

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 16cv1003	DATE FILED 7/11/2016	U.S. DISTRICT COURT Eastern District of Texas
PLAINTIFF Iridescent Networks		DEFENDANT AT&T
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,184,538		
2 8,036,119		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/632,786	12/07/2009	KATHY MCEWEN	IRID-29,789

25883
HOWISON & ARNOTT, L.L.P.
P.O. BOX 741715
DALLAS, TX 75374-1715

CONFIRMATION NO. 4465
POWER OF ATTORNEY NOTICE



Date Mailed: 09/09/2013

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/16/2013.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/mbeyene/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/632,786	12/07/2009	KATHY MCEWEN	IRID-29,789

Kathy McEwen
7809 La Guardia Drive
Plano, TX 75025

CONFIRMATION NO. 4465
POA ACCEPTANCE LETTER



0000000063560713

Date Mailed: 09/09/2013

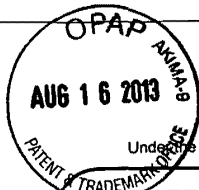
NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/16/2013.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/mbeyene/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



12/632786

IFW

PTO/SB/81A (12-08)

Approved for use through 11/30/2011. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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.

**PATENT - POWER OF ATTORNEY
OR
REVOCATION OF POWER OF ATTORNEY
WITH A NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Patent Number	8,036,119
Issue Date	Oct 11, 2011
First Named Inventor	Kathy McEwen
Title	System and Method of Providing Bandwidth on Demand
Attorney Docket Number	

I hereby revoke all previous powers of attorney given in the above-identified patent.

☐ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number
Kathy McEwen	

Please recognize or change the correspondence address for the above-identified patent to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Kathy McEwen				
Address	7809 La Guardia Drive, Plano, Texas, USA 75025				
City	Plano	State	TX	Zip	75025
Country	USA				
Telephone	1-469-231-6778	Email	kathy@iridescentnetworks.com		

I am the:

☒ Inventor, having ownership of the patent.

OR

☐ Patent owner.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on _____

SIGNATURE of Inventor or Patent Owner

Signature		Date	July 2, 2013
Name	Kathy McEwen	Telephone	1-469-231-6778
Title and Company	CEO, Iridescent Networks Inc		

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

☒ *Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Privacy Act Statement

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

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/632,786	10/11/2011	8036119	IRID-29,789	4465
25883	7590	09/21/2011		
HOWISON & ARNOTT, L.L.P. P.O. BOX 741715 DALLAS, TX 75374-1715				

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

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

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

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

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

KATHY MCEWEN, PLANO, TX;

Change(s) applied
to document,

/M.C.R./

7/14/2011

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12632786 - GAU: 2465	
	Filing Date			
	First Named Inventor	Kathy McEwen		
	Art Unit			
	Examiner Name			
	Attorney Docket Number		IRID-29,789	

	3	20050276218	A1	2005-12-01	Ooghe et al.	
	4	20030133552	A1	2003-07-01	Pillai et al.	
	5	20020191539	A1	2002-12-01	Rawlins et al.	
	6	20020150094	A1	2002-10-01	Cheng et al.	
	7	20040151153	A1	2004-08-01	Henry et al.	
	8	20060187831	A1	2006-08-01	Justen	

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

Add

FOREIGN PATENT DOCUMENTS

Remove

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

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

Add

NON-PATENT LITERATURE DOCUMENTS

Remove

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵

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)

25883 7590 06/14/2011
HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS, TX 75374-1715

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

Certificate of Mailing or Transmission

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/632,786	12/07/2009	KATHY MCEWEN	IRID-29,789	4465

TITLE OF INVENTION: SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	09/14/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
HOUSHMAND, HOOMAN	2465	370-389000

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 HOWISON & ARNOTT, L.L.P.

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 credit any overpayment, to Deposit Account Number 200780 (enclose an extra copy of this form).

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

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature /Timothy F. Bliss Reg. #50925/

Date 2011-09-07

Typed or printed name TIMOTHY F. BLISS

Registration No. 50,925

This collection of information 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.

SUPPLEMENTAL DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled

SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND

the specification of which was filed on December 7, 2009, as Application Serial No. 12/632,786;

I have reviewed and understand the contents of the above-identified specification, including the claims as originally filed and as amended in the amendment(s) filed on March 17, 2011; and

I acknowledge my duty to disclose information of which I am aware which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issue thereon.

Full name of the Sole Inventor: Kathy McEWEN

Inventor's Signature: Kathy McEWEN

Date: Sept. 1, 2011

Residence (City, State): PLANO, TEXAS

Citizenship: US

Post Office Address: 7809 LaGuardia Drive, Plano, Texas 75025

Electronic Patent Application Fee Transmittal				
Application Number:		12632786		
Filing Date:		07-Dec-2009		
Title of Invention:		SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND		
First Named Inventor/Applicant Name:		KATHY MCEWEN		
Filer:		Timothy Frank Bliss/BETH PIEROTTI		
Attorney Docket Number:		IRID-29,789		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	2501	1	755	755
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1055

Electronic Acknowledgement Receipt	
EFS ID:	10896546
Application Number:	12632786
International Application Number:	
Confirmation Number:	4465
Title of Invention:	SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND
First Named Inventor/Applicant Name:	KATHY MCEWEN
Customer Number:	25883
Filer:	Timothy Frank Bliss
Filer Authorized By:	
Attorney Docket Number:	IRID-29,789
Receipt Date:	07-SEP-2011
Filing Date:	07-DEC-2009
Time Stamp:	17:08:45
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1055
RAM confirmation Number	4135
Deposit Account	200780
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
-----------------	----------------------	-----------	-------------------------------------	------------------	------------------

1	Issue Fee Payment (PTO-85B)	iri29789issfee.pdf	552357 e6d48f88519968703371dae0112ed01ccc3624e4	no	1
Warnings:					
Information:					
2	Oath or Declaration filed	IRI29789EXESUPPDEC.pdf	422335 e152fa921d81267661e4e160eaad77f67ccc9e6a	no	1
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32075 90c09c5b5941eb467ff7ad780678da04091094ef	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1006767		
<p>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.</p> <p><u>New Applications Under 35 U.S.C. 111</u> 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.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> 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.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> 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.</p>					



UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

25883 7590 06/14/2011
HOWISON & ARNOTT, L.L.P.
P.O. BOX 741715
DALLAS, TX 75374-1715

EXAMINER

HOUSHMAND, HOOMAN

ART UNIT

PAPER NUMBER

2465

DATE MAILED: 06/14/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/632,786	12/07/2009	KATHY MCEWEN	IRID-29,789	4465

TITLE OF INVENTION: SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	09/14/2011

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 SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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)

25883 7590 06/14/2011
HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS, TX 75374-1715

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

Certificate of Mailing or Transmission

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

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/632,786	12/07/2009	KATHY MCEWEN	IRID-29,789	4465

TITLE OF INVENTION: SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	09/14/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
HOUSHMAND, HOOMAN	2465	370-389000

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

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

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document 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 credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information 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.



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/632,786	12/07/2009	KATHY MCEWEN	IRID-29,789	4465
25883 7590 06/14/2011 HOWISON & ARNOTT, L.L.P. P.O. BOX 741715 DALLAS, TX 75374-1715			EXAMINER HOUSHMAND, HOOMAN	
			ART UNIT	PAPER NUMBER
			2465	

DATE MAILED: 06/14/2011

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

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

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

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

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

Privacy Act Statement

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

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

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

Notice of Allowability	Application No.	Applicant(s)	
	12/632,786	MCEWEN, KATHY	
	Examiner	Art Unit	
	Hooman Houshmand	2465	

-- 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 amendment and Terminal Disclaimer filed 03/17/2011.

2. ☒ The allowed claim(s) is/are 1, 4-14, 20-23.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some* c) ☐ None of 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.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 (b) ☐ 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. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____.
---	---


	/MARSHA D. BANKS HAROLD/ Supervisory Patent Examiner, Art Unit 2465
--	--

Issue Classification 	Application/Control No. 12632786	Applicant(s)/Patent Under Reexamination MCEWEN, KATHY
	Examiner Hooman Houshmand	Art Unit 2465

ORIGINAL						INTERNATIONAL CLASSIFICATION														
CLASS			SUBCLASS			CLAIMED					NON-CLAIMED									
370			231			G	0	1	R	31 / 08 (2006.0)										
CROSS REFERENCE(S)																				
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																			
370	395.21																			

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input checked="" type="checkbox"/> T.D. <input type="checkbox"/> R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	-	17												
-	2	-	18												
-	3	-	19												
2	4	13	20												
3	5	14	21												
4	6	15	22												
5	7	16	23												
6	8														
7	9														
8	10														
9	11														
10	12														
11	13														
12	14														
-	15														
-	16														

/Hooman Houshmand/ Examiner.Art Unit 2465 (Assistant Examiner)	03/28/2011 (Date)	Total Claims Allowed: 16	
/MARSHA D BANKS HAROLD/ Supervisory Patent Examiner.Art Unit 2465 (Primary Examiner)	06/06/2011 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 10

Search Notes 	Application/Control No. 12632786	Applicant(s)/Patent Under Reexamination MCEWEN, KATHY
	Examiner Hooman Houshmand	Art Unit 2465

SEARCHED			
Class	Subclass	Date	Examiner
370	468,231,395.21 (text search only)	3/25/2011	HH

SEARCH NOTES		
Search Notes	Date	Examiner
EAST, NPL	3/25/2011	HH
Inventorship search completed in EAST	3/25/2011	HH

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
370	231,395.21 (see attached search history printout)	3/25/2011	HH

--	--

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	62355	portal	US-PGPUB; USPAT	OR	ON	2011/03/28 09:30
L2	4703155	control\$3	US-PGPUB; USPAT	OR	ON	2011/03/28 09:30
L3	1185383	rout\$3	US-PGPUB; USPAT	OR	ON	2011/03/28 09:30
L4	291639	traffic	US-PGPUB; USPAT	OR	ON	2011/03/28 09:30
L5	8078	L1 L2 L3 L4	US-PGPUB; USPAT	AND	ON	2011/03/28 09:30
L6	5788	(370/468,231,395.21).OCLS.	US-PGPUB; USPAT	OR	OFF	2011/03/28 09:30
L7	46	L5 L6	US-PGPUB; USPAT	AND	ON	2011/03/28 09:30
S32	62355	portal	US-PGPUB; USPAT	OR	ON	2011/03/28 09:18
S33	4703155	control\$3	US-PGPUB; USPAT	OR	ON	2011/03/28 09:18
S34	1185383	rout\$3	US-PGPUB; USPAT	OR	ON	2011/03/28 09:18
S35	291639	traffic	US-PGPUB; USPAT	OR	ON	2011/03/28 09:18
S36	23	S32 S33 S34 S35	US-PGPUB; USPAT	WITH	ON	2011/03/28 09:18
S37	79	S32 S33 S34 S35	US-PGPUB; USPAT	SAME	ON	2011/03/28 09:20
S38	148188	("370").CLAS.	US-PGPUB; USPAT	OR	OFF	2011/03/28 09:25
S39	25	S37 S38	US-PGPUB; USPAT	AND	ON	2011/03/28 09:25
S40	6028	bandwidth demand	US-PGPUB; USPAT	NEAR	ON	2011/03/28 09:27
S41	3	S37 S40	US-PGPUB; USPAT	AND	ON	2011/03/28 09:27
S42	18540	bandwidth demand	US-PGPUB; USPAT	WITH	ON	2011/03/28 09:27
S43	10	S37 S42	US-PGPUB; USPAT	AND	ON	2011/03/28 09:27
S44	5788	(370/468,231,395.21).OCLS.	US-PGPUB; USPAT	OR	OFF	2011/03/28 09:28

S45	62355	portal	US-PGPUB; USPAT	OR	ON	2011/03/28 09:28
-----	-------	--------	--------------------	----	----	------------------

EAST Search History (I nterference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L8	0	((IRIDESCENT WITH NETWORKS) IRIDESCENT).as.	US-PGPUB; USPAT; UPAD	OR	ON	2011/03/28 09:42
L9	3	((KATHY) near2 (MCEWEN)).INV.	US-PGPUB; USPAT; UPAD	OR	ON	2011/03/28 09:42
L10	0	("IRIDESCENT NETWORKS, INC.").as.	US-PGPUB; USPAT; UPAD	OR	ON	2011/03/28 09:46
L11	0	("IRIDESCENT NETWORKS INC").as.	US-PGPUB; USPAT; UPAD	WITH	ON	2011/03/28 09:46
L12	0	("IRIDESCENT NETWORKS INC.").as.	US-PGPUB; USPAT; UPAD	WITH	ON	2011/03/28 09:46


3/ 28/ 2011 9:48:51 AM

**C:\ Documents and Settings\ hhoushmand\ My Documents\ EAST\ Workspaces\ 12632786
 \ 12632786.wsp**

EAST Search History**EAST Search History (Interference)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L13	2231	(370/231,395.21).CCLS.	US-PGPUB; USPAT; UPAD	OR	OFF	2011/03/28 09:52
L14	9777	portal.clm.	US-PGPUB; USPAT; UPAD	OR	ON	2011/03/28 09:52
L15	6	13 14	US-PGPUB; USPAT; UPAD	AND	ON	2011/03/28 09:52
L16	133828	rout\$3.clm.	US-PGPUB; USPAT; UPAD	OR	ON	2011/03/28 09:54
L17	759	14 16	US-PGPUB; USPAT; UPAD	AND	ON	2011/03/28 09:54
L18	313	14 16	US-PGPUB; USPAT; UPAD	SAME	ON	2011/03/28 09:54
L19	43489	traffic.clm.	US-PGPUB; USPAT; UPAD	OR	ON	2011/03/28 09:55
L20	13	14 16 19	US-PGPUB; USPAT; UPAD	SAME	ON	2011/03/28 09:55

3/ 28/ 2011 9:58:43 AM
**C:\ Documents and Settings\ hhoushmand\ My Documents\ EAST\ Workspaces\ 12632786
 \ 12632786.wsp**

Application Number 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	12/632,786	MCEWEN, KATHY	
Document Code - DISQ		Internal Document – DO NOT MAIL	

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : 03/17/11	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Angie Walker

U.S. Patent and Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: McEWEN, Kathy
Serial No.: 12/632,786
Confirmation No.: 4465
Filed: December 7, 2009
Group: 2465
Examiner: HOUSHMAND, Hooman
For: SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON
DEMAND

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

Dear Sir:

AMENDMENT AND RESPONSE TO OFFICE ACTION

This communication is responsive to the Office Action mailed February 2, 2011.

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

In the Claims

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

1. (Original) A method for providing bandwidth on demand comprising:
 - receiving, by a controller positioned in a network, a request for a high quality of service connection supporting any one of a plurality of one-way and two-way traffic types between an originating end-point and a terminating end-point, wherein the request comes from the
 - 5 originating end-point and includes at least one of a requested amount of bandwidth and a codec;
 - determining, by the controller, whether the originating end-point is authorized to use the requested amount of bandwidth or the codec and whether the terminating end-point can be reached by the controller;
 - directing, by the controller, a portal that is positioned in the network and physically
 - 10 separate from the controller to allocate local port resources of the portal for the connection;
 - negotiating, by the controller, to reserve far-end resources for the terminating end-point;
 - and
 - providing, by the controller to the portal, routing instructions for traffic corresponding to the connection so that the traffic is directed by the portal based only on the routing instructions
 - 15 provided by the controller, wherein the portal does not perform any independent routing on the traffic, and wherein the connection extending from the originating end-point to the terminating end-point is provided by a dedicated bearer path that includes a required route supported by the portal and dynamically provisioned by the controller, and wherein control paths for the connection are supported only between each of the originating and terminating end-points and
 - 20 the controller and between the portal and the controller.
- 2-3. (Canceled)
4. (Original) The method of claim 1 wherein the controller is associated with a single class of service and wherein a service type of the request identifies the request as being of the single class of service and the request is routed to the controller based on the service type.

AMENDMENT AND RESPONSE

SN: 12/632,786

Atty. Dkt. No. IRID-29,789

Page 2 of 6

5. (Original) The method of claim 1 wherein the request is received by the controller based on signaling from a user to the controller.
6. (Original) The method of claim 5 wherein the request is received from the user via one of a directory request, an Internet Protocol address, and a web page.
7. (Original) The method of claim 1 further comprising:
identifying, by the controller, billing information of a user corresponding to the request for a high quality of service connection; and
charging the user for the connection.
8. (Original) The method of claim 7 wherein the charging may be based on at least one of a service type, an elapsed period of time, a codec type, and an amount of bandwidth used.
9. (Original) The method of claim 1 wherein determining whether the originating end-point is authorized is based on information in a subscriber database.
10. (Original) The method of claim 1 wherein the negotiating, by the controller, to reserve far-end resources on the terminating end-point includes negotiating with another controller associated with the terminating end-point.
11. (Original) The method of claim 1 wherein the negotiating, by the controller, to reserve far-end resources for the terminating end-point includes negotiating directly with the terminating end-point.
12. (Original) The method of claim 1 wherein the negotiating, by the controller, to reserve far-end resources for the terminating end-point includes negotiating a video codec for use with the connection to avoid video codec conversion between the originating and terminating end-points.
13. (Original) The method of claim 1 wherein the connection is a point-to-point connection

AMENDMENT AND RESPONSE

SN: 12/632,786

Atty. Dkt. No. IRID-29,789

Page 3 of 6

between only the originating and terminating end-points.

14. (Original) The method of claim 1 wherein the connection is a point-to-multipoint connection between one of the originating and terminating end-points and the other of the originating and terminating end-points and at least one other end-point.

15-19. (Canceled)

20. (Original) A method for providing bandwidth on demand comprising:

receiving, by a controller positioned in a network, a request for a high quality of service connection between an originating end-point and a terminating end-point, wherein the request includes at least one of a requested amount of bandwidth and a video codec;

5 determining, by the controller, whether the originating end-point is authorized to use the requested amount of bandwidth or the video codec;

communicating, by the controller, with the originating and terminating end-points to ensure that the connection is free from video codec conversion;

10 directing, by the controller, one of a plurality of portals that is positioned in the network nearest to the originating end-point and physically separate from the controller to allocate local port resources of the portal for the connection; and

15 sending, by the controller to the portal, routing instructions for the connection, wherein traffic for the connection is routed by the portal based only on the routing instructions, and wherein the connection extending from the originating end-point to the terminating end-point is provided by a dedicated bearer path that includes a required route supported by the portal and dynamically provisioned by the controller, and wherein control paths for the connection are supported between each of the originating and terminating end-points and the controller and between the portal and the controller.

21. (Original) The method of claim 20 further comprising negotiating, by the controller, to reserve far-end resources on the terminating end-point.

22. (Original) The method of claim 21 wherein the negotiating is performed with one of

AMENDMENT AND RESPONSE

SN: 12/632,786

Atty. Dkt. No. IRID-29,789

Page 4 of 6

another controller associated with the terminating end-point or directly with the terminating end-point.

23. (Original) The method of claim 20 further comprising:

receiving, by the controller, a notification from the portal that traffic on the connection has exceeded an authorized limit; and

instructing the portal, by the controller, whether to terminate or allow the connection to
5 continue.

AMENDMENT AND RESPONSE

SN: 12/632,786

Atty. Dkt. No. IRID-29,789

Page 5 of 6

REMARKS

Applicant has carefully reviewed the Office Action dated February 2, 2011. Applicant has canceled claims 2, 3, and 15-19. A terminal disclaimer is attached to address the nonstatutory obviousness-type double patenting rejection. Claims 15-19, which stand rejected under 35 U.S.C. §103 in light of U.S. Patent No. 6,961,539 to Schweinhart, have been canceled. Accordingly, Applicant submits that pending claims 1, 4-14, and 20-23 are allowable.

For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/IRID-29,789 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON & ARNOTT, L.L.P.
Attorneys for Applicant

/Timothy F. Bliss Reg. #50925/
Timothy F. Bliss
Registration No. 50,925

TFB/mep

P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
March 17, 2011

AMENDMENT AND RESPONSE

SN: 12/632,786
Atty. Dkt. No. IRID-29,789

Page 6 of 6

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) IRID-29,789
<p>In re Application of: MCEWEN, Kathy</p> <p>Application No.: 12/632,786</p> <p>Filed: December 7, 2009</p> <p>For: SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND</p> <p>The owner*, IRIDESCENT NETWORKS, INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 7,639,612 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none">expires for failure to pay a maintenance fee;is held unenforceable;is found invalid by a court of competent jurisdiction;is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;has all claims canceled by a reexamination certificate;is reissued; oris in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made in information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. 50,925</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="text-align: center;"><p>_____ /Timothy F. Bliss Reg. #50925/ Signature</p><p>_____ TIMOTHY F. BLISS Typed or printed name</p></div><div style="text-align: center;"><p>_____ 2011-03-17 Date</p><p>_____ 972-479-0462 Telephone Number</p></div></div> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p style="text-align: center;">WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p><small>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</small></p>	

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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

Electronic Patent Application Fee Transmittal				
Application Number:		12632786		
Filing Date:		07-Dec-2009		
Title of Invention:		SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND		
First Named Inventor/Applicant Name:		KATHY MCEWEN		
Filer:		Timothy Frank Bliss/BETH PIEROTTI		
Attorney Docket Number:		IRID-29,789		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description		Fee Code	Quantity	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Statutory or terminal disclaimer	2814	1	70	70
Total in USD (\$)				70

Electronic Acknowledgement Receipt	
EFS ID:	9676961
Application Number:	12632786
International Application Number:	
Confirmation Number:	4465
Title of Invention:	SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND
First Named Inventor/Applicant Name:	KATHY MCEWEN
Customer Number:	25883
Filer:	Timothy Frank Bliss
Filer Authorized By:	
Attorney Docket Number:	IRID-29,789
Receipt Date:	17-MAR-2011
Filing Date:	07-DEC-2009
Time Stamp:	15:59:39
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$70
RAM confirmation Number	2059
Deposit Account	200780
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
-----------------	----------------------	-----------	-------------------------------------	------------------	------------------

1		IRI29789AMD.pdf	84690 58beb8c2a9100858a457381b59129d803cb11d4	yes	6
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	5	
	Applicant Arguments/Remarks Made in an Amendment		6	6	
Warnings:					
Information:					
2	Terminal Disclaimer Filed	IRI29789TerminalDisclaimer.pdf	211595 68e29a2280f0881601a3b348d049919ce56e914e	no	2
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	30157 bba983aa8f6690adc175f958cd4e61fb80ee910	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			326442		
<p>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.</p> <p><u>New Applications Under 35 U.S.C. 111</u> 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.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> 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.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> 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.</p>					

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/632,786		Filing Date 12/07/2009		<input type="checkbox"/> To be Mailed		
APPLICATION AS FILED – PART I											
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/>		OR		OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)	
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A		N/A		N/A		N/A		
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (j), or (m))	N/A	N/A	N/A		N/A		N/A		N/A		
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		N/A		N/A		N/A		
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=	OR	X \$	=	X \$	=	X \$	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=	OR	X \$	=	X \$	=	X \$	
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).										
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))											
* If the difference in column 1 is less than zero, enter "0" in column 2.											
TOTAL			TOTAL		TOTAL		TOTAL		TOTAL		
APPLICATION AS AMENDED – PART II											
(Column 1)			(Column 2)			SMALL ENTITY		OR		OTHER THAN SMALL ENTITY	
AMENDMENT	DATE	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	03/17/2011										
	Total (37 CFR 1.16(i))	* 16	Minus	** 23	= 0	X \$26 =	0	OR	X \$ =	X \$ =	X \$ =
	Independent (37 CFR 1.16(h))	* 2	Minus	***3	= 0	X \$110 =	0	OR	X \$ =	X \$ =	X \$ =
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))											
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
TOTAL ADD'L FEE						0	OR		TOTAL ADD'L FEE		
(Column 1)			(Column 2)			SMALL ENTITY		OR		OTHER THAN SMALL ENTITY	
AMENDMENT	DATE	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR	X \$ =	X \$ =	X \$ =
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR	X \$ =	X \$ =	X \$ =
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))											
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
TOTAL ADD'L FEE							OR		TOTAL ADD'L FEE		
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>											

Legal Instrument Examiner:
/CHERYL CLARK/

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/632,786	12/07/2009	KATHY MCEWEN	IRID-29,789	4465

25883	7590	02/02/2011
HOWISON & ARNOTT, L.L.P		
P.O. BOX 741715		
DALLAS, TX 75374-1715		

EXAMINER	
HOUSHMAND, HOOMAN	

ART UNIT	PAPER NUMBER
2465	

NOTIFICATION DATE	DELIVERY MODE
02/02/2011	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):

patents@dalpat.com

Office Action Summary	Application No.	Applicant(s)	
	12/632,786	MCEWEN, KATHY	
	Examiner	Art Unit	
	Hooman Houshmand	2465	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 12 July 2010.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ 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

4) ☒ Claim(s) 1-23 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) 20-23 is/are allowed.

6) ☒ Claim(s) 1-19 is/are rejected.

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

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

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 31 March 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) ☐ All b) ☐ Some * c) ☐ None of:

 1. ☐ Certified copies of the priority documents have been received.

 2. ☐ Certified copies of the priority documents have been received in Application No. _____.

 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

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

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following: page 2, paragraph 1: the US patent application has resulted in a patent; the patent number needs to be included, in this paragraph.

Double Patenting

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claims 2 and 3 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 2 of prior U.S. Patent No. 7639612. This is a double patenting rejection.

Claim 2 in the instant application is dependent on claim 1 - claims 2 and 1 in the instant application, claim the same limitations, as claim 1 of the prior U.S. Patent. Claim 3 in the instant application is the same as claim 2 of the prior U.S. Patent.

4. 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 obviousness-type double patenting rejection is appropriate where the conflicting claims 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 conflicting 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.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 4-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-13 of U.S. Patent No. 7639612. Although the conflicting claims are not identical, they are not patentably distinct from each other because: it would have been obvious to a person having ordinary skill in the art, to delete the last eight lines of claim 1 of the patent; thereby broadening the scope of the claim. The dependent claims are identical.

Claim Rejections - 35 USC § 103

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

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

7. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schweinhart (US 6961539 B2).

Claim 15. Schweinhart teaches *a method for providing bandwidth on demand comprising: receiving, by a portal in a network from a physically separate controller in the network via a control path, instructions to allocate local port resources for a high quality of service connection, wherein the instructions include real-time authorization of a user for the connection* (Fig. 1: system employs Network Operations Control Center NOCC to manage and control communication services and operations); *receiving, by the portal from the controller, routing information for traffic corresponding to the*

connection, wherein the routing information identifies a required route and wherein the portal does not perform additional routing (6:40-50 a connection that is established between a source ST and a destination ST is controlled by the NOCC, which provides management functions for the system, an ST needs to obtain authorization from the NOCC before making a request to the satellite. The NOCC keeps track of the total uplink and downlink bandwidth available for connections and will block a connection request if there is insufficient satellite capacity available to satisfy the request); *routing, by the portal, traffic corresponding to the connection based on the routing instructions* (Fig. 1 satellite 101); *identifying, by the portal, that the traffic corresponding to the connection has exceeded an allowed amount of traffic; notifying the controller, by the portal, of the exceeded allowed amount of traffic; and receiving, by the portal from the controller, an instruction on handling the allowed amount of traffic that has been exceeded* (7:66-8:15 If an ST receives a request denied response to a rate request, the ST notifies the NOCC 111, which then determines the course of action. NOCC can also de-allocate a rate request for an ST).

The reference teaches all of the elements of the claim; however, not necessarily in the same embodiment. It would have been obvious, to a person having ordinary skill in the art at the time that the invention was made, to combine the various embodiments of the reference - the motivation is to prevent data loss.

Claim 16. Schweinhart further teaches *the method of claim 15 further comprising terminating the connection, by the portal, based on the instruction received from the controller* (7:66-8:15 ST receives a request denied response to a rate request).

Claim 17. Schweinhart further teaches *the method of claim 15 further comprising allowing the connection to continue until a pre-set time limit is reached based on the instruction received from the controller* (10:40-52 NOCC provides information such as when the connection is to be established, the duration of the connection, the needed bandwidth, priority, The connection setup requires first the NOCC admission control and then the payload bandwidth allocation before packets can be sent).

Claim 18. Schweinhart further teaches *the method of claim 15 further comprising discarding, by the portal, any received packets corresponding to a user not authorized by the controller* (10:40-52 connection setup requires first the NOCC admission control).

Claim 19. Schweinhart further teaches *the method of claim 15 further comprising notifying the controller, by the portal, if traffic corresponding to the connection is no longer received* (25:31-26:14 end-host may mistakenly believe that the packet have been reliably transferred, when in fact the packet was never delivered; TCP to report a down link after a threshold number of time-outs is exceeded; rain fade or ST reset, data may be lost without the knowledge of the application. sender not to close the TCP

connection believing all data to have been delivered, when indeed this may not be true, waits for the far-end host to acknowledge the FIN).

Allowable Subject Matter

8. Claims 1, 4-14 would be allowable - if a terminal disclaimer, as stated above, is filed.
9. Claims 20-23 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hooman Houshmand whose telephone number is (571)270-1817. The examiner can normally be reached on Monday - Friday 8am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. 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.

/H. H./
Examiner, Art Unit 2465

/Jayanti K. Patel/

Supervisory Patent Examiner, Art Unit 2465

Notice of References Cited	Application/Control No. 12/632,786	Applicant(s)/Patent Under Reexamination MCEWEN, KATHY	
	Examiner Hooman Houshmand	Art Unit 2465	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2007/0214265 A1	09-2007	Zampielo et al.	709/226
*	B	US-2006/0179154 A1	08-2006	Sitaraman et al.	709/231
*	C	US-7,573,819 B2	08-2009	Krzanowski et al.	370/235
*	D	US-2001/0019559 A1	09-2001	Handler et al.	370/468
*	E	US-2002/0018477 A1	02-2002	Katz, Abraham Yehuda	370/401
*	F	US-2002/0172222 A1	11-2002	Ullmann et al.	370/468
	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	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.

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

12632786 - GAIL:2465

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12632786
	Filing Date	2009-12-07
	First Named Inventor	KATHY MCEWEN
	Art Unit	2472
	Examiner Name	TO BE ASSIGNED
	Attorney Docket Number	IRID-29,789

U.S. PATENTS							Remove	
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1	6961539	B2	2005-11-01	SCHWEINHART ET AL.			
If you wish to add additional U.S. Patent citation information please click the Add button.							Add	
U.S. PATENT APPLICATION PUBLICATIONS							Remove	
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.							Add	
FOREIGN PATENT DOCUMENTS							Remove	
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>
If you wish to add additional Foreign Patent Document citation information please click the Add button.								Add
NON-PATENT LITERATURE DOCUMENTS								Remove
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.						T ⁵

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12632786	12632786 - GAU: 2465
	Filing Date		2009-12-07	
	First Named Inventor	KATHY MCEWEN		
	Art Unit	2472		
	Examiner Name	TO BE ASSIGNED		
	Attorney Docket Number	IRID-29,789		

	1		<input type="checkbox"/>
If you wish to add additional non-patent literature document citation information please click the Add button Add			
EXAMINER SIGNATURE			
Examiner Signature	/Hooman Houshmand/		Date Considered 01/21/2011
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			
<small> ¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached. </small>			

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

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

12632786 - GAI: 2465

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Kathy McEwen	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	IRID-29,789	

U.S.PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	5953350	A1	1999-09-01	HIGGINS		
	2	5835497	B1	1998-11-01	LITZENBERGER ET AL.		
	3	5781623	B1	1998-07-01	KHAKZAR		
	4	5457681	B1	1998-10-01	GADDIS ET AL.		
If you wish to add additional U.S. Patent citation information please click the Add button.							Add
U.S.PATENT APPLICATION PUBLICATIONS							Remove
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	20010056578	A1	2001-12-01	HWANG ET AL.		
	2	20070002897	A1	2007-01-01	GOSHEN ET AL.		

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12632786 - GAU: 2465	
	Filing Date			
	First Named Inventor	Kathy McEwen		
	Art Unit			
	Examiner Name			
	Attorney Docket Number		IRID-29,789	

	3	20050276218	A1	2005-12-01		
	4	20030133552	A1	2003-07-01		
	5	20020191539	A1	2002-12-01		
	6	20020150094	A1	2002-10-01		
	7	20040151153	A1	2004-08-01		
	8	20060187831	A1	2006-08-01		

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

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

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

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12632786 - GAU: 2465
	Filing Date		
	First Named Inventor	Kathy McEwen	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	IRID-29,789	

1	Information Sciences Institute, "INTERNET PROTOCOL DARPA INTERNET PROGRAM PROTOCOL SPECIFICATION," prepared for Defense Advanced Research Projects Agency Information Processing Techniques Office, September 1981 pages 1-49.	<input type="checkbox"/>
2	D. Awduche, J. Malcolm, M. O'Dell, J. McManus, UUNET (MCI Worldcom), "NETWORK WORKING GROUP REQUEST FOR COMMENTS: 2702 Category: Information, "Requirements for Traffic Engineering Over MPLS", September 1999" pages 1-28.	<input type="checkbox"/>
3	S. Yasukawa, Ed., NTT, NETWORK WORKING GROUP REQUEST FOR COMMENTS: 4461 Category: Informational, "Signaling Requirements for Point-to-Multipoint Traffic-Engineered MPLS Label Switched Paths (LSPs)", April 2006 pages 1-29.	<input type="checkbox"/>
4	D. Awduche, Movaz Networks, Inc., L. Berger, D. Gan, Juniper Networks, Inc., T. Li Procket Networks, Inc., V. Srinivasan, Cosine Communications, Inc., G. Swallow, Cisco Systems, Inc., NETWORK WORKING GROUP REQUEST FOR COMMENTS: 3209 Category: Standards Track, "RSVP-TE: Extensions to RSVP for LSP Tunnels," December 2001 pages 1-57.	<input type="checkbox"/>


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

EXAMINER SIGNATURE

Examiner Signature	/Hooman Houshmand/	Date Considered	01/21/2011
--------------------	--------------------	-----------------	------------


*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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

<p align="center"><i>Index of Claims</i></p> 	Application/Control No. 12632786	Applicant(s)/Patent Under Reexamination MCEWEN, KATHY
	Examiner Hooman Houshmand	Art Unit 2465

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant			<input type="checkbox"/> CPA			<input type="checkbox"/> T.D.			<input type="checkbox"/> R.1.47		
CLAIM		DATE									
Final	Original	01/24/2011									
	1	✓									
	2	✓									
	3	✓									
	4	✓									
	5	✓									
	6	✓									
	7	✓									
	8	✓									
	9	✓									
	10	✓									
	11	✓									
	12	✓									
	13	✓									
	14	✓									
	15	✓									
	16	✓									
	17	✓									
	18	✓									
	19	✓									
	20	=									
	21	=									
	22	=									
	23	=									

Search Notes 	Application/Control No. 12632786	Applicant(s)/Patent Under Reexamination MCEWEN, KATHY
	Examiner Hooman Houshmand	Art Unit 2465

SEARCHED			
Class	Subclass	Date	Examiner
370	468,231,395.21 (text search only)	1/24/2011	HH

SEARCH NOTES		
Search Notes	Date	Examiner
EAST, NPL	1/24/2011	HH
Inventorship search completed in EAST	1/24/2011	HH

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

--	--



UNITED STATES PATENT AND TRADEMARK OFFICE

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

BIB DATA SHEET

CONFIRMATION NO. 4465

SERIAL NUMBER 12/632,786	FILING or 371(c) DATE 12/07/2009 RULE	CLASS 370	GROUP ART UNIT 2465	ATTORNEY DOCKET NO. IRID-29,789		
APPLICANTS KATHY MCEWEN, PLANO, TX; ** CONTINUING DATA ***** This application is a CON of 11/743,470 05/02/2007 PAT 7,639,612 which claims benefit of 60/796,660 05/02/2006 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 12/23/2009						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input type="checkbox"/> No Verified and /HOOMAN HOUSHMAND/ Acknowledged Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY TX	SHEETS DRAWINGS 11	TOTAL CLAIMS 23	INDEPENDENT CLAIMS 3
ADDRESS HOWISON & ARNOTT, L.L.P P.O. BOX 741715 DALLAS, TX 75374-1715 UNITED STATES						
TITLE SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND						
FILING FEE RECEIVED 540	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

EAST Search History**EAST Search History (Prior Art)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L2	5673	(370/468,231,395.21).CCLS.	US-PGPUB; USPAT	OR	OFF	2011/01/24 17:45
L3	60763	portal	US-PGPUB; USPAT	OR	ON	2011/01/24 17:46
L4	4633928	control\$3	US-PGPUB; USPAT	OR	ON	2011/01/24 17:46
L5	1164275	rout\$3	US-PGPUB; USPAT	OR	ON	2011/01/24 17:46
L6	285550	traffic	US-PGPUB; USPAT	OR	ON	2011/01/24 17:46
L7	7854	L3 L4 L5 L6	US-PGPUB; USPAT	AND	ON	2011/01/24 17:46
L8	45	7 2	US-PGPUB; USPAT	AND	ON	2011/01/24 17:47
S1	2	"US 20100183026"	US-PGPUB; USPAT; USOCR; DERWENT	OR	ON	2011/01/20 10:18
S2	0	((KATHY) near2 (MCEWEN)). INV.	EPO; JPO; DERWENT	OR	ON	2011/01/20 10:20
S7	5909	bandwidth demand	US-PGPUB; USPAT	NEAR	ON	2011/01/20 13:46
S12	60763	portal	US-PGPUB; USPAT	OR	ON	2011/01/20 13:47
S13	4633928	control\$3	US-PGPUB; USPAT	OR	ON	2011/01/20 13:48
S14	1164275	rout\$3	US-PGPUB; USPAT	OR	ON	2011/01/20 13:48
S15	285550	traffic	US-PGPUB; USPAT	OR	ON	2011/01/20 13:49
S16	21	S12 S13 S14 S15	US-PGPUB; USPAT	WITH	ON	2011/01/20 13:49
S17	77	S12 S13 S14 S15	US-PGPUB; USPAT	SAME	ON	2011/01/20 15:27
S18	144843	("370").CLAS.	US-PGPUB; USPAT	OR	OFF	2011/01/20 15:27
S19	25	S17 S18	US-PGPUB; USPAT	AND	ON	2011/01/20 15:28
S20	3	S17 S7	US-PGPUB; USPAT	AND	ON	2011/01/20 16:00
S21	18210	bandwidth demand	US-PGPUB; USPAT	WITH	ON	2011/01/20 16:01

S22	10	S17 S21	US-PGPUB; USPAT	AND	ON	2011/01/20 16:01
S23	1	("6961539").PN.	US-PGPUB; USPAT	OR	ON	2011/01/21 10:29
S24	12	("20010056578" "20020150094" "20020191539" "20030133552" "20040151153" "20050276218" "20060187831" "20070002897" "5457681" "5781623" "5835497" "5953350").PN.	US-PGPUB; USPAT	OR	ON	2011/01/21 11:31

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S3	0	((IRIDESCENT WITH NETWORKS) IRIDESCENT).as.	US-PGPUB; USPAT; UPAD	OR	ON	2011/01/20 10:19
S4	3	((KATHY) near2 (MCEWEN)). INV.	US-PGPUB; USPAT; UPAD	OR	ON	2011/01/20 10:20

1/ 24/ 2011 6:02:23 PM**C:\ Documents and Settings\ hhoushmand\ My Documents\ EAST\ Workspaces\ 12632786\ 12632786.
wsp**



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/632,786	12/07/2009	KATHY MCEWEN	IRID-29,789

CONFIRMATION NO. 4465

PUBLICATION NOTICE



0000000042690933

25883
HOWISON & ARNOTT, L.L.P.
P.O. BOX 741715
DALLAS, TX 75374-1715

Title:SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND

Publication No.US-2010-0183026-A1

Publication Date:07/22/2010

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publicly available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12632786
	Filing Date	2009-12-07
	First Named Inventor	KATHY MCEWEN
	Art Unit	2472
	Examiner Name	TO BE ASSIGNED
	Attorney Docket Number	IRID-29,789

U.S.PATENTS							Remove	
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1	6961539	B2	2005-11-01	SCHWEINHART ET AL.			
If you wish to add additional U.S. Patent citation information please click the Add button.							Add	
U.S.PATENT APPLICATION PUBLICATIONS							Remove	
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear		
	1							
If you wish to add additional U.S. Published Application citation information please click the Add button.							Add	
FOREIGN PATENT DOCUMENTS							Remove	
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>
If you wish to add additional Foreign Patent Document citation information please click the Add button								Add
NON-PATENT LITERATURE DOCUMENTS								Remove
Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.						T ⁵

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		12632786
	Filing Date		2009-12-07
	First Named Inventor	KATHY MCEWEN	
	Art Unit	2472	
	Examiner Name	TO BE ASSIGNED	
	Attorney Docket Number	IRID-29,789	

	1		<input type="checkbox"/>
--	---	--	--------------------------

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

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	12632786
	Filing Date	2009-12-07
	First Named Inventor	KATHY MCEWEN
	Art Unit	2472
	Examiner Name	TO BE ASSIGNED
	Attorney Docket Number	IRID-29,789

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Timothy F. Bliss Reg. #50925/	Date (YYYY-MM-DD)	2010-07-12
Name/Print	TIMOTHY F. BLISS	Registration Number	50925

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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 the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt	
EFS ID:	7995689
Application Number:	12632786
International Application Number:	
Confirmation Number:	4465
Title of Invention:	SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND
First Named Inventor/Applicant Name:	KATHY MCEWEN
Customer Number:	25883
Filer:	Timothy Frank Bliss
Filer Authorized By:	
Attorney Docket Number:	IRID-29,789
Receipt Date:	12-JUL-2010
Filing Date:	07-DEC-2009
Time Stamp:	16:42:22
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed (SB/08)	IRI29789IDS2.pdf	763374 <small>30632f4dcf05957e6ac41f5232db310a7773f054</small>	no	4

Warnings:

Information:

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

New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/632,786	12/07/2009	2465	540	IRID-29,789	23	3

CONFIRMATION NO. 4465

UPDATED FILING RECEIPT



OC000000041032012

25883
HOWISON & ARNOTT, L.L.P.
P.O. BOX 741715
DALLAS, TX 75374-1715

Date Mailed: 04/12/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

KATHY MCEWEN, PLANO, TX;

Power of Attorney: The patent practitioners associated with Customer Number 25883

Domestic Priority data as claimed by applicant

This application is a CON of 11/743,470 05/02/2007 PAT 7,639,612
which claims benefit of 60/796,660 05/02/2006

Foreign Applications

If Required, Foreign Filing License Granted: 12/23/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/632,786**

Projected Publication Date: 07/22/2010

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

page 2 of 3

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MCEWEN, Kathy
 Serial No.: 112/632,786
 Confirmation No.: 4465
 Filed: December 7, 2009
 Group: 2465
 Examiner: TO BE ASSIGNED
 For: SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON
 DEMAND

Mail Stop: Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Enclosed are the following items for filing in the above-referenced U.S. Patent Application:

1. Replacement drawings, 11 sheets, marked "REPLACEMENT SHEETS."

Respectfully submitted,
 HOWISON & ARNOTT, L.L.P.
 Attorneys for Applicant(s)

/Timothy F. Bliss Reg. #50925/

Registration No. 50,925

TFB/mep
 P.O. Box 741715
 Dallas, Texas 75374-1715
 Tel: 972-479-0462
 Fax: 972-479-0464
 March 31, 2010

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS
 SN: 12/632,786
 ATTY. DKT. NO. IRID-29,789

Page 1 of 1

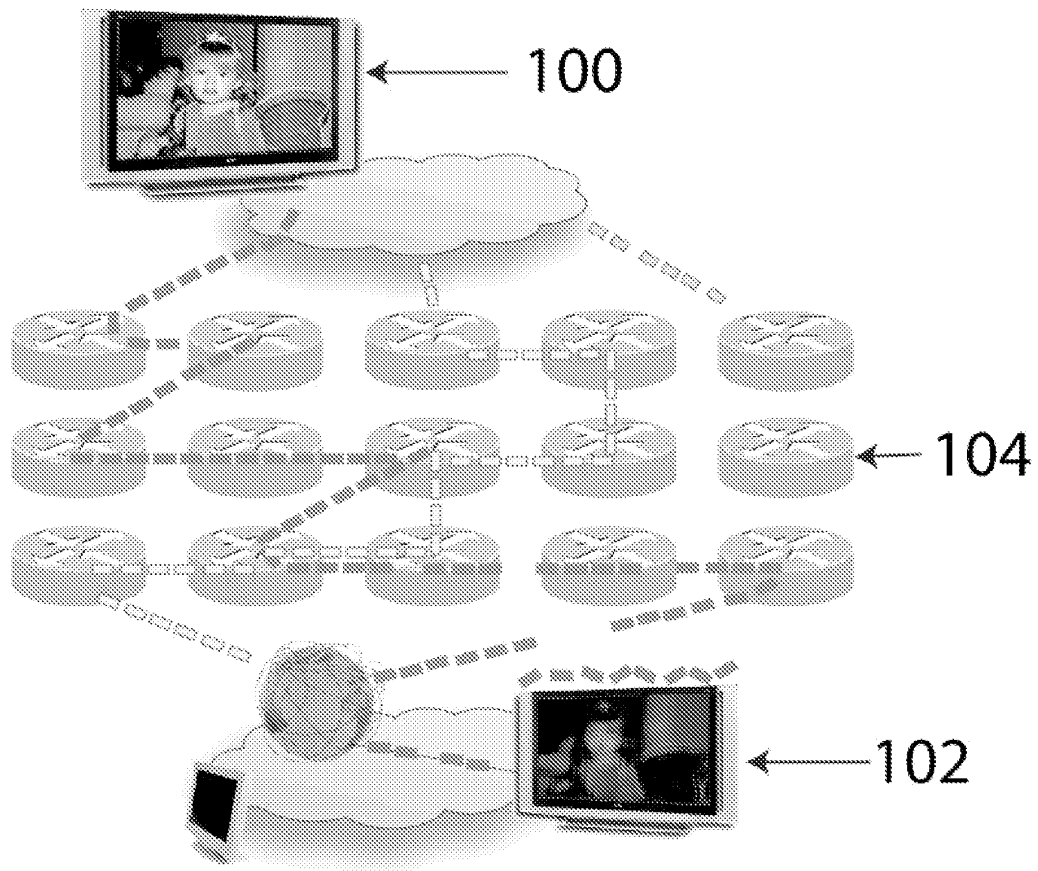


FIG. 1

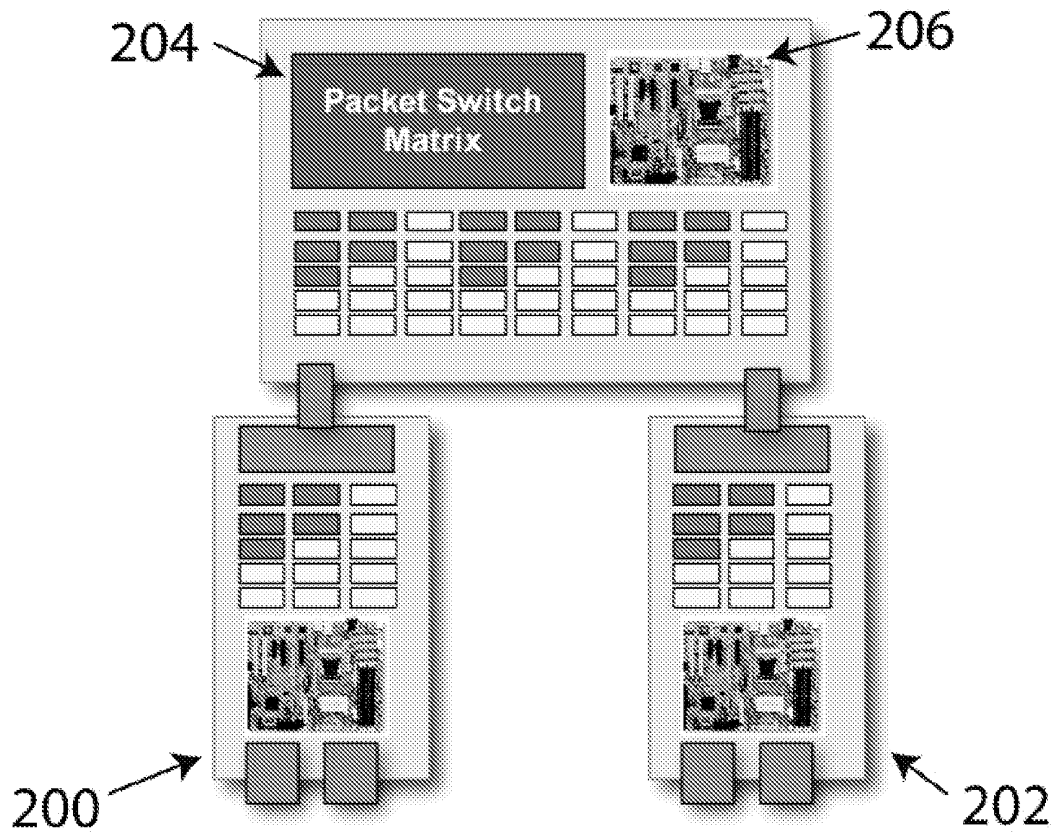


FIG. 2

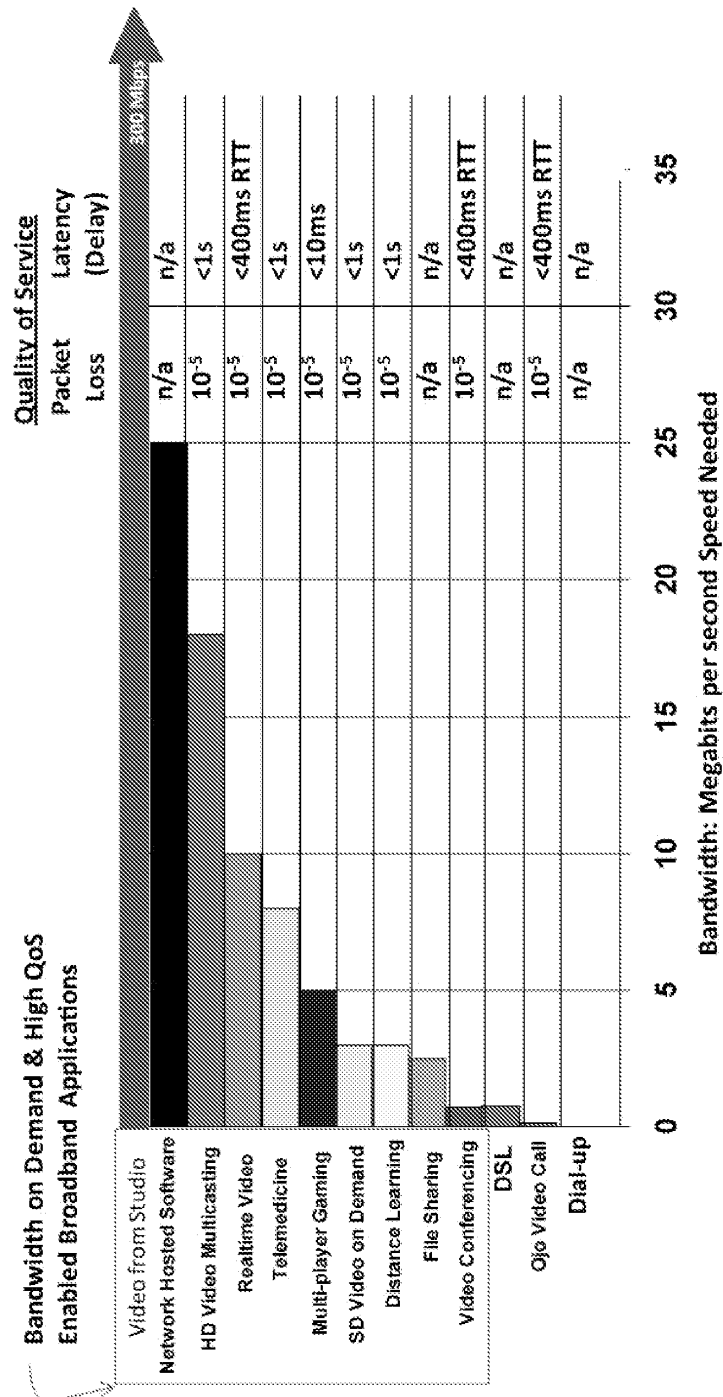


FIG. 3

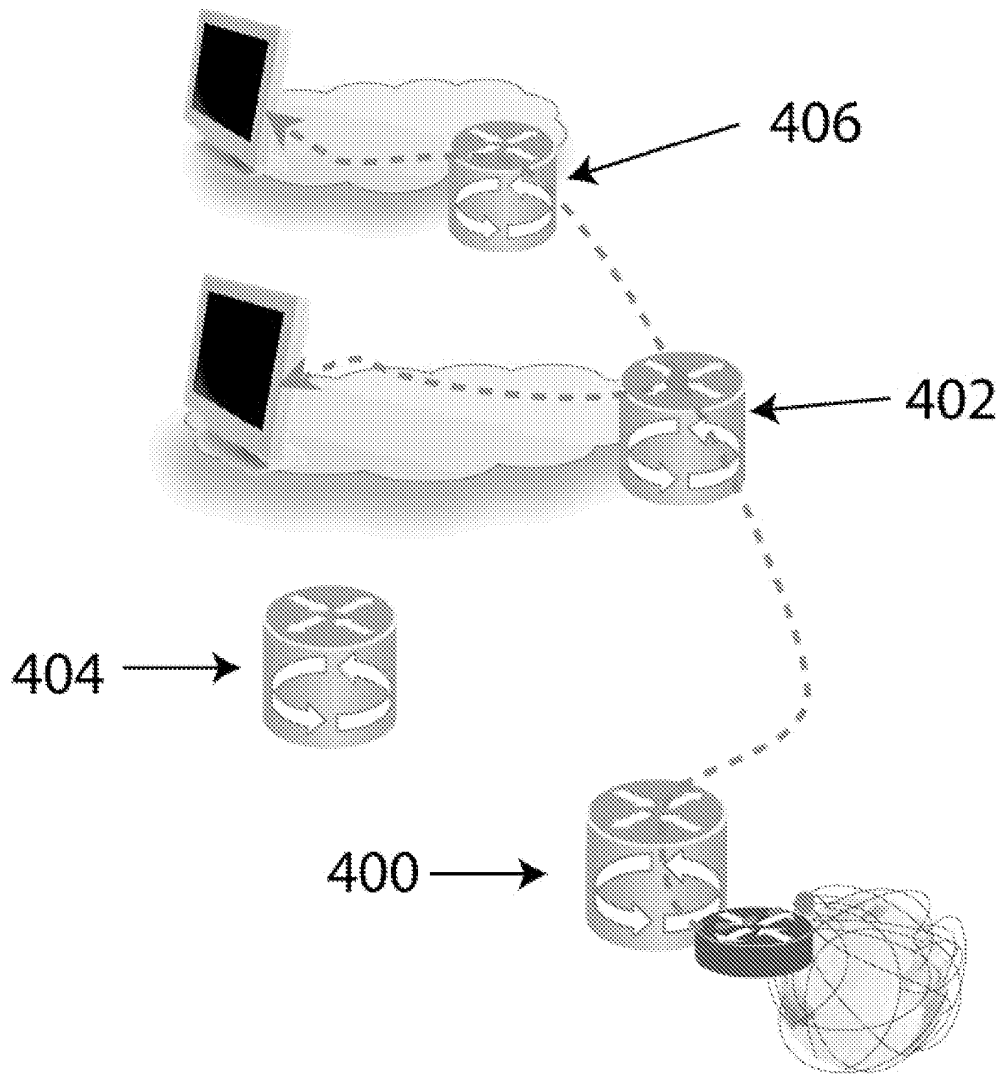


FIG. 4

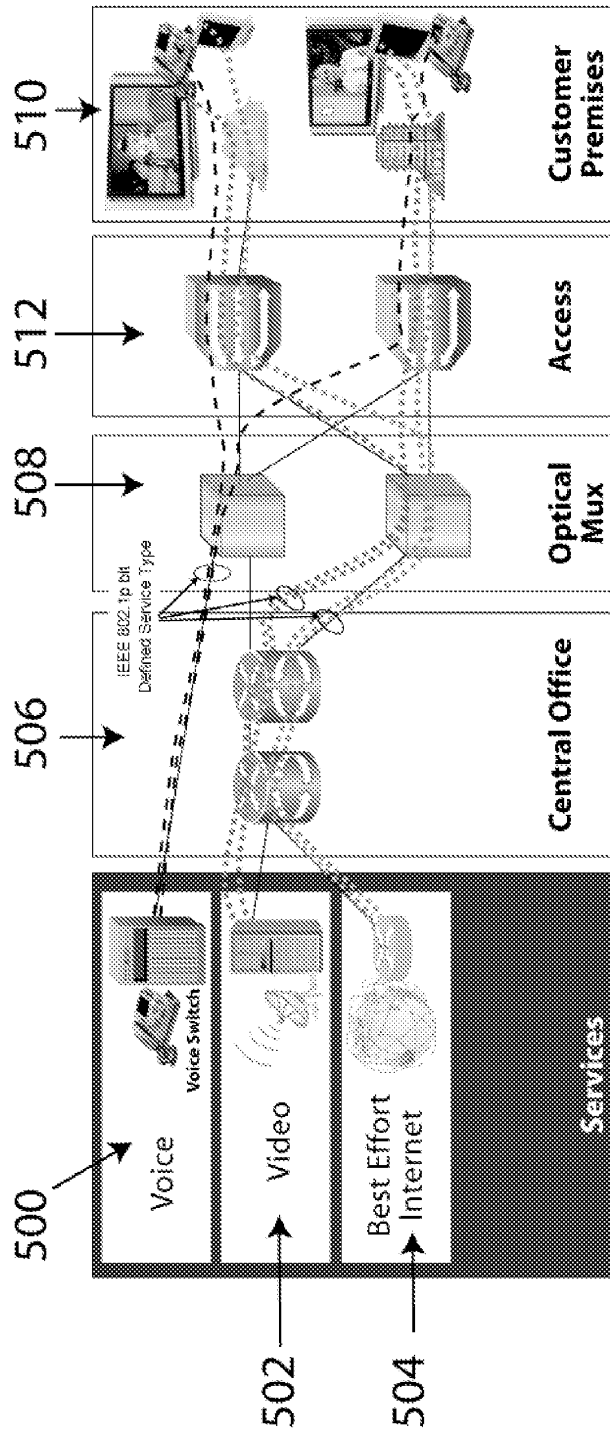


FIG. 5

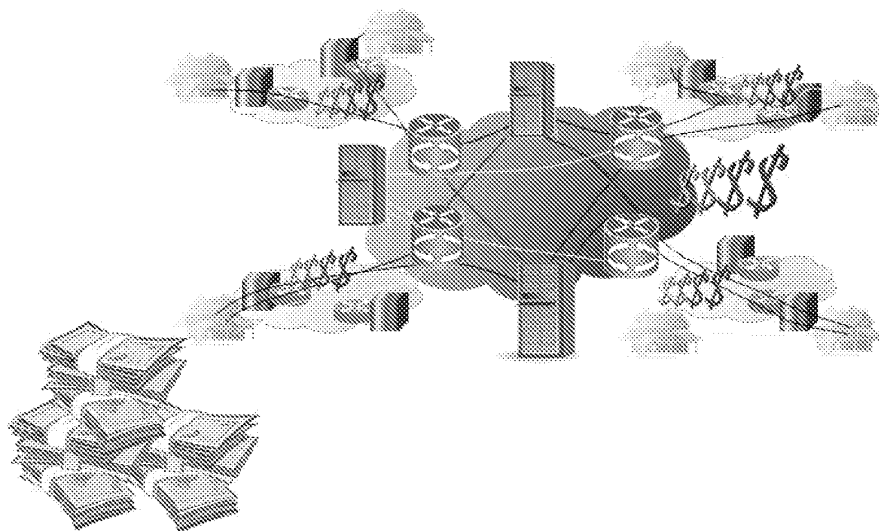


FIG. 6

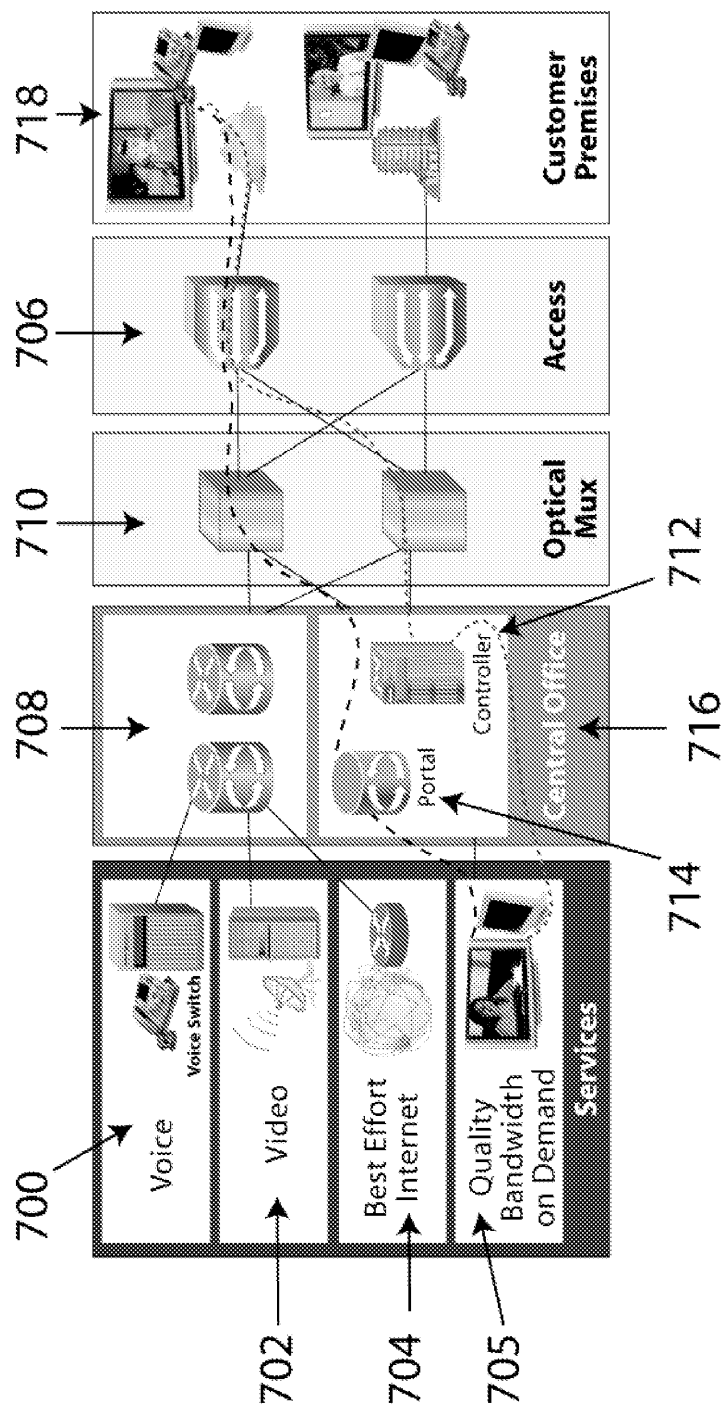


FIG. 7

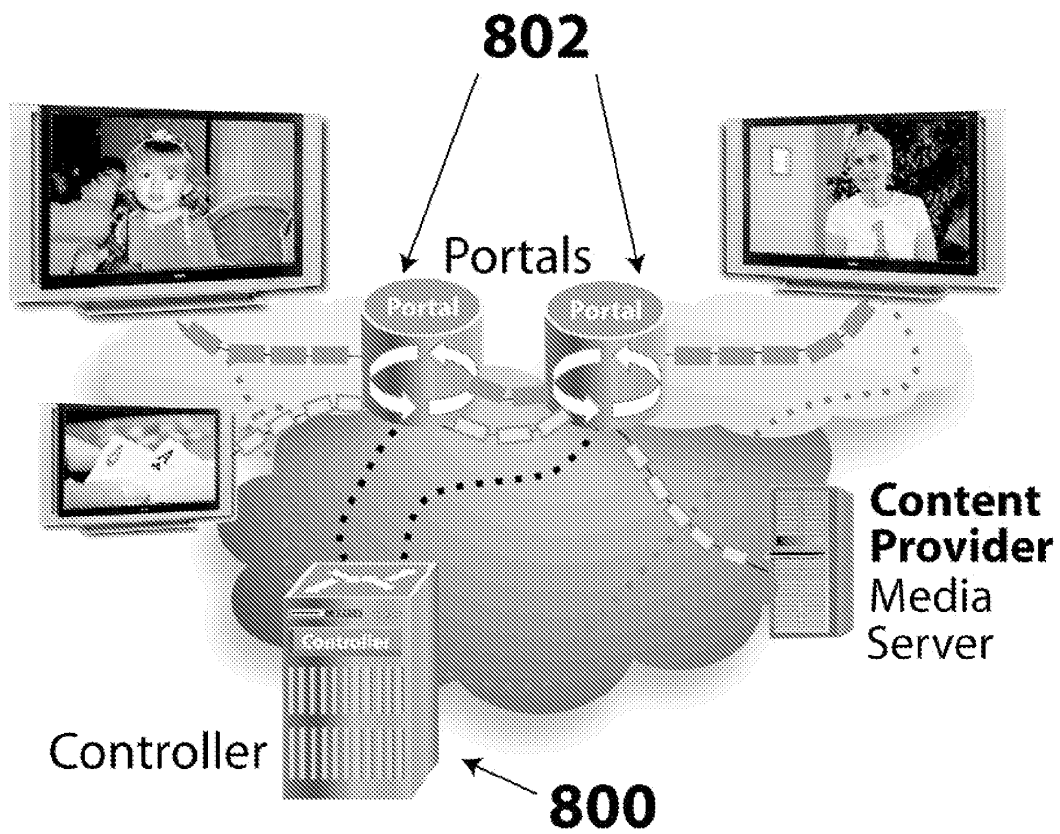


FIG. 8

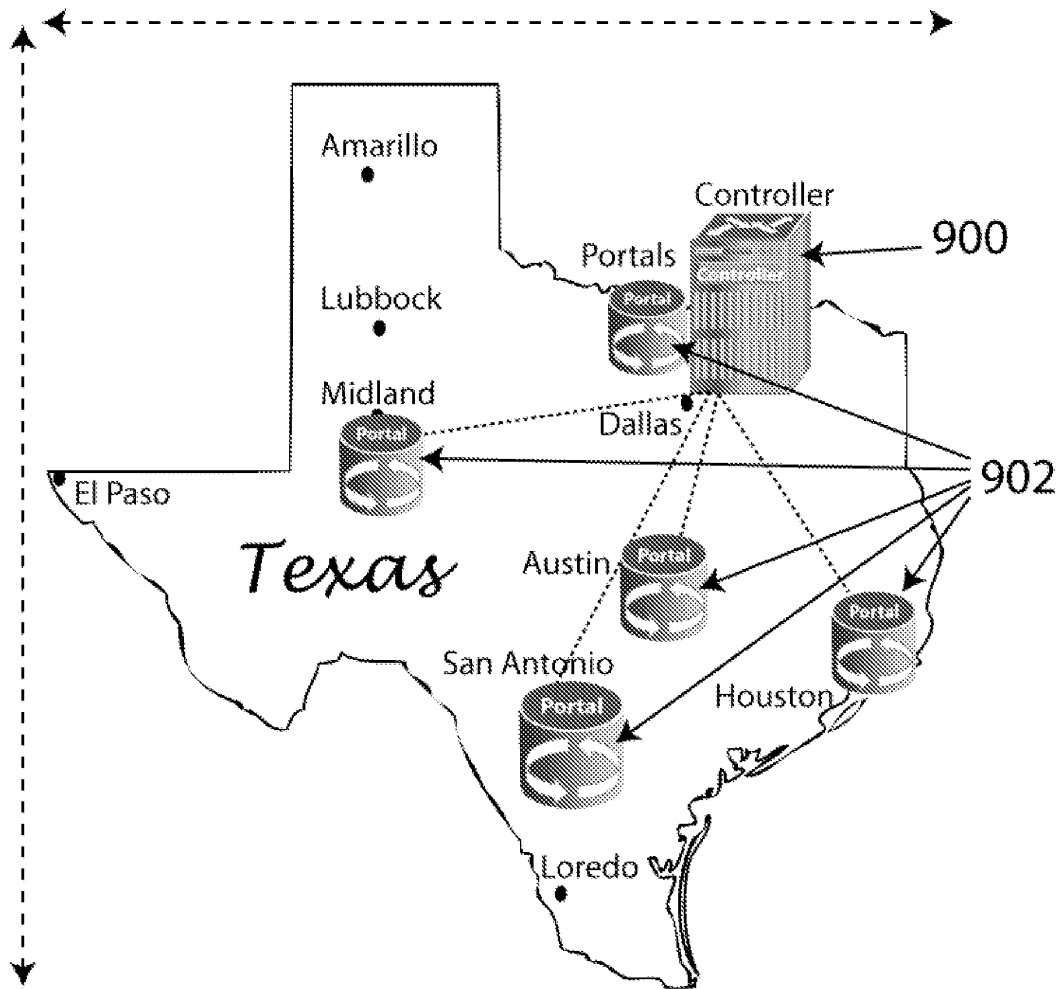


FIG. 9

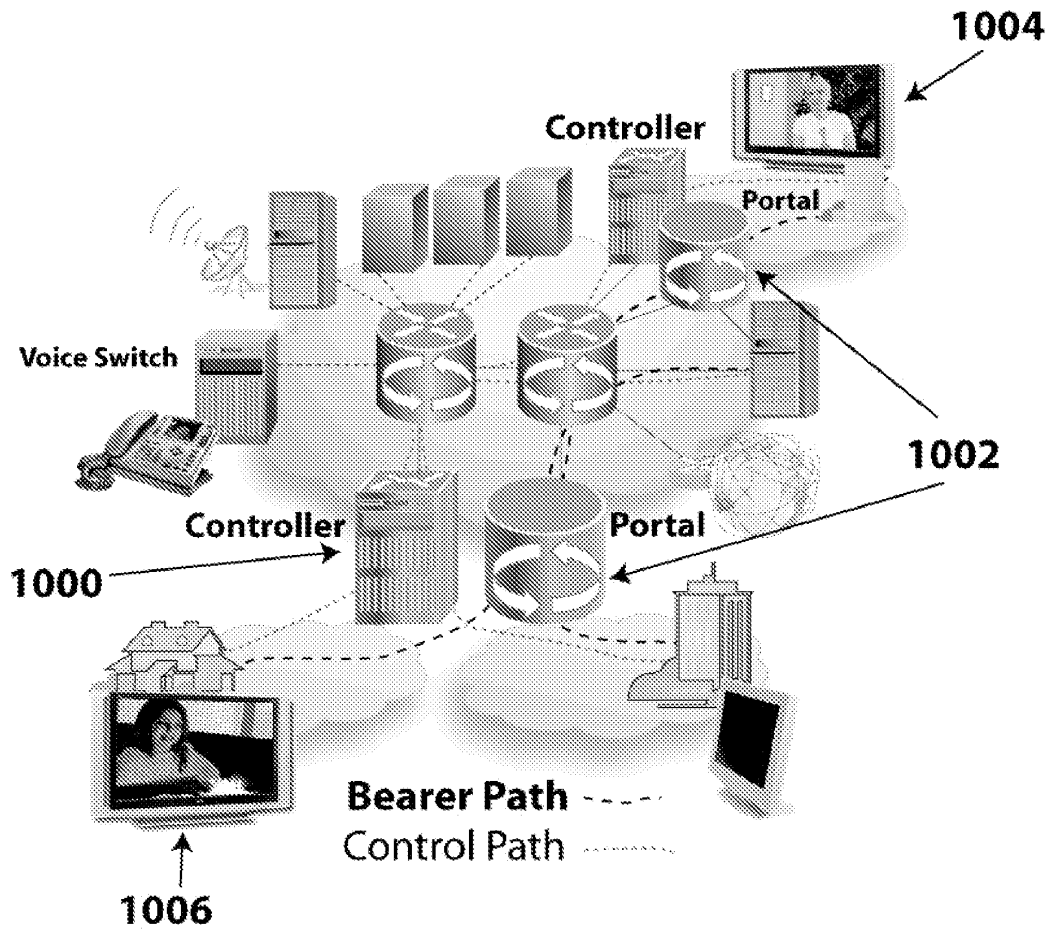


FIG. 10

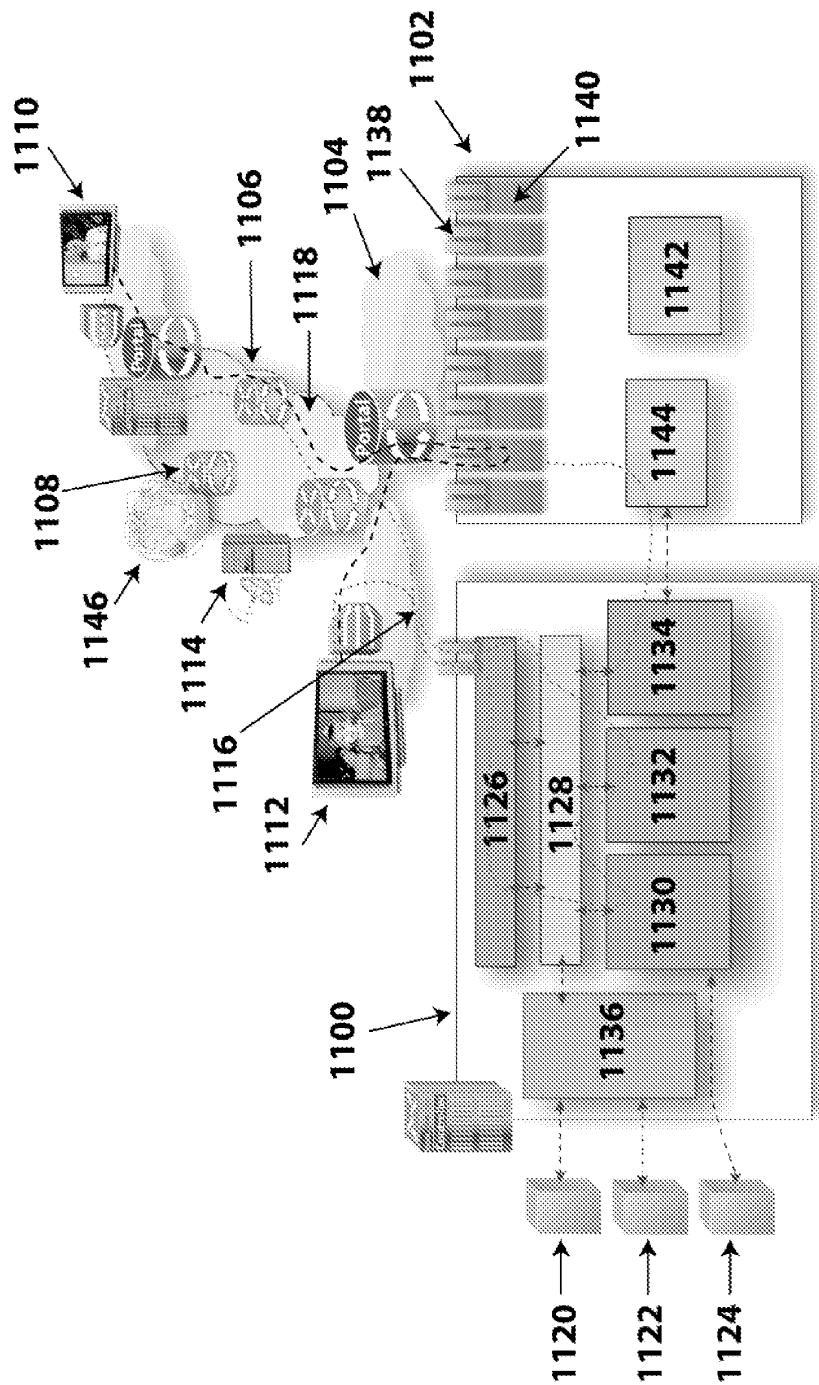


FIG. 11

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.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)																																	
FY 2009		IRID-29,789																																	
<i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>																																			
Application Number 12/632,786		Filed 2009-12-07																																	
For SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND																																			
Art Unit 2465		Examiner TO BE ASSIGNED																																	
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 15%; text-align: center;"><u>Fee</u></th> <th style="width: 15%; text-align: center;"><u>Small Entity Fee</u></th> <th style="width: 30%;"></th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))</td> <td style="text-align: center;">\$130</td> <td style="text-align: center;">\$65</td> <td>\$ <u>65</u></td> </tr> <tr> <td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td> <td style="text-align: center;">\$490</td> <td style="text-align: center;">\$245</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td> <td style="text-align: center;">\$1110</td> <td style="text-align: center;">\$555</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td> <td style="text-align: center;">\$1730</td> <td style="text-align: center;">\$865</td> <td>\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td> <td style="text-align: center;">\$2350</td> <td style="text-align: center;">\$1175</td> <td>\$ _____</td> </tr> </tbody> </table> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>20-0780</u>.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the <input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>50,925</u></p> <p><input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid black; text-align: center;">/Timothy F. Bliss Reg. #50925/</td> <td style="width: 50%; border-bottom: 1px solid black; text-align: center;">2010-03-31</td> </tr> <tr> <td style="text-align: center;">Signature</td> <td style="text-align: center;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black; text-align: center;">TIMOTHY F. BLISS</td> <td style="border-bottom: 1px solid black; text-align: center;">972-479-0462</td> </tr> <tr> <td style="text-align: center;">Typed or printed name</td> <td style="text-align: center;">Telephone Number</td> </tr> </table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.</p>					<u>Fee</u>	<u>Small Entity Fee</u>		<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$130	\$65	\$ <u>65</u>	<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$490	\$245	\$ _____	<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1110	\$555	\$ _____	<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1730	\$865	\$ _____	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2350	\$1175	\$ _____	/Timothy F. Bliss Reg. #50925/	2010-03-31	Signature	Date	TIMOTHY F. BLISS	972-479-0462	Typed or printed name	Telephone Number
	<u>Fee</u>	<u>Small Entity Fee</u>																																	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$130	\$65	\$ <u>65</u>																																
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$490	\$245	\$ _____																																
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1110	\$555	\$ _____																																
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1730	\$865	\$ _____																																
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2350	\$1175	\$ _____																																
/Timothy F. Bliss Reg. #50925/	2010-03-31																																		
Signature	Date																																		
TIMOTHY F. BLISS	972-479-0462																																		
Typed or printed name	Telephone Number																																		

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Privacy Act Statement

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

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

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

Electronic Patent Application Fee Transmittal				
Application Number:	12632786			
Filing Date:	07-Dec-2009			
Title of Invention:	SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND			
First Named Inventor/Applicant Name:	KATHY MCEWEN			
Filer:	Timothy Frank Bliss/BETH PIEROTTI			
Attorney Docket Number:	IRID-29,789			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with \$0 paid	2251	1	65	65

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				65

Electronic Acknowledgement Receipt	
EFS ID:	7329420
Application Number:	12632786
International Application Number:	
Confirmation Number:	4465
Title of Invention:	SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND
First Named Inventor/Applicant Name:	KATHY MCEWEN
Customer Number:	25883
Filer:	Timothy Frank Bliss
Filer Authorized By:	
Attorney Docket Number:	IRID-29,789
Receipt Date:	31-MAR-2010
Filing Date:	07-DEC-2009
Time Stamp:	18:37:05
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$65
RAM confirmation Number	6792
Deposit Account	200780
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
-----------------	----------------------	-----------	-------------------------------------	------------------	------------------

1	Applicant Response to Pre-Exam Formalities Notice	IRI29789MPARTSRESP.pdf	72263 f4dbc9e0846724a2974cd0b16a60a611d32534b5	no	1
Warnings:					
Information:					
2	Drawings-only black and white line drawings	IRI29789DWGS.pdf	1570443 c79059d9f171ecff6ca28527bff5f2331dd136cd	no	11
Warnings:					
Information:					
3	Extension of Time	IRI29789EXTN.pdf	322458 a2c403c6bd2f5d8591d61511818012b59d2755f7	no	2
Warnings:					
Information:					
4	Fee Worksheet (PTO-875)	fee-info.pdf	30510 5a858867a06e9d7392b4561533fb8827eddff852c	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1995674		
<p>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.</p> <p><u>New Applications Under 35 U.S.C. 111</u> 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.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> 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.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> 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.</p>					

SCORE Placeholder Sheet for IFW Content

Application Number: 12632786

Document Date: 3/31/2010

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

- Drawings – Other than Black and White Line Drawings

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

To access the documents in the SCORE database, refer to instructions developed by SIRA.

At the time of document entry (noted above):

- Examiners may access SCORE content via the eDAN interface.
- Other USPTO employees can bookmark the current SCORE URL (<http://es/ScoreAccessWeb/>).
- External customers may access SCORE content via the Public and Private PAIR interfaces.

Form Revision Date: February 8, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/632,786	12/07/2009	2465	540	IRID-29,789	23	3

CONFIRMATION NO. 4465

FILING RECEIPT



OC000000039340023

25883
HOWISON & ARNOTT, L.L.P.
P.O. BOX 741715
DALLAS, TX 75374-1715

Date Mailed: 12/31/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

KATHY MCEWEN, PLANO, TX;

Power of Attorney: The patent practitioners associated with Customer Number 25883

Domestic Priority data as claimed by applicant

This application is a CON of 11/743,470 05/02/2007 PAT 7,639,612
which claims benefit of 60/796,660 05/02/2006

Foreign Applications

If Required, Foreign Filing License Granted: 12/23/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/632,786**

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

page 2 of 3

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/632,786	12/07/2009	KATHY MCEWEN	IRID-29,789

CONFIRMATION NO. 4465

FORMALITIES LETTER



OC000000039340024

25883
HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS, TX 75374-1715

Date Mailed: 12/31/2009

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 11.
 - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 9,10.
 - The drawings submitted to the Office are not electronically reproducible because portions of figures All are missing and/or blurry.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/twyatt/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/632,786	12/07/2009	KATHY MCEWEN	IRID-29,789

CONFIRMATION NO. 4465

POA ACCEPTANCE LETTER



OC000000039340066

Date Mailed: 12/31/2009

25883
HOWISON & ARNOTT, L.L.P.
P.O. BOX 741715
DALLAS, TX 75374-1715

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/07/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/ebekele/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc code: IDS

PTO/SB/08a (07-09)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Kathy McEwen	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	IRID-29,789	

U.S.PATENTS							Remove
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	5953350	A1	1999-09-01	HIGGINS		
	2	5835497	B1	1998-11-01	LITZENBERGER ET AL.		
	3	5781623	B1	1998-07-01	KHAKZAR		
	4	5457681	B1	1998-10-01	GADDIS ET AL.		
If you wish to add additional U.S. Patent citation information please click the Add button.							Add
U.S.PATENT APPLICATION PUBLICATIONS							Remove
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	
	1	20010056578	A1	2001-12-01	HWANG ET AL.		
	2	20070002897	A1	2007-01-01	GOSHEN ET AL.		

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Kathy McEwen	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	IRID-29,789	

	3	20050276218	A1	2005-12-01		
	4	20030133552	A1	2003-07-01		
	5	20020191539	A1	2002-12-01		
	6	20020150094	A1	2002-10-01		
	7	20040151153	A1	2004-08-01		
	8	20060187831	A1	2006-08-01		

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

Add

FOREIGN PATENT DOCUMENTS

Remove

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1							<input type="checkbox"/>

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

Add

NON-PATENT LITERATURE DOCUMENTS

Remove

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Kathy McEwen	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	IRID-29,789	

1	Information Sciences Institute, "INTERNET PROTOCOL DARPA INTERNET PROGRAM PROTOCOL SPECIFICATION," prepared for Defense Advanced Research Projects Agency Information Processing Techniques Office, September 1981	<input type="checkbox"/>
2	D. Awduche, J. Malcolm, M. O'Dell, J. McManus, UUNET (MCI Worldcom), "NETWORK WORKING GROUP REQUEST FOR COMMENTS: 2702 Category: Information, "Requirements for Traffic Engineering Over MPLS", September 1999"	<input type="checkbox"/>
3	S. Yasukawa, Ed., NTT, NETWORK WORKING GROUP REQUEST FOR COMMENTS: 4461 Category: Informational, "Signaling Requirements for Point-to-Multipoint Traffic-Engineered MPLS Label Switched Paths (LSPs)", April 2006	<input type="checkbox"/>
4	D. Awduche, Movaz Networks, Inc., L. Berger, D. Gan, Juniper Networks, Inc., T. Li Procket Networks, Inc., V. Srinivasan, Cosine Communications, Inc., G. Swallow, Cisco Systems, Inc., NETWORK WORKING GROUP REQUEST FOR COMMENTS: 3209 Category: Standards Track, "RSVP-TE: Extensions to RSVP for LSP Tunnels," December 2001	<input type="checkbox"/>

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

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		
	Filing Date		
	First Named Inventor	Kathy McEwen	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	IRID-29,789	

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Timothy F. Bliss Reg. #50925/	Date (YYYY-MM-DD)	2009-12-02
Name/Print	TIMOTHY F. BLISS	Registration Number	50925

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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 the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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

SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND

Inventor(s):

Kathy McEwen

Attorneys:

Howison & Arnott, L.L.P.

P.O. Box 741715

Dallas, Texas 75374-1715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND****CROSS-REFERENCE TO RELATED APPLICATIONS**

[0001] This application is a continuation application of U.S. Patent Application Ser. No. 11/743,470, filed May 2, 2007, and entitled SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND, which application claims priority to and benefit of U.S. Provisional Application Ser. No. 60/796,660, filed May 2, 2006, and entitled IMPROVED SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND, both by inventor Kathy McEwen, the specifications of which are incorporated herein in their entireties.

BACKGROUND

[0002] The present invention generally relates to communications systems, and specifically to an improved system and method of providing guaranteed bandwidth on demand for an end user and/or enterprise.

[0003] Internet protocol (IP) networks were designed to handle any traffic, on any port, at any time. The goal was to utilize as many computing platforms as were available across a consortium of universities, governments and industries willing to share information (Reference IETF RFC 791 Internet Protocol Darpa Internet Program Protocol Specification, September 1981).

[0004] With these goals in mind, each of the computing platforms, or routers, were originally designed to be ad-hoc in nature. That is, they broadcast on each of their ports, the routing and cost to send a packet to itself. Each manufacturer of these routers defined their own concept of cost and its associated value. As a result of IP's original design goals, the path that a packet takes from origin to destination is completely unpredictable. In the example in FIG. 1, a user is attempting to send IP video packets streaming from a source 100 to a destination 102, but the originator can not predict nor control how those packets will be transported across an IP network 104, nor can the originator even assume that all the packets streamed through the network 104 will take the same path to reach the destination 102. An IP router can not plan how a packet (or stream of packets) will reach its destination, nor can routers plan how many other routers will transmit the packet. It takes, on average, anywhere from 10 to 20 or more routers to send a packet across the internet today.

[0005] Now referring to FIG. 2, every router stops each incoming packet to determine whether it is allowed, its class of service, how to route it, and then, because they are processing so many unpredictable packet sizes/rates, they must queue the packets at both the ingress 200 and egress 202 ports, and possibly even at the internal switching matrix 204. A typical IP router architecture includes packet switching matrices 204, intelligent routing processors 206, and large memory queues at the ingress 200 (incoming) and egress 202 (outgoing) ports, as well as at a centralized interconnect level to move packets from one ingress port card to a different egress

port card. With so much queuing and processing on each packet, packets may be lost or delayed beyond video services quality tolerance.

[0006] The services that may be delivered on broadband are many, ranging from real-time critical applications for communication purposes: video calling, multi-player gaming, telemedicine, television studio broadcast interviews, and high-definition news multicasting to name a few. These examples and a few others are listed in FIG. 3. These real time critical applications are very sensitive to any delay and for any that may include video or gaming frames, very sensitive to any variance in the delay. Applications which include video are also sensitive to any packets (or frames) which may be lost in the transmission (0.0001% packet loss is the preferred quality for video transmission).

[0007] Multi-Protocol Label Switching (MPLS) was developed to overcome some of the traffic engineering constraints of the IP protocols. MPLS allows operators to engineer a core network that aggregates traffic from IP, ATM, Frame Relay or even time-division voice domains, across a common packet core network. MPLS network operators can pre-define label switch paths, and ensure that virtual private network traffic is delivered on specific routes to achieve guaranteed quality of service levels (See IETF RFC 2702, Requirements for Traffic Engineering over MPLS).

[0008] MPLS standards have expanded to include point-to-multipoint multicasting (Reference IETF 4461: Signaling Requirements for Point-to-Multipoint Traffic-Engineered MPLS Label Switched Paths (LSPs)), and resource reservation protocols (Reference IETF RFC 3209, RSVP-TE: Extensions to RSVP for LSP Tunnels and RFC 4420) that dynamically utilize bandwidth across the core thus enabling less expensive transport for video broadcast traffic. The multicasting protocol enables construction of a distribution tree that replicates packets only at the branch points, rather than from the origination point. Now referring to FIG. 4, a stream of packets can begin at a single source point in the IP domain, and traverse across an MPLS packet network starting at a point 400, following a controlled path to a specific router at point 402, bypassing any un-necessary MPLS routers like point 404. The Originating MPLS Router can utilize the point-to-multipoint multicasting capabilities of MPLS, to instruct MPLS Router 402 to multicast the traffic to another user connected to MPLS Router 406. MPLS also expanded to

include a Fast-Reroute method, which allows for a 50 millisecond route recovery in the event of a link failure, comparable to that of optical SONET networks. These attributes make MPLS the technology of choice for core network video transport today.

[0009] However, MPLS does not readily extend to the customer premises locations, as its focus has been on core packet transport aggregation, enabling controlled routing and quality of assurance through the packet transport. Also, MPLS was developed around the concept of delivering enterprise virtual private networking; thus much of the protocols and methods of packet quality assurance in MPLS require the utilization of a virtual Local Area Network (LAN).

[0010] Although IP Multimedia Subsystem (IMS) standard protocols evolved to try to address handling real-time multimedia streams across the IP packet domain, these standards have largely focused on enabling the streaming services as an overlay solution across existing IP network domains, without addressing any changes to the IP or MPLS routing architectures. Quality assurance requires managing the services end to end, from customer access point to access point. In addition, IMS standards were intended to be access agnostic, so the customer premises access point standards have been separately handled by various wireless (CDMA, GSM, UMTS, WiFi, WiMax, etc.) and wireline (Cable, DSL and Fiber, etc.) access standards.

[0011] Recently, focus for broadband applications has moved away from IMS to an evolution of these protocols within the 3GPP organization called TISPAN (Telecommunications & Internet Converged Services and Protocols for Advanced Networking). TISPAN intends to include methods for handling resource allocation and quality assurance, but again does not address the elements that sit within the customer premises to network access domain, leaving those up to the other standards bodies governing the various access types.

[0012] For the current broadband services deployments taking place, broadband network operators are utilizing mechanisms like the IEEE 802.1p bit marking to differentiate the service classes, and route traffic accordingly. Now referring to FIG. 5, the current services, comprising legacy public switched voice 500, video 502 and best-effort internet 504 access are served by existing network components, interconnected to the access networks via ATM, IP or IP/MPLS routers 506 and/or optical multiplexing solutions 508. Consumers and/or enterprises 510 connect

via an access network 512, broadband or narrowband, to the services domain through access network equipment such as DSL Access Multiplexors (DSLAMs), Fiber Optic Access (such as Optical Line Terminals-OLTs) and various other access technologies. Services are delivered with assurance by interconnecting to the consumers via the broadband access network utilizing technologies such as IEEE 802.1 p bit defined service types. There are 8 p bits to differentiate service type--thus only 8 service classes. This is insufficient to cover a multitude of service offerings that may all require high quality broadband connections.

[0013] Today, the only quality video transport with assurance that operators can use are dedicated line, virtual private networking services. Each new service that requires a high quality packet transport requires a separate virtual private network. This does not allow for dynamic bandwidth allocation and utilization--thus it does not economically scale across multiple services or across multiple users. An example of is illustrated in FIG. 6.

[0014] Video transmission requires compression in order to effectively utilize the available broadband bandwidth across packet domains. Currently there are numerous different methods for encoding the video, some standardized and some are proprietary. Many existing video communication solutions today utilize proprietary mechanisms, which are incompatible across multi-vendor and access domains. Additionally, the video compression methods vary greatly in the bandwidth they require to transport the video in real-time--some solutions are as low as 64 kbps up to 300 Mbps. The bandwidth required can vary based on the codec type and the quality type compressed within the codec type. For example, MPEG-4 (Motion Picture Experts Group-4) defines methods to combine and encode video with sound and text, including the encoding of Standard Definition and High Definition.

[0015] Therefore, what is needed is an improved method and system of delivering guaranteed high bandwidth applications to an end user and/or enterprise end to end.

SUMMARY

[0016] In one embodiment, the present disclosure provides a method for providing bandwidth on demand. The method comprises receiving, by a controller positioned in a network, a request for a high quality of service connection supporting any one of a plurality of one-way and two-way traffic types between an originating end-point and a terminating end-point, wherein the request comes from the originating end-point and includes at least one of a requested amount of bandwidth and a codec; determining, by the controller, whether the originating end-point is authorized to use the requested amount of bandwidth or the codec and whether the terminating end-point can be reached by the controller; directing, by the controller, a portal that is positioned in the network and physically separate from the controller to allocate local port resources of the portal for the connection; negotiating, by the controller, to reserve far-end resources for the terminating end-point; and providing, by the controller to the portal, routing instructions for traffic corresponding to the connection so that the traffic is directed by the portal based only on the routing instructions provided by the controller, wherein the portal does not perform any independent routing on the traffic, and wherein the connection extending from the originating end-point to the terminating end-point is provided by a dedicated bearer path that includes a required route supported by the portal and dynamically provisioned by the controller, and wherein control paths for the connection are supported only between each of the originating and terminating end-points and the controller and between the portal and the controller.

BRIEF DESCRIPTION OF THE DRAWINGS

[0017] For a more complete understanding, reference is now made to the following description taken in conjunction with the accompanying Drawings in which:

[0018] FIG. 1 is a diagram representing IP Routing In-efficiencies;

[0019] FIG. 2 is a diagram of a typical IP Router Architecture;

[0020] FIG. 3 is a diagram of Sample Broadband Applications Quality Requirements;

[0021] FIG. 4 is a diagram of MPLS Traffic Engineering and Point to Multipoint Multicasting;

[0022] FIG. 5 is a diagram of a Broadband Access Network;

[0023] FIG. 6 is a diagram of Multiple Services Offered with Quality across Broadband Network Domains;

[0024] FIG. 7 is a diagram of a Controller and Portal Solution in the Access Network;

[0025] FIG. 8 is a diagram of a Controller and Portal Solution;

[0026] FIG. 9 is a diagram of a Controller and Portal Distributed Deployment;

[0027] FIG. 10 is a diagram of a Controller and Portal End-to-End Network Solution; and

[0028] FIG. 11 is a diagram of a Controller and Portal Architectural Solution.

DETAILED DESCRIPTION

[0029] The present disclosure can be described by the embodiments given below. It is understood, however, that the embodiments below are not necessarily limitations to the present disclosure, but are used to describe a typical implementation of the invention.

[0030] The present invention provides an improved unique system and method of providing bandwidth on demand for an end user and/or enterprise. It is understood, however, that the following disclosure provides many different embodiments, or examples, for implementing different features of the invention. Specific examples of components, signals, messages, protocols, and arrangements are described below to simplify the present disclosure. These are, of course, merely examples and are not intended to limit the invention from that described in the claims. Well known elements are presented without detailed description in order not to obscure the present invention in unnecessary detail. For the most part, details unnecessary to obtain a complete understanding of the present invention have been omitted inasmuch as such details are within the skills of persons of ordinary skill in the relevant art. Details regarding control circuitry described herein are omitted, as such control circuits are within the skills of persons of ordinary skill in the relevant art.

[0031] The invention involves taking a distributed approach to handling bearer packets, with a physically separated controller and managed portal platform. The Controller handles signaling, routing, dynamic bandwidth admission control, codec (video and/or voice) negotiation, end-to-end quality assurance, session management, subscriber data, billing, provisioning and associated operational functions. The Portal handles the packet bearer transport with the admission control and routing instructions given by the separate physical Controller. The invention fits at the access and/or in the core network. Connections can be made between consumers, enterprises and/or content providers. For example, consumer to business, business to consumer, consumer to consumer, business to business, consumer to content provider, business to content provider, content provider to consumer, content provider to business, and content provider to content provider.

[0032] Now referring to FIG. 7, the current services, comprising legacy public switched voice 700, video 702 and best-effort internet access 704 will continue to be served by the existing network components, interconnected to the access networks 706 as they are today via ATM, IP or IP/MPLS routers 708 and optical multiplexing solutions 710. The Controller 712 and Portal 714 are introduced at the central office 716, in similar locations as edge IP/MPLS aggregation routers 708. The Controller 712 and Portal 714 delivers high quality bandwidth on demand services 705. For example, video and gaming applications, can interconnect to the consumers 718 via the access network 706.

[0033] The Controller 712 accepts requests from an originating end-point to access the network with a high quality connection dynamically. The Controller 712 then negotiates across the network with the terminating end-point(s) to set up the connection, and ensures interoperability of service type (if used) and video codec type, and quality bandwidth reservation end-to-end.

[0034] Instead of trying to introduce a new class of service type for each additional high quality service and content provider at the access edge (See FIG. 6), one class of service type is introduced to cover all high quality services (See FIG. 7). Then all traffic requesting this service type is routed to an access Controller 712 and 714 Portal for handling. Alternatively, if the broadband access provider does not want to provision a specific class of service for the Controller and Portal for handling, a consumer may signal directly to the Controller and Portal.

[0035] Now referring to FIG. 8, when one dynamic video or bandwidth user wants to connect to another, they simply dial a directory number or IP address or web page to request a connection on demand. The Controller 800 will receive the request, including bandwidth required and if video, a video codec type and a service type tag (if applicable) for billing purposes, and determine from its embedded subscriber database whether the user is authorized to use the bandwidth, video type and service or not, how to bill them, and whether the destination party can be reached.

[0036] The Controller 800 and Portal 802 are interconnected to each other and to content providers. The Controller 800 and Portal 802 also interconnect consumers, businesses and/or

content providers. The control signaling connects using protocols directly to consumers, businesses, and/or content providers. The bearer between consumers, businesses, and/or content providers is connected through the Portal platforms 802.

[0037] In order to ensure quality, the Controller 800 inter-works with network protocols to dynamically provision a dedicated path, including required route and bandwidth, on demand through the network. The Controller 800 directs its associated Portal platform 802 to allocate local port resources, and then signals any destination party's Controller to reserve far-end resources.

[0038] The Controller 800 enables each bandwidth on demand user, originator and terminator, to negotiate with the network. The negotiation includes information elements necessary to ensure an end-to-end video connection free from video codec conversion in the core if possible. This avoids interoperability issues between user systems, and enables all application end-points to communicate freely.

[0039] Now referring to FIG. 9, the Controller 900 and Portals 1102 can be physically located in the same location or in separate locations. The Controller 900 communicates and controls the portals 1102 via a link--the distance from the Controller 900 to the Portals 1102 can be close or very far. This allows network owners to optimize transmission utilization to keep high bandwidth traffic closest to the user, while centralizing routing, maintenance, operations and control functions in a single regional location.

[0040] The invention takes distributed switching control concepts from the low-bandwidth voice domain, and extends them to the variable-bandwidth packet routing domain. Moreover, the Portal 902 is under the direct management of the Controller 900. It only accepts traffic on its ports when authorized by the Controller 900 in real-time, and notifies the Controller 900 if a user's traffic terminates or exceeds allowance. The Portal 902 does not perform new routing on any packet, and only acts on the information provided by the controller 900. If any packets are received on any port at the Portal 902, which are arriving from a user that has not been authorized to use it, then those packets are discarded without prejudice. If an authorized user should exceed the limit authorized, the Controller 900 is informed, and an alarm is raised. The

Controller 900 determines whether the user who is exceeding their limit should be disconnected, or allowed to continue, and instructs the Portal 902 according to a pre-set time limit. The Controller 900 contains a completely integrated bandwidth/portal admission control, routing and element management solution, which tracks, manages, and bills for all usage (Controller 900 plus its subordinate Portals 902). Furthermore, the maximum limit of Portals 902 to Controller 900 is determined based on the aggregate subscriber usage capacity across all Portals 900.

[0041] Now referring to FIG. 10, the Controller 1000 and Portals 1002 serve the access networks at the access locations, which are near consumers, businesses, and/or near to content providers. The Controller 1000 and Portal 1002 interconnect to each other and any other platforms, which could be via existing IP/MPLS routers or multiplexing equipment or other transport connection mechanisms. The consumers 1004, 1006 are connected directly to the Controller 1000 and Portal 1002 across the access. Content providers, back-office provisioning, billing and element management systems interconnect to the Controller 1000 and Portals 1002. The best-effort internet is bypassed completely for any high quality broadband connections. In addition, all provisioning, element management and routing is managed at the Controller 1000, and is visible via a remote connection. Furthermore, the Controller supports flexible charging arrangements that can be based on any combination of or single element of service type, time elapsed, codec type and bandwidth used on the network; and this can be billed for either after the session has terminated, or in real-time through a pre-paid billing mechanism which allows for termination of the session at any time based on available credit(s). Originating and terminating party records are issued, or both, including information about route used for transport charging purposes. If users are connecting across regions, states, nations or carriers, the information is recorded for billing purposes.

[0042] Now referring to FIG. 11, a Controller 1100 and Portal 1102 serve the access networks at the access locations 1104. The Controller 1100 and Portal 1102 interconnect to each other and any other platforms 1106, which could be via existing IP/MPLS routers 1108 and/or multiplexing equipment and/or any other transport mechanisms. In addition, the consumers 1110, businesses 1112 and or content providers 1114 are connected, for control signaling via path 1116 and via path 1118 for bearer path, directly to the Controller 1100 and Portal 1102 across the

access domain. The Controller 1100 includes I/O ports 1120, 1122, and 1124 connecting a signaling/security function 1126 to a message distribution function 1128 that handles distributing all control signaling to the subscriber data function 1130, session management function 1132, routing/bandwidth admission and quality assurance management function 1134, and handles all functions including billing/OA&M 1136, necessary for the broadband services to be dynamically connected and managed with quality. The Portal 1102 includes I/O ports 1138 on line cards 1140 for the bearer connections, a switching matrix 1142 and a portal connectivity processing element 1144. The content services 1114 interconnects to the Controller 1100 and Portal 1102. The back-office provisioning, billing and element management systems 1132 interconnect to the Controller 1100 and Portal 1102. The best-effort internet 1146 is bypassed completely for any high quality broadband connections.

[0043] The previous description of the disclosed embodiments is provided to enable those skilled in the art to make or use the present invention. Various modifications to these embodiments will be readily apparent to those skilled in the art and generic principles defined herein may be applied to other embodiments without departing from the spirit or scope of the invention. Thus, the present invention is not intended to be limited to the embodiments shown herein but is to be accorded the widest scope consistent with the principles and novel features disclosed herein.

WHAT IS CLAIMED IS:

1. A method for providing bandwidth on demand comprising:
 - receiving, by a controller positioned in a network, a request for a high quality of service connection supporting any one of a plurality of one-way and two-way traffic types between an originating end-point and a terminating end-point, wherein the request comes from the originating end-point and includes at least one of a requested amount of bandwidth and a codec;
 - 5 determining, by the controller, whether the originating end-point is authorized to use the requested amount of bandwidth or the codec and whether the terminating end-point can be reached by the controller;
 - directing, by the controller, a portal that is positioned in the network and physically
 - 10 separate from the controller to allocate local port resources of the portal for the connection;
 - negotiating, by the controller, to reserve far-end resources for the terminating end-point; and
 - providing, by the controller to the portal, routing instructions for traffic corresponding to the connection so that the traffic is directed by the portal based only on the routing instructions
 - 15 provided by the controller, wherein the portal does not perform any independent routing on the traffic, and wherein the connection extending from the originating end-point to the terminating end-point is provided by a dedicated bearer path that includes a required route supported by the portal and dynamically provisioned by the controller, and wherein control paths for the connection are supported only between each of the originating and terminating end-points and
 - 20 the controller and between the portal and the controller.
2. The method of claim 1 further comprising:
 - receiving, by the controller, a notification from the portal that traffic on the connection has exceeded an authorized limit;
 - determining, by the controller, whether the connection should be terminated or allowed to
 - 5 continue; and
 - instructing the portal, by the controller, whether to terminate or allow the connection to continue based on the step of determining.

3. The method of claim 2 wherein, if the connection is allowed to continue, the instructing includes a pre-set time limit.
4. The method of claim 1 wherein the controller is associated with a single class of service and wherein a service type of the request identifies the request as being of the single class of service and the request is routed to the controller based on the service type.
5. The method of claim 1 wherein the request is received by the controller based on signaling from a user to the controller.
6. The method of claim 5 wherein the request is received from the user via one of a directory request, an Internet Protocol address, and a web page.
7. The method of claim 1 further comprising:
 - identifying, by the controller, billing information of a user corresponding to the request for a high quality of service connection; and
 - charging the user for the connection.
8. The method of claim 7 wherein the charging may be based on at least one of a service type, an elapsed period of time, a codec type, and an amount of bandwidth used.
9. The method of claim 1 wherein determining whether the originating end-point is authorized is based on information in a subscriber database.
10. The method of claim 1 wherein the negotiating, by the controller, to reserve far-end resources on the terminating end-point includes negotiating with another controller associated with the terminating end-point.
11. The method of claim 1 wherein the negotiating, by the controller, to reserve far-end resources for the terminating end-point includes negotiating directly with the terminating end-point.

12. The method of claim 1 wherein the negotiating, by the controller, to reserve far-end resources for the terminating end-point includes negotiating a video codec for use with the connection to avoid video codec conversion between the originating and terminating end-points.

13. The method of claim 1 wherein the connection is a point-to-point connection between only the originating and terminating end-points.

14. The method of claim 1 wherein the connection is a point-to-multipoint connection between one of the originating and terminating end-points and the other of the originating and terminating end-points and at least one other end-point.

15. A method for providing bandwidth on demand comprising:
- receiving, by a portal in a network from a physically separate controller in the network via a control path, instructions to allocate local port resources for a high quality of service connection, wherein the instructions include real-time authorization of a user for the connection;
- 5 receiving, by the portal from the controller, routing information for traffic corresponding to the connection, wherein the routing information identifies a required route and wherein the portal does not perform additional routing;
- routing, by the portal, traffic corresponding to the connection based on the routing instructions;
- 10 identifying, by the portal, that the traffic corresponding to the connection has exceeded an allowed amount of traffic;
- notifying the controller, by the portal, of the exceeded allowed amount of traffic; and
- receiving, by the portal from the controller, an instruction on handling the allowed amount of traffic that has been exceeded.
16. The method of claim 15 further comprising terminating the connection, by the portal, based on the instruction received from the controller.
17. The method of claim 15 further comprising allowing the connection to continue until a pre-set time limit is reached based on the instruction received from the controller.
18. The method of claim 15 further comprising discarding, by the portal, any received packets corresponding to a user not authorized by the controller.
19. The method of claim 15 further comprising notifying the controller, by the portal, if traffic corresponding to the connection is no longer received.

20. A method for providing bandwidth on demand comprising:
- receiving, by a controller positioned in a network, a request for a high quality of service connection between an originating end-point and a terminating end-point, wherein the request includes at least one of a requested amount of bandwidth and a video codec;
- 5 determining, by the controller, whether the originating end-point is authorized to use the requested amount of bandwidth or the video codec;
- communicating, by the controller, with the originating and terminating end-points to ensure that the connection is free from video codec conversion;
- directing, by the controller, one of a plurality of portals that is positioned in the network
- 10 nearest to the originating end-point and physically separate from the controller to allocate local port resources of the portal for the connection; and
- sending, by the controller to the portal, routing instructions for the connection, wherein traffic for the connection is routed by the portal based only on the routing instructions, and wherein the connection extending from the originating end-point to the terminating end-point is
- 15 provided by a dedicated bearer path that includes a required route supported by the portal and dynamically provisioned by the controller, and wherein control paths for the connection are supported between each of the originating and terminating end-points and the controller and between the portal and the controller.
21. The method of claim 20 further comprising negotiating, by the controller, to reserve far-end resources on the terminating end-point.
22. The method of claim 21 wherein the negotiating is performed with one of another controller associated with the terminating end-point or directly with the terminating end-point.
23. The method of claim 20 further comprising:
- receiving, by the controller, a notification from the portal that traffic on the connection has exceeded an authorized limit; and
- instructing the portal, by the controller, whether to terminate or allow the connection to
- 5 continue.

ABSTRACT

An improved system and method of providing bandwidth on demand for an end user and/or enterprise is disclosed. In one example, the method includes receiving, by a controller positioned in a network, a request for a high quality of service connection supporting any one of a plurality of one-way and two-way traffic types between an originating end-point and a terminating end-point. The controller determines whether the originating end-point is authorized to use the requested amount of bandwidth or the codec and whether the terminating end-point can be reached by the controller. The controller directs a portal that is positioned in the network and physically separate from the controller to allocate local port resources and negotiates to reserve far-end resources for the terminating end-point. The controller also provides routing instructions to the portal.

Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND		
First Named Inventor/Applicant Name:		Kathy McEwen		
Filer:		Timothy Frank Bliss		
Attorney Docket Number:		IRID-29,789		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110
Pages:				
Claims:				
Claims in excess of 20	2202	3	26	78
Miscellaneous-Filing:				
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				540

Electronic Acknowledgement Receipt	
EFS ID:	6555302
Application Number:	12632786
International Application Number:	
Confirmation Number:	4465
Title of Invention:	SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND
First Named Inventor/Applicant Name:	Kathy McEwen
Customer Number:	25883
Filer:	Timothy Frank Bliss
Filer Authorized By:	
Attorney Docket Number:	IRID-29,789
Receipt Date:	07-DEC-2009
Filing Date:	
Time Stamp:	23:07:15
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 540
RAM confirmation Number	6672
Deposit Account	200780
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
-----------------	----------------------	-----------	-------------------------------------	------------------	------------------

1	Application Data Sheet	IRI29789ADS.pdf	965082 3afe824c7964779aca8735929f297cb6cf7e bc7	no	4
Warnings:					
Information:					
2	Drawings-only black and white line drawings	IRI29789Dwgs.pdf	1044185 fb667cf47deae143c7b869602f8027880cf4 2e3	no	11
Warnings:					
Information:					
3	Oath or Declaration filed	IRI29789DecPOA.pdf	131033 38e84da7121d48f3c73e882a644d5c5cf0 22cd	no	3
Warnings:					
Information:					
4	Power of Attorney	IRI29789RevPOA.pdf	69148 6034b5c4725fd3857d69ce0086464703459 6b80c	no	1
Warnings:					
Information:					
5	Information Disclosure Statement (IDS) Filed (SB/08)	IRI29789IDS.pdf	609610 0e465dc8d23a8333f5ee2f848ba014b01a5 d9490	no	5
Warnings:					
Information:					
6	NPL Documents	IRI29789NPLDocs.pdf	6023356 5294fb64823acbeff75c2bc1f2007f4fb3524 8cd	no	163
Warnings:					
Information:					
7		IRI29789App.pdf	109958 0eacd32f202ab30e90345822acadb92ac55a6 1144	yes	19
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	13	
	Claims		14	18	
	Abstract		19	19	
Warnings:					
Information:					

8	Fee Worksheet (PTO-875)	fee-info.pdf	36794 1f61cddd1fd1a58620a87490c1811e1fa209e752	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			8989166		
<p>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.</p> <p><u>New Applications Under 35 U.S.C. 111</u> 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.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> 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.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> 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.</p>					

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	IRID-29,789
		Application Number	
Title of Invention	SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1					Remove
Applicant Authority		<input checked="" type="radio"/> Inventor <input type="radio"/> Legal Representative under 35 U.S.C. 117 <input type="radio"/> Party of Interest under 35 U.S.C. 118			
Prefix	Given Name	Middle Name	Family Name	Suffix	
	KATHY		MCEWEN		
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
City	PLANO	State/Province	TX	Country of Residence ⁱ	US
Citizenship under 37 CFR 1.41(b) ⁱ		US			
Mailing Address of Applicant:					
Address 1	7809 LAGUARDIA DRIVE				
Address 2					
City	PLANO	State/Province	TX		
Postal Code	75025	Country ⁱ	US		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.					Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
<input type="checkbox"/> An Address is being provided for the correspondence Information of this application.	
Customer Number	25883
Email Address	PATENTS@DALPAT.COM
Add Email Remove Email	

Application Information:

Title of the Invention	SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND		
Attorney Docket Number	IRID-29,789	Small Entity Status Claimed	<input checked="" type="checkbox"/>
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)		Suggested Figure for Publication (if any)	

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	IRID-29,789
		Application Number	
Title of Invention	SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND		

Publication Information:

<input type="checkbox"/>	Request Early Publication (Fee required at time of Request 37 CFR 1.219)
<input type="checkbox"/>	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> Limited Recognition (37 CFR 11.9)
Customer Number	25883		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	11/743470	2007-05-02
Prior Application Status		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
11/743470	non provisional of	60/796660	2006-05-02
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			Add

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
Remove			
Application Number	Country ⁱ	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			<input checked="" type="radio"/> Yes <input type="radio"/> No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			Add

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	IRID-29,789
		Application Number	
Title of Invention	SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND		

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Assignee 1[Remove](#)If the Assignee is an Organization check here. ☐

Prefix	Given Name	Middle Name	Family Name	Suffix

Mailing Address Information:

Address 1				
Address 2				
City		State/Province		
Country ⁱ		Postal Code		
Phone Number		Fax Number		
Email Address				

Additional Assignee Data may be generated within this form by selecting the **Add** button.

[Add](#)**Signature:**

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature	/Timothy F. Bliss Reg. #50925/		Date (YYYY-MM-DD)	2009-12-02
First Name	TIMOTHY	Last Name	BLISS	Registration Number
				50925

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

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 the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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 inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

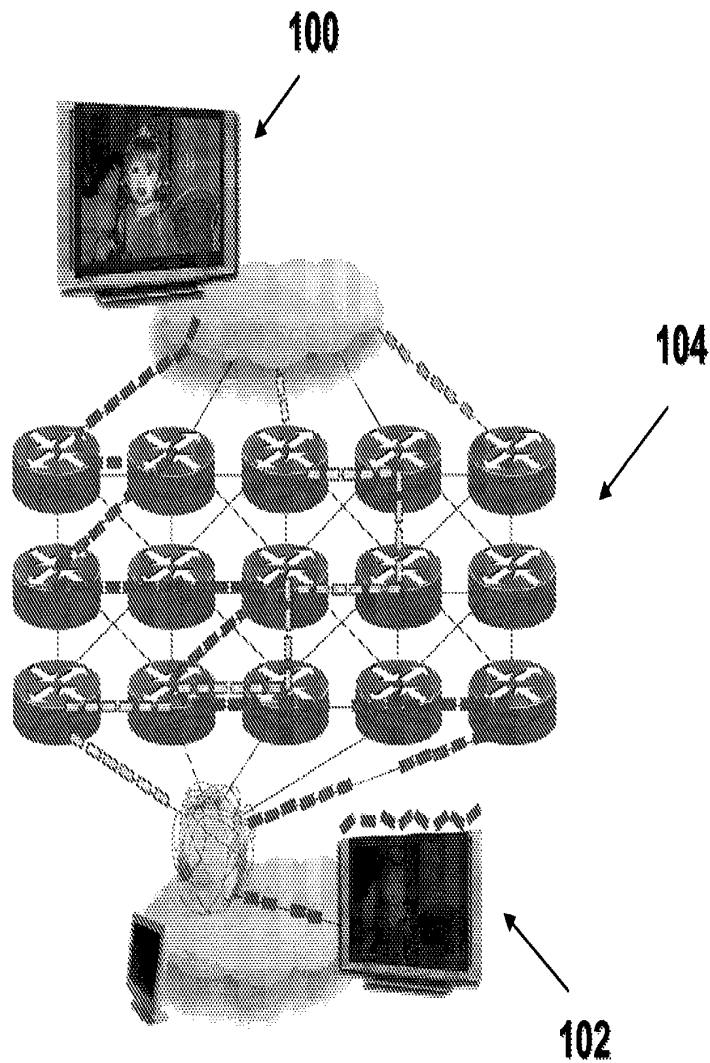


Figure 1

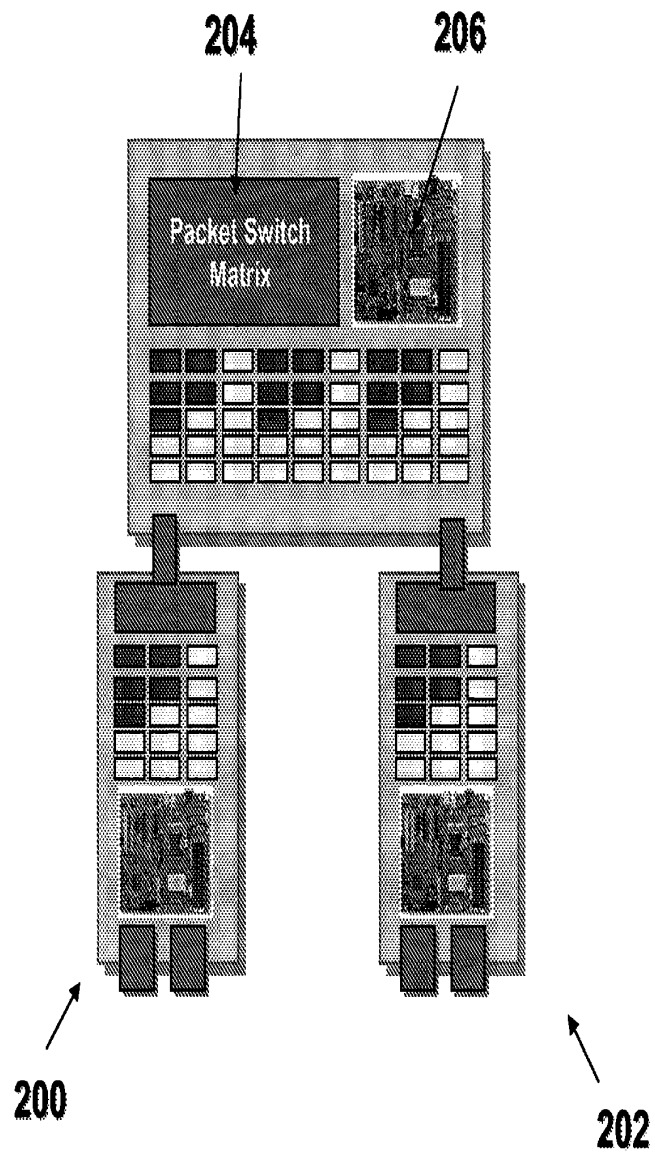


Figure 2

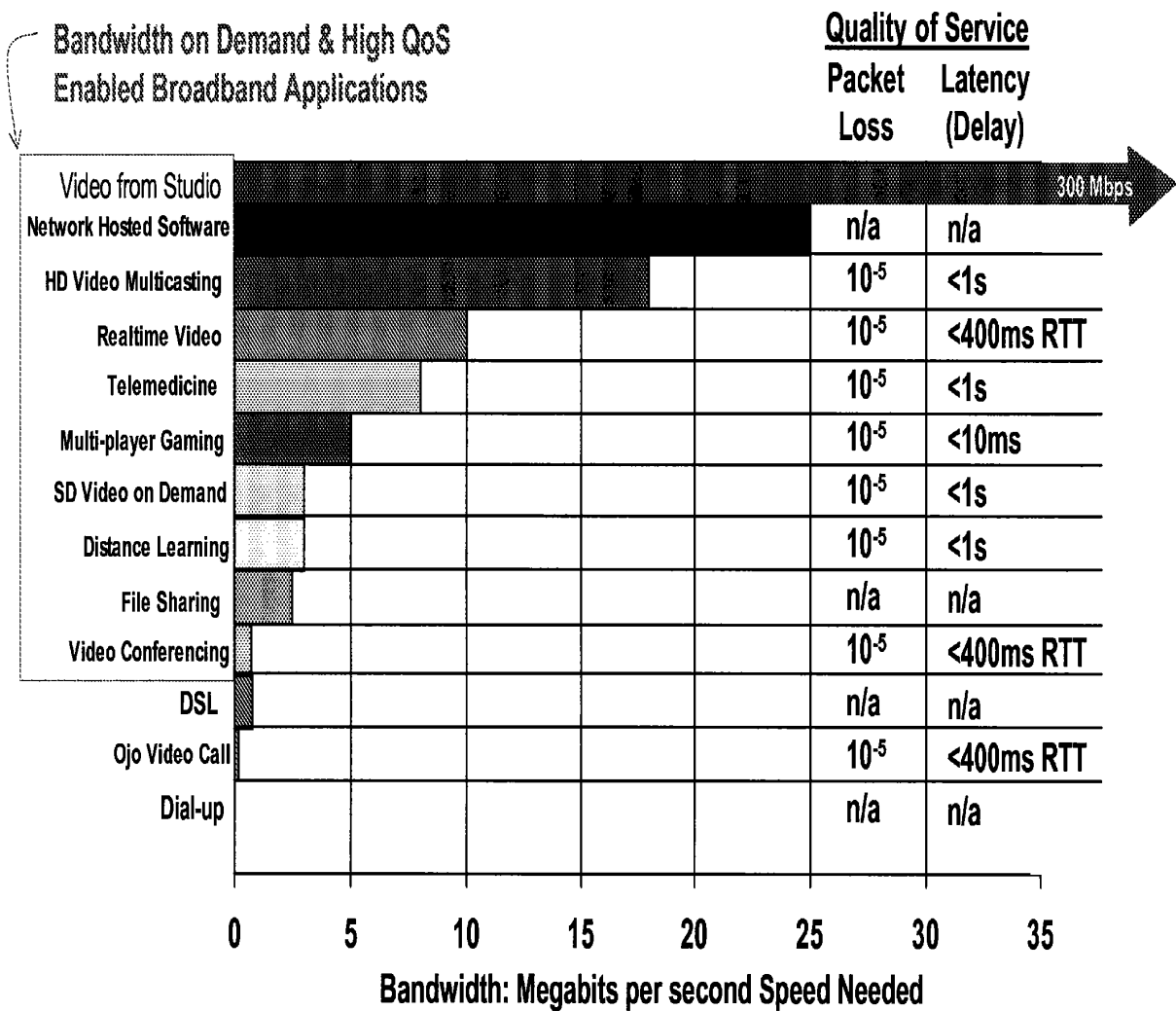


Figure 3

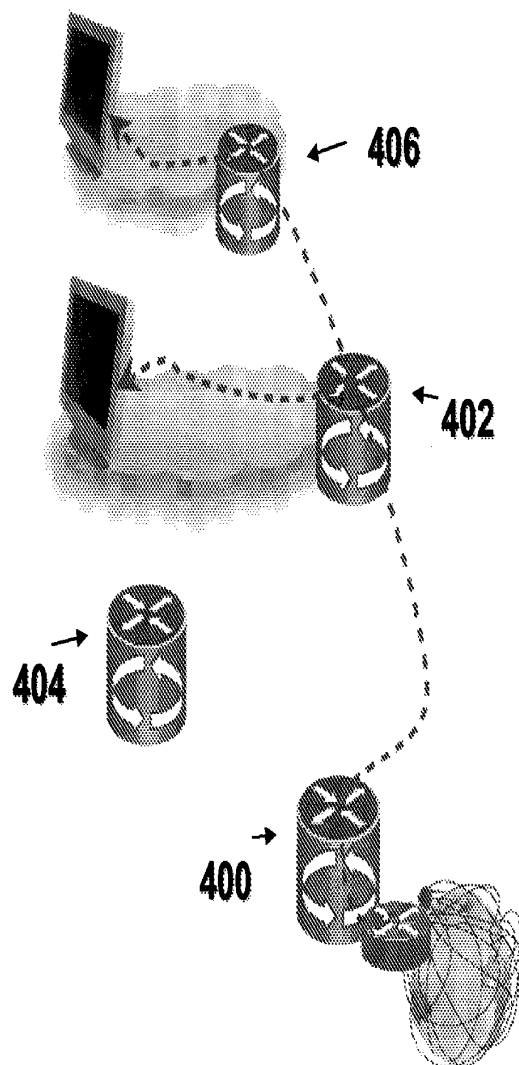


Figure 4

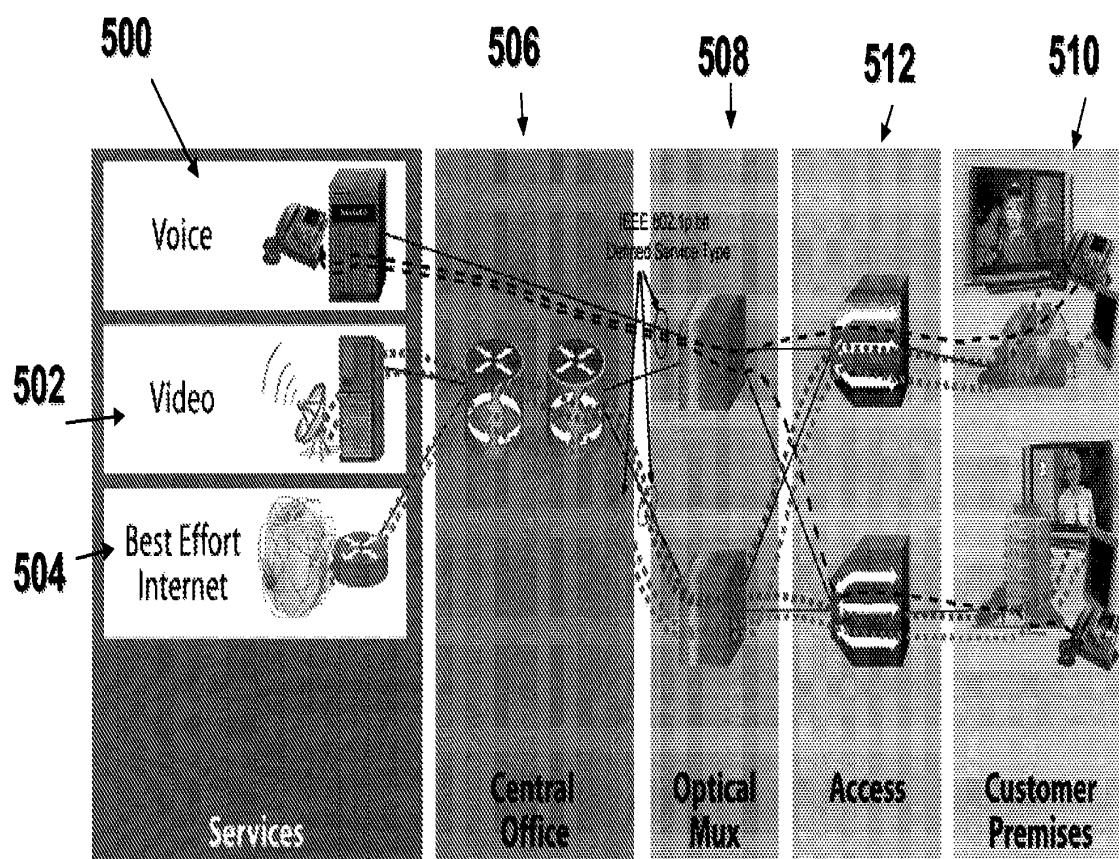


Figure 5

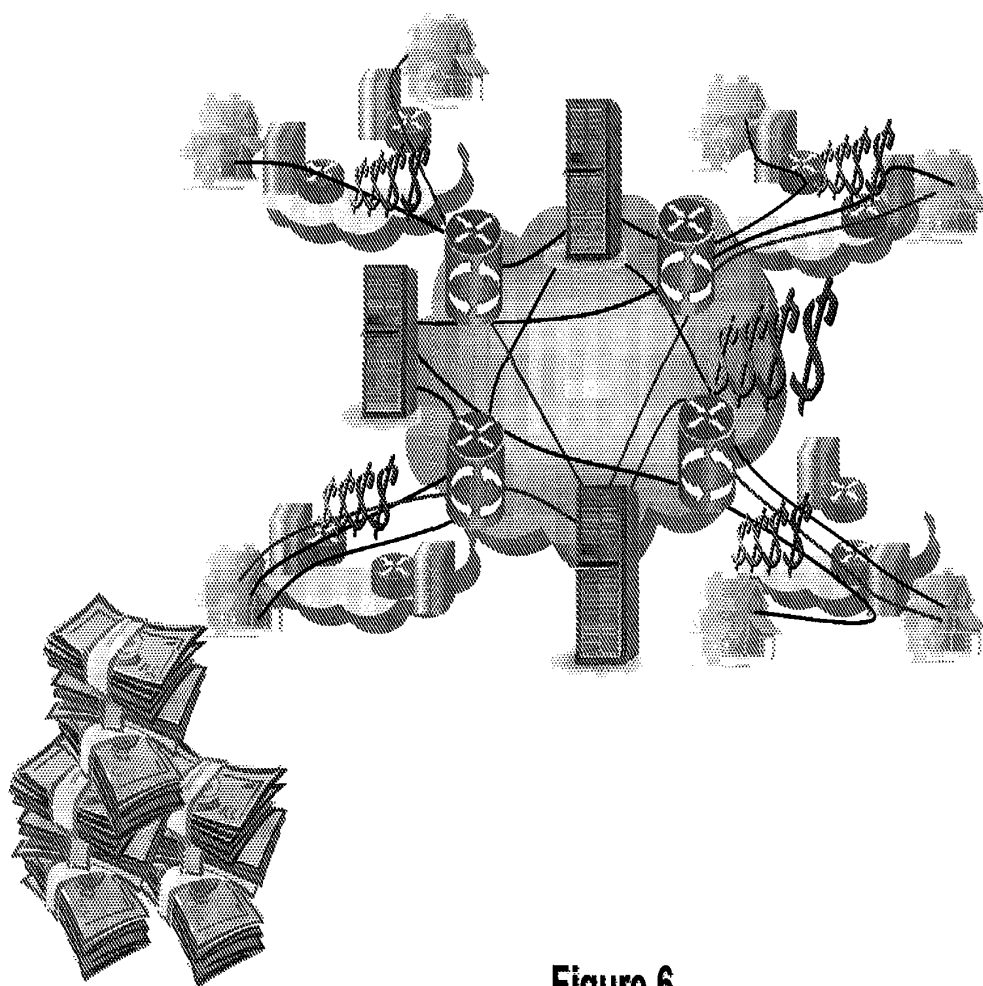


Figure 6

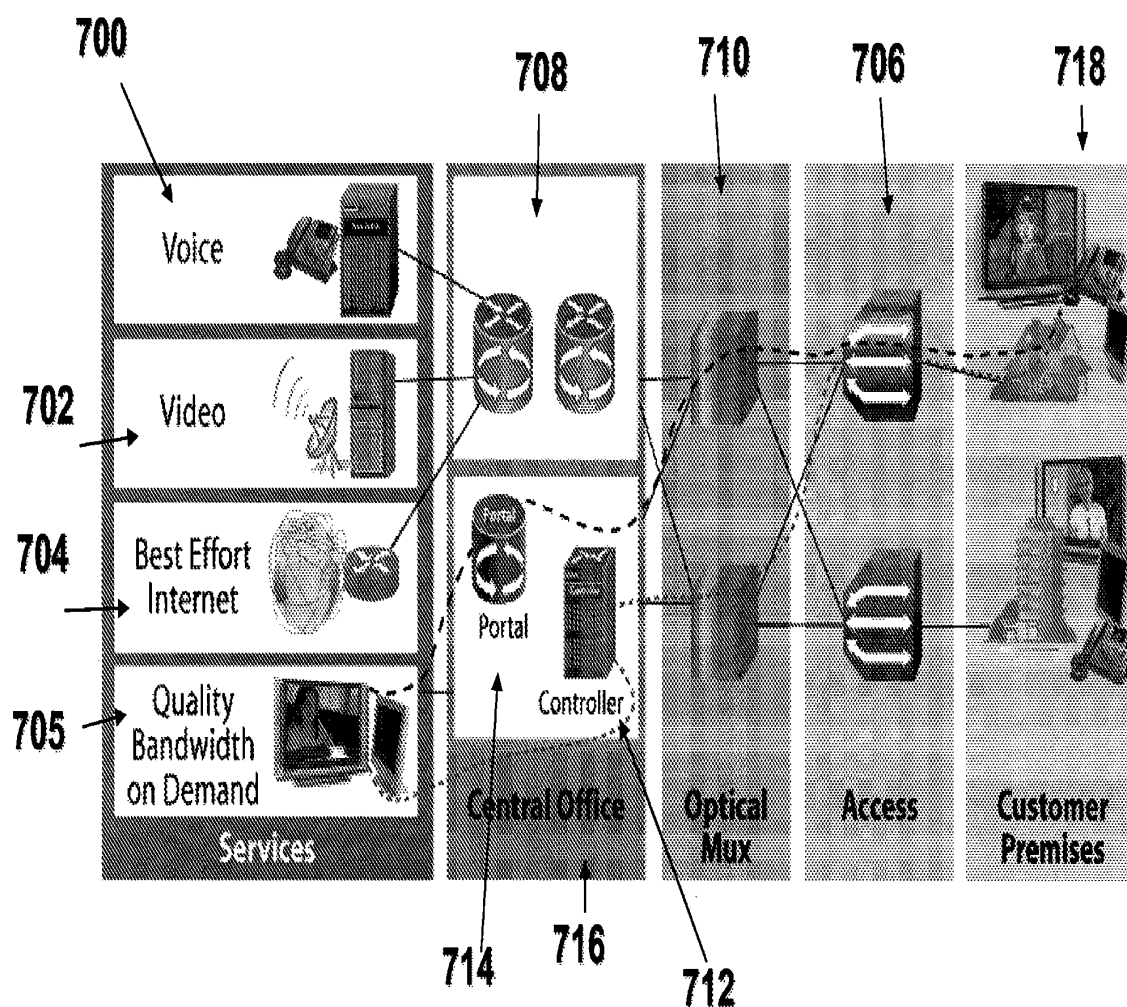


Figure 7

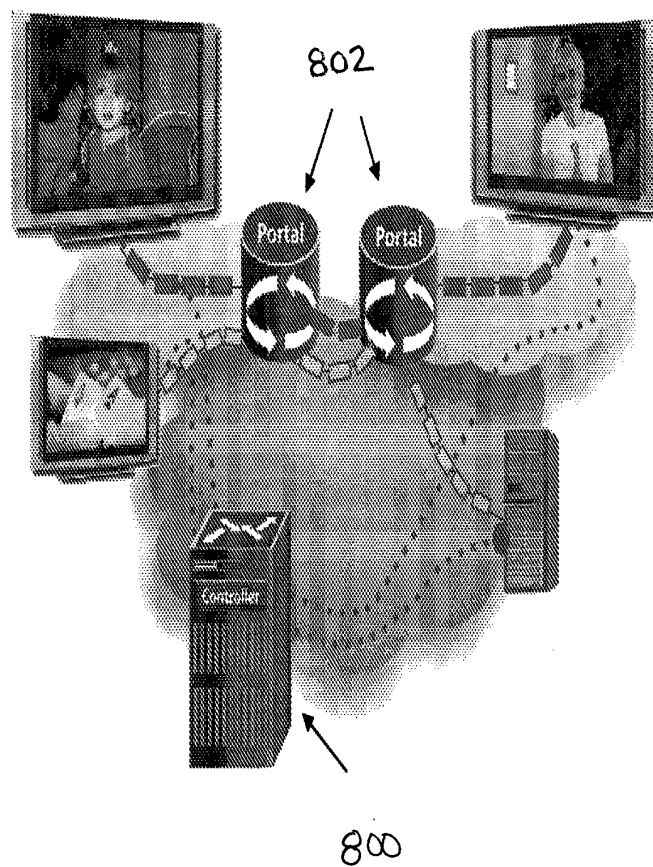


Figure 8

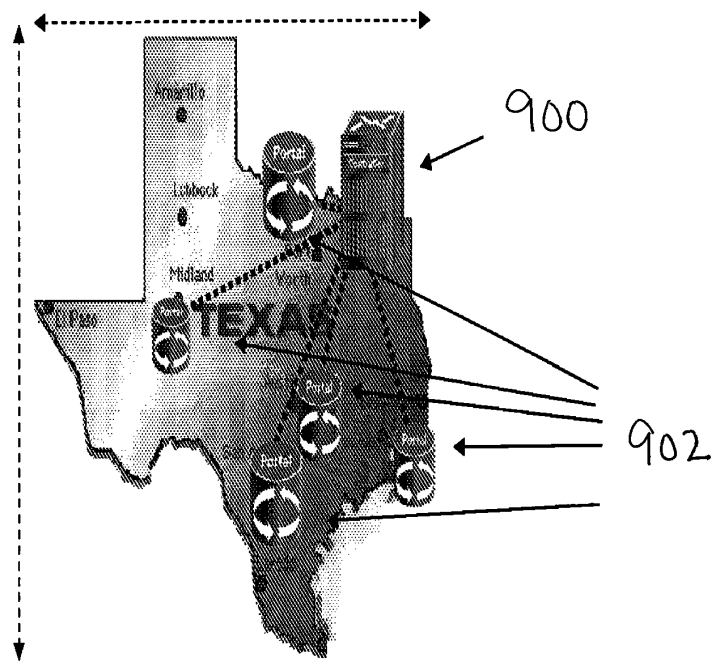


Figure 9

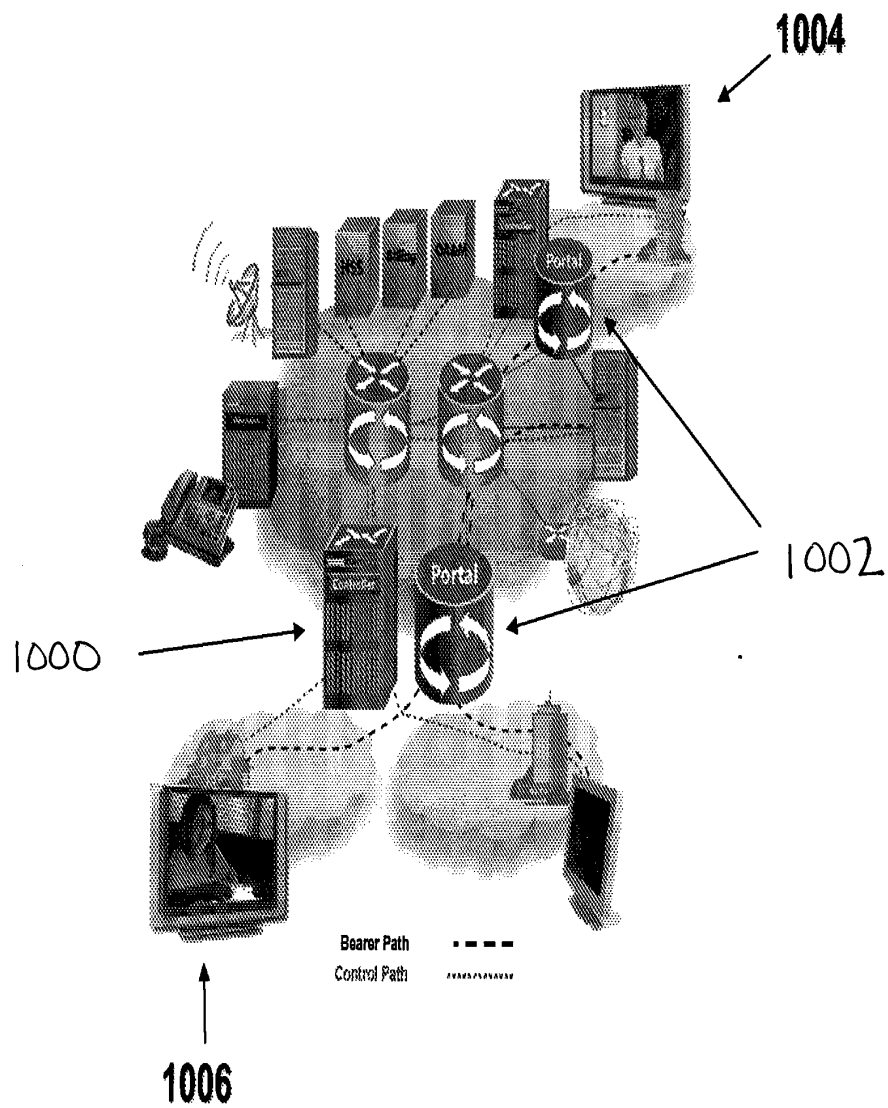


Figure 10

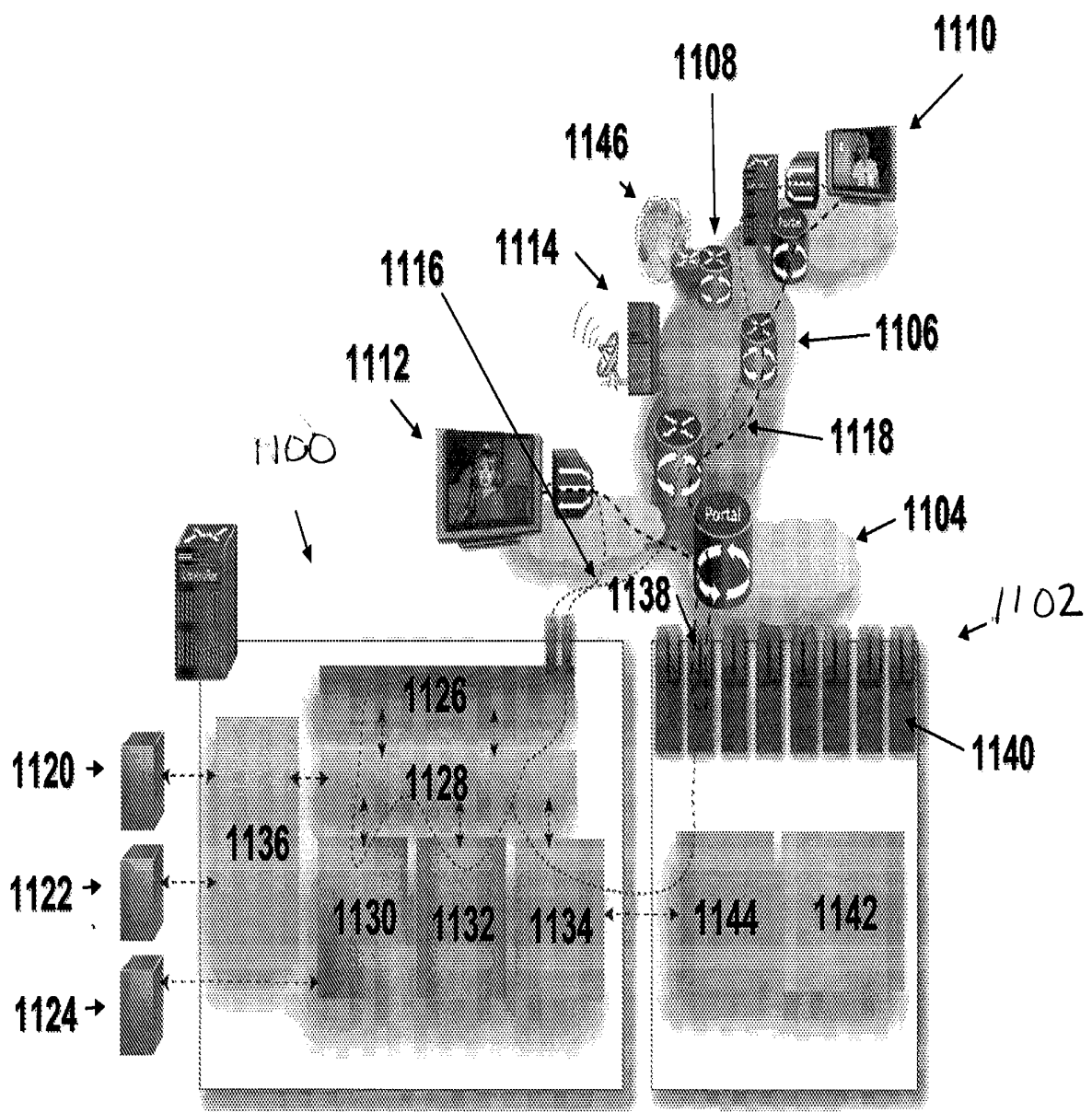


Figure 11

**DECLARATION FOR PATENT APPLICATION, POWER OF
ATTORNEY & DESIGNATION OF CORRESPONDENCE ADDRESS**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

IMPROVED SYSTEM AND METHOD OF PROVIDING BANDWIDTH ON DEMAND

the specification of which (check one):

☒ is attached hereto.
_____ was filed on _____ as U.S. or PCT Serial No. _____
and was amended on _____ (if applicable). I understand that the filing date and/or
serial number may be unknown at the time this document is executed and that the attorney of record may
complete this information on my behalf before filing.

I hereby state that I have reviewed and understand the contents of the above-identified specification including the claims, as amended by any amendment referred to above.

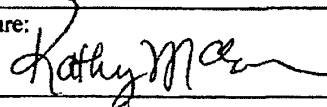
I acknowledge the duty to disclose information that is material to patentability as defined in accordance with 37 CFR §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND
ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

I hereby claim foreign priority benefits under 35 U.S.C. §119 or 365(b) of any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s), 365(a) of any PCT International application which designed at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's or plant breeder's rights certificate(s), or any PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
Number	Country	Day/Month/Year Filed	Yes	No

I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 USC §1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of First Inventor: Kathy McEwen	
Inventor's Signature: 	Date: April 9, 2009
Residence:	7809 LaGuardia Drive, Plano, TX 75025
Citizenship:	United States of America
Post Office Address:	Same as above

Full Name of Second Inventor:	
Inventor's Signature:	Date:
Residence:	
Citizenship:	
Post Office Address:	

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. § 119(e))

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date
60/796,660	5/2/2006

CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S)
UNDER 35 U.S.C. § 120

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or § 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

Application No.	Filing Date	Patented, Pending, Abandoned

Power of Attorney: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent & Trademark Office connected therewith under:

Customer No.: 85043

jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent(s), to transact all business in the United States Patent and Trademark Office connected therewith and to act on my behalf before the competent International Authorities in connection with any and all international applications filed.

Send Correspondence to:

The address associated with Customer No. 85043, currently:

Firm Name:	DELEON LAW GROUP PC
Address:	100 Crescent Court, Suite 700 Dallas, TX 75201
Facsimile:	(214) 459-3101
Direct Telephone Calls to (name and telephone number): Ruben C. DeLeon at 214-459-3424	

10/28/2009 21:04 9723121561

POSTAL CONNECTION

PAGE 02/04

PTO/SB/01 (01-09)

Approved for use through 11/30/2011. OMB 0661-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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.

POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS	Application Number	11/743,470
	Filing Date	2007-05-02
	First Named Inventor	KATHY MCEWEN
	Title	SYSTEM AND METHOD OF PROVIDIN
	Art Unit	2465
	Examiner Name	HOOMAN HOUSHMAND
	Attorney Docket Number	IRID-29,481

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

25883

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

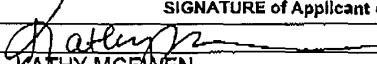
☒ Applicant/Inventor.

OR

☐ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) (Form PTO/SB/98) submitted herewith or filed on _____

SIGNATURE of Applicant or Assignee of Record

Signature		Date	Oct. 28, 2009
Name	KATHY MCEWEN	Telephone	469-231-6778
Title and Company	CEO Iridescent Networks		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Filing Date: 12/07/09

PTO/SB/06 (12-04)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/632,786	
APPLICATION AS FILED – PART I						
(Column 1)		(Column 2)		SMALL ENTITY		OR
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)		
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	82		
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	270		
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	.110		
TOTAL CLAIMS (37 CFR 1.16(j))	23	minus 20 = 3	x\$26	78	OR	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3	minus 3 = *	x\$110			
APPLICATION SIZE FEE (37 CFR 1.16(s))			If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			195		OR	
			TOTAL	540		
* If the difference in column 1 is less than zero, enter "0" in column 2.						
APPLICATION AS AMENDED – PART II						
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR
	Total (37 CFR 1.16(i))	Minus **	=	X =		OR
	Independent (37 CFR 1.16(h))	Minus ***	=	X =		OR
	Application Size Fee (37 CFR 1.16(s))					OR
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))			N/A		OR
			TOTAL		OR	
			ADD'T FEE			
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR
	Total (37 CFR 1.16(i))	Minus **	=	X =		OR
	Independent (37 CFR 1.16(h))	Minus ***	=	X =		OR
	Application Size Fee (37 CFR 1.16(s))					OR
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))			N/A		OR
			TOTAL		OR	
			ADD'T FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.						

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

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