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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/713,577	02/26/2010	Kalu Onuka Kalu	05200204-177US	4998

92077 7590 10/01/2014 NORTON ROSE FULBRIGHT CANADA LLP- BLACKBERRY 1 Place Ville Marie Suite 2500 Montreal, QC H3B 1R1 CANADA	**EXAMINER** AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
2442	

NOTIFICATION DATE	DELIVERY MODE
10/01/2014	ELECTRONIC

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

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

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

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-- 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 <u>3</u> 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 <u>9/16/2014</u>.

☐ 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) <u>1,2,4-12 and 14-26</u> 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) <u>1,2,4-12 and 14-26</u> 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 <u>allowable</u>, 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 <u>7/25/12</u> 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)

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

DETAILED ACTION

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

provisions.

Response to Arguments

2.   Applicant's arguments filed 16 September 2014 have been fully considered but

they are not persuasive.

Claims 1, 2, 4-12 and 14-25 rejected under 35 USC 103

3.   Regarding claims 1, 2, 4-6, 8-12, and 14-25 rejected under 35 USC 103(a) as

being unpatentable over Moody (US 2008/0294727) "Moody 727" in view of Moody (US

2003/0167310) "Moody 310", applicant argues that the cited prior art does not teach the

claim element: "display the new incoming electronic message in an inbox together with

any message thread not flagged as silenced, while silencing any further notifications

pertaining to receipt of the new incoming electronic message." The examiner

respectfully disagrees.

With respect to the claim element: "display the new incoming electronic message

in an inbox together with any message thread not flagged as silenced, while silencing

any further notifications pertaining to receipt of the new incoming electronic message"

the examiner submits that Moody 727 and Moody 310, when taken in combination,

teach within the scope of the claim. Moody 727 teaches, as is known in the art, an e-

mail inbox used for storing incoming messages that belong to an existing message

thread [0025-6]. Message threads can be marked as flagged for creating/not creating a

message alert for the user ([0031]). It is therefore established that Moody 727 clearly

teaches the ability to silence message thread notifications. The ability to "display [a] new

incoming electronic message in an inbox with any message thread not flagged as

silenced" is considered an obvious variation by what is already known in the art. It is

submitted that Moody 310 shows an alternative to the storage in an inbox and bulk

folder as taught by Moody '727. Moody '310 teaches the step to display the new

incoming electronic message in an inbox together with any message thread not flagged

as silenced ([0109] incoming messages of all types of categories (i.e. ones that cause a

user notification ([0110, 0113], audio/visual cue) including urgent and approvals are

displayed alongside common mail including memos and newsletters are interleaved into

a single main mail inbox).

It is therefore submitted that Moody 727 and Moody 310 teach within the scope

of the argued claim element.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

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

5.   Claims 1, 2, 4-6, 8-12, 14-16, and 18-26 rejected under pre-AIA 35 U.S.C. 103(a)

as being unpatentable over Moody '727 (US 2008/0294727) in view of Moody '310 (US

2003/0167310).

6.   Regarding claim 1, Moody teaches a communication system configured to silence notifications for incoming electronic messages, the system comprising a data processor, media readable by the data processor and a communications subsystem:

the communication subsystem adapted for receiving the incoming electronic messages (Fig. 3, B1; p. 2, para. 0025, a new email message is received at the email message system); and

the non-transitory media readable by the data processor comprising coded program instructions adapted to cause the processor to:

determine that a new incoming electronic message is associated with a message thread (Fig. 3, B2; p. 2, para. 0026, determine that an incoming message belongs to an existing message thread);

determine that the message thread has been flagged as silenced (Fig. 3, B4, Never Notify; p. 2, para. 0031);

override a currently-enabled notification setting to prevent a receipt notification pertaining to new incoming electronic messages associated with the message thread from being activated (Fig. 3, Never Notify or conditional notification; p. 2, para. 0028, notification is overridden if a certain condition does not exist; p. 2, para. 0031, if value = "never notify," then user is not notified).

Moody '727 does not teach display the new incoming electronic message in an inbox together with any message thread not flagged as silenced.

Moody '310 teaches the step to display the new incoming electronic message in an inbox together with any message thread not flagged as silenced ([0109] incoming

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