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NOTICE OF ALLOWANCE AND FEE(S) DUE

3624 7590 10/15/2020
Volpe Koenig
30 SOUTH 17TH STREET, 18TH FLOOR
PHILADELPHIA, PA 19103

EXAMINER

CHERY, DADY

ART UNIT PAPER NUMBER

2461

DATE MAILED: 10/15/2020

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Values: 16/897,161, 06/09/2020, Graham Merrett, 1057

TITLE OF INVENTION: MESSAGING SERVICE IN A WIRELESS COMMUNICATIONS NETWORK

Table with 7 columns: APPLN. TYPE, ENTITY STATUS, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE. Values: nonprovisional, UNDISCOUNTED, \$1200, \$0.00, \$0.00, \$1200, 01/15/2021

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: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

By fax, send to: (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)

3624 7590 10/15/2020
Volpe Koenig
 30 SOUTH 17TH STREET, 18TH FLOOR
 PHILADELPHIA, PA 19103

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 transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

_____ (Typed or printed name)
_____ (Signature)
_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/897,161	06/09/2020	Graham Merrett		1057

TITLE OF INVENTION: MESSAGING SERVICE IN A WIRELESS COMMUNICATIONS NETWORK

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1200	\$0.00	\$0.00	\$1200	01/15/2021

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHERY, DADY	2461	370-338000

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 03-09 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, 1 _____
- (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 _____
- 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 must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). 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

4a. Fees submitted: Issue Fee Publication Fee (if required) Advance Order - # of Copies _____

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

- Electronic Payment via EFS-Web Enclosed check Non-electronic payment by credit card (Attach form PTO-2038)
- The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

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 undiscounted 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. _____



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Row 1: 16/897,161, 06/09/2020, Graham Merrett, 1057
Row 2: 3624, 7590, 10/15/2020
Below table: Volpe Koenig, 30 SOUTH 17TH STREET, 18TH FLOOR, PHILADELPHIA, PA 19103

EXAMINER
CHERY, DADY

ART UNIT PAPER NUMBER

2461

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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 30 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.

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 Allowability	Application No. 16/897,161	Applicant(s) Merrett, Graham	
	Examiner DADY CHERY	Art Unit 2461	AIA (FITF) 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 09/16/20.
 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 1-30. 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 or send an inquiry to 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)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____. 3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material _____. 4. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date. <u>10/05/20</u>. | <ol style="list-style-type: none"> 5. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 6. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 7. <input type="checkbox"/> Other _____. |
|--|--|

/DADY CHERY/
Primary Examiner, Art Unit 2461

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application is being examined under the pre-AIA first to invent provisions.

EXAMINER'S AMENDMENT

Authorization for this examiner's amendment was given in an interview with Brian Gordaychik on October 5, 2020.

1. The application has been amended as follows:

1. (Currently amended) A mobile wireless device ~~adapted to transmit that~~ transmits (i) at least some messages to at least some recipient devices that correspond to subscribers of a service for receiving packet-switched messages, wherein the service includes a server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, and (ii) at least some messages over a cellular network to at least some recipient devices that do not correspond to subscribers of the service, the cellular network including a core network, the mobile wireless device comprising:

- a wireless local area network (WLAN) transceiver ~~adapted to transmit that~~ transmits messages from the mobile wireless device to a WLAN base station and subsequently over the Internet to the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, before delivery to a recipient device, wherein the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service is located outside of the core network;

a cellular transceiver ~~adapted to transmit~~ that transmits messages from the mobile wireless device to a cellular base station before delivery to a recipient device, wherein the cellular transceiver and the cellular base station communicate using a radio communications protocol that supports transmission of multimedia messages comprising at least one of images, audio clips or videos;

wherein the mobile wireless device ~~adapted to connect~~ connects via the WLAN base station to the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service;

wherein the mobile wireless device ~~adapted to connect~~ connects via the cellular base station to the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service;

wherein the mobile wireless device ~~adapted to transmit~~ transmits packet-switched messages using a packet-switched bearer supported by the WLAN base station and ~~adapted to transmit~~ transmits packet-switched messages using a packet-switched bearer supported by the cellular base station; and

a message client ~~adapted to retrieve~~ that retrieves, from a message, information corresponding to at least one mobile phone number of a wireless device of an addressed recipient, during composition of the message;

wherein the WLAN transceiver ~~adapted to~~:

- (i) ~~transmit~~ transmits a request, including at least information corresponding to the mobile phone number of the wireless device of the addressed recipient, via the WLAN base station and the Internet, to a server that maintains a subscriber list, to determine whether the

wireless device of the addressed recipient corresponds to a subscriber of the service, wherein the server that maintains the subscriber list is located outside of the core network; and

- (ii) ~~receive~~ receives a response from the server that maintains the subscriber list, via the WLAN base station and the Internet, indicating whether the wireless device of the addressed recipient corresponds to a subscriber of the service, wherein a negative response indicates that the wireless device of the addressed recipient is not a subscriber of the service;

wherein the mobile wireless device ~~adapted to select~~ selects a packet-switched bearer for transmission of a message to the addressed recipient via the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, based at least in part on the response indicating that the addressed recipient corresponds to a subscriber of the service; ~~and~~

wherein if a packet-switched bearer is selected for message transmission via the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, the mobile wireless device ~~adapted to choose~~ chooses for message transmission the packet-switched bearer supported by the WLAN base station or the packet-switched bearer supported by the cellular base station;

wherein if the mobile wireless device chooses the packet-switched bearer supported by the WLAN base station for message transmission, the

mobile wireless device ~~is adapted to perform~~ performs message transmission to the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, without routing through the core network;

wherein the mobile wireless device ~~adapted to transmit~~ transmits a message to the addressed recipient via the cellular base station, at least where the packet-switched bearer supported by the WLAN base station is not chosen for message transmission;

wherein the mobile wireless device ~~adapted to transmit~~ transmits a message to the addressed recipient via the cellular base station, and without traversing the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, before delivery to the addressed recipient, based at least in part on the response failing to indicate that the addressed recipient corresponds to a subscriber of the service; ~~and~~

wherein the mobile wireless device ~~adapted to transmit~~ transmits a message limited to one or more binary-encoded characters to the addressed recipient via the cellular base station and through a short message service center (SMSC) before delivery to the addressed recipient, based at least in part on the response failing to indicate that the addressed recipient corresponds to a subscriber of the service.

2. (Currently amended) The mobile wireless device of claim 1, wherein the mobile wireless device ~~is adapted to select~~ selects a packet-switched bearer for transmission of a message to the addressed recipient via the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to

subscribers of the service, based at least in part on the response indicating that the addressed recipient corresponds to a subscriber of the service and based at least in part upon a status indicating that an undelivered message parameter has not been exceeded.

3. (Currently amended) The mobile wireless device of claim 1, wherein the mobile wireless device ~~is adapted to transmit~~ transmits a message limited to one or more binary-encoded characters to the addressed recipient via the cellular base station and through a short message service center (SMSC) before delivery to the addressed recipient, based at least in part on the response indicating that the addressed recipient corresponds to a subscriber of the service and based at least in part on a status indicating that an undelivered message parameter has been exceeded.

4. (Original) The mobile wireless device of claim 1, wherein the one or more binary-encoded characters comprise alphanumeric characters.

5. (Original) The mobile wireless device of claim 1, wherein the information corresponding to at least one mobile phone number consists of information corresponding to only one mobile phone number.

6. (Original) The mobile wireless device of claim 1, wherein the message limited to one or more binary-encoded characters is further limited to less than a maximum allowable number of binary-encoded characters.

7. (Original) The mobile wireless device of claim 1, wherein a message to the addressed recipient is queued for later delivery using the service if the wireless device of the addressed recipient corresponds to a subscriber of the service, and the wireless device of the addressed recipient, at a time of message transmission, is unable to connect to the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service.

8. (Original) The mobile wireless device of claim 1, wherein the server that maintains the subscriber list stores information indicating capabilities of subscriber devices.

9. (Currently amended) The mobile wireless device of claim 8, wherein the mobile wireless device ~~is adapted to indicate~~ indicates capabilities of the wireless device of the addressed recipient when the response indicates that the wireless device of the addressed recipient corresponds to a subscriber of the service.

10. (Currently amended) The mobile wireless device of claim 1, further comprising:

a display that displays presence information associated with the wireless device of the addressed recipient;

wherein the mobile wireless device ~~further adapted to receive~~ receives the presence information associated with the wireless device of the addressed recipient if the wireless device of the addressed recipient corresponds to a subscriber of the service; ~~and~~

~~a display adapted to display the presence information associated with the wireless device of the addressed recipient.~~

11. (Currently amended) The mobile wireless device of claim 1, ~~further comprising:~~

wherein the mobile wireless device ~~further adapted to receive~~ receives an over the air (OTA) configuration message, ~~wherein the OTA configuration message~~ which includes at least one parameter for establishing a server connection.

12. (Original) The mobile wireless device of claim 1, wherein the request is encapsulated in hypertext transfer protocol (HTTP) and a message to the addressed recipient is encapsulated in HTTP;

wherein the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service is located outside of the cellular network;

wherein the server that maintains the subscriber list is located outside of the cellular network.

13. (Currently amended) The mobile wireless device of claim 1, wherein the message client ~~is adapted to retrieve~~ retrieves information representative of at least one electronic mail (email) address of another wireless device of another recipient; wherein the addressed recipient and the another recipient are each a subscriber of the service.

14. (Currently amended) The mobile wireless device of claim 13, wherein the WLAN transceiver ~~is further adapted to transmit~~ transmits at least one message from the mobile wireless device to the wireless device of the addressed recipient and to the wireless device of the another recipient.

15. (Currently amended) The mobile wireless device of claim 1, wherein the wireless device ~~is further adapted to transmit~~ transmits a short message service (SMS) message for authentication to the service.

16. (Original) The mobile wireless device of claim 1, wherein the mobile wireless device is authenticated to the service via SMS;

wherein the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service is located outside of the cellular network;

wherein the server that maintains the subscriber list is located outside of the cellular network.

17. (Currently amended) The mobile wireless device of claim 1, further comprising:

wherein the mobile wireless device ~~adapted to register~~ registers a user name tag or handle with the service, wherein the mobile wireless device ~~is adapted to transmit~~ transmits an authentication identifier for authentication to the service.

18. (Currently amended) The mobile wireless device of claim 1, wherein the mobile wireless device ~~is adapted to receive~~ receives an indication that the wireless device of the addressed recipient is authenticated to the service.

19. (Original) The mobile wireless device of claim 1, wherein the mobile wireless device is not enabled to transmit messages via the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service before authentication of the mobile wireless device to the service.

20. (Original) The mobile wireless device of claim 1, wherein message attachments are delivered to the wireless device of the addressed recipient via a push model.

21. (Original) The mobile wireless device of claim 1, wherein the mobile wireless device is authenticated to the service, via a mobile phone number of the mobile wireless device, prior to receiving the response.

22. (Original) The mobile wireless device of claim 1, further comprising:
a single interface for transmission of and reception of both text and multimedia messages;

wherein the single interface provides an option to add a voice attachment for subsequent playback by the wireless device of the addressed recipient.

23. (Original) The mobile wireless device of claim 1, wherein the message limited to one or more binary-encoded characters is a circuit switched message.

24. (Original) The mobile wireless device of claim 1, wherein the message limited to one or more binary-encoded characters is a signaling system 7 (SS7) message.

25. (Original) The mobile wireless device of claim 1, wherein the message client provides an option to add one or more attachments based at least in part on the response.

26. (Original) The mobile wireless device of claim 1, wherein a negative response is consistent with the addressed recipient being unknown to the server that maintains the subscriber list.

27. (Original) The mobile wireless device of claim 1, wherein the radio communications protocol that supports transmission of multimedia messages comprising at least one of images, audio clips or videos is a Global System for Mobile Communications (GSM) radio communications protocol or a Code Division Multiple Access (CDMA) radio communications protocol.

28. (Original) The mobile wireless device of claim 1, wherein the multimedia messages comprising at least one of images, audio clips or videos are multimedia message service (MMS) messages.

29. (Currently amended) A mobile wireless device ~~adapted to transmit that transmits~~ (i) at least some messages to at least some recipient devices that correspond to subscribers of a service for receiving packet-switched messages, wherein the service includes a server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, and (ii) at least some messages over a cellular network to at least some recipient devices that do not correspond to subscribers of the service, the mobile wireless device comprising:

a wireless local area network (WLAN) transceiver ~~adapted to transmit that transmits~~ messages from the mobile wireless device to a WLAN base station and subsequently over the Internet to the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, before delivery to a recipient device;

a cellular transceiver ~~adapted to transmit that transmits~~ messages from the mobile wireless device to a cellular base station before delivery to a recipient device, wherein the cellular transceiver and the cellular base station communicate using a radio communications protocol that supports transmission of multimedia messages comprising at least one of images, audio clips or videos;

wherein the mobile wireless device ~~adapted to connect connects~~ via the WLAN base station to the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service;

wherein the mobile wireless device ~~adapted to connect connects~~ via the cellular base station to the server that receives packet-switched messages transmitted via the

service to recipient devices that correspond to subscribers of the service;

wherein the mobile wireless device ~~adapted to transmit~~ transmits packet-switched messages using a packet-switched bearer supported by the WLAN base station and ~~adapted to transmit~~ transmits packet-switched messages using a packet-switched bearer supported by the cellular base station; and

a message client ~~adapted to retrieve~~ that retrieves, from a message, address information consisting of only one mobile phone number of a wireless device of an addressed recipient, during composition of the message;

wherein the WLAN transceiver ~~adapted to:~~

- (i) ~~transmit~~ transmits a request, including at least information corresponding to the mobile phone number of the wireless device of the addressed recipient, via the WLAN base station and the Internet, to a server that maintains a subscriber list, to determine whether the wireless device of the addressed recipient corresponds to a subscriber of the service; and
- (ii) ~~receive~~ receives a response from the server that maintains the subscriber list, via the WLAN base station and the Internet, indicating whether the wireless device of the addressed recipient corresponds to a subscriber of the service, wherein a negative response indicates that the wireless device of the addressed recipient is not a subscriber of the service;

wherein the mobile wireless device ~~adapted to select~~ selects a packet-switched bearer for transmission of a message to the addressed recipient via the server that

receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, based at least in part on the response indicating that the addressed recipient corresponds to a subscriber of the service and based at least in part upon a status indicating that an undelivered message parameter has not been exceeded; ~~and~~

wherein if a packet-switched bearer is selected for message transmission via the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, the mobile wireless device ~~adapted to choose~~ chooses for message transmission the packet-switched bearer supported by the WLAN base station or the packet-switched bearer supported by the cellular base station;

wherein if the mobile wireless device chooses the packet-switched bearer supported by the WLAN base station for message transmission, the mobile wireless device ~~is adapted to perform~~ performs message transmission to the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service;

wherein the mobile wireless device ~~adapted to transmit~~ transmits a message to the addressed recipient via the cellular base station, at least where the packet-switched bearer supported by the WLAN base station is not chosen for message transmission;

wherein the mobile wireless device ~~adapted to transmit~~ transmits a message to the addressed recipient via the cellular base station, and without traversing the server that

receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, before delivery to the addressed recipient, based at least in part on the response failing to indicate that the addressed recipient corresponds to a subscriber; ~~and~~

wherein the mobile wireless device ~~adapted to transmit~~ transmits a message limited to one or more binary-encoded characters to the addressed recipient via the cellular base station and through a short message service center (SMSC) before delivery to the addressed recipient, based at least in part on the response ~~failing to indicate~~ indicating that the addressed recipient corresponds to a subscriber of the service and based at least in part on ~~the a~~ status indicating that ~~the an~~ undelivered message parameter has been exceeded;

wherein a message to the addressed recipient is queued for later delivery using the service if the wireless device of the addressed recipient corresponds to a subscriber of the service having a status indicating that an undelivered message parameter has not been exceeded, and the wireless device of the addressed recipient, at a time of message transmission, is unable to connect to the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service.

30. (Currently amended) A mobile wireless device ~~adapted to transmit~~ that transmits (i) at least some messages to at least some recipient devices that correspond to subscribers of a service for receiving packet-switched messages, wherein the service includes a server that receives packet-switched messages transmitted via the service to

recipient devices that correspond to subscribers of the service, and (ii) at least some messages over a cellular network to at least some recipient devices that do not correspond to subscribers of the service, the mobile wireless device comprising:

~~the mobile wireless device adapted to authenticate to the service via a short message service (SMS) protocol;~~

a wireless local area network (WLAN) transceiver ~~adapted to transmit~~ that transmits messages from the mobile wireless device to a WLAN base station and subsequently over the Internet to the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, before delivery to a recipient device, wherein the mobile wireless device is not enabled to transmit messages via the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service before the authentication to the service;

a cellular transceiver ~~adapted to transmit~~ that transmits messages from the mobile wireless device to a cellular base station before delivery to a recipient device, wherein the cellular transceiver and the cellular base station communicate using a radio communications protocol that supports transmission of multimedia messages comprising at least one of images, audio clips or videos;

wherein the mobile wireless device authenticates to the service via a short message service (SMS) protocol;

wherein the mobile wireless device ~~adapted to connect~~ connects via the WLAN base station to the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service;

wherein the mobile wireless device ~~adapted to connect~~ connects via the cellular base station to the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service;

wherein the mobile wireless device ~~adapted to transmit~~ transmits packet-switched messages using a packet-switched bearer supported by the WLAN base station and ~~adapted to transmit~~ transmits packet-switched messages using a packet-switched bearer supported by the cellular base station; and

a message client ~~adapted to retrieve~~ retrieves, from a message, information corresponding to at least one mobile phone number of a wireless device of an addressed recipient, during composition of the message, wherein the message client includes a single interface for transmission of and reception of both text and multimedia messages and the message client is ~~adapted to provide~~ provides an option to add a voice attachment for subsequent playback by the wireless device of the addressed recipient;

wherein the WLAN transceiver ~~adapted to~~, subsequent the authentication to the service:

- (i) ~~transmit~~ transmits a request, including at least information corresponding to the mobile phone number of the wireless device of the addressed recipient, via the WLAN base station and the Internet, to a server that maintains a subscriber list, to determine whether the wireless device of the addressed recipient corresponds to a subscriber of the service; and
- (ii) ~~receive~~ receives a response from the server that maintains the subscriber list, via the WLAN base station and the Internet, indicating

whether the wireless device of the addressed recipient corresponds to a subscriber of the service, wherein a negative response indicates that the wireless device of the addressed recipient is not a subscriber of the service;

wherein the mobile wireless device ~~adapted to select~~ selects a packet-switched bearer for transmission of a message to the addressed recipient via the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, based at least in part on the response indicating that the addressed recipient corresponds to a subscriber;~~;~~ ~~and~~

wherein if a packet-switched bearer is selected for message transmission via the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, the mobile wireless device ~~adapted to choose~~ chooses for message transmission the packet-switched bearer supported by the WLAN base station or the packet-switched bearer supported by the cellular base station;

wherein if the mobile wireless device chooses the packet-switched bearer supported by the WLAN base station for message transmission, the mobile wireless device is ~~adapted to perform~~ performs message transmission to the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service;

wherein the mobile wireless device ~~adapted to transmit~~ transmits a message to the

addressed recipient via the cellular base station, at least where the packet-switched bearer supported by the WLAN base station is not chosen for message transmission;

wherein the mobile wireless device ~~adapted to transmit~~ transmits a message to the addressed recipient via the cellular base station, and without traversing the server that receives packet-switched messages transmitted via the service to recipient devices that correspond to subscribers of the service, before delivery to the addressed recipient, based at least in part on the response failing to indicate that the addressed recipient corresponds to a subscriber; ~~and~~

wherein the mobile wireless device ~~adapted to transmit~~ transmits a message limited to one or more binary-encoded characters to the addressed recipient via the cellular base station and through a short message service center (SMSC) before delivery to the addressed recipient, based at least in part on the response failing to indicate that the addressed recipient corresponds to a subscriber.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DADY CHERY whose telephone number is (571)270-1207. The examiner can normally be reached on M to T, 8 am to 5pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 571-272-3155. 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 <https://ppair-my.uspto.gov/pair/PrivatePair>. 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.

/DADY CHERY/
Primary Examiner, Art Unit 2461