date.

Thus, the Out-Of-Office utility 136 may be performed by the first system with respect to a user of an other system (e.g., the second system) being unavailable from the start date to the end date.

However, Keohane does not disclose that the Out-Of-Office utility 136 may be performed by the first system with respect to the first user in the first system being unavailable from the start date to the end date.

The main focus in Keohane is data processing performed by any system that receives the out-of-office notification from an other system with respect to the user of the other system being subsequently unavailable from the start date to the end date, which is not being claimed in claims 15, 28 and 34.

Therefore, Keohane does not disclose the method recited in claims 15, 28 and 34.

In addition, Keohane does not teach or suggest the feature: “said processor ascertaining whether a current date is prior to the start date and determining, from said ascertaining, that the current date is prior to the start date”.

The Examiner argues (office action, pages 6-7): “With respect to claims 15, 28 and 34, the applicant argues that Keohane fails to disclose said processor ascertaining whether a current date is prior to the start date and determining, from said ascertaining, that the current date is prior

to the start date... The examiner respectfully disagree. While the examiner agrees, that following step 407 in Figure 4 of Keohane would not makes sense with respect to the current date being prior to the start date since it is using logic to determine an expiration date, it does not preclude the teaching of Keohane from rendering the amended claims obvious in light of the prior art taken as a whole. The disclosure of Keohane teaches an interface for entering a start and end date to activate an out-of-office reply and message in Figure 5. While the steps of Figure 4 focus primarily on the determination as to whether the end date has expired, it is clearly taught in paragraph [0038] that a future window for implementing an out-of-office reply and message can be created and implemented in the prior art. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the expiration analysis so that the determination that the time window of the out-of-office reply and message is active (i.e. both that is has begun, and that has not yet expired) is achieve by analyzing both the start and end dates. Such a modification allows for the activation of the out-of-office reply to occur in the future, as is implied by requiring the start date 503 to be entered (and not defaulted as the current date) in Figure 5.”

In response, Applicants assert that the Examiner has not cited any prior art allegedly disclosing the limitation of “determining that the current date is prior to the start date”. Thus the limitation of “determining that the current date is prior to the start date” is apparently unknown in the prior art and thus cannot be obvious.

Applicants assert that an attempt to show that it is obvious to combine elements to disclose the claimed invention starts with elements that are known in the prior art and then seeks to demonstrate that it obvious to combine the elements. *KSR Int'l Co. v. Teleflex Inc.*, 82

USPQ2d 1385, 1396 (2007) (“When it first established the requirement of demonstrating a teaching, suggestion, or motivation to combine **known elements** in order to show that the combination is obvious, the Court of Customs and Patent Appeals captured a helpful insight. See *Application of Bergel*, 292 F. 2d 955, 956-957 (1961)”) (emphasis added).

Insight as to why all elements of a claim must be known to reject the claim on grounds of obviousness is provided in *In re Shetty*, 566 F.2d 81, 86, 195 USPQ 753, 756-57 (C.C.P.A. 1977) (“Obviousness cannot be predicated on what is unknown”).

Thus, by not demonstrating that the preceding feature of claims 15, 28 and 34 was known at the time of Applicants’ invention, the Examiner has failed to establish a *prima facie* case of obviousness in relation to claims 15, 28 and 34.

Therefore, Keohane does not disclose the preceding feature of claims 15, 28 and 34.

In addition, Keohane does not teach or suggest the feature: “in response to said determining that the current date is prior to the start date and to said determining that the e-mail has not been sent from the first system to the receiver in the second system, said first processor attaching the extracted availability indicator metadata to the e-mail”.

The Examiner argues (office action, page 3): “Keohane discloses ... In response to said determining that the current date is prior to the start date, said first processor attaching the extracted availability indicator metadata to the e-mail (paragraph [0042], lines 1-8)”.

In response, Applicants note that Keohane, Par. [0042], lines 1-8 recites: “FIG. 4 illustrates the process completed by the email notification system when executing Out-of-Office utility 136 along with email utility 137, according to the described embodiment. The process

begins at block 401, at which Out-of-Office utility 136 detects the receipt of an automated out-of-office reply. The automated out-of-office reply is received by a user (sender) when the recipient (of sender's email) has activated the out-of-office email reply feature.”

Applicants assert that the preceding quote from Keohane, Par. [0042], lines 1-8 discloses that the system 215 sends the out-of-office reply to the sender in system 100 (see Keohane, FIG. 2). However, the preceding quote from Keohane, Par. [0042] does not disclose that the system 215 sends the out-of-office reply to the sender in system 100 “*in response to said determining that the current date is prior to the start date and to said determining that the e-mail has not been sent from the first system to the receiver in the second system*” (emphasis added).

Therefore, Keohane does not disclose the preceding feature of claims 15, 28 and 34.

Based on the preceding arguments, Applicants respectfully maintain that claims 15, 28 and 34 are not unpatentable over Keohane, and that claims 15, 28 and 34 are in condition for allowance.

#### Claims 16, 29 and 35

Since claims 16, 29 and 35 respectively depend from claims 15, 28 and 34 which Applicants have argued *supra* to not be unpatentable over Keohane under pre-AIA 35 U.S.C. § 103(a), Applicants maintain that claims 16, 29 and 35 are likewise not unpatentable over Keohane under pre-AIA 35 U.S.C. § 103(a).

#### Claims 17, 30 and 36

Since claims 17, 30 and 36 respectively depend from claims 15, 28 and 34 which Applicants have argued *supra* to not be unpatentable over Keohane under pre-AIA 35 U.S.C. § 103(a), Applicants maintain that claims 17, 30 and 36 are likewise not unpatentable over Keohane under pre-AIA 35 U.S.C. § 103(a).

#### Claims 23, 31 and 37

Since claims 23, 31 and 37 respectively depend from claims 15, 28 and 34 which Applicants have argued *supra* to not be unpatentable over Keohane under pre-AIA 35 U.S.C. § 103(a), Applicants maintain that claims 23, 31 and 37 are likewise not unpatentable over Keohane under pre-AIA 35 U.S.C. § 103(a).

#### Claims 24, 32 and 38

Since claims 24, 32 and 38 respectively depend from claims 15, 28 and 34 which Applicants have argued *supra* to not be unpatentable over Keohane under pre-AIA 35 U.S.C. § 103(a), Applicants maintain that claims 24, 32 and 38 are likewise not unpatentable over Keohane under pre-AIA 35 U.S.C. § 103(a).

#### Claims 25, 33 and 39

Since claims 25, 33 and 39 respectively depend from claims 15, 28 and 34 which Applicants have argued *supra* to not be unpatentable over Keohane under pre-AIA 35 U.S.C. §

103(a), Applicants maintain that claims 25, 33 and 39 are likewise not unpatentable over Keohane under pre-AIA 35 U.S.C. § 103(a).

#### Claims 26

Since claim 26 depends from claim 15 which Applicants have argued *supra* to not be unpatentable over Keohane under pre-AIA 35 U.S.C. § 103(a), Applicants maintain that claim 26 is likewise not unpatentable over Keohane under pre-AIA 35 U.S.C. § 103(a).

#### Claims 27

Since claim 27 depends from claim 15 which Applicants have argued *supra* to not be unpatentable over Keohane under pre-AIA 35 U.S.C. § 103(a), Applicants maintain that claim 27 is likewise not unpatentable over Keohane under pre-AIA 35 U.S.C. § 103(a).

## CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM).

The Attorney's reference number for this case is END-70022.

Date: August 9, 2016

/Jack P. Friedman/  
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**CERTIFICATION AND REQUEST FOR CONSIDERATION UNDER THE  
AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0**

Practitioner Docket No.: <b>IN920090098US1</b>	Application No.: <b>12/686,469</b>	Filing Date: <b>1/13/2010</b>
First Named Inventor: <b>Jan De la Rosa et al.</b>	Title: <b>AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM</b>	

APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0 (AFCP 2.0) OF THE ACCOMPANYING RESPONSE UNDER 37 CFR 1.116.

1. The above-identified application is (i) an original utility, plant, or design nonprovisional application filed under 35 U.S.C. 111(a) [a continuing application (*e.g.*, a continuation or divisional application) is filed under 35 U.S.C. 111(a) and is eligible under (i)], or (ii) an international application that has entered the national stage in compliance with 35 U.S.C. 371(c).
2. The above-identified application contains an outstanding final rejection.
3. Submitted herewith is a response under 37 CFR 1.116 to the outstanding final rejection. The response includes an amendment to at least one independent claim, and the amendment does not broaden the scope of the independent claim in any aspect.
4. This certification and request for consideration under AFCP 2.0 is the only AFCP 2.0 certification and request filed in response to the outstanding final rejection.
5. Applicant is willing and available to participate in any interview requested by the examiner concerning the present response.
6. This certification and request is being filed electronically using the Office's electronic filing system (EFS-Web).
7. Any fees that would be necessary consistent with current practice concerning responses after final rejection under 37 CFR 1.116, *e.g.*, extension of time fees, are being concurrently filed herewith. [There is no additional fee required to request consideration under AFCP 2.0.]
8. By filing this certification and request, applicant acknowledges the following:
  - Reissue applications and reexamination proceedings are not eligible to participate in AFCP 2.0.
  - The examiner will verify that the AFCP 2.0 submission is compliant, *i.e.*, that the requirements of the program have been met (see items 1 to 7 above). For compliant submissions:
    - The examiner will review the response under 37 CFR 1.116 to determine if additional search and/or consideration (i) is necessitated by the amendment and (ii) could be completed within the time allotted under AFCP 2.0. If additional search and/or consideration is required but cannot be completed within the allotted time, the examiner will process the submission consistent with current practice concerning responses after final rejection under 37 CFR 1.116, *e.g.*, by mailing an advisory action.
    - If the examiner determines that the amendment does not necessitate additional search and/or consideration, or if the examiner determines that additional search and/or consideration is required and could be completed within the allotted time, then the examiner will consider whether the amendment places the application in condition for allowance (after completing the additional search and/or consideration, if required). If the examiner determines that the amendment does not place the application in condition for allowance, then the examiner will contact the applicant and request an interview.
      - The interview will be conducted by the examiner, and if the examiner does not have negotiation authority, a primary examiner and/or supervisory patent examiner will also participate.
      - If the applicant declines the interview, or if the interview cannot be scheduled within ten (10) calendar days from the date that the examiner first contacts the applicant, then the examiner will proceed consistent with current practice concerning responses after final rejection under 37 CFR 1.116.

Signature <b>/Jack P. Friedman/</b>	Date <b>8/9/2016</b>
Name (Print/Typed) <b>Jack P. Friedman</b>	Practitioner Registration No. <b>44688</b>

**Note:** This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below\*.

\* Total of \_\_\_\_\_ forms are submitted.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	26592120
<b>Application Number:</b>	12686469
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9662
<b>Title of Invention:</b>	AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM
<b>First Named Inventor/Applicant Name:</b>	Jan De la Rosa
<b>Customer Number:</b>	30449
<b>Filer:</b>	Jack P. Friedman/Kimberly Hennessy
<b>Filer Authorized By:</b>	Jack P. Friedman
<b>Attorney Docket Number:</b>	IN920090098US1
<b>Receipt Date:</b>	09-AUG-2016
<b>Filing Date:</b>	13-JAN-2010
<b>Time Stamp:</b>	15:59:41
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Response After Final Action	IN920090098US1_finalamend4_08-09-2016.pdf	518122  <small>a56db1de7803d9fb0c852e47f66d7fb93680b3b</small>	no	19

### Warnings:

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Information:					
2	After Final Consideration Program Request	IN920090098US1-pilotprogram_08-09-2016.pdf	226374	no	2
			816ea76586b4bbdfb98d9133bb10e0f66fb1ed3a		
Warnings:					
Information:					
Total Files Size (in bytes):				744496	
<p><b>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>  <b>If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>  <b>If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>  <b>If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</b></p>					

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<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875	Application or Docket Number <b>12/686,469</b>	Filing Date <b>01/13/2010</b>	<input type="checkbox"/> To be Mailed
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ENTITY:  LARGE  SMALL  MICRO

**APPLICATION AS FILED – PART I**

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

**APPLICATION AS AMENDED – PART II**

	(Column 1)	(Column 2)	(Column 3)	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	
<b>AMENDMENT</b>	<b>08/09/2016</b>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR				
		* 14	Minus	** 22	= 0	X \$80 = 0	
		* 2	Minus	***5	= 0	X \$420 = 0	
		<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>					
		<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>					
					TOTAL ADD'L FEE	<b>0</b>	

	(Column 1)	(Column 2)	(Column 3)	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	
<b>AMENDMENT</b>		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR				
		*	Minus	**	=	X \$ =	
		*	Minus	***	=	X \$ =	
		<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>					
		<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>					
					TOTAL ADD'L FEE		

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE  
VIOLA ROGERS

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1	9662
30449	7590	06/10/2016	EXAMINER	
SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110			RUBIN, BLAKE J	
			ART UNIT	PAPER NUMBER
			2457	
			NOTIFICATION DATE	DELIVERY MODE
			06/10/2016	ELECTRONIC

**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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

30449@IPLAWUSA.COM



### DETAILED ACTION

1. This action is a response to communications filed March 18, 2016.
2. Claims 15-17 and 23-39 are currently pending. Claims 15, 28, and 34 are currently amended.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 15-17 and 23-39 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Keohane et al (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).**

4. With respect to claims 15, 28, and 34, Keohane discloses a method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device for transmitting availability information in an electronic mail system (paragraph [0017], lines 1-7), said method comprising:

Activating, by a first processor of a first system an availability indicator in the first system (paragraph [0037], lines 1-5), wherein the availability indicator indicates that a

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user of the first system is unavailable from a start date to an end date (paragraph [0037], lines 9-13);

Said first processor extracting availability indicator metadata from the availability indicator (paragraph [0042], lines 10-12), wherein the availability indicator metadata comprises the start date, the end date (paragraph [0043], lines 1-8), and an availability indicator message pertaining to the user being unavailable from the start date to the end date (paragraph [0043], lines 1-8);

Said first processor determining that an e-mail has not been sent to a receiver in a second system linked to the first system since said activating (paragraph [0046], lines 9-14, *message is first received*);

Said processor ascertaining whether a current date is prior to the start date and determining, from said ascertaining, that the current date is prior to the start date (paragraph [0043], lines 1-4);

In response to said determining that the current date is prior to the start date, said first processor attaching the extracted availability indicator metadata to the e-mail (paragraph [0042], lines 1-8); and

Said first processor sending the e-mail with the attached availability indicating metadata to the receiver in the second system (paragraph [0042], lines 1-8).

5. With respect to claim 16, 29, and 35, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a

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storage media comprising a first hardware storage device of claim 15, 28, and 34, further comprising the steps of:

Receiving, by a second processor of a second system, the e-mail with the attached availability indicator metadata sent by the first processor of the first system (paragraphs [0027], lines 7-15);

Said second processor extracting the availability indicator metadata from the received e-mail (paragraphs [0028], lines 1-7); and

said second processor storing the availability indicator metadata (paragraphs [0030], lines 1-7).

6. With respect to claim 17, 30, and 36, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device of claim 16, 29, and 35, further comprising the steps of:

Said second processor comparing the current date with a pre-selected date (paragraphs [0042]-[0044]), wherein the pre-selected date is selected from the group consisting of the start date (paragraphs [0042]-[0044]), the end date (paragraphs [0042]-[0044]), a date in response to the start date, and a date in response to the end date (paragraphs [0042]-[0044]);

Said second processor determining from said comparing that the current date matches the preselected date (paragraph [0042], lines 12-16);

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In response to said determining that the current date matches preselected date (paragraph [0042], lines 12-16), said second processor notifying the receiver that the current date matches the preselected date (paragraphs [0042]-[0044]), said notifying being performed using a pre-selected date graphical user interface (paragraphs [0042]-[0044]).

7. With respect to claim 23, 31, and 37, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device of claim 15, 28, and 34, further comprising:

Defining the availability indicator, said defining being performed by a vacation planner through use of the first processor (paragraph [0006], lines 1-7).

8. With respect to claim 24, 32, and 38, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device of claim 17, 30, and 36, further comprising, wherein the pre-selected date is the start date (paragraph [0043], lines 1-6).

9. With respect to claim 25, 33, and 39, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device of claim 17, 30, and 36,

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further comprising, wherein the pre-selected date is the end date (paragraph [0043], lines 1-6).

10. With respect to claim 26, Keohane discloses the method of claim 17, wherein the pre-selected date is the date in response to the start date (paragraph [0043], lines 1-6)).

11. With respect to claim 27, Keohane discloses the method of claim 17, wherein the pre-selected date is the date in response to the end date (paragraph [0043], lines 1-6)).

### ***Response to Arguments***

12. Applicant's arguments filed March 18, 2016 have been fully considered but they are not persuasive.

13. With respect to claims 15, 28 and 34, the applicant argues that Keohane fails to disclose *said processor ascertaining whether a current date is prior to the start date and determining, from said ascertaining, that the current date is prior to the start date.*

14. The examiner respectfully disagree. While the examiner agrees, that following step 407 in Figure 4 of Keohane would not makes sense with respect to the current date being prior to the start date since it is using logic to determine an expiration date, it does not preclude the teaching of Keohane from rendering the amended claims obvious in light of the prior art taken as a whole. The disclosure of Keohane teaches an interface

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for entering a start and end date to activate an out-of-office reply and message in Figure 5. While the steps of Figure 4 focus primarily on the determination as to whether the end date has expired, it is clearly taught in paragraph [0038] that a future window for implementing an out-of-office reply and message can be created and implemented in the prior art. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the expiration analysis so that the determination that the time window of the out-of-office reply and message is active (i.e. both that it has begun, and that it has not yet expired) is achieved by analyzing **both** the start and end dates. Such a modification allows for the activation of the out-of-office reply to occur in the future, as is implied by requiring the start date 503 to be entered (and not defaulted as the current date) in Figure 5.

### ***Conclusion***

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAKE RUBIN whose telephone number is (571)270-3802. The examiner can normally be reached on Monday - Friday, 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/12/16

/BLAKE RUBIN/  
Examiner, Art Unit 2457

<b>Search Notes</b>  	<b>Application/Control No.</b>  12686469	<b>Applicant(s)/Patent Under Reexamination</b>  DE LA ROSA ET AL.
	<b>Examiner</b>  BLAKE RUBIN	<b>Art Unit</b>  2457

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
709	206	9/27/12	BJR

SEARCH NOTES		
Search Notes	Date	Examiner
Searched Inventors	9/27/12	BJR
Searched 709/206 with text	9/27/12	BJR
Searched EAST	9/27/12	BJR
Searched Google	9/27/12	BJR
Consulted Primary Examiner Moustafa Meko	1/29/13	BJR
Consulted Primary Examiner Moustafa Meko	8/14/13	BJR
Consulted Primary Examiner Jeff Burke	4/11/16	BJR

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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<b>Index of Claims</b> 	<b>Application/Control No.</b> 12686469	<b>Applicant(s)/Patent Under Reexamination</b> DE LA ROSA ET AL.
	<b>Examiner</b> BLAKE RUBIN	<b>Art Unit</b> 2457

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

CLAIM		DATE							
Final	Original	09/27/2012	01/29/2013	08/16/2013	04/11/2016				
	1	✓	-	-	-				
	2	✓	-	-	-				
	3	✓	-	-	-				
	4	✓	-	-	-				
	5	✓	-	-	-				
	6	✓	-	-	-				
	7	✓	-	-	-				
	8	✓	-	-	-				
	9	✓	-	-	-				
	10	✓	-	-	-				
	11	✓	-	-	-				
	12	✓	-	-	-				
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	14	✓	-	-	-				
	15	✓	✓	✓	✓				
	16	✓	✓	✓	✓				
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	29		✓	✓	✓				
	30		✓	✓	✓				
	31		✓	✓	✓				
	32		✓	✓	✓				
	33		✓	✓	✓				
	34		✓	✓	✓				
	35		✓	✓	✓				
	36		✓	✓	✓				

<b><i>Index of Claims</i></b>  	<b>Application/Control No.</b>  12686469	<b>Applicant(s)/Patent Under Reexamination</b>  DE LA ROSA ET AL.
	<b>Examiner</b>  BLAKE RUBIN	<b>Art Unit</b>  2457

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

<b>N</b>	<b>Non-Elected</b>
<b>I</b>	<b>Interference</b>

<b>A</b>	<b>Appeal</b>
<b>O</b>	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

CLAIM		DATE							
Final	Original	09/27/2012	01/29/2013	08/16/2013	04/11/2016				
	37		✓	✓	✓				
	38		✓	✓	✓				
	39		✓	✓	✓				

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): De la Rosa et al.

Art Unit: 2457 / Confirmation No.: 9662

Application No.: 12/686,469

Examiner: Rubin, Blake J.

Filing Date: 01/13/2010

Docket No.: IN920090098US1

Title: **AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM** (as amended)

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Sir:

This communication is in response to the Decision on Appeal dated January 21, 2016.

**In the Claims:**

Please amend 15, 28 and 34. The claims are as follows:

1-14. (Canceled)

15. (Currently amended) A method for transmitting availability information in an electronic mail system, said method comprising:

activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ~~ascertaining that (i)~~ determining that an e-mail has not been sent to a receiver in a second system linked to the first system since said activating; ~~and (ii)~~

said processor ascertaining whether a current date is prior to the start date and determining, from said ascertaining, that the current date is prior to the start date;

in response to said ~~ascertaining~~ determining that the current date is prior to the start date, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

16. (Previously Amended) The method of claim 15, said method further comprising receiving, by a second processor of a second system, the e-mail with the attached availability indicator metadata sent by the first processor of the first system; said second processor extracting the availability indicator metadata from the received e-mail; and said second processor storing the availability indicator metadata.

17. (Previously Amended) The method of claim 16, said method further comprising: said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date; said second processor determining from said comparing that the current date matches the preselected date; and in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

18-22. (Canceled)

23. (Previously Presented) The method of claim 15, said method further comprising: defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

24. (Previously Presented) The method of claim 17, wherein the pre-selected date is the start date.

25. (Previously Presented) The method of claim 17, wherein the pre-selected date is the end date.

26. (Previously Presented) The method of claim 17, wherein the pre-selected date is the date in response to the start date.

27. (Previously Presented) The method of claim 17, wherein the pre-selected date is the date in response to the end date.

28. (Currently amended) A computer system comprising a first system that comprises a first processor, a first memory coupled to the first processor, and a first computer readable storage device coupled to the first processor, said first computer readable storage device containing first program code configured to be executed by the first processor via the first memory to implement a method for transmitting availability information in an electronic mail system, said method comprising:

said first processor activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ~~ascertaining that~~ (i) determining that an e-mail has not been sent to a receiver in a second system linked to the first system since said activating; ~~and (ii)~~

said processor ascertaining whether a current date is prior to the start date and determining, from said ascertaining, that the current date is prior to the start date;

in response to said ~~ascertaining~~ determining that the current date is prior to the start date, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

29. (Preciously Presented) The computer system of claim 28, said computer system further comprising the second system, said second system comprising a second processor, a second memory coupled to the second processor, and a second computer readable storage device coupled to the second processor, said second computer readable storage device containing second program code configured to be executed by the second processor via the second memory to further implement said method for transmitting availability information, said method further comprising:

said second processor receiving the e-mail with the attached availability indicator metadata sent by the first processor of the first system;

said second processor extracting the availability indicator metadata from the received e-mail; and

said second processor storing the availability indicator metadata.

30. (Previously Presented) The computer system of claim 29, said method further comprising:

said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date;

said second processor determining from said comparing that the current date matches the preselected date; and

in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

31. (Previously Presented) The computer system of claim 28, said method further comprising:  
defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

32. (Preciously Presented) The computer system of claim 30, wherein the pre-selected date is the start date.

33. (Previously Presented) The computer system of claim 30, wherein the pre-selected date is the end date.

34. (Currently amended) Storage media comprising a first hardware storage device having first program code stored therein, said first program code configured to be executed by a first processor of a first system to implement a method for transmitting availability information in an electronic mail system, said method comprising:

said first processor activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ~~ascertaining that (i)~~ determining that an e-mail has not been sent to a receiver in a second system linked to the first system since said activating; ~~and (ii)~~

said processor ascertaining whether a current date is prior to the start date and determining, from said ascertaining, that the current date is prior to the start date;

in response to said ~~ascertaining~~ determining that the current date is prior to the start date, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

35. (Previously Presented) The storage media of claim 34, said storage media further comprising a second hardware storage device having second program code stored therein, said second

program code configured to be executed by a second processor of the second system to implement said method for transmitting availability information, said method further comprising:

said second processor receiving the e-mail with the attached availability indicator metadata sent by the first processor of the first system;

said second processor extracting the availability indicator metadata from the received e-mail; and

said second processor storing the availability indicator metadata.

36. (Previously Presented) The storage media of claim 35, said method further comprising:

said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date;

said second processor determining from said comparing that the current date matches the preselected date; and

in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

37. (Previously Presented) The storage media system of claim 34, said method further comprising:

defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

38. (Previously Presented) The storage media of claim 36, wherein the pre-selected date is the start date.

39. (Previously Presented) The storage media of claim 36, wherein the pre-selected date is the end date.

## REMARKS

Applicants have amended claims 15-16, 28 and 34, and have cancelled claims 1-14 and 18-22, during prosecution of this patent application. Applicants are not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

The Examiner previously rejected claims 15-17 and 23-39 under 35 U.S.C. § 102(b) as allegedly being anticipated by Keohane et al. (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).

In the Decision on Appeal dated January 21, 2016, the Patent Trial and Appeal Board (hereinafter, "Board") reversed the rejection of claims 15-17 and 23-39 under 35 U.S.C. § 102(b) as allegedly being anticipated by Keohane, and issued a new ground of rejection of claims 15, 28 and 35 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Keohane.

Applicants respectfully traverse the § 103(a) rejections with the following arguments.

**35 U.S.C. § 103(a): Claims 15, 28 and 35**

In the Decision on Appeal dated January 21, 2016, the Patent Trial and Appeal Board (hereinafter, “Board”) reversed the rejection of claims 15-17 and 23-39 under 35 U.S.C. § 102(b) as allegedly being anticipated by Keohane, and issued a new ground of rejection of claims 15, 28 and 35 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Keohane.

The Board argues (Decision on Appeal, page 5): “Keohane teaches defining an out-of-office period by entering a start and end date and determining whether the out-of-office period is still valid (or has expired), but Keohane does not disclose ascertaining that a current date is prior to the start date in this determination. (Keohane, ¶ 43, ll. 1-4, ¶ 37, ll. 17-20). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Keohane to consider the start date in determining whether the out-of-office period is valid. Such a modification merely substitutes the start date for the end date and is no more than the predictable use of known prior art elements according to their established functions. *See KSR Int'l. Co. v. Teleflex, Inc.*, 550 U.S. 398,416 (2007). Therefore, we find Keohane teaches or suggests “a first processor ascertaining ... a current date is prior to the start date.””

In response, Applicants note that the claimed step at issue is the following step as amended herein: “said processor ascertaining whether a current date is prior to the start date and determining, from said ascertaining, that the current date is prior to the start date”.

Applicants note that the preceding argument by the Board is relying on step 407 in Keohane, FIG. 4 as described in Keohane, Par. [0043], lines 1-4 which recites: “However, if Out-of-Office utility 136 finds a match, Out-of-Office utility 136 determines, as shown at block 407, whether the entry in the file of notification data is still valid (or has expired). Expired

entries are found by comparing the out-of-office period (specifically, the period's closing date) with the current date. If the current date is later than the closing date of the out-of-office period, the entry is considered expired”.

Applicants assert that the word “still” in “still valid” inherently means that the out-of-office period started before the current date. The disclosure in Keohane, Par. [0043], lines 1-4 of “whether the entry in the file of notification data is still valid (or has expired)” does not contemplate, and it would not be obvious to contemplate, the possibility of the current date being before the start date of the out-of-office period when step 407 is performed, because such a possibility is inconsistent with steps 409, 408 and 401 in Keohane, FIG. 4 as explained next.

Step 407 in Keohane, FIG. 4 explicitly queries “Expired entry?”. If the “No” branch from step 407 were due to the current date being prior to the current date, then step 409 (“generates pop-up message informing user of prior notification message”) would be performed which would make no sense since a prior notification message (i.e., a prior notification of an out-of-office message) would not have been received if a current date is prior to the start date. Such a notification message is received only after the out-of-office message has been received which necessarily occurs after the start date. Thus step 409 is inconsistent with the “No” branch from step 407 being due to the current date being prior to the start date.

Step 408 (“deletes expired file entry”) is the “Yes” branch from step 407 and is also inconsistent with the current date being prior to the start date, because the file entry (i.e., the entry notification of the out-of-office reply) would not be deleted if the current were prior to the start date. Furthermore, it is logically impossible for the current date to be prior to the start date if the out-of-office period has expired.

Accordingly, both branches (408 and 409) from step 407 shown in Keohane, FIG. 4 are inconsistent with the start date being prior to a current date.

Step 401 in Keohane, FIG. 4 is also inconsistent with the possibility that the current date is prior to the start date. Step 407 in Keohane, FIG. 4 is performed by the recipient of the out-of-office reply to the recipient's previously sent a message to the out-of-office party which the recipient of the out-of-office reply received in step 401, as explained in Keohane, Par. [0041], lines 1-6. Thus, the recipient of the out-of-office reply already knows that the current date is after the start date as a consequence of the recipient having already received the out-of-office reply in step 401. Accordingly, the recipient of the out-of-office reply has no logical reason to query "whether a current date is prior to the start date" as claimed. Furthermore, the recipient of the out-of-office reply would not perform "determining, ... that the current date is prior to the start date" as claimed, since the current date is necessarily after the start date as a consequence of the recipient having already received the out-of-office reply in step 401. Thus, step 401 precludes the possibility that the current date is prior to the start date when step 407 is performed.

Based on the preceding arguments, Applicants respectfully contend that it is not obvious to broaden step 407 in Keohane, FIG. 4 ("whether the entry in the file of notification data is still valid (or has expired)") to a more general step that includes a query of whether the out-of-office period is valid or has expired (i.e., changing "still valid" to "valid" which would include determining whether a current date is prior to the start date).

Accordingly, Applicants respectfully contend that claims 15, 28 and 35 are not unpatentable over Keohane under 35 U.S.C. § 103(a).

## CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM). The Attorney's reference number for this case is END-70022.

Date: March 18, 2016

/Jack P. Friedman/  
Jack P. Friedman  
Registration No. 44,688

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22 Century Hill Drive - Suite 302  
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E-mail: jfriedman@iplawusa.com

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	25242437
<b>Application Number:</b>	12686469
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9662
<b>Title of Invention:</b>	AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM
<b>First Named Inventor/Applicant Name:</b>	Jan De la Rosa
<b>Customer Number:</b>	30449
<b>Filer:</b>	Jack P. Friedman/Kimberly Hennessy
<b>Filer Authorized By:</b>	Jack P. Friedman
<b>Attorney Docket Number:</b>	IN920090098US1
<b>Receipt Date:</b>	18-MAR-2016
<b>Filing Date:</b>	13-JAN-2010
<b>Time Stamp:</b>	15:25:31
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Argument after Patent Board Decision	IN920090098US1-amendmentinresponsetodecisiononAppeal_03-18-2016.pdf	491550 850a51243cb43c113b71f24be954f6ce8focd45c	no	15

### Warnings:

### Information:

**This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.**

**New Applications Under 35 U.S.C. 111**

**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**

**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**

**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1	9662
30449	7590	01/21/2016	EXAMINER	
SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110			RUBIN, BLAKE J	
			ART UNIT	PAPER NUMBER
			2457	
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			01/21/2016	ELECTRONIC

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* JAN DE LA ROSA, SALIL P. GANDHI,  
SAIDAS T. KOTTAWAR, and SANDIP D. MAHAJAN

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Appeal 2014-001176  
Application 12/686,469  
Technology Center 2400

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Before CAROLYN D. THOMAS, DEBRA K. STEPHENS, and  
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 15–17 and 23–39. Claims 1–14 and 18–22 have been cancelled. (Final Act. 2). We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE and enter a NEW GROUND OF REJECTION.

STATEMENT OF THE CASE

Appellants' invention is directed to an out-of-office electronic mail messaging system. (Abstract). Claim 15, reproduced below, is illustrative of the claimed subject matter:

15. A method for transmitting availability information in an electronic mail system, said method comprising:

activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date;

in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

*The Examiner's Rejections*

Appellants seek our review of the following rejections:

Claims 15–17 and 23–39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Keohane et al. (US 2008/0104177 A1; published May 1, 2008) (hereinafter “Keohane”).

## ANALYSIS

Dispositive Issue: Did the Examiner err in finding Keohane discloses “said first processor ascertaining that . . . a current date is prior to the start date,” as recited in independent claims 15, 28, and 34?

The Examiner finds Keohane discloses “ascertaining . . . a current date is prior to the start date” in paragraph 43, lines 1–4, which states: “However, if Out-of-Office utility **136** finds a match, Out-of-Office utility 136 determines, as shown at block **407**, whether the entry in the file of notification data is still valid (or has expired).” (Final Act. 3; Ans. 8). The Examiner finds “the validity of the out of office status of Keohane necessarily depends on the start date, even though the cited portion of the prior art is more focused on the end date.” (Ans. 8). The Examiner further finds, “[t]he mere focus of the prior art on the end date in no way precludes the necessary anticipation of the start date,” relying on paragraph 37, lines 17–20, which states “[t]he user then sets/defines the out-of-office period by entering the start date and the end date of the out-of-office period in the start date field **503** and end date field **504**, respectively.” (Ans. 8).

We do not agree with the Examiner.

[U]nless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.

*Net Moneyln, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008).

Thus, it is not enough that the prior art reference discloses part of the claimed invention, which an ordinary artisan might supplement to make the whole. *Id.*

Although Keohane discloses entry of a start date and end date to define the out-of-office period, the portions of the specification relied upon by the Examiner do not disclose ascertaining that the current date is prior to the start date. Rather, Keohane discloses ascertaining that the current date is prior to the end date to determine whether the out-of-office data is still valid. Because the Examiner has not shown Keohane discloses the disputed limitation arranged as in independent claims 15, 28, and 34, the Examiner has not established Keohane anticipates claims 15, 28, and 34. Our review of the Keohane reference fails to disclose “a first processor ascertaining . . . a current date is prior to the start date.” Therefore, we are constrained by the record to find that the Examiner erred in rejecting claims 15, 28, and 34 as anticipated by Keohane. Appellants’ contentions raise additional issues with regard to claims 15–17 and 23–39. (App. Br. 6–14; Reply Br. 2–15). Because we are persuaded of Examiner error with regard to the identified issue, which is dispositive of the appeal regarding claims 15–17 and 23–39, we do not reach the additional issues. Accordingly, we do not sustain the Examiner’s 35 U.S.C. § 102(b) rejection of claims 15, 28, and 34, and dependent claims 16, 17, 23–27, 29–33, and 35–39 for the same reasons.

#### NEW GROUND OF REJECTION

We enter the following new ground of rejection pursuant to our authority under 37 C.F.R. § 41.50(b).

*35 U.S.C. § 103(a) Rejection*

Claims 15, 28, and 34 are rejected on a new ground of rejection under 35 U.S.C. § 103(a) as being unpatentable over Keohane.

As we find *supra*, Keohane teaches defining an out-of-office period by entering a start and end date and determining whether the out-of-office period is still valid (or has expired), but Keohane does not disclose ascertaining that a current date is prior to the start date in this determination. (Keohane ¶ 43, ll. 1–4, ¶ 37, ll. 17–20). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Keohane to consider the start date in determining whether the out-of-office period is valid. Such a modification merely substitutes the start date for the end date and is no more than the predictable use of known prior art elements according to their established functions. *See KSR Int’l. Co. v. Teleflex, Inc.*, 550 U.S. 398, 416 (2007). Therefore, we find Keohane teaches or suggests “a first processor ascertaining . . . a current date is prior to the start date.”

For these reasons, we newly reject independent claims 15, 28, and 34 as unpatentable under 35 U.S.C. § 103(a) over Keohane.

The Patent Trial and Appeal Board is a forum for review, and not for initial examination. We have entered a new ground of rejection for claims 15, 28, and 34. However, we leave to the Examiner to ascertain whether claims 16, 17, 29–33, and 35–39 should be rejected under 35 U.S.C. § 103(a) as being unpatentable over Keohane alone or in combination with other prior art, in view of our findings and conclusions herein, and to enter such rejections as may be appropriate. Our failure to enter such rejections herein does not indicate that we believe claims 16, 17, 29–33, and 35–39 are patentable.

DECISION

For the above reasons, the Examiner's rejection of claims 15–17 and 23–39 is reversed.

We newly reject claims 15, 28, and 34 under 35 U.S.C. § 103(a).

37 C.F.R. § 41.50(b) provides that, “[a] new ground of rejection pursuant to this paragraph shall not be considered final for judicial review.”

37 C.F.R. § 41.50(b) also provides that the Appellants, WITHIN TWO MONTHS FROM THE DATE OF THE DECISION, must exercise one of the following two options with respect to the new ground of rejection to avoid termination of proceedings (37 C.F.R. § 1.197 (b)) as to the rejected claims:

(1) Reopen prosecution. Submit an appropriate amendment of the claims so rejected or new evidence relating to the claims so rejected, or both, and have the matter reconsidered by the examiner, in which event the proceeding will be remanded to the examiner. . . .

(2) Request rehearing. Request that the proceeding be reheard under 37 C.F.R. § 41.52 by the Board upon the same record. . . .

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

REVERSED; 37 C.F.R. § 41.50(b)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1	9662
30449	7590	11/19/2013	EXAMINER	
SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110			RUBIN, BLAKE J	
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Appeal No: 2014-001176  
Application: 12/686,469  
Appellant: Jan De la Rosa et al.

## **Patent Trial and Appeal Board Docketing Notice**

Application 12/686,469 was received from the Technology Center at the Board on October 31, 2013 and has been assigned Appeal No: 2014-001176.

In all future communications regarding this appeal, please include both the application number and the appeal number.

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By order of the Patent Trial and Appeal Board.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): De la Rosa et al.

Art Unit: 2457 / Confirmation No.: 9662

Application No.: 12/686,469

Examiner: Rubin, Blake J.

Filing Date: 01/13/2010

Docket No.: IN920090098US1

Title: **AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

This Reply Brief is in reply o the Examiner's Answer mailed September 5, 2013.

## **GROUND OF REJECTION 1**

Claims 15-17 and 23-39 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Keohane et al. (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).

### **Claims 15, 28 and 34**

Appellants respectfully contend that claims 15, 28 and 34 are not anticipated by Keohane, because Keohane does not teach or suggest each and every feature of claims 15, 28 and 34.

A first example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature:

“activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date;

in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.”

All of the preceding recited steps in claims 15, 28 and 34 are required to be performed by the first processor of the first system. Furthermore, claims 15, 28 and 34 recites: “a user of the first system is unavailable from a start date to an end date”. Consequently, the first system, which performs the preceding recited steps in claims 15, 28 and 34, is a system having a user who is unavailable from a start date to an end date and is also a system comprising an availability indicator having metadata that comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date (as recited in claims 15, 28, and 34), which Keohane does not teach.

Keohane, Par. [0025] (last sentence) teaches that in Keohane, FIG. 2, User1 215 is out-of-office recipient of email sent by the sender User2 100. Therefore, in the claimed “activating” step (“activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date”), the first system in Keohane is the system used by the recipient User1, since the recipient User1 is out of the office and is thus unavailable from a start date to an end date. In addition, the claimed first processor is claimed to be a processor of the first system and is therefore a processor of the system of the recipient User1 in Keohane.

The Examiner’s Answer relies (Examiner’s Answer, pages 3-4) on Keohane, Pars. [0042]-[0043] as allegedly teaching the claimed steps of “extracting”, “ascertaining”,

“attaching”, and “sending”. However, Keohane, Pars. [0042]-[0043] describe Keohane, FIG. 4 which is a flow chart of a process performed by Out-Of-Office Utility136 which processes, in steps 401-413, email received by the sender User2 and email sent by the sender User2.

Keohane, Pars. [0042]-[0043] does not teach that the Out-Of-Office Utility136 is executed by the processor of the system of the recipient User1 (i.e., the user who is out of the office and is unavailable from a start date to an end), and thus Keohane does not teach that the “extracting”, “ascertaining”, “attaching”, and “sending” steps are performed by the processor of the system of the recipient User1 as required by claims 15, 28 and 34, because Keohane teaches that the recipient User1 is out of the office and is thus unavailable from a start date to an end date.

Instead, Keohane, Pars. [0041] teaches that the Out-Of-Office Utility136 is executed by the sender (User2), and not the recipient (User1). See Keohane, Par. [0041] which recites: “User2 may begin composing another email to User1 during the out-of-office period. User2 may also wish to take advantage of the functionality of Out-of-Office utility 136 to quickly and efficiently retrieve the essence of the previous notification message.”.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34, because the system of the sender User2 (and not the system of the recipient User1) allegedly performs the “extracting”, “ascertaining”, “attaching”, and “sending” steps in claims 15, 28 and 34 as allegedly described in Keohane, Pars. [0042]-[0043] for the process of Keohane, FIG. 4.

In “Response to Argument”, the Examiner’s Answer (page 7) recites: “In the applicant's argument the anticipation of the limitation in question appears to hinge on whether or not the activation step of User 1 is taking place on the processor and system of User 1. The

examiner maintains that Keohane discloses an embodiment where that is indeed the case. While the applicant points to Figure 2, in which a network email server 207 indeed facilitates the out of office statuses of various parties, such an embodiment is in addition to the teaching in Figure 1, whereby the out of office utility 136 is embodied on a client computer in which the utility is located in the client computer's memory and executed on the client computer's processor (see paragraph [0024], lines 9-13). Keohane goes on to elaborate on an activation embodiment, described as a series of functional processes, all of which are consistent with the start and end dates (particularly step 2) of the availability indicator as claimed (see paragraph [0024], lines 13-29). Such is the same with the steps of "extracting", "ascertaining", "attaching", and "sending", as further argued by the applicant, which are all performed in an anticipatory manner by the local out of office utility 136."

In response, Appellant notes that Keohane, Par. [0024], which the preceding argument in the Examiner's Answer relies upon with respect to Keohane, FIG. 1, recites: "Thus, as shown by FIG. 1, in addition to the above described hardware components, data processing system 100 further comprises software components, including operating system (OS) 132 (e.g., the Advanced Interactive Executive (AIX) operating system, or Microsoft Windows.RTM., a trademark of Microsoft Corp, or GNU.RTM./Linux.RTM., registered trademarks of the Free Software Foundation and The Linux Mark Institute) and one or more software applications, including Out-of-Office utility 136 and email utility 137. In implementation, OS 132, Out-of-Office utility 136, and email utility 137 are located within memory 109 and executed on processor (CPU) 101. According to the illustrative embodiment, when processor 101 executes Out-of-Office utility 136, Out-of-Office utility 136 enables data processing system 100 to

complete a series of functional processes, including: (1) detecting an initial out-of-office notification received by the sender's email account; (2) capturing and storing the out-of-office notification data (e.g., e-mail ID of the recipient to which the original email that generated the out-of-office notification was sent, email recipient's out-of-office dates, and associated message transmitted with the out-of-office notification); (3) searching stored out-of-office notification data for potential matches during subsequent email addressing/composition; (4) displaying a pop-up window alerting and notifying the sender of the previously received out-of office notification, if a match is found; and (5) maintaining a file of valid notification data by automatically removing expired entries; and other features/functionality described below and illustrated by FIGS. 3-4. ”

Appellants assert that the preceding quote from Keohane, Par. [0024] does not teach that any of the indicated steps (1)-(5) are preformed by the system of recipient User1 who is unavailable from a start date to an end date. To the contrary, steps (1), (2), (3), and (4) described in Keohane, Par. [0024] are steps 401, 402, 405, 409, respectively, in Keohane, FIG. 4 which is a flow chart of a process performed by the sender User2 as explained *supra*.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

A second example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature: “said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating”.

The Examiner’s Answer (page 4) argues: “Keohane discloses ... Said first processor

ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating (paragraph [0046], lines 9-14, message is first received)”.

In response, Appellants note that Keohane, Par. [0046], lines 9-14 recites: “In particular, while the steps of parsing the notification message for the alternate email ID are illustrated and described as occurring at the point when the reminder message is being outputted, the parsing of the notification message may occur at the time the message is first received from the recipient.”

Appellants assert that the preceding quote from Keohane, Par. [0046], lines 9-14 teaches that the parsing of the notification message may occur at the time the message is first received from the recipient, but does not teach that “an e-mail has not been sent to a receiver in a second system linked to the first system since said activating”.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

In “Response to Argument”, the Examiner’s Answer (page 8) recites: “Furthermore, with respect to the limitation of an email [which] has not been sent to a receiver in a second system linked to the first system since said activating, the examiner takes the position that the negative claim language merely requires that the out of office utility identify that a no email is sent prior to activation. Such is precise the case when no match is found in the sequence of Figure 4, step 408, described in paragraph [0042].”

In response, Appellant asserts that the preceding argument in the Examiner’s Answer (“the examiner takes the position that the negative claim language merely requires that the out of office utility identify that a no email is sent *prior to* activation”) is incorrect, because even if no email sent *prior to* activation, the fact that no email sent *prior to* activation does not preclude email from being sent *since* activation.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

Furthermore, the Examiner's Answer's citation of step 408 in FIG. 4 as allegedly described in Par. [0042] of Keohane (which the Examiner's Answer relies upon for support) does not make sense, because: (i) step 408 is not described in Keohane, Par. [0042]; and (ii) the description of step 408 in Keohane, Par. [0043] recites "When expired notifications (entries) are found, these expired entries are deleted, as shown at block 408", which does not support the preceding contention in the Examiner's Answer that "no email is sent prior to activation".

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

A third example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature: "said first processor ascertaining that ... (ii) a current date is prior to the start date".

The Examiner's Answer (page 4) argues: "Keohane discloses ... Said first processor ascertaining that ... (ii) a current date is prior to the start date (paragraph [0043], lines 1-4)"

In response, Appellants note that Keohane, Par. [0043], lines 1-4 recite: "However, if Out-of-Office utility 136 finds a match, Out-of-Office utility 136 determines, as shown at block 407, whether the entry in the file of notification data is still valid (or has expired)."

Appellants assert that the preceding quote from Keohane, Par. [0043], lines 1-4 teaches that determining whether the entry in the file of notification data is still valid or has expired, but does not teach that "ascertaining that ... a current date is prior to the start date".

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

In "Response to Argument", the Examiner's Answer (page 8) recites: "Furthermore, with

respect to the limitation of a current date is prior to a start date, the applicant errs in arguing a distinction between the validity of the out of offices utility and the initiation of a start date. In that the validity of the out of office status of Keohane necessarily depends on the start date, even though the cited portion of the prior art is more focused on the end date (paragraph [0043]). The mere focus of the prior art on the end date in no way precludes the necessary anticipation of the start date, which is described in paragraph [0037], lines 17-20, whereby the validity of the notification data depends on both the start and end dates.”

In response, Appellant notes that the preceding argument in the Examiner’s Answer acknowledges that Keohane does not explicitly disclose the claimed limitation of “a current date is prior to the start date”. Instead, the preceding argument in the Examiner’s Answer appears to allege, without accompanying argument, that Keohane inherently discloses the claimed limitation of “a current date is prior to the start date”.

Under case law, the alleged inherency must **necessarily and inevitably** follow from the teachings in the prior art and a high probability of occurrence is not sufficient demonstrating inherency. See MPEP 2112(IV) which recites: “The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is **necessarily** present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however,

may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)... "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original)" (bold emphasis added).

Since the Examiner has not even attempted to show that the alleged inherency in Keohane of "current date is prior to the start date" **necessarily and inevitably** follows from the teachings in Keohane, Appellant's respectfully contend that the Examiner's Answer has not adequately supported the alleged inherency.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

A fourth example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature: "in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail".

The Examiner's Answer (page 4) argues: "Keohane discloses ... In response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail (paragraph [0042], lines 1-8)".

In response, Appellants note that Keohane, Par. [0042], lines 1-8 recite: "FIG. 4 illustrates the process completed by the email notification system when executing Out-of-Office utility 136 along with email utility 137, according to the described embodiment. The process

begins at block 401, at which Out-of-Office utility 136 detects the receipt of an automated out”.

Appellants assert that the preceding quote from Keohane, Par. [0042], lines 1-8 is totally silent as to attaching anything, let alone attaching the extracted availability indicator metadata to the e-mail.

In addition and noting the antecedent basis for “said ascertaining”, the preceding quote from Keohane, Par. [0042], lines 1-8 is totally silent as to performing any action in response to ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date, let alone attaching the extracted availability indicator metadata to the e-mail in response to ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

In “Response to Argument”, the Examiner’s Answer (page 7) recites: “Furthermore, with respect to the limitation of attaching, the applicant believes that Keohane is clear in the cited portion of the prior art that an attachment is provided in the form of an "automated out-of-office reply" which is received by the sender, the reply includes the detailed information of the out-of-office status of the recipient, which is analogous to the claimed metadata.”

In response, Appellant asserts that an alleged teaching of an "automated out-of-office reply" that includes the detailed information of the out-of-office status of the recipient is not a teaching of attaching anything to the e-mail, let alone attaching the extracted availability indicator metadata to the e-mail.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

Furthermore, the Examiner has not responded to Appellant's argument, which appeared in the Appeal Brief, that Keohane, Par. [0042], lines 1-8 is totally silent as to performing any action in response to the claimed "ascertaining".

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

A fifth example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature: "said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system".

The Examiner's Answer (page 4) argues: "Keohane discloses ... Said first processor sending the e-mail with the attached availability indicating metadata to the receiver in the second system (paragraph [0042], lines 1-8."

In response, Appellants note that Keohane, Par. [0042], lines 1-8 recite: "FIG. 4 illustrates the process completed by the email notification system when executing Out-of-Office utility 136 along with email utility 137, according to the described embodiment. The process begins at block 401, at which Out-of-Office utility 136 detects the receipt of an automated out".

Appellants assert that the preceding quote from Keohane, Par. [0042], lines 1-8 is totally silent as to sending anything, let alone "sending the e-mail with the attached availability indicator metadata to the receiver in the second system".

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

Applicants presented the preceding argument in the Appeal Brief, which the Examiner's Answer has not responded to.

Based on the preceding arguments, Appellants respectfully maintain that claims 15, 28 and 34 are not anticipated by Keohane, and that claims 15, 28 and 34 are in condition for allowance.

Claims 16, 29, and 35

Since claims 16, 29, and 35 depend from claims 15, 28, and 34 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claims 16, 29, and 35 are likewise not anticipated by Keohane under 35 U.S.C. 102(b).

Claims 17, 30, and 36

Since claims 17, 30, and 36 depend from claims 15, 28, and 34 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claims 17, 30, and 36 are likewise not anticipated by Keohane under 35 U.S.C. 102(b).

### Claims 23, 31, and 37

Appellants respectfully contend that claim 23 is not anticipated by Keohane, because Keohane does not teach or suggest each and every feature of claim 23.

Since claims 17, 30, and 36 depend from claims 15, 28, and 34 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claims 17, 30, and 36 are likewise not anticipated by Keohane under 35 U.S.C. 102(b).

### Claims 24, 32, and 38

Since claims 17, 30, and 36 depend from claims 15, 28, and 34 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claims 17, 30, and 36 likewise not anticipated by Keohane under 35 U.S.C. 102(b).

### Claims 25, 33, and 39

Since claims 17, 30, and 36 depend from claims 15, 28, and 34 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claims 17, 30, and 36 are likewise not anticipated by Keohane under 35 U.S.C. 102(b).

### Claim 26

Since claim 26 depends from claim 15 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claim 26 is likewise not anticipated by Keohane under 35 U.S.C. 102(b).

Claim 27

Since claim 27 depends from claim 15 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claim 27 is likewise not anticipated by Keohane under 35 U.S.C. 102(b).

## SUMMARY

In summary, Appellant respectfully requests reversal of the February 5, 2013 Office Action rejection of claims 15-17 and 23-39.

Date: October 28, 2013

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## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	12686469
<b>Filing Date:</b>	13-Jan-2010
<b>Title of Invention:</b>	AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM
<b>First Named Inventor/Applicant Name:</b>	Jan De la Rosa
<b>Filer:</b>	Jack P. Friedman/Kimberly Dwileski
<b>Attorney Docket Number:</b>	IN920090098US1

Filed as Large Entity

### Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
Appeal Forwarding Fee	1413	1	2000	2000

### Post-Allowance-and-Post-Issuance:

### Extension-of-Time:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>2000</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	17250139
<b>Application Number:</b>	12686469
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9662
<b>Title of Invention:</b>	AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM
<b>First Named Inventor/Applicant Name:</b>	Jan De la Rosa
<b>Customer Number:</b>	30449
<b>Filer:</b>	Jack P. Friedman/Kimberly Dwileski
<b>Filer Authorized By:</b>	Jack P. Friedman
<b>Attorney Docket Number:</b>	IN920090098US1
<b>Receipt Date:</b>	29-OCT-2013
<b>Filing Date:</b>	13-JAN-2010
<b>Time Stamp:</b>	09:23:48
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$2000
RAM confirmation Number	10404
Deposit Account	090457
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

**File Listing:**

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Reply Brief Filed	IN920090098US1-replybrief.pdf	509748 12b317390795ddf10462d5cd13d70dddeb9676e7	no	16

**Warnings:****Information:**

2	Fee Worksheet (SB06)	fee-info.pdf	30272 f1afcfbab136edfc938a36c721f437c65e424624	no	2
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**Warnings:****Information:**

<b>Total Files Size (in bytes):</b>	540020
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1	9662
30449	7590	09/13/2013	EXAMINER	
SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110			RUBIN, BLAKE J	
			ART UNIT	PAPER NUMBER
			2457	
			NOTIFICATION DATE	DELIVERY MODE
			09/13/2013	ELECTRONIC

**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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

30449@IPLAWUSA.COM



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<b>APPLICATION NO./ CONTROL NO.</b>	<b>FILING DATE</b>	<b>FIRST NAMED INVENTOR / PATENT IN REEXAMINATION</b>	<b>ATTORNEY DOCKET NO.</b>
12/686,469	13 January, 2010	DE LA ROSA ET AL.	IN920090098US1

SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110	<b>EXAMINER</b>	
	BLAKE RUBIN	
	<b>ART UNIT</b>	<b>PAPER</b>
	2457	20130909

DATE MAILED:

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

**Commissioner for Patents**

Under paragraph 1 of the Examiner's Answer mailed September 5, 2013, there was a typographical error in identifying the appropriate Office Action under appeal. The correct Office Action is the Final Office Action mailed February 5, 2013 (not the September 26, 2012 date recorded in the Answer).

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457

/BLAKE RUBIN/  
Examiner, Art Unit 2457



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1	9662
30449	7590	09/05/2013	EXAMINER	
SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110			RUBIN, BLAKE J	
			ART UNIT	PAPER NUMBER
			2457	
			NOTIFICATION DATE	DELIVERY MODE
			09/05/2013	ELECTRONIC

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**THE PATENT TRIAL AND APPEAL BOARD**

Application Number: 12/686,469  
Filing Date: 1/13/10  
Appellant(s): JAN De La ROSA et al

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JACK P. FRIEDMAN  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed July 2, 2013.

Art Unit: 2457

1. Every ground of rejection set forth in the Office action dated September 26, 2012 from which the appeal is taken is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

The following ground(s) of rejection are applicable to the appealed claims.

**2. Claims 15-17 and 23-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Keohane et al (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).**

3. With respect to claims 15, 28, and 34, Keohane discloses a method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device for transmitting availability information in an electronic mail system (paragraph [0017], lines 1-7), said method comprising:

Activating, by a first processor of a first system an availability indicator in the first system (paragraph [0037], lines 1-5), wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date (paragraph [0037], lines 9-13);

Said first processor extracting availability indicator metadata from the availability indicator (paragraph [0042], lines 10-12), wherein the availability indicator metadata

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comprises the start date, the end date (paragraph [0043], lines 1-8), and an availability indicator message pertaining to the user being unavailable from the start date to the end date (paragraph [0043], lines 1-8);

Said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating (paragraph [0046], lines 9-14, *message is first received*) and (ii) a current date is prior to the start date (paragraph [0043], lines 1-4);

In response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail (paragraph [0042], lines 1-8); and

Said first processor sending the e-mail with the attached availability indicating metadata to the receiver in the second system (paragraph [0042], lines 1-8).

4. With respect to claim 16, 29, and 35, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device of claim 15, 28, and 34, further comprising the steps of:

Receiving, by a second processor of a second system, the e-mail with the attached availability indicator metadata sent by the first processor of the first system (paragraphs [0027], lines 7-15);

Said second processor extracting the availability indicator metadata from the received e-mail (paragraphs [0028], lines 1-7); and

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said second processor storing the availability indicator metadata (paragraphs [0030], lines 1-7).

5. With respect to claim 17, 30, and 36, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device of claim 16, 29, and 35, further comprising the steps of:

Said second processor comparing the current date with a pre-selected date (paragraphs [0042]-[0044]), wherein the pre-selected date is selected from the group consisting of the start date (paragraphs [0042]-[0044]), the end date (paragraphs [0042]-[0044]), a date in response to the start date, and a date in response to the end date (paragraphs [0042]-[0044]);

Said second processor determining from said comparing that the current date matches the preselected date (paragraph [0042], lines 12-16);

In response to said determining that the current date matches preselected date (paragraph [0042], lines 12-16), said second processor notifying the receiver that the current date matches the preselected date (paragraphs [0042]-[0044]), said notifying being performed using a pre-selected date graphical user interface (paragraphs [0042]-[0044]).

6. With respect to claim 23, 31, and 37, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a

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storage media comprising a first hardware storage device of claim 15, 28, and 34, further comprising:

Defining the availability indicator, said defining being performed by a vacation planner through use of the first processor (paragraph [0006], lines 1-7).

7. With respect to claim 24, 32, and 38, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device of claim 17, 30, and 36, further comprising, wherein the pre-selected date is the start date (paragraph [0043], lines 1-6).

8. With respect to claim 25, 33, and 39, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device of claim 17, 30, and 36, further comprising, wherein the pre-selected date is the end date (paragraph [0043], lines 1-6).

9. With respect to claim 26, Keohane discloses the method of claim 17, wherein the pre-selected date is the date in response to the start date (paragraph [0043], lines 1-6)).

10. With respect to claim 27, Keohane discloses the method of claim 17, wherein the pre-selected date is the date in response to the end date (paragraph [0043], lines 1-6)).

**(2) Response to Argument**

11. With respect to claims 15, 28 and 34, the applicant argues that Keohane fails to disclose *activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date.*

12. The examiner respectfully disagrees. In the applicant's argument the anticipation of the limitation in question appears to hinge on whether or not the activation step of User 1 is taking place on the processor and system of User 1. The examiner maintains that Keohane discloses an embodiment where that is indeed the case. While the applicant points to Figure 2, in which a network email server **207** indeed facilitates the out of office statuses of various parties, such an embodiment is in addition to the teaching in Figure 1, whereby the out of office utility **136** is embodied on a client computer in which the utility is located in the client computer's memory and executed on the client computer's processor (see paragraph [0024], lines 9-13). Keohane goes on to elaborate on an activation embodiment, described as a series of functional processes, all of which are consistent with the start and end dates (particularly step 2) of the availability indicator as claimed (see paragraph [0024], lines 13-29). Such is the same with the steps of "extracting", "ascertaining", "attaching", and "sending", as further argued by the applicant, which are all performed in an anticipatory manner by the local out of office utility **136**.

13. Furthermore, with respect to the limitation of *an email [which] has not been sent to a receiver in a second system linked to the first system since said activating*, the examiner takes the position that the negative claim language merely requires that the out of office utility identify that a no email is sent prior to activation. Such is precise the case when no match is found in the sequence of Figure 4, step **408**, described in paragraph [0042].

14. Furthermore, with respect to the limitation of *a current date is prior to a start date*, the applicant errs in arguing a distinction between the validity of the out of offices utility and the initiation of a start date. In that the validity of the out of office status of Keohane necessarily depends on the start date, even though the cited portion of the prior art is more focused on the end date (paragraph [0043]). The mere focus of the prior art on the end date in no way precludes the necessary anticipation of the start date, which is described in paragraph [0037], lines 17-20, whereby the validity of the notification data depends on both the start and end dates.

15. Furthermore, with respect to the limitation of *attaching*, the applicant believes that Keohane is clear in the cited portion of the prior art that an attachment is provided in the form of an “automated out-of-office reply” which is received by the sender, the reply includes the detailed information of the out-of-office status of the recipient, which is analogous to the claimed metadata.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

August 16, 2013

/BLAKE RUBIN/  
Examiner, Art Unit 2457

Conferees:

/MOUSTAFA M MEKY/

Primary Examiner, Art Unit 2457

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457

<b>Search Notes</b>  	<b>Application/Control No.</b>  12686469	<b>Applicant(s)/Patent Under Reexamination</b>  DE LA ROSA ET AL.
	<b>Examiner</b>  BLAKE RUBIN	<b>Art Unit</b>  2457

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
709	206	9/27/12	BJR

SEARCH NOTES		
Search Notes	Date	Examiner
Searched Inventors	9/27/12	BJR
Searched 709/206 with text	9/27/12	BJR
Searched EAST	9/27/12	BJR
Searched Google	9/27/12	BJR
Consulted Primary Examiner Moustafa Meki	1/29/13	BJR
Consulted Primary Examiner Moustafa Meki	8/14/13	BJR

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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<b>Index of Claims</b>  	<b>Application/Control No.</b>  12686469	<b>Applicant(s)/Patent Under Reexamination</b>  DE LA ROSA ET AL.
	<b>Examiner</b>  BLAKE RUBIN	<b>Art Unit</b>  2457

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

CLAIM		DATE							
Final	Original	09/27/2012	01/29/2013	08/16/2013					
	1	✓	-	-					
	2	✓	-	-					
	3	✓	-	-					
	4	✓	-	-					
	5	✓	-	-					
	6	✓	-	-					
	7	✓	-	-					
	8	✓	-	-					
	9	✓	-	-					
	10	✓	-	-					
	11	✓	-	-					
	12	✓	-	-					
	13	✓	-	-					
	14	✓	-	-					
	15	✓	✓	✓					
	16	✓	✓	✓					
	17	✓	✓	✓					
	18	✓	-	-					
	19	✓	-	-					
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	22	✓	-	-					
	23		✓	✓					
	24		✓	✓					
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	30		✓	✓					
	31		✓	✓					
	32		✓	✓					
	33		✓	✓					
	34		✓	✓					
	35		✓	✓					
	36		✓	✓					

<b>Index of Claims</b>  	<b>Application/Control No.</b>  12686469	<b>Applicant(s)/Patent Under Reexamination</b>  DE LA ROSA ET AL.
	<b>Examiner</b>  BLAKE RUBIN	<b>Art Unit</b>  2457

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

CLAIM		DATE							
Final	Original	09/27/2012	01/29/2013	08/16/2013					
	37		✓	✓					
	38		✓	✓					
	39		✓	✓					

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): De la Rosa et al.

Art Unit: 2457 / Confirmation No.: 9662

Application No.: 12/686,469

Examiner: Rubin, Blake J.

Filing Date: 01/13/2010

Docket No.: IN920090098US1

Title: **AN OUT-OF-OFFICE** ELECTRONIC MAIL MESSAGING SYSTEM

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF**

This Appeal Brief, pursuant to the Notice of Appeal filed May 6, 2013, is an appeal from the rejection of the Examiner in the Final Office Action mailed February 5, 2013.

**REAL PARTY IN INTEREST**

International Business Machines Corporation.

**RELATED APPEALS AND INTERFERENCES**

None.

**STATUS OF CLAIMS**

Claims 15-17 and 23-39 are finally rejected. Claims 1-14 and 18-22 are cancelled.

## STATUS OF AMENDMENTS

No claims were amended in the response filed by Appellant on April 1, 2013 to the Final Office Action mailed February 5, 2013.

### SUMMARY OF CLAIMED SUBJECT MATTER

#### CLAIM 15 - INDEPENDENT

The present invention provides a method for transmitting availability information in an electronic mail system (specification, page 4, lines 12-13).

A first processor (704, FIG. 7) of a first system (700, FIG. 7; 102, FIG. 1) activates an availability indicator in the first system (step 604, FIG. 6; specification, page 8, lines 8-9). The availability indicator indicates that a user (104, FIG. 1) of the first system is unavailable from a start date to an end date (specification, page 4, lines 19-23).

The processor extracts availability indicator metadata (209, FIG. 3) from the availability indicator (step 606, FIG. 6; specification, page 8, lines 9-10). The availability indicator metadata comprises the start date (304, FIG. 3), the end date (306, FIG. 3) and an availability indicator message (308, FIG. 3) pertaining to the user being unavailable from the start date to the end date (specification, page 7, lines 13-16).

The first processor ascertains that (i) an e-mail has not been sent to a receiver (122, FIG. 1) in a second system (120, FIG. 1) linked to the first system since said activating and (ii) a current date is prior to the start date, and in response, the first processor attaches the extracted availability indicator metadata to the e-mail and sends the e-mail with the attached availability indicator metadata to the receiver in the second system (step 608, FIG. 6; specification, page 8,

lines 10-13).

CLAIM 28 - INDEPENDENT

The present invention provides a computer system (700, FIG. 7) comprising a first system (102, FIG. 1) that comprises a first processor (704, FIG. 7), a first memory (712, FIG. 7) coupled to the first processor, and a first computer readable storage device (718, FIG. 7) coupled to the first processor, said first computer readable storage device containing first program code (specification, page 10, lines 23-25) configured to be executed by the first processor via the first memory (specification, page 4, lines 12-13) to implement a method for transmitting availability information in an electronic mail system (specification, page 12, lines 2-7; page 4, lines 12-13).

The processor activates an availability indicator in the first system (step 604, FIG. 6; specification, page 8, lines 8-9). The availability indicator indicates that a user (104, FIG. 1) of the first system is unavailable from a start date to an end date (specification, page 4, lines 19-23).

The processor extracts availability indicator metadata (209, FIG. 3) from the availability indicator (step 606, FIG. 6; specification, page 8, lines 9-10). The availability indicator metadata comprises the start date (304, FIG. 3), the end date (306, FIG. 3) and an availability indicator message (308, FIG. 3) pertaining to the user being unavailable from the start date to the end date (specification, page 7, lines 13-16).

The first processor ascertains that (i) an e-mail has not been sent to a receiver (122, FIG. 1) in a second system (120, FIG. 1) linked to the first system since said activating and (ii) a current date is prior to the start date, and in response, the first processor attaches the extracted availability indicator metadata to the e-mail and sends the e-mail with the attached availability indicator metadata to the receiver in the second system (step 608, FIG. 6; specification, page 8,

lines 10-13).

CLAIM 34 - INDEPENDENT

The present invention provides storage media comprising a first hardware storage device (718, FIG. 7) having first program code stored therein (specification, page 10, lines 23-25; page 12, lines 19-21), said first program code configured to be executed by a first processor (704, FIG. 7) of a first system (700, FIG. 7; 102, FIG. 1) to implement a method for transmitting availability information in an electronic mail system (specification, page 12, lines 2-7; page 4, lines 12-13).

The processor activates an availability indicator in the first system (step 604, FIG. 6; specification, page 8, lines 8-9). The availability indicator indicates that a user (104, FIG. 1) of the first system is unavailable from a start date to an end date (specification, page 4, lines 19-23).

The processor extracts availability indicator metadata (209, FIG. 3) from the availability indicator (step 606, FIG. 6; specification, page 8, lines 9-10). The availability indicator metadata comprises the start date (304, FIG. 3), the end date (306, FIG. 3) and an availability indicator message (308, FIG. 3) pertaining to the user being unavailable from the start date to the end date (specification, page 7, lines 13-16).

The first processor ascertains that (i) an e-mail has not been sent to a receiver (122, FIG. 1) in a second system (120, FIG. 1) linked to the first system since said activating and (ii) a current date is prior to the start date, and in response, the first processor attaches the extracted availability indicator metadata to the e-mail and sends the e-mail with the attached availability indicator metadata to the receiver in the second system (step 608, FIG. 6; specification, page 8, lines 10-13).

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claims 15-17 and 23-39 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Keohane et al. (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).

## ARGUMENT

### GROUND OF REJECTION 1

Claims 15-17 and 23-39 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Keohane et al. (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).

### Claims 15, 28 and 34

Appellants respectfully contend that claims 15, 28 and 34 are not anticipated by Keohane, because Keohane does not teach or suggest each and every feature of claims 15, 28 and 34.

A first example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature:

“activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the

start date;

in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.”

Keohane, Par. [0025] (last sentence) teaches that in Keohane, FIG. 2, User 1 215 is out-of-office recipient of email sent by the sender User2 100. Therefore, in the claimed “activating” step (“activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date”), the first system is the system used by the recipient User1, since the recipient User1 is out of the office and is thus unavailable from a start date to an end date. In addition, the claimed first processor is a processor of the first system and is therefore a processor of the system of the recipient User1.

All recited steps in claims 15, 28 and 34 are required to be performed by the first processor of the first system and are therefore must be performed by the system of the recipient User1 in Keohane, which Keohane does not teach.

The Examiner relies (office action, page 3) on Keohane, Pars. [0042]-[0043] as allegedly teaching the claimed steps of “extracting”, “ascertaining”, “attaching”, and “sending”. However, Keohane, Pars. [0042]-[0043] describe Keohane, FIG. 4 which is a flow chart of a process performed by Out-Of-Office Utility136 which processes, in steps 401-413, email received by the sender User2 and email sent by the sender User2.

However, Keohane, Pars. [0042]-[0043] does not teach that the Out-Of-Office Utility136

is executed by the processor of the system of the recipient User1, and thus Keohane does not teach that the “extracting”, “ascertaining”, “attaching”, and “sending” steps are performed by the processor of the system of the recipient User1 as required by claims 15, 28 and 34. Instead, Keohane, Pars. [0041] teaches that the Out-Of-Office Utility136 is executed by the sender (User2), and not the recipient (User1). See Keohane, Pars. [0041] which recites: “User2 may begin composing another email to User1 during the out-of-office period. User2 may also wish to take advantage of the functionality of Out-of-Office utility 136 to quickly and efficiently retrieve the essence of the previous notification message.”.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34, because the system of User1 allegedly performs the “activating” step in claims 15, 28 and 34, and the system of User2 allegedly performs the “extracting”, “ascertaining”, “attaching”, and “sending” steps in claims 15, 28 and 34.

A second example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature: “said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating”.

The Examiner argues (office action, page 3): “Keohane discloses ... Said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating (paragraph [0046], lines 9-14, message is first received)”.

In response, Appellants note that Keohane, Par. [0046], lines 9-14 recite: “In particular, while the steps of parsing the notification message for the alternate email ID are illustrated and

described as occurring at the point when the reminder message is being outputted, the parsing of the notification message may occur at the time the message is first received from the recipient.”

Appellants assert that the preceding quote from Keohane, Par. [0046], lines 9-14 teaches that the parsing of the notification message may occur at the time the message is first received from the recipient, but does not teach that “an e-mail has not been sent to a receiver in a second system linked to the first system since said activating”.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

A third example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature: “said first processor ascertaining that ... (ii) a current date is prior to the start date”.

The Examiner argues (office action, page 3): “Keohane discloses ... Said first processor ascertaining that ... (ii) a current date is prior to the start date (paragraph [0043], lines 1-4)”

In response, Appellants note that Keohane, Par. [0043], lines 1-4 recite: “However, if Out-of-Office utility 136 finds a match, Out-of-Office utility 136 determines, as shown at block 407, whether the entry in the file of notification data is still valid (or has expired).”

Appellants assert that the preceding quote from Keohane, Par. [0043], lines 1-4 teaches that determining whether the entry in the file of notification data is still valid or has expired, but does not teach that “ascertaining that ... a current date is prior to the start date”.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

A fourth example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature: “in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail”.

The Examiner argues (office action, page 3): “Keohane discloses ... In response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail (paragraph [0042], lines 1-8)”.

In response, Appellants note that Keohane, Par. [0042], lines 1-8 recite: “FIG. 4 illustrates the process completed by the email notification system when executing Out-of-Office utility 136 along with email utility 137, according to the described embodiment. The process begins at block 401, at which Out-of-Office utility 136 detects the receipt of an automated out”.

Appellants assert that the preceding quote from Keohane, Par. [0042], lines 1-8 is totally silent as to attaching anything, let alone attaching the extracted availability indicator metadata to the e-mail.

In addition, the preceding quote from Keohane, Par. [0042], lines 1-8 is totally silent as to performing any action in response to ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date, let alone attaching the extracted availability indicator metadata to the e-mail in response to ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

A fifth example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature: "said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system".

The Examiner argues (office action, page 3): "Keohane discloses ... Said first processor sending the e-mail with the attached availability indicating metadata to the receiver in the second system (paragraph [0042], lines 1-8."

In response, Appellants note that Keohane, Par. [0042], lines 1-8 recite: "FIG. 4 illustrates the process completed by the email notification system when executing Out-of-Office utility 136 along with email utility 137, according to the described embodiment. The process begins at block 401, at which Out-of-Office utility 136 detects the receipt of an automated out".

Appellants assert that the preceding quote from Keohane, Par. [0042], lines 1-8 is totally silent as to sending anything, let alone "sending the e-mail with the attached availability indicator metadata to the receiver in the second system".

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

Based on the preceding arguments, Appellants respectfully maintain that claims 15, 28 and 34 are not anticipated by Keohane, and that claim 15 is in condition for allowance.

#### Claims 16, 29, and 35

Since claims 16, 29, and 35 depend from claims 15, 28, and 34 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claims 16, 29, and 35

are likewise not anticipated by Keohane under 35 U.S.C. 102(b).

Claims 17, 30, and 36

Since claims 17, 30, and 36 depend from claims 15, 28, and 34 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claims 17, 30, and 36 are likewise not anticipated by Keohane under 35 U.S.C. 102(b).

Claims 23, 31, and 37

Appellants respectfully contend that claim 23 is not anticipated by Keohane, because Keohane does not teach or suggest each and every feature of claim 23.

Since claims 17, 30, and 36 depend from claims 15, 28, and 34 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claims 17, 30, and 36 are likewise not anticipated by Keohane under 35 U.S.C. 102(b).

Claims 24, 32, and 38

Since claims 17, 30, and 36 depend from claims 15, 28, and 34 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claims 17, 30, and 36 likewise not anticipated by Keohane under 35 U.S.C. 102(b).

Claims 25, 33, and 39

Since claims 17, 30, and 36 depend from claims 15, 28, and 34 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claims 17, 30, and 36 are likewise not anticipated by Keohane under 35 U.S.C. 102(b).

Claim 26

Since claim 26 depends from claim 15 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claim 26 is likewise not anticipated by Keohane under 35 U.S.C. 102(b).

Claim 27

Since claim 27 depends from claim 15 which Appellants have argued *supra* to not be anticipated by Keohane, Appellants maintain that claim 27 is likewise not anticipated by Keohane under 35 U.S.C. 102(b).

## SUMMARY

In summary, Appellant respectfully requests reversal of the February 5, 2013 Office Action rejection of claims 15-17 and 23-39.

Date: July 2, 2013

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): De la Rosa et al.

Art Unit: 2457 / Confirmation No.: 9662

Application No.: 12/686,469

Examiner: Rubin, Blake J.

Filing Date: 01/13/2010

Docket No.: IN920090098US1

Title: **AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPENDIX A - CLAIMS ON APPEAL**

15. A method for transmitting availability information in an electronic mail system, said method comprising:

activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date;

in response to said ascertaining, said first processor attaching the extracted availability

indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

16. The method of claim 15, said method further comprising

receiving, by a second processor of a second system, the e-mail with the attached availability indicator metadata sent by the first processor of the first system;

said second processor extracting the availability indicator metadata from the received e-mail; and

said second processor storing the availability indicator metadata.

17. The method of claim 16, said method further comprising:

said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date;

said second processor determining from said comparing that the current date matches the preselected date; and

in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

23. The method of claim 15, said method further comprising:

defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

24. The method of claim 17, wherein the pre-selected date is the start date.

25. The method of claim 17, wherein the pre-selected date is the end date.

26. The method of claim 17, wherein the pre-selected date is the date in response to the start date.

27. The method of claim 17, wherein the pre-selected date is the date in response to the end date.

28. A computer system comprising a first system that comprises a first processor, a first memory coupled to the first processor, and a first computer readable storage device coupled to the first processor, said first computer readable storage device containing first program code configured to be executed by the first processor via the first memory to implement a method for transmitting availability information in an electronic mail system, said method comprising:

said first processor activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability

indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date;

in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

29. The computer system of claim 28, said computer system further comprising the second system, said second system comprising a second processor, a second memory coupled to the second processor, and a second computer readable storage device coupled to the second processor, said second computer readable storage device containing second program code configured to be executed by the second processor via the second memory to further implement said method for transmitting availability information, said method further comprising:

said second processor receiving the e-mail with the attached availability indicator metadata sent by the first processor of the first system;

said second processor extracting the availability indicator metadata from the received e-mail; and

said second processor storing the availability indicator metadata.

30. The computer system of claim 29, said method further comprising:

said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date;

said second processor determining from said comparing that the current date matches the preselected date; and

in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

31. The computer system of claim 28, said method further comprising:

defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

32. The computer system of claim 30, wherein the pre-selected date is the start date.

33. The computer system of claim 30, wherein the pre-selected date is the end date.

34. Storage media comprising a first hardware storage device having first program code stored therein, said first program code configured to be executed by a first processor of a first system to implement a method for transmitting availability information in an electronic mail system, said

method comprising:

said first processor activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date;

in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

35. The storage media of claim 34, said storage media further comprising a second hardware storage device having second program code stored therein, said second program code configured to be executed by a second processor of the second system to implement said method for transmitting availability information, said method further comprising:

said second processor receiving the e-mail with the attached availability indicator metadata sent by the first processor of the first system;

said second processor extracting the availability indicator metadata from the received e-mail; and

said second processor storing the availability indicator metadata.

36. The storage media of claim 35, said method further comprising:

said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date;

said second processor determining from said comparing that the current date matches the preselected date; and

in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

37. The storage media system of claim 34, said method further comprising:

defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

38. The storage media of claim 36, wherein the pre-selected date is the start date.

39. The storage media of claim 36, wherein the pre-selected date is the end date.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): De la Rosa et al.

Art Unit: 2457 / Confirmation No.: 9662

Application No.: 12/686,469

Examiner: Rubin, Blake J.

Filing Date: 01/13/2010

Docket No.: IN920090098US1

Title: **AN OUT-OF-OFFICE** ELECTRONIC MAIL MESSAGING SYSTEM

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Alexandria, VA 22313-1450

**APPENDIX B - EVIDENCE**

There is no evidence entered by the Examiner and relied upon by Appellant in this appeal.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): De la Rosa et al.

Art Unit: 2457 / Confirmation No.: 9662

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Title: **AN OUT-OF-OFFICE** ELECTRONIC MAIL MESSAGING SYSTEM

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Alexandria, VA 22313-1450

**APPENDIX C - RELATED PROCEEDINGS**

There are no proceedings identified in the "Related Appeals and Interferences" section.

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	16212475
<b>Application Number:</b>	12686469
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9662
<b>Title of Invention:</b>	AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM
<b>First Named Inventor/Applicant Name:</b>	Jan De la Rosa
<b>Customer Number:</b>	30449
<b>Filer:</b>	Jack P. Friedman/Kimberly Dwileski
<b>Filer Authorized By:</b>	Jack P. Friedman
<b>Attorney Docket Number:</b>	IN920090098US1
<b>Receipt Date:</b>	02-JUL-2013
<b>Filing Date:</b>	13-JAN-2010
<b>Time Stamp:</b>	08:53:22
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Appeal Brief Filed	IN920090098US1-appealbrief.pdf	242345 <small>73f4599acdfe05ba5f2edf666f1e38ef80f4e88</small>	no	24

### Warnings:

### Information:

**This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.**

**New Applications Under 35 U.S.C. 111**

**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**

**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**

**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE PATENT TRIAL AND APPEAL BOARD</b>		Docket Number (Optional) <b>IN920090098US1</b>
I hereby certify that this correspondence is being facsimile transmitted to the USPTO, EFS-Web transmitted to the USPTO, or deposited with the United States Postal Service with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, on Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____. Signature _____ Typed or printed name _____	In re Application of Jan De la Rosa et al.	
	Application Number 12/686,469	Filed 01/13/2010
	For AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM	
	Art Unit 2457	Examiner Rubin, Blake J.
Applicant hereby <b>appeals</b> to the Patent Trial and Appeal Board from the last decision of the examiner.		
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ 800.00 _____
<input type="checkbox"/> Applicant asserts small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by 50%, and the resulting fee is:		\$ _____
<input type="checkbox"/> Applicant certifies micro entity status. See 37 CFR 1.29. Therefore, the fee shown above is reduced by 75%, and the resulting fee is: Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.		\$ _____
<input type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.		
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>090457</u> .		
<input checked="" type="checkbox"/> Payment made via EFS-Web.		
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/AIA/22 or equivalent) is enclosed. For extensions of time in reexamination proceedings, see 37 CFR 1.550.		
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>		
I am the		
<input type="checkbox"/> applicant	<input checked="" type="checkbox"/> attorney or agent of record Registration number <u>44688</u>	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34 Registration number _____
Signature <u>/Jack P. Friedman/</u>		
Typed or printed name <u>Jack P. Friedman</u>		
Telephone Number <u>5182201850</u>		
Date <u>05/06/13</u>		
<b>NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.</b>		
<input type="checkbox"/> * Total of _____ forms are submitted.		

This collection of information is required by 37 CFR 41.20(b)(1) and 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	12686469
<b>Filing Date:</b>	13-Jan-2010
<b>Title of Invention:</b>	AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM
<b>First Named Inventor/Applicant Name:</b>	Jan De la Rosa
<b>Filer:</b>	Jack P. Friedman/Kimberly Dwileski
<b>Attorney Docket Number:</b>	IN920090098US1

Filed as Large Entity

### Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
Notice of Appeal	1401	1	800	800

### Post-Allowance-and-Post-Issuance:

### Extension-of-Time:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>800</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	15695546
<b>Application Number:</b>	12686469
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9662
<b>Title of Invention:</b>	AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM
<b>First Named Inventor/Applicant Name:</b>	Jan De la Rosa
<b>Customer Number:</b>	30449
<b>Filer:</b>	Jack P. Friedman/Kimberly Dwileski
<b>Filer Authorized By:</b>	Jack P. Friedman
<b>Attorney Docket Number:</b>	IN920090098US1
<b>Receipt Date:</b>	06-MAY-2013
<b>Filing Date:</b>	13-JAN-2010
<b>Time Stamp:</b>	12:04:01
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$800
RAM confirmation Number	10032
Deposit Account	090457
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

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**File Listing:**

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	IN920090098US1- NOTICEOFAPPEAL.pdf	265337 053db670e5593f93cd6f226a4e4bf71b149bd21	no	2

**Warnings:****Information:**

2	Fee Worksheet (SB06)	fee-info.pdf	30406 a2af3922b94c7c1b74c5dcca30fa210c641a0bb	no	2
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**Warnings:****Information:**

<b>Total Files Size (in bytes):</b>	295743
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1	9662
30449	7590	04/11/2013	EXAMINER	
SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110			RUBIN, BLAKE J	
			ART UNIT	PAPER NUMBER
			2457	
			NOTIFICATION DATE	DELIVERY MODE
			04/11/2013	ELECTRONIC

**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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

30449@IPLAWUSA.COM

<b>Advisory Action Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 12/686,469	<b>Applicant(s)</b> DE LA ROSA ET AL.
	<b>Examiner</b> BLAKE RUBIN	<b>Art Unit</b> 2457

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

THE REPLY FILED 01 April 2013 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  
NO NOTICE OF APPEAL FILED

1.  The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:
- a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- c)  A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires \_\_\_\_\_ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

*Examiner Note:* If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3.  The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- a)  They raise new issues that would require further consideration and/or search (see NOTE below);
- b)  They raise the issue of new matter (see NOTE below);
- c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- d)  They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).
4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7.  For purposes of appeal, the proposed amendment(s): (a)  will not be entered, or (b)  will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

8.  The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9.  The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12.  Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). \_\_\_\_\_
13.  Other: \_\_\_\_\_.

STATUS OF CLAIMS

14. The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_
- Claim(s) objected to: \_\_\_\_\_
- Claim(s) rejected: 15-17, 23-39.
- Claim(s) withdrawn from consideration: \_\_\_\_\_

/ARIO ETIENNE/ Supervisory Patent Examiner, Art Unit 2457	/BLAKE RUBIN/ Examiner, Art Unit 2457
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Continuation of 11. does NOT place the application in condition for allowance because:

1. With respect to claims 15, 28 and 34, the applicant argues that Keohane fails to disclose said first processor extracting availability metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date, specifically for failing to teach the extraction of the start and end date.
2. The examiner respectfully disagree. As cited above in response to the amended claims, the extraction step is taught by Keohane in paragraph [0042], lines 10-12. In an effort to clarify the citation, the examiner points the applicant to the flow chart of figure 4, particularly the searching and matching steps of 405-409, whereby start and end dates are described by the metadata that has been extracted (after being entered into the user interface shown in Figure 5) and stored as entries in a data file that is relayed to the second system (in the case of the prior art, user 2). Furthermore, with respect to the prior art teaching ascertaining that an email has "not been sent to a receiver", the examiner maintains that the cited portion of Keohane (paragraph [046]) teaches such a feature, in which the determination of "at the time the message is first received" requires that knowledge of the history of receipt be kept.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): De la Rosa et al.

Art Unit: 2457 / Confirmation No.: 9662

Application No.: 12/686,469

Examiner: Rubin, Blake J.

Filing Date: 01/13/2010

Docket No.: IN920090098US1

Title: **AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM** (as amended)

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**OFFICE ACTION RESPONSE**

Sir:

This communication is in response to the Final Office Action mailed February 5, 2013.

**In the Claims:**

The claims are as follows:

1-14. (Canceled)

15. (Previously Amended) A method for transmitting availability information in an electronic mail system, said method comprising:

activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date;

in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

16. (Previously Amended) The method of claim 15, said method further comprising receiving, by a second processor of a second system, the e-mail with the attached availability indicator metadata sent by the first processor of the first system; said second processor extracting the availability indicator metadata from the received e-mail; and said second processor storing the availability indicator metadata.

17. (Previously Amended) The method of claim 16, said method further comprising: said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date; said second processor determining from said comparing that the current date matches the preselected date; and in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

18-22. (Canceled)

23. (Previously Presented) The method of claim 15, said method further comprising: defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

24. (Previously Presented) The method of claim 17, wherein the pre-selected date is the start date.

25. (Previously Presented) The method of claim 17, wherein the pre-selected date is the end date.

26. (Previously Presented) The method of claim 17, wherein the pre-selected date is the date in response to the start date.

27. (Previously Presented) The method of claim 17, wherein the pre-selected date is the date in response to the end date.

28. (Previously Presented) A computer system comprising a first system that comprises a first processor, a first memory coupled to the first processor, and a first computer readable storage device coupled to the first processor, said first computer readable storage device containing first program code configured to be executed by the first processor via the first memory to implement a method for transmitting availability information in an electronic mail system, said method comprising:

said first processor activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an

availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date;

in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

29. (Preciously Presented) The computer system of claim 28, said computer system further comprising the second system, said second system comprising a second processor, a second memory coupled to the second processor, and a second computer readable storage device coupled to the second processor, said second computer readable storage device containing second program code configured to be executed by the second processor via the second memory to further implement said method for transmitting availability information, said method further comprising:

said second processor receiving the e-mail with the attached availability indicator metadata sent by the first processor of the first system;

said second processor extracting the availability indicator metadata from the received e-mail; and

said second processor storing the availability indicator metadata.

30. (Previously Presented) The computer system of claim 29, said method further comprising:

said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date;

said second processor determining from said comparing that the current date matches the preselected date; and

in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

31. (Previously Presented) The computer system of claim 28, said method further comprising:

defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

32. (Preciously Presented) The computer system of claim 30, wherein the pre-selected date is the start date.

33. (Previously Presented) The computer system of claim 30, wherein the pre-selected date is the end date.

34. (Previously Presented) Storage media comprising a first hardware storage device having first program code stored therein, said first program code configured to be executed by a first

processor of a first system to implement a method for transmitting availability information in an electronic mail system, said method comprising:

said first processor activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date;

in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

35. (Previously Presented) The storage media of claim 34, said storage media further comprising a second hardware storage device having second program code stored therein, said second program code configured to be executed by a second processor of the second system to implement said method for transmitting availability information, said method further comprising:

said second processor receiving the e-mail with the attached availability indicator metadata sent by the first processor of the first system;

said second processor extracting the availability indicator metadata from the received e-mail; and

said second processor storing the availability indicator metadata.

36. (Previously Presented) The storage media of claim 35, said method further comprising:

said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date;

said second processor determining from said comparing that the current date matches the preselected date; and

in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

37. (Previously Presented) The storage media system of claim 34, said method further comprising:

defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

38. (Previously Presented) The storage media of claim 36, wherein the pre-selected date is the start date.

39. (Previously Presented) The storage media of claim 36, wherein the pre-selected date is the end date.

## REMARKS

Applicants have amended claims 15-16, and have cancelled claims 1-14 and 18-22, during prosecution of this patent application. Applicants are not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

The Examiner rejected claims 15-17 and 23-39 under 35 U.S.C. § 102(b) as allegedly being anticipated by Keohane et al. (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).

Applicants respectfully traverse the § 102 rejections with the following arguments.

**35 U.S.C. § 102(b): Claims 15-17 and 23-39**

The Examiner rejected claims 15-17 and 23-39 under 35 U.S.C. § 102(b) as allegedly being anticipated by Keohane et al. (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).

**Claims 15, 28 and 34**

Applicants respectfully contend that claims 15, 28 and 34 are not anticipated by Keohane, because Keohane does not teach or suggest each and every feature of claims 15, 28 and 34.

A first example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature:

“activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date;

in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.”

Keohane, Par. [0025] (last sentence) teaches that in Keohane, FIG. 2, User 1 215 is out-of-office recipient of email sent by the sender User2 100. Therefore, in the claimed “activating” step (“activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date”), the first system is the system used by the recipient User1, since the recipient User1 is out of the office and is thus unavailable from a start date to an end date. In addition, the claimed first processor is a processor of the first system and is therefore a processor of the system of the recipient User1.

All recited steps in claims 15, 28 and 34 are performed by the first processor of the first system and are therefore performed by the system of the recipient User1, which Keohane does not teach.

The Examiner relies on Keohane, Pars. [0042]-[0043] as allegedly teaching the claimed steps of “extracting”, “ascertaining”, “attaching”, and “sending”. However, Keohane, Pars. [0042]-[0043] describe Keohane, FIG. 4 which is a flow chart of a process performed by Out-Of-Office Utility136 which processes, in steps 401-413, email received by the sender User2 and email sent by the sender User2. Keohane does not teach that the Out-Of-Office Utility136 is executed by the processor of the system of the recipient User1, and thus Keohane does not teach

that the “extracting”, “ascertaining”, “attaching”, and “sending” steps are performed by the processor of the system of the recipient User1 as required by claims 15, 28 and 34.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

A second example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature: “said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating”.

The Examiner argues (office action, page 3): “Keohane discloses ... Said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating (paragraph [0046], lines 9-14, message is first received)”.

In response, Applicants note that Keohane, Par. [0046], lines 9-14 recite: “In particular, while the steps of parsing the notification message for the alternate email ID are illustrated and described as occurring at the point when the reminder message is being outputted, the parsing of the notification message may occur at the time the message is first received from the recipient.”

Applicants assert that the preceding quote from Keohane, Par. [0046], lines 9-14 teaches that the parsing of the notification message may occur at the time the message is first received from the recipient, but does not teach that “an e-mail has not been sent to a receiver in a second system linked to the first system since said activating”.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

A third example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature: “said first processor ascertaining that ... (ii) a current date is prior to the start date”.

The Examiner argues (office action, page 3): “Keohane discloses ... Said first processor ascertaining that ... (ii) a current date is prior to the start date (paragraph [0043], lines 1-4)”

In response, Applicants note that Keohane, Par. [0043], lines 1-4 recite: “However, if Out-of-Office utility 136 finds a match, Out-of-Office utility 136 determines, as shown at block 407, whether the entry in the file of notification data is still valid (or has expired).”

Applicants assert that the preceding quote from Keohane, Par. [0043], lines 1-4 teaches that determining whether the entry in the file of notification data is still valid or has expired, but does not teach that “ascertaining that ... a current date is prior to the start date”.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

A fourth example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature: “in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail”.

The Examiner argues (office action, page 3): “Keohane discloses ... In response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail (paragraph [0042], lines 1-8)”.

In response, Applicants note that Keohane, Par. [0042], lines 1-8 recite: “FIG. 4 illustrates the process completed by the email notification system when executing Out-of-Office

utility 136 along with email utility 137, according to the described embodiment. The process begins at block 401, at which Out-of-Office utility 136 detects the receipt of an automated out”.

Applicants assert that the preceding quote from Keohane, Par. [0042], lines 1-8 is totally silent as to attaching anything, let alone attaching the extracted availability indicator metadata to the e-mail.

In addition, the preceding quote from Keohane, Par. [0042], lines 1-8 is totally silent as to performing any action in response to ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date, let alone attaching the extracted availability indicator metadata to the e-mail in response to ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

A fifth example of why claims 15, 28 and 34 are not anticipated by Keohane is that Keohane does not teach or suggest the feature: “said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system”.

The Examiner argues (office action, page 3): “Keohane discloses ... Said first processor sending the e-mail with the attached availability indicating metadata to the receiver in the second system (paragraph [0042], lines 1-8.”

In response, Applicants note that Keohane, Par. [0042], lines 1-8 recite: “FIG. 4 illustrates the process completed by the email notification system when executing Out-of-Office

utility 136 along with email utility 137, according to the described embodiment. The process begins at block 401, at which Out-of-Office utility 136 detects the receipt of an automated out”.

Applicants assert that the preceding quote from Keohane, Par. [0042], lines 1-8 is totally silent as to sending anything, let alone “sending the e-mail with the attached availability indicator metadata to the receiver in the second system”.

Therefore, Keohane does not teach the preceding feature of claims 15, 28 and 34.

Based on the preceding arguments, Applicants respectfully maintain that claims 15, 28 and 34 are not anticipated by Keohane, and that claim 15 is in condition for allowance.

#### Claims 16, 29, and 35

Since claims 16, 29, and 35 depend from claims 15, 28, and 34 which Applicants have argued *supra* to not be anticipated by Keohane, Applicants maintain that claims 16, 29, and 35 are likewise not anticipated by Keohane under 35 U.S.C. 102(b).

#### Claims 17, 30, and 36

Since claims 17, 30, and 36 depend from claims 15, 28, and 34 which Applicants have argued *supra* to not be anticipated by Keohane, Applicants maintain that claims 17, 30, and 36 are likewise not anticipated by Keohane under 35 U.S.C. 102(b).

### Claims 23, 31, and 37

Applicants respectfully contend that claim 23 is not anticipated by Keohane, because Keohane does not teach or suggest each and every feature of claim 23.

Since claims 17, 30, and 36 depend from claims 15, 28, and 34 which Applicants have argued *supra* to not be anticipated by Keohane, Applicants maintain that claims 17, 30, and 36 are likewise not anticipated by Keohane under 35 U.S.C. 102(b).

### Claims 24, 32, and 38

Since claims 17, 30, and 36 depend from claims 15, 28, and 34 which Applicants have argued *supra* to not be anticipated by Keohane, Applicants maintain that claims 17, 30, and 36 likewise not anticipated by Keohane under 35 U.S.C. 102(b).

### Claims 25, 33, and 39

Since claims 17, 30, and 36 depend from claims 15, 28, and 34 which Applicants have argued *supra* to not be anticipated by Keohane, Applicants maintain that claims 17, 30, and 36 are likewise not anticipated by Keohane under 35 U.S.C. 102(b).

### Claim 26

Since claim 26 depends from claim 15 which Applicants have argued *supra* to not be anticipated by Keohane, Applicants maintain that claim 26 is likewise not anticipated by Keohane under 35 U.S.C. 102(b).

Claim 27

Since claim 27 depends from claim 15 which Applicants have argued *supra* to not be anticipated by Keohane, Applicants maintain that claim 27 is likewise not anticipated by Keohane under 35 U.S.C. 102(b).

## CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM). The Attorney's reference number for this case is END-70022.

Date: April 1, 2013

/Jack P. Friedman/  
Jack P. Friedman  
Registration No. 44,688

Customer No. 30449  
Schmeiser, Olsen & Watts  
22 Century Hill Drive - Suite 302  
Latham, New York 12110  
Telephone (518) 220-1850  
Facsimile (518) 220-1857  
E-mail: jfriedman@iplawusa.com

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	15396098
<b>Application Number:</b>	12686469
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9662
<b>Title of Invention:</b>	AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM
<b>First Named Inventor/Applicant Name:</b>	Jan De la Rosa
<b>Customer Number:</b>	30449
<b>Filer:</b>	Mark J. Friedman/Kimberly Dwileski
<b>Filer Authorized By:</b>	Mark J. Friedman
<b>Attorney Docket Number:</b>	IN920090098US1
<b>Receipt Date:</b>	01-APR-2013
<b>Filing Date:</b>	13-JAN-2010
<b>Time Stamp:</b>	10:27:11
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
------------------------	----

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment After Final	IN920090098US1- finalamendment.pdf	53260 <small>3f2c92e002102b8579af5368485b5ab99d8264f4</small>	no	19

### Warnings:

### Information:

**This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.**

**New Applications Under 35 U.S.C. 111**

**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**

**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**

**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875	Application or Docket Number <b>12/686,469</b>	Filing Date <b>01/13/2010</b>	<input type="checkbox"/> To be Mailed
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ENTITY:  LARGE  SMALL  MICRO

**APPLICATION AS FILED – PART I**

FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

**APPLICATION AS AMENDED – PART II**

	(Column 1)	(Column 2)	(Column 3)	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
<b>AMENDMENT</b>	<b>04/01/2013</b>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR			
	Total (37 CFR 1.16(i))	* 20	Minus	** 22	= 0	X \$80 = 0
	Independent (37 CFR 1.16(h))	* 3	Minus	***5	= 0	X \$420 = 0
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))					
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	<b>0</b>

	(Column 1)	(Column 2)	(Column 3)	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)
<b>AMENDMENT</b>		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR			
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))					
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE  
 /JAMES MASON/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1	9662
30449	7590	02/05/2013	EXAMINER	
SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110			RUBIN, BLAKE J	
			ART UNIT	PAPER NUMBER
			2457	
			MAIL DATE	DELIVERY MODE
			02/05/2013	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.



### DETAILED ACTION

1. This action is a response to communications filed January 8, 2013.
2. Claims 15-17 and 23-39 are currently pending. Claims 1-14 and 18-22 are currently cancelled. Claims 23-39 are newly presented.

### *Claim Rejections - 35 USC § 102*

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

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 15-17 and 23-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Keohane et al (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).**

5. With respect to claims 15, 28, and 34, Keohane discloses a method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device for transmitting availability information in an electronic mail system (paragraph [0017], lines 1-7), said method comprising:

Activating, by a first processor of a first system an availability indicator in the first system (paragraph [0037], lines 1-5), wherein the availability indicator indicates that a

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user of the first system is unavailable from a start date to an end date (paragraph [0037], lines 9-13);

Said first processor extracting availability indicator metadata from the availability indicator (paragraph [0042], lines 10-12), wherein the availability indicator metadata comprises the start date, the end date (paragraph [0043], lines 1-8), and an availability indicator message pertaining to the user being unavailable from the start date to the end date (paragraph [0043], lines 1-8);

Said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating (paragraph [0046], lines 9-14, *message is first received*) and (ii) a current date is prior to the start date (paragraph [0043], lines 1-4);

In response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail (paragraph [0042], lines 1-8); and

Said first processor sending the e-mail with the attached availability indicating metadata to the receiver in the second system (paragraph [0042], lines 1-8).

6. With respect to claim 16, 29, and 35, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device of claim 15, 28, and 34, further comprising the steps of:

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Receiving, by a second processor of a second system, the e-mail with the attached availability indicator metadata sent by the first processor of the first system (paragraphs [0027], lines 7-15);

Said second processor extracting the availability indicator metadata from the received e-mail (paragraphs [0028], lines 1-7); and

said second processor storing the availability indicator metadata (paragraphs [0030], lines 1-7).

7. With respect to claim 17, 30, and 36, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device of claim 16, 29, and 35, further comprising the steps of:

Said second processor comparing the current date with a pre-selected date (paragraphs [0042]-[0044]), wherein the pre-selected date is selected from the group consisting of the start date (paragraphs [0042]-[0044]), the end date (paragraphs [0042]-[0044]), a date in response to the start date, and a date in response to the end date (paragraphs [0042]-[0044]);

Said second processor determining from said comparing that the current date matches the preselected date (paragraph [0042], lines 12-16);

In response to said determining that the current date matches preselected date (paragraph [0042], lines 12-16), said second processor notifying the receiver that the current date matches the preselected date (paragraphs [0042]-[0044]), said notifying

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being performed using a pre-selected date graphical user interface (paragraphs [0042]-[0044]).

8. With respect to claim 23, 31, and 37, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device of claim 15, 28, and 34, further comprising:

Defining the availability indicator, said defining being performed by a vacation planner through use of the first processor (paragraph [0006], lines 1-7).

9. With respect to claim 24, 32, and 38, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device of claim 17, 30, and 36, further comprising, wherein the pre-selected date is the start date (paragraph [0043], lines 1-6).

10. With respect to claim 25, 33, and 39, Keohane discloses the method, computer system comprising a first processor and a first computer readable medium, and a storage media comprising a first hardware storage device of claim 17, 30, and 36, further comprising, wherein the pre-selected date is the end date (paragraph [0043], lines 1-6).

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11. With respect to claim 26, Keohane discloses the method of claim 17, wherein the pre-selected date is the date in response to the start date (paragraph [0043], lines 1-6)).

12. With respect to claim 27, Keohane discloses the method of claim 17, wherein the pre-selected date is the date in response to the end date (paragraph [0043], lines 1-6)).

### ***Response to Arguments***

13. Applicant's arguments filed January 8, 2013 have been fully considered but they are not persuasive.

14. With respect to claims 15, 28 and 34, the applicant argues that Keohane fails to disclose *said first processor extracting availability metadata from the availability indicator, wherein the availability inidicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date*, specifically for failing to teach the extraction of the start and end date.

15. The examiner respectfully disagree. As cited above in response to the amended claims, the extraction step is taught by Keohane in paragraph [0042], lines 10-12. In an effort to clarify the citation, the examiner points the applicant to the flow chart of figure 4, particularly the searching and matching steps of 405-409, whereby start and end dates are described by the metadata that has been extracted (after being entered into the

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user interface shown in Figure 5) and stored as entries in a data file that is relayed to the second system (in the case of the prior art, *user 2*).

### ***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAKE RUBIN whose telephone number is (571)270-3802. The examiner can normally be reached on Monday - Friday, 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

1/30/13

/BLAKE RUBIN/  
Examiner, Art Unit 2457

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457

<b>Search Notes</b>  	<b>Application/Control No.</b>  12686469	<b>Applicant(s)/Patent Under Reexamination</b>  DE LA ROSA ET AL.
	<b>Examiner</b>  BLAKE RUBIN	<b>Art Unit</b>  2457

<b>CPC- SEARCHED</b>		
<b>Symbol</b>	<b>Date</b>	<b>Examiner</b>

<b>CPC COMBINATION SETS - SEARCHED</b>		
<b>Symbol</b>	<b>Date</b>	<b>Examiner</b>

<b>US CLASSIFICATION SEARCHED</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>
709	206	9/27/12	BJR

<b>SEARCH NOTES</b>		
<b>Search Notes</b>	<b>Date</b>	<b>Examiner</b>
Searched Inventors	9/27/12	BJR
Searched 709/206 with text	9/27/12	BJR
Searched EAST	9/27/12	BJR
Searched Google	9/27/12	BJR
Consulted Primary Examiner Moustafa Meki	1/29/13	BJR

<b>INTERFERENCE SEARCH</b>			
<b>US Class/ CPC Symbol</b>	<b>US Subclass / CPC Group</b>	<b>Date</b>	<b>Examiner</b>

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<b>Index of Claims</b>  	<b>Application/Control No.</b>  12686469	<b>Applicant(s)/Patent Under Reexamination</b>  DE LA ROSA ET AL.
	<b>Examiner</b>  BLAKE RUBIN	<b>Art Unit</b>  2457

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

CLAIM		DATE							
Final	Original	09/27/2012	01/29/2013						
	1	✓	-						
	2	✓	-						
	3	✓	-						
	4	✓	-						
	5	✓	-						
	6	✓	-						
	7	✓	-						
	8	✓	-						
	9	✓	-						
	10	✓	-						
	11	✓	-						
	12	✓	-						
	13	✓	-						
	14	✓	-						
	15	✓	✓						
	16	✓	✓						
	17	✓	✓						
	18	✓	-						
	19	✓	-						
	20	✓	-						
	21	✓	-						
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	28		✓						
	29		✓						
	30		✓						
	31		✓						
	32		✓						
	33		✓						
	34		✓						
	35		✓						
	36		✓						

<b><i>Index of Claims</i></b>  	<b>Application/Control No.</b>  12686469	<b>Applicant(s)/Patent Under Reexamination</b>  DE LA ROSA ET AL.
	<b>Examiner</b>  BLAKE RUBIN	<b>Art Unit</b>  2457

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

CLAIM		DATE							
Final	Original	09/27/2012	01/29/2013						
	37		✓						
	38		✓						
	39		✓						



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1	9662
30449	7590	01/17/2013	EXAMINER	
SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110			RUBIN, BLAKE J	
			ART UNIT	PAPER NUMBER
			2457	
			MAIL DATE	DELIVERY MODE
			01/17/2013	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.

<b>Applicant-Initiated Interview Summary</b>	<b>Application No.</b> 12/686,469	<b>Applicant(s)</b> DE LA ROSA ET AL.	
	<b>Examiner</b> BLAKE RUBIN	<b>Art Unit</b> 2457	

All participants (applicant, applicant's representative, PTO personnel):

- (1) BLAKE RUBIN. (3)\_\_\_\_\_.
- (2) JACK FRIEDMAN. (4)\_\_\_\_\_.

Date of Interview: 08 January 2013.

Type:  Telephonic  Video Conference  
 Personal [copy given to:  applicant  applicant's representative]

Exhibit shown or demonstration conducted:  Yes  No.  
If Yes, brief description: \_\_\_\_\_.

Issues Discussed 101 112 102 103 Others  
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 18.

Identification of prior art discussed: \_\_\_\_\_.

**Substance of Interview**

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant proposed the storage media, currently rejected under 35 USC 101, be amended to limit the media to a hardware storage device. The examiner agreed that such an amendment would overcome the 101 rejection.

**Applicant recordation instructions:** The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

**Examiner recordation instructions:** Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Attachment

/BLAKE RUBIN/  
Examiner, Art Unit 2457

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): De la Rosa et al.

Art Unit: 2457 / Confirmation No.: 9662

Application No.: 12/686,469

Examiner: Rubin, Blake J.

Filing Date: 01/13/2010

Docket No.: IN920090098US1

Title: **AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM** (as amended)

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**OFFICE ACTION RESPONSE**

Sir:

This communication is in response to the Office Action mailed October 10, 2012.

**In the Title:**

Please amend the title as follows:

AN OUT-OF-OFFICE ELECTRONIC MAIL MESSAGING SYSTEM

**In the Claims:**

Please cancel claims 1-14 and 18-22. Please amend claims 15-17. Please add new claims 23-39. The claims are as follows:

1-14. (Canceled)

15. (Currently amended) A method ~~[[of]]~~ for transmitting availability information in an electronic mail system, ~~the~~ said method comprising ~~the steps of:~~

~~providing a first system including a sender, the first system, activating, by a first processor of a first system, an availability indicator having in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date; activated by the sender, the first system for: to an end date;~~

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date; and

~~[[if]]~~ said first processor ascertaining that (i) an e-mail has not been sent to a receiver ~~since the activation and if~~ in a second system linked to the first system since said activating and (ii) a current date is prior to the start date~~[[,]]~~;

in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

16. (Currently amended) The method of claim 15, said method further comprising ~~the steps of:~~

~~providing a second system including the receiver for;~~

receiving, by a second processor of a second system, the e-mail from with the attached availability indicator metadata sent by the first processor of the first system;

said second processor extracting the availability indicator metadata from the received e-mail; ~~wherein the availability indicator metadata includes the start date, an end date, and at least one availability indicator message;~~ and

said second processor storing the availability indicator metadata.

17. (Currently amended) The method of claim 16, said method further comprising ~~the steps of:~~

said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date; ~~and~~

said second processor determining from said comparing that the current date matches the preselected date; and

in response to said determining that the current date matches the preselected date, said second processor notifying the receiver; ~~if that the current date matches with the preselected date, the said notifying being performed using a pre-selected date graphical user interface, the comparing and the notifying steps being performed by the second system.~~

18-22. (Canceled)

23. (New) The method of claim 15, said method further comprising:

defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

24. (New) The method of claim 17, wherein the pre-selected date is the start date.

25. (New) The method of claim 17, wherein the pre-selected date is the end date.

26. (New) The method of claim 17, wherein the pre-selected date is the date in response to the start date.

27. (New) The method of claim 17, wherein the pre-selected date is the date in response to the end date.

28. (New) A computer system comprising a first system that comprises a first processor, a first memory coupled to the first processor, and a first computer readable storage device coupled to the first processor, said first computer readable storage device containing first program code configured to be executed by the first processor via the first memory to implement a method for transmitting availability information in an electronic mail system, said method comprising:

said first processor activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date;

in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

29. (New) The computer system of claim 28, said computer system further comprising the second system, said second system comprising a second processor, a second memory coupled to the second processor, and a second computer readable storage device coupled to the second processor, said second computer readable storage device containing second program code configured to be executed by the second processor via the second memory to further implement said method for transmitting availability information, said method further comprising:

said second processor receiving the e-mail with the attached availability indicator metadata sent by the first processor of the first system;

said second processor extracting the availability indicator metadata from the received e-mail; and

said second processor storing the availability indicator metadata.

30. (New) The computer system of claim 29, said method further comprising:

said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date;

said second processor determining from said comparing that the current date matches the preselected date; and

in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

31. (New) The computer system of claim 28, said method further comprising:

defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

32. (New) The computer system of claim 30, wherein the pre-selected date is the start date.

33. (New) The computer system of claim 30, wherein the pre-selected date is the end date.

34. (New) Storage media comprising a first hardware storage device having first program code stored therein, said first program code configured to be executed by a first processor of a first system to implement a method for transmitting availability information in an electronic mail system, said method comprising:

said first processor activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date;

in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system.

35. (New) The storage media of claim 34, said storage media further comprising a second hardware storage device having second program code stored therein, said second program code configured to be executed by a second processor of the second system to implement said method for transmitting availability information, said method further comprising:

said second processor receiving the e-mail with the attached availability indicator metadata sent by the first processor of the first system;

said second processor extracting the availability indicator metadata from the received e-mail; and

said second processor storing the availability indicator metadata.

36. (New) The storage media of claim 35, said method further comprising:

said second processor comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date;

said second processor determining from said comparing that the current date matches the preselected date; and

in response to said determining that the current date matches the preselected date, said second processor notifying the receiver that the current date matches the preselected date, said notifying being performed using a pre-selected date graphical user interface.

37. (New) The storage media system of claim 34, said method further comprising:

defining the availability indicator, said defining being performed by a vacation planner through use of the first processor.

38. (New) The storage media of claim 36, wherein the pre-selected date is the start date.

39. (New) The storage media of claim 36, wherein the pre-selected date is the end date.

## REMARKS

Applicants have amended claims 15-16, and have cancelled claims 1-14 and 18-22, during prosecution of this patent application. Applicants are not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

In a telephonic interview on January 8, 2013 between Examiner Blake J. Rubin and Applicant's Representative Jack P. Friedman, it was agreed that the rejection of 18-22 under 35 U.S.C. § 101 could be overcome by reciting that a hardware storage device stores computer readable instructions or program code.

The Examiner objected to the title in the Specification.

The Examiner rejected claims 18-22 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

The Examiner rejected claims 1-22 under 35 U.S.C. § 102(b) as allegedly being anticipated by Keohane et al. (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).

Applicants respectfully traverse the Specification objection and the § 101 and § 102 rejections with the following arguments.

**Specification Objection:**

The Examiner objected to the title in the Specification.

The Examiner argues (office action, page 2): “The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: An Out-of-Office Electronic Mail Messaging System.”

In response, Applicants have amended the title in accordance with the preceding suggestion by the Examiner

Accordingly, Applicants respectfully request withdrawal of the objection to the specification.

**35 U.S.C. § 101: Claims 18-22**

The Examiner rejected claims 18-22 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

The Examiner argues (office action, page 2): “With respect to claims 18, 21, and 22, the claims recite a storage medium tangibly embodying a program of machine-readable instructions, and a computer readable storage medium, respectively. In light of the applicant's specification, both embodiment would allow for the claims to be construed as signals and/or carrier wave (paragraphs [0047]-[0048]) which do not fall into a statutory category and are therefor considered non-statutory. The examiner suggests amending the claims to restricting the embodiments to, "non-transitory" media. ... With respect to claims 19-20, the claims fail to resolve the deficiencies of the claims from which they depend and are therefor rejected on the same grounds as above.”

In a telephonic interview on January 8, 2013 between Examiner Blake J. Rubin and Applicant's Representative Jack P. Friedman, it was agreed that the rejection of 18-22 under 35 U.S.C. § 101 could be overcome by reciting that a hardware storage device stores computer readable instructions or program code.

Applicants note that claims 18-22 have been cancelled.

However, new claims 34-39 are drawn to storage media that comprise hardware storage devices storing program code. The hardware storage devices exclude transitory signals such as carrier waves and are therefore not subject to a rejection under 35 U.S.C. § 101.

**35 U.S.C. § 102(b): Claims 1-22 and New Claims 23-39.**

The Examiner rejected claims 1-22 under 35 U.S.C. § 102(b) as allegedly being anticipated by Keohane et al. (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).

Since claims 1-14 and 18-22 have been cancelled, the rejection of claims 1-14 and 18-22 under 35 U.S.C. § 102(b) is moot.

Applicants respectfully contend that claims 15, 28, and 34 are anticipated by Keohane, because Keohane does not teach each and every feature claims 15, 28, and 34.

For example, Keohane is that Keohane does not teach the feature:

“activating, by a first processor of a first system, an availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date;

said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date;

said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date; and

in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail; and

said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system”.

Applicants note that in Keohane, FIG. 3, system 215 (with user 1) represents the claimed first system, and system 100 (with User 2) represents the claimed second system, since User 1 will be unavailable from a start date to an end date as stated in Keohane, Par. [0034].

Thus, generation of the GUI 500 of Keohane, FIG. 5 represents the claimed “availability indicator in the first system, wherein the availability indicator indicates that a user of the first system is unavailable from a start date to an end date”.

However, Keohane does not teach “said first processor extracting availability indicator metadata from the availability indicator, wherein the availability indicator metadata comprises the start date, the end date and an availability indicator message pertaining to the user being unavailable from the start date to the end date”, because Keohane does not teach extracting the start date, the end date, and the message from the GUI 500 of Keohane, FIG. 5.

Therefore, Keohane does not teach the preceding feature of claims 15, 28, and 34.

In addition, Keohane does not teach “said first processor ascertaining that (i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date”.

Therefore, Keohane does not teach the preceding feature of claims 15, 28, and 34.

In addition, Keohane does not teach “in response to said ascertaining, said first processor attaching the extracted availability indicator metadata to the e-mail”.

In other words, Keohane does not teach attaching the start date, the end date, and the message, that had been extracted from the GUI 500 of Keohane, FIG. 5, to an email, and most

certainly not in response to the first processor having ascertained that “(i) an e-mail has not been sent to a receiver in a second system linked to the first system since said activating and (ii) a current date is prior to the start date”.

Therefore, Keohane does not teach the preceding feature of claims 15, 28, and 34.

In addition, Keohane does not teach “said first processor sending the e-mail with the attached availability indicator metadata to the receiver in the second system”

Keohane, Par. [0027] teaches that User 2 at the second system 100 receives the out-of-office notification from the email server 20, and thus does not receive the out-of-office notification as an attachment to e-mail sent from the first system 215.

Therefore, Keohane does not teach the preceding feature of claims 15, 28, and 34.

Based on the preceding arguments, Applicants respectfully maintain that claims 15, 28, and 34 are not anticipated by Keohane, and that claims 15, 28, and 34 are in condition for allowance. Since claims 16-17 and 23-27 depend from claim 15, Applicants respectfully maintain claims 16-17 and 23-27 are likewise not anticipated by Keohane. Since claims 29-33 depend from claim 28, Applicants respectfully maintain claims 29-33 are likewise not anticipated by Keohane. Since claims 35-39 depend from claim 34, Applicants respectfully maintain claims 35-39 are likewise not anticipated by Keohane.

## CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM). The Attorney's reference number for this case is END-70022.

Date: January 8, 2013

/Jack P. Friedman/  
Jack P. Friedman  
Registration No. 44,688

Customer No. 30449  
Schmeiser, Olsen & Watts  
22 Century Hill Drive - Suite 302  
Latham, New York 12110  
Telephone (518) 220-1850  
Facsimile (518) 220-1857  
E-mail: jfriedman@iplawusa.com

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	14642988
<b>Application Number:</b>	12686469
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9662
<b>Title of Invention:</b>	ELECTRONIC MAIL MESSAGING SYSTEM
<b>First Named Inventor/Applicant Name:</b>	Jan De la Rosa
<b>Customer Number:</b>	30449
<b>Filer:</b>	Jack P. Friedman/Kimberly Dwileski
<b>Filer Authorized By:</b>	Jack P. Friedman
<b>Attorney Docket Number:</b>	IN920090098US1
<b>Receipt Date:</b>	08-JAN-2013
<b>Filing Date:</b>	13-JAN-2010
<b>Time Stamp:</b>	14:57:56
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	IN920090098US1-amendment. pdf	48826 <small>5e0471276348566938db80931a515b74f22 c1d24</small>	no	17

### Warnings:

### Information:

**This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.**

**New Applications Under 35 U.S.C. 111**

**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**

**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**

**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875	Application or Docket Number <b>12/686,469</b>	Filing Date <b>01/13/2010</b>	<input type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	SMALL ENTITY <input type="checkbox"/>	OR			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (j), or (m))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	minus 20 =	*	X \$ =		OR	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =			X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>							
			TOTAL			TOTAL	

\* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	(Column 3)						
AMENDMENT	<b>01/08/2013</b>	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	* 20	Minus	** 22	=	0	OR	X \$62=	0
	Independent <small>(37 CFR 1.16(h))</small>	* 3	Minus	***5	=	0	OR	X \$250=	0
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	<b>0</b>

	(Column 1)	(Column 2)	(Column 3)						
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus	**	=		OR	X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus	***	=		OR	X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:  
/ERIC DANTZLER/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1

**CONFIRMATION NO. 9662**

**POWER OF ATTORNEY NOTICE**



26502  
IBM CORPORATION  
IPLAW SHCB/40-3  
1701 NORTH STREET  
ENDICOTT, NY 13760

Date Mailed: 11/14/2012

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/25/2012.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/qtran/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1

**CONFIRMATION NO. 9662**

**POA ACCEPTANCE LETTER**



30449  
SCHMEISER, OLSEN & WATTS  
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SUITE 302  
LATHAM, NY 12110

Date Mailed: 11/14/2012

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 10/25/2012.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/qtran/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



ITW

<b>POWER OF ATTORNEY          OR          REVOCATION OF POWER OF ATTORNEY          WITH A NEW POWER OF ATTORNEY          AND          CHANGE OF CORRESPONDENCE ADDRESS</b>	<b>Application Number</b>	12/686469
	<b>Filing Date</b>	01/13/2010
	<b>First Named Inventor</b>	Jan De la Rosa
	<b>Title</b>	ELECTRONIC MAIL MESSAGING...
	<b>Art Unit</b>	2457
	<b>Examiner Name</b>	Blake J. Rubin
	<b>Attorney Docket Number</b>	IN920090098US1

I hereby revoke all previous powers of attorney given in the above-identified application.

A Power of Attorney is submitted herewith.

**OR**

I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

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Please recognize or change the correspondence address for the above-identified application to:

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I am the:

Applicant/Inventor.

**OR**

Assignee of record of the entire interest. See 37 CFR 3.71.  
 Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on \_\_\_\_\_

**SIGNATURE of Applicant or Assignee of Record**

Signature		Date	10/24/2012
Name	Pryor A. Garnett, Reg. No. 32,136	Telephone	503-578-5775
Title and Company	Senior Counsel, International Business Machines Corporation		

**NOTE:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

\*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Jan De la Rosa  
Application No./Patent No.: 12/686469 Filed/Issue Date: 01/13/2010

Titled: **ELECTRONIC MAIL MESSAGING SYSTEM**

International Business Machines Corporation, a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1.  the assignee of the entire right, title, and interest in;
  - 2.  an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
  - 3.  the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)
- the patent application/patent identified above, by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 023771, Frame 0933, or for which a copy therefore is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

- 1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
- 2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
- 3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet(s).

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Pryor A. Garnett  
Signature

10/24/2012  
Date

Pryor A. Garnett, USPTO Reg. No. 32,136  
Printed or Typed Name

Senior Counsel  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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**Courtesy Reminder for  
Application Serial No: 12/686,469**

Attorney Docket No: IN920090098US1  
Customer Number: 26502  
Date of Electronic Notification: 10/10/2012

This is a courtesy reminder that new correspondence is available for this application. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number:

endiplaw@us.ibm.com  
bjfitzpa@us.ibm.com

Please verify that these email addresses are correct.

To view your correspondence online or update your email addresses, please visit us anytime at <https://sportal.uspto.gov/secure/myportal/privatepair>. If you have any questions, please email the Electronic Business Center (EBC) at [EBC@uspto.gov](mailto:EBC@uspto.gov) or call 1-866-217-9197.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1	9662
26502	7590	10/10/2012	EXAMINER	
IBM CORPORATION IPLAW SHCB/40-3 1701 NORTH STREET ENDICOTT, NY 13760			RUBIN, BLAKE J	
			ART UNIT	PAPER NUMBER
			2457	
			NOTIFICATION DATE	DELIVERY MODE
			10/10/2012	ELECTRONIC

**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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

endiplaw@us.ibm.com  
bjfitzpa@us.ibm.com

<b>Office Action Summary</b>	<b>Application No.</b> 12/686,469	<b>Applicant(s)</b> DE LA ROSA ET AL.	
	<b>Examiner</b> BLAKE RUBIN	<b>Art Unit</b> 2457	

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

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

**Status**

- 1)  Responsive to communication(s) filed on 13 January 2010.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5)  Claim(s) 1-22 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 6)  Claim(s) \_\_\_\_\_ is/are allowed.
- 7)  Claim(s) 1-22 is/are rejected.
- 8)  Claim(s) \_\_\_\_\_ is/are objected to.
- 9)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10)  The specification is objected to by the Examiner.
- 11)  The drawing(s) filed on 13 January 2010 is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \*   c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/13/10.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is a response to communications filed January 13, 2010.
2. Claims 1-22 are currently pending.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: An Out-of-Office Electronic Mail Messaging System.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

5. With respect to claims 18, 21, and 22, the claims recite a storage medium tangibly embodying a program of machine-readable instructions, and a computer readable storage medium, respectively. In light of the applicant's specification, both embodiment would allow for the claims to be construed as signals and/or carrier wave (paragraphs [0047]-[0048]) which do not fall into a statutory category and are therefore considered non-statutory. The examiner suggests amending the claims to restricting the embodiments to, "non-transitory" media.

6. With respect to claims 19-20, the claims fail to resolve the deficiencies of the claims from which they depend and are therefor rejected on the same grounds as above.

***Claim Rejections - 35 USC § 102***

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

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**8. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Keohane et al (U.S. Patent Application Publication No. 2008/0104177, hereinafter Keohane).**

9. With respect to claim 1, Keohane discloses an electronic mail system (paragraph [0017], lines 1-4), the system comprising:

a first system including a sender (paragraph [0027], lines 1-6), the first system adapted to:

activate an availability indicator having a start date (paragraph [0037], *start date field 503*), wherein the activation is performed by the sender (paragraph [0037]);

extract availability indicator metadata from the availability indicator (paragraph [0038]); and

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if an e-mail has not been sent to a receiver since activation and if a current date is prior to the start date (paragraph [0033]),

attach the availability indicator metadata to the e-mail (paragraph [0034]); and  
send the e-mail to the receiver (paragraph [0034]).

10. With respect to claim 2, Keohane discloses the electronic mail system of claim 1, wherein the receiver is selected from the group consisting of at least a single recipient and a group of recipients (paragraph [0017]).

11. With respect to claim 3, Keohane discloses the electronic mail system of claim 1, wherein the availability indicator metadata includes:

the start date (paragraph [0037]);

an end date (paragraph [0037]); and

at least one availability indicator message (paragraph [0037]).

12. With respect to claim 4, Keohane discloses the electronic mail system of claim 1, further including a scheduling system functionally coupled to the first system (paragraph [0048]), is adapted to define the availability indicator, and wherein the scheduling system is selected from the group consisting of one or more of a mail system (paragraph [0048]), a calendar system (paragraph [0048]), a vacation planner and a leave processing system (paragraph [0048]).

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13. With respect to claim 5, Keohane discloses the electronic mail system of claim 3, further comprising: a second system communicatively coupled to the first system, wherein the second system includes the receiver (paragraphs [0025]-[0026]).

14. With respect to claim 6, Keohane discloses the electronic mail system of claim 5, wherein the second system is adapted to:

receive the e-mail from the first system (paragraphs [0027]-[0029]);

extract the availability indicator metadata from the received e-mail (paragraphs [0027]-[0029]); and

store the availability indicator metadata (paragraphs [0027]-[0029]).

15. With respect to claim 7, Keohane discloses the electronic mail system of claim 6, wherein the availability indicator metadata is stored using storage selected from the group consisting of one or more of a memory of the second system, a server, a file system repository, and a relational database system repository (paragraphs [0027]-[0030]).

16. With respect to claim 8, Keohane discloses the electronic mail system of claim 6, wherein the second system is further adapted to:

compare the current date with the start date (paragraphs [0042]-[0044]); and

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notify the receiver, if the current date matches with the start date, and the notifying is performed using a start date graphical user interface (paragraphs [0042]-[0044]).

17. With respect to claim 9, Keohane discloses the electronic mail system of claim 8, wherein the start date graphical user interface includes a start date set of actions (paragraphs [0042]-[0044]), wherein the second system is adapted to perform at least one action selected from the start date set of actions (paragraphs [0042]-[0044]).

18. With respect to claim 10, Keohane discloses the electronic mail system of claim 6, wherein the second system is further adapted to:

compare the current date with the end date (paragraphs [0042]-[0044]); and  
notify the receiver, if the current date matches with the end date, wherein the notifying is performed using an end date graphical user interface (paragraphs [0042]-[0044]).

19. With respect to claim 11, Keohane discloses the electronic mail system of claim 10, wherein the end date graphical user interface includes an end date set of actions (paragraphs [0042]-[0044]), wherein the second system is adapted to perform at least one action selected from the end date set of actions (paragraphs [0042]-[0044]).

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20. With respect to claim 12, Keohane discloses the electronic mail system of claim 6, wherein the second system is further adapted to:

configure a notification date setting graphical user interface used by the receiver to set a notification date (paragraphs [0042]-[0044]);

compare the current date with the notification date (paragraphs [0042]-[0044]);

and

notify the receiver, if the current date matches with the notification date, wherein the notifying is performed using a notification date graphical user interface (paragraphs [0042]-[0044]).

21. With respect to claim 13, Keohane discloses the electronic mail system of claim 12, wherein the notification date is a pre-determined date set in response to a date selected from the group consisting of the start date and the end date (paragraphs [0042]-[0044]).

22. With respect to claim 14, Keohane discloses the electronic mail system of claim 12, wherein the notification date graphical user interface includes a notification date set of actions (paragraphs [0042]-[0044]), wherein the second system is adapted to perform at least one action selected from the notification date set of actions (paragraphs [0042]-[0044]).

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23. With respect to claim 15, Keohane discloses a method of transmitting availability information in an electronic mail system (paragraph [0017], lines 1-7), the method comprising the steps of:

providing a first system including a sender (paragraph [0027], lines 1-6), the first system, activating an availability indicator having a start date (paragraph [0037], *start date field 503*), activated by the sender (paragraph [0037]), the first system for:

extracting availability indicator metadata from the availability indicator (paragraph [0038]); and

if an e-mail has not been sent to a receiver since the activation and if a current date is prior to the start date (paragraph [0033]),

attaching the availability indicator metadata to the e-mail (paragraph [0034]); and

sending the e-mail to the receiver (paragraph [0034]).

24. With respect to claim 16, Keohane discloses the method of claim 15, further comprising the steps of:

providing a second system including the receiver for (paragraphs [0025]-[0026]);

receiving the e-mail from the first system (paragraphs [0027]-[0029]);

extracting the availability indicator metadata from the received e-mail, wherein the availability indicator metadata includes the start date, an end date, and at least one availability indicator message (paragraphs [0027]-[0029]); and

storing the availability indicator metadata (paragraphs [0027]-[0029]).

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25. With respect to claim 17, Keohane discloses the method of claim 16, further comprising the steps of:

comparing the current date with a pre-selected date (paragraphs [0042]-[0044]), wherein the pre-selected date is selected from the group consisting of the start date (paragraphs [0042]-[0044]), the end date (paragraphs [0042]-[0044]), a date in response to the start date, and a date in response to the end date (paragraphs [0042]-[0044]); and

notifying the receiver, if the current date matches with the preselected date (paragraphs [0042]-[0044]), the notifying being performed using a pre-selected date graphical user interface (paragraphs [0042]-[0044]), the comparing and the notifying steps being performed by the second system (paragraphs [0042]-[0044]).

26. With respect to claim 18, Keohane discloses a storage medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to carry out a method of transmitting availability information in an electronic mail system (paragraph [0017], lines 1-7), the storage medium configured to:

provide a first system including a sender (paragraph [0027], lines 1-6), the first system adapted to:

activate an availability indicator having a start date (paragraph [0037], *start date field 503*) wherein the activation is performed by the sender (paragraph [0037]);

extract availability indicator metadata from the availability indicator (paragraph [0038]); and

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if an e-mail has not been sent to a receiver since activation and if a current date is prior to the start date (paragraph [0033]),

attach the availability indicator metadata to the e-mail (paragraph [0034]); and  
send the e-mail to the receiver (paragraph [0034]).

27. With respect to claim 19, Keohane discloses the storage medium of claim 18, further configured to:

provide a second system including a receiver (paragraphs [0025]-[0026]), the second system adapted to:

receive the e-mail from the first system (paragraphs [0027]-[0029]);

extract the availability indicator metadata from the received e-mail, wherein the availability metadata includes the start date, an end date, and at least one availability indicator message (paragraphs [0027]-[0029]); and

store the availability indicator metadata (paragraphs [0027]-[0029]).

28. With respect to claim 20, Keohane discloses the storage medium of claim 19, further configured to:

compare the current date with a pre-selected date (paragraphs [0042]-[0044]), wherein the pre-selected date is selected from the group consisting of the start date (paragraph [0037]), the end date (paragraph [0037]), a date in response to the start date (paragraph [0037]), and a date in response to the end date (paragraph [0037]); and

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notify the receiver, if the current date matches with the preselected date (paragraphs [0042]-[0044]), the notifying being performed using a pre-selected date graphical user interface (paragraphs [0042]-[0044]), the comparing and the notifying steps being performed by the second system (paragraphs [0042]-[0044]).

29. With respect to claim 21, Keohane discloses a computer system for electronic mail (paragraph [0017], lines 1-7), the system comprising:

a CPU, a computer readable memory and a computer readable storage medium (paragraph [0021]);

a sender (paragraph [0027], lines 1-6);

first program instructions to activate an availability indicator having a start date (paragraph [0037], *start date field 503*), wherein the activation is performed by the sender (paragraph [0037]);

second program instructions to extract availability indicator metadata from the availability indicator (paragraph [0038]); and

if an e-mail has not been sent to a receiver since activation and if a current date is prior to the start date (paragraph [0033]), to attach the availability indicator metadata to the e-mail (paragraph [0034]); and

to send the e-mail to a receiver (paragraph [0034]);

wherein the first and second program instructions are stored on the computer readable storage medium for execution by the CPU via the computer readable memory (paragraphs [0027]-[0030]).

30. With respect to claim 22, Keohane discloses a computer system for electronic mail (paragraph [0017], lines 1-7), the system comprising:

a CPU, a computer readable memory, and a computer readable storage medium (paragraph [0021]);

a receiver (paragraph [0027], lines 1-6);

first program instructions to receive an e-mail from another computer system (paragraph [0027], lines 1-6):

second program instructions to extract availability indicator metadata from the received e-mail (paragraph [0038]), the availability indicator metadata including a start date (paragraph [0037], *start date field 503*), an end date (paragraph [0037]), and at least one availability indicator message (paragraph [0037]);

third program instructions to store the availability indicator metadata (paragraphs [0027]-[0029]);

fourth program instructions to compare the current date with the start date (paragraphs [0042]-[0044]); and

fifth program instructions to notify the receiver if the current date matches with the start date (paragraphs [0042]-[0044]), the notifying performed using a start date graphical user interface (paragraphs [0042]-[0044]); and

wherein the first, second, third, fourth and fifth program instructions are stored on the computer readable storage medium for execution by the CPU via the computer readable memory (paragraphs [0027]-[0030]).

***Conclusion***

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.	Alexander et al	Patent No.	6,640,230
b.	Paul	Pat. Pub.	2005/0066005
c.	Sattler et al	Pat. Pub.	2005/0288987
d.	Ovenden	Pat. Pub.	2006/0031326
e.	Fong et al	Pat. Pub.	2006/0083358
f.	Horvitz et al	Pat. Pub.	2007/0071209
g.	Bruce et al	Pat. Pub.	2009/0077183
h.	Howell et al	Patent No.	7,551,727
i.	Hall	Pat. Pub.	2009/0307232
j.	DellaFera et al	Pat. Pub.	2010/0146059
k.	Farrell et al	Patent No.	8,166,121
l.	Cummings	Patent No.	8,230,030

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLAKE RUBIN whose telephone number is (571)270-3802. The examiner can normally be reached on Monday - Friday, 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2457

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/28/12

/BLAKE RUBIN/  
Examiner, Art Unit 2457

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457

<b>Notice of References Cited</b>	Application/Control No. 12/686,469	Applicant(s)/Patent Under Reexamination DE LA ROSA ET AL.	
	Examiner BLAKE RUBIN	Art Unit 2457	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,640,230	Alexander et al.	1/1
*	B	US-2005/0066005	Paul, Gary B.	709/206
*	C	US-2005/0288987	Sattler et al.	705/009
*	D	US-2006/0031326	Ovenden, Francis	709/206
*	E	US-2006/0083358	Fong et al.	379/088.13
*	F	US-2007/0071209	Horvitz et al.	379/201.06
*	G	US-2009/0077183	Bruce et al.	709/206
*	H	US-7,551,727	Howell et al.	379/88.14
*	I	US-2009/0307232	Hall, Edward	707/10
*	J	US-2010/0146059	DellaFera et al.	709/206
*	K	US-8,166,121	Farrell et al.	709/206
*	L	US-8,230,030	Cummings, Joel George	709/206
	M	US-		

**FOREIGN PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
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**NON-PATENT DOCUMENTS**

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	U				
	V				
	W				
	X				

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

## EAST Search History

## EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	11	(US-20060031326-\$ or US-20060083358-\$ or US-20090307323-\$ or US-20070071209-\$ or US-20050066005-\$ or US-20050288987-\$ or US-20090077183-\$).did. or (US-8166121-\$ or US-8230030-\$ or US-7551727-\$ or US-6640230-\$).did.	US-PGPUB; USPAT	OR	OFF	2012/09/28 16:21
L2	0	re\$1send\$4 and L1	US-PGPUB; USPAT	OR	OFF	2012/09/28 16:21
L3	4	(already or twice) and L1	US-PGPUB; USPAT	OR	OFF	2012/09/28 16:22
L4	1230	oof or out\$1of\$1office	US-PGPUB; USPAT	OR	OFF	2012/09/28 16:46
L5	142	e\$1mail same L4	US-PGPUB; USPAT	OR	OFF	2012/09/28 16:46
L6	142	L5	US-PGPUB; USPAT	OR	OFF	2012/09/28 16:46
L7	4	re\$1send\$3 and 6	US-PGPUB; USPAT	OR	OFF	2012/09/28 16:47
L8	221744	"142" and already	US-PGPUB; USPAT	OR	OFF	2012/09/28 16:51
L9	57	6 and already	US-PGPUB; USPAT	OR	OFF	2012/09/28 16:51
S1	2	"US 20110173271"	US-PGPUB; USPAT; USOCR; DERWENT	OR	OFF	2012/09/27 13:01
S2	13779	(709/206).CCLS.	US-PGPUB; USPAT; USOCR	OR	OFF	2012/09/27 13:02
S3	7	("20070192678"   "20080040177"   "20080104175"   "20080104177"   "20080112546"   "20080127231"   "20080133302").PN.	US-PGPUB; USPAT	OR	OFF	2012/09/27 13:08
S4	826	(out with of with office) or oof	US-PGPUB; USPAT	OR	OFF	2012/09/27 17:50
S5	1230	(out with of with office) or oof or	US-	OR	OFF	2012/09/27

		out\$1of\$1office	PGPUB; USPAT			17:50
S6	1230	oof or out\$1of\$1office	US- PGPUB; USPAT	OR	OFF	2012/09/27 17:51
S7	142	e\$1mail same S6	US- PGPUB; USPAT	OR	OFF	2012/09/27 17:53
S8	16	S7 and meta\$1data	US- PGPUB; USPAT	OR	OFF	2012/09/27 17:53
S9	62701	syntax or primitive	US- PGPUB; USPAT	OR	OFF	2012/09/28 13:04
S10	62367	"5" and S9	US- PGPUB; USPAT	OR	OFF	2012/09/28 13:04
S11	1230	(out with of with office) or oof or out\$1of\$1office	US- PGPUB; USPAT	OR	OFF	2012/09/28 13:04
S12	66	S11 and S9	US- PGPUB; USPAT	OR	OFF	2012/09/28 13:04
S13	1230	oof or out\$1of\$1office	US- PGPUB; USPAT	OR	OFF	2012/09/28 13:05
S14	142	e\$1mail same S13	US- PGPUB; USPAT	OR	OFF	2012/09/28 13:05
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S16	28	S12 and meta\$1data	US- PGPUB; USPAT	OR	OFF	2012/09/28 13:05
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S18	2	("2008/0040177").URPN.	USPAT	OR	OFF	2012/09/28 14:32
S19	2	("2008/0040177").URPN.	US- PGPUB; USPAT	OR	OFF	2012/09/28 14:32
S20	2	("2008/0104175").URPN.	US- PGPUB; USPAT	OR	OFF	2012/09/28 14:33
S21	69	("20020090069"   "20020131565"   "20020152272"   "20020165749"   "20030120733"   "20040003030"   "20050047562"   "20050076090"   "20050102368"   "20050164151"   "20060069580"   "20060075038"   "20060168045"   "20060168062"   "20060195363"   "20060212330"   "20070081640"   "20070192419"   "20070291911"   "20080002820"   "20080040177"   "20080059493"   "20080065755"   "20080104177"   "20080120386"   "20080127204"	US- PGPUB; USPAT; USOCR	OR	OFF	2012/09/28 14:35

		"20080133302"   "20080133708"   "20080140665"   "20080155026"   "20080177850"   "20080183814"   "20080263162"   "20080294482"   "20090006557"   "20090010400"   "20090077183"   "20090113001"   "20090150500"   "20090198783"   "20090228806"   "20090259718"   "20090307323"   "20100105359"   "20100146059"   "20100169429"   "20100198921"   "20100250682"   "20100318615"   "20110004503"   "20110010447"   "20110047558"   "20110087742"   "20110137992"   "20110161434"   "20110185006"   "6057841"   "6442589"   "6640230"   "7406504"   "7526286"   "7587457"   "7599473"   "7801954"   "7844669"   "7865556"   "7899479"   "7945612"   "7984105").PN. OR ("8166121").URPN.				
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S23	50	((out with of with office) or oof or out\$1of\$1office) with (smart or intelligent or artificial or automat\$3 or ai or primative)	US- PGPUB; USPAT	OR	OFF	2012/09/28 14:50
S24	11	(US-20060031326-\$ or US- 20060083358-\$ or US-20090307323-\$ or US-20070071209-\$ or US- 20050066005-\$ or US-20050288987-\$ or US-20090077183-\$).did. or (US- 8166121-\$ or US-8230030-\$ or US- 7551727-\$ or US-6640230-\$).did.	US- PGPUB; USPAT	OR	OFF	2012/09/28 15:05

9/ 28/ 2012 5:39:24 PM

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**BIB DATA SHEET**
**CONFIRMATION NO. 9662**

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/686,469	01/13/2010	709	2457	IN920090098US1		
<b>APPLICANTS</b>						
Jan De la Rosa, Austin, TX; Salil P. Gandhi, Pune, INDIA; Saidas T. Kottawar, Pune, INDIA; Sandip D. Mahajan, Pune, INDIA;						
** CONTINUING DATA *****						
** FOREIGN APPLICATIONS *****						
** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **						
01/25/2010						
Foreign Priority claimed 35 USC 119(a-d) conditions met Verified and Acknowledged	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No /BLAKE J RUBIN/ Examiner's Signature	<input type="checkbox"/> Met after Allowance BJR Initials	STATE OR COUNTRY TX	SHEETS DRAWINGS 7	TOTAL CLAIMS 22	INDEPENDENT CLAIMS 5
<b>ADDRESS</b>						
IBM CORPORATION IPLAW SHCB/40-3 1701 NORTH STREET ENDICOTT, NY 13760 UNITED STATES						
<b>TITLE</b>						
ELECTRONIC MAIL MESSAGING SYSTEM						
<b>FILING FEE RECEIVED</b> 1634	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

<b>Search Notes</b>  	<b>Application/Control No.</b>  12686469	<b>Applicant(s)/Patent Under Reexamination</b>  DE LA ROSA ET AL.
	<b>Examiner</b>  BLAKE RUBIN	<b>Art Unit</b>  2457

<b>SEARCHED</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>
709	206	9/27/12	BJR

<b>SEARCH NOTES</b>		
<b>Search Notes</b>	<b>Date</b>	<b>Examiner</b>
Searched Inventors	9/27/12	BJR
Searched 709/206 with text	9/27/12	BJR
Searched EAST	9/27/12	BJR
Searched Google	9/27/12	BJR

<b>INTERFERENCE SEARCH</b>			
<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>

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Receipt date: 01/13/2010

12686469 - GAU: 2457

Doc code: IDS

PTO/SB/08a (07-09)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2012. OMB 0651-0031  
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Jan De la Rosa	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	IN920090098US1	

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Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
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Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	20080040177	A1	2008-02-14	Vuong et al.		
	2	20080104175	A1	2008-05-01	Keohane et al.		
	3	20080104177	A1	2008-05-01	Keohane et al.		
	4	20080112546	A1	2008-05-15	Fletcher et al.		
	5	20080127231	A1	2008-05-29	Shaffer et al.		

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.R./

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		12686469 - GAU: 2457	
	Filing Date			
	First Named Inventor	Jan De la Rosa		
	Art Unit			
	Examiner Name			
	Attorney Docket Number		IN920090098US1	

6	20080133302	A1	2008-06-05	Brauninger et al.	
7	20070192678	A1	2008-08-16	Tang et al.	

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**FOREIGN PATENT DOCUMENTS**

Examiner Initial*	Cite No	Foreign Document Number <sup>3</sup>	Country Code <sup>2</sup>	Kind Code <sup>4</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
	1	2007094821	WO	A1	2007-08-23	Siemens Communications, Inc.		<input type="checkbox"/>

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**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>5</sup>
	1		<input type="checkbox"/>

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**EXAMINER SIGNATURE**

Examiner Signature	/Blake Rubin/	Date Considered	09/27/2012
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /B.R./

<b><i>Index of Claims</i></b>  	<b>Application/Control No.</b>  12686469	<b>Applicant(s)/Patent Under Reexamination</b>  DE LA ROSA ET AL.
	<b>Examiner</b>  BLAKE RUBIN	<b>Art Unit</b>  2457

✓	<b>Rejected</b>
=	<b>Allowed</b>

-	<b>Cancelled</b>
÷	<b>Restricted</b>

N	<b>Non-Elected</b>
I	<b>Interference</b>

A	<b>Appeal</b>
O	<b>Objected</b>

Claims renumbered in the same order as presented by applicant
  CPA
  T.D.
  R.1.47

CLAIM		DATE							
Final	Original	09/27/2012							
	1	✓							
	2	✓							
	3	✓							
	4	✓							
	5	✓							
	6	✓							
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	21	✓							
	22	✓							



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Table with 4 columns: APPLICATION NUMBER (12/686,469), FILING OR 371(C) DATE (01/13/2010), FIRST NAMED APPLICANT (Jan De la Rosa), ATTY. DOCKET NO./TITLE (IN920090098US1)

CONFIRMATION NO. 9662

PUBLICATION NOTICE



26502
IBM CORPORATION
IPLAW SHCB/40-3
1701 NORTH STREET
ENDICOTT, NY 13760

Title: ELECTRONIC MAIL MESSAGING SYSTEM

Publication No. US-2011-0173271-A1
Publication Date: 07/14/2011

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

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## SUPPLEMENTAL ADS

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<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	IN920090098US1
		Application Number	12/686469
Title of Invention	ELECTRONIC MAIL MESSAGING SYSTEM		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

**Secrecy Order 37 CFR 5.2**

<input type="checkbox"/>	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
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**Applicant Information:**

<b>Applicant 1</b>				
<b>Applicant Authority</b> <input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>
	Jan		De la Rosa	
<b>Residence Information (Select One)</b> <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service				
<b>City</b>	Austin	<b>State/Province</b>	TX	<b>Country of Residence</b>
				US
<b>Citizenship under 37 CFR 1.41(b)</b>		US		
<b>Mailing Address of Applicant:</b>				
<b>Address 1</b>		11400 Burnett Road		
<b>Address 2</b>				
<b>City</b>	Austin	<b>State/Province</b>	TX	
<b>Postal Code</b>	78758	<b>Country</b>	US	
<b>Applicant 2</b>				
<b>Applicant Authority</b> <input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>
	Salil	P.	Gandhi	
<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service				
<b>City</b>	Pune	<b>Country Of Residence</b>	IN	
<b>Citizenship under 37 CFR 1.41(b)</b>		IN		
<b>Mailing Address of Applicant:</b>				
<b>Address 1</b>		Tech Park One, Tower 'B', 5th Fl., Off Airport Rd.		
<b>Address 2</b>				
<b>City</b>	Pune	<b>State/Province</b>		
<b>Postal Code</b>	411006	<b>Country</b>	IN	
<b>Applicant 3</b>				
<b>Applicant Authority</b> <input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117		<input type="radio"/> Party of Interest under 35 U.S.C. 118
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>
	Saidas	T.	Kottawar	
<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service				
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<b>Application Data Sheet 37 CFR 1.76</b>	Attorney Docket Number	IN920090098US1
	Application Number	12/686469
Title of Invention	ELECTRONIC MAIL MESSAGING SYSTEM	

<b>Citizenship under 37 CFR 1.41(b)</b>	IN		
<b>Mailing Address of Applicant:</b>			
<b>Address 1</b>	Tech Park One, Tower 'B', 5th Fl., Off Airport Rd.		
<b>Address 2</b>			
<b>City</b>	Pune	<b>State/Province</b>	
<b>Postal Code</b>	411006	<b>Country</b>	IN
<b>Applicant 4</b>			
<b>Applicant Authority</b>	<input checked="" type="radio"/> Inventor	<input type="radio"/> Legal Representative under 35 U.S.C. 117	<input type="radio"/> Party of Interest under 35 U.S.C. 118
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>
	Sandip	D.	Mahajan
<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service			
<b>City</b>	Pune	<b>Country Of Residence</b>	IN
<b>Citizenship under 37 CFR 1.41(b)</b>	IN		
<b>Mailing Address of Applicant:</b>			
<b>Address 1</b>	Tech Park One, Tower 'B', 5th Fl., Off Airport Rd.		
<b>Address 2</b>			
<b>City</b>	Pune	<b>State/Province</b>	
<b>Postal Code</b>	411006	<b>Country</b>	IN
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the <b>Add</b> button.			<input type="button" value="Add"/>

**Correspondence Information:**

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<input type="checkbox"/> An Address is being provided for the correspondence information of this application.			
<b>Customer Number</b>	26502		
<b>Email Address</b>	wsteinberg@us.ibm.com	<input type="button" value="Add Email"/>	<input type="button" value="Remove Email"/>

**Application Information:**

<b>Title of the Invention</b>	ELECTRONIC MAIL MESSAGING SYSTEM		
<b>Attorney Docket Number</b>	IN920090098US1	<b>Small Entity Status Claimed</b>	<input type="checkbox"/>
<b>Application Type</b>	Nonprovisional		
<b>Subject Matter</b>	Utility		
<b>Suggested Class (if any)</b>		<b>Sub Class (if any)</b>	
<b>Suggested Technology Center (if any)</b>			
<b>Total Number of Drawing Sheets (if any)</b>	7	<b>Suggested Figure for Publication (if any)</b>	

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<b>Application Data Sheet 37 CFR 1.76</b>	Attorney Docket Number	IN920090098US1
	Application Number	12/686469
Title of Invention	ELECTRONIC MAIL MESSAGING SYSTEM	

**Publication Information:**

<input type="checkbox"/> Request Early Publication (Fee required at time of Request 37 CFR 1.219)
<input type="checkbox"/> <b>Request Not to Publish.</b> I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application <b>has not and will not</b> be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

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Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> Limited Recognition (37 CFR 11.9)
Customer Number	26502		

**Domestic Benefit/National Stage Information:**

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Prior Application Status			<input type="button" value="Remove"/>
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the <b>Add</b> button.			

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This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
			<input type="button" value="Remove"/>
Application Number	Country <sup>1</sup>	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			<input type="radio"/> Yes <input checked="" type="radio"/> No
Additional Foreign Priority Data may be generated within this form by selecting the <b>Add</b> button.			

**Assignee Information:**

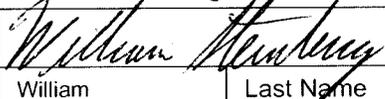
Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.
<b>Assignee 1</b>

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>	Attorney Docket Number	IN920090098US1
	Application Number	12/686469
Title of Invention	ELECTRONIC MAIL MESSAGING SYSTEM	

If the Assignee is an Organization check here. <input checked="" type="checkbox"/>			
Organization Name	International Business Machines Corporation		
<b>Mailing Address Information:</b>			
Address 1	New Orchard Road		
Address 2			
City	Armonk	State/Province	NY
Country	US	Postal Code	10504
Phone Number		Fax Number	
Email Address			
Additional Assignee Data may be generated within this form by selecting the <b>Add</b> button.			

**Signature:**

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.					
Signature			Date (YYYY-MM-DD)	2010-02-04	
First Name	William	Last Name	Steinberg	Registration Number	28540

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	6951164
<b>Application Number:</b>	12686469
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9662
<b>Title of Invention:</b>	ELECTRONIC MAIL MESSAGING SYSTEM
<b>First Named Inventor/Applicant Name:</b>	Jan De la Rosa
<b>Customer Number:</b>	26502
<b>Filer:</b>	William H. Steinberg/June Mitchell
<b>Filer Authorized By:</b>	William H. Steinberg
<b>Attorney Docket Number:</b>	IN920090098US1
<b>Receipt Date:</b>	04-FEB-2010
<b>Filing Date:</b>	13-JAN-2010
<b>Time Stamp:</b>	15:40:22
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
------------------------	----

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	IN920090098US1_Supplemental_ADS.pdf	678995 106c7a31a2b24b124e42fb9d20df427b8d1984be	no	5

### Warnings:

### Information:

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Total Files Size (in bytes):

678995

**This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.**

**New Applications Under 35 U.S.C. 111**

**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**

**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**

**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**



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www.uspto.gov

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/686,469, 01/13/2010, 2447, 1634, IN920090098US1, 22, 5

CONFIRMATION NO. 9662

FILING RECEIPT



26502
IBM CORPORATION
IPLAW SHCB/40-3
1701 NORTH STREET
ENDICOTT, NY 13760

Date Mailed: 01/27/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Jan De la Rosa, Austin, TX;
Salil P. Gandhi, Pune, INDIA;
Saidas T. Kottawar, Pune, INDIA;
Sandip D. Mahajan, Pune, INDIA;

Assignment For Published Patent Application

INTERNATIONAL BUSINESS MACHINES CORPORATION, Armonk, NY

Power of Attorney: The patent practitioners associated with Customer Number 26502

Domestic Priority data as claimed by applicant

Foreign Applications

Permission to Access - A proper Authorization to Permit Access to Application by Participating Offices (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 01/25/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/686,469

Projected Publication Date: 07/14/2011

Non-Publication Request: No

Early Publication Request: No

**Title**

ELECTRONIC MAIL MESSAGING SYSTEM

**Preliminary Class**

709

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/686,469	01/13/2010	Jan De la Rosa	IN920090098US1

**CONFIRMATION NO. 9662**

26502  
IBM CORPORATION  
IPLAW SHCB/40-3  
1701 NORTH STREET  
ENDICOTT, NY 13760

**NOTICE**



Date Mailed: 01/27/2010

**NOTICE OF INFORMAL APPLICATION**

This application is considered to be informal since it does not comply with the regulations for the reason(s) indicated below. The period within to correct the informalities noted below and avoid abandonment is set in the accompanying Office action.

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

**A new oath or declaration, identifying this application number, or, if appropriate, an application data sheet (37 CFR 1.76), is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:**

- does not identify the complete mailing or post office address of each inventor.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> ( Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Jan De la Rosa	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	IN920090098US1	

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code <sup>1</sup>	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
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Examiner Initial*	Cite No	Publication Number	Kind Code <sup>1</sup>	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20080040177	A1	2008-02-14	Vuong et al.	
	2	20080104175	A1	2008-05-01	Keohane et al.	
	3	20080104177	A1	2008-05-01	Keohane et al.	
	4	20080112546	A1	2008-05-15	Fletcher et al.	
	5	20080127231	A1	2008-05-29	Shaffer et al.	

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number		
Filing Date		
First Named Inventor	Jan De la Rosa	
Art Unit		
Examiner Name		
Attorney Docket Number	IN920090098US1	

6	20080133302	A1	2008-06-05	Brauninger et al.	
7	20070192678	A1	2008-08-16	Tang et al.	

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	1	2007094821	WO	A1	2007-08-23	Siemens Communications, Inc.		<input type="checkbox"/>

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**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>5</sup>
	1		<input type="checkbox"/>

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**EXAMINER SIGNATURE**

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

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

Application Number		
Filing Date		
First Named Inventor	Jan De la Rosa	
Art Unit		
Examiner Name		
Attorney Docket Number	IN920090098US1	

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

None

**SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/William H. Steinberg/	Date (YYYY-MM-DD)	2010-01-12
Name/Print	William H. Steinberg	Registration Number	28540

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
23 August 2007 (23.08.2007)

PCT

(10) International Publication Number  
**WO 2007/094821 A1**

(51) International Patent Classification:  
*G06Q 10/00* (2006.01)

(74) Agents: **CHUNG, David, D.** et al.; Siemens Corpora-  
tion- Intellectual Property Dept., 170 Wood Avenue South,  
Iselin, New Jersey 08830 (US).

(21) International Application Number:  
PCT/US2006/036903

(81) Designated States (unless otherwise indicated, for every  
kind of national protection available): AE, AG, AL, AM,  
AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN,  
CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI,  
GB, GD, GE, GH, GM, HN, HR, HU, ID, IL, IN, IS, JP,  
KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT,  
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SC, SD, SE, SG, SK, SL, SM, SV, SY, TJ, TM, TN, TR,  
TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(22) International Filing Date:  
21 September 2006 (21.09.2006)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:  
11/354,785 14 February 2006 (14.02.2006) US

(84) Designated States (unless otherwise indicated, for every  
kind of regional protection available): ARIPO (BW, GH,  
GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM,  
ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM),  
European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI,  
FR, GB, GR, HU, IE, IS, IT, LT, LU, LV, MC, NL, PL, PT,  
RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA,  
GN, GQ, GW, ML, MR, NE, SN, TD, TG).

(71) Applicant (for all designated States except US):  
**SIEMENS COMMUNICATIONS, INC.** [US/US]; 900  
Broken Sound Parkway, Boca Raton, Florida 33487-3587  
(US).

(72) Inventors; and

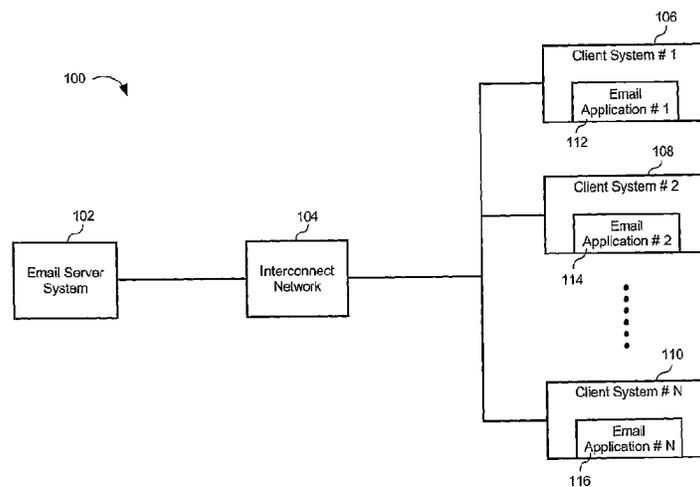
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[Continued on next page]

(54) Title: METHOD AND SYSTEM FOR RESTRICTING AUTOMATIC OUT-OF-OFFICE EMAIL RESPONSE TO CONFIGURED ZONE



(57) Abstract: A method (300) for restricting an automatic out-of-office email response to a configured zone includes steps as follows. At least one domain name is specified for receiving the automatic out-of-office email response (302). An email is received from an email account (304). It is verified whether the email originates from one of the at least one domain name (306). When the verification is successful, the automatic out-of-office email response is sent to the email account (308).

WO 2007/094821 A1



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*For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.*

## METHOD AND SYSTEM FOR RESTRICTING AUTOMATIC OUT-OF-OFFICE EMAIL RESPONSE TO CONFIGURED ZONE

### BACKGROUND OF THE INVENTION

The present invention relates generally to email services, and more particularly to a system and method for restricting an automatic out-of-office email response to a configured zone.

A simple electronic mail (hereinafter email) system typically includes an email server operatively connected to a number of email client applications. A more realistic implementation is that the email system includes a number of similar or different email servers connected together via a network. Each of the email servers is also operatively connected to a number of email client applications. In either case, the email server is typically implemented by email server software running on a computer system. The computer system may be a server computer, a workstation computer, a mainframe computer, or a super-computer. The computer system may also be a number of computers connected together via a network. The email server software may be the Microsoft Exchange<sup>®</sup> email server software manufactured and sold by Microsoft Corporation of Redmond, Washington. Other commercial email servers such as IBM's Lotus Domino, Sun/AOL iPlanet Messaging Server, and the like may also be used.

Each email client application is typically implemented by software running on a user terminal or client device. The user terminal may be a personal computer system, or a non-traditional-computer digital device, such as a personal digital assistant, a pager, a cellular phone, or the like. The email client application may be implemented in a variety of ways. One example of the email client application is the Microsoft Outlook<sup>®</sup> email client application software manufactured and sold by Microsoft Corporation of Redmond, Washington. Another example of the email client application may be the Netscape Communicator<sup>®</sup> (or Netscape 8.0) client manufactured and made available by AOL-Time Warner, Inc. of New York, New York. The Netscape Communicator<sup>®</sup> is a comprehensive set of components that integrates browsing, email, and chat functions together to allow users to easily communicate, share, and access information. A further example of the email

client application may be the AOL<sup>®</sup> 9.0 interactive service software (which includes the email function) also manufactured and made available by AOL-Time Warner, Inc. of New York, New York. Other examples may include Mozilla thunderbird, and web-mail clients such as gmail, hotmail, and the like.

Each user terminal is connected to its corresponding email server computer (i.e., the computer system that runs the email server software) via a communication network. The email servers and the client applications communicate with each other following a client-server model and rely on the Transmission Control Protocol (TCP) for reliable delivery of information or applications between servers and client applications.

Each user of an email client application is assigned with an email address. When a user of a particular email address logs into an email system through an email client application, the email client application assumes the email address of the logged-in user. The email client application then communicates with its corresponding email server to receive all email messages sent to that particular email address. The user may also send email messages to other email addresses via the email client application.

Some of the conventional email client applications may also include additional functions. For example, the Microsoft Outlook<sup>®</sup> email client application provides an out-of-office Assistant function to its user. The out-of-office Assistant function, when set for an email address, automatically sends a pre-composed reply message to any message sent to that email address. Thus, this function is an auto-reply function that allows a sender of an email message to immediately know that the intended recipient will not read the message in a timely way.

However, the default mechanism of automatically sending the out-of-office reply to all sending email addresses may provide the user's email address to spammers, which may result in unwanted emails in the user's inbox. In fact, out-of-office replies often contain information which may be misused by spammers or by competition. A user often sets up out-of-office response emails with details about the alternate contacts. A typical out-of-office email response is of the format "John Doe will be out of office until January 1, 2006. In case of an emergency please contact my manager Mr. Joe Manager at manager.joe@company.com". In some cases, the alternate

contact's phone number is also mentioned in the out-of-office reply. Information like this may be harmful if it lands in the hands of unscrupulous people or spammers.

In spite of filtering, spam email and viruses often reach corporate mailboxes. Most employees may diligently delete these emails without opening them or replying to them. However, it is a security loophole when an employee is out of office. These potentially dangerous and unsolicited emails may be automatically replied to. The reply confirms the existence of the employee's email address, thereby making it more susceptible to future attacks. Auto replies may also contain an alternate contact's email address or phone number, possibly compromising those contacts.

It is possible to specify that out-of-office replies should only be sent in response to emails from specific contacts in the FROM field. However, it is very difficult to individually specify all the email addresses to which an out-of-office response may be sent. While out-of-office replies typically contain information which is relevant only to people within the corporate network, it may be impossible to specify that out-of-office replies should only be sent to people within the intranet.

An email user, who is concerned about his out-of-office replies unintentionally reaching wrong recipients, may choose not to use the out-of-office option. However, this means that out-of-office replies are not sent to anyone. Alternatively, the email user may manually enumerate a list of contacts to which out-of-office responses may be sent. However, this is a difficult, error prone and time consuming process.

Consequently, it would be desirable to provide a method and system which may effectively address the foregoing-described problems.

### SUMMARY OF THE INVENTION

In an exemplary embodiment of the present invention, a method for restricting an automatic out-of-office email response to a configured zone includes steps as follows. At least one domain name is specified for receiving the automatic out-of-office email response. An email is received from an email account. It is verified whether the email originates from one of the at

least one domain name. When the verification is successful, the automatic out-of-office email response is sent to the email account.

In an additional exemplary embodiment of the present invention, an email system includes a sender email server coupled to a sender email client application, and a recipient email server coupled to a recipient email client application. The email system is configured to implement a method for restricting an automatic out-of-office email response to a configured zone, wherein the method includes steps as follows. At least one domain name is specified for receiving the automatic out-of-office email response. The recipient email client application receives an email from the sender email client application. It is verified whether the email originates from one of the at least one domain name. When the verification is successful, the automatic out-of-office email response is sent to the sender email client application.

It is to be understood that both the foregoing general description and the following detailed description are exemplary and explanatory only and are not necessarily restrictive of the invention as claimed. The accompanying drawings, which are incorporated in and constitute a part of the specification, illustrate an embodiment of the invention and together with the general description, serve to explain the principles of the invention.

#### BRIEF DESCRIPTION OF THE DRAWINGS

The numerous advantages of the present invention may be better understood by those skilled in the art by reference to the accompanying figures in which:

FIG. 1 illustrates an email system including an email server system and a number of client systems with their email client applications in accordance with an exemplary embodiment of the present invention;

FIG. 2 illustrates an email system including a number of email servers that communicate messages among one another and also to a number of client applications in accordance with another exemplary embodiment of the present invention; and

FIG. 3 is a flowchart of a method for restricting an automatic out-of-office email response to a configured zone in accordance with an exemplary embodiment of the present invention.

## DETAILED DESCRIPTION OF SPECIFIC EMBODIMENTS

Reference will now be made in detail to the presently preferred embodiments of the invention, examples of which are illustrated in the accompanying drawings.

The present invention may allow email users to restrict out-of-office automated replies to be sent only to intranet zone and/or trusted zones. Trusted zones (or configured zones) may include email accounts and email addresses from the person such as friends, family members, important clients, and the like, to whom the user desires the automated reply to send. In one aspect, the present invention provides the email user with an option of restricting the automatic sending of out-of-office replies to emails from well-known groups of contacts, such as people within the intranet and/or contacts from the email recipient's address book.

Many email systems allow users to set up out-of-office responses. This is typically implemented by specifying a variety of parameters like the time period during which the email user is out of office, the content of the out-of-office email, the list of users to whom the out-of-office reply must be sent if mail is received FROM them, and the like.

The typical out-of-office configuration allows email users to narrow down the list of recipients to whom the out-of-office email may be sent. This is achieved by specifying a rule or configuration, which indicates that out-of-office email responses will be sent only if the original email is sent from a specified list of individual email aliases. The problem with this approach is that it may be difficult to enlist all the allowed email aliases because there may be hundreds or thousands of allowed email aliases in the corporate address book. Similarly, there may be hundreds of email addresses in the user's personal address book to whom the user is interested in sending out-of-office email responses.

Conventionally, the email user may specify individual email addresses from a corporate address book or personal address book while configuring the FROM field in out-of-office configuration. What most users need is an option to restrict the automatic sending of out-of-office replies to emails to all members in well known groups of contacts such as people within the intranet and/or contacts from the email recipient's address book. The present

invention provides a new option named "Zone", which may allow users to specify the domain names that may receive automatic out-of-office email responses. The email client/server may then verify that the original mail originates from one of the domain names listed in the Zone configuration, and send an automatic email response only if the verification is successful. This may allow for not only the ability to restrict automatic responses to intranet but also to trusted zones.

Referring now to FIG. 1, an email system 100 that may implement one embodiment of the present invention is shown. Hereinafter, the term "email" refers to various kinds of electronic mail. For example, the email may be a text email, a voice email, a video email, or the like. The email system 100 includes an email server system 102 and a number of client systems 106, 108, 110 connected to the email server system 102 via an interconnect network 104. Each of the client systems 106, 108, 110 includes an email client application (i.e., 112, 114, 116). The email applications 112, 114, 116 may also be referred to as client applications or simply clients. Each of the client systems 106, 108, 110 may be a personal computer system or a non-traditional-computer digital device such as a personal digital assistant, a pager, a cellular phone, and the like. Each of the client systems 106, 108, 110 also runs one of the email applications 112, 114, 116. Each of the client systems 106, 108, 110 is connected to the email server system 102 via an interconnect network 104. The network 104 may be any kind of known network, such as Ethernet, ISDN (Integrated Services Digital Network), T-1 or T-3 link, FDDI (Fiber Distributed Data Network), cable or wireless LMDS network, or telephone line network.

The server system 102 forwards messages among the applications 112, 114, 116 based on email addresses specified in the messages. The email server system 102 and the email applications 112, 114, 116 communicate with each other following a client-server model and rely on the Transmission Control Protocol (TCP) for reliable delivery of information between the server system 102 and the email applications 112, 114, 116. Each application assumes a unique email address when communicating with the server 102. The email applications 112, 114, 116 are employed mainly to

allow their users to send and/or receive email messages via the email server system 102.

The email server system 102 may be implemented, for example, by email server software running on a computer system. The computer system may be a server computer, a workstation computer, a mainframe computer, or a super-computer. The computer system may also be a number of computers connected together via a network. The main functions of the email server system 102 include managing email addresses, receiving email messages, delivering queued email messages to client applications, and forwarding email messages to their appropriate destinations.

In accordance with one embodiment of the present invention, the email system 100 may allow users of the email applications 112, 114, 116 to restrict an automatic out-of-office email response to a configured zone (i.e., trusted zone), which will be explained in detail when describing FIG. 3.

FIG. 2 shows another email system 200 that also implements one embodiment of the present invention. Like the email system 100 of FIG. 1, the email system 200 of FIG. 7 also allows a user of the system to restrict an automatic out-of-office email response to a configured zone. The main difference is that the email system 200 of FIG. 7 includes an email server system 201 that includes multiple email servers (i.e., email servers 202, 204, 206) operationally connected together. Alternatively, they are not connected together, but are connected such that they may exchange messages. As shown in FIG. 7, each of the email servers 202, 204, 206 is also operationally connected to a number of email client applications. For example, the email server 202 is connected to a number of email client applications 208, while the email server 204 is connected to a number of email client applications 210 and the email server 206 is connected to a number of email client applications 212. This means that each of the email servers 202, 204, 206 only manages some of the email addresses of the email system 200.

When one email client application (e.g., the application 210) sends an email message to another email application connected to another email server (e.g., the application 212), the email server 204 forwards the email message to the email server 206, which in turn forwards the message to the appropriate email application, as is common in practice. Under this scenario,

the email server 204 is the sender email server and the email server 206 is the recipient email server; the client application 210 is the sender email client application and the client application 212 is the recipient email client application. Alternatively, the sender email server and the recipient email server may be a single server. For example, as shown in FIG. 1, when the email application 112 sends an email to the email application 116 via the email server system 102 and when the email server system 102 includes a single server, the email server system 102 is both the sender email server and the recipient email server.

FIG. 3 shows a method 300 for restricting an automatic out-of-office email response to a configured zone (i.e., a list of trusted domain names). For example, the configured zone may be part of intranet. The method 300 may be implemented in the email system 100 of FIG.1 and the email system 200 of FIG. 2. At least one domain name is specified for receiving an automatic out-of-office email response 302. For example, the at least one domain name may be listed in a configuration of the option "Zone". An email is received from an email account 304. It is verified (e.g., by the email client or email server) whether the email originates from one of the at least one domain name 306. When the verification is successful, the automatic out-of-office email response is sent to the email account 308. When the verification is not successful, the automatic out-of-office email response is prevented from being sent to the email account 310.

The present invention may be used by all kind of email systems, including Microsoft Outlook<sup>®</sup> and Hotmail manufactured and sold by Microsoft Corporation, GMail developed by Google, Inc., the email service provided by Yahoo, AOL-Time Warner, Inc., and the like without departing from the scope and spirit of the present invention.

The present invention may have the following advantages. First, it provides an email user with a novel option of restricting an out-of-office reply to a configured zone. Moreover, it helps protect email users from unintentionally replying to spammers and/or sending sensitive information outside intranet such as the corporate network. Additionally, it may reduce the user's effort by eliminating unnecessary tedious and error prone steps

while configuring intended recipients for an out-of-office response. Further, it addresses a security loop hole in the existing out-of-office response feature.

It is understood that the specific order or hierarchy of steps in the foregoing disclosed methods are examples of exemplary approaches. Based upon design preferences, it is understood that the specific order or hierarchy of steps in the method can be rearranged while remaining within the scope of the present invention. The accompanying method claims present elements of the various steps in a sample order, and are not necessarily meant to be limited to the specific order or hierarchy presented.

It is believed that the present invention and many of its attendant advantages will be understood by the foregoing description. It is also believed that it will be apparent that various changes may be made in the form, construction and arrangement of the components thereof without departing from the scope and spirit of the invention or without sacrificing all of its material advantages. The form herein before described being merely an explanatory embodiment thereof, it is the intention of the following claims to encompass and include such changes.

What is claimed is:

1. A method (300) for restricting an automatic out-of-office email response to a configured zone, comprising steps of:  
specifying at least one domain name for receiving the automatic out-of-office email response (302);  
receiving an email from an email account (304);  
verifying whether the email originates from one of the at least one domain name (306); and  
sending, when the verification is successful, the automatic out-of-office email response to the email account (308).
2. The method (300) as claimed in claim 1, further comprises a step of preventing, when the verification is not successful, the automatic out-of-office email response from being sent to the email account (310).
3. The method (300) as claimed in claim 1, wherein the verifying step is performed by an email client (112, 114, 116, 208, 210, 212).
4. The method (300) as claimed in claim 1, wherein the verifying step is performed by an email server (102, 202, 204, 206).
5. The method (300) as claimed in claim 1, wherein the configured zone is part of intranet.
6. The method (300) as claimed in claim 1, wherein the at least one domain name is listed in a configuration of an option.
7. An email system (200), comprising:  
a sender email server (204) coupled to a sender email client application (210);  
and  
a recipient email server (206) coupled to a recipient email client application (212),

wherein the email system (200) is configured to implement a method (300) for restricting an automatic out-of-office email response to a configured zone, the method (300) comprising steps of:

- specifying at least one domain name for receiving the automatic out-of-office email response (302);
- receiving, by the recipient email client application, an email from the sender email client application (304);
- verifying whether the email originates from one of the at least one domain name (306); and
- sending, when the verification is successful, the automatic out-of-office email response to the sender email client application (308).

8. The email system (200) as claimed in claim 7, wherein the method (300) further comprises a step of preventing, when the verification is not successful, the automatic out-of-office email response from being sent to the sender email client application (310).

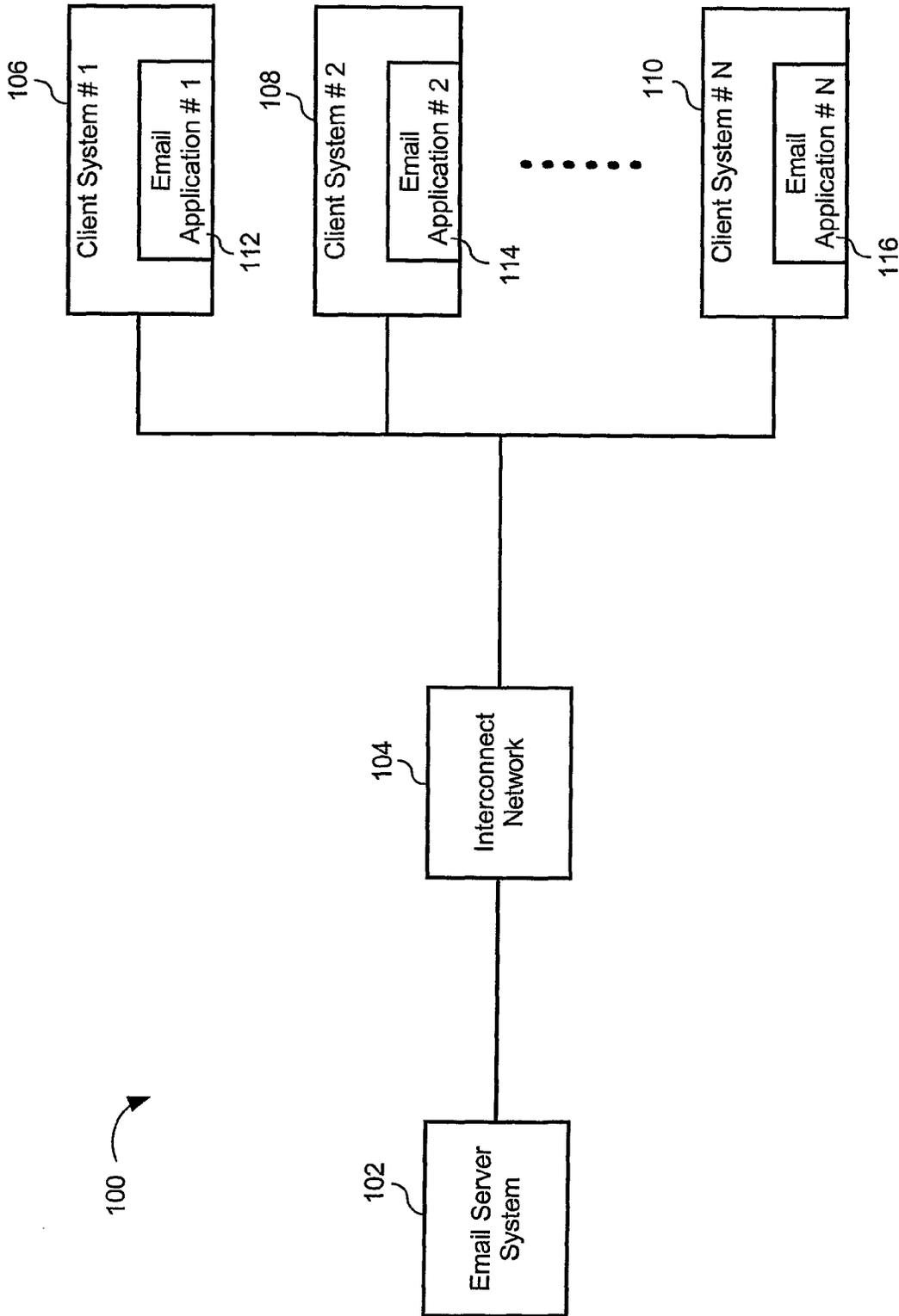
9. The email system (200) as claimed in claim 7, wherein the verifying step is performed by the recipient email client application (212).

10. The email system (200) as claimed in claim 7, wherein the verifying step is performed by the recipient email server (206).

11. The email system (200) as claimed in claim 7, wherein the at least one domain name is listed in a configuration of an option of the recipient email client application (212).

12. The email system (200) as claimed in claim 7, wherein the sender email server (204) and the recipient email server (206) are part of intranet.

13. The email system (200) as claimed in claim 7, wherein the sender email server (204) and the recipient email server (206) are a single server (102).



**FIG. 1**

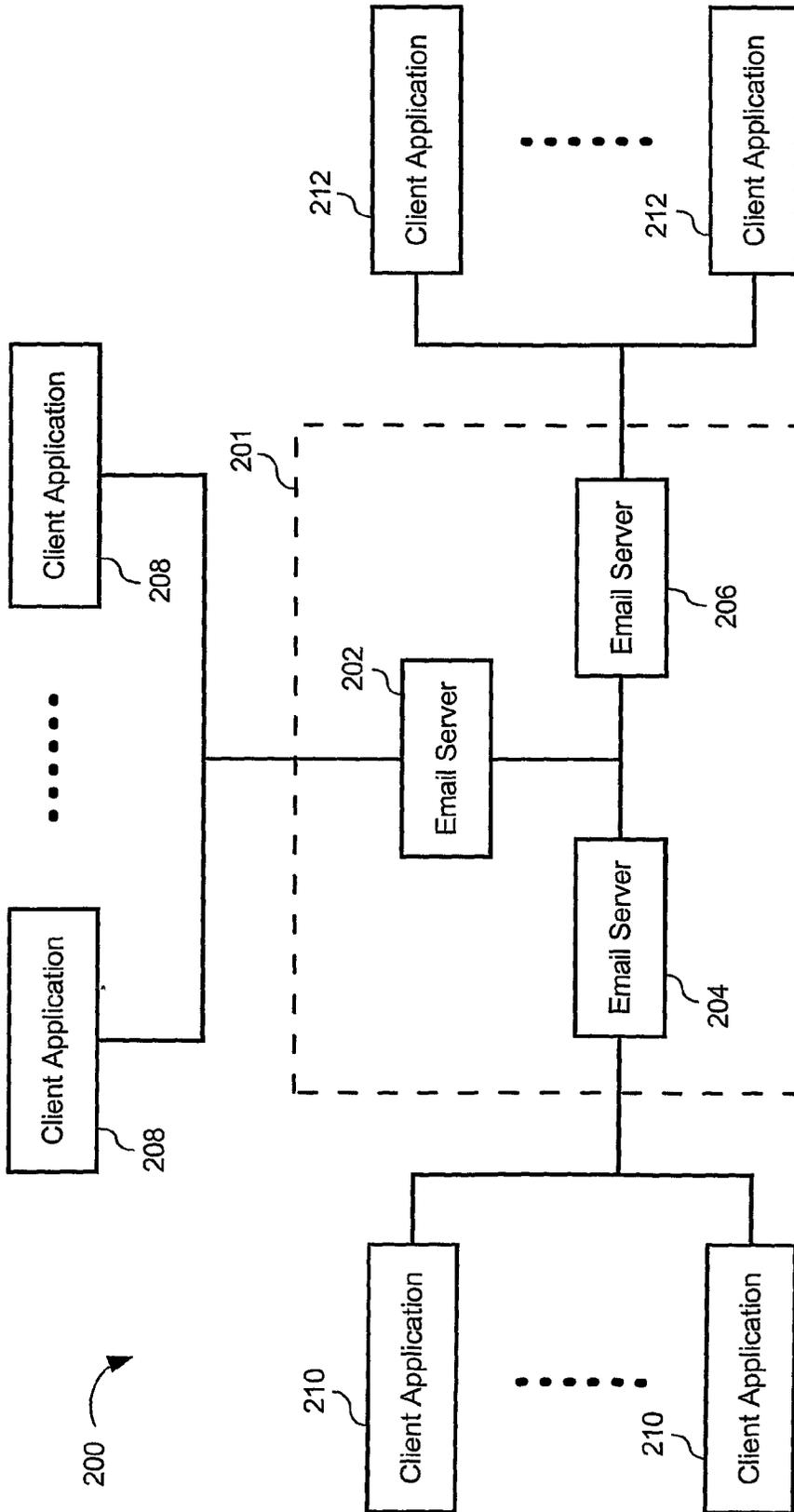
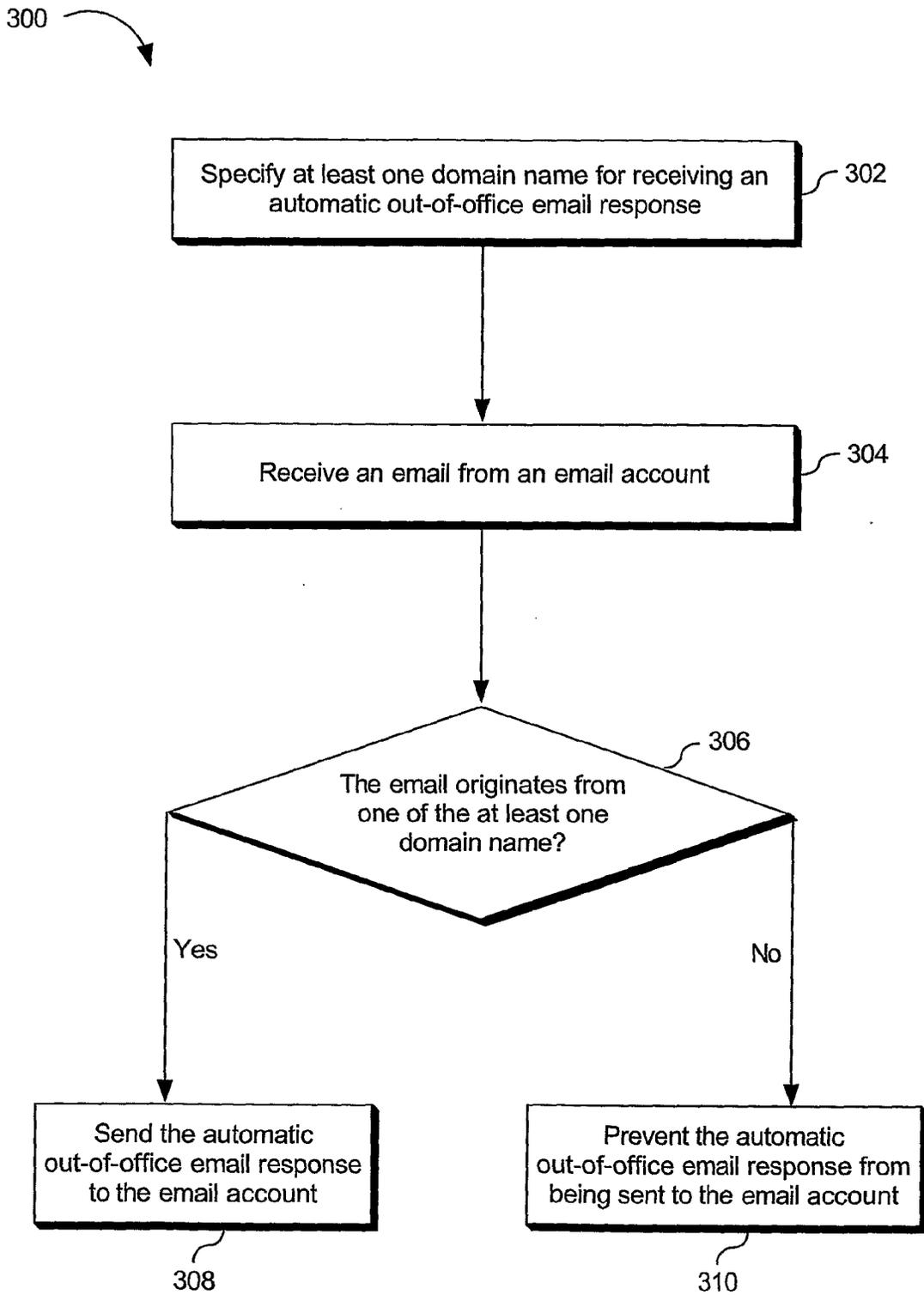


FIG. 2



**FIG. 3**

## INTERNATIONAL SEARCH REPORT

International application No  
PCT/US2006/036903A. CLASSIFICATION OF SUBJECT MATTER  
INV. G06Q10/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
G06Q

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/007356 A1 (RICE AMY [US] ET AL RICE AMY [US] ET AL) 17 January 2002 (2002-01-17) abstract page 2, paragraphs 26,27 - page 3, paragraphs 34,35,41,43 page 5, paragraphs 73,74	1-13
X	US 5 627 764 A (SCHUTZMAN JEFFREY A [US] ET AL) 6 May 1997 (1997-05-06) column 6, lines 1-41 column 9, lines 63-67 - column 10, lines 1-6 column 13, lines 61-67 - column 14, lines 1-28	1-13
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 Further documents are listed in the continuation of Box C. See patent family annex.

\* Special categories of cited documents :

\*A\* document defining the general state of the art which is not considered to be of particular relevance

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\*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

\*O\* document referring to an oral disclosure, use, exhibition or other means

\*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*&amp;\* document member of the same patent family

Date of the actual completion of the international search

16 November 2006

Date of mailing of the international search report

24/11/2006

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2  
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Authorized officer

Thiam, Mansour

## INTERNATIONAL SEARCH REPORT

International application No  
PCT/US2006/036903

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	GOLDBERG S ET AL: "AUTO REPLY BASED ON TEXT MESSAGE CONTENT" MOTOROLA TECHNICAL DEVELOPMENTS, MOTOROLA INC. SCHAUMBURG, ILLINOIS, US, vol. 42, December 2000 (2000-12), pages 140-141, XP000970451 ISSN: 0887-5286 figure 1	1-13
A	----- US 2002/187794 A1 (FOSTICK GIDEON [IL] ET AL) 12 December 2002 (2002-12-12) page 3, paragraphs 37,39,42,43 -----	1-13

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2006/036903

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2002007356	A1	17-01-2002	NONE
US 5627764	A	06-05-1997	NONE
US 2002187794	A1	12-12-2002	AT 338432 T 15-09-2006 EP 1255414 A2 06-11-2002

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>				
<b>Filing Date:</b>				
<b>Title of Invention:</b>	ELECTRONIC MAIL MESSAGING SYSTEM			
<b>First Named Inventor/Applicant Name:</b>	Jan De la Rosa			
<b>Filer:</b>	William H. Steinberg/June Mitchell			
<b>Attorney Docket Number:</b>	IN920090098US1			
Filed as Large Entity				
<b>Utility under 35 USC 111(a) Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
Utility application filing	1011	1	330	330
Utility Search Fee	1111	1	540	540
Utility Examination Fee	1311	1	220	220
<b>Pages:</b>				
<b>Claims:</b>				
Claims in excess of 20	1202	2	52	104
Independent claims in excess of 3	1201	2	220	440
<b>Miscellaneous-Filing:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				
<b>Miscellaneous:</b>				
			<b>Total in USD (\$)</b>	<b>1634</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	6799790
<b>Application Number:</b>	12686469
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9662
<b>Title of Invention:</b>	ELECTRONIC MAIL MESSAGING SYSTEM
<b>First Named Inventor/Applicant Name:</b>	Jan De la Rosa
<b>Customer Number:</b>	26502
<b>Filer:</b>	William H. Steinberg/June Mitchell
<b>Filer Authorized By:</b>	William H. Steinberg
<b>Attorney Docket Number:</b>	IN920090098US1
<b>Receipt Date:</b>	13-JAN-2010
<b>Filing Date:</b>	
<b>Time Stamp:</b>	11:28:41
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1634
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**File Listing:**

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	IN920090098US1_ADS_sb0014_fill.pdf	968486 931bd4f91f5c64b8a0e6976f978c8eb65ea2071b	no	5
<b>Warnings:</b>					
<b>Information:</b>					
2		IN920090098US1_Application.pdf	514490 3dcbd2d2864512c17f96c4a2f05d7a3da77fe182	yes	25
<b>Multipart Description/PDF files in .zip description</b>					
		Document Description	Start	End	
		Specification	1	16	
		Claims	17	24	
		Abstract	25	25	
<b>Warnings:</b>					
<b>Information:</b>					
3	Drawings-only black and white line drawings	IN920090098US1_Drawings.pdf	408702 34a5671483926972e4fc1cc4663dab8fa83134b5	no	7
<b>Warnings:</b>					
<b>Information:</b>					
4	Oath or Declaration filed	IN920090098US1_Declaration.pdf	551606 7ef59ca8210abc43845ff7a4acc3369dbc04954	no	6
<b>Warnings:</b>					
<b>Information:</b>					
5	Information Disclosure Statement (IDS) Filed (SB/08)	IN920090098US1_US_IDS_Form_SB_08a.pdf	608164 392812102ef76a3313c4678388fa3c0de07dfc49	no	4
<b>Warnings:</b>					
<b>Information:</b>					
6	Foreign Reference	IN920090098US1_WO2007094821A1_for_ref.pdf	1147098 5ebfb62f396ce7ee331d527df17e14693737fb56	no	19
<b>Warnings:</b>					
<b>Information:</b>					

7	Fee Worksheet (PTO-875)	fee-info.pdf	37944 d223fa4ba890eee4f96781bd50c47082ac6142fb	no	2
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**Warnings:**

**Information:**

<b>Total Files Size (in bytes):</b>	4236490
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**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

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**New International Application Filed with the USPTO as a Receiving Office**

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<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	IN920090098US1
		Application Number	
Title of Invention	ELECTRONIC MAIL MESSAGING SYSTEM		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

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<b>Residence Information (Select One)</b> <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
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<b>Mailing Address of Applicant:</b>					
<b>Address 1</b>		11400 Burnett Road			
<b>Address 2</b>					
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<b>Mailing Address of Applicant:</b>					
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<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	IN920090098US1
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Title of Invention	ELECTRONIC MAIL MESSAGING SYSTEM		

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<b>Mailing Address of Applicant:</b>			
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Title of the Invention	ELECTRONIC MAIL MESSAGING SYSTEM		
Attorney Docket Number	IN920090098US1	Small Entity Status Claimed	<input type="checkbox"/>
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	7	Suggested Figure for Publication (if any)	

<b>Application Data Sheet 37 CFR 1.76</b>	Attorney Docket Number	IN920090098US1
	Application Number	
Title of Invention	ELECTRONIC MAIL MESSAGING SYSTEM	

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<input type="checkbox"/>	<b>Request Not to Publish.</b> I hereby request that the attached application not be published under 35 U.S. C. 122(b) and certify that the invention disclosed in the attached application <b>has not and will not</b> be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

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Prior Application Status			<input type="button" value="Remove"/>
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Application Number	Country <sup>i</sup>	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
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<b>Application Data Sheet 37 CFR 1.76</b>	Attorney Docket Number	IN920090098US1
	Application Number	
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If the Assignee is an Organization check here. <input checked="" type="checkbox"/>			
Organization Name	International Business Machines Corporation		
<b>Mailing Address Information:</b>			
Address 1	New Orchard Road		
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Signature	/William H. Steinberg/			Date (YYYY-MM-DD)	2010-01-12
First Name	William	Last Name	Steinberg	Registration Number	28540

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# **ELECTRONIC MAIL MESSAGING SYSTEM**

## **BACKGROUND OF THE INVENTION**

**[001]** The electronic workplace facilitates collaboration in enterprises, both within and with the outside entities. An electronic mail system is one of the tools included in the electronic workplace. In addition to sending e-mail, there are many other features and tools that the electronic mail system provides. Out of office is an optional feature provided by many of the popular electronic mail systems, especially by POP3 (Post Office Protocol) electronic mail system. POP3 is a version of the POP standard.

**[002]** In computing, the POP is an application-layer Internet standard protocol used by local e-mail clients to retrieve e-mail from a remote server over a TCP/IP connection. POP and IMAP (Internet Message Access Protocol) are the two most prevalent Internet standard protocols for e-mail retrieval. Virtually all modern e-mail clients and servers support both.

**[003]** When the out of office agent is enabled, it automatically responds to e-mail that arrives when the user is out of the office. While configuring the agent, the user can specify the text of the message, and set rules on who should receive the special alert messages or who should not receive the alert messages. The out of office agent also provides an option to mark the user's calendar "busy" for the time he/she is away. The agent generates automatic alert messages once for each person who sends e-mail to the user, even if the person sends several messages during the user's absence.

## **SUMMARY OF THE INVENTION**

**[004]** The embodiments of the invention disclose a method, a system and a computer program product of transmitting availability information in an electronic mail system.

**[005]** Embodiments of the invention include an electronic mail system, the system including a first system including a sender, the first system is adapted to activate an availability indicator having a start date, wherein the activation is performed by the sender and to extract availability indicator metadata from the availability indicator.

**[006]** If an e-mail has not been sent to a receiver since activation and if a current date is prior to the start date, the first system is further adapted to attach the availability indicator metadata to the e-mail, and send the e-mail to the receiver.

**[007]** Another embodiment of the invention discloses a method of transmitting availability information in an electronic mail system, the method comprising the steps of providing a first system including a sender, the first system, activating an availability indicator having a start date, activated by the sender, the first system for extracting availability indicator metadata from the availability indicator, and if an e-mail has not been sent to a receiver since the activation and if a current date is prior to the start date, attaching the availability indicator metadata to the e-mail, and sending the e-mail to the receiver.

**[008]** Yet another embodiment of the invention discloses a storage medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to carry out a method of transmitting availability information in an electronic mail system, the storage medium configured to provide a first system including a sender, the first system adapted to activate an availability indicator having a start date wherein the activation is performed by the sender, extract availability indicator metadata from the availability indicator, and if an e-mail has not been sent to a receiver since activation and if a current date is prior to the start date, attach the availability indicator metadata to the e-mail, and send the e-mail to the receiver.

**[009]** Still yet another embodiment of the invention discloses a computer system for electronic mail, the system comprising a CPU, a computer readable memory and a computer readable storage medium, a sender, first program instructions to activate an availability indicator having a start date, wherein the activation is performed by the sender, second program

instructions to extract availability indicator metadata from the availability indicator, and if an e-mail has not been sent to a receiver since activation and if a current date is prior to the start date, to attach the availability indicator metadata to the e-mail, and to send the e-mail to the receiver, wherein the first and second program instructions are stored on the computer readable storage medium by the CPU for execution by the CPU via the computer readable memory.

**[0010]** Yet still another embodiment of the invention discloses a computer system for electronic mail, the system comprising a CPU, a computer readable memory, and a computer readable storage medium, a receiver, first program instructions to receive an e-mail from another computer system, second program instructions to extract availability indicator metadata from the received e-mail, the availability indicator metadata including a start date, an end date, and at least one availability indicator message, third program instructions to store the availability indicator metadata, fourth program instructions to compare the current date with the start date, and fifth program instructions to notify the receiver if the current date matches with the start date, the notifying performed using a start date graphical user interface, wherein the first, second, third, fourth and fifth program instructions are stored on the computer readable storage medium for execution by the CPU via the computer readable memory.

## **BRIEF DESCRIPTION OF THE DRAWINGS**

**[0011]** Embodiments of the invention are described in detail below, by way of example only, with reference to the following schematic drawings, where:

Figure 1 shows a schematic of transmitting availability information in a typical electronic mail;

Figure 2 depicts a high-level schematic illustrating a system for transmitting availability information in an electronic mail system according to an example embodiment of the invention;

Figure 3 depicts details of the exemplary availability indicator metadata as shown in Figure 2;

Figure 4 shows an exemplary start date graphical user interface as shown in Figure 2;

Figure 5 shows details of the exemplary notification date setting graphical user interface as shown in Figure 2;

Figure 6 shows a flow chart for transmitting availability information in an electronic mail system in accordance with Figure 2;

Figure 7 illustrates an exemplary embodiment of a computer system used for transmitting availability information in an electronic mail system in accordance with a system as shown in Figure 2.

## **DETAILED DESCRIPTION OF THE INVENTION**

**[0012]** Embodiments of the invention describe, in an example embodiment, transmitting availability information in an electronic mail system. An example of availability information is that of an “out of office” message. In an exemplary mode, one embodiment of the invention enables transmitting availability of a user or unavailability of a user in advance of the occurrence related to the availability event.

**[0013]** Embodiments of the invention, in an exemplary mode, relate to out of office assistants that provide user friendly methods and systems for scheduling and customizing out of office messages. An exemplary availability indicator is an out of office indicator. An out of office message typically is a message, such as an e-mail message, which is sent in reply to a received message, and which alerts the sender of the received message that the recipient is “out of the office”. In a typical “out of office” setting, a person sets a start date “date1” and an end date “date2” for the time period that the person is going to be out of office and an appropriate message could also included. A message may read, as an example: “I will be out of office from date1 to date 2; please contact person

B as my backup”. The out of office settings could be performed using an e-mail client or a vacation planner, or a leave processing database.

**[0014]** Figure 1 shows schematic 100 of transmitting availability information in a typical electronic mail system. Schematic 100 includes a first system 102 including a sender 104. Schematic 100 further includes a second system 120 including a receiver 122. Schematic 100 further includes a scheduling system 106 which could be included in first system 102 or it could also be functionally coupled to first system 102 as shown by a dotted line, and the scheduling system being represented by 106'.

**[0015]** In an exemplary mode, it is assumed that sender 104 of first system 102 is going to be unavailable from a start date “date1” till an end date “date2” and a corresponding “availability indicator message”, such as, for example, “I am on vacation from “date1” to “date2” and I will respond to your e-mails after date2” has been set by sender 104. When receiver 122 included in second system 120 sends an e-mail to sender 104 via link 101, during a date between “date1” and [“date2”-1], first system 102 recognizes that an out of office message needs to be sent to second system 120. The out of office message as an e-mail is sent by sender 104 to receiver 122 via link 111.

**[0016]** Figure 2 depicts a high-level schematic 200 illustrating a system for transmitting availability information in an electronic mail system according to an example of an embodiment of the invention. Schematic 200 of the electronic mail system includes a first system 202 including sender 104. Schematic 200 further includes a second system 220 including receiver 122. Second system 220 can be communicatively coupled to first system 202. Furthermore first system 202 and second system 220 can be independent systems and can be computer systems for processing electronic mail. Receiver 122 is selected from the group consisting of at least a single recipient and a group of recipients. The second system includes a storage 222 and a notification date setting graphical user interface 224. Notification date setting graphical user interface 224 can also include a start date or end date graphical user interface.

**[0017]** Schematic 200 further includes scheduling system 106 which could be included in first system 202 or it could also be functionally coupled to the first system, as shown by 106' and coupled to the first system as shown by a dotted line.

**[0018]** First system 202 is adapted to activate an availability indicator 208 having a start date, wherein sender 104 performs activation. Availability indicator metadata 209 includes the start date, an end date and at least one availability indicator message. Scheduling system 106 is adapted to define availability indicator 208, and scheduling system 106 or 106' is selected from the group consisting of one or more of an e-mail system, a calendar system, a vacation planner and a leave processing system. Sender 104 uses scheduling system 106 to define availability indicator 208. First system 202 is further adapted to extract availability indicator metadata 209 from availability indicator 208. If an e-mail 210 has not been sent to receiver 122 since activation and if a current date is prior to the start date, first system 202 is adapted to further attach availability indicator metadata 209 to e-mail 210 and send e-mail 210 to receiver 122 via link 211.

**[0019]** Second system 220 is adapted to receive e-mail 210 via link 211 from first system 202 and extract availability indicator metadata 209 from received e-mail 210, and store availability indicator metadata 209. Second system 220 is adapted to store availability indicator metadata 209 using storage 222. Storage 222 is selected from the group consisting of a memory, a server, a file system repository, and a relational database system repository.

**[0020]** Second system 220 is further adapted to compare the current date with the start date, and notify receiver 122, if the current date matches with the start date. A start date graphical user interface (see Figure 4) performs the notification. The start date graphical user interface includes a start date set of actions, wherein second system 220 is adapted to perform at least one action selected from the start date set of actions.

**[0021]** Second system 220 is further adapted to compare the current date with the end date, and notify receiver 122, if the current date matches with the end date. An end date graphical user interface (similar to a start date graphical user interface of Figure 4, and will be

described later) performs the notification. The end date graphical user interface includes an end date set of actions, wherein second system 220 is adapted to perform at least one action selected from the end date set of actions.

**[0022]** Second system 220 is further adapted to configure notification date setting graphical user interface 224 used by receiver 122 to set a notification date. The notification date is a pre-determined date set in response to a date selected from the group consisting of the start date and the end date. Second system 220 is further adapted to compare the current date with the notification date, and notify receiver 122, if the current date matches with the notification date. The notification date graphical user interface (similar to a start date graphical user interface of Figure 4, and will be described later) performs the notification. The notification date graphical user interface includes a notification date set of actions, wherein second system 220 is adapted to perform at least one action selected from the notification date set of actions.

**[0023]** Figure 3 depicts a schematic 300 of the exemplary availability indicator metadata 209 as shown in Figure 2. Schematic 300 depicts details of exemplary availability indicator metadata 209. Exemplary availability indicator metadata 209 includes a start date 304, an end date 306 and an availability indicator message 308.

**[0024]** Figure 4 shows a schematic 400 of an exemplary start date graphical user interface 402 as discussed in Figure 2. A start date graphical user interface 402, in turn depicts details of start date graphical user interface 402. It should be obvious to one skilled in the art that various other graphical user interfaces can be included in this group. For example, graphical user interface depicted as 402 can also be similarly applicable to an end date graphical user interface or notification date graphical user interface. A message associated with the start date is shown in 404. It reads as “User A’s vacation started today. Backup for user A is user C”. Graphical user interface 402 can also include a start date set of actions. An action to “chat with user C” is shown in 406. An action to “send e-mail to user C” is depicted in 408. A “cancel” action is shown in 410.

**[0025]** Figure 5 shows a schematic 500 showing details of exemplary notification date setting graphical user interface 224 as shown in Figure 2. Exemplary notification setting graphical user interface 224 shows two fields 502 and 504. Field 502 is used to set the notification to a number of days prior to the start date 304 of Figure 3. Field 504 is used to set the notification to a number of days prior to end date 306 of Figure 3.

**[0026]** Figure 6 shows a flow chart 600 for the method of transmitting availability information in accordance with the electronic mail system of Figure 2. Step 602 depicts providing a first system including a sender. Step 604 depicts the first system, activating an availability indicator having a start date, activated by the sender. Step 606 shows the first system extracting availability indicator metadata from the availability indicator. If an e-mail has not been sent to a receiver since the activation and if a current date is prior to the start date, step 608 depicts the first system attaching the availability indicator metadata to the e-mail, and sending the e-mail to the receiver.

**[0027]** Step 610 depicts providing a second system including the receiver. Step 612 shows the second system receiving the e-mail from the first system. The second system extracting the availability indicator metadata from the received e-mail, wherein the availability indicator metadata includes the start date, an end date, and at least one availability indicator message, is depicted in step 614. Step 616 depicts storing the availability indicator metadata. Step 618 depicts comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date. Step 620 depicts notifying the receiver, if the current date matches with the preselected date, the notifying being performed using a pre-selected date graphical user interface, the comparing and the notifying steps being performed by the second system.

**[0028]** In an exemplary mode, in one embodiment of the method of transmitting availability information in an electronic mail system, there are four users: user A, user B, user C and user D. User A is the sender of the e-mail. When the sender, user A, plans a vacation, user A sets the availability information, as an example, an “Out of Office” (OOO) setting. User A

can set this up using any scheduling system selected from one or more of a set that includes an OOO setting, a vacation planner, an e-mail system, a calendar system, or a vacation planner. The exemplary scheduling system may or may not reside on the same server that includes the mail system.

**[0029]** After setting the OOO information, whenever user A sends an e-mail to any other user/group of users (hereafter called receiver), in an exemplary mode, an agent/service will run in the background that will check for the OOO information of the sender. The agent will fetch user A's OOO information from the scheduling system, extract OOO meta information, such as, for example, a start date, an end date and an OOO message and attach this OOO meta information to the e-mail that user A is sending. The agent will send this OOO meta information only once to each receiver.

**[0030]** In an exemplary mode, user A sends the e-mails to two receivers: user B, and user C. User D is a backup of user A. In case of user B, when user B receives the e-mail from user A, the OOO meta information from the received e-mail is extracted and stored in either on the machine of the user B or on a server or in a repository. The repository can be a file system or a relational database. The system of user B further keeps checking whether user A's vacation has started or not. If user A's vacation start date matches with the current date, the agent will display a pop-up on user B system indicating that user A is on vacation from that date. The exemplary receiver, user B, will get an alert reading "User A's vacation started today. For any project related issues, please get in touch with user D". The pop-up window will also provide user with the "Chat" and "Send mail" options to contact user D. Similarly when user A returns from the vacation, the agent will display a pop-up message indicating that user A is back from vacation.

**[0031]** Additionally, the receiver may have the facility to configure a pop-up display before the sender goes on vacation, if receiver wants an alert. In an exemplary mode, user C wishes to have an alert two days prior to the sender going on vacation. User C's system will display OOO pop-up message when two days remain to the start date of user A's vacation. An exemplary pop-up message may be: "Two days remain until user A's vacation to begins. Please finish the pending activities". The pop-up window may also provide user C with the "Chat" and

“Send mail” options to contact user A or a backup, as an example, user D, designated by the user A. This enables the receiver to manage workload and activities efficiently.

**[0032]** Figure 7 illustrates an exemplary embodiment of a computer system used for transmitting availability information in an electronic mail system in accordance with the system as shown in Figure 2. A computer system 700 can also be used to perform the steps described in Figure 6. The computer system 700 can also be used to implement the second system 120. The computer system 700 includes a processor (CPU) 704. It should be understood although Figure 7 illustrates a single processor, one skilled in the art would appreciate that more than one processor can be included as needed. Processor 704 is connected to a communication infrastructure 702 (for example, a communications bus, cross-over bar, or network) where the communication infrastructure is configured to facilitate communication between various elements of exemplary computer system 700. Various software embodiments are described in terms of this exemplary computer system. After reading this description, it will become apparent to a person of ordinary skill in the relevant art(s) how to implement the invention using other computer systems and/or computer architectures.

**[0033]** Exemplary computer system 700 can include a display interface 708 configured to forward graphics, text, and other data from communication infrastructure 702 (or from a frame buffer not shown) for display on a display unit 710. Computer system 700 also includes a main memory 706, which can be random access memory (RAM), and may also include a secondary memory 712. Secondary memory 712 may include, for example, a hard disk drive 714 and/or a removable storage drive 716, representing a floppy disk drive, a magnetic tape drive, an optical disk drive, etc. Removable storage drive 716 reads from and/or writes to a removable storage unit 718 in a manner well known to those having ordinary skill in the art. Removable storage unit 718, represents, for example, a floppy disk, magnetic tape, optical disk, etc. which is read by and written to by removable storage drive 716. As will be appreciated, removable storage unit 718 includes a computer usable storage medium having stored therein computer software and/or data.

**[0034]** In exemplary embodiments, secondary memory 712 may include other similar means for allowing computer programs or other instructions to be loaded into the computer system. Such means may include, for example, a removable storage unit 722 and an interface 720. Examples of such may include a program cartridge and cartridge interface (such as that found in video game devices), a removable memory chip (such as an EPROM, or PROM) and associated socket, and other removable storage units and interfaces which allow software and data to be transferred from removable storage unit 722 to computer system 700.

**[0035]** Computer system 700 may also include a communications interface 724. Communications interface 724 allows software and data to be transferred between the computer system and external devices. Examples of communications interface 724 may include a modem, a network interface (such as an Ethernet card), a communications port, a PCMCIA slot and card, etc. Software and data transferred via communications interface 724 are in the form of signals which may be, for example, electronic, electromagnetic, optical, or other signals capable of being received by the communications interface. These signals are provided to communications interface 724 via a communications path (that is, channel) 726. Channel 726 carries signals and may be implemented using wire or cable, fiber optics, a phone line, a cellular phone link, an RF link, and/or other communications channels.

**[0036]** In this document, the terms “computer program medium,” “computer usable medium,” and “computer readable medium” are used to generally refer to media such as main memory 706 and secondary memory 712, removable storage drive 716, a hard disk installed in hard disk drive 714, and signals. These computer program products are means for providing software to the computer system. The computer readable medium allows the computer system to read data, instructions, messages or message packets, and other computer readable information from the computer readable medium. The computer readable medium, for example, may include non-volatile memory, such as Floppy, ROM, Flash memory, Disk drive memory, CD-ROM, and other permanent storage. It can be used, for example, to transport information, such as data and computer instructions, between computer systems. Furthermore, the computer readable medium may comprise computer readable information in a transitory state medium such as a network link and/or a network interface, including a wired network or a wireless network, that allows a

computer to read such computer readable information.

**[0037]** Computer programs (also referred to herein as computer control logic) are stored in main memory 706 and/or secondary memory 712. Computer programs may also be received via communications interface 724. Such computer programs, when executed, can enable the computer system to perform the features of exemplary embodiments of the present invention as discussed herein. In particular, the computer programs, when executed, enable processor 704 to perform the features of computer system 700. Accordingly, such computer programs represent controllers of the computer system.

**[0038]** Embodiments of the invention further provide a storage medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to carry out a method of transmitting availability information in an electronic mail system as described in the various embodiments set forth above and described in detail.

**[0038]** As will be appreciated by one skilled in the art, aspects of the present invention may be embodied as a system, method or computer program product. Accordingly, aspects of the present invention may take the form of an entirely hardware embodiment, an entirely software embodiment (including firmware, resident software, micro-code, etc.) or an embodiment combining software and hardware aspects such as logic memory or any combination thereof that may all generally be referred to herein as a “circuit,” “module” or “system.” Furthermore, aspects of the present invention may take the form of a computer program product embodied in one or more computer readable medium(s) having computer readable program code embodied thereon.

**[0039]** Any combination of one or more computer readable medium(s) may be utilized. The computer readable medium may be a computer readable signal medium or a computer readable storage medium. A computer readable storage medium may be, for example, but not limited to, an electronic, magnetic, optical, electromagnetic, infrared, or semiconductor system, apparatus, or device, or any suitable combination of the foregoing. More specific examples (a non-exhaustive list) of the computer readable storage medium would include the following: an

electrical connection having one or more wires, a portable computer diskette, a hard disk, a random access memory (RAM), a read-only memory (ROM), an erasable programmable read-only memory (EPROM or Flash memory), an optical fiber, a portable compact disc read-only memory (CD-ROM), an optical storage device, a magnetic storage device, or any suitable combination of the foregoing. In the context of this document, a computer readable storage medium may be any tangible medium that can contain, or store a program for use by or in connection with an instruction execution system, apparatus, or device.

**[0040]** A computer readable signal medium may include a propagated data signal with computer readable program code embodied therein, for example, in baseband or as part of a carrier wave. Such a propagated signal may take any of a variety of forms, including, but not limited to, electro-magnetic, optical, or any suitable combination thereof. A computer readable signal medium may be any computer readable medium that is not a computer readable storage medium and that can communicate, propagate, or transport a program for use by or in connection with an instruction execution system, apparatus, or device.

**[0041]** Program code embodied on a computer readable medium may be transmitted using any appropriate medium, including but not limited to wireless, wireline, optical fiber cable, RF, etc., or any suitable combination of the foregoing. The transmission signal in which the code or logic is encoded is capable of being transmitted by a transmitting station and received by a receiving station, where the code or logic encoded in the transmission signal may be decoded and stored in hardware or a computer readable medium at the receiving and transmitting stations or devices.

**[0042]** Computer program code for carrying out operations for aspects of the present invention may be written in any combination of one or more programming languages, including an object oriented programming language such as Java, Smalltalk, C++ or the like and conventional procedural programming languages, such as the "C" programming language or similar programming languages. The program code may execute entirely on the user's computer, partly on the user's computer, as a stand-alone software package, partly on the user's computer and partly on a remote computer or entirely on the remote computer or server. In the latter

scenario, the remote computer may be connected to the user's computer through any type of network, including a local area network (LAN) or a wide area network (WAN), or the connection may be made to an external computer (for example, through the Internet using an Internet Service Provider).

**[0043]** Aspects of the present invention are described below with reference to flowchart illustrations and/or block diagrams of methods, apparatus (systems) and computer program products according to embodiments of the invention. It will be understood that each block of the flowchart illustrations and/or block diagrams, and combinations of blocks in the flowchart illustrations and/or block diagrams, can be implemented by computer program instructions. These computer program instructions may be provided to a processor of a general purpose computer, special purpose computer, or other programmable data processing apparatus to produce a machine, such that the instructions, which execute via the processor of the computer or other programmable data processing apparatus, create means for implementing the functions/acts specified in the flowchart and/or block diagram block or blocks.

**[0044]** These computer program instructions may also be stored in a computer readable medium that can direct a computer, other programmable data processing apparatus, or other devices to function in a particular manner, such that the instructions stored in the computer readable medium produce an article of manufacture including instructions which implement the function/act specified in the flowchart and/or block diagram block or blocks.

**[0045]** The computer program instructions may also be loaded onto a computer, other programmable data processing apparatus, or other devices to cause a series of operational steps to be performed on the computer, other programmable apparatus or other devices to produce a computer implemented process such that the instructions which execute on the computer or other programmable apparatus provide processes for implementing the functions/acts specified in the flowchart and/or block diagram block or blocks.

**[0046]** Referring now to Figures 2 – 7, the flowcharts and block diagrams in the Figures illustrate the architecture, functionality, and operation of possible implementations of systems,

methods and computer program products according to various embodiments of the present invention. In this regard, each block in the flowchart or block diagrams may represent a module, segment, or portion of code, which comprises one or more executable instructions for implementing the specified logical function(s). It should also be noted that, in some alternative implementations, the functions noted in the block may occur out of the order noted in the figures. For example, two blocks shown in succession may, in fact, be executed substantially concurrently, or the blocks may sometimes be executed in the reverse order, depending upon the functionality involved. It will also be noted that each block of the block diagrams and/or flowchart illustration, and combinations of blocks in the block diagrams and/or flowchart illustration, can be implemented by special purpose hardware-based systems that perform the specified functions or acts, or combinations of special purpose hardware and computer instructions.

**[0047]** Of course, those skilled in the art will recognize that many modifications may be made without departing from the scope of embodiments, and that the article of manufacture may include any information bearing medium. For example, the article of manufacture includes a storage medium having stored therein instructions that when executed by a machine results in operations being performed.

**[0048]** The terms “certain embodiments”, “an embodiment”, “embodiment”, “embodiments”, “the embodiment”, “the embodiments”, “one or more embodiments”, “some embodiments”, and “one embodiment” mean one or more (but not all) embodiments unless expressly specified otherwise. The terms “including”, “comprising”, “having” and variations thereof mean “including but not limited to”, unless expressly specified otherwise. The enumerated listing of items does not imply that any or all of the items are mutually exclusive, unless expressly specified otherwise. The terms “a”, “an” and “the” mean “one or more”, unless expressly specified otherwise.

**[0049]** Further, although process steps, method steps or the like may be described in a sequential order, such processes, methods and algorithms may be configured to work in alternate orders. In other words, any sequence or order of steps that may be described does not

necessarily indicate a requirement that the steps be performed in that order. The steps of processes described herein may be performed in any order practical. Further, some steps may be performed simultaneously, in parallel, or concurrently. Further, some or all steps may be performed in run-time mode.

**[0050]** Although exemplary embodiments of the invention have been described in detail, it should be understood that various changes, substitutions and alternations could be made thereto without departing from spirit and scope of the inventions as defined by the appended claims. Variations described for exemplary embodiments of the present invention can be realized in any combination desirable for each particular application. Thus particular limitations, and/or embodiment enhancements described herein, which may have particular advantages to a particular application, need not be used for all applications. Also, not all limitations need be implemented in methods, systems, and/or apparatuses including one or more concepts described with relation to exemplary embodiments of the present invention.

## CLAIMS

### What is claimed is:

1. An electronic mail system, the system comprising:  
  
a first system including a sender, the first system adapted to:  
  
activate an availability indicator having a start date, wherein the activation is performed by the sender;  
  
extract availability indicator metadata from the availability indicator; and  
  
if an e-mail has not been sent to a receiver since activation and if a current date is prior to the start date,  
  
attach the availability indicator metadata to the e-mail; and  
  
send the e-mail to the receiver.
2. The electronic mail system of claim 1, wherein the receiver is selected from the group consisting of at least a single recipient and a group of recipients.
3. The electronic mail system of claim 1, wherein the availability indicator metadata includes:  
  
the start date;

an end date; and

at least one availability indicator message.

4. The electronic mail system of claim 1, further including a scheduling system functionally coupled to the first system, is adapted to define the availability indicator, and wherein the scheduling system is selected from the group consisting of one or more of a mail system, a calendar system, a vacation planner and a leave processing system.
5. The electronic mail system of claim 3, further comprising:  
a second system communicatively coupled to the first system, wherein the second system includes the receiver.
6. The electronic mail system of claim 5, wherein the second system is adapted to:  
  
receive the e-mail from the first system;  
  
extract the availability indicator metadata from the received e-mail; and  
store the availability indicator metadata.
7. The electronic mail system of claim 6, wherein the availability indicator metadata is stored using storage selected from the group consisting of one or more of a memory of the second system, a server, a file system repository, and a relational database system repository.

8. The electronic mail system of claim 6, wherein the second system is further adapted to:  
  
compare the current date with the start date ; and  
  
notify the receiver, if the current date matches with the start date, and the notifying is performed using a start date graphical user interface.
9. The electronic mail system of claim 8, wherein the start date graphical user interface includes a start date set of actions, wherein the second system is adapted to perform at least one action selected from the start date set of actions.
10. The electronic mail system of claim 6, wherein the second system is further adapted to:  
  
compare the current date with the end date ; and  
  
notify the receiver, if the current date matches with the end date, wherein the notifying is performed using an end date graphical user interface.
11. The electronic mail system of claim 10, wherein the end date graphical user interface includes an end date set of actions, wherein the second system is adapted to perform at least one action selected from the end date set of actions.
12. The electronic mail system of claim 6, wherein the second system is further adapted to:  
  
configure a notification date setting graphical user interface used by the receiver to set a notification date;

compare the current date with the notification date; and

notify the receiver, if the current date matches with the notification date, wherein the notifying is performed using a notification date graphical user interface.

13. The electronic mail system of claim 12, wherein the notification date is a pre-determined date set in response to a date selected from the group consisting of the start date and the end date.
14. The electronic mail system of claim 12, wherein the notification date graphical user interface includes a notification date set of actions, wherein the second system is adapted to perform at least one action selected from the notification date set of actions.
15. A method of transmitting availability information in an electronic mail system, the method comprising the steps of:

providing a first system including a sender, the first system, activating an availability indicator having a start date, activated by the sender, the first system for:

extracting availability indicator metadata from the availability indicator; and

if an e-mail has not been sent to a receiver since the activation and if a current date is prior to the start date,

attaching the availability indicator metadata to the e-mail; and

sending the e-mail to the receiver.

16. The method of claim 15, further comprising the steps of:

providing a second system including the receiver for;

receiving the e-mail from the first system;

extracting the availability indicator metadata from the received e-mail, wherein the availability indicator metadata includes the start date, an end date, and at least one availability indicator message; and

storing the availability indicator metadata.

17. The method of claim 16, further comprising the steps of:

comparing the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the start date, and a date in response to the end date; and

notifying the receiver, if the current date matches with the preselected date, the notifying being performed using a pre-selected date graphical user interface, the comparing and the notifying steps being performed by the second system.

18. A storage medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to carry out a method of transmitting availability information in an electronic mail system, the storage medium configured to:

provide a first system including a sender, the first system adapted to:

activate an availability indicator having a start date wherein the activation is performed by the sender;

extract availability indicator metadata from the availability indicator; and

if an e-mail has not been sent to a receiver since activation and if a current date is prior to the start date,

attach the availability indicator metadata to the e-mail; and

send the e-mail to the receiver.

19. The storage medium of claim 18, further configured to:

provide a second system including a receiver, the second system adapted to:

receive the e-mail from the first system;

extract the availability indicator metadata from the received e-mail, wherein the availability metadata includes the start date, an end date, and at least one availability indicator message; and

store the availability indicator metadata.

20. The storage medium of claim 19, further configured to:

compare the current date with a pre-selected date, wherein the pre-selected date is selected from the group consisting of the start date, the end date, a date in response to the

start date, and a date in response to the end date; and

notify the receiver, if the current date matches with the preselected date, the notifying being performed using a pre-selected date graphical user interface, the comparing and the notifying steps being performed by the second system.

21. A computer system for electronic mail, the system comprising:

a CPU, a computer readable memory and a computer readable storage medium;

a sender;

first program instructions to activate an availability indicator having a start date, wherein the activation is performed by the sender;

second program instructions to extract availability indicator metadata from the availability indicator; and

if an e-mail has not been sent to a receiver since activation and if a current date is prior to the start date, to attach the availability indicator metadata to the e-mail; and to send the e-mail to a receiver;

wherein the first and second program instructions are stored on the computer readable storage medium for execution by the CPU via the computer readable memory.

22. A computer system for electronic mail, the system comprising:

a CPU, a computer readable memory, and a computer readable storage medium;

a receiver;

first program instructions to receive an e-mail from another computer system:

second program instructions to extract availability indicator metadata from the received e-mail, the availability indicator metadata including a start date, an end date, and at least one availability indicator message;

third program instructions to store the availability indicator metadata;

fourth program instructions to compare the current date with the start date; and

fifth program instructions to notify the receiver if the current date matches with the start date, the notifying performed using a start date graphical user interface; and

wherein the first, second, third, fourth and fifth program instructions are stored on the computer readable storage medium for execution by the CPU via the computer readable memory.

## **ELECTRONIC MAIL MESSAGING SYSTEM**

### **ABSTRACT**

A method, a system and a computer program product of transmitting availability information in an electronic mail system are disclosed. The system includes a first system including a sender, the first system is adapted to activate an availability indicator having a start date, wherein the activation is performed by the sender and extract availability indicator metadata from the availability indicator. The availability indicator metadata includes the start date, an end date, and at least one availability indicator message. If an e-mail has not been sent to a receiver since activation and if a current date is prior to the start date, the first system is further adapted to attach the availability indicator metadata to the e-mail, and send the e-mail to the receiver. The electronic mail system further includes a scheduling system functionally coupled to the first system, and is adapted to define the availability indicator.

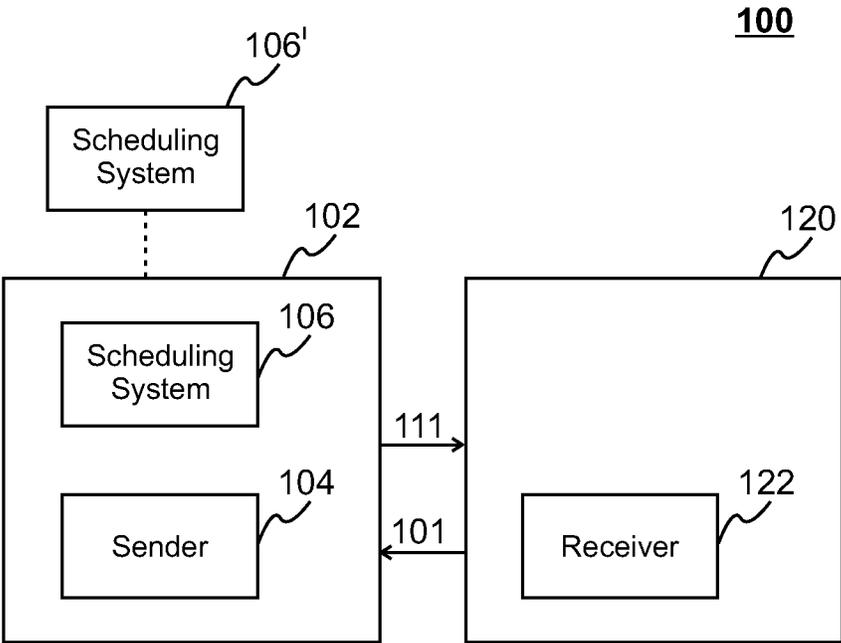


FIGURE 1

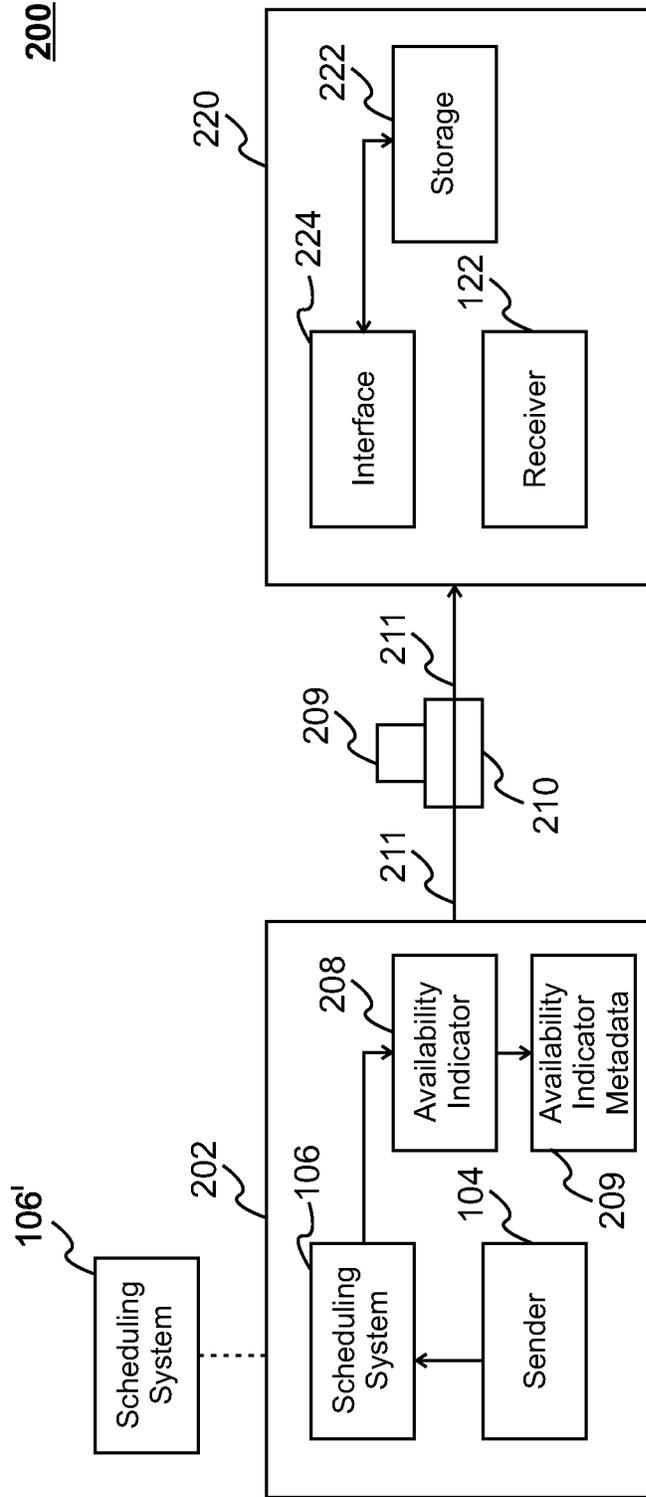


FIGURE 2

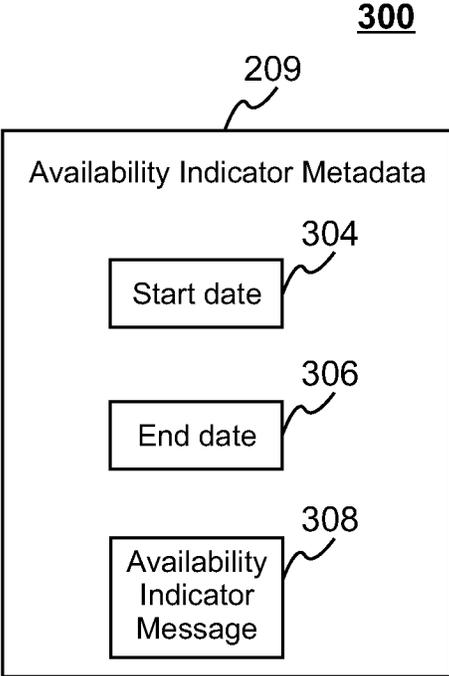


FIGURE 3

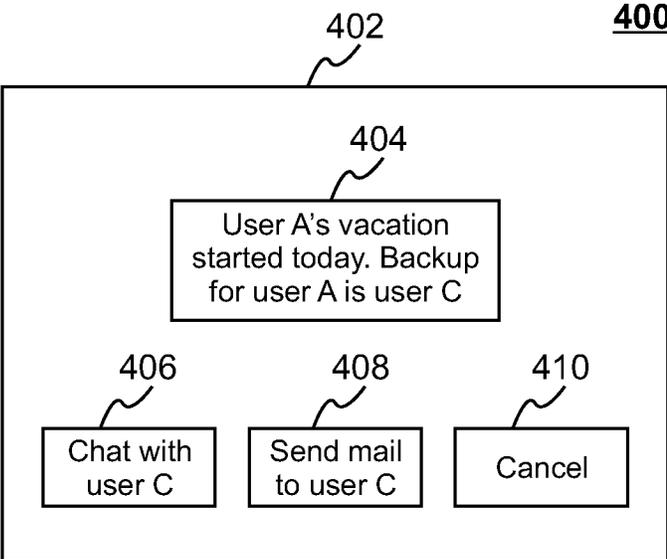


FIGURE 4

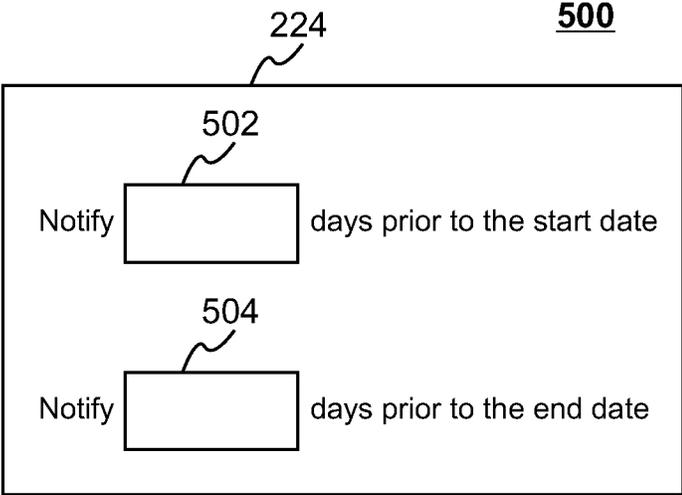
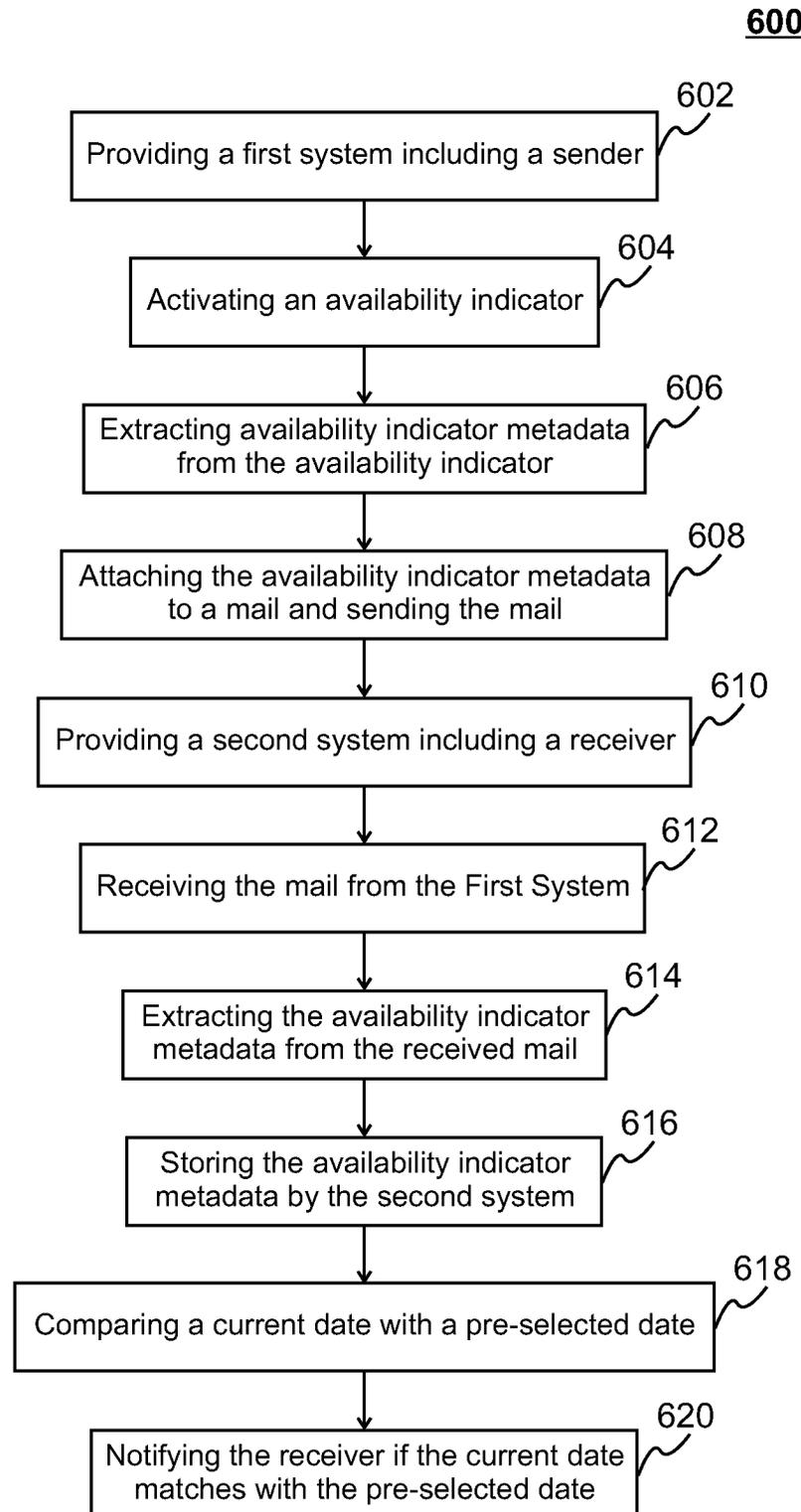
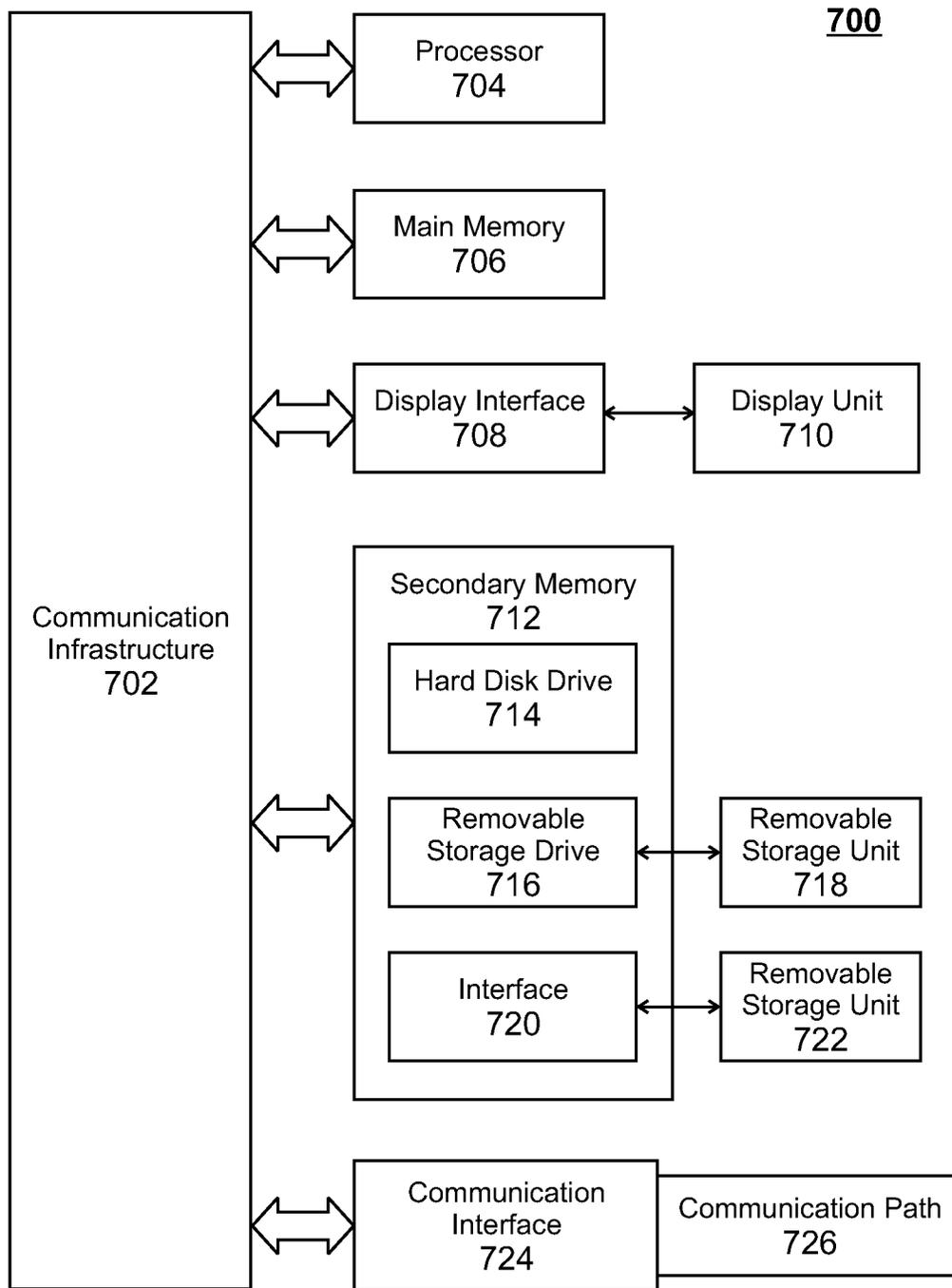


FIGURE 5

**FIGURE 6**



**FIGURE 7**

**DECLARATION (37 C.F.R. 1.63), POWER OF ATTORNEY, AND AUTHORIZATION TO PERMIT ACCESS BY PARTICIPATING OFFICES (37 C.F.R. 1.14) FOR UTILITY PATENT APPLICATION USING AN APPLICATION DATA SHEET (37 C.F.R. 1.76)**

As a below named inventor, I hereby declare that:

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ELECTRONIC MAIL MESSAGING SYSTEM**

the application of which is attached hereto or (if following box is checked):

Application No. \_\_\_\_\_, filed on \_\_\_\_\_ as amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above; and

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

**Power of Attorney**

I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

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### Authorization to Permit Access to Application by Participating Offices

The undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h).

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the application-as-filed with respect to: 1) the above-identified application, 2) any foreign application to which the above-identified application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 C.F.R. 1.55 has been filed in the above-identified US application, and 3) any U.S. application from which benefit is sought in the above-identified application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

### Declaration

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

Executed by Inventor 1

(1) Name of Inventor: **Jan De la Rosa**

Signature: Jan De la Rosa Date: 1/5/2010

Citizenship: USA

Executed by Inventor 2

(2) Name of Inventor: **Salil P. Gandhi**

Signature: \_\_\_\_\_ Date

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Executed by Inventor 3

(3) Name of Inventor: **Saidas T. Kottawar**

Signature: \_\_\_\_\_ Date

Citizenship: **India**

Executed by Inventor 4

(4) Name of Inventor: **Sandip D. Mahajan**

Signature: \_\_\_\_\_ Date

Citizenship: **India**

**DECLARATION (37 C.F.R. 1.63), POWER OF ATTORNEY, AND AUTHORIZATION TO PERMIT ACCESS BY PARTICIPATING OFFICES (37 C.F.R. 1.14) FOR UTILITY PATENT APPLICATION USING AN APPLICATION DATA SHEET (37 C.F.R. 1.76)**

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**ELECTRONIC MAIL MESSAGING SYSTEM**

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Executed by Inventor 1

(1) Name of Inventor: **Jan De la Rosa**

Signature: \_\_\_\_\_ Date \_\_\_\_\_

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(2) Name of Inventor: **Salil P. Gandhi**

Signature: Salil P. Gandhi 05-Jan-2010  
Date

Citizenship: **India**

Executed by Inventor 3

(3) Name of Inventor: **Saidas T. Kottawar**

Signature: Saidas T. Kottawar 05-Jan-2010  
Date

Citizenship: **India**

Executed by Inventor 4

(4) Name of Inventor: **Sandip D. Mahajan**

Signature: Sandip D. Mahajan 05-Jan-2010  
Date

Citizenship: **India**

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PATENT APPLICATION FEE DETERMINATION RECORD</b> Substitute for Form PTO-875	Application or Docket Number <b>12/686,469</b>
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APPLICATION AS FILED – PART I			SMALL ENTITY		LARGE ENTITY	
(Column 1) (Column 2)						
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A		N/A	330
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A		N/A	540
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		N/A	220
TOTAL CLAIMS (37 CFR 1.16(i))	22	2	X\$ 26		2X\$52	104
INDEPENDENT CLAIMS (37 CFR 1.16(h))	5 minus 3 =	2	X\$110		1X\$220	440
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR					
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			195		390	
			TOTAL		TOTAL	1634

\* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II					SMALL ENTITY		OTHER THAN SMALL ENTITY		
(Column 1) (Column 2) (Column 3)									
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X =		X =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X =		X =	
	Application Size Fee (37 CFR 1.16(s))								
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		N/A	
					TOTAL ADD'T FEE		TOTAL ADD'T FEE		

APPLICATION AS AMENDED – PART II					SMALL ENTITY		OTHER THAN SMALL ENTITY		
(Column 1) (Column 2) (Column 3)									
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X =		X =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X =		X =	
	Application Size Fee (37 CFR 1.16(s))								
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		N/A	
					TOTAL ADD'T FEE		TOTAL ADD'T FEE		

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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