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NOTICE OF ALLOWANCE AND FEE(S) DUE

131926 7590 04/13/2017

May Patents Ltd. c/o Dorit Shem-Tov
P.O.B 7230
Ramat-Gan, 5217102
ISRAEL

EXAMINER
SCOTT, RANDY A

ART UNIT	PAPER NUMBER
2455	

DATE MAILED: 04/13/2017

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/930,894	11/03/2015	Derry Shribman	HOLA-003-US1	8984

TITLE OF INVENTION: System and Method for Improving Internet Communication by Using Intermediate Nodes

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	07/13/2017

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)

131926 7590 04/13/2017
May Patents Ltd. c/o Dorit Shem-Tov
P.O.B 7230
Ramat-Gan, 5217102
ISRAEL

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)

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14/930,894	11/03/2015	Derry Shribman	HOLA-003-US1	8984

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nonprovisional	SMALL	$480	$0	$0	$480	07/13/2017

EXAMINER	ART UNIT	CLASS-SUBCLASS
SCOTT, RANDY A	2455	709-218000

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.
1 _____
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 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

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 _____ (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 — 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.
- ❑ Applicant asserting small entity status. See 37 CFR 1.27 — 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.
- ❑ Applicant changing to regular undiscounted fee 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

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EXAMINER	
SCOTT, RANDY A	

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2455	

DATE MAILED: 04/13/2017

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.

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.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	14/930,894	SHRIBMAN ET AL.	
	Examiner	Art Unit	
	RANDY SCOTT	2455	

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

(1) *RANDY SCOTT*. (3)_____.

(2) *Yehuda Binder*. (4)_____.

Date of Interview: *06 April 2017*.

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: *1-11 and 54*.

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...)

Attorney Binder agreed to cancel claims 1-11 and amend claim 54 for clarification to place the application in condition for allowance.

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

/RANDY SCOTT/ Primary Examiner, Art Unit 2455	

Notice of Allowability	Application No. 14/930,894	Applicant(s) SHRIBMAN ET AL.	
	Examiner RANDY SCOTT	Art Unit 2455	AIA (First Inventor to File) Status Yes

-- 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 *the communication filed 4/2/17*.
   ☐ 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 *40-67*. 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)

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 *4/6/17* .
5. ☒ Examiner's Amendment/Comment
6. ☒ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/RANDY SCOTT/
Primary Examiner, Art Unit 2455

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney of record, Yehuda Binder, Reg# 73,612, on 4/6/17.

The Amendments are as followed:

1-39. (Canceled).

54. (Currently amended) A method for fetching a content over the Internet from a first server identified in the Internet by a second identifier via a group of multiple devices, each identified in the Internet by an associated group device identifier, the method comprising the step of partitioning the content into a plurality of content slices, each content slice containing at least part of the content, and identified using a content slice identifier, and for each of the content slices, comprising the steps of:

(a) selecting a device from the group;

(b) sending over the Internet a first request to the selected device using the group device identifier of the selected device, the first request including the content slice identifier and the second identifier;

(c) in response to receiving the sent first request by the selected device, receiving over the Internet the content slice from the selected device; and

wherein the method further comprising the step of ~~(d)~~ constructing the content from the received plurality of content slices,

and wherein each of the devices in the group is a client device.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or fairly suggest selecting a client device from a group of devices corresponding to a group device ID, sending a request to the selected device, wherein the request includes a content segment identifier and a second identifier identifying a server, in response to receiving the request that includes the content segment identifier and the server identifier, transmitting the requested portion to the requesting device and transmitting a plurality of content segments until the content is completely constructed, in the specific manner and combinations recited in claims 40-67.

The closest related prior art are cited to state the general state of the art and are not considered to teach the distinguishing features noted above. The prior art includes:

(i) US Pat Zuckerman et al (US 7,818,430), which teaches streaming segment reconstruction;

(ii) US PG Pub Bacher et al (US 2012/0254370), which discloses distributing a plurality of data segments in response to requests based on segment identifiers; and

(iii) NPL document "Slice Embedding Solutions for Distributed Service Architectures" – Esposito et al, Boston University, Computer Science Dept., 10/2011.

After thorough review of related prior art, the application has been deemed allowable because of the limitations of selecting a client device from a group of devices corresponding to a group device ID, sending a request to the selected device, wherein the request includes a content segment identifier and a second identifier identifying a server, in response to receiving the

request that includes the content segment identifier and the server identifier, transmitting the requested portion to the requesting device and transmitting a plurality of content segments until the content is completely constructed, recited in the specific manner and combinations recited within the claims. Upon an extensive search and review, none of the cited prior art taught the specified limitation or provided language for the specified limitations.

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

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy A. Scott whose telephone number is (571) 272-3797. The examiner can normally be reached on Monday-Thursday 7:30 am-5:00 pm, second Fridays 7:30 am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. 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.

/RANDY SCOTT/

Examiner, Art Unit 2455

20170406

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	14/930,894	SHRIBMAN ET AL.	
	Examiner	Art Unit	
	RANDY SCOTT	2455	

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

(1) *RANDY SCOTT*. (3)_____.

(2) *Yehuda Binder*. (4)_____.

Date of Interview: *06 April 2017*.

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: *1-11 and 54*.

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...)

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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

/RANDY SCOTT/ Primary Examiner, Art Unit 2455	

Notice of References Cited	Application/Control No. 14/930,894	Applicant(s)/Patent Under Reexamination SHRIBMAN ET AL.	
	Examiner RANDY SCOTT	Art Unit 2455	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-7,818,430 B2	10-2010	Zuckerman; Gal	H04L67/1097	709/217
*	B	US-2012/0254370 A1	10-2012	BACHER; Utz	H04L67/10	709/219
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	"Slice Embedding Solutions for Distributed Service Architectures" - Esposito et al, Boston University, Computer Science Dept., 10/2011 http://www.cs.bu.edu/techreports/pdf/2011-025-slice-embedding.pdf
	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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: HOLA-003-US1

In re Application of:	)	Confirmation No. 8984
	)	
Derry Shribman *et al.*	)	Art Unit: 2453
	)	
Appln. No.: 14/930,894	)	Examiner: Scott, Randy A.
	)	
Filed: November 3, 2015	)	Washington, D.C.
	)	
For: System and Method for a Motion Sensing Device which Provides a Visual or Audible Indication	)	April 2, 2017
	)	

RESPONSE / AMENDMENT:

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendments
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Office Action of March 7, 2017 ("Action"):

Amendments to the Claims appear in the Listing of Claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Electronic Acknowledgement Receipt

EFS ID:	28808498
Application Number:	14930894
International Application Number:	
Confirmation Number:	8984
Title of Invention:	System and Method for Improving Internet Communication by Using Intermediate Nodes
First Named Inventor/Applicant Name:	Derry Shribman
Customer Number:	131926
Filer:	Yehuda Binder
Filer Authorized By:	
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		3-2017-Final-OA-reply.pdf	296719 355aa4d0a3998a21dfc2738ce08fdb147322039f	yes	11

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Applicant Arguments/Remarks Made in an Amendment	9	11
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	Response After Final Action	1	1
Warnings:			
Information:			
	Total Files Size (in bytes):	296719	

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.

REMARKS / ARGUMENTS

The examiner's action dated March 7, 2017 (hereinafter "Action") has been received and its contents carefully noted. The claims are amended to overcome the claim objection and the 35 USC 112 rejections.

Improper Designation as Final

As a preliminary matter, the Examiner has indicated that this office action is final. Applicant respectfully submits that it was improper for the Examiner to make this action final for at least the following reasons.

First, according to page 5 of the Action: "*Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action*". It is submitted that claims 1, 3-11 scope was only somewhat limited, and that the original claims 12-39 that were cancelled after the withdrawal of the indicated allowance were reinstated as new claims 40-67. **In contrast, the Action introduces a new category of rejection, namely 35 USC § 101 rejection, having no relation to the slight claims 1, 3-11 amendment.**

MPEP § 706.07(a) states that second or any subsequent actions on the merits shall be final, **except where the examiner introduces a new ground of rejection that is not necessitated by an Applicant's amendment of the claims.** In this particular case, the Examiner has presented new category of rejection. Thus, it is clear that the Examiner has introduced new grounds of rejection that were not in any way necessitated since the applicant made no amendment of the claims. Accordingly, it was improper for the Examiner to make this action final, and in violation of MPEP § 706.07(a). Applicant respectfully requests

the Examiner to withdraw the finality of this action and enter the enclosed response as a matter of right.

The absence of a reply to a specific rejection, issue, or comment, does not signify agreement with that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed.

Nothing in this reply should be understood as conceding any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claims does not necessarily signify concession of unpatentability to the claim before its amendment.

In view of the foregoing, it is requested that all of the rejections be reconsidered and withdrawn and that the claims be considered allowable.

If the above arguments should not now place the application in the condition for allowance, the examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

By /Yehuda Binder/
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Amendments to the claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Previously presented) A method for fetching over the Internet a first content, identified by a first content identifier, by a first device, identified in the Internet by a first identifier, from a second server identified in the Internet by a third identifier via a second device identified in the Internet by a second identifier, for use with a third device identified in the Internet by a fourth identifier, using a first server, the method comprising the steps of:
(a) receiving, by the first server over the Internet, the second identifier from the second device;
(b) in response to receiving the second identifier, storing, by the first server, the second identifier;
(c) receiving, by the first server over the Internet, a first request from the first device;
(d) in response to receiving a first request, sending, by the first server over the Internet, the second identifier to the first device;
(e) receiving, by the first server over the Internet, the fourth identifier from the third device;
(f) in response to receiving the fourth identifier, storing, by the first server over the Internet, the fourth identifier; and
(g) in response to receiving the first request, sending, by the first server over the Internet, the fourth identifier to the first device,
wherein the second and third devices are client devices.

2. (Canceled)

3. (Original) The method according to claim 1, for use with a group consisting of a plurality of devices, each device in the group is associated with a respective identifier for being identified in the Internet, for each of the group devices in the group the method further comprising the steps of:

(h) receiving the associated identifier from the group device;

(i) in response to receiving the associated identifier, storing the associated identifier; and

(j) in response to receiving the first request, sending the identifier of all group devices to the first device.

4. (Original) The method according to claim 3, wherein the second device is included in the group, the method further comprising the step of selecting the second device out of the devices in the group, and wherein in step (d) the sending the second identifier to the first device is in response to the selection.

5. (Original) The method according to claim 4, wherein the second device is randomly selected out of the devices in the group.

6. (Original) The method according to claim 4, wherein the second device is selected based on attributes or characteristics of the device.

7. (Original) The method according to claim 4, wherein the second device is selected based on the physical geographical location.

8. (Original) The method according to claim 4, wherein the second device is selected based on the second identifier.

9. (Original) The method according to claim 4, wherein the second device is selected based on past activities.

10. (Original) The method according to claim 9, wherein the second device is selected based on the timing of an event.

11. (Original) The method according to claim 10 wherein the event is the last communication between the second device.

12-39 (Canceled).

40. (Currently amended) A method for fetching a content over the Internet by a first device identified in the Internet by a first identifier, from a first server identified in the Internet by a second identifier, via a group of multiple devices, each identified in the Internet by an associated group device identifier, wherein the content is partitioned into a plurality of content slices, each content slice containing at least part of the content, and identified using a content slice identifier, and for each of the content slices, comprising the steps of:

(a) selecting a second device from the group;

(b) the first device sending over the Internet a first request to the selected second device using the selected second device identifier, the first request including the content slice identifier and the second identifier;

(c) in response to receiving the first request, the selected second device sending over the Internet a second request to the first server using the second identifier, the second request including the content slice identifier;

(d) in response to receiving the second request, the first server sending over the Internet the content slice to the selected second device; and

(e) in response to receiving the content slice, the selected second device sending over the Internet the content slice to the first device,

wherein each of the multiple devices is a client device.

41. (Previously presented) The method according to claim 40, wherein the content is composed of bits, nibbles, bytes, characters, words, or strings, and the partitioning is based on bit, nibble, byte, multi-byte, number, character, word, or string level.

42. (Previously presented) The method according to claim 40, wherein the content is composed of files, or programs, and the partitioning is based on file or program level.

43. (Previously presented) The method according to claim 40, wherein the content is a website content comprising multiple webpages, and the partitioning is based webpages level.

44. (Previously presented) The method according to claim 40, wherein all of the parts of the content are included in all of the content slices.

45. (Previously presented) The method according to claim 40, wherein all of the content slices have the same size.

46. (Previously presented) The method according to claim 40, wherein at least two content slices are the same.

47. (Previously presented) The method according to claim 40, wherein part of the content is included in two or more content slices.

48. (Previously presented) The method according to claim 40, wherein the partitioning is sequential in the content.

49. (Previously presented) The method according to claim 40, wherein the partitioning is non-sequential in the content.

50. (Previously presented) The method according to claim 40, wherein the number of content slices is equal to the number of devices in the group.

51. (Previously presented) The method according to claim 50, wherein a distinct device is selected for each content slice.

52. (Previously presented) The method according to claim 40, wherein the number of content slices is higher than the number of devices in the group.

53. (Previously presented) The method according to claim 40, wherein the number of content slices is lower than the number of devices in the group.

54. (Currently amended) A method for fetching a content over the Internet from a first server identified in the Internet by a second identifier via a group of multiple devices, each identified in the Internet by an associated group device identifier, the method comprising the step of partitioning the content into a plurality of content slices, each content slice containing at least part of the content, and identified using a content slice identifier, and for each of the content slices, comprising the steps of:

(a) selecting a device from the group;

(b) sending over the Internet a first request to the selected device using the group device identifier of the selected device ~~identifier~~, the first request including the content slice identifier and the second identifier;

(c) receiving over the Internet the content slice from the selected device; and

(d) constructing the content from the received content slices,

wherein each of the devices in the group ~~in~~ is a client device.

55. (Previously presented) The method according to claim 54, wherein the content is composed of bits, nibbles, bytes, characters, words, or strings, and the partitioning is based on bit, nibble, byte, multi-byte, number, character, word, or string level.

56. (Previously presented) The method according to claim 54, wherein the content is composed of files, or programs, and the partitioning is based on file or program level.

57. (Previously presented) The method according to claim 56, wherein the content is a website content comprising multiple webpages, and the partitioning is based webpages level.

58. (Previously presented) The method according to claim 54, wherein all of the parts of the content are included in all of the content slices.

59. (Previously presented) The method according to claim 54, wherein all of the content slices have the same size.

60. (Previously presented) The method according to claim 54, wherein at least two content slices are the same.

61. (Previously presented) The method according to claim 54, wherein part of the content is included in two or more content slices.

62. (Previously presented) The method according to claim 54, wherein the partitioning is sequential in the content.

63. (Previously presented) The method according to claim 54, wherein the partitioning is non-sequential in the content.

64. (Previously presented) The method according to claim 54, wherein the number of content slices is equal to the number of devices in the group.

65. (Previously presented) The method according to claim 64, wherein a distinct device is selected for each content slice.

66. (Previously presented) The method according to claim 54, wherein the number of content slices is higher than the number of devices in the group.

67. (Previously presented) The method according to claim 54, wherein the number of content slices is lower than the number of devices in the group.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/930,894	11/03/2015	Derry Shribman	HOLA-003-US1	8984

131926 7590 03/07/2017

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EXAMINER
SCOTT, RANDY A

ART UNIT	PAPER NUMBER
2455	

MAIL DATE	DELIVERY MODE
03/07/2017	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.

Office Action Summary	Application No. 14/930,894	Applicant(s) SHRIBMAN ET AL.	
	Examiner RANDY SCOTT	Art Unit 2455	AIA (First Inventor to File) Status Yes

-- 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* MONTHS 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 *1/2/17*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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) *1,3-11 and 40-67* 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) *1,3-11 and 40-67* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, 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.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ 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).

Priority under 35 U.S.C. § 119

12)☐ 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)).

** 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) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date *11/30/16*.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

DETAILED ACTION

1. This Office Action is responsive to the communication filed 1/2/2017

Claim Status

2. Newly added claims 40-67 have been entered and claim 1 has currently been amended.

Response to Arguments

3. The applicant's arguments filed 1/2/17 have been considered, but are moot in view of new grounds of rejection.

A. In response to the applicant's arguments (disclosed on pg. 1-3 of the remarks segment) that Hotti does not teach that the second and third devices are client devices, sending the second identifier to the first device, and communication by the first server over the Internet:

The previous prior art rejections of claim 1 have been withdrawn.

Claim Objections

4. Claim 54 is objected to because of the following informalities:

Line 19 of the claim should recite --wherein each of the devices in the group **is** a client device--. Appropriate correction is required.

Claim Rejections – 35 USC 112

5. The following is a quotation of 35 U.S.C. 112(b):

> (b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

6. Claims 40-53 are rejected under 35 U.S.C. 112(b), as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor. Regarding claim 40, the term “selecting a device from the group” is unclear in relation to the term "a first device identified in the Internet". The applicant’s claim language does not specifically distinguish the first device identified from the device selected from the claimed group.

7. Claims 54-67 are rejected under 35 U.S.C. 112(b), as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor. Regarding claim 54, the term “selected device identifier” is unclear in relation to the term "group device identifier". The applicant’s claim language does not specifically distinguish the selected device identifier from the claimed group device identifier.

Claim Rejections - 35 USC § 101

8. 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.

9. Claims 1 and 3-11 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. The claims do not fall within at least one of the four categories of patent eligible subject matter because the claims are drawn to an abstract idea.

Claim 1 is directed to the basic abstract idea of transmitting several device and server identifiers to several devices via a server over the Internet, but does not implement any limitations that pertain to a useful process occurring within the method claim. The claim language does not disclose claim language relating to any limitation that includes a useful process and is drawn to transmitting several device identifiers with any accompanying patentable features, which corresponds to concepts identified as abstract ideas by the courts, such as the common sense distinctions in section 101 Alice analysis.

Therefore, the claim does not include additional elements that are sufficient to amount to significantly more than the judicial exception because the additional elements when considered both individually and as an ordered combination do not amount to significantly more than the abstract idea.

Viewed as a whole, the additional elements of dependent claims 19-20, do not provide meaningful limitations to transform the abstract idea into a patent eligible application of the abstract idea such that the claims amount to significantly more than the abstract idea itself. Therefore, the claims are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Therefore, as a whole the instant claims are rejected under 35 USC 101 in view of *The Common Sense Distinctions in Section 101 Analysis. See Electric Power Group, LLC v. Alstom S.A. (Fed. Cir. August 1, 2016) [EPGvsAlstom].*

Conclusion

The information disclosure statement (IDS) submitted on 11/30/16 was filed after the mailing date of the previous office action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). 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 date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy A. Scott whose telephone number is (571) 272-3797. The

examiner can normally be reached on Monday-Thursday 7:30 am-5:00 pm, second Fridays 7:30 am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. 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.

/RANDY SCOTT/

Examiner, Art Unit 2453

20170304

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: HOLA-003-US1

In re Application of:	)	Confirmation No. 8984
	)	
Derry Shribman *et al.*	)	Art Unit: 2453
	)	
Appln. No.: 14/930,894	)	Examiner: Scott, Randy A.
	)	
Filed: November 3, 2015	)	Washington, D.C.
	)	
For: System and Method for a Motion Sensing Device which Provides a Visual or Audible Indication	)	January 2, 2017
	)	

RESPONSE / AMENDMENT:

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendments
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Office Action of October 6, 2016 ("Action"):

Amendments to the Claims appear in the Listing of Claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Amendments to the claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently amended) A method for fetching over the Internet a first content, identified by a first content identifier, by a first device, identified in the Internet by a first identifier, from a second server identified in the Internet by a third identifier via a second device identified in the Internet by a second identifier, for use with a third device identified in the Internet by a fourth identifier, using a first server, the method comprising the steps of:

(a) receiving, by the first server over the Internet, the second identifier from the second device;

(b) in response to receiving the second identifier, storing, by the first server, the second identifier;

(c) receiving, by the first server over the Internet, a first request from the first device;

(d) in response to receiving a first request, sending, by the first server over the Internet, the second identifier to the first device;

(e) receiving, by the first server over the Internet, the fourth identifier from the third device;

(f) in response to receiving the fourth identifier, storing, by the first server over the Internet, the fourth identifier; and

(g) in response to receiving the first request, sending, by the first server over the Internet, the fourth identifier to the first device~~.~~,

wherein the second and third devices are client devices.

2. (Canceled)

3. (Original) The method according to claim 1, for use with a group consisting of a plurality of devices, each device in the group is associated with a respective identifier for being identified in the Internet, for each of the group devices in the group the method further comprising the steps of:

(h) receiving the associated identifier from the group device;

(i) in response to receiving the associated identifier, storing the associated identifier; and

(j) in response to receiving the first request, sending the identifier of all group devices to the first device.

4. (Original) The method according to claim 3, wherein the second device is included in the group, the method further comprising the step of selecting the second device out of the devices in the group, and wherein in step (d) the sending the second identifier to the first device is in response to the selection.

5. (Original) The method according to claim 4, wherein the second device is randomly selected out of the devices in the group.

6. (Original) The method according to claim 4, wherein the second device is selected based on attributes or characteristics of the device.

7. (Original) The method according to claim 4, wherein the second device is selected based on the physical geographical location.

8. (Original) The method according to claim 4, wherein the second device is selected based on the second identifier.

9. (Original) The method according to claim 4, wherein the second device is selected based on past activities.

10. (Original) The method according to claim 9, wherein the second device is selected based on the timing of an event.

11. (Original) The method according to claim 10 wherein the event is the last communication between the second device.

12-39 (Canceled).

40. (New) A method for fetching a content over the Internet by a first device identified in the Internet by a first identifier, from a first server identified in the Internet by a second identifier, via a group of multiple devices, each identified in the Internet by an associated group device identifier, wherein the content is partitioned into a plurality of content slices, each content slice containing at least part of the content, and identified using a content slice identifier,

and for each of the content slices, comprising the steps of:

(a) selecting a device from the group;

(b) the first device sending over the Internet a first request to the selected device using the selected device identifier, the first request including the content slice identifier and the second identifier;

(c) in response to receiving the first request, the selected device sending over the Internet a second request to the first server using the second identifier, the second request including the content slice identifier;

(d) in response to receiving the second request, the first server sending over the Internet the content slice to the selected device; and

(e) in response to receiving the content slice, the selected device sending over the Internet the content slice to the first device,

wherein each of the multiple devices is a client device.

41. (New) The method according to claim 40, wherein the content is composed of bits, nibbles, bytes, characters, words, or strings, and the partitioning is based on bit, nibble, byte, multi-byte, number, character, word, or string level.

42. (New) The method according to claim 40, wherein the content is composed of files, or programs, and the partitioning is based on file or program level.

43. (New) The method according to claim 40, wherein the content is a website content comprising multiple webpages, and the partitioning is based webpages level.

44. (New) The method according to claim 40, wherein all of the parts of the content are included in all of the content slices.

45. (New) The method according to claim 40, wherein all of the content slices have the same size.

46. (New) The method according to claim 40, wherein at least two content slices are the same.

47. (New) The method according to claim 40, wherein part of the content is included in two or more content slices.

48. (New) The method according to claim 40, wherein the partitioning is sequential in the content.

49. (New) The method according to claim 40, wherein the partitioning is non-sequential in the content.

50. (New) The method according to claim 40, wherein the number of content slices is equal to the number of devices in the group.

51. (New) The method according to claim 50, wherein a distinct device is selected for each content slice.

52. (New) The method according to claim 40, wherein the number of content slices is higher than the number of devices in the group.

53. (New) The method according to claim 40, wherein the number of content slices is lower than the number of devices in the group.

54. (New) A method for fetching a content over the Internet from a first server identified in the Internet by a second identifier via a group of multiple devices, each identified in the Internet by an associated group device identifier, the method comprising the step of partitioning the content into a plurality of content slices, each content slice containing at least part of the content, and identified using a content slice identifier, and for each of the content slices, comprising the steps of:

(a) selecting a device from the group;

(b) sending over the Internet a first request to the selected device using the selected device identifier, the first request including the content slice identifier and the second identifier;

(c) receiving over the Internet the content slice from the selected device; and

(d) constructing the content from the received content slices,

wherein each of the devices in the group in a client device.

55. (New) The method according to claim 54, wherein the content is composed of bits, nibbles, bytes, characters, words, or strings, and the partitioning is based on bit, nibble, byte, multi-byte, number, character, word, or string level.

56. (New) The method according to claim 54, wherein the content is composed of files, or programs, and the partitioning is based on file or program level.

57. (New) The method according to claim 56, wherein the content is a website content comprising multiple webpages, and the partitioning is based webpages level.

58. (New) The method according to claim 54, wherein all of the parts of the content are included in all of the content slices.

59. (New) The method according to claim 54, wherein all of the content slices have the same size.

60. (New) The method according to claim 54, wherein at least two content slices are the same.

61. (New) The method according to claim 54, wherein part of the content is included in two or more content slices.

62. (New) The method according to claim 54, wherein the partitioning is sequential in the content.

63. (New) The method according to claim 54, wherein the partitioning is non-sequential in the content.

64. (New) The method according to claim 54, wherein the number of content slices is equal to the number of devices in the group.

65. (New) The method according to claim 64, wherein a distinct device is selected for each content slice.

66. (New) The method according to claim 54, wherein the number of content slices is higher than the number of devices in the group.

67. (New) The method according to claim 54, wherein the number of content slices is lower than the number of devices in the group.

REMARKS / ARGUMENTS

The examiner's action dated October 6, 2016 (hereinafter "Action") has been received and its contents carefully noted.

In view of the withdrawn allowability of claim 2, the original claims 12-39 that were cancelled are currently reinstated as new claims 40-67.

In order to clarify the claims and to better distinguish over the Hotti reference, the claimed steps were better defined to be performed by the first server, and all the communication to be over the Internet. Further, claims 1, 40 (former claim 12), and 54 (former claim 26) were amended to state that the group of devices include client devices.

Office Action, section 6 pages 3-5

Claims 1, 3-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hotti (US 2007/0226810 – "Hotti") in view of Agetsuma et al. (US 2007/0239655 – "Agetsuma"), further in view of Dorenbosch et al. (US 2008/0125123 – "Dorenbosch).

Regarding claim 1.

Argument #1: The Hotti reference does not teach that "the second and third devices are client devices."

As shown in Figure 2 cited in the Action, with the exception of communication with the terminal 207, the server 205 only communicates with management server 200/201. Actually, the Hotti invention is directed to locally updating data locally between a local storage server and a terminal device,

and Hotti is silent regarding any communication with a terminal device other than the terminal 207/208.

Argument #2: The Hotti reference does not teach "sending the second identifier to the first device …".

Claim 1 explicitly teaches that in response to receiving a first request from a first device, sending the second identifier (relating to a second device) to the first device. Hence, the first server replies to the first request from **a first device** by sending the identifier of a **distinct second device.** In contrast, the Hotti reference in general, and the cited Figure 11 and step 1101 in particular, disclose only the communication between the server 204/205 and the terminal device 207/208, are silent regarding any information that include any other device in general, and any identification of any other client deice in particular.

Argument #3: The Hotti reference does not teach any communication "… by the first server over the Internet …".

Claim 1 explicitly teaches communication between the first server and the first device over the Internet. In contrast, the Hottu reference only discloses communication between the **local** storage device 205 storing a **local** content copy and the **local** terminal 207/208 both **located in a house** 203 and connected over a **local** area network 206. Hence, the Hottu reference is silent, and actually teaches away from any server / client communication over the Internet.

Combining Hotti and Agetsuma.

Applicant submits that the Hotti and Agetsuma references are in different fields, directed towards respectively different purposes, and are based on respectively different structures and functions, and thus are not analogous to one another and cannot logically be combined.

Argument #1: The Hotti and Agetsuma references are in remote fields and are directed to distinct purposes.

The Hotti reference is in the field **digital content delivery**, in particular **between a server and a terminal device** in a **building**, while the Agetsuma reference is directed to load distributing **between a plurality of servers** in a **Network Attached storage (NAS)**.

The above is supported by the facts that the Hotti reference is classified under U.S. Class 726/30 associated with 'INFORMATION SECURITY - PREVENTION OF UNAUTHORIZED USE OF DATA INCLUDING PREVENTION OF PIRACY, PRIVACY VIOLATIONS, OR UNAUTHORIZED DATA MODIFICATION', while the Agetsuma reference is classified in Class/Subclass 707/1, associated with 'DATA PROCESSING: DATABASE, DATA MINING, AND FILE MANAGEMENT OR DATA STRUCTURES'. The fact that these two patents are classified in distinctly different classes is further evidence that they are in quite different field, as is noted in MPEP §808.02(A) that explicitly recites that ***different classes*** " … ***shows that each invention has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search.***" (Emphasis added).

Argument #2: The rationale for combining the Hotti and Agetsuma references is improper.

The rationale for the combination is stated as: "… *providing the benefit of teaching an improvement upon content identification for distribution when implementing the migration processing program for optimal content transmission.*". First, it is not clear what content identification is meant, and is not clear why any such identification technically improves any content transmission, in particular as part of migration processing program. Second, migration processing is only discloses in the Agetsuma reference serving as a secondary reference, while no migration is disclosed in the Hotti reference serving as the primary reference.

The absence of a reply to a specific rejection, issue, or comment, does not signify agreement with that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed.

Nothing in this reply should be understood as conceding any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claims does not necessarily signify concession of unpatentability to the claim before its amendment.

In view of the foregoing, it is requested that all of the rejections be reconsidered and withdrawn and that the claims be considered allowable.

If the above arguments should not now place the application in the condition for allowance, the examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/930,894	11/03/2015	Derry Shribman	HOLA-003-US1	8984

131926 7590 10/06/2016

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EXAMINER
SCOTT, RANDY A

ART UNIT	PAPER NUMBER
2455	

MAIL DATE	DELIVERY MODE
10/06/2016	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.

Office Action Summary	Application No. 14/930,894	Applicant(s) SHRIBMAN ET AL.	
	Examiner RANDY SCOTT	Art Unit 2453	AIA (First Inventor to File) Status Yes

-- 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* MONTHS 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 *9/1/16*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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 and 3-11* 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 and 3-11* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, 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.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ 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).

Priority under 35 U.S.C. § 119

12)☐ 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)).

** 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) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

DETAILED ACTION

1. This Office Action is responsive to the communication filed 9/1/2016

Allowable Subject Matter

2. The indicated allowability of claim 2 is withdrawn in view of the newly discovered references to Dorenbosch et al (US 2008/0125123). Rejections based on the newly cited reference follows.

Claim Status

3. Claims 2 and 12-39 have currently been canceled.

Terminal Disclaimer

4. The terminal disclaimer filed on 6/21/16 disclaiming the terminal portion of any patent granted on this application has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections – 35 USC 103

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

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

6. Claims 1, 3-4, 6, and 8 are rejected under 35 USC 103 (a) as being unpatentable over Hotti (US 2007/0226810) in view of Agetsuma et al (US 2007/0239655), further in view of Dorenbosch et al (US 2008/0125123).

With respect to claim 1, Hotti discloses fetching over the Internet a first content, identified by a first content identifier (sec [0107], “identifying the content segment”), by a first device, identified in the Internet by a first identifier (sec [0105], “terminal ID”), using a first server (sec [0023]), the method comprising the steps of:

receiving the second identifier from the second device (fig. 2); in response to receiving the second identifier, storing the second identifier (fig. 5a-6b); receiving a first request from the first device (fig. 11a, 1101, "delivery request"); and in response to receiving a first request, sending the second identifier to the first device (fig. 11a, 1101, “delivery request to server with terminal identification”).

Hotti fails to teach a second server identified in the Internet by a third identifier via a second device identified in the Internet by a second identifier.

Agetsuma et al teach the specified deficiencies (claim 3-5).

It would have been obvious to one of ordinary skill in the art to combine Hotti with the concept illustrated by Agetsuma et al in order to successfully combine a content identification embodiment within a content delivery serving system with the motivation of providing the benefit of teaching an improvement upon content identification for distribution when

implementing the migration procession program (disclosed by Agetsuma et al) for optimal content transmission.

Hotti and Agetsuma et al fail to teach a third device identified in the Internet by a fourth identifier, receiving the fourth identifier from the third device; in response to receiving the fourth identifier, storing the fourth identifier; and in response to receiving the first request, sending the fourth identifier to the first device.

Dorenbosch et al teach the specified deficiencies, including a third device identified in the Internet by a fourth identifier (sec [0067]), receiving the fourth identifier from the third device (sec [0067]); in response to receiving the fourth identifier, storing the fourth identifier (fig. 11); and in response to receiving the first request, sending the fourth identifier to the first device (sec [0068]).

It would have been obvious to one of ordinary skill in the art to combine Hotti and Agetsuma et al with the concept illustrated by Dorenbosch et al in order to successfully combine a message communication network with content delivery facilitation systems with the motivation of providing the benefit of teaching an improvement upon communication over the Internet when implementing secondary identification for several devices (disclosed by Dorenbosch et al) for assigning unique alternate identification to a requesting device.

With respect to claim 3, Hotti discloses receiving the associated identifier from the group device (sec [0105]); in response to receiving the associated identifier, storing the associated identifier (sec [0105], “device table”); and in response to receiving the first request, sending the

identifier of all group devices to the first device (sec [0031], "linking together the content data set and device group").

With respect to claim 4, Hotti discloses wherein the second device is included in the group (fig. 5a), the method further comprising the step of selecting the second device out of the devices in the group (fig. 6d), and wherein in step the sending the second identifier to the first device is in response to the selection (sec [0131]).

With respect to claim 6, Hotti discloses wherein the second device is selected based on attributes or characteristics of the device (sec [0011], "selection rules").

With respect to claim 8, Hotti discloses wherein the second device is selected based on the second identifier (sec [0012]).

7. Claims 5, 7, and 10-11 are rejected under 35 USC 103 (a) as being unpatentable over Hotti (US 2007/0226810) in view of Agetsuma et al (US 2007/0239655) in view of Dorenbosch et al (US 2008/0125123), further in view of Zuckerman et al (US 2010/0094970).

Regarding claim 5, Hotti, Agetsuma et al, and Dorenbosch et al fail to teach wherein the second device is randomly selected out of the devices in the group.

Zuckerman et al teach the specified deficiencies (fig. 6 & sec [0077]).

It would have been obvious to one of ordinary skill in the art to combine Hotti, Agetsuma et al, and Dorenbosch et al with the concept illustrated by Zuckerman et al in order to

successfully combine a server provisioning embodiment within the disclosed content identifications systems with the motivation of providing the benefit of teaching an improvement upon content distribution when implementing the server selection method (disclosed by Zuckerman et al) in order to limit latency when requested content is transmitted to a receiving client.

Regarding claim 7, Hotti, Agetsuma et al, and Dorenbosch et al fail to teach wherein the second device is selected based on the physical geographical location.

Zuckerman et al teach the specified deficiencies (fig. 23 & sec [0023]).

It would have been obvious to one of ordinary skill in the art to combine Hotti, Agetsuma et al, and Dorenbosch et al with the concept illustrated by Zuckerman et al in order to successfully combine a server provisioning embodiment within the disclosed content identifications systems with the motivation previously addressed.

Regarding claim 10, Hotti, Agetsuma et al, and Dorenbosch et al fail to teach wherein the second device is selected based on the timing of an event.

Zuckerman et al teach the specified deficiencies (sec [0060]).

It would have been obvious to one of ordinary skill in the art to combine Hotti, Agetsuma et al, and Dorenbosch et al with the concept illustrated by Zuckerman et al in order to successfully combine a server provisioning embodiment within the disclosed content identifications systems with the motivation of providing the benefit of teaching an improvement upon content distribution when implementing the server selection method (disclosed by

Zuckerman et al) in order to limit latency when requested content is transmitted to a receiving client.

Regarding claim 11, Hotti, Agetsuma et al, and Dorenbosch et al fail to teach wherein the event is the last communication between the second device.

Zuckerman et al teach the specified deficiencies (sec [0090], lines 13-16).

It would have been obvious to one of ordinary skill in the art to combine Hotti, Agetsuma et al, and Dorenbosch et al with the concept illustrated by Zuckerman et al in order to successfully combine a server provisioning embodiment within the disclosed content identifications systems with the motivation previously addressed.

8. Claim 9 is rejected under 35 USC 103 (a) as being unpatentable over Hotti (US 2007/0226810) in view of Agetsuma et al (US 2007/0239655) in view of Dorenbosch et al (US 2008/0125123), further in view of Labranche et al (US 2014/0301334).

Regarding claim 9, Hotti, Agetsuma et al, and Dorenbosch et al fail to teach wherein the second device is selected based on past activities.

Zuckerman et al teach the specified deficiencies (sec [0022]).

It would have been obvious to one of ordinary skill in the art to combine Hotti, Agetsuma et al, and Dorenbosch et al with the concept illustrated by Labranche et al in order to successfully combine a terminal selection disclosure within the disclosed content identifications systems with the motivation of providing the benefit of teaching an improvement upon content distribution

when implementing the terminal selection method (disclosed by Labranche et al) when selecting terminals for distribution based on device hierarchy.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy A. Scott whose telephone number is (571) 272-3797. The examiner can normally be reached on Monday-Thursday 7:30 am-5:00 pm, second Fridays 7:30 am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista Zele can be reached on (571) 272-7288. 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.

/RANDY SCOTT/

Examiner, Art Unit 2453

20161001

Notice of References Cited	Application/Control No. 14/930,894	Applicant(s)/Patent Under Reexamination SHRIBMAN ET AL.	
	Examiner RANDY SCOTT	Art Unit 2453	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2008/0125123 A1	05-2008	Dorenbosch; Jheroen P.	H04L29/12047	455/436
	B	US-				
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

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

*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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: HOLA-003-US1

In re Application of:	)	Confirmation No. 8984
	)	
Derry Shribman *et al.*	)	Art Unit: 2453
	)	
Appln. No.: 14/930,894	)	Examiner: Scott, Randy A.
	)	
Filed: November 3, 2015	)	Washington, D.C.
	)	
For: System and Method for a Motion Sensing Device which Provides a Visual or Audible Indication	)	September 1, 2016
	)	

RESPONSE / AMENDMENT:

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Amendments
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Office Action of June 16, 2016 ("Action"):

Amendments to the Claims appear in the Listing of Claims that begins on page **2** of this paper.

Remarks/Arguments begin on page **4** of this paper.

Amendments to the claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) A method for fetching over the Internet a first content, identified by a first content identifier, by a first device, identified in the Internet by a first identifier, from a second server identified in the Internet by a third identifier via a second device identified in the Internet by a second identifier, for use with a third device identified in the Internet by a fourth identifier, using a first server, the method comprising the steps of:

(a) receiving the second identifier from the second device;

(b) in response to receiving the second identifier, storing the second identifier;

(c) receiving a first request from the first device; ~~and~~

(d) in response to receiving a first request, sending the second identifier to the first device~~.~~;

(e) receiving the fourth identifier from the third device;

(f) in response to receiving the fourth identifier, storing the fourth identifier; and

(g) in response to receiving the first request, sending the fourth identifier to the first device.

2. (Canceled)

3. (Original) The method according to claim 1 for use with a group consisting of a plurality of devices, each device in the group is associated with a respective identifier for being identified in the Internet, for each of the group devices in the group the method further comprising the steps of:

(h) receiving the associated identifier from the group device;

(i) in response to receiving the associated identifier, storing the associated identifier; and
(j) in response to receiving the first request, sending the identifier of all group devices to the first device.

4. (Original) The method according to claim 3 wherein the second device is included in the group, the method further comprising the step of selecting the second device out of the devices in the group, and wherein in step (d) the sending the second identifier to the first device is in response to the selection.

5. (Original) The method according to claim 4 wherein the second device is randomly selected out of the devices in the group.

6. (Original) The method according to claim 4 wherein the second device is selected based on attributes or characteristics of the device.

7. (Original) The method according to claim 4 wherein the second device is selected based on the physical geographical location.

8. (Original) The method according to claim 4 wherein the second device is selected based on the second identifier.

9. (Original) The method according to claim 4 wherein the second device is selected based on past activities.

10. (Original) The method according to claim 9wherein the second device is selected based on the timing of an event.

11. (Original) The method according to claim 10 wherein the event is the last communication between the second device.

12-39 (Canceled).

REMARKS / ARGUMENTS

The examiner's action dated June 16, 2016 ("Action") has been received and its contents carefully noted.

a. Claims 12-39 were canceled.

b. Claim 2 was canceled and its content incorporated into claim 1.

c. A Terminal Disclaimer was filed as required in section 4 of the Action.

The above amendments are believed to overcome the claims 1-11 rejections and objections.

The absence of a reply to a specific rejection, issue, or comment, does not signify agreement with that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed.

Nothing in this reply should be understood as conceding any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claims does not necessarily signify concession of unpatentability to the claim before its amendment.

In view of the foregoing, it is requested that all of the rejections be reconsidered and withdrawn and that the claims be considered allowable.

If the above arguments should not now place the application in the condition for allowance, the examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/930,894	11/03/2015	Derry Shribman	HOLA-003-US1	8984

131926 7590 06/16/2016

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EXAMINER
SCOTT, RANDY A

ART UNIT	PAPER NUMBER
2453	

MAIL DATE	DELIVERY MODE
06/16/2016	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.

Office Action Summary	Application No. 14/930,894	Applicant(s) SHRIBMAN ET AL.	
	Examiner RANDY SCOTT	Art Unit 2453	AIA (First Inventor to File) Status Yes

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

Period for Reply

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- 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 *11/3/15*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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) *1-39* 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) *1-39* is/are rejected.

8)☒ Claim(s) *2* is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, 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.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☒ The drawing(s) filed on *11/3/15* 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).

Priority under 35 U.S.C. § 119

12)☐ 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)).

** 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) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date *2/26/16*.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

DETAILED ACTION

1. This Office Action is responsive to the communication filed 11/3/2015

Allowable Subject Matter

2. Claim 2 would be allowable if the terminal disclaimer was filed to overcome the double patenting rejection.

Claim Objections

3. Claims 16-17 and 30-31 are objected to because of the following informalities:

Claims 16 and 30 should be amended to --wherein all of the parts--.

Claims 17 and 31 should be amended to --slices have the same size--.

Appropriate correction is required.

Double Patenting

4. Claims 1-11 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1, 6, 8, 11-12, 18, 22-23, 27, 30-34 of U.S. Patent No. 9,241,044, hereinafter, '044. Although the claims at issue are not identical, they are not patentably distinct from each other because:

Per claim 1 of the instant application, claim 1 of '044 also discloses fetching over the Internet a first content, identified by a first content identifier, by a first device, identified in the Internet by a first identifier, from a second server identified in the Internet by a third identifier via a second device identified in the Internet by a second identifier, using a first server, the method comprising the steps of:

receiving the second identifier from the second device; in response to receiving the second identifier, storing the second identifier; receiving a first request from the first device; and in response to receiving a first request, sending the second identifier to the first device.

Per claim 2 of the instant application, claim 6 of '044 also discloses receiving the fourth identifier from the third device; in response to receiving the fourth identifier, storing the fourth identifier; and in response to receiving the first request, sending the fourth identifier to the first device.

Per claim 3 of the instant application, claim 8 of '044 also discloses receiving the associated identifier from the group device; in response to receiving the associated identifier, storing the associated identifier; and in response to receiving the first request, sending the identifier of all group devices to the first device.

Per claim 4 of the instant application, claims 11-12 of '044 also disclose wherein the second device is included in the group, the method further comprising the step of selecting the second device out of the devices in the group, and wherein in the sending the second identifier to the first device is in response to the selection.

Per claim 5 of the instant application, claim 18 of '044 also discloses wherein the second device is randomly selected out of the devices in the group.

Per claim 6 of the instant application, claim 22 of '044 also discloses wherein the second device is selected based on attributes or characteristics of the device.

Per claim 7 of the instant application, claim 23 of '044 also discloses wherein the second device is selected based on the physical geographical location.

Per claim 8 of the instant application, claim 27 of '044 also discloses wherein the second device is selected based on the second identifier.

Per claim 9 of the instant application, claim 30 of '044 also discloses wherein the second device is selected based on past activities.

Per claim 10 of the instant application, claim 31 of '044 also discloses wherein the second device is selected based on the timing of an event.

Per claim 11 of the instant application, claims 32-34 of '044 also disclose wherein the event is the last communication between the second device.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where

the claims at issue are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the reference application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/forms/. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved

immediately upon submission. For more information about eTerminal Disclaimers, refer to http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp .

Claim Rejections – 35 USC 103

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

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

6. Claims 1, 3-4, 6, 8, 12-14, 16, 19-20, 22-28, 30, 33-34, and 36-39 are rejected under 35 USC 103 (a) as being unpatentable over Hotti (US 2007/0226810) in view of Agetsuma et al (US 2007/0239655).

With respect to claim 1, Hotti discloses fetching over the Internet a first content, identified by a first content identifier (sec [0107], “identifying the content segment”), by a first device, identified in the Internet by a first identifier (sec [0105], “terminal ID”), using a first server (sec [0023]), the method comprising the steps of:

receiving the second identifier from the second device (fig. 2); in response to receiving the second identifier, storing the second identifier (fig. 5a-6b); receiving a first request from the first device (fig. 11a, 1101, "delivery request"); and in response to receiving a first request, sending the second identifier to the first device (fig. 11a, 1101, “delivery request to server with terminal identification”).

Hotti fails to teach a second server identified in the Internet by a third identifier via a second device identified in the Internet by a second identifier.

Agetsuma et al teach the specified deficiencies (claim 3-5).

It would have been obvious to one of ordinary skill in the art to combine Hotti with the concept illustrated by Agetsuma et al in order to successfully combine a content identification embodiment within a content delivery serving system with the motivation of providing the benefit of teaching an improvement upon content identification for distribution when implementing the migration procession program (disclosed by Agetsuma et al) for optimal content transmission.

With respect to claim 3, Hotti discloses receiving the associated identifier from the group device (sec [0105]); in response to receiving the associated identifier, storing the associated identifier (sec [0105], "device table"); and in response to receiving the first request, sending the identifier of all group devices to the first device (sec [0031], "linking together the content data set and device group").

With respect to claim 4, Hotti discloses wherein the second device is included in the group (fig. 5a), the method further comprising the step of selecting the second device out of the devices in the group (fig. 6d), and wherein in step the sending the second identifier to the first device is in response to the selection (sec [0131]).

With respect to claim 6, Hotti discloses wherein the second device is selected based on attributes or characteristics of the device (sec [0011], "selection rules").

With respect to claim 8, Hotti discloses wherein the second device is selected based on the second identifier (sec [0012]).

With respect to claim 12, Hotti discloses fetching a content over the Internet (sec [0107], "identifying the content segment"), by a first device identified in the Internet by a first identifier (sec [0105], "terminal ID"), from a first server (sec [0023]), via a group of multiple devices (fig. 6b), each identified in the Internet by an associated group device identifier (fig. 6b, "Device_ID"), wherein the content is partitioned into a plurality of content slices (fig. 6a, "content segment ID"), each content slice containing at least part of the content (fig. 6a, "segment"), and identified using a content slice identifier (fig. 6b); and for each of the content slices, comprising the steps of:

selecting a device from the group (fig. 6d, "content assignment"); the first device sending a first request to the selected device using the selected device identifier (fig. 11a, 1101, "delivery request"), the first request including the content slice identifier and the second identifier (fig. 11a, 1101, "delivery request to server with terminal identification"); in response to receiving the first request, the selected device sending a second request to the first server using the second identifier (sec [0132], lines 12-15, "separate content package"), the second request including the content slice identifier (sec [0129], lines 18-20); in response to receiving the second request, the first server sending the content slice to the selected device (sec [0132], lines 19-22); and in response to receiving the content slice, the selected device sending the content slice to the first device (sec [0119]).

Hotti fails to teach a first server identified in the Internet by a second identifier.

Agetsuma et al teach the specified deficiencies (claim 3-5).

It would have been obvious to one of ordinary skill in the art to combine Hotti with the concept illustrated by Agetsuma et al in order to successfully combine a content identification embodiment within a content delivery serving system with the motivation of providing the benefit of teaching an improvement upon content identification for distribution when implementing the migration procession program (disclosed by Agetsuma et al) for optimal content transmission.

With respect to claims 13 and 27, Hotti discloses wherein the content is composed of bits, nibbles, bytes, characters, words, or strings, and the partitioning is based on bit, nibble, byte, multi-byte, number, character, word, or string level (sec [0074], lines 1-3).

With respect to claims 14 and 28, Hotti discloses wherein the content is composed of files (sec [0132], lines 28-30), or programs, and the partitioning is based on file or program level (sec [0133], lines 10-28).

With respect to claims 16 and 30, Hotti discloses wherein the all parts of the content are included in all of the content slices (fig. 4a, "Entire show").

With respect to claims 19 and 33, Hotti discloses wherein part of the content is included in two or more content slices (sec [0056], "multiple segments").

With respect to claims 20 and 34, Hotti discloses wherein the partitioning is sequential in the content (sec [0064]).

With respect to claims 22 and 36, Hotti discloses wherein the number of content slices is equal to the number of devices in the group (fig. 6a-6b).

With respect to claims 23 and 37, Hotti discloses wherein a distinct device is selected for each content slice (fig. 3, “content match”).

With respect to claims 24 and 38, Hotti discloses wherein the number of content slices is higher than the number of devices in the group (fig. 4a).

With respect to claims 25 and 39, Hotti discloses wherein the number of content slices is lower than the number of devices in the group (fig. 6d).

With respect to claim 26, Hotti discloses fetching a content over the Internet (sec [0107], “identifying the content segment”), identified in the Internet by a second identifier (sec [0105], “terminal ID”) via a group of multiple devices (fig. 6b), from a first server (sec [0023]), each identified in the Internet by an associated group device identifier (fig. 6b, “Device_ID”), partitioning the content into a plurality of content slices (fig. 6a, “content segment ID”), each content slice containing at least part of the content (fig. 6a, “segment”), and identified using a content slice identifier (fig. 6b); and for each of the content slices, comprising the steps of:

selecting a device from the group (fig. 6d, “content assignment”); the first device sending a first request to the selected device using the selected device identifier (fig. 11a, 1101, "delivery request"), the first request including the content slice identifier and the second identifier (fig.

11a, 1101, "delivery request to server with terminal identification"); in response to receiving the first request, the selected device sending a second request to the first server using the second identifier (sec [0132], lines 12-15, "separate content package"), the first request including the content slice identifier (sec [0107]) and the second identifier (sec [0105], "terminal ID"); receiving the content slice from the selected device (sec [0119]); and constructing the content from the received content slices (sec [0119], "join operation").

Hotti fails to teach a first server identified in the Internet by a second identifier.

Agetsuma et al teach the specified deficiencies (claim 3-5).

It would have been obvious to one of ordinary skill in the art to combine Hotti with the concept illustrated by Agetsuma et al in order to successfully combine a content identification embodiment within a content delivery serving system with the motivation of providing the benefit of teaching an improvement upon content identification for distribution when implementing the migration procession program (disclosed by Agetsuma et al) for optimal content transmission.

7. Claims 5, 7, 10-11, 15, 17-18, 21, 29, 31-32, and 35 are rejected under 35 USC 103 (a) as being unpatentable over Hotti (US 2007/0226810) in view of Agetsuma et al (US 2007/0239655), further in view of Zuckerman et al (US 2010/0094970).

Regarding claim 5, Hotti and Agetsuma et al fail to teach wherein the second device is randomly selected out of the devices in the group.

Zuckerman et al teach the specified deficiencies (fig. 6 & sec [0077]).

It would have been obvious to one of ordinary skill in the art to combine Hotti and Agetsuma et al with the concept illustrated by Zuckerman et al in order to successfully combine a server provisioning embodiment within the disclosed content identifications systems with the motivation of providing the benefit of teaching an improvement upon content distribution when implementing the server selection method (disclosed by Zuckerman et al) in order to limit latency when requested content is transmitted to a receiving client.

Regarding claim 7, Hotti and Agetsuma et al fail to teach wherein the second device is selected based on the physical geographical location.

Zuckerman et al teach the specified deficiencies (fig. 23 & sec [0023]).

It would have been obvious to one of ordinary skill in the art to combine Hotti and Agetsuma et al with the concept illustrated by Zuckerman et al in order to successfully combine a server provisioning embodiment within the disclosed content identifications systems with the motivation previously addressed.

Regarding claim 10, Hotti and Agetsuma et al fail to teach wherein the second device is selected based on the timing of an event.

Zuckerman et al teach the specified deficiencies (sec [0060]).

It would have been obvious to one of ordinary skill in the art to combine Hotti and Agetsuma et al with the concept illustrated by Zuckerman et al in order to successfully combine a server provisioning embodiment within the disclosed content identifications systems with the motivation previously addressed.

Regarding claim 11, Hotti and Agetsuma et al fail to teach wherein the event is the last communication between the second device.

Zuckerman et al teach the specified deficiencies (sec [0090], lines 13-16).

It would have been obvious to one of ordinary skill in the art to combine Hotti and Agetsuma et al with the concept illustrated by Zuckerman et al in order to successfully combine a server provisioning embodiment within the disclosed content identifications systems with the motivation previously addressed.

Regarding claims 15 and 29, Hotti and Agetsuma et al fail to teach wherein the content is a website content comprising multiple webpages, and the partitioning is based webpages level.

Zuckerman et al teach the specified deficiencies (sec [0158], "segments").

It would have been obvious to one of ordinary skill in the art to combine Hotti and Agetsuma et al with the concept illustrated by Zuckerman et al in order to successfully combine a server provisioning embodiment within the disclosed content identifications systems with the motivation previously addressed.

Regarding claims 17 and 31, Hotti and Agetsuma et al fail to teach wherein all of the content slices are having the same size.

Zuckerman et al teach the specified deficiencies (sec [0072]).

It would have been obvious to one of ordinary skill in the art to combine Hotti and Agetsuma et al with the concept illustrated by Zuckerman et al in order to successfully combine

a server provisioning embodiment within the disclosed content identifications systems with the motivation previously addressed.

Regarding claims 18 and 32, Hotti and Agetsuma et al fail to teach wherein at least two content slices are the same.

Zuckerman et al teach the specified deficiencies (sec [0072]).

It would have been obvious to one of ordinary skill in the art to combine Hotti and Agetsuma et al with the concept illustrated by Zuckerman et al in order to successfully combine a server provisioning embodiment within the disclosed content identifications systems with the motivation previously addressed.

Regarding claims 21 and 35, Hotti and Agetsuma et al fail to teach wherein the partitioning is non-sequential in the content.

Zuckerman et al teach the specified deficiencies (sec [0083]).

It would have been obvious to one of ordinary skill in the art to combine Hotti and Agetsuma et al with the concept illustrated by Zuckerman et al in order to successfully combine a server provisioning embodiment within the disclosed content identifications systems with the motivation previously addressed.

8. Claim 9 is rejected under 35 USC 103 (a) as being unpatentable over Hotti (US 2007/0226810) in view of Agetsuma et al (US 2007/0239655), further in view of Labranche et al (US 2014/0301334).

Regarding claim 9, Hotti and Agetsuma et al fail to teach wherein the second device is selected based on past activities.

Zuckerman et al teach the specified deficiencies (sec [0022]).

It would have been obvious to one of ordinary skill in the art to combine Hotti and Agetsuma et al with the concept illustrated by Labranche et al in order to successfully combine a terminal selection disclosure within the disclosed content identifications systems with the motivation of providing the benefit of teaching an improvement upon content distribution when implementing the terminal selection method (disclosed by Labranche et al) when selecting terminals for distribution based on device hierarchy.

Conclusion

The information disclosure statements (IDS) submitted on 2/26/16 were filed after the mailing date of the instant application. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy A. Scott whose telephone number is (571) 272-3797. The examiner can normally be reached on Monday-Thursday 7:30 am-5:00 pm, second Fridays 7:30 am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista Zele can be reached on (571) 272-7288. 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.

/RANDY SCOTT/

Examiner, Art Unit 2453

20160322

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	Examiner RANDY SCOTT	Art Unit 2453	Page 1 of 1

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2014/0301334 A1	10-2014	Labranche; Miguel	H04L65/1016	370/329
*	B	US-2007/0239655 A1	10-2007	Agetsuma; Masakuni	G06F3/061	1/1
*	C	US-2007/0226810 A1	09-2007	Hotti; Timo	H04L67/1095	726/30
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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