UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	: 8,406,748 B2
APPLICATION NO.	: 12/695020
DATED	: March 26, 2013
INVENTOR(S)	: Raleigh et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims

Column 44, line 31 claim 175 the phrase "a of" should be changed to --of a--.

Signed and Sealed this
Thirteenth Day of May, 2014

Michelle K. Lee

Michelle K. Lee
Deputy Director of the United States Patent and Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Title:
Gregory G. Raleigh *et al.*	Adaptive Ambient Services
Application Serial No. 12/695,020	Patent No. 8,406,748
Filing Date: January 27, 2010	Issue Date: March 26, 2013

Commissioner for Patents
Office of Patent Publication
ATTN: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

MISCELLANEOUS COMMUNICATION REGARDING CERTIFICATE OF CORRECTION

Madam:

Applicant/Patentee (hereinafter, "Applicant") respectfully requests that the Office issue a Certificate of Correction for U.S. Patent No. 8,406,748 to correct a typographical error in claim 175. The error being corrected is the Office's error.

Claim 175 of the issued patent corresponds to claim 191 in the Examiner's amendment dated February 7, 2013. Claim 191 in the Examiner's amendment recites:

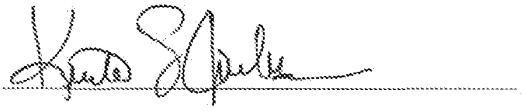
> 191. The system recited in claim 190, wherein the user behavior comprises a purchase, a selecting of an advertisement, an answer to a question, a service sign-up, an acceptance of a trial, or an earning **of a** valued customer point.

But claim 175 of the issued patent recites:

> 175. The system recited in claim 174, wherein the user behavior comprises a purchase, a selecting of an advertisement, an answer to a question, a service sign-up, an acceptance of a trial, or an earning **a of** valued customer point.

Applicant respectfully requests issuance of the Certificate of Correction to correct the error in claim 175. Because the error in claim 175 was the Office's error, Applicant believes that no fee is owed with this request. Nevertheless, the Office is hereby authorized to charge any additional fee required or credit any overpayment to Deposit Account No. **50-5876**.

Respectfully submitted,

Date: March 11, 2014 By: 

Krista S. Jacobsen
Reg. No. 59,374
(408) 455-5539

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being filed electronically via EFS-Web addressed to the Commissioner for Patents on

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PTO/SB/44 (09-07)
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 8,406,748

APPLICATION NO.: 12/695,020

ISSUE DATE : March 26, 2013

INVENTOR(S) : Gregory G. Raleigh, Rob Rightmyer, Vladislav Kudelin

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In column 44, line 31 (the fourth line of claim 175), the phrase "a of" should be changed to --of a--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

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Redwood Shores, CA 94065

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. 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 1.0 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: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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:	18429985
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	107265
Filer:	Krista Susan Jacobsen
Filer Authorized By:	
Attorney Docket Number:	RALEP024 [26WV-160580]
Receipt Date:	11-MAR-2014
Filing Date:	27-JAN-2010
Time Stamp:	12:13:55
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	Request for Certificate of Correction	P024CoC_req.pdf	416514 153ef5317e0f70b4ab28866c54814d7bd4f556e3	no	4
Warnings:					
Information:					

Total Files Size (in bytes):	416514

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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

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

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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/695,020	03/26/2013	8406748	RALEP024 [26WV-160580]	7074

107265 7590 03/06/2013

Headwater Partners I LLC - Outside Firm 1
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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 155 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):

Gregory G. Raleigh, Woodside, CA;
Rob Rightmyer, Ithaca, NY;
Vladislav Kudelin, Los Altos, CA;

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Issue Classification	Application/Control No.	Applicant(s)/Patent under Reexamination	
	12/695,020	RALEIGH ET AL.	
	Examiner	Art Unit	
	ANDREW JOSEPH RUDY	3687	

ISSUE CLASSIFICATION

ORIGINAL CLASS	ORIGINAL SUBCLASS	CLASS	CROSS REFERENCE(S) SUBCLASS (ONE SUBCLASS PER BLOCK)						
455	414.1	455	432.3						
INTERNATIONAL CLASSIFICATION		379	201.05						
H 04 M	3/42	709	203						
G 06 F	15/16								
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XXXXXXXXXXXXXXXXXXXXXXXXXXXX (Assistant Examiner) (Date)	/Andrew Joseph Rudy/ 2/8/2013 (Primary Examiner) (Date)	Total Claims Allowed: 186	
(Legal Instruments Examiner) (Date)		O.G. Print Claim(s): 1	O.G. Print Fig.: 7

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

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
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Change(s) applied to document, /S.J.W./ 2/15/2013

U.S. Patent and Trademark Office

Part of Paper No. 20130208

IIFW 2-13-13

Substitute for form 1449/PTO				Complete if Known	
Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
				First Named Inventor	RALEIGH et al.
				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	2	of	4	Atty Docket No.	RALEP024

	OO.	US 2007/0140275	06-21-2007	BOWMAN et al.	
	PP.	US 2003/0182435	09-25-2003	REDLICH et al.	
	QQ.	US 6,263,055	07-17-2001	GARLAND et al.	
	RR.	US 5,940,472	08-17-1999	NEWMAN et al.	
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	VV.	US 2007/0100981	05-03-2007	ADAMCZYK et al.	
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	III.	US 2005/0055309	03-10-2005	WILLIAMS et al.	
	JJJ.	US 2003/0050837	03-13-2003	Kim	
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	LLL.	US ~~2006/0178917~~	08-10-2006	Mikurak	20060178918
	MMM.	US 2007/0055694	03-08-2007	RUGE et al.	
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	WWW.	US 2005/0060266	03-17-2005	DEMELLO et al.	
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	YYY.	US 6,639,975	10-28-2003	O'NEAL et al.	
	ZZZ.	US 6,539,082	03-25-2003	LOWE et al.	
	AAAA.	US 2008/0134330	06-05-2008	KAPOOR et al.	
	BBBB.	US 2004/0047358	03-11-2004	CHEN et al.	
	CCCC.	US 2007/0274327	11-29-2007	KAARELA et al.	
	DDDD.	US 2003/0161265	08-28-2003	CAO et al.	

Change(s) applied to document, /P.M./ 2/22/2013

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

Substitute for form 1449/PTO				Complete if Known	
Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
				First Named Inventor	RALEIGH et al.
				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	3	of	4	Atty Docket No.	RALEP024

	EEEE.	US 2008/0305793	12-11-2008	GALLAGHER et al.	
	FFFF.	US 2008/0083013	04-03-2008	SOLIMAN et al.	
	GGGG.	US 2004/0030705	02-12-2004	BOWMAN-AMUAH et al.	
	HHHH.	US 6,574,321	06-03-2003	COX et al.	
	IIII.	US 2006/0291477	12-28-2006	CROAK et al.	
	JJJJ.	US 2005/0266880	12-01-2005	Gupta	
	KKKK.	US 2003/0229900	12-11-2003	Reisman	
	LLLL.	US 2007/0198656	08-23-2007	MAZZAFERRI et al.	
	MMMM.	US 2003/0182420	09-25-2003	JONES et al.	
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	RRRR.	US 2003/0050070	03-13-2003	MASHINSKY et al.	
	SSSS.	US 6,996,076	02-07-2006	FORBES et al.	
	TTTT.	US ~~2008/0183~~	07-31-2008	PAUL et al.	20080183812
	UUUU.	US 2007/0226225	09-27-2007	YIU et al.	
	VVVV.	US 2007/0130315	06-07-2007	FRIEND et al.	
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	XXXX.	US 2008/0132268	06-05-2008	CHOI-GROGAN et al.	
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	AAAAA.	US 2007/0140113	06-21-2007	Gemelos	
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	DDDDD.	US 2006/0034256	02-16-2006	ADDAGATLA et al.	
	EEEEE.	US 2005/0228985	10-13-2005	YLIKOSKI et al.	
	FFFFF.	US 2007/0036312	02-15-2007	CAI et al.	
	GGGGG.	US 2004/0082346	04-29-2004	SKYTT et al.	
	HHHHH.	US 7,142,876	11-28-2006	TROSSEN et al.	
	IIIII.	US 2008/0005561	01-03-2008	BROWN et al.	
	JJJJJ.	US 2007/0101426	05-03-2007	LEE et al.	
	KKKKK.	US 2008/0222692	09-11-2008	ANDERSSON et al.	
	LLLLL.	US 2008/0160958	04-03-2008	ABICHANDANI et al.	
	MMMMM	US 2006/0048223	03-02-2006	LEE et al.	
	NNNNN.	US 2007/0104126	5-10-2007	CALHOUN et al.	
	OOOOO.	US 2007/0243862	10-18-2007	COSKUN et al.	
	PPPPP.	US 2008/0109679	05-08-2008	WRIGHT et al.	
	QQQQQ.	US 2006/0242685	10-26-2006	HEARD et al.	
	RRRRR.	US 2008/0130656	06-05-2008	KIM et al.	
	SSSSS.	US 2005/0021995	01-27-2005	LAL et al.	
	TTTTT.	US 2008/0162704	~~04-03-2008~~	POPLETT et al.	July 3, 2008

Change(s) applied to document, /K.D.D./ 2/25/2013

Change(s) applied to document, /P.M./ 2/22/2013

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/695,020	01/27/2010	Gregory G. Raleigh	RALEP024 [26WV-160580]	7074

107265 7590 02/28/2013

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Redwood Shores, CA 94065

EXAMINER	
RUDY, ANDREW J	

ART UNIT	PAPER NUMBER
3687	

NOTIFICATION DATE	DELIVERY MODE
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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/695,020	27 January, 2010	RALEIGH ET AL.	RALEP024 [26WV-160580]

Headwater Partners I LLC - Outside Firm 1
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Redwood Shores, CA 94065

EXAMINER	
ANDREW JOSEPH RUDY	
ART UNIT	PAPER
3687	20130219

DATE MAILED:

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Commissioner for Patents

Applicant's Information Disclosure Statement (IDS) submitted February 13, 2013 has been reviewed. Note the attached IDS.

/ANDREW JOSEPH RUDY/
Primary Examiner
Art Unit: 3687

PTO-90C (Rev.04-03)

Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number	12695020
Filing Date	2010-01-27
First Named Inventor	Raleigh, Gregory G.
Art Unit	3687
Examiner Name	Rudy, Andrew J.
Attorney Docket Number	RALEP024

U.S.PATENTS

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	8315594		2012-11-20	Mauser, Edward Ronald et al.	
	2	8135388		2012-03-13	Gailloux, Michael A. et al.	
	3	6947723		2005-09-20	Gurnani, Roger et al.	
	4	8353001		2013-01-08	Herrod, Allan	
	5	8350700		2013-01-08	Fast, Raymond D. et al.	
	6	8204190		2012-06-19	Bang, Jung-Hee et al.	
	7	8195093		2012-06-05	Garrett, Darrin et al.	
	8	8036600		2011-10-11	Garrett, Darrin et al.	

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

	9	7962622		2011-06-14	Friend, John et al.	
	10	7583964		2009-09-01	Wong, Gregory A.	
	11	7565141		2009-07-21	Macaluso, Anthony G.	
	12	7373179		2008-05-13	Stine, Ted et al.	
	13	7236780		2007-06-26	Benco, David S. et al.	
	14	7039403		2006-05-02	Wong, Gregory A.	
	15	7865182		2011-01-04	Macaluso, Anthony G.	

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

U.S.PATENT APPLICATION PUBLICATIONS

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.

FOREIGN PATENT DOCUMENTS

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

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							☐

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]
	1		☐

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

EXAMINER SIGNATURE

Examiner Signature	/Andrew Joseph Rudy/	Date Considered	02/19/2013

*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.

EFS Web 2.1.17

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

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)

107265 7590 02/07/2013
Headwater Partners I LLC - Outside Firm 1
350 Marine Parkway, Suite 300
Redwood Shores, CA 94065

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.

Ann Taylor	(Depositor's name)
	(Signature)
February 14, 2013	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/695,020	01/27/2010	Gregory G. Raleigh	RALEP024 [26WV-160580]	7074

TITLE OF INVENTION: ADAPTIVE AMBIENT SERVICES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1770	$300	$0	$2070	05/07/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
RUDY, ANDREW J	3687	705-026000

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 Krista S. Jacobsen
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: Headwater Partners I LLC

(B) RESIDENCE: (CITY and STATE OR COUNTRY): Redwood Shores, California

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 505876 (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 February 14, 2013

Typed or printed name Krista S. Jacobsen Registration No. 59374

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.

Electronic Patent Application Fee Transmittal

Application Number:	12695020
Filing Date:	27-Jan-2010
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Filer:	Krista Susan Jacobsen/Ann Taylor
Attorney Docket Number:	RALEP024 [26WV-160580]

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	885	885
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**1185**

Electronic Acknowledgement Receipt	
EFS ID:	14966664
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	107265
Filer:	Krista Susan Jacobsen/Ann Taylor
Filer Authorized By:	Krista Susan Jacobsen
Attorney Docket Number:	RALEP024 [26WV-160580]
Receipt Date:	14-FEB-2013
Filing Date:	27-JAN-2010
Time Stamp:	22:11:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1185
RAM confirmation Number	7740
Deposit Account	505876
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	P024TransLtr.pdf	206341 6e7fc9999ca344ee87fe91316024f76a1dd5f32d	no	1
Warnings:					
Information:					
2	Issue Fee Payment (PTO-85B)	P024IssueFee.pdf	443868 53dd6235aafb0aaa0b062493e682d518b7b7ea7d	no	1
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32175 bebbaf59e8ed98afbdc9f6679dd3ebe5f4e470b0	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	682384		

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Examiner:
Gregory G. Raleigh	Andrew J. Rudy
Serial No. 12/695,020	Art Unit: 3687
Filed: January 27, 2010	Conf. No.: 7074
Title: Adaptive Ambient Services	

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

NOTICE OF CHANGE OF ENTITY STATUS FROM LARGE TO SMALL

Dear Madam:

The Applicant is entitled to claim small entity status for the above-referenced patent application, and shall henceforth pay fees due at the small entity rate.

Please change your records to reflect this change in entity status.

No fee should be required for this change of entity status, but if such fee is determined to be owned, please charge Deposit Account No. **50-5876** for the same.

Respectfully submitted,

Date: February 14, 2013

By: _____

Krista S. Jacobsen, Reg. No. 59,374
Headwater Partners I, LLC
350 Marine Parkway, Suite 300
Redwood Shores, CA 94065
Telephone: (650) 517-2798

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being filed electronically via EFS-Web addressed to the Commissioner for Patents on:

Date: February 14, 2013 By: _____
Ann Taylor

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.
12/695,020	01/27/2010	Gregory G. Raleigh	RALEP024 [26WV-160580]	7074

107265 7590 02/13/2013

Headwater Partners I LLC - Outside Firm 1
350 Marine Parkway, Suite 300
Redwood Shores, CA 94065

EXAMINER	
RUDY, ANDREW J	

ART UNIT	PAPER NUMBER
3687	

NOTIFICATION DATE	DELIVERY MODE
02/13/2013	ELECTRONIC

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

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

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

patent@headwaterllc.com

Corrected Notice of Allowability	**Application No.** 12/695,020	**Applicant(s)** RALEIGH ET AL.	
	Examiner ANDREW JOSEPH RUDY	**Art Unit** 3687	

-- 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 *28 November 2012 Amendment*.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are *24-209*. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov .

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
5. ☒ Examiner's Amendment/Comment
6. ☒ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

DETAILED ACTION

1. Claims 1-23 were cancelled by the Applicant.

2. Applicant's Information Disclosure Statements (IDS's) submitted August 13, 2012; October 10, 2012; November 28, 2012 and January 22, 2013 have been reviewed. Note the attached IDS's from the February 7, 2013 Notice of Allowance.

Drawings

3. The drawings were received on November 28, 2012. These drawings are acceptable and were entered from the February 7, 2013 Notice of Allowance.

Specification

4. The substitute Abstract and paragraph [0045] of the specification submitted November 28, 2012 are acceptable and were entered from the February 7, 2013 Notice of Allowance.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record were entered from the February 7, 2013 Notice of Allowance. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Allowable Subject Matter

6. Claims 24-209 are allowed. The February 7, 2013 Notice of Allowance inadvertently indicated that claims 25-209 were allowed.

7. The following is an examiner's statement of reasons for allowance: The claim language is neither discloses nor suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW JOSEPH RUDY whose telephone number is (571)272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. 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.

/ANDREW JOSEPH RUDY/

Primary Examiner, Art Unit 3687

Issue Classification	Application/Control No.	Applicant(s)/Patent under Reexamination	
	12/695,020	RALEIGH ET AL.	
	Examiner	Art Unit	
	ANDREW JOSEPH RUDY	3687	

ISSUE CLASSIFICATION

ORIGINAL			CROSS REFERENCE(S)						
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)						
455	414.1	455	432.3						
INTERNATIONAL CLASSIFICATION		379	201.05						
H 04 M	3/42	709	203						
G 06 F	15/16								
	/								
	/								
	/								

XXXXXXXXXXXXXXXXXXXXXXXXXXXX (Assistant Examiner) (Date)	/Andrew Joseph Rudy/ 2/8/2013 (Primary Examiner) (Date)	Total Claims Allowed: 186
(Legal Instruments Examiner) (Date)		O.G. Print Claim(s): 1 / O.G. Print Fig.: 7

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

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1	8	31	38	61	68	91	98	121	128	151	158	181
	2	9	32	39	62	69	92	99	122	129	152	159	182
	3	10	33	40	63	70	93	100	123	130	153	160	183
	4	11	34	41	64	71	94	101	124	131	154	161	184
	5	12	35	42	65	72	95	102	125	132	155	162	185
	6	13	36	43	66	73	96	103	126	133	156	163	186
	7	14	37	44	67	74	97	104	127	134	157	164	187
	8	15	38	45	68	75	98	105	128	135	158	165	188
	9	16	39	46	69	76	99	106	129	136	159	166	189
	10	17	40	47	70	77	100	107	130	137	160	167	190
	11	18	41	48	71	78	101	108	131	138	161	168	191
	12	19	42	49	72	79	102	109	132	139	162	169	192
	13	20	43	50	73	80	103	110	133	140	163	170	193
	14	21	44	51	74	81	104	111	134	141	164	171	194
	15	22	45	52	75	82	105	112	135	142	165	172	195
	16	23	46	53	76	83	106	113	136	143	166	173	196
	17	24	47	54	77	84	107	114	137	144	167	174	197
	18	25	48	55	78	85	108	115	138	145	168	175	198
	19	26	49	56	79	86	109	116	139	146	169	176	199
	20	27	50	57	80	87	110	117	140	147	170	177	200
	21	28	51	58	81	88	111	117	141	148	171	178	201
	22	29	52	59	82	89	112	119	142	149	172	179	202
	23	30	53	60	83	90	113	120	143	150	173	180	203
1	24	31	54	61	84	91	114	121	144	151	174	181	204
2	25	32	55	62	85	92	115	122	145	152	175	182	205
3	26	33	56	63	86	93	116	123	146	153	176	183	206
4	27	34	57	64	87	94	117	124	147	154	177	184	207
5	28	35	58	65	88	95	118	125	148	155	178	185	208
6	29	36	59	66	89	96	119	126	149	156	179	186	209
7	30	37	60	67	90	97	120	127	150	157	180		210

PTO/SB/08a (01-10)
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
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Art Unit	3687
Examiner Name	Rudy, Andrew J.
Attorney Docket Number	RALEP024

U.S.PATENTS

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	12	7373179		2008-05-13	Stine, Ted et al.	
	13	7236780		2007-06-26	Benco, David S. et al.	
	14	7039403		2006-05-02	Wong, Gregory A.	
	15	7865182		2011-01-04	Macaluso, Anthony G.	

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

U.S.PATENT APPLICATION PUBLICATIONS

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.

FOREIGN PATENT DOCUMENTS

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

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							☐

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]
	1		☐

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	12695020
	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

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		Date (YYYY-MM-DD)	2013-02-13
Name/Print	Krista S. Jacobsen	Registration Number	59374

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.**

Electronic Patent Application Fee Transmittal	
Application Number:	12695020
Filing Date:	27-Jan-2010
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Filer:	Krista Susan Jacobsen/Ann Taylor
Attorney Docket Number:	RALEP024 [26WV-160580]
Filed as Large 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:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
		Total in USD ($)		**180**

Electronic Acknowledgement Receipt	
EFS ID:	14955027
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	107265
Filer:	Krista Susan Jacobsen/Ann Taylor
Filer Authorized By:	Krista Susan Jacobsen
Attorney Docket Number:	RALEP024 [26WV-160580]
Receipt Date:	13-FEB-2013
Filing Date:	27-JAN-2010
Time Stamp:	19:40:18
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$180
RAM confirmation Number	8884
Deposit Account	505876
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	P024IDSLtr.pdf	333039 2bb284a21eba59ac6c9ccdb01f65500b9a648d0a	no	2
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	P024IDS.pdf	865967 4f265c0d62d6558cf6238d44b51b00ea32980568	no	4
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Fee Worksheet (SB06)	fee-info.pdf	30446 2f4457908ea434de05bd73bd8d7baab8f65b4530	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1229452		

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.

<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.

<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.

<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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Examiner:
Gregory G. Raleigh et al.	Andrew J. Rudy
Serial No. 12/695,020	Art Unit: 3687
Filed: January 27, 2010	Conf. No.: 7074
Title: Adaptive Ambient Services	

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

SUBMISSION OF INFORMATION DISCLOSURE STATEMENT AFTER RECEIPT OF NOTICE OF ALLOWANCE BUT PRIOR TO PAYMENT OF ISSUE FEE

Sir:

In accordance with the duty of disclosure under 37 CFR §1.56 and pursuant to 37 CFR §§ 1.97-1.98, Applicant hereby submits the references listed on the enclosed Form PTO-SB/08A.

The present Information Disclosure Statement is being filed after Applicant received the Notice of Allowance in the above-captioned application, but before Applicant has paid the Issue Fee. Accordingly, pursuant to 37 C.F.R. § 1.97(d), Applicant is submitting both the fee set forth in 37 C.F.R. § 1.17(p) and the certification statement set forth in 37 C.F.R. § 1.97(e).

Applicant respectfully requests consideration of the listed references.

CONCLUSION

Applicant respectfully requests that the Examiner consider the references listed in the IDS submitted herewith. In accordance with 37 C.F.R. § 1.97(d)-(e), the IDS is being filed prior to payment of the issue fee, with both the certification statement and fee specified in 37 C.F.R. § 1.97(d)-(e).

The Commissioner is authorized to charge any fee deficiency or credit any overpayment to Deposit Account 50-5876.

Respectfully submitted,

Date: February 13, 2013 By: _____

Krista S. Jacobsen
Reg. No. 59,374
Head Counsel
Headwater Partners I LLC
350 Marine Parkway, Suite 300
Redwood Shores, CA 94065
(650) 517-2798

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being filed electronically via EFS-Web addressed to the Commissioner for Patents on:

Date: February 13, 2013 By: _____
Ann Taylor

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

107265 7590 02/07/2013
Headwater Partners I LLC - Outside Firm 1
350 Marine Parkway, Suite 300
Redwood Shores, CA 94065

EXAMINER	
RUDY, ANDREW J	
ART UNIT	PAPER NUMBER
3687	

DATE MAILED: 02/07/2013

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/695,020	01/27/2010	Gregory G. Raleigh	RALEP024 [26WV-160580]	7074

TITLE OF INVENTION: ADAPTIVE AMBIENT SERVICES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1770	$300	$0	$2070	05/07/2013

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)

107265 7590 02/07/2013
Headwater Partners I LLC - Outside Firm 1
350 Marine Parkway, Suite 300
Redwood Shores, CA 94065

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.
12/695,020	01/27/2010	Gregory G. Raleigh	RALEP024 [26WV-160580]	7074

TITLE OF INVENTION: ADAPTIVE AMBIENT SERVICES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1770	$300	$0	$2070	05/07/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
RUDY, ANDREW J	3687	705-026000

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

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

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

2. For printing on the patent front page, list

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

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

1 _____

2 _____

3 _____

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

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

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

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

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

❑ Issue Fee

❑ Publication Fee (No small entity discount permitted)

❑ Advance Order - # of Copies _____

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

❑ A check is enclosed.

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

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or 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.
12/695,020	01/27/2010	Gregory G. Raleigh	RALEP024 [26WV-160580]	7074

107265 7590 02/07/2013

Headwater Partners I LLC - Outside Firm 1
350 Marine Parkway, Suite 300
Redwood Shores, CA 94065

EXAMINER	
RUDY, ANDREW J	

ART UNIT	PAPER NUMBER
3687	

DATE MAILED: 02/07/2013

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 113 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 113 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)	
	12/695,020	RALEIGH ET AL.	
	Examiner	Art Unit	
	ANDREW JOSEPH RUDY	3687	

-- 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 *28 November 2012*.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are *25-209*. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov .

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
5. ☒ Examiner's Amendment/Comment
6. ☒ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

DETAILED ACTION

1. Claims 1-23 have been cancelled by the Applicant.

2. Applicant's Information Disclosure Statements (IDS's) submitted August 13, 2012; October 10, 2012; November 28, 2012 and January 22, 2013 have been reviewed. Note the attached IDS's.

Drawings

3. The drawings were received on November 28, 2012. These drawings are acceptable and have been entered.

Specification

4. The substitute Abstract and paragraph [0045] of the specification submitted November 28, 2012 are acceptable and have been entered.

EXAMINER'S AMENDMENT

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

Authorization for this examiner's amendment was given in a telephone interview with Krista Jacobsen (Reg. No. 59,374) on January 28, 2013.

The application claims have been amended as follows:

24. (Currently amended) A system, comprising:

one or more processors of one or more network elements configured to:

detect a requested access to an ambient service over a wireless network, the requested access being associated with a communications device communicatively coupled to the system over the wireless network, the ambient service providing sponsored access to a network destination managed by or on behalf of an ambient service partner, wherein the sponsored access comprises a usage of the wireless network associated with the ambient service that is sponsored by a sponsor entity, wherein (1) if the communications device is associated with a **user** ~~**non-ambient**~~ service plan enabling **non-sponsored** access to a ~~**non-ambient**~~ service **over the wireless network**, the sponsor entity is an entity other than a first entity that is financially responsible for the **user** ~~**non-ambient**~~ service plan, or (2) if the communications device is not associated with the **user** ~~**non-ambient**~~ service plan, the sponsor entity is an entity other than a user of the communications device,

obtain, based on the requested access, a**n identifier** ~~**traffic characteristic**~~ associated with the communications device or the wireless network,

determine, based on the **identifier** ~~**traffic characteristic**~~, whether the requested access is within an ambient service profile, the ambient service profile for controlling access by the communications device to the ambient service over the wireless network, the ambient service profile comprising at least one service policy setting,

when the requested access is within the ambient service profile, allow the requested access, and

when the requested access is not within the ambient service profile, prevent the requested access; and

memory of the one or more network elements coupled to the one or more processors and configured to provide the one or more processors with instructions.

34. (Currently amended) The system recited in claim 24, wherein the communications device is associated with the **user** ~~**non-ambient**~~ service plan enabling **non-sponsored** access to the ~~**non-ambient**~~ service **over the wireless network**, and wherein the **user** ~~**non-ambient**~~ service plan provides for data access.

35. (Currently amended) The system recited in claim 24, wherein the communications device is not associated with the **user** ~~**non-ambient**~~ service plan, and wherein the sponsored access provides for access to the ambient service prior to activation of the **user** ~~**non-ambient**~~ service plan.

36. (Currently amended) The system recited in claim 24, wherein the communications device is not associated with the **user** ~~**non-ambient**~~ service plan, and wherein the sponsored access provides for access to the ambient service to enable the communications device to become associated with the **user** ~~**non-ambient**~~ service plan.

41. (Currently amended) The system recited in claim 37, wherein the user activity comprises ~~**one or more of:**~~ a viewing of an advertisement, an answer to a question, **or** **[[and]]** an acceptance of a trial.

42. (Currently amended) The system recited in claim 24, wherein the **identifier** ~~**traffic characteristic**~~ comprises at least a portion of an Internet protocol (IP) address.

43. (Currently amended) The system recited in claim 24, wherein the **identifier** ~~**traffic characteristic**~~ comprises at least a portion of a network route.

44. (Currently amended) The system recited in claim 24, wherein the **identifier** ~~**traffic characteristic**~~ comprises at least a portion of a header.

45. (Currently amended) The system recited in claim 24, wherein the **identifier** ~~**traffic characteristic**~~ comprises a tag.

46. (Currently amended) The system recited in claim 24, wherein the **identifier** ~~**traffic characteristic**~~ comprises an application identifier configured to identify an application running on or associated with the communications device.

47. (Currently amended) The system recited in claim 24, wherein the **identifier** ~~**traffic characteristic**~~ comprises a cookie.

48. (Currently amended) The system recited in claim 24, wherein the **identifier** ~~**traffic characteristic**~~ comprises at least a portion of a handshake sequence.

49. (Currently amended) The system recited in claim 24, wherein the **identifier** ~~**traffic characteristic**~~ comprises a token.

50. (Currently amended) The system recited in claim 24, wherein the **identifier** ~~**traffic characteristic**~~ comprises a network address.

51. (Currently amended) The system recited in claim 24, wherein the **identifier** ~~**traffic characteristic**~~ comprises a credential associated with the communications device.

52. (Currently amended) The system recited in claim 24, wherein the **identifier** ~~**traffic characteristic**~~ comprises a secure link or a secure tunnel associated with communications device traffic.

53. (Currently amended) The system recited in claim 24, wherein the **identifier** ~~**traffic characteristic**~~ comprises a device type.

54. (Currently amended) The system recited in claim 24, wherein the **identifier** ~~**traffic characteristic**~~ comprises a socket.

96. (Currently amended) The system recited in claim 91, wherein the content site is configured to provide ~~**one or more of:**~~ a movie, a magazine, music, a video, a game, **or** **[[and]]** a mobile application.

99. (Currently amended) The system recited in claim 98, wherein the aspect of content comprises ~~**one or more of**~~ a resolution, a bandwidth, **or** **[[and]]** a complexity.

117. (Currently amended) The system recited in claim 24, wherein the one or more network elements comprise ~~**one or more of**~~ a proxy server, a gateway, **or** **[[and]]** a router.

118. (Currently amended) The system recited in claim 24, wherein the one or more network elements comprise ~~**one or more of**~~ a home location register (HLR); an authentication, authorization, and accounting (AAA) server; **or** **[[and]]** a base station.

134. (Currently amended) The system recited in claim 133, wherein the content service provides ~~**one or more of**~~ news, a book, a magazine, music, a video, a game, **or** **[[and]]** a mobile application.

138. (Currently amended) The system recited in claim 24, wherein the ambient service profile defines ~~**one or more of**~~ a service upgrade offering, a network destination access control, a traffic control policy, **or** **[[and]]** an advertisement presented to the user of the communications device.

139. (Currently amended) The system recited in claim 24, wherein the ambient service profile defines ~~**one or more of**~~ an allowed application, an allowed network destination, **or [[and]]** an allowed source.

141. (Currently amended) The system recited in claim 24, wherein the ambient service profile defines ~~**one or more of**~~ a traffic control rule **or [[and]]** a billing rule.

142. (Currently amended) The system recited in claim 24, wherein the at least one service policy setting includes ~~**one or more of:**~~ an access control setting, a traffic control setting, a billing system setting, a user notification setting, a user notification with acknowledgment setting, a user privacy setting, a user preference setting, an authentication setting, an admission control setting, an application access setting, a content access setting, a transaction setting, **or [[and]]** a network management communication setting.

144. (Currently amended) The system recited in claim 143, wherein the set of one or more allowed activities includes information identifying ~~**one or more of:**~~ an allowed application, an allowed network destination, **or [[and]]** an allowed source.

147. (Currently amended) The system recited in claim 24, wherein the one or more processors of the one or more network elements are configured to determine whether the requested access is within the ambient service profile based on a limitation on ~~**one or more of:**~~ a sequence of user actions, a transfer limit, a number of user actions, a number of user choices, a number of web pages, a number of portal pages, a number of uniform resource locators (URLs), a number of domains, a number of advertisements, a type of advertisements, a content type, a content size, a number of addresses, a type of file download, a type of file upload, a type of file transfer, a number of file downloads or uploads, an activity of a particular application, an amount of time for a surf-out sequence, **or [[and]]** a total data transfer associated with the surf-out sequence.

157. (Currently amended) The system recited in claim 24, wherein the one or more processors of the one or more network elements are configured to determine whether the requested access is within the ambient service profile based on ~~one or more of~~ a user priority, a user class, **the [[a]] user** ~~non-ambient~~ service plan, a user activity, **or [[and]]** a network busy state.

161. (Currently amended) The system recited in claim 160, wherein the one or more processors of the one or more network elements are further configured to assist in providing the notification to the communications device by ~~one or more of:~~ sending the notification to the communications device, presenting a proxy web page to the communications device, providing a pop-up to the communications device, **or [[and]]** assisting in installing a browser on the communications device.

163. (Currently amended) The system recited in claim 160, wherein the notification comprises information about an available **user** ~~non-ambient~~ service plan.

168. (Currently amended) The system recited in claim 166, wherein the proxy web page is configured to present a **user** ~~non-ambient~~ service plan option.

171. (Currently amended) The system recited in claim 165, wherein the notification is configured to inform the user that the requested access requires the **user** ~~non-ambient~~ service plan.

172. (Currently amended) The system recited in claim 165, wherein the one or more processors of the one or more network elements are further configured to provide the notification to the communications device by ~~one or more of:~~ sending the notification to the communications device, providing a pop-up to the communications device, **or [[and]]** assisting in installing a browser on the communications device.

174. (Currently amended) The system recited in claim 165, wherein the notification comprises information about an available **user** ~~**non-ambient**~~ service plan.

180. (Currently amended) The system recited in claim 178, wherein the sponsor entity provides ~~**one or more of:**~~ a search service, an e-mail service, **or [[and]]** a shopping service.

186. (Currently amended) The system recited in claim 182, wherein the content service provides ~~**one or more of**~~ news, a magazine, a video, **or [[and]]** a game.

191. (Currently amended) The system recited in claim 190, wherein the user behavior comprises ~~**one or more of:**~~ a purchase, a selecting of an advertisement, an answer to a question, a service sign-up, an acceptance of a trial, **or [[and]]** an earning of a valued customer point.

195. (Currently amended) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to adapt or modify the **identifier** ~~**traffic characteristic**~~ associated with the communications device or the wireless network.

196. (Currently amended) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify the **identifier** ~~**traffic characteristic**~~ associated with the communications device or the wireless network by updating or modifying a parameter associated with a traffic source identifier list.

198. (Currently amended) The system recited in claim 197, wherein the user behavior comprises ~~**one or more of:**~~ a purchase, a selecting of an advertisement, an answer to a question, a service sign-up, an acceptance of a trial, **or [[and]]** an earning a of valued customer point.

Allowable Subject Matter

6. Claims 25-209 are allowed.

7. The following is an examiner's statement of reasons for allowance: The claim language is neither discloses nor suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW JOSEPH RUDY whose telephone number is (571)272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. 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

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/ANDREW JOSEPH RUDY/

Primary Examiner, Art Unit 3687

Notice of References Cited	Application/Control No. 12/695,020	Applicant(s)/Patent Under Reexamination RALEIGH ET AL.	
	Examiner ANDREW JOSEPH RUDY	Art Unit 3687	Page 1 of 1

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Issue Classification	Application/Control No.	Applicant(s)/Patent under Reexamination	
	12/695,020	RALEIGH ET AL.	
	Examiner	Art Unit	
	ANDREW JOSEPH RUDY	3687	

ISSUE CLASSIFICATION

ORIGINAL			CROSS REFERENCE(S)						
CLASS	SUBCLASS	CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)						
455	414.1	455	432.3						
INTERNATIONAL CLASSIFICATION		379	201.05						
H 0 4 M	3/42	709	203						
G 0 6 F	15/16								
	/								
	/								
	/								

XXXXXXXXXXXXXXXXXXXXXXXXXXX (Assistant Examiner) (Date)	/Andrew Joseph Rudy/ 1/29/2013 (Primary Examiner) (Date)	Total Claims Allowed: 186
(Legal Instruments Examiner) (Date)		O.G. Print Claim(s): 1 / O.G. Print Fig.: 7

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

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
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	2	8	32	38	62	69	92	99	122	129	152	159	182
	3	9	33	39	63	70	93	100	123	130	153	160	183
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	22	28	52	59	82	89	112	119	142	149	172	179	202
	23	29	53	60	83	90	113	120	143	150	173	180	203
	24	30	54	61	84	91	114	121	144	151	174	181	204
1	25	31	55	62	85	92	115	122	145	152	175	182	205
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5	29	35	59	66	89	96	119	126	149	156	179	186	209
6	30	36	60	67	90	97	120	127	150	157	180		210

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number	12695020
Filing Date	2010-01-27
First Named Inventor	Raleigh, Gregory G.
Art Unit	3687
Examiner Name	Rudy, Andrew J.
Attorney Docket Number	RALEP024

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	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

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	Attorney Docket Number	RALEP024

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Examiner Signature	/Andrew Joseph Rudy/	Date Considered	01/21/2013

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CONFIRMATION NO. 7074

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/695,020	01/27/2010 RULE	705	3687	RALEP024 [26WV-160580]

APPLICANTS

Gregory G. Raleigh, Woodside, CA;
Rob Rightmyer, Ithaca, NY;
Vladislav Kudelin, Los Altos, CA;

**** CONTINUING DATA ***************************

This application is a CIP of 12/380,780 03/02/2009
and claims benefit of 61/206,354 01/28/2009
and claims benefit of 61/206,944 02/04/2009
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**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

02/12/2010

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /ANDREW JOSEPH RUDY/ Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		CA	7	25	4

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Headwater Partners I LLC - Outside Firm 1
350 Marine Parkway, Suite 300
Redwood Shores, CA 94065
UNITED STATES

TITLE

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	Art Unit	3687
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	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

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Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

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	ANDREW JOSEPH RUDY	3687

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	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

[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	12695020
	Filing Date	2010-01-27
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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		Date (YYYY-MM-DD)	2013-01-22
Name/Print	Krista S. Jacobsen	Registration Number	59374

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.**

EFS Web 2.1.17

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EFS ID:	14764061
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	107265
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1	Information Disclosure Statement (IDS) Form (SB08)	P024IDS.pdf	974475 0020417f3dfa661a203b653c329e7349bd12e6e6	no	5

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New International Application Filed with the USPTO as a Receiving Office
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Raleigh et al.	Examiner:	RUDY, Andrew J.
Serial No.:	12/695,020	Art Unit:	3687
Filed:	January 27, 2010	Conf. No.:	7074
Title:	Adaptive Ambient Services		

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

AMENDMENT AND RESPONSE

Sir:

In response to the Office Action dated May 29, 2012, the deadline for response ending on November 29, 2012, with the enclosed request for a three-month extension of time, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2.

Amendments to the Claims begin on page 4.

Amendments to the Drawings begin on page 27.

Remarks begin on page 28.

AMENDMENTS TO THE SPECIFICATION

In the Detailed Description:

Please replace paragraph [0045] of the specification with the following paragraph:

[0045] In some embodiments, the ambient service is a transaction based service, **i**n which service usage for the ambient service by the communications device is not billed, and in which electronic commerce based transactions performed using the communications device are billed as transaction based charges. In some embodiments, the ambient service is a transaction based service, in which electronic commerce based transactions performed using the communications device are billed as transaction based charges, and in which at least a portion of service usage costs are billed to one or more of the following: an advertiser, a transaction provider, a mobile virtual network operator, a virtual service provider, and an ambient service provider.

In the Abstract:

Please replace the Abstract with the following:

-- A system configured to detect a requested access to an ambient service over a wireless network, the requested access being associated with a communications device communicatively coupled to the system over the wireless network, the ambient service providing sponsored access to a network destination, wherein the sponsored access comprises a usage of the wireless network associated with the ambient service that is sponsored by a sponsor entity; obtain, based on the requested access, a traffic characteristic associated with the communications device or the wireless network; and determine, based on the traffic characteristic, whether the requested access is within an ambient service profile controlling access by the communications device to the ambient service over the wireless network. When the requested access is within the ambient service profile, the system allows the requested access, and when the requested access is not within the ambient service profile, the system prevents the requested access. --

AMENDMENTS TO THE CLAIMS

Without prejudice and without surrender of any subject matter, please amend the claims as follows:

1-23. (Canceled).

24. (Currently amended) A system, comprising:

[[a]] one or more processors of one or more network elements ~~a proxy server~~ configured to:

detect a requested access to an ambient service over a wireless network, the requested access being associated with a communications device communicatively coupled to the system over the wireless network, the ambient service providing sponsored access to a network destination managed by or on behalf of an ambient service partner, wherein the sponsored access comprises a usage of the wireless network associated with the ambient service that is sponsored by a sponsor entity, wherein (1) if the communications device is associated with a non-ambient service plan enabling access to a non-ambient service, the sponsor entity is an entity other than a first entity that is financially responsible for the non-ambient service plan, or (2) if the communications device is not associated with the non-ambient service plan, the sponsor entity is an entity other than a user of the communications device,

obtain, based on the requested access, a traffic characteristic associated with the communications device or the wireless network,

~~implement~~ determine, based on the traffic characteristic, whether the requested access is within an ambient service profile, the ambient service profile for ~~assisting~~ controlling access by the ~~of a plurality of~~ communications device[[s]] ~~use of~~ to [[an]] the ambient service ~~on a~~ over the wireless network, ~~wherein~~ the ambient service profile comprising at least one ~~includes a plurality of~~ service policy setting[[s]], ~~and wherein the ambient service profile is associated with an ambient service plan that provides for initial access to the ambient service with limited service capabilities prior to activation of a new service plan;~~

~~monitor use of the ambient service based on~~ when the requested access is within the ambient service profile, allow the requested access,[[;]] and

~~adapt~~ when the requested access is not within the ambient service profile, prevent the requested access ~~based on the monitored use of the ambient service~~; and

[[a]] memory of the ~~proxy server~~ one or more network elements coupled to the one or more processors and configured to provide the one or more processors with instructions.

25. (Currently amended) The system recited in claim 24, wherein the one or more processors of the one or more network elements ~~proxy server is~~ are further configured to[[:]]

~~monitor a requested access based on the ambient service profile, wherein the ambient service profile includes a surf-out option; and~~

adapt the ambient service profile based on the ~~monitored~~ requested access~~, wherein the ambient service profile includes a set of ambient service allow access rules, a set of ambient service monitoring access rules, and a set of ambient service block access rules,~~

~~wherein the proxy server is also configured to facilitate an upgraded service, wherein the upgraded service is associated with a non-ambient service plan~~.

26. (New) The system recited in claim 24, wherein sponsored by a sponsor entity comprises subsidized or paid for at least in part by the sponsor entity.

27. (New) The system recited in claim 24, wherein sponsored by a sponsor entity comprises free to the user of the communications device.

28. (New) The system recited in claim 24, wherein sponsored by a sponsor entity comprises provided in exchange for non-monetary consideration.

29. (New) The system recited in claim 24, wherein sponsored by a sponsor entity comprises provided in exchange for a viewing of an advertisement.

30. (New) The system recited in claim 24, wherein sponsored by a sponsor entity comprises provided in exchange for a use of a transaction.

31. (New) The system recited in claim 24, wherein sponsored by a sponsor entity comprises provided in exchange for a revenue share.

32. (New) The system recited in claim 24, wherein the first entity is the user of the communications device.

33. (New) The system recited in claim 24, wherein the first entity is associated with a device group, and wherein the communications device is included in the device group.

34. (New) The system recited in claim 24, wherein the communications device is associated with the non-ambient service plan enabling access to the non-ambient service, and wherein the non-ambient service plan provides for data access.

35. (New) The system recited in claim 24, wherein the communications device is not associated with the non-ambient service plan, and wherein the sponsored access provides for access to the ambient service prior to activation of the non-ambient service plan.

36. (New) The system recited in claim 24, wherein the communications device is not associated with the non-ambient service plan, and wherein the sponsored access provides for access to the ambient service to enable the communications device to become associated with the non-ambient service plan.

37. (New) The system recited in claim 24, wherein the sponsored access provides for use of the ambient service subject to a first limitation, and wherein the one or more processors of the one or more network elements are further configured to assist in providing a notification through a user interface of the communications device, the notification being configured to assist the user of the communications device in performing a user activity to enable a use of the ambient service that is not subject to the first limitation or that is subject to a second limitation, the second limitation being different from the first limitation.

38. (New) The system recited in claim 37, wherein the user activity comprises a service sign-up.

39. (New) The system recited in claim 37, wherein the user activity comprises a purchase.

40. (New) The system recited in claim 37, wherein the user activity comprises earning a valued customer point.

41. (New) The system recited in claim 37, wherein the user activity comprises one or more of: a viewing of an advertisement, an answer to a question, and an acceptance of a trial.

42. (New) The system recited in claim 24, wherein the traffic characteristic comprises at least a portion of an Internet protocol (IP) address.

43. (New) The system recited in claim 24, wherein the traffic characteristic comprises at least a portion of a network route.

44. (New) The system recited in claim 24, wherein the traffic characteristic comprises at least a portion of a header.

45. (New) The system recited in claim 24, wherein the traffic characteristic comprises a tag.

46. (New) The system recited in claim 24, wherein the traffic characteristic comprises an application identifier configured to identify an application running on or associated with the communications device.

47. (New) The system recited in claim 24, wherein the traffic characteristic comprises a cookie.

48. (New) The system recited in claim 24, wherein the traffic characteristic comprises at least a portion of a handshake sequence.

49. (New) The system recited in claim 24, wherein the traffic characteristic comprises a token.

50. (New) The system recited in claim 24, wherein the traffic characteristic comprises a network address.

51. (New) The system recited in claim 24, wherein the traffic characteristic comprises a credential associated with the communications device.

52. (New) The system recited in claim 24, wherein the traffic characteristic comprises a secure link or a secure tunnel associated with communications device traffic.

53. (New) The system recited in claim 24, wherein the traffic characteristic comprises a device type.

54. (New) The system recited in claim 24, wherein the traffic characteristic comprises a socket.

55. (New) The system recited in claim 24, wherein the ambient service comprises a search service, and wherein the network destination managed by or on behalf of the ambient service partner provides search functionality, and wherein the requested access comprises a search query to the network destination managed by or on behalf of the ambient service partner, and wherein the search query is within the ambient service profile.

56. (New) The system recited in claim 55, wherein a search result in response to the search query is within the ambient service profile.

57. (New) The system recited in claim 56, wherein a surf-out from the search result is within the ambient service profile.

58. (New) The system recited in claim 57, wherein the one or more processors of the one or more network elements are further configured to account for usage of the wireless network associated with the surf-out.

59. (New) The system recited in claim 56, wherein a limited surf-out from the search result is within the ambient service profile.

60. (New) The system recited in claim 59, wherein the limited surf-out comprises a limited surf-out sequence.

61. (New) The system recited in claim 60, wherein the limited surf-out sequence provides for a particular number of selections from the search result.

62. (New) The system recited in claim 59, wherein the limited surf-out from the search result provides for a limited number of selections from the search result.

63. (New) The system recited in claim 62, wherein the limited number of selections from the search result is one.

64. (New) The system recited in claim 59, wherein the limited surf-out from the search result provides for a limited number of web pages.

65. (New) The system recited in claim 64, wherein the limited number of web pages is one.

66. (New) The system recited in claim 59, wherein the limited surf-out from the search result provides for a limited number of uniform resource locators (URLs).

67. (New) The system recited in claim 66, wherein the limited number of URLs is one.

68. (New) The system recited in claim 59, wherein the limited surf-out from the search result provides for a limited number of addresses.

69. (New) The system recited in claim 68, wherein the limited number of addresses is one.

70. (New) The system recited in claim 59, wherein the limited surf-out from the search result provides for a limited amount of data.

71. (New) The system recited in claim 59, wherein a characteristic of the limited surf-out is based on whether the search result or a search result user selection includes a paid search result.

72. (New) The system recited in claim 71, wherein the characteristic of the limited surf-out is a number of selections.

73. (New) The system recited in claim 71, wherein the characteristic of the limited surf-out is an amount of data.

74. (New) The system recited in claim 59, wherein the one or more processors of the one or more network elements are further configured to account for at least a portion of usage of the wireless network associated with the limited surf-out.

75. (New) The system recited in claim 59, wherein the one or more processors of the one or more network elements are further configured to:

determine when a usage of the wireless network associated with the limited surf-out has reached a limit, and

based on the determination that the usage of the wireless network associated with the limited surf-out has reached the limit, assist presenting a message through a user interface of the communications device, the message providing information about the sponsored access.

76. (New) The system recited in claim 75, wherein the processors of the one or more network elements are further configured to assist in presenting a service plan offer through the user interface of the communications device.

77. (New) The system recited in claim 59, wherein the one or more processors of the one or more network elements are further configured to:

determine when a usage of the wireless network associated with the limited surf-out has reached a limit, and

based on the determination that the usage of the wireless network associated with the limited surf-out has reached the limit, assist in presenting the search result through a user interface of the communications device.

78. (New) The system recited in claim 24, wherein the ambient service profile provides for access to an advertisement site through the network destination managed by or on behalf of the ambient service partner.

79. (New) The system recited in claim 24, wherein the ambient service profile is configured to allow a surf-out to an advertisement site.

80. (New) The system recited in claim 24, wherein the ambient service profile is configured to limit a surf-out to an advertisement site.

81. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to account for at least a portion of a surf-out to an advertisement site.

82. (New) The system recited in claim 24, wherein the network destination managed by or on behalf of the ambient service partner comprises an advertisement site, and wherein the ambient service profile includes a limit on the sponsored access to the advertisement site.

83. (New) The system recited in claim 24, wherein the ambient service comprises an e-mail service, and wherein the ambient service profile provides for access to the e-mail service.

84. (New) The system recited in claim 83, wherein the ambient service profile is configured to allow text e-mail.

85. (New) The system recited in claim 83, wherein the ambient service profile is configured to prevent e-mail downloads or uploads.

86. (New) The system recited in claim 83, wherein the one or more processors of the one or more network elements are further configured to account for at least a portion of usage of the wireless network associated with the e-mail service.

87. (New) The system recited in claim 24, wherein the ambient service comprises an e-mail service, and wherein the ambient service profile is configured to provide limited access to the e-mail service.

88. (New) The system recited in claim 24, wherein the ambient service comprises a shopping service, and wherein the ambient service profile provides for access to the shopping service.

89. (New) The system recited in claim 88, wherein the one or more processors of the one or more network elements are further configured to account for at least a portion of usage of the wireless network associated with the shopping service.

90. (New) The system recited in claim 24, wherein the ambient service comprises a shopping service, and wherein the ambient service profile is configured to provide limited access to the shopping service.

91. (New) The system recited in claim 24, wherein the ambient service comprises a content service, and wherein the network destination managed by or on behalf of the ambient service partner includes a content site, and wherein the ambient service profile is configured to provide for access to the content site.

92. (New) The system recited in claim 91, wherein the content site comprises a content web site, a content wireless application protocol (WAP) site, or a content portal.

93. (New) The system recited in claim 91, wherein the content site comprises a content shopping site.

94. (New) The system recited in claim 91, wherein the content site comprises an e-book site.

95. (New) The system recited in claim 91, wherein the content site comprises a news site.

96. (New) The system recited in claim 91, wherein the content site is configured to provide one or more of: a movie, a magazine, music, a video, a game, and a mobile application.

97. (New) The system recited in claim 91, wherein the ambient service profile is further configured to limit access to the content site.

98. (New) The system recited in claim 91, wherein the ambient service profile is further configured to limit access to the content site by limiting an aspect of content available from the content site.

99. (New) The system recited in claim 98, wherein the aspect of content comprises one or more of a resolution, a bandwidth, and a complexity.

100. (New) The system recited in claim 91, wherein the ambient service profile is further configured to allow access to the content site based on a user activity.

101. (New) The system recited in claim 100, wherein the user activity comprises a content purchase.

102. (New) The system recited in claim 24, wherein the network destination managed by or on behalf of the ambient service partner comprises a website.

103. (New) The system recited in claim 24, wherein at least one of the one or more network elements comprises the network destination managed by or on behalf of the ambient service partner.

104. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify an aspect of a content provided by the network destination managed by or on behalf of the ambient service partner.

105. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify a resolution of a content provided by the network destination managed by or on behalf of the ambient service partner.

106. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify a bandwidth usage of a content provided by the network destination managed by or on behalf of the ambient service partner.

107. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify an aspect of an advertisement provided by the network destination managed by or on behalf of the ambient service partner.

108. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify a resolution of an advertisement provided by the network destination managed by or on behalf of the ambient service partner.

109. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify an aspect of a transaction provided by the network destination managed by or on behalf of the ambient service partner.

110. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify a resolution of a transaction provided by the network destination managed by or on behalf of the ambient service partner.

111. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify a content of a transaction provided by the network destination managed by or on behalf of the ambient service partner.

112. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify a bandwidth provided or received by the network destination managed by or on behalf of the ambient service partner.

113. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify an amount of data provided or received by the network destination managed by or on behalf of the ambient service partner.

114. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to reduce an amount of data provided or received by the network destination managed by or on behalf of the ambient service partner.

115. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify a surf-out option provided by the network destination managed by or on behalf of the ambient service partner.

116. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify a service interface provided by the network destination managed by or on behalf of the ambient service partner.

117. (New) The system recited in claim 24, wherein the one or more network elements comprise one or more of a proxy server, a gateway, and a router.

118. (New) The system recited in claim 24, wherein the one or more network elements comprise one or more of a home location register (HLR); an authentication, authorization, and accounting (AAA) server; and a base station.

119. (New) The system recited in claim 24, wherein at least one of the one or more network elements is programmed to allow access only to the network destination managed by or on behalf of the ambient service partner.

120. (New) The system recited in claim 24, wherein at least one of the one or more network elements is a dedicated network element programmed to support the ambient service.

121. (New) The system recited in claim 24, wherein at least one of the one or more network elements is programmed to account for the usage of the wireless network associated with the ambient service.

122. (New) The system recited in claim 24, wherein the requested access comprises a uniform resource link (URL).

123. (New) The system recited in claim 24, wherein the requested access comprises a token associated with the ambient service.

124. (New) The system recited in claim 24, wherein the requested access comprises an allowed surf-out, the allowed surf-out being accounted to an account associated with the ambient service.

125. (New) The system recited in claim 24, wherein the requested access is associated with a particular application on the communications device.

126. (New) The system recited in claim 24, wherein the requested access is associated with a particular content type.

127. (New) The system recited in claim 24, wherein the requested access is associated with a particular source.

128. (New) The system recited in claim 24, wherein the requested access is associated with a particular network destination.

129. (New) The system recited in claim 24, wherein the requested access is associated with a particular Internet protocol (IP) address.

130. (New) The system recited in claim 24, wherein the requested access is associated with a particular domain.

131. (New) The system recited in claim 24, wherein the requested access comprises a request to access a transaction service enabling electronic commerce transactions using the communications device.

132. (New) The system recited in claim 24, wherein the requested access comprises a request to access a search service.

133. (New) The system recited in claim 24, wherein the ambient service comprises a content service.

134. (New) The system recited in claim 133, wherein the content service provides one or more of news, a book, a magazine, music, a video, a game, and a mobile application.

135. (New) The system recited in claim 24, wherein the ambient service enables the user of the communications device to select a service plan option.

136. (New) The system recited in claim 24, wherein the ambient service comprises a transaction service enabling electronic commerce transactions using the communications device.

137. (New) The system recited in claim 24, wherein the ambient service comprises a search service.

138. (New) The system recited in claim 24, wherein the ambient service profile defines one or more of a service upgrade offering, a network destination access control, a traffic control policy, and an advertisement presented to the user of the communications device.

139. (New) The system recited in claim 24, wherein the ambient service profile defines one or more of an allowed application, an allowed network destination, and an allowed source.

140. (New) The system recited in claim 24, wherein the ambient service profile defines a mobile commerce transaction capability.

141. (New) The system recited in claim 24, wherein the ambient service profile defines one or more of a traffic control rule and a billing rule.

142. (New) The system recited in claim 24, wherein the at least one service policy setting includes one or more of: an access control setting, a traffic control setting, a billing system setting, a user notification setting, a user notification with acknowledgment setting, a user privacy setting, a user preference setting, an authentication setting, an admission control setting, an application access setting, a content access setting, a transaction setting, and a network management communication setting.

143. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are configured to determine whether the requested access is within the ambient service profile based on a set of one or more allowed activities.

144. (New) The system recited in claim 143, wherein the set of one or more allowed activities includes information identifying one or more of: an allowed application, an allowed network destination, and an allowed source.

145. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are configured to determine whether the requested access is within the ambient service profile based on whether the requested access comprises an allowed surf-out, the

allowed surf-out being accounted to an ambient service accounting associated with the ambient service.

146. (New) The system recited in claim 145, wherein the ambient service provides for access to a search website, and wherein the allowed surf-out provides for access to a search result.

147. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are configured to determine whether the requested access is within the ambient service profile based on a limitation on one or more of: a sequence of user actions, a transfer limit, a number of user actions, a number of user choices, a number of web pages, a number of portal pages, a number of uniform resource locators (URLs), a number of domains, a number of advertisements, a type of advertisements, a content type, a content size, a number of addresses, a type of file download, a type of file upload, a type of file transfer, a number of file downloads or uploads, an activity of a particular application, an amount of time for a surf-out sequence, and a total data transfer associated with the surf-out sequence.

148. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are configured to determine whether the requested access is within the ambient service profile based on a level of standing of the user of the communications device.

149. (New) The system recited in claim 148, wherein the level of standing is based on a user account standing.

150. (New) The system recited in claim 148, wherein the level of standing is based on a purchase behavior or a browsing behavior.

151. (New) The system recited in claim 148, wherein the level of standing is based on an ad click-through behavior.

152. (New) The system recited in claim 148, wherein the level of standing is based on a user service data usage or a reward metric.

153. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are configured to determine whether the requested access is within the ambient service profile based on a time.

154. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are configured to determine whether the requested access is within the ambient service profile based on a total data transfer.

155. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are configured to determine whether the requested access is within the ambient service profile based on a content type.

156. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are configured to determine whether the requested access is within the ambient service profile based on a time of day.

157. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are configured to determine whether the requested access is within the ambient service profile based on one or more of a user priority, a user class, a non-ambient service plan, a user activity, and a network busy state.

158. (New) The system recited in claim 24, wherein allow the requested access comprises restrict the requested access.

159. (New) The system recited in claim 24, wherein allow the requested access comprises throttle the requested access.

160. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to assist in providing a notification to the communications device when the requested access is within the ambient service profile.

161. (New) The system recited in claim 160, wherein the one or more processors of the one or more network elements are further configured to assist in providing the notification to the communications device by one or more of: sending the notification to the communications device, presenting a proxy web page to the communications device, providing a pop-up to the communications device, and assisting in installing a browser on the communications device.

162. (New) The system recited in claim 160, wherein the notification comprises information about a service offer.

163. (New) The system recited in claim 160, wherein the notification comprises information about an available non-ambient service plan.

164. (New) The system recited in claim 160, wherein the notification comprises information about the ambient service.

165. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to assist in providing a notification to the communications device when the requested access is not within the ambient service profile.

166. (New) The system recited in claim 165, wherein the one or more processors of the one or more network elements are further configured to assist in providing the notification to the communications device by presenting a proxy web page to the communications device.

167. (New) The system recited in claim 166, wherein the proxy web page is configured to inform the user that the requested access is not allowed.

168. (New) The system recited in claim 166, wherein the proxy web page is configured to present a non-ambient service plan option.

169. (New) The system recited in claim 165, wherein the notification indicates that the ambient service is not available to the communications device.

170. (New) The system recited in claim 165, wherein the notification indicates that the requested access is not within the ambient service profile.

171. (New) The system recited in claim 165, wherein the notification is configured to inform the user that the requested access requires the non-ambient service plan.

172. (New) The system recited in claim 165, wherein the one or more processors of the one or more network elements are further configured to provide the notification to the communications device by one or more of: sending the notification to the communications device, providing a pop-up to the communications device, and assisting in installing a browser on the communications device.

173. (New) The system recited in claim 165, wherein the notification comprises a service offer.

174. (New) The system recited in claim 165, wherein the notification comprises information about an available non-ambient service plan.

175. (New) The system recited in claim 165, wherein the notification indicates that the requested access is not allowed.

176. (New) The system recited in claim 165, wherein the notification indicates that the ambient service is not available to the communications device.

177. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to account for at least a portion of the sponsored access.

178. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to assist in providing an accounting of at least a portion of the sponsored access to the sponsor entity or a service provider.

179. (New) The system recited in claim 178, wherein the sponsor entity is an advertiser, a transaction provider, a mobile virtual network operator, or a virtual service provider.

180. (New) The system recited in claim 178, wherein the sponsor entity provides one or more of: a search service, an e-mail service, and a shopping service.

181. (New) The system recited in claim 178, wherein the sponsor entity provides an electronic commerce service.

182. (New) The system recited in claim 178, wherein the sponsor entity provides a content service.

183. (New) The system recited in claim 182, wherein the content service provides a book.

184. (New) The system recited in claim 182, wherein the content service provides music.

185. (New) The system recited in claim 182, wherein the content service provides a mobile application.

186. (New) The system recited in claim 182, wherein the content service provides one or more of news, a magazine, a video, and a game.

187. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to assist in determining a revenue share associated with the ambient service.

188. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to provide information to assist in determining a credit to be allocated to a service usage account associated with the first entity.

189. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to determine a credit to a service usage account based on a measure of usage of the ambient service by at least one of the one or more network elements, the service usage account being associated with the first entity.

190. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to determine a credit to a user service usage account based on a user behavior.

191. (New) The system recited in claim 190, wherein the user behavior comprises one or more of: a purchase, a selecting of an advertisement, an answer to a question, a service sign-up, an acceptance of a trial, and an earning of a valued customer point.

192. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to adapt the ambient service profile by modifying a limitation on the requested access.

193. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to adapt the ambient service profile based on the requested access.

194. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to adapt the ambient service profile by updating or modifying a list of one or more allowed activities.

195. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to adapt or modify the traffic characteristic associated with the communications device or the wireless network.

196. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to modify the traffic characteristic associated with the communications device or the wireless network by updating or modifying a parameter associated with a traffic source identifier list.

197. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to adapt the ambient service profile based on a user behavior.

198. (New) The system recited in claim 197, wherein the user behavior comprises one or more of: a purchase, a selecting of an advertisement, an answer to a question, a service sign-up, an acceptance of a trial, and an earning a of valued customer point.

199. (New) The system recited in claim 197, wherein adapt the ambient service profile based on a user behavior comprises modify a limit on the sponsored access.

200. (New) The system recited in claim 199, wherein modify a limit on the sponsored access comprises remove the limit on the sponsored access.

201. (New) The system recited in claim 197, wherein adapt the ambient service profile based on a user behavior comprises modify a limit on the sponsored access based on a number of valued customer points.

202. (New) The system recited in claim 197, wherein adapt the ambient service profile based on a user behavior comprises reduce at least an aspect of the sponsored access for at least a period of time.

203. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to provide a measure of the sponsored access to the ambient service partner.

204. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to obtain a measure of the sponsored access from the ambient service partner.

205. (New) The system recited in claim 24, wherein the one or more processors of the one or more network elements are further configured to obtain a measure of the sponsored access from the sponsor entity.

206. (New) The system recited in claim 24, further comprising a programming interface configured to:

obtain an administrator input defining at least a portion of the ambient service profile, and

assist in providing programming information based on the administrator input to the one or more processors of the one or more network elements.

207. (New) The system recited in claim 206, wherein the at least a portion of the ambient service profile includes the at least one service policy setting.

208. (New) The system recited in claim 206, wherein the programming interface is a graphical interface.

209. (New) The system recited in claim 24, wherein the sponsor entity is the ambient service partner.

AMENDMENTS TO THE DRAWINGS

To improve drawing quality, please replace the originally filed drawing sheets with the seven (7) replacement drawing sheets submitted herewith. The replacement drawing sheets, which fully comply with 37 CFR §§ 1.84 and 1.121(d), contain no substantive changes and introduce no new matter.

REMARKS

Before entry of the amendments herein, claims 1-21, 24, and 25 were pending and rejected. Claims 1-21 are being canceled herein. Claims 24 and 25 are being amended herein. Claims 26-209 are being added herein. After entry of the amendments herein, claims 24-209 are pending.

Paragraph [0045] of the specification is being amended to correct a typographical error, namely, the inadvertent deletion of the letter "i" in the word "in."

Applicants are amending the Abstract to reflect amended claim 24.

To improve drawing quality, Applicants are submitting replacement drawing sheets for all drawings.

Applicants respectfully submit that no new matter is being added by these amendments. Applicants respectfully request reconsideration.

Claim Rejections – 35 U.S.C. § 103

In section 6, the Office Action rejects claims 1-21, 24, and 25 under 35 U.S.C. § 103(a) as being unpatentable over the publication "I-centric User Interaction" by Steglich (hereinafter, "Steglich") in view of U.S. Patent Publication 2004/0082346 by Skytt (hereinafter, "Skytt").

Steglich discloses a user-centered approach for the realization of services and applications. Steglich at 191, § 5.1, ¶ 1, ll. 2-3. More specifically, Steglich discloses an "I-Centric User Interaction Portal" that resides in the network and provides "I-Centric Services" to user terminals. *Id.* at 156, § 4.2, ll. 12-17; Fig. 4-1. Steglich seeks to improve the user experience by enabling service developers to create services (*i.e.*, "I-Centric Services") that may be accessed by users through arbitrary terminal devices and communication media, and that are personalized based on user preferences and information about the context in which a user accesses a service. *Id.* at 1, § 1.1, ll. 25-27; 2, ll. 4-8, 16-18; 2, § 1.2, ll. 1-4.

To improve the user experience, Steglich proposes to capture "ambient information," which describes the environment of a user at a certain moment in time, and to adapt services

based on the ambient information and user preferences. *Id.* at 111, ll. 8-9; 110, § 3.4.2, l. 5. Ambient information is "information that can be collected, gathered, or sensed from the physical environment using the objects of the individual communication space of a certain individual." *Id.* at 19, ll. 24-26. In particular, ambient information includes measureable data, such as temperature, humidity, noise level, light intensity, etc., and also relevant items residing in the environment, such as devices, people, and other objects. *Id.* at 110, § 3.4.2, ll. 5-7; 19, ll. 18-20. By using ambient information, the user interface of the user terminal, and the services delivered to that terminal, can be adapted to account for the user's current situation. *Id.* at 119, § 3.4.5, ¶ 2, ll. 1-2; 20, ¶ 4, ll. 2-7.

Ambient information can be gathered from sensor technology embedded in mobile equipment, communication networks, and living and working environments to sense the identity, location, and current activities of a user as well as the environmental conditions. *Id.* at 110, § 3.4.2, ll. 8-11. Ambient information can also be obtained directly from a user (*e.g.*, from explicit user statements in which the user describes the environment, such as by specifying a current location) or a device (*e.g.*, from a mobile phone or from measuring instruments such as a heart-rate monitor). *Id.* at 111, ll. 22-23; 110, § 3.4.2, ll. 25-26. Ambient information can also be obtained indirectly by interpreting available information to obtain derived information (*e.g.*, if the location of a user terminal is known, and the user is interacting with the system using that user terminal, then the user's location is also known). *Id.* at 111, ll. 25-27.

Steglich discloses that ambient information is always associated with a location and is valid only for a particular amount of time. *Id.* at 114, § 3.4.3.2, ll. 1-2; 115, § 3.4.3.3, ll. 1-3. To enable service adaptation, the I-Centric User Interaction Portal uses an ambient profile data structure that is characterized by a location area and a number of "attributes" that contain the specific ambient information data, where the information in an attribute is used by a service provider to customize services and to provide personalization to users. *Id.* at 114, § 3.4.3.1, ll. 2-5; 88, § 3.3.3.8, ll. 1-2.

Each user can have one or more "user profiles," each of which applies in a particular selection context (*e.g.*, "at home," "during office hours"). *Id.* at 85, § 3.3.3, ll. 11-13. A user profile is a set of information necessary to provide a user with a consistent, personalized service

environment, regardless of the user location or the terminal used. *Id.* at 81, ll. 33-35. Each user also has a "default profile" that specifies the attribute values to be used when no user profile applies or when a user profile fails to specify an attribute. *Id.* at 86, § 3.3.3.2, ¶ 1, ll. 1-4. Steglich also discloses a "service profile" that describes all attributes by which service behavior can be personalized. *Id.* at 88, § 3.3.3.7, l. 1. The service profile contains the default values for all attributes. The default value of a particular attribute is used when the user has not specified a value for that particular attribute. *Id.* at 88, § 3.3.3.7, ll. 2-3.

Skytt discloses automatic provisioning for or registration of an enhanced service that has not yet been provisioned for a mobile unit. Skytt at Abstract. Skytt seeks to avoid requiring manual intervention by users to enable the use of an enhanced service that is associated with an existing service agreement with a service provider or network operator. *Id.* at ¶¶ [0005], [0021]. Examples of enhanced services are multimedia services, multimedia messaging service (MMS), instant messaging (IM), instant messaging and presence service (IMPS), multimedia conferencing services, chat services, presence services, streaming services, content download services, location-based services, push services, push-to-talk services, video telephony, videoconferencing services, session initiation protocol (SIP) services, and enhanced voice services. *Id.* at ¶ [0021].

Skytt discloses a provisioning system that resides in the network and includes a configuration center and an enhanced-service center. *Id.* at ¶ [0047]. The configuration center detects that a device is capable of using an enhanced service but is not yet provisioned for the enhanced service. *Id.* at ¶ [0047]. The configuration center then generates a detection signal or message that includes information about a service agreement between the user of the mobile unit and the operator (*e.g.*, an international mobile subscriber identity (IMSI), a subscriber identity module (SIM), etc.), and the configuration center sends the detection signal or message to the enhanced-service center. *Id.* at ¶¶ [0047], [0053]. The enhanced-service center has access to an enhanced-service database or register that includes information of users that have a service agreement with the network operator. *Id.* at ¶ [0047]. After the enhanced-service center finds, based on the service agreement information, that the mobile unit is not yet provisioned for the enhanced service, the enhanced-service center registers the mobile unit in the database. *Id.* at ¶ [0047].

In rejecting claims 1-21, 24, and 25, the Office Action states that Steglich discloses a communications device having a Pentium III processor (*e.g.*, p. 230), an ambient service profile (*e.g.*, p. 19, § 2.2.3), a plurality of policy settings (*e.g.*, p. 34), monitor use of the ambient service profile (*e.g.*, p. 125, ¶ 1; p. 153, penultimate paragraph), instructions (*e.g.*, p. 151; Table 3-9), a proxy network service (*e.g.*, p. 106, § 3.3.7.2), a point-of-sale device (*e.g.*, pp. 85, 113), a program (*e.g.*, p. 150, ¶ 2), a transaction based service (*e.g.*, p. 79, § 3.3.1), the Internet and a modem (*e.g.*, p. 39, § 2.5.4), a mobile device (*e.g.*, p. 38, § 2.54), usage information (*e.g.*, p. 162), access availability (*e.g.*, p. 92, last paragraph), modify and monitoring the access (*e.g.*, p. 125, Figs. 3-49), monitoring requested access (*e.g.*, p. 153), block access (*e.g.*, p. 24), and upgraded service (*e.g.*, p. 181).

The Office Action states that Steglich does not specifically teach a service plan providing for initial access to the service, or a low cost plan, or an option to purchase a new service or a transaction based service. The Office Action states that Skytt teaches a service plan providing for initial access to the service and a low cost plan (*e.g.*, ¶ [0020]-[0021], [0048]). The Office Action takes Official Notice that an option to purchase a new service or a transaction based service has been common knowledge in the art. The Office Action asserts that to have provided a service plan providing for initial access to the service for Steglich would have been obvious in view of Skytt, and that the motivation for having done so would have been to have provided a known upgraded communication device to enable enhanced search capabilities. The Office Action further asserts that to have provided to Steglich in view of Skytt an option to purchase a new service or a transaction based service would have been obvious in view of this common knowledge in the art, and that the motivation to have incorporated would have been to have provided a known communication device service.

Claims 1-21

Applicants are canceling claims 1-21.

Claim 24

As amended, claim 24 recites:

A system, comprising:

one or more processors of one or more network elements configured to:

detect a requested access to an ambient service over a wireless network, the requested access being associated with a communications device communicatively coupled to the system over the wireless network, the ambient service providing sponsored access to a network destination managed by or on behalf of an ambient service partner, wherein the sponsored access comprises a usage of the wireless network associated with the ambient service that is sponsored by a sponsor entity, wherein (1) if the communications device is associated with a non-ambient service plan enabling access to a non-ambient service, the sponsor entity is an entity other than a first entity that is financially responsible for the non-ambient service plan, or (2) if the communications device is not associated with the non-ambient service plan, the sponsor entity is an entity other than a user of the communications device,

obtain, based on the requested access, a traffic characteristic associated with the communications device or the wireless network,

determine, based on the traffic characteristic, whether the requested access is within an ambient service profile, the ambient service profile for controlling access by the communications device to the ambient service over the wireless network, the ambient service profile comprising at least one service policy setting,

when the requested access is within the ambient service profile, allow the requested access, and

when the requested access is not within the ambient service profile, prevent the requested access; and

memory of the one or more network elements coupled to the one or more processors and configured to provide the one or more processors with instructions.

The amendments to claim 24 are supported at least by paragraphs [0015]-[0017], [0021]-[0022], [0025], [0067], and [0092].

Applicants respectfully submit that claim 24, as amended, is nonobvious over Steglich in view of Skytt at least because, whether alone or in combination, Steglich and Skytt do not disclose, contemplate, or suggest several of the limitations of amended claim 24.

First, neither Steglich nor Skytt discloses, contemplates, or suggests "the ambient service providing sponsored access to a network destination managed by or on behalf of an ambient service partner, wherein the sponsored access comprises a usage of the wireless network associated with the ambient service that is sponsored by a sponsor entity, wherein (1) if the communications device is associated with a non-ambient service plan enabling access to a non-ambient service, the sponsor entity is an entity other than a first entity that is financially responsible for the non-ambient service plan, or (2) if the communications device is not associated with the non-ambient service plan, the sponsor entity is an entity other than a user of the communications device." Steglich discloses adapting services delivered to a user's terminal based on ambient information, which describes the environment of the user at a certain moment in time. Steglich at 111, ll. 8-9; 110, § 3.4.2, l. 5. But Steglich does not disclose, contemplate, or suggest that any of the delivered services is an *ambient service* providing *sponsored access* to a *network destination managed by or on behalf of an ambient service partner*, or that the sponsored access is sponsored by a sponsor entity.

Skytt also does not disclose, contemplate, or suggest that any of the services delivered to user equipment is an ambient service providing sponsored access to a network destination managed by or on behalf of an ambient service partner, or that the sponsored access is sponsored by a sponsor entity. Skytt discloses that users have service agreements with network operators, and that the enhanced services are typically associated with a subscription or other service agreement with the service provider. Skytt at ¶¶ [0047]-[0048]. Although Skytt discloses that the enhanced services may be "free or chargeable, e.g.[,] prepaid or postpaid services, and/or services debited in connection with payment of the user's subscription to the operator," *id.* at ¶ [0048], Skytt does not disclose that a sponsor entity sponsors access to the enhanced services. Skytt only discloses that the user of the mobile unit pays for the enhanced services.

Because Steglich and Skytt do not disclose, contemplate, or suggest "the ambient service providing sponsored access to a network destination managed by or on behalf of an ambient

service partner, wherein the sponsored access comprises a usage of the wireless network associated with the ambient service that is sponsored by a sponsor entity, wherein (1) if the communications device is associated with a non-ambient service plan enabling access to a non-ambient service, the sponsor entity is an entity other than a first entity that is financially responsible for the non-ambient service plan, or (2) if the communications device is not associated with the non-ambient service plan, the sponsor entity is an entity other than a user of the communications device," it follows that the references, whether alone or in combination, also do not disclose "one or more processors of one or more network elements configured to . . . detect a requested access to an ambient service over a wireless network." And even if one of the enhanced services of Skytt were an ambient service providing sponsored access to a network destination managed by or on behalf of an ambient service partner, Skytt discloses that the configuration center identifies user equipment as non-provisioned based on information stored in the network, and not based on detecting a requested access to the enhanced service. Indeed, Skytt emphasizes that one objective of Skytt is to eliminate user intervention for registering or provisioning non-provisioned or new enhanced-service-capable user equipment. *Id.* at ¶ [0023]. Thus, Applicants respectfully submit that Steglich and Skytt, whether alone or in combination, do not disclose, contemplate, or suggest "one or more processors of one or more network elements configured to . . . detect a requested access to an ambient service over a wireless network, the requested access being associated with a communications device communicatively coupled to the system over the wireless network, the ambient service providing sponsored access to a network destination managed by or on behalf of an ambient service partner, wherein the sponsored access comprises a usage of the wireless network associated with the ambient service that is sponsored by a sponsor entity, wherein (1) if the communications device is associated with a non-ambient service plan enabling access to a non-ambient service, the sponsor entity is an entity other than a first entity that is financially responsible for the non-ambient service plan, or (2) if the communications device is not associated with the non-ambient service plan, the sponsor entity is an entity other than a user of the communications device."

Second, Steglich and Skytt, whether alone or in combination, do not disclose "one or more processors of one or more network elements configured to . . . determine, based on the traffic characteristic, whether the requested access is within an ambient service profile, the ambient service profile for controlling access by the communications device to the ambient

service over the wireless network, the ambient service profile comprising at least one service policy setting," at least because Steglich and Skytt do not disclose an ambient service providing sponsored access to a network destination managed by or on behalf of an ambient service partner, wherein the sponsored access comprises a usage of the wireless network associated with the ambient service that is sponsored by a sponsor entity.

Furthermore, even assuming the ambient information of Steglich is a traffic characteristic, Steglich does not disclose determining, based on the traffic characteristic, whether a requested access over a wireless network by a device is within an ambient service profile, or that such ambient service profile is for controlling access by the device to the ambient service over the wireless network. Although Steglich does disclose profiles, the profiles include settings for attributes that allow a service to be personalized. Steglich at 88, § 3.3.3.7, ll. 1-3. Steglich does not disclose or suggest an *ambient service profile for controlling access by the communications device to the ambient service over the wireless network*, the ambient service providing sponsored access to a network destination managed by or on behalf of an ambient service partner, wherein the sponsored access comprises a usage of the wireless network associated with the ambient service that is sponsored by a sponsor entity.

Likewise, as explained above, Skytt does not disclose detecting a requested access to an ambient service over a wireless network, and, therefore, Skytt also does not disclose, contemplate, or suggest that the provisioning system, the enhanced-service center, or any other network device obtains, based on the requested access, a traffic characteristic associated with the mobile unit or the wireless network, or that any network device determines, based on the traffic characteristic, whether the requested access is within an ambient service profile, the ambient service profile for controlling access by the communications device to the ambient service over the wireless network. Indeed, Skytt does not disclose, contemplate, or suggest a service profile at all, much less an ambient service profile for controlling access by a communications device to an ambient service over a wireless network. Therefore, Steglich and Skytt, whether alone or in combination, fail to disclose, contemplate, or suggest "one or more processors of one or more network elements configured to . . . determine, based on the traffic characteristic, whether the requested access is within an ambient service profile, the ambient service profile for controlling

access by the communications device to the ambient service over the wireless network, the ambient service profile comprising at least one service policy setting."

Because Steglich and Skytt fail to disclose, contemplate, or suggest "one or more processors of one or more network elements configured to . . . determine, based on the traffic characteristic, whether the requested access is within an ambient service profile, the ambient service profile for controlling access by the communications device to the ambient service over the wireless network, the ambient service profile comprising at least one service policy setting," it follows that the references also fail to disclose, contemplate, or suggest "one or more processors of one or more network elements configured to . . . when the requested access is within the ambient service profile, allow the requested access," or "one or more processors of one or more network elements configured to . . . when the requested access is not within the ambient service profile, prevent the requested access."

Therefore, for at least these reasons, Applicants respectfully submit that claim 24, as amended, is nonobvious over Steglich in view of Skytt, and Applicants respectfully request that the 35 U.S.C. § 103(a) rejection be withdrawn.

Claim 25

Claim 25, amended herein, depends directly from claim 24, which, Applicants respectfully submit, is nonobvious over Steglich in view of Skytt. Therefore, Applicants respectfully submit that claim 25, as amended, is also patentable over Steglich in view of Skytt, and Applicants respectfully request that the 35 U.S.C. § 103(a) rejection be withdrawn.

Claims 26-209

Claims 26-209 are being added. Claim 26 is supported at least by paragraphs [0016], [0045], and [0079]. Claim 27 is supported at least by paragraphs [0016] and [0079]. Claims 28-30 are supported at least by paragraph [0016]. Claim 31 is supported at least by paragraphs [0017] and [0018]. Claim 32 is supported at least by paragraph [0041]. Claim 33 is supported at least by paragraphs [0018] and [0063]. Claim 34 is supported at least by paragraph [0041]. Claim 35 is supported at least by paragraph [0016]. Claims 36-41 are supported at least by paragraph [0016]. Claim 37 is supported at least by paragraph [0018]. Claims 42-45 are

supported at least by paragraph [0092]. Claims 46-49 are supported at least by paragraph [0035]). Claim 50 is supported at least by paragraph [0087]. Claims 51-52 are supported at least by paragraph [0092]. Claim 53 is supported at least by paragraph [0026]. Claim 54 is supported at least by paragraph [0092]. Claim 55 is supported at least by paragraphs [0022], [0030], [0032], and [0034]. Claim 56 is supported at least by paragraph [0022]. Claim 57 is supported at least by paragraph [0030]. Claim 58 is supported at least by paragraphs [0032] and [0034]. Claim 59 is supported at least by paragraphs [0030] and [0031]. Claims 60 and 61 are supported at least by paragraph [0031]. Claims 62 and 63 are supported at least by paragraphs [0030]-[0032]. Claims 64-66 are supported at least by paragraph [0031]. Claims 67-70 are supported at least by paragraphs [0030] and [0031]. Claim 71 is supported at least by paragraph [0034]. Claims 72 and 73 are supported at least by paragraphs [0032] and [0034]. Claim 74 is supported at least by paragraph [0034]. Claim 75 is supported at least by paragraphs [0032], [0044], and [0085]. Claim 76 is supported at least by paragraph [0044]. Claim 77 is supported at least by paragraphs [0032] and [0034]. Claim 78 is supported at least by paragraphs [0016] and [0022]. Claim 79 is supported at least by paragraphs [0022] and [0030]. Claim 80 is supported at least by paragraphs [0030]-[0031]. Claim 81 is supported at least by paragraphs [0016] and [0045]. Claim 82 is supported at least by paragraphs [0016] and [0022]. Claim 83 is supported at least by paragraph [0016]. Claims 84-85 are supported at least by paragraph [0016]. Claim 86 is supported at least by paragraph [0091]. Claim 87 is supported at least by paragraph [0016]. Claim 88 is supported at least by paragraphs [0016] and [0022]. Claim 89 is supported at least by paragraph [0091]. Claims 90-95 are supported at least by paragraph [0016]. Claim 96 is supported at least by paragraphs [0016] and [0017]. Claim 97 is supported at least by paragraph [0016]. Claims 98-99 are supported at least by paragraph [0035]. Claim 100 is supported at least by paragraph [0016]. Claim 101 is supported at least by paragraph [0018]. Claims 102-112 are supported at least by paragraph [0035]. Claims 113 and 114 are supported at least by paragraphs [0017], and [0035]. Claims 115 and 116 are supported at least by paragraph [0035]. Claims 117 and 118 are supported at least by paragraph [0042]. Claims 119-121 are supported at least by paragraphs [0087]-[0088]. Claims 122-124 are supported at least by paragraph [0042]. Claims 125-128 are supported at least by paragraph [0023]. Claims 129 and 130 are supported at least by paragraph [0025]. Claim 131 is supported at least by paragraph [0045]. Claim 132 is supported at least by paragraphs [0032] and [0034]. Claims 133-135 are supported at least by

paragraph [0016]. Claim 136 is supported at least by paragraph [0045]. Claim 137 is supported at least by paragraph [0022]. Claims 138-141 are supported at least by paragraph [0016]. Claim 142 is supported at least by paragraph [0043]. Claim 143 is supported at least by paragraphs [0024] and [0028]. Claim 144 is supported at least by paragraph [0024]. Claim 145 is supported at least by paragraph [0030]. Claim 146 is supported at least by paragraphs [0032] and [0034]. Claim 147 is supported at least by paragraphs [0017] and [0031]. Claims 148-152 are supported at least by paragraph [0034]. Claim 153 is supported at least by paragraph [0044]. Claim 154 is supported at least by paragraph [0031]. Claims 155 and 156 are supported at least by paragraph [0044]. Claim 157 is supported at least by paragraph [0030]. Claims 158 and 159 are supported at least by paragraph [0085]. Claim 160 is supported at least by paragraphs [0085] and [0089]. Claims 161-164 are supported at least by paragraph [0089]. Claim 165 is supported at least by paragraph [0079]. Claims 166-168 are supported at least by paragraph [0089]. Claims 169 and 170 are supported at least by paragraph [0079]. Claims 171-174 are supported at least by paragraph [0089]. Claims 175 and 176 is supported at least by paragraph [0079]. Claim 177 is supported at least by paragraph [0091]. Claims 178 and 179 are supported at least by paragraph [0045]. Claim 180 is supported at least by paragraphs [0016] and [0022]. Claim 181 is supported at least by paragraph [0045]. Claims 182-186 are supported at least by paragraph [0016]. Claim 187 is supported at least by paragraph [0017]. Claim 188 is supported at least by paragraph [0091]. Claim 189 is supported at least by paragraphs [0058] and [0091]. Claim 190 is supported at least by paragraph [0058]. Claim 191 is supported at least by paragraph [0018]. Claim 192 is supported at least by paragraph [0030]. Claim 193 is supported at least by paragraphs [0066] and [0067]. Claim 194 is supported at least by paragraph [0023]. Claims 195 and 196 are supported at least by paragraph [0020] and [0087]. Claims 197-202 are supported at least by paragraph [0018]. Claim 203 is supported at least by paragraphs [0045] and [0088]. Claim 204 is supported at least by paragraph [0094]. Claim 205 is supported at least by paragraphs [0059] and [0094]. Claims 206-208 are supported at least by paragraph [0095]. Claim 209 is supported at least by paragraph [0045].

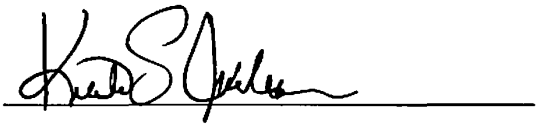
Claims 26-209 depend, directly or indirectly, from claim 24, which, Applicants respectfully submit, is nonobvious over Steglich in view of Skytt. Therefore, Applicants respectfully submit that claims 26-209 are also patentable.

CONCLUSION

Applicants respectfully request entry of these amendments as provided herein. The application is believed to be in condition for allowance, and a Notice of Allowance is hereby respectfully requested. If the Examiner has any questions or needs any additional information, the Examiner is invited to contact the undersigned.

The Commissioner is authorized to charge any fee deficiency or credit any overpayment to Deposit Account 50-5876.

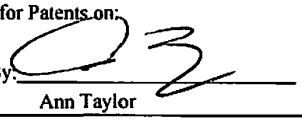
Respectfully submitted,

Date: November 28, 2012 By: 

Krista S. Jacobsen
Reg. No. 59,374
Head Counsel
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Redwood Shores, CA 94065
(650) 517-2798

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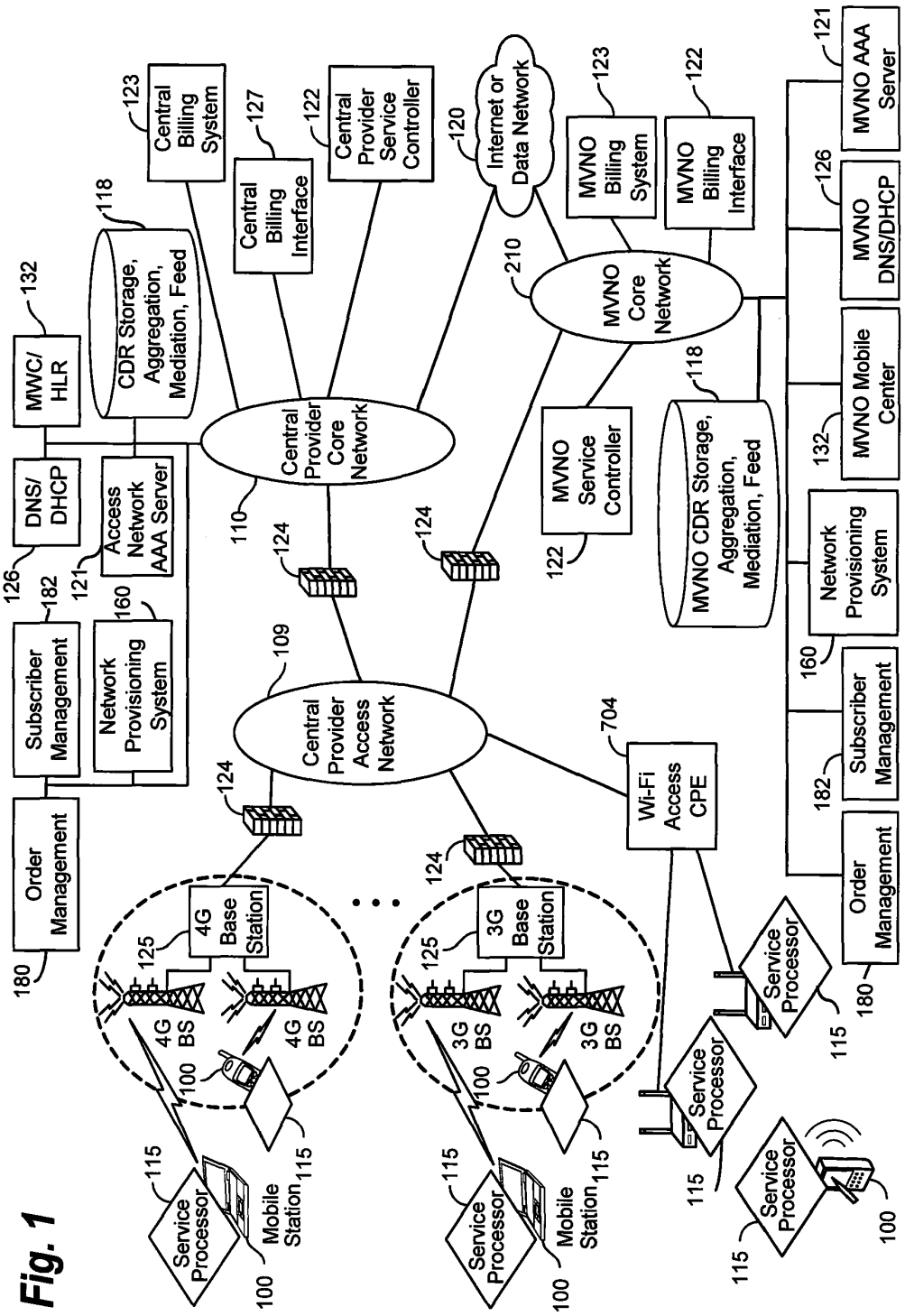

Central Billing System
123
Central Billing Interface
127
Central Provider Service Controller
122
Internet or Data Network
120
MVNO Billing System
123
MVNO Billing Interface
122
MVNO AAA Server
121
MVNO DNS/DHCP
126
MVNO Mobile Center
132
CDR Storage, Aggregation, Mediation, Feed
118
MWC/ HLR
132
DNS/ DHCP
126
Access Network AAA Server
121
Central Provider Core Network
110
MVNO Core Network
210
MVNO Service Controller
122
MVNO CDR Storage, Aggregation, Mediation, Feed
118
Subscriber Management
182
Network Provisioning System
160
Central Provider Access Network
109
Wi-Fi Access CPE
704
Order Management
180
4G Base Station
3G Base Station
4G BS
3G BS
Service Processor
Mobile Station
100
115
125
124

Fig. 1

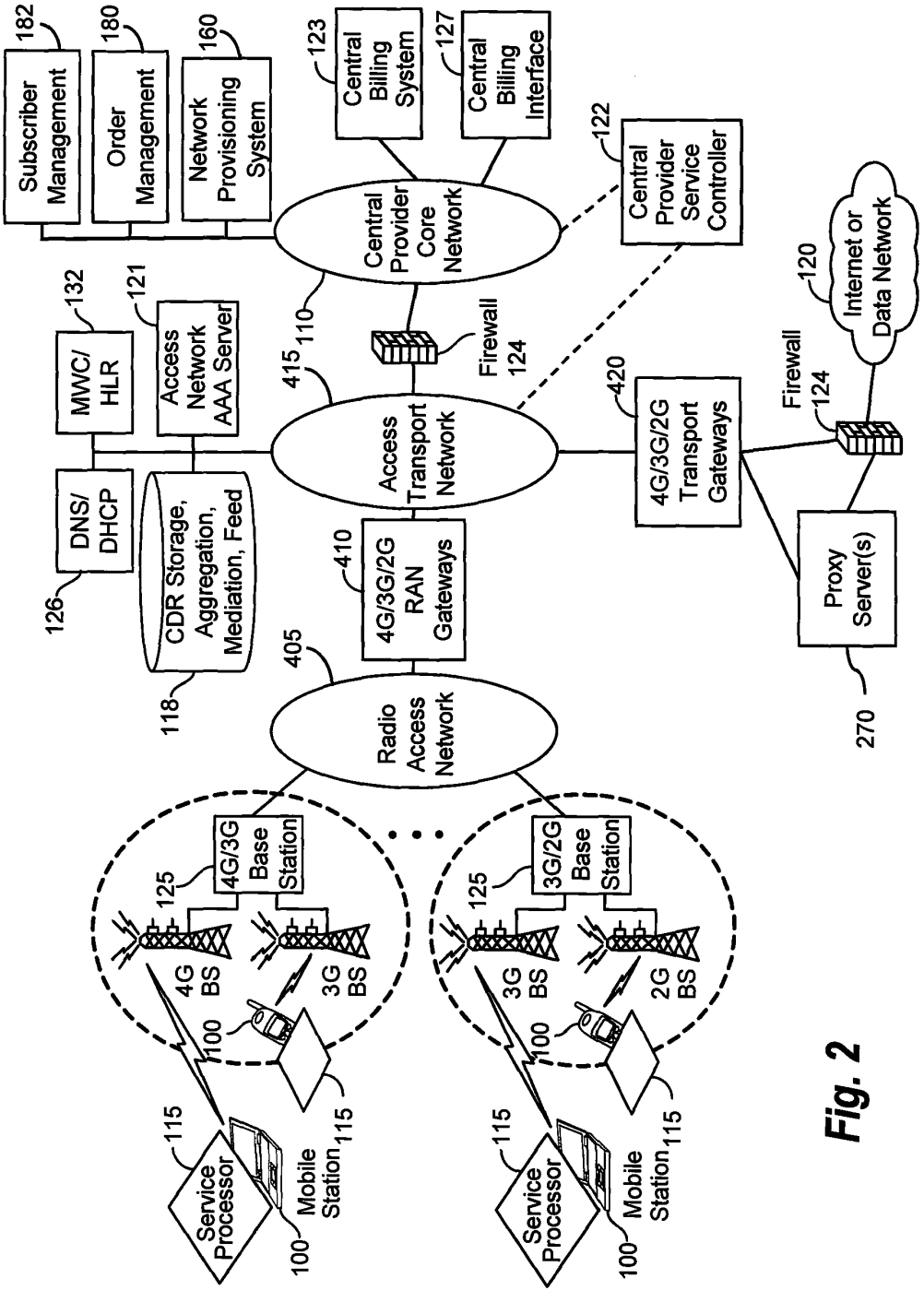

Subscriber Management
182
Order Management
180
Network Provisioning System
160
Central Billing System
123
Central Billing Interface
127
Central Provider Core Network
110
Central Provider Service Controller
122
MWC/ HLR
132
Access Network AAA Server
121
Firewall
124
415
Access Transport Network
420
4G/3G/2G Transport Gateways
Firewall
124
Internet or Data Network
120
DNS/ DHCP
126
CDR Storage, Aggregation, Mediation, Feed
118
4G/3G/2G RAN Gateways
410
405
Radio Access Network
Proxy Server(s)
270
4G/3G Base Station
125
3G/2G Base Station
125
4G BS
3G BS
3G BS
2G BS
100
100
115
115
115
115
Service Processor
Mobile Station
Service Processor
Mobile Station
100
100

Fig. 2

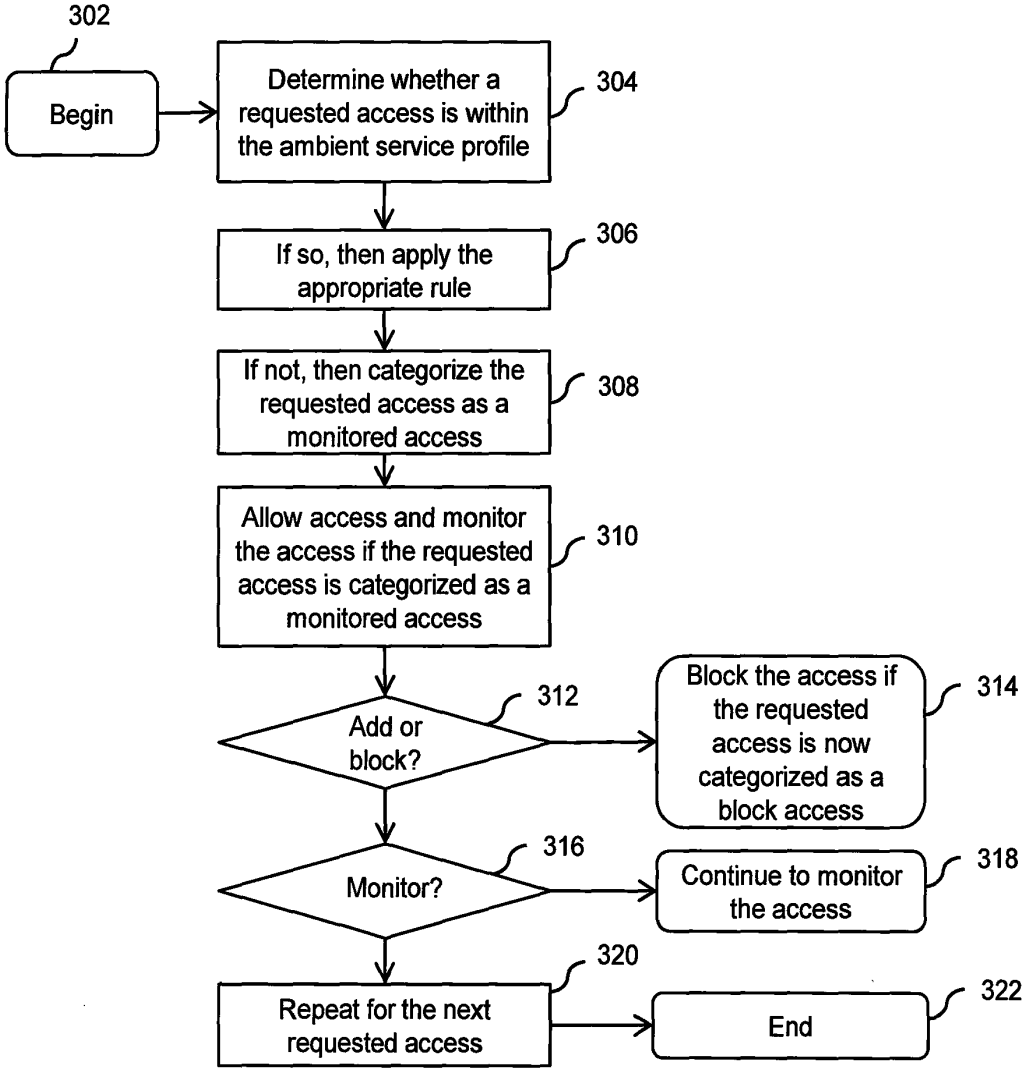

302
Begin
Determine whether a requested access is within the ambient service profile
304
If so, then apply the appropriate rule
306
If not, then categorize the requested access as a monitored access
308
Allow access and monitor the access if the requested access is categorized as a monitored access
310
Add or block?
312
Block the access if the requested access is now categorized as a block access
314
Monitor?
316
Continue to monitor the access
318
Repeat for the next requested access
320
End
322

Fig. 3

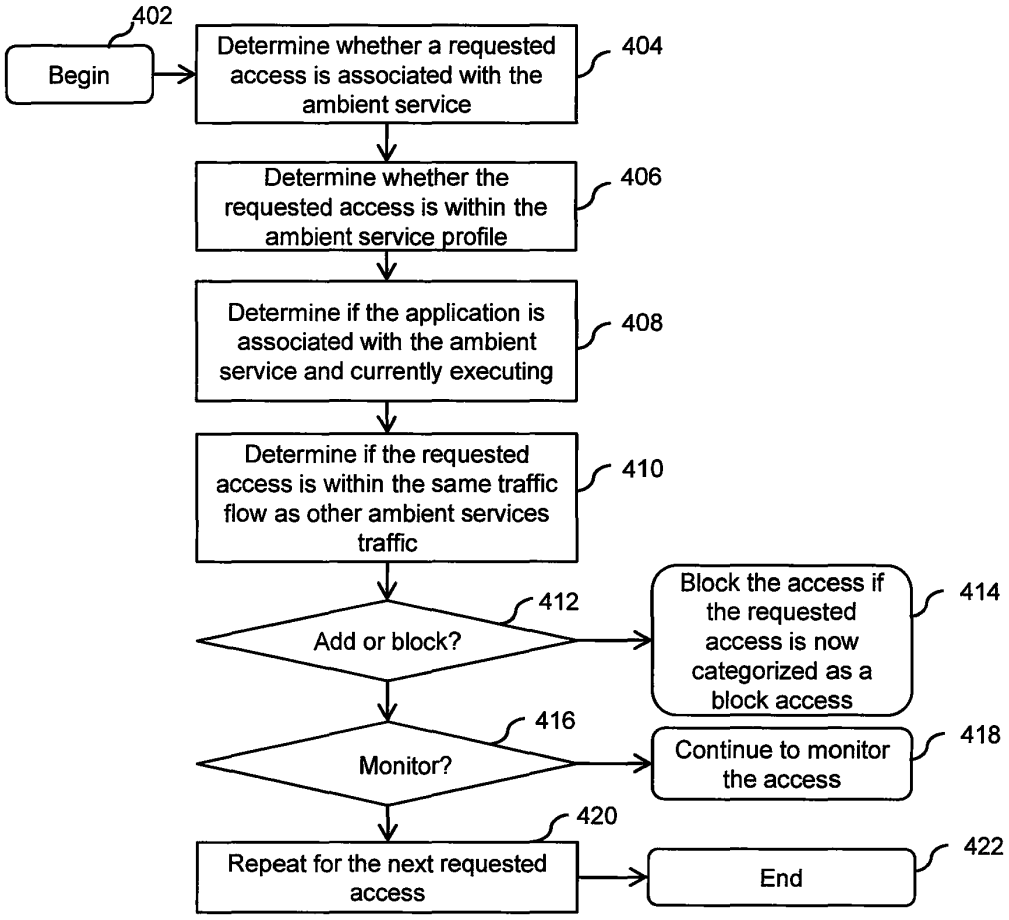

402
Begin
Determine whether a requested access is associated with the ambient service
404
Determine whether the requested access is within the ambient service profile
406
Determine if the application is associated with the ambient service and currently executing
408
Determine if the requested access is within the same traffic flow as other ambient services traffic
410
412
Add or block?
Block the access if the requested access is now categorized as a block access
414
416
Monitor?
Continue to monitor the access
418
420
Repeat for the next requested access
End
422

Fig. 4

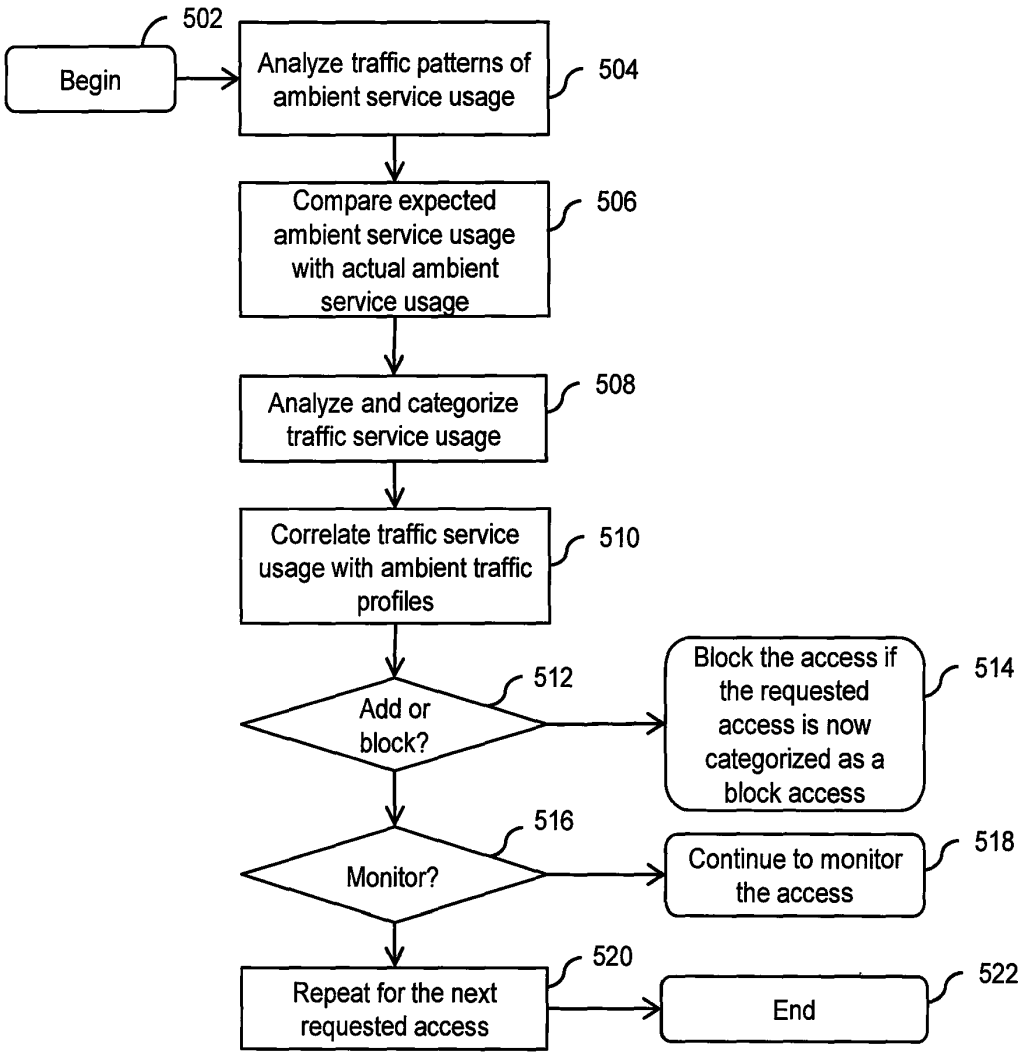

502
Begin
Analyze traffic patterns of ambient service usage
504
Compare expected ambient service usage with actual ambient service usage
506
Analyze and categorize traffic service usage
508
Correlate traffic service usage with ambient traffic profiles
510
512
Add or block?
Block the access if the requested access is now categorized as a block access
514
516
Monitor?
Continue to monitor the access
518
520
Repeat for the next requested access
End
522

Fig. 5

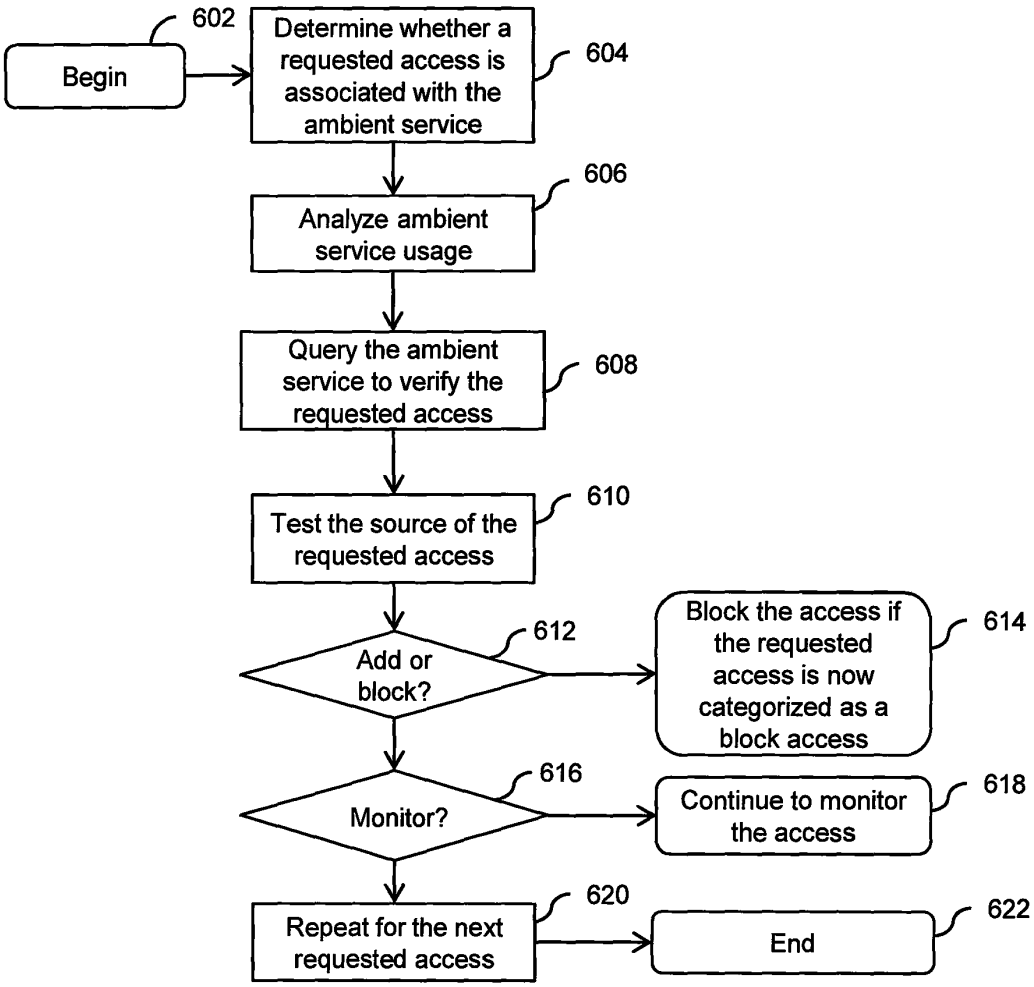

602
Begin
Determine whether a requested access is associated with the ambient service
604
Analyze ambient service usage
606
Query the ambient service to verify the requested access
608
Test the source of the requested access
610
Add or block?
612
Block the access if the requested access is now categorized as a block access
614
Monitor?
616
Continue to monitor the access
618
Repeat for the next requested access
620
End
622

Fig. 6

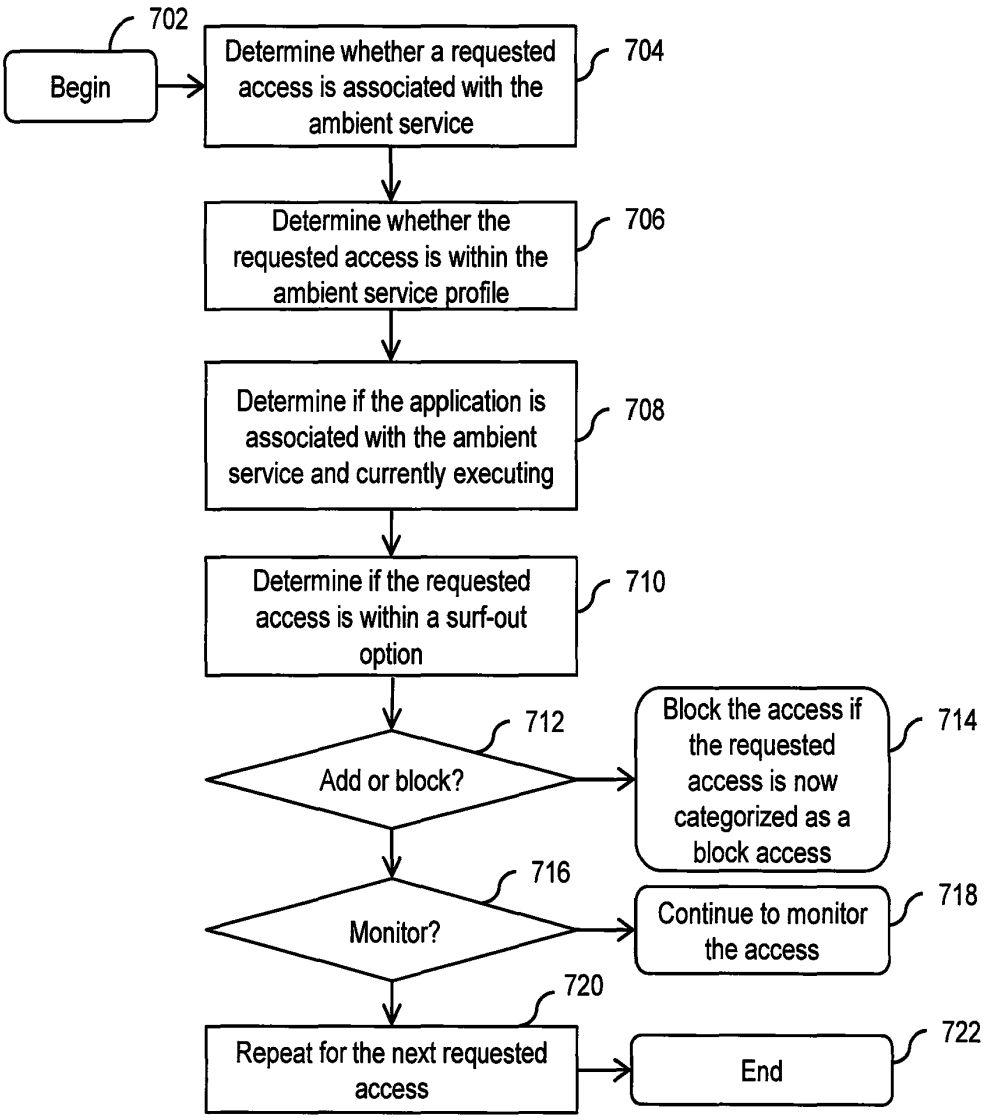

702
Begin
Determine whether a requested access is associated with the ambient service
704
Determine whether the requested access is within the ambient service profile
706
Determine if the application is associated with the ambient service and currently executing
708
Determine if the requested access is within a surf-out option
710
712
Add or block?
Block the access if the requested access is now categorized as a block access
714
716
Monitor?
Continue to monitor the access
718
720
Repeat for the next requested access
End
722

Fig. 7

Electronic Patent Application Fee Transmittal

Application Number:	12695020
Filing Date:	27-Jan-2010
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Filer:	Krista Susan Jacobsen/Ann Taylor
Attorney Docket Number:	RALEP024 [26WV-160580]

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:				
Claims in excess of 20	2202	160	31	4960
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $0 paid	2253	1	645	645
Miscellaneous:				
		Total in USD ($)		**5605**

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EFS ID:	14332368
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	107265
Filer:	Krista Susan Jacobsen/Ann Taylor
Filer Authorized By:	Krista Susan Jacobsen
Attorney Docket Number:	RALEP024 [26WV-160580]
Receipt Date:	28-NOV-2012
Filing Date:	27-JAN-2010
Time Stamp:	18:03:41
Application Type:	Utility under 35 USC 111(a)

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Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	P024IDS.pdf	393152 0f673dbd7e47d101b35b133a55a2c4789eb5b1de	no	6
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Abstract	3	3
Claims	4	26
Drawings-only black and white line drawings	27	27
Applicant Arguments/Remarks Made in an Amendment	28	39

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Filing Date	January 27, 2010
First Named Inventor	Gregory G. Raleigh
Art Unit	3687 Conf. 7074
Examiner Name	Andrew J. Rudy
Attorney Docket Number	RALEP024

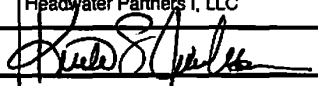
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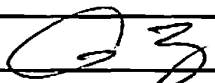
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Printed name	Krista S. Jacobsen		
Date	November 28, 2012	Reg. No.	59374

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Application Number	12695020
Filing Date	2010-01-27
First Named Inventor	Raleigh, Gregory G.
Art Unit	3687
Examiner Name	Rudy, Andrew J.
Attorney Docket Number	RALEP024

U.S.PATENTS

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	7609700		2009-10-27	Ying, Wen-Ping et al.	
	2	8255515		2012-08-28	Melman, David et al.	
	3	7945240		2011-05-17	Klock, Jacqueline et al.	
	4	7912056		2011-03-22	Brassem, Wayne	
	5	7920529		2011-04-05	Mahler, Roger et al.	
	6	8184530		2012-05-22	Swan, Tim L. et al.	
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	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

	9	8255689		2012-08-28	Kim, Eun Ah et al.	
	10	7746854		2010-06-29	Ambe, Shekhar et al.	
	11	7068600		2006-06-27	Cain, Joseph Bibb	
	12	6876653		2005-04-05	Ambe, Shekhar et al.	
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	14	7599288		2009-10-06	Cole, Raymond E. et al.	
	15	7546629		2009-06-09	Albert, Anthony et al.	
	16	7747730		2010-06-29	Harlow, James D.	
	17	7609650		2009-10-27	Roskowski, Steve et al.	
	18	6581092		2003-06-17	Motoyama, Tetsuro et al.	
	19	7283963		2007-10-16	Fitzpatrick, John E. et al.	

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	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

	20	8271049		2012-09-18	Silver, Andrew et al.	
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	1	20080085707		2008-04-10	Fadell, Tony	
	2	20090046723		2009-02-19	Rahman, Reshad A. et al.	
	3	20080219268		2008-09-11	Dennison, Larry R.	
	4	20080005285		2008-01-03	Robinson, James David et al.	
	5	20090315735		2009-12-24	Bhavani, Neeraj S. et al.	
	6	20090219170		2009-09-03	Clark, Ryan C. et al.	
	7	20090067372		2009-03-12	Shah, Keyur C. et al.	

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	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

	8	20080262798		2008-10-23	KIM, Eun Ah et al.	
	9	20100103820		2010-04-29	FULLER, Randy et al.	
	10	20100153781		2010-06-17	HANNA, Stephen R.	

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FOREIGN PATENT DOCUMENTS

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							☐

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1		☐

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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.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

[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.

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	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

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).

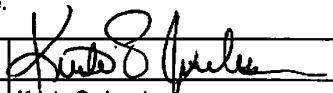
☐ See attached certification statement.

☐ 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		Date (YYYY-MM-DD)	2012-11-28
Name/Print	Krista S. Jacobsen	Registration Number	59374

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.**

PTO/SB/22 (10-12)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) RALEP024
Application Number 12/695,020	Filed January 27, 2010
For Adaptive Ambient Services	
Art Unit 3687	Examiner Rudy, Andrew J.

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.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
☐ One month (37 CFR 1.17(a)(1))	$150	$75	$
☐ Two months (37 CFR 1.17(a)(2))	$570	$285	$
■ Three months (37 CFR 1.17(a)(3))	$1,290	$645	$645.00
☐ Four months (37 CFR 1.17(a)(4))	$2,010	$1,005	$
☐ Five months (37 CFR 1.17(a)(5))	$2,730	$1,365	$

■ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

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

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

■ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 505876.

■ Payment made via EFS-Web.

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.

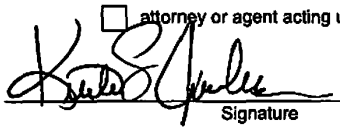
I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96).

■ attorney or agent of record. Registration number 59374.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.



Signature

November 28, 2012
Date

Krista S. Jacobsen
Typed or printed name

650-517-2798
Telephone Number

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

☐ * Total of _____ forms are submitted.

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

Electronic Patent Application Fee Transmittal

Application Number:	12695020
Filing Date:	27-Jan-2010
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Filer:	Krista Susan Jacobsen/Ann Taylor
Attorney Docket Number:	RALEP024 [26WV-160580]

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:				
Claims in excess of 20	2202	1	31	31
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**31**

Electronic Acknowledgement Receipt	
EFS ID:	14333194
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	107265
Filer:	Krista Susan Jacobsen/Ann Taylor
Filer Authorized By:	Krista Susan Jacobsen
Attorney Docket Number:	RALEP024 [26WV-160580]
Receipt Date:	28-NOV-2012
Filing Date:	27-JAN-2010
Time Stamp:	19:13:48
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$31
RAM confirmation Number	10153
Deposit Account	505876
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees) Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees) Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Fee Worksheet (SB06)	fee-info.pdf	30409 563c43c5bb36b1199ae544f185cb8116a24d91bd	no	2

Warnings:	
Information:	
Total Files Size (in bytes):	30409

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

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

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

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number	12695020
Filing Date	2010-01-27
First Named Inventor	Raleigh, Gregory G.
Art Unit	3687
Examiner Name	Rudy, Andrew J.
Attorney Docket Number	RALEP024

U.S.PATENTS

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	6502131		2002-12-31	Vaid, Aseem et al.	
	2	6505114		2003-01-07	Luciani, Sergio	
	3	6763000		2004-07-13	Walsh, Peter J.	
	4	6967958		2005-11-22	Ono, Yoshiyuki et al.	
	5	7644267		2010-01-05	Ylikoski, Martti et al.	
	6	7710932		2010-05-04	Muthuswamy, Sivakumar et al.	
	7	7881199		2011-02-01	Krstulich, Zlatko	
	8	7886047		2011-02-08	Potluri, Dora	

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	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

	9	7911975		2011-03-22	Droz, Patrick et al.	
	10	8050275		2011-11-01	Iyer, Jayaraman R.	
	11	8194553		2012-06-05	Liang, Zhi Yong et al.	
	12	8239520		2012-08-07	Grah, Adrian et al.	
	13	7890084		2011-02-15	Dudziak, Thaddeus Jude et al.	
	14	7890111		2011-02-15	Bugenhagen, Michael K.|	
	15	6226277		2001-05-01	Chuah, Mooi Choo	
	16	6839340		2005-01-04	Voit, Eric A. et al.	
	17	6922562		2005-07-26	Ward, Stephen L. et al.	
	18	7620041		2009-11-17	Dunn, Jeffrey H. et al.	
	19	7627314		2009-12-01	Carlson, Steven I. et al.	

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	Attorney Docket Number	RALEP024

	20	7792538		2010-09-07	Kozisek, Steven E.	
	21	7801523		2010-09-21	Kenderov, Stoyan	
	22	7877090		2011-01-25	Maes, Stephane H.	
	23	7912025		2011-03-22	Pattenden, Christopher E. S. et al.	
	24	7948968		2011-05-24	Voit, Eric A. et al.	
	25	7970426		2011-06-28	Poe, Brian R. et al.	
	26	8185158		2012-05-22	Tamura, Motoshi et al.	
	27	8254915		2012-08-28	Kozisek, Steven E.	
	28	7418257		2008-08-26	Kim, Myong-Ju	
	29	8126123		2012-02-28	Cai, Yigang et al.	
	30	7903553		2011-03-08	Liu, Enhui	

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	First Named Inventor	Raleigh, Gregory G.
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	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

	31	8155620		2012-04-10	Wang, Jun et al.	
	32	8238287		2012-08-07	Gopi, Paramesh et al.	
	33	7113997		2006-09-26	Jayapalan, Jay et al.	
	34	5594777		1997-01-14	Makkonen, Matti et al.	
	35	8244241		2012-08-14	Montemurro, Michael	
	36	7756534		2010-07-13	Anupam, Vinod et al.	
	37	7636574		2009-12-22	Poosala, Viswanath	
	38	6678516		2004-01-13	Nordman, Ian et al.	
	39	6477670		2002-11-05	Ahmadvand, Nima	
	40	6038452		2000-03-14	Strawczynski, Leo et al.	
	41	8160015		2012-04-17	Rashid, Mohammed H. et al.	

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	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

	42	8108520		2012-01-31	Ruutu, Jussi et al.	
	43	7778643		2010-08-17	Laroia, Rajiv et al.	
	44	7668176		2010-02-23	Chuah, Mooi Choo	
	45	7515608		2009-04-07	Yuan, Yuan et al.	
	46	7251218		2007-07-31	Jorgensen, Jacob W.	
	47	7002920		2006-02-21	Ayyagari, Deepak et al.	
	48	7685131		2010-03-23	Batra, Vishal Singh et al.	
	49	7283561		2007-10-16	Picher-Dempsey, Heidi	
	50	7212491		2007-05-01	Koga, Takahiro	
	51	6683853		2004-01-27	Kannas, Chris et al.	
	52	8135392		2012-03-13	Marcellino, Chris et al.	

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	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

	53	7953808		2011-05-31	Sharp, Christopher Brooke et al.	
	54	8064896		2011-11-22	Bell, Kris M. et al.	

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

U.S.PATENT APPLICATION PUBLICATIONS

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	20100144310		2010-06-10	Bedingfield Sr., James Carlton, et al.	
	2	20080132201		2008-06-05	Karlberg, Johan	
	3	20080081606		2008-04-03	Cole, Terry L.	
	4	20090248883		2009-10-01	Suryanarayana, Lalitha et al.	

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

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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							☐

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NON-PATENT LITERATURE DOCUMENTS

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	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J.
	Attorney Docket Number	RALEP024

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]
	1		☐

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EXAMINER SIGNATURE

Examiner Signature		Date Considered	

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[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.

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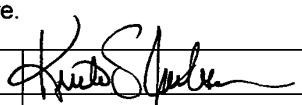
☐ See attached certification statement.

☒ 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		Date (YYYY-MM-DD)	2012-10-09
Name/Print	Krista S. Jacobsen	Registration Number	59374

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.**

Electronic Patent Application Fee Transmittal	
Application Number:	12695020
Filing Date:	27-Jan-2010
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Filer:	Krista Susan Jacobsen/Ann Taylor
Attorney Docket Number:	RALEP024 [26WV-160580]
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:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
		Total in USD ($)		**180**

Electronic Acknowledgement Receipt	
EFS ID:	13946748
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	107265
Filer:	Krista Susan Jacobsen/Ann Taylor
Filer Authorized By:	Krista Susan Jacobsen
Attorney Docket Number:	RALEP024 [26WV-160580]
Receipt Date:	10-OCT-2012
Filing Date:	27-JAN-2010
Time Stamp:	00:46:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$180
RAM confirmation Number	7744
Deposit Account	505876
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

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

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	P024Trans.pdf	317585 15c65b36c407604953a1f64f3367a6f1d29e4b77	no	1
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	P024IDS.pdf	1592491 6e3834dd358615933f662a48faf3a281a962c953	no	8
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Fee Worksheet (SB06)	fee-info.pdf	30445 e599c406afdef09482e1e6ccaabbdb23833f7f9c	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1940521		

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<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.

<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.

<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.

Doc Code: TRAN.LET

Document Description: Transmittal Letter

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TRANSMITTAL FORM

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Total Number of Pages in This Submission	10

Application Number	12/695020
Filing Date	January 27, 2010
First Named Inventor	Gregory G. Raleigh
Art Unit	3687 Conf. 7074
Examiner Name	Andrew J. Rudy
Attorney Docket Number	RALEP024

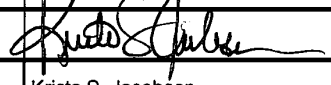
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  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [x] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
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- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please Identify below):

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Headwater Partners I, LLC		
Signature			
Printed name	Krista S. Jacobsen		
Date	October 9, 2012	Reg. No.	59374

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Typed or printed name	Ann Taylor	Date	October 9, 2012

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number	12695020
Filing Date	2010-01-27
First Named Inventor	Raleigh, Gregory G.
Art Unit	3687
Examiner Name	Rudy, Andrew J
Attorney Docket Number	RALEP024

U.S.PATENTS

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	6418147		2002-07-09	Wiedeman, Robert A	
	2	6765864		2004-07-20	Natarajan, Shankar et al.	
	3	7610328		2009-10-27	Haase, Oliver|Murakami, Kazutaka|Xiong, Ming	
	4	7650137		2010-01-19	Jobs, Steven P. et al.	
	5	7693720		2010-04-06	Kennewick, Robert A. et al.	
	6	7734784		2010-06-08	Araujo, Wladimir|Sajedi, Mohammad H.|Ali, Altaf H.	
	7	7747699		2010-06-29	Prueitt, James K.|Pineau, Richard A.|Bernier, Kevi	
	8	7792708		2010-09-07	Alva, Jessi	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J
	Attorney Docket Number	RALEP024

	9	7797401		2010-09-14	Stewart, Hugh Donal et al.	
	10	7822837		2010-10-26	Urban, Mark|Jackson, Simon Adrian|Lopez Perez, Dan	
	11	7949529		2011-05-24	Weider, Chris et al.	
	12	8095666		2012-01-10	Schmidt, Jonathan E. et al.	
	13	8099077		2012-01-17	Chowdhury, Amor et al.	
	14	8099517		2012-01-17	Jia, Lujun R.|Patka, Andrew F.	
	15	8170553		2012-05-01	Bennett, James D.	
	16	7984130		2011-07-19	Bogineni, Kalyani et al.	
	17	8019687		2011-09-13	Wang, Feng Chi|Poulidis, Philip	
	18	8144591		2012-03-27	Ghai, Rajat|Towey, Jim	
	19	7336960		2008-02-26	Zavalkovsky, Arthur et al.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J
	Attorney Docket Number	RALEP024

	20	8194549		2012-06-05	Huber, Kurt Donald et al.	
	21	6606744		2003-08-12	Mikurak, Michael G.	
	22	8190675		2012-05-29	Tribbett, David	
	23	8200775		2012-06-12	Moore, James F.	
	24	7069248		2006-06-27	Huber, Adriano	

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U.S.PATENT APPLICATION PUBLICATIONS

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	20030018524		2003-01-23	Fishman, Dan et al.	
	2	20030046396		2003-03-06	Richter, Roger K. et al.	
	3	20030220984		2003-11-27	Jones, Paul David et al.	
	4	20040021697		2004-02-05	Beaton, Brian Finlay|Smith, Colin Donald	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J
	Attorney Docket Number	RALEP024

	5	20040107360		2004-06-03	Herrmann, Conrad K.|Murari, Sinduja	
	6	20070061243		2007-03-15	Ramer, Jorey|Soroca, Adam| Doughty, Dennis	
	7	20070282896		2007-12-06	Wydroug, Zoe M. et al.	
	8	20080184127		2008-07-31	Rafey, Richter A. et al.	
	9	20090013157		2009-01-08	Beaule, Stephane	
	10	20090079699		2009-03-26	SUN, JIAN	
	11	20110126141		2011-05-26	King, Bennett M. et al.	
	12	20100103820		2010-04-29	FULLER, Randy|JACKSON, Robert|RILEY, Yusun Kim	
	13	20070254675		2007-11-01	Zorlu Ozer, Sebnem|Strutt, Guenael T.|Zeng, Surong	
	14	20080005285		2008-01-03	Robinson, James David|Garcia, Victor Maximillian	
	15	20090113514		2009-04-30	Hu, Q. James	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J
	Attorney Docket Number	RALEP024

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FOREIGN PATENT DOCUMENTS

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	1							☐

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NON-PATENT LITERATURE DOCUMENTS

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

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[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	12695020
	Filing Date	2010-01-27
	First Named Inventor	Raleigh, Gregory G.
	Art Unit	3687
	Examiner Name	Rudy, Andrew J
	Attorney Docket Number	RALEP024

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).

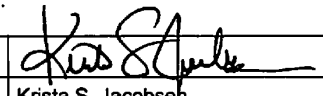
☐ See attached certification statement.

☐ 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		Date (YYYY-MM-DD)	2012-08-13
Name/Print	Krista S. Jacobsen	Registration Number	59374

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Electronic Acknowledgement Receipt	
EFS ID:	13487866
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	107265
Filer:	Krista Susan Jacobsen/Ann Taylor
Filer Authorized By:	Krista Susan Jacobsen
Attorney Docket Number:	RALEP024 [26WV-160580]
Receipt Date:	13-AUG-2012
Filing Date:	27-JAN-2010
Time Stamp:	23:24:50
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	Transmittal Letter	Trans.pdf	362545 f53c7942187f1420702414298ded15289673ee6f	no	1
Warnings:					
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2	Information Disclosure Statement (IDS) Form (SB08)	IDS.pdf	1089610 27eeda99a3699038b875ebf92fca49cbfb440764	no	7
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Application Number	12/695,020
Filing Date	2010-01-27
First Named Inventor	Gregory G. Raleigh
Art Unit	3687 Conf.: 7074
Examiner Name	Rudy, Andrew J
Attorney Docket Number	RALEP024

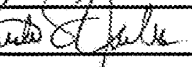
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- ☐ Reply to Missing Parts/ Incomplete Application
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- ☐ Power of Attorney, Revocation Change of Correspondence Address
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- ☐ Request for Refund
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- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

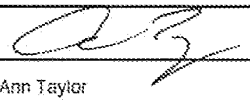
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Headwater Partners I LLC		
Signature			
Printed name	Krista S. Jacobsen		
Date	August 13, 2012	Reg. No.	59,374

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/695,020	01/27/2010	Gregory G. Raleigh	26WV-160580 [RALEP024]

CONFIRMATION NO. 7074

69849
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
379 Lytton Avenue
Palo Alto, CA 94301

POWER OF ATTORNEY NOTICE

OC000000055627092

Date Mailed: 08/01/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/16/2012.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/zabraha/

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

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/695,020	01/27/2010	Gregory G. Raleigh	26WV-160580 [RALEP024]

CONFIRMATION NO. 7074

107265
Headwater Partners I LLC - Outside Firm 1
350 Marine Parkway, Suite 300
Redwood Shores, CA 94065

POA ACCEPTANCE LETTER

OC000000055627122

Date Mailed: 08/01/2012

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/16/2012.

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

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POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☑ Practitioners associated with the Customer Number: 107265

OR

☐ Practitioner(s) named below (If more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☑ The address associated with Customer Number: 107265

OR

☐ Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address:

Headwater Partners I LLC
350 Marine Parkway, Suite 300
Redwood City, CA 94065 U.S.A.

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	July 5, 2012
Name	Gregory G. Raleigh	Telephone	650-517-2781
Title	Manager		

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.

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PTO/SB/96 (08-08)
Approved for use through 09/30/2008. OMB 0651-0031
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Gregory G. Raleigh et al.

Application No./Patent No.: 12/695,020 Filed/Issue Date: January 27, 2010

Entitled: Adaptive Ambient Services

Headwater Partners I LLC (Name of Assignee), a limited liability company (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. [✓] the assignee of the entire right, title, and interest; or
2. [ ] an assignee of less than the entire right, title and interest (The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. [✓] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 024248, Frame 0036, or for which a copy therefore is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
   The document was recorded in the United States Patent and Trademark Office at
   Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
   The document was recorded in the United States Patent and Trademark Office at
   Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
   The document was recorded in the United States Patent and Trademark Office at
   Reel _____, Frame _____, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[✓] As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature — July 16, 2012 (Date)

Krista S. Jacobsen, Reg. No. 59,374 (Printed or Typed Name) — 650-517-2798 (Telephone Number)

Attorney of Record (Title)

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date:	July 16, 2012
Send To:	Commissioner for Patents
Fax No.:	571-273-8300
From:	Krista S. Jacobsen, Head Counsel, Headwater Partners I LLC
Phone Number:	650-517-2798

Total Pages Including Cover: 3

Fax

Sir:

Following this cover sheet, please find form SB/80, granting power of attorney to prosecute applications before the USPTO to practitioners associated with the Customer Number 107265, and form SB/96, a statement under 37 C.F.R. § 3.73(b) establishing the right of assignee Headwater Partners I LLC to take action in application number 12/695,020.

Please let me know if you need any additional information to complete the Customer Number change in the application.

Sincerely,

Krista S. Jacobsen
Head Counsel, Headwater Partners I LLC
Reg. No. 59,374

PAGE 1/3 * RCVD AT 7/16/2012 3:33:14 PM [Eastern Daylight Time] * SVR:W-PTOFAX-002/8 * DNIS:2738300 * CSID:16506108051 * DURATION (mm-ss):01-08

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/695,020	01/27/2010	Gregory G. Raleigh	26WV-160580 [RALEP024]	7074

69849 7590 05/29/2012

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
379 Lytton Avenue
Palo Alto, CA 94301

EXAMINER	
RUDY, ANDREW J	
ART UNIT	**PAPER NUMBER**
3687	

MAIL DATE	DELIVERY MODE
05/29/2012	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	12/695,020	RALEIGH ET AL.	
	Examiner	Art Unit	
	ANDREW JOSEPH RUDY	3687	

-- 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 _____.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) 1-25 is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) 1-25 is/are rejected.

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

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

Application Papers

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

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

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

Election/Restrictions

1. Claims 1-25 are pending.

2. Applicant's election without traverse of Group I, claims 1-21, 24 and 25 in the reply filed on May 14, 2012 is acknowledged.

3. Claims 22 and 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on May 14, 2012.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

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

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication "I-centric User Interaction" by Steglich in view of United States Patent Publication 2004/0082346 A1 issued to Skytt.

Steglich discloses a communications device having a Pentium III processor, e.g. page 230, an ambient service profile, e.g. pg. 19, section 2.2.3, a plurality of policy settings, e.g. pg. 34, monitor use of the ambient service profile, e.g. pg. 125, para. 1, pg. 153, penultimate para., instructions, e.g. pg. 151, Table 3-9, a proxy network service, e.g. pg. 106, section 3.3.7.2, a point-of-sale device, e.g. pg. 85, 113, a program, e.g. pg. 150, para. 2, a transaction based service, e.g. pg. 79, section 3.3.1., the Internet and a modem, e.g. pg. 39, sections 2.5.4, a mobile device, e.g. pg. 38, section 2.54, usage information, e.g. pg. 162, access availability, e.g. pg. 92, last para., modify and monitoring the access, e.g. pg. 125, Fig. 3-49, monitoring requested access, e.g. pg. 153, block access, e.g. pg. 24, and upgraded service, e.g. pg. 181 Steglich does not specifically teach a service plan providing for initial access to the service, nor a low cost plan, nor an option to purchase a new service or a transaction based service.

Skytt teaches a service plan providing for initial access to the service and a low cost plan. , e.g. para. 0020-0021, 0048.

Official Notice is taken that an option to purchase a new service or a transaction based service has been common knowledge in the art.

To have provided a service plan providing for initial access to the service for Steglich would have been obvious in view of Skytt. The motivation for having done

such would have been to have provided a known upgraded communication device to enable enhanced search capabilities.

To have provided for Steglich in view of Skytt, an option to purchase a new service or a transaction based service would have been obvious in view of this common knowledge in the art. The motivation to have incorporated would have been to have provided known communication device service.

7. Further pertinent references of interest are noted on the attached PTO-892.

8. Applicant's seven Information Disclosure Statements (IDS's) have been reviewed. Applicant is invited to comment on how each impacts the present claim language.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW JOSEPH RUDY whose telephone number is (571)272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. 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.

/ANDREW JOSEPH RUDY/
Primary Examiner, Art Unit 3687

Notice of References Cited	Application/Control No. 12/695,020	Applicant(s)/Patent Under Reexamination RALEIGH ET AL.	
	Examiner ANDREW JOSEPH RUDY	Art Unit 3687	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,499,537	03-2009	Elsey et al.	379/218.01
*	B	US-7,450,927	11-2008	Creswell et al.	455/405
*	C	US-7,388,950	06-2008	Elsey et al.	379/201.02
*	D	US-7,366,497	04-2008	Nagata, Hideaki	455/410
*	E	US-6,574,465	06-2003	Marsh et al.	455/406
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	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.

PTO/SB/08 (08-03)

Substitute for form 1449/PTO				Complete if Known	
Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
				First Named Inventor	RALEIGH et al.
				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	1	of	1	Atty Docket No.	RALEP024

U.S. Patent Documents					
Examiner Initials	CiteNo.	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	3AA	US 7,747,240	06-29-2010	BRISCOE et al.	
	3BB	US 2003/0088671	05-08-2003	KINKER et al.	
	3CC	US 2007/0248100	10-25-2007	ZUBERI et al.	
	3DD	US 2008/0130534	06-05-2008	Tazuko Tomioka	

FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No.	Foreign Patent Document Country Code–Number–Kind Code	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	3A	WO 2007/014630	02-08-2007	Telefonaktiebolaget LM Ericsson	
	3B	WO 2006/004467	01-12-2006	Telefonaktiebolaget LM Ericsson	
	3M	WO 1999/065185	12-16-1999	British Telecommunications	

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, page(s), volume-issue number(s), publisher, city and/or country where published	T^2
	3C	KNIGHT et al., Layer 2 and 3 Virtual Private Networks: Taxonomy, Technology, and Standardization Efforts, IEEE Communications Magazine, June 2004	
	3D	KOUTSOPOULOU et al., Middleware Platform for the Support of Charging Reconfiguration Actions, 2005	
	3E	NILSSON et al., A Novel MAC Scheme for Solving the QoS Parameter Adjustment Problem in IEEE802.11e EDCA, February 2006	
	3F	Author Unknown, Overview of GSM, GPRS, and UMTS, Chapter 2, November 4, 2008	
	3G	CHAOUCHI et al., Policy Based Networking in the Integration Effort Of 4G Networks and Services, 2004 IEEE	
	3H	ZHU et al., A Survey of Quality of Service in IEEE 802.11 Networks, IEEE Wireless Communications, August 2004	
	3I	KYRIAKAKOS et al., Ubiquitous Service Provision in Next Generation Mobile Networks, Proceedings of the 13th IST Mobile and Wireless Communications Summit, Lyon, France, June 2004	
	3J	FAROOQ et al., An IEEE 802.16 WiMax Module for the NS-3 Simulator, March 2-6, 2009	
	3K	Author Unknown, HP, IP Multimedia Services Charging, A White Paper from HP, January 2006	
	3L	Author Unknown, Kindle™ User's Guide 3rd Edition, Copyright 2004-2009	

Examiner	/Andrew Joseph Rudy/	Date Considered	05/23/2012

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T^2 = Applicant is to place a check mark here if English language Translation is attached

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

PTO/SB/08 (08-03)

Substitute for form 1449/PTO				Complete if Known	
Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
				First Named Inventor	RALEIGH et al.
				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	1	of	4	Atty Docket No.	RALEP024

U.S. Patent Documents					
Examiner Initials	CiteNo.	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A.	US 2006/0048223	03-02-2006	LEE et al.	
	B.	US 6,965,667	11-15-2005	TRABANDT et al.	
	C.	US 2008/0268813	10-13-2008	Stephane H. Maes	
	D.	US 2007/0255848	11-01-2007	SEWALL et al.	
	E.	US 2008/0039102	02-14-2008	SEWALL et al.	
	F.	US 2006/0233108	10-19-2006	Murali R. Krishnan	
	G.	US 5,892,900	04-06-1999	GINTER et al.	
	H.	US 7,403,763	07-22-2008	Stephane H. Maes	
	I.	US 7,317,699	01-08-2008	GODFREY et al.	
	J.	US 7,353,533	04-1-2008	WRIGHT et al.	
	K.	US 7,322,044	01-22-2008	Scott E. Hrastar	
	L.	US 7,058,968	06-06-2006	ROWLAND et al.	
	M.	US 7,042,988	05-09-2006	JUITT et al.	
	N.	US 7,418,253	08-26-2008	Alan Kavanah	
	O.	US 7,242,920	04-10-2007	Robert P. Morris	
	P.	US 6,148,336	11-14-2000	THOMAS et al.	
	Q.	US 7,317,699	01-08-2008	GODFREY et al.	
	R.	US 7,325,037	01-29-2008	Karen L. Lawson	
	S.	US 6,141,686	10-31-2000	JACKOWSKI et al.	
	T.	US 2004/0044623	03-04-2004	WAKE et al.	
	U.	US 2006/0040642	02-23-2006	BORIS et al.	
	V.	US 2008/0229388	09-18-2008	Stephane H. Maes	
	W.	US 2008/0120688	05-22-2008	QIU et al.	
	X.	US 2003/0236745	12-25-2003	HARTSELL et al.	
	Y.	US 2008/0052387	02-28-2008	HEINZ et al.	
	Z.	US 2004/0019539	01-29-2004	RAMAN et al.	
	AA.	US 2004/0236547	11-25-2004	RAPPAPORT et al.	
	BB.	US 2002/0199001	12-26-2002	WENOCUR et al.	
	CC.	US 2004/0073672	04-15-2004	Fascenda	
	DD.	US 2006/0143098	06-29-2006	Lazaridis	
	EE.	US 6,098,878	08-08-2000	DENT et al.	
	FF.	US 2004/0198331	10-07-2004	COWARD et al.	
	GG.	US 2003/0004937	01-02-2003	SALMENKAITA et al.	
	HH.	US 2005/0107091	05-19-2005	VANNITHAMBY et al.	
	II.	US 2003/0224781	12-04-2003	MILFORD et al.	
	JJ.	US 2008/0189760	08-07-2008	ROSENBERG et al.	
	KK.	US 2005/0246282	11-03-2005	NASLUND et al.	
	LL.	US 2008/0316923	12-25-2008	FEDDERS et al.	
	MM.	US 2006/0026679	02-02-2006	Zakas	
	NN.	US 2008/0082643	04-03-2008	STORRIE et al.	

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

Substitute for form 1449/PTO				Complete if Known	
Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
				First Named Inventor	RALEIGH et al.
				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	2	of	4	Atty Docket No.	RALEP024

	OO.	US 2007/0140275	06-21-2007	BOWMAN et al.	
	PP.	US 2003/0182435	09-25-2003	REDLICH et al.	
	QQ.	US 6,263,055	07-17-2001	GARLAND et al.	
	RR.	US 5,940,472	08-17-1999	NEWMAN et al.	
	SS.	US 2008/0318550	12-25-2008	Deatley	
	TT.	US 2008/0298230	12-01-2008	LUFT et al.	
	UU.	US 2007/0220251	09-20-2007	ROSENBERG et al.	
	VV.	US 2007/0100981	05-03-2007	ADAMCZYK et al.	
	WW.	US 2007/0022289	01-25-2007	ALT et al.	
	XX.	US 2008/0095339	04-24-2008	ELLIOTT et al.	
	YY.	US 2006/0233166	10-19-2006	BOU-DIAB et al.	
	ZZ.	US 2008/0168523	07-10-2008	ANSARI et al.	
	AAA.	US 2006/0183462	08-17-2006	KOLEHAINEN et al.	
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	CCC.	US 2008/0177998	07-24-2008	APSANGI et al.	
	DDD.	US 2008/0064367	03-13-2008	NATH et al.	
	EEE.	US 2004/0168052	08-26-2004	CLISHAM et al.	
	FFF.	US 2005/0198377	09-08-2005	FERGUSON et al.	
	GGG.	US 2005/0216421	09-29-2005	BARRY et al.	
	HHH.	US 2006/0218395	09-28-2006	Maes	
	III.	US 2005/0055309	03-10-2005	WILLIAMS et al.	
	JJJ.	US 2003/0050837	03-13-2003	Kim	
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Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
				First Named Inventor	RALEIGH et al.
				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	3	of	4	Atty Docket No.	RALEP024

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				Examiner Name	Brandy A. Zukanovich
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Doc code: IDS
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number	12695020
Filing Date	2010-01-27
First Named Inventor	Gregory G. Raleigh
Art Unit	3687
Examiner Name	Andrew J. Rudy
Attorney Docket Number	26WV-160580 [RALEP024]

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	Examiner Name	Andrew J. Rudy
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Substitute for form 1449/PTO				Complete if Known	
Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
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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, page(s), volume-issue number(s), publisher, city and/or country where published	T^2
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	RALEIGH, Gregory G.
	Art Unit	3687
	Examiner Name	RUDY, Andrew J.
	Attorney Docket Number	26WV-160580 [RALEP024]

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

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Sheet 1 of 4

Complete if Known	
Application Number	12/695,020
Filing Date	January 27, 2010
First Named Inventor	Gregory G. Raleigh, et al.
Art Unit	3687
Examiner Name	Andrew J. Rudy
Attorney Docket Number	26WV-160580 [RALEP024]

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Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] "Number[4] "Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

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Sheet 2 of 4

Complete if Known	
Application Number	12/695,020
Filing Date	January 27, 2010
First Named Inventor	Gregory G. Raleigh
Art Unit	3687
Examiner Name	Andrew J. Rudy
Attorney Docket Number	26WV-160580 [RALEP024]

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Sheet 3 of 4

Complete if Known	
Application Number	12/695,020
Filing Date	January 27, 2010
First Named Inventor	Gregory G. Raleigh
Art Unit	3687
Examiner Name	Andrew J. Rudy
Attorney Docket Number	26WV-160580 [RALEP024]

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Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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Examiner Signature	/Andrew Joseph Rudy/	Date Considered	05/23/2012

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Sheet 4 of 4

Complete if Known	
Application Number	12/695,020
Filing Date	January 27, 2010
First Named Inventor	Gregory G. Raleigh
Art Unit	3687
Examiner Name	Andrew J. Rudy
Attorney Docket Number	26WV-160580 [RALEP024]

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		International Search Report and Written Opinion mailed March 30, 2010 from International Serial Number PCT/US2010/022273 filed January 27, 2010.	

Examiner Signature	/Andrew Joseph Rudy/	Date Considered	05/23/2012

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Search Notes	Application/Control No.	Applicant(s)/Patent under Reexamination
	12/695,020	RALEIGH ET AL.
	Examiner	Art Unit
	ANDREW JOSEPH RUDY	3687

SEARCHED			
Class	Subclass	Date	Examiner
705	1.1,26.1	5/23/2012	AJR
726	2,3,4	5/23/2012	AJR
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INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
Continuity data reviewed.	5/23/2012	AJR
Inventor name search conducted.	5/23/2012	AJR
Bibliographic data sheet updated.	5/23/2012	AJR

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Filing Date	2010-01-27
First Named Inventor	Gregory G. Raleigh
Art Unit	3687
Examiner Name	Andrew J. Rudy
Attorney Docket Number	26WV-160580 [RALEP024]

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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
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	First Named Inventor	Gregory G. Raleigh
	Art Unit	3687
	Examiner Name	Andrew J. Rudy
	Attorney Docket Number	26WV-160580 [RALEP024]

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	Art Unit	3687
	Examiner Name	Andrew J. Rudy
	Attorney Docket Number	26WV-160580 [RALEP024]

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	Attorney Docket Number	26WV-160580 [RALEP024]

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

[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	12695020
	Filing Date	2010-01-27
	First Named Inventor	Gregory G. Raleigh
	Art Unit	3687
	Examiner Name	Andrew J. Rudy
	Attorney Docket Number	26WV-160580 [RALEP024]

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.

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

☒ A certification statement is not submitted herewith.

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	/Marc A. Sockol/	Date (YYYY-MM-DD)	2012-05-15
Name/Print	Marc A. Sockol	Registration Number	40823

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 record s.

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:	12784583
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	69849
Filer:	Marc A. Sockol/Anne Collette
Filer Authorized By:	Marc A. Sockol
Attorney Docket Number:	26WV-160580 [RALEP024]
Receipt Date:	15-MAY-2012
Filing Date:	27-JAN-2010
Time Stamp:	16:34:41
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	Transmittal Letter	26WV-160580_Transmittal.pdf	118923 1cfd89f2cc8475b08a47f2ccba77e39cdb285669	no	1

Warnings:	
Information:	

2	Information Disclosure Statement (IDS) Form (SB08)	26WV-160580_IDS.pdf	613107 c193871d5977051c13e096c79f2563dfb6b34869	no	7
Warnings:					
Information:					
3	Foreign Reference	F28-WO2010-088413A1.pdf	8105145 eaf404d7cb2a7b4a94c9dc61b6560fc490913e29	no	97
Warnings:					
Information:					
		Total Files Size (in bytes):	8837175		

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.

Doc Code: TRAN.LET

Document Description: Transmittal Letter

PTO/SB/21 (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	12/695,020
Filing Date	2010-01-27
First Named Inventor	Gregory G. Raleigh
Art Unit	3687
Examiner Name	Andrew J. Rudy
Attorney Docket Number	26WV-160580 [RALEP024]

Total Number of Pages in This Submission: 8*

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☑ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please Identify below):

Remarks

*Total number of pages does not include foreign patents or non-patent literature references

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Sheppard, Mullin, Richter & Hampton LLP		
Signature			
Printed name	Marc A. Sockol		
Date	May 15, 2012	Reg. No.	40823

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Anne Collette		
Typed or printed name	Anne Collette	Date	5/15/12

This collection of information is required by 37 CFR 1.5. 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 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gregory G. RALEIGH et al.	Examiner: Andrew J. Rudy
Serial No.: 12/695,020	Art Unit: 3687
Filed: January 27, 2010 Title: ADAPTIVE AMBIENT SERVICES	Confirmation No.: 7074

RESPONSE TO RESTRICTION REQUIREMENT

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

Sir:

In response to the restriction requirement dated December 16, 2011, the deadline for response ending on May 16, 2012 with the attached four-months extension of time, Applicants respond as follows.

REMARKS

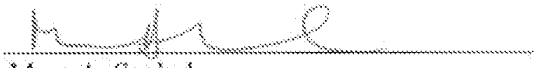
The Examiner imposed a restriction requirement on claims 1-25, asserting that claims 1-21, 24 and 25 (Group I) are directed to a first invention and that claims 22 and 23 (Group II) are directed to a second invention.

Applicants elect the claims of Group I, namely, claims 1-21, 24 and 25, without traverse, for further prosecution. Claims 22 and 23 are being withdrawn.

If the Examiner has any questions or needs any additional information, the Examiner is invited to contact the undersigned. Please charge any fees due in connection with this Amendment and Response to our Deposit Account 50-4561.

Respectfully submitted,

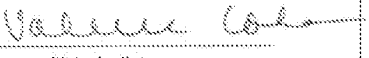
Date: May 14, 2012

By: 

Marc A. Sockol
Reg. No. 40,823
Customer Number 69849
Sheppard, Mullin, Richter & Hampton LLP
379 Lytton Avenue
Palo Alto, CA 94301-1432
(650) 815-2600

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being filed electronically via EFS-Web and addressed to MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on:

Date: May 14, 2012 By: 

Valerie Cohen

Electronic Patent Application Fee Transmittal	
Application Number:	12695020
Filing Date:	27-Jan-2010
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Filer:	Marc A. Sockol/Valerie Cohen
Attorney Docket Number:	26WV-160580 [RALEP024]
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 - 4 months with $0 paid	2254	1	990	990

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**990**

Electronic Acknowledgement Receipt	
EFS ID:	12773956
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	69849
Filer:	Marc A. Sockol/Valerie Cohen
Filer Authorized By:	Marc A. Sockol
Attorney Docket Number:	26WV-160580 [RALEP024]
Receipt Date:	14-MAY-2012
Filing Date:	27-JAN-2010
Time Stamp:	17:37:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$990
RAM confirmation Number	5134
Deposit Account	504561
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	Transmittal.pdf	202603 3c401d3abc933febebe339a439caeb71a9e69fda	no	1
Warnings:					
Information:					
2	Extension of Time	Ext.pdf	169832 efd2f2c683c032f90043745caaf600d2657505f4	no	1
Warnings:					
Information:					
3	Miscellaneous Incoming Letter	EntityStatus.pdf	99247 c1c38f57749638034e8c6cb544cd3b951f442f3d	no	1
Warnings:					
Information:					
4		Resp.pdf	859496 4f756e741722cc94907036f3c8e0c038ee5de926	yes	8

Multipart Description/PDF files in .zip description

Document Description	Start	End
Response to Election / Restriction Filed	1	1
Claims	2	7
Applicant Arguments/Remarks Made in an Amendment	8	8

Warnings:					
Information:					
5	Fee Worksheet (SB06)	fee-info.pdf	30595 4511999f72c9c4d541851bce00b080c0da0480fc	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	1361773	

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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
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Electronic Acknowledgement Receipt	
EFS ID:	12773956
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	69849
Filer:	Marc A. Sockol/Valerie Cohen
Filer Authorized By:	Marc A. Sockol
Attorney Docket Number:	26WV-160580 [RALEP024]
Receipt Date:	14-MAY-2012
Filing Date:	27-JAN-2010
Time Stamp:	17:37:21
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$990
RAM confirmation Number	5134
Deposit Account	504561
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	Transmittal.pdf	202603 3c401d3abc933febebe339a439caeb71a9e69fda	no	1
Warnings:					
Information:					
2	Extension of Time	Ext.pdf	169832 efd2f2c683c032f90043745caaf600d2657505f4	no	1
Warnings:					
Information:					
3	Miscellaneous Incoming Letter	EntityStatus.pdf	99247 c1c38f57749638034e8c6cb544cd3b951f442f3d	no	1
Warnings:					
Information:					
4		Resp.pdf	859496 4f756e741722cc94907036f3c8e0c038ee5de926	yes	8

Multipart Description/PDF files in .zip description

Document Description	Start	End
Response to Election / Restriction Filed	1	1
Claims	2	7
Applicant Arguments/Remarks Made in an Amendment	8	8

Warnings:					
Information:					
5	Fee Worksheet (SB06)	fee-info.pdf	30595 4511999f72c9c4d541851bce00b080c0da0480fc	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	1361773	

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.

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New International Application Filed with the USPTO as a Receiving Office
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PTO/SB/21 (07-09)
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 displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	11

Application Number	12/695,020
Filing Date	January 27, 2010
First Named Inventor	Gregory G. RALEIGH
Art Unit	3687 Conf. No. 7074
Examiner Name	Andrew J. Rudy
Attorney Docket Number	26WV-160580 [RALEP024]

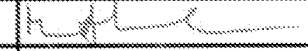
ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☒ Amendment/Reply (8 pages)
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☒ Extension of Time Request (1 page)
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement with PTO/SB/08a/b
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation, Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
  Notice of Change of Entity Status (1 page)

Remarks **OTHER ENCLOSURES CON'T**

You are hereby authorized to charge any additional fee required or credit any overpayment to Deposit Account No. 50-4561.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Sheppard, Mullin, Richter & Hampton LLP		Customer No. 69849
Signature			
Printed name	Marc A. Sockol		
Date	May 14, 2012	Reg. No.	40,823

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed electronically via EFS-Web and addressed to MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date shown below.

Signature			
Typed or printed name	Valerie Cohen	Date	May 14, 2012

This collection of information is required by 37 CFR 1.5. 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 2 hours 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.

PTO/SB/22 (09-11)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARMENT 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.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) 26WV-160580 [RALEP024]
Application Number: 12/695,020	Filed: January 27, 2010
For: ADAPTIVE AMBIENT SERVICES	
Art Unit: 3687	Examiner: Andrew J. Rudy

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.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
☐ One month (37 CFR 1.17(a)(1))	$150	$75	$
☐ Two months (37 CFR 1.17(a)(2))	$560	$280	$
☐ Three months (37 CFR 1.17(a)(3))	$1270	$635	$
☒ Four months (37 CFR 1.17(a)(4))	$1980	$990	$ 990.00
☐ Five months (37 CFR 1.17(a)(5))	$2690	$1345	$

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

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

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-4561.

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.

I am the ☐ applicant/inventor.

☐ 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).

☒ attorney or agent of record. Registration Number 40,823.

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____



Signature — May 14, 2012 (Date)

Marc A. Sockol, Reg. No. 40,823 (Typed or printed name) — (650) 815-2600 (Telephone Number)

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 1.136(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.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gregory G. RALEIGH et al.	Examiner: Andrew J. Rudy
Serial No.: 12/695,020	Art Unit: 3687
Filed: January 27, 2010	Confirmation No.: 7074
Title: ADAPTIVE AMBIENT SERVICES	

NOTICE OF CHANGE OF ENTITY STATUS FROM LARGE TO SMALL

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

Dear Sir:

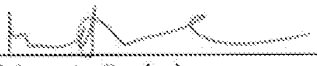
The Applicants herein are now entitled to claim small entity status for the above-referenced patent application, and shall henceforth pay fees due at the small entity rate.

Please change your records to reflect this change in entity status.

No fee should be required for this change of entity status, but if such fee is determined to be owed, please charge Deposit Account No. 50-4561 for the same.

Respectfully submitted,

Date: May 14, 2012

By: 

Marc A. Sockol
Reg. No. 40,823
Customer Number 69849
Sheppard Mullin Richter & Hampton LLP
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PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
12/695,020	01/27/2010	

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☐		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ 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).						
☐ 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	

APPLICATION AS AMENDED – PART II

AMENDMENT	05/14/2012	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 23	Minus	** 25	= 0	X $ =		OR	X $60=	0
	Independent (37 CFR 1.16(h))	* 2	Minus	***4	= 0	X $ =		OR	X $250=	0
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	0

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

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

Legal Instrument Examiner:
/POLIN ANG/

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.

AMENDMENTS TO THE CLAIMS

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

1. (Original) A system, comprising:

a processor of a communications device configured to:

implement an ambient service profile for assisting control of the communications device use of an ambient service on a wireless network, wherein the ambient service profile includes a plurality of service policy settings, and wherein the ambient service profile is associated with an ambient service plan that provides for initial access to the ambient service with limited service capabilities prior to activation of a new service plan;

monitor use of the ambient service based on the ambient service profile; and

adapt the ambient service profile based on the monitored use of the ambient service;

a memory of the communications device coupled to the processor and configured to provide the processor with instructions.

2. (Original) The system recited in claim 1, wherein the ambient service profile is implemented at least in part by a proxy network device, wherein the monitored use of the ambient service based on the ambient service profile is performed at least in part by the proxy network device, and wherein the proxy network device periodically sends an updated ambient service profile to the communications device, wherein the proxy network device is a proxy server or a router.

3. (Original) The system recited in claim 1, wherein the ambient service plan allows for access to the ambient service with limited service capabilities that are limited based on one or more of the following: period of time, network address, service type, content type, application type, bandwidth, and data usage.

4. (Original) The system recited in claim 1, wherein the ambient service plan is a low cost or free trial service plan that is bundled or provided as an option for purchase at a point of sale of the communications device.

5. (Original) The system recited in claim 1, wherein the communications device is activated prior to a point of sale of the communications device, and the ambient service plan is associated with the communications device during activation.

6. (Original) The system recited in claim 1, wherein the ambient service plan is associated with the communications device during one or more of the following: a manufacture of the communications device, a distribution of the communications device, or a point of sale of the communications device.

7. (Original) The system recited in claim 1, wherein the ambient service plan includes an option to purchase a new service plan for the communications device, wherein the new service plan includes additional service capabilities.

8. (Original) The system recited in claim 1, wherein the ambient service profile is programmable by one or more of the following: a manufacturer, a service provider, a distributor, a virtual service provider, and a device manager.

9. (Original) The system recited in claim 1, wherein the ambient service is a transaction based service, wherein service usage for the ambient service by the communications device is not billed, and wherein electronic commerce based transactions performed using the communications device are billed as transaction based charges.

10. (Original) The system recited in claim 1, wherein the ambient service is a transaction based service, wherein electronic commerce based transactions performed using the communications device are billed as transaction based charges, and wherein at least a portion of service usage costs are billed to one or more of the following: an advertiser, a transaction provider, a mobile virtual network operator, a virtual service provider, and an ambient service provider.

11. (Original) The system recited in claim 1, wherein the communications device is a mobile communications device or an intermediate networking device, and the ambient service includes one or more Internet based services.

12. (Original) The system recited in claim 1, wherein the communications device is a mobile communications device, and the ambient service includes one or more Internet based services, and wherein the mobile communications device includes one or more of the following: a mobile phone, a PDA, an eBook reader, a music device, an entertainment/gaming device, a computer, laptop, a netbook, a tablet, and a home networking system.

13. (Original) The system recited in claim 1, wherein the communications device includes a modem, and the processor is located in the modem.

14. (Original) The system recited in claim 1, wherein the service policy settings include one or more of the following: access control settings, traffic control settings, billing system settings, user notification with acknowledgement settings, user notification with synchronized service usage information, user privacy settings, user preference settings, authentication settings, admission control settings, application access settings, content access settings, transaction settings, and network or device management communication settings.

15. (Original) The system recited in claim 1, wherein the implementation of the first service profile is verified based on one or more of the following: device based service usage information and network based service usage information.

16. (Original) The system recited in claim 1, wherein the processor of the communications device is further configured to:

determine whether a requested access should be allowed based on the ambient service profile;

determine whether a requested access should be blocked based on the ambient service profile; and

determine whether a requested access should be allowed and monitored based on the ambient service profile.

17. (Original) The system recited in claim 1, wherein the processor of the communications device is further configured to:

determine whether a requested access should be allowed based on the ambient service profile;

determine whether a requested access should be blocked based on the ambient service profile; and

determine whether a requested access should be allowed and monitored based on the ambient service profile,

wherein the ambient service profile includes a surf-out option.

18. (Original) The system recited in claim 1, wherein the processor of the communications device is further configured to:

modify the ambient service profile based on updates received from the network.

19. (Original) The system recited in claim 1, wherein the processor of the communications device is further configured to:

monitor a requested access based on the ambient service profile; and

adapt the ambient service profile based on the monitored access, wherein the ambient service profile includes a set of ambient service allow access rules, a set of ambient service monitoring access rules, and a set of ambient service block access rules.

20. (Original) The system recited in claim 1, wherein the processor of the communications device is further configured to:

monitor a requested access based on the ambient service profile, wherein the ambient service profile includes a surf-out option; and

adapt the ambient service profile based on the monitored access, wherein the ambient service profile includes a set of ambient service allow access rules, a set of ambient service monitoring access rules, and a set of ambient service block access rules.

21. (Original) The system recited in claim 1, wherein the processor of the communications device is further configured to:

monitor a requested access based on the ambient service profile using one or more of the following: determine whether the requested access is associated with the ambient service, analyze ambient service usage, query the ambient service to verify the requested access, and test the source of the requested access; and

adapt the ambient service profile based on the monitored access, wherein the ambient service profile includes a set of ambient service allow access rules; a set of ambient service monitoring access rules, and a set of ambient service block access rules.

Claims 22-23 (Withdrawn)

24. (Original) A system, comprising:

a processor of a proxy server configured to:

implement an ambient service profile for assisting control of a plurality of communications devices use of an ambient service on a wireless network, wherein the ambient service profile includes a plurality of service policy settings, and wherein the ambient service profile is associated with an ambient service plan that provides for initial access to the ambient service with limited service capabilities prior to activation of a new service plan;

monitor use of the ambient service based on the ambient service profile; and

adapt the ambient service profile based on the monitored use of the ambient service:

a memory of the proxy server coupled to the processor and configured to provide the processor with instructions.

25. (Original) The system recited in claim 24, wherein the processor of the proxy server is further configured to:

monitor a requested access based on the ambient service profile, wherein the ambient service profile includes a surf-out option; and

adapt the ambient service profile based on the monitored access, wherein the ambient service profile includes a set of ambient service allow access rules, a set of ambient service monitoring access rules, and a set of ambient service block access rules,

wherein the proxy server is also configured to facilitate an upgraded service, wherein the upgraded service is associated with a non-ambient service plan.

PTO/SB/08a (07-09)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 4

Complete if Known	
Application Number	12/695,020
Filing Date	January 27, 2010
First Named Inventor	Gregory G. Raleigh, et al.
Art Unit	3687
Examiner Name	Andrew J. Rudy
Attorney Docket Number	26WV-160580 [RALEP024]

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		6,449,479	09-10-2002	SANCHEZ, Eduardo	
		6,603,969	08-05-2003	VUORISTO, et al.	
		6,658,254	12-02-2003	PURDY, et al.	
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Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] "Number[4] "Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2 of 4

Complete if Known	
Application Number	12/695,020
Filing Date	January 27, 2010
First Named Inventor	Gregory G. Raleigh
Art Unit	3687
Examiner Name	Andrew J. Rudy
Attorney Docket Number	26WV-160580 [RALEP024]

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		7,668,903	02-23-2010	EDWARDS, et al.	
		7,720,505	05-18-2010	GOPI, et al.	
		7,848,768	12-07-2010	OMORI, et al.	
		7,868,778	01-11-2011	KENWRIGHT, David Norris	
		7,873,705	01-18-2011	KALISH, Dan	
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		7,941,184	05-10-2011	PRENDERGAST et al	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] "Number[4] "Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

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(Use as many sheets as necessary)

Sheet 3 of 4

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Examiner Name	Andrew J. Rudy
Attorney Docket Number	26WV-160580 [RALEP024]

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		2007/0093243	04-26-2007	KAPADEKAR et al	
		2007/0259673	11-08-2007	WILLARS et al	
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		2009/0197585	08-06-2009	AARON, Jeffrey A.	
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		2010/0082431	04-01-2010	RAMER et al	
		2010/0188975	07-29-2010	RALEIGH, Gregory G.	
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		2010/0198939	08-05-2010	RALEIGH, Gregory G., et al	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] "Number[4] "Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1]Applicant's unique citation designation number (optional). [2]See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3]Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4]For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6]Applicant is to place a check mark here if English language Translation is attached.

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 2 hours 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, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 4 of 4

Complete if Known	
Application Number	12/695,020
Filing Date	January 27, 2010
First Named Inventor	Gregory G. Raleigh
Art Unit	3687
Examiner Name	Andrew J. Rudy
Attorney Docket Number	26WV-160580 [RALEP024]

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	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, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
		International Search Report and Written Opinion mailed March 30, 2010 from International Serial Number PCT/US2010/022273 filed January 27, 2010.	

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
[1] Applicant's unique citation designation number (optional). [2] Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 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 2 hours 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, 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.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: SCHALLOP, MICHAEL
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD.
SUITE 200
CUPERTINO, CA 95014

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

	Date of mailing *(day/month/year)* 30 MAR 2010
Applicant's or agent's file reference RALEP024PCT	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/US2010/022273	International filing date *(day/month/year)* 27 January 2010
Applicant HEADWATER PARTNERS I LLC	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:
   The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

   For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

   ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

   Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

   Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

   In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

   See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	Authorized officer: Blaine R. Copenheaver Telephone No. 571-272-7774

Form PCT/ISA/220 (January 2004) *(See notes on accompanying sheet)*

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference RALEP024PCT	FOR FURTHER ACTION	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2010/022273	International filing date *(day/month/year)* 27 January 2010	(Earliest) Priority Date *(day/month/year)* 28 January 2009
Applicant HEADWATER PARTNERS I LLC		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed.

☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (see Box No. II).

3. ☐ **Unity of invention is lacking** (see Box No. III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

Form PCT/ISA/210 (first sheet) (July 2009)

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2010/022273

A. CLASSIFICATION OF SUBJECT MATTER
IPC(8) - H04W 4/00 (2010.01)
USPC - 455/432.3
According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC(8) - H04W 4/00, H04M 3/42 (2010.01)
USPC - 455/406, 414.2, 414.3, 432.3, 456.3

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
USPTO EAST System (US, USPG-PUB, EPO, DERWENT), Minesoft PatBase, Google Scholar

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	STEGLICH et al. I-centric User Interaction. 21 November 2003. [Retrieved on 2010-03-16]. Retrieved from the Internet: <URL: http://deposit.ddb.de/cgi-bin/dokserv?idn=969465130&dok_var=d1&dok_ext=pdf&filename=969465130.pdf> pages 1 - 264	1 - 25
Y	US 2004/0082346 A1 (SKYTT et al) 29 April 2004 (29.04.2004) entire document	1 - 25
Y	RAO et al. Evolution of Mobile Location-based Services. Communications of the ACM. December 2003. [Retrieved on 2010-03-16]. Retrieved from the Internet: <URL: http://portal.acm.org/citation.cfm?id=953490> pages 61 - 65	7
Y	HOSSAIN et al. Gain-based Selection of Ambient Media Services in Pervasive Environments. Mobile Networks and Applications. 03 October 2008. [Retrieved on 2010-03-16]. Retrieved from the Internet: <URL: http://portal.acm.org/citation.cfm?id=1459209> pages 599 - 613	9
A	US 7,142,876 B2 (TROSSEN et al) 28 November 2006 (28.11.2006) entire document	1 - 25

☐ Further documents are listed in the continuation of Box C. ☐

* Special categories of cited documents:
"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier application or patent but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed
"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
16 March 2010	30 MAR 2010
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US, Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	Authorized officer: Blaine R. Copenheaver PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774

Form PCT/ISA/210 (second sheet) (July 2009)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: SCHALLOP, MICHAEL
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD.
SUITE 200
CUPERTINO, CA 95014

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	30 MAR 2010
Applicant's or agent's file reference RALEP024PCT	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/022273	27 January 2010	28 January 2009

International Patent Classification (IPC) or both national classification and IPC
IPC(8) - H04W 4/00 (2010.01)
USPC - 455/432.3

Applicant HEADWATER PARTNERS I LLC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US	Date of completion of this opinion	Authorized officer:
Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	16 March 2010	Blaine R. Copenheaver PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774

Form PCT/ISA/237 (cover sheet) (July 2009)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/US2010/022273

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed.

   ☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Form PCT/ISA/237 (Box No. I) (July 2009)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/022273

Box No. V **Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1 - 25	YES
	Claims	None	NO
Inventive step (IS)	Claims	None	YES
	Claims	1 - 25	NO
Industrial applicability (IA)	Claims	1 - 25	YES
	Claims	None	NO

2. Citations and explanations:

Claims 1 - 6, 8, and 10 - 25 lack an inventive step under PCT Article 33(3) as being obvious over Steglich et al (hereinafter Steglich) in view of Skytt el al (hereinafter Skytt).

As per claims 1, 22, 23, and 24, Steglich teaches a system, method, and computer program product, comprising: a processor of a communications device configured to (pg. 230; Pentium III as the processor used in the device): implement an ambient service profile for assisting control of the communications device use of an ambient service on a wireless network (pg. 19, section 2.2.3; I-centric Services define, manage, and (de)activate contexts in an individual communication space taking ambient information and the preferences of an individual into account), wherein the ambient service profile includes a plurality of service policy settings (pg. 34, 3rd bulleted section; this means services should consider the preference settings, if these are available, but should work based on default settings, if no specific preferences are specified), monitor use of the ambient service based on the ambient service profile and adapt the ambient service profile based on the monitored use of the ambient service (pg. 125, 1st para; the Service Adaptation Function has to consider the individual capabilities of the terminals, the characteristics of the network connections, the personal preferences of the user, and available ambient information; pg. 153, 2nd to last para; It supports sensor networks as sources of ambient information, but also the Service Adaptation Function, which can derive ambient information from the Access Mechanism, i.e. from the terminal or from the user's behavior); a memory of the communications device coupled to the processor and configured to provide the processor with instructions (pg. 151; Table 3-9; hardware include properties of the hardware like kind of CPU and memory size). Steglich does not teach wherein the service plan that provides for initial access to the service with limited service capabilities prior to activation of a new service plan. However, Skytt teaches wherein the service plan provides for initial access to the service with limited service capabilities prior to activation of a new service plan (Para. 0020-0021; registering enhanced-service capable user equipment wherein the enhanced-services include location-based services, and specifically providing limited service communication prior to the registration through the provision of a link or means for using an example of the enhanced service). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Skytt's feature in the system of Steglich, as both relate to providing enhanced services, and Skytt's feature provides supplementary services to be provided from a service provider.

As per claim 2, Steglich teaches wherein the ambient service profile is implemented at least in part by a proxy network device (pg. 106; section 3.3.7.2; the profile storage element utilizes the proxy design pattern), wherein the monitored use of the ambient service based on the ambient service profile is performed at least in part by the proxy network device, and wherein the proxy network device periodically sends an updated ambient service profile to the communications device, wherein the proxy network device is a proxy server or a router (pg. 139, last para; the Service Adaptation Function implements the I-centric User Interaction while representing a proxy gateway between the various supported user interface technologies and the service pg. 141; Fig 3-54; para 1-2) .

As per claim 3, Steglich teaches wherein the ambient service plan allows for access to the ambient service with limited service capabilities that are limited based on one or more of the following: period of time, network address, service type, content type, application type, bandwidth, and data usage (pg. 78, section 3.2.10, 4th para; this allows suspending a service usage at any time by ending the terminal connection and hence the corresponding Access Session).

As per claim 4, Steiglich does not teach wherein the ambient service plan is a low cost or free trial service plan that is bundled or provided as an option for purchase at a point of sale of the communications device. However, Skytt teaches wherein the ambient service plan is a low cost or free trial service plan that is bundled or provided as an option for purchase at a point of sale of the communications device (Para. 0048; enhanced services are typically associated in a service agreement with the service provider in which the services may be free). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Skytt's feature in the system of Steglich, as both relate to providing enhanced services, and Skytt's feature facilitates the adoption of several enhanced services, including location-based services, MMS, IM, and IMPS.

As per claim 5, Steiglich teaches wherein the communications device is activated prior to a point of sale of the communications device, and the ambient service plan is associated with the communications device during activation (pg. 85, a default user profile exists prior to any purchase of the communications device).

Form PCT/ISA/237 (Box No. V) (July 2009)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/022273

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

As per claim 6, Steglich teaches wherein the ambient service plan is associated with the communications device during one or more of the following: a manufacture of the communications device, a distribution of the communications device, or a point of sale of the communications device (pg. 113, 2nd para; the terminal might provide ambient information, if it is equipped with corresponding sensor devices).

As per claim 8, Steglich teaches wherein the ambient service profile is programmable by one or more of the following: a manufacturer, a service provider, a distributor, a virtual service provider, and a device manager (pg. 150, para 2; the terminals can be assigned to groups by the creator of the capabilities profile, i.e. the manufacturer of the device).

As per claim 10, Steglich teaches wherein the ambient service is a transaction based service, wherein electronic commerce based transactions performed using the communications device are billed as transaction based charges, and wherein at least a portion of service usage costs are billed to one or more of the following: an advertiser, a transaction provider, a mobile virtual network operator, a virtual service provider, and an ambient service provider (pg. 79; section 3.3.1; by applying suitable personalization concepts, this group can be enlarged and the revenue for the service provider can be increased).

As per claim 11, Steglich teaches wherein the communications device is a mobile communications device or an intermediate networking device, and the ambient service includes one or more Internet based services (pg. 39, section 2.5.4, 3rd para; when he is in the car, he wants the same service to tell him the actual free parking spaces via his mobile phone– by a phone call, a text message, or the presentation of an updated map on a PDA or navigation system installed in the car).

As per claim 12, Steglich teaches wherein the communications device is a mobile communications device, and the ambient service includes one or more Internet based services (pg. 38, section 2.54; access interface through LAN or 3G network), and wherein the mobile communications device includes one or more of the following: a mobile phone, a PDA, an eBook reader, a music device, an entertainment/gaming device, a computer, laptop, a netbook, a tablet, and a home networking system (pg. 38, section 2.5.4; mobile devices and PDA's).

As per claim 13, Steglich teaches wherein the communications device includes a modem, and the processor is located in the modem (pg. 39; section 2.5.4, 1st para; Connectivity capabilities have also evolved to I-centric include high bandwidth modems).

As per claim 14, Steglich teaches wherein the service policy settings include one or more of the following: access control settings, traffic control settings, billing system settings, user notification with acknowledgement settings, user notification with synchronized service usage information, user privacy settings, user preference settings, authentication settings, admission control settings, application access settings, content access settings, transaction settings, and network or device management communication settings (pg. 90, 3rd full para; collections of preferences regarding P3P policies between P3P agents... using this language, users can express their preferences in a set of preference-rules (called a rule set), which can then be used by the user agent to make automated or semi-automated decisions regarding the acceptability of machine-readable privacy policies from P3P enabled WWW sites).

As per claim 15, Steglich teaches wherein the implementation of the first service profile is verified based on one or more of the following: device based service usage information and network based service usage information (pg. 162, 2nd full para; for example, the identification of the user can be derived from the telephone number of the mobile phone, by which the user is accessing the portal).

As per claim 16, Steglich teaches wherein the processor of the communications device is further configured to: determine whether a requested access should be allowed based on the ambient service profile; determine whether a requested access should be blocked based on the ambient service profile and determine whether a requested access should be allowed and monitored based on the ambient service profile (pg. 35, last bulleted section; the personalization system has to ensure the correct usage and has to prevent any kind of possible misusage. This requires the secure authentication of the component requesting preferences data from the personalization system and according control of the access).

As per claim 17, Steglich teaches wherein the processor of the communications device is further configured to: determine whether a requested access should be allowed based on the ambient service profile; determine whether a requested access should be blocked based on the ambient service profile; and determine whether a requested access should be allowed and monitored based on the ambient service profile, wherein the ambient service profile includes a surf-out option (pg. 92; last para; whereas HE-VASP can manage personalization data without any restriction, the VASP should only have a limited access to the personalization function, i.e. to read and update only the user's preferences, which belong to the particular service. Therefore, the roles of the different actors can be summarized to the internal access, and, external access).

As per claim 18, Steglich teaches wherein the processor of the communications device is further configured to: modify the ambient service profile based on updates received from the network (pg. 83, 1st indented para; It should be possible to create, read, update, or delete preferences. Preferences belonging to the same service should be kept together, i.e. there are different sets of preferences each belonging to a particular service).

As per claim 19, Steglich teaches wherein the processor of the communications device is further configured to: monitor a requested access based on the ambient service profile, and adapt the ambient service profile based on the monitored access, wherein the ambient service profile includes a set of ambient service allow access rules, a set of ambient service monitoring access rules, and a set of ambient service block access rules (pg. 125, Fig. 3 – 49; see also first full para on pg. 125).

As per claim 20, Steglich teaches wherein the processor of the communications device is further configured to: monitor a requested access based on the ambient service profile, wherein the ambient service profile includes a surf-out option; and adapt the ambient service profile based on the monitored access, wherein the ambient service profile includes a set of ambient service allow access rules, a set of ambient service monitoring access rules, and a set of ambient service block access rules (pg. 125, Fig. 3 – 49; see also first full para on pg. 125).

Form PCT/ISA/237 (Supplemental Box) (July 2009)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/022273

Supplemental Box

In case **the space in any of the preceding boxes is not sufficient.**
Continuation of:

As per claim 21, Steglich teaches wherein the processor of the communications device is further configured to: monitor a requested access based on the ambient service profile using one or more of the following: determine whether the requested access is associated with the ambient service, analyze ambient service usage, query the ambient service to verify the requested access, and test the source of the requested access; and adapt the ambient service profile based on the monitored access, wherein the ambient service profile includes a set of ambient service allow access rules, a set of ambient service monitoring access rules, and a set of ambient service block access rules (pg. 153; Service Adaptation Function, which can derive ambient information from the Access Mechanism, i.e. from the terminal or from the user's behavior).

As per claim 25, Steglich teaches wherein the processor of the proxy server is further configured to: monitor a requested access based on the ambient service profile (pg. 153; Service Adaptation Function, which can derive ambient information from the Access Mechanism, i.e. from the terminal or from the user's behavior), wherein the ambient service profile includes a surf-out option; and adapt the ambient service profile based on the monitored access, wherein the ambient service profile includes a set of ambient service allow access rules (pg. 26 access control/authorization rules which assure that only authorized people can access information), a set of ambient service monitoring access rules and a set of ambient service block access rules (pg. 24; Section 2.3.4; 2nd para; a set of rules precise enough for processing to be automated with sufficient reliability; It has implications in the structure of the services to allow adaptability and is the engine, which activates a context at a certain moment in time in a certain environment), wherein the proxy server is also configured to facilitate an upgraded service wherein the upgraded service is associated with a non-ambient service plan (pg. 181).

Claim 7 lacks an inventive step under PCT Article 33(3) as being obvious over Steglich in view of Skytt, and further in view of Rao et al (hereinafter Rao).

As per claim 7, Steglich and Skytt do not specifically teach wherein the ambient service plan includes an option to purchase a new service plan for the communications device, wherein the new service plan includes additional service capabilities. However, Rao teaches wherein the ambient service plan includes an option to purchase a new service plan for the communications device, wherein the new service plan includes additional service capabilities (pg. 64, col. 2, last para; additional service is the "People Finder" program; the service is targeted at mobile carriers, whose customers must opt into the program, which works on handsets and PDAs with SMS and email capabilities). It would have been obvious to one of ordinary skill in the art to include Rao's feature in the system of Steglich and Skytt, as both relate to location-based services, and Rao's feature will target segments could include sports enthusiasts, outdoorsmen, and families.

Claim 9 lacks an inventive step under PCT Article 33(3) as being obvious over Steglich in view of Skytt, and further in view of Hossain et al (hereinafter Hossain).

As per claim 9, Steglich and Skytt do not teach wherein the ambient service is a transaction based service, wherein service usage for the ambient service by the communications device is not billed and wherein electronic commerce based transactions performed using the communications device are billed as transaction based charges. However, Hossain teaches wherein the ambient service is a transaction based service, wherein service usage for the ambient service by the communications device is not billed (pg. 10, section 4.4.1; some services free of cost) and wherein electronic commerce based transactions performed using the communications device are billed as transaction based charges (pg. 9, section 4.3; cost of mediasubscription). It would have been obvious to one of ordinary skill in the art to include Hossain's feature in the combined system of Steglich and Skytt, as they collectively relate to ambient networks, and Hossain's feature provides a cost-effective set of services that would maximize the user's satisfaction level in the environment.

Claims 1 - 25 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

Electronic Acknowledgement Receipt	
EFS ID:	11990067
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	69849
Filer:	Marc A. Sockol/Linda Brost
Filer Authorized By:	Marc A. Sockol
Attorney Docket Number:	26WV-160580 [RALEP024]
Receipt Date:	02-FEB-2012
Filing Date:	27-JAN-2010
Time Stamp:	20:15:10
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		160580-RALEP024-IDS-020212.pdf	527531 947ba0ee8d9b4104eeb3c69377d432640c006ac5	yes	15

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Transmittal Letter	1	1
	Miscellaneous Incoming Letter	2	3
	Information Disclosure Statement (IDS) Form (SB08)	4	7
	Non Patent Literature	8	15
Warnings:			
Information:			
	Total Files Size (in bytes):	527531	

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.

PTO/SB/21 (07-09)
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 displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	15

Application Number	12/695,020
Filing Date	January 27, 2010
First Named Inventor	Gregory G. Raleigh, et al.
Art Unit	3687 Conf. No. 7074
Examiner Name	Andrew J. Rudy
Attorney Docket Number	26WV-160580 [RALEP024]

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement with PTO/SB/08a/b (6 pgs.)
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
- ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation, Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please Identify below):

  Copy of International Search Report and Written Opinion for PCT/US2010/022273 (8 pgs.)

Remarks

You are hereby authorized to charge any additional fee required or credit any overpayment to Deposit Account No. 50-4561.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Sheppard, Mullin, Richter & Hampton LLP		Customer No. 69849
Signature			
Printed name	Marc A. Sockol		
Date	February 2, 2012	Reg. No.	40,823

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed electronically via EFS-Web addressed to the Commissioner for Patents on the date shown below:

Signature	Linda K. Brost		
Typed or printed name	Linda K. Brost	Date	February 2, 2012

This collection of information is required by 37 CFR 1.5. 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 2 hours 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Examiner:
Gregory G. Raleigh, et al.	Andrew J. Rudy
Serial No.: 12/695,020	Art Unit: 3687
Filed: January 27, 2010	Conf. No.: 7074
Title: Adaptive Ambient Services	

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

INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. §§1.97(b)

Sir:

In accordance with the duty of disclosure under 37 CFR §1.56 and pursuant to 37 CFR §§1.97-1.98, Applicant hereby notifies the U.S. Patent and Trademark Office of the references listed on the enclosed Form PTO-SB/08A. Pursuant to the USPTO's waiver of the requirements under 37 CFR 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent, we are not submitting copies of U.S. patents and/or patent publications cited.

The present Information Disclosure Statement is being filed more than three months after the filing date but before receiving the first Office Action. Accordingly, no fee or certification is needed.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant reserves the right to dispute any of the listed documents as prior art during examination. Furthermore, Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the

present application. The submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other material information may exist.

The Examiner is requested to initial the enclosed Form PTO/SB/08A and return a copy thereof to the undersigned.

No fee is believed to be due relative to this submission, but if for any reason an insufficient fee has been paid, please charge the insufficiency to Deposit Account No. **50-4561**.

Respectfully submitted,

Date: February 2, 2012 By: _____

Marc A. Sockol, Reg. No. 40,823
Attorney for Applicants
Customer Number 69849
Sheppard, Mullin, Richter & Hampton LLP
379 Lytton Avenue
Palo Alto, CA 94301-1432
Telephone: (650) 815-2600

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being filed electronically via EFS-Web addressed to the Commissioner for Patents on:

Date: February 2, 2012 By: Linda K. Brost
Linda K. Brost

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.
12/695,020	01/27/2010	Gregory G. Raleigh	26WV-160580 [RALEP024]	7074

69849 7590 12/16/2011

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
379 Lytton Avenue
Palo Alto, CA 94301

EXAMINER	
RUDY, ANDREW J	
ART UNIT	PAPER NUMBER
3687	
MAIL DATE	DELIVERY MODE
12/16/2011	PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	12/695,020	RALEIGH ET AL.	
	Examiner	Art Unit	
	ANDREW JOSEPH RUDY	3687	

-- 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 1 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 _____.

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

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) 1-25 is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☐ Claim(s) _____ is/are rejected.

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

9)☒ Claim(s) 1-25 are subject to restriction and/or election requirement.

Application Papers

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

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

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

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

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

Priority under 35 U.S.C. § 119

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of 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

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-21, 24 and 25, drawn to a system, classified in class 726, subclass 3.

II. Claims 22, 23, drawn to a method/(computer program), classified in class 705, subclass 30.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions Group II and Group I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus may be used without a memory.

3. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because at least the following reason(s) apply:

The inventive concepts are divergent.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103 and 112. Until all claims to the elected product are found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowable product claim will not be rejoined. See MPEP § 821.04(b). Additionally, in order to retain the right to rejoinder in accordance with the above policy, applicant is advised that the process claims should be amended during prosecution to require the limitations of the product claims. Failure to do so may result in a loss of the right to rejoinder. Further, note that the prohibition against double patenting

rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

5. A telephone call was made to Mr. Michael J. Schallop (Reg. No. 44,319) on December 14, 2011 to request an oral election to the above restriction requirement, but did not result in an election being made.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW JOSEPH RUDY whose telephone number is (571)272-6789. The examiner can normally be reached on Monday thru Friday.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. 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.

/ANDREW JOSPEH RUDY/

Primary Examiner

Art Unit 3687

PTO/SB/08a (01-10)
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	12695020
Filing Date	2010-01-27
First Named Inventor	RALEIGH, Gregory G.
Art Unit	3687
Examiner Name	RUDY, Andrew J.
Attorney Docket Number	26WV-160580 [RALEP024]

U.S.PATENTS

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	6651101		2003-11-18	GAI et al	
	2	7290283		2007-10-30	COPELAND III, John A.	
	3	7401338		2008-07-15	BOWEN et al	
	4	7197321		2007-03-27	ERSKINE et al	
	5	7516219		2009-04-07	MOGHADDAM et al	
	6	7647047		2010-01-12	MOGHADDAM et al	
	7	7929960		2011-04-19	MARTIN et al	
	8	7937069		2011-05-03	RASSAM, Frederic	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	RALEIGH, Gregory G.
	Art Unit	3687
	Examiner Name	RUDY, Andrew J.
	Attorney Docket Number	26WV-160580 [RALEP024]

	9	6563806		2003-05-13	YANO et al	
	10	6532235		2003-03-11	BENSON et al	
	11	7280816		2007-10-09	FRATT et al	

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

U.S.PATENT APPLICATION PUBLICATIONS

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	20090125619		2009-05-14	ANTANI, Snehal S.	
	2	20080212470		2008-09-04	CASTANEDA et al	
	3	20080183812		2008-07-31	PAUL et al	
	4	20060178918		2006-08-10	MIKURAK	
	5	20040103193		2004-05-27	PANDYA et al	
	6	20050183143		2005-08-18	ANDERHOLM et al	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	RALEIGH, Gregory G.
	Art Unit	3687
	Examiner Name	RUDY, Andrew J.
	Attorney Docket Number	26WV-160580 [RALEP024]

	7	20070294395		2007-12-20	STRUB et al	
	8	20090287921		2009-11-19	ZHU et al	
	9	20060085543		2006-04-01	HRASTAR et al	
	10	20080059474		2008-03-01	LIM, Keng	
	11	20080066149		2008-03-01	LIM, Keng	
	12	20080066150		2008-03-01	LIM, Keng	
	13	20080167033		2008-07-10	BECKERS, Michel	
	14	20070298764		2007-12-27	CLAYTON	

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] 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	WO1999/065185	WO		1999-12-16	British Telecommunications Public Limited Company		☐

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

EFS Web 2.1.17

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12695020
	Filing Date	2010-01-27
	First Named Inventor	RALEIGH, Gregory G.
	Art Unit	3687
	Examiner Name	RUDY, Andrew J.
	Attorney Docket Number	26WV-160580 [RALEP024]

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]
	1	Author Unknown, "Data Roaming Tariffs - Transparency Measures." EUROPA - Europe's Information Society Thematic Portal website, date unknown.	☐
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	12695020
	Filing Date	2010-01-27
	First Named Inventor	RALEIGH, Gregory G.
	Art Unit	3687
	Examiner Name	RUDY, Andrew J.
	Attorney Docket Number	26WV-160580 [RALEP024]

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).

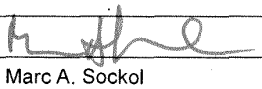
☐ See attached certification statement.

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

☒ A certification statement is not submitted herewith.

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		Date (YYYY-MM-DD)	2011-07-20
Name/Print	Marc A. Sockol	Registration Number	40,823

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 record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

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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:	10564894
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	69849
Filer:	Marc A. Sockol/Linda Brost
Filer Authorized By:	Marc A. Sockol
Attorney Docket Number:	RALEP024
Receipt Date:	20-JUL-2011
Filing Date:	27-JAN-2010
Time Stamp:	20:35:31
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		160580-RALEP024-IDS072011.pdf	459648 9093d173f2c4b627840973ce4cde9d5bb9add91d	yes	14

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Information Disclosure Statement (IDS) Form (SB08)	1	6
	Non Patent Literature	7	14

Warnings:					
Information:					
2	Foreign Reference	WO1999-065185A2andA3.pdf	1952852 b4b22a6a3b435dba71663391f5ac019eb0e4ba7f	no	56
Warnings:					
Information:					
		Total Files Size (in bytes):	2412500		

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/695,020	01/27/2010	Gregory G. Raleigh	RALEP024

CONFIRMATION NO. 7074

21912
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

POWER OF ATTORNEY NOTICE

OC000000047348018

Date Mailed: 04/27/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/19/2011.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/mnguyen/

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
12/695,020	01/27/2010	Gregory G. Raleigh	RALEP024

CONFIRMATION NO. 7074

69849
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
390 Lytton Avenue
Palo Alto, CA 94301

POA ACCEPTANCE LETTER

OC000000047348037

Date Mailed: 04/27/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/19/2011.

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.

/mnguyen/

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

PTO/SB/80 (11-08)
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.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number: 69849

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number: 69849

OR

☐ Firm or Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Assignee Name and Address:
Headwater Partners I, LLC
350 Marine Parkway, Suite 300
Redwood City, California 94065
U.S.A.

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date: 18 MARCH, 2011
Name	David R. Johnson	Telephone: 650-517-2782
Title	Chief Financial Officer	

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.

Electronic Acknowledgement Receipt	
EFS ID:	9914587
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	21912
Filer:	Marc A. Sockol/Linda Brost
Filer Authorized By:	Marc A. Sockol
Attorney Docket Number:	RALEP024
Receipt Date:	19-APR-2011
Filing Date:	27-JAN-2010
Time Stamp:	20:06:37
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		160580POAand3-73bStmt041911.pdf	169734 0c92168f50a15c92e3256e85cf2ef4983f067315	yes	4

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Assignee showing of ownership per 37 CFR 3.73(b).	1	2
	Power of Attorney	3	4
Warnings:			
Information:			
	Total Files Size (in bytes):	169734	

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.

PTO/SB/96 (07-09)
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 displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Gregory G. Raleigh, et al.

Application No./Patent No.: 12/695,020 Filed/Issue Date: January 27, 2010

Titled: Adaptive Ambient Services

Headwater Partners I, LLC , a limited liability company

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. [X] the assignee of the entire right, title, and interest in;

2. [ ] an assignee of less than the entire right, title, and interest in (The extent (by percentage) of its ownership interest is _____ %); or

3. [ ] the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

A. [X] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 024248, Frame 0036, or for which a copy therefore is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at

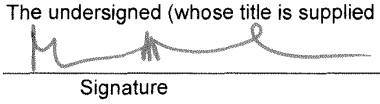
Reel _____, Frame _____, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet(s).

[X] As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature — April 19, 2011 (Date)

Marc A. Sockol, Reg. No. 40,823 — Attorney of Record

Printed or Typed Name — Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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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.

Substitute for form 1449/PTO				Complete if Known	
Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
				First Named Inventor	Gregory G. Raleigh
				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	1	of	1	Atty Docket No.	RALEP024

U.S. Patent Documents					
Examiner Initials	Cite No.	Document Number Number-Kind Code *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A.	US 2003/0088671	05-08-2003	KLINKER et al.	
	B.	US 2007/0248100	10-25-2007	ZUBERI et al.	
	C.	US 2008/0130534	06-05-2008	Tazuko Tomioka	
	D.	US 2006/0236095	10-19-2006	SMITH et al.	
	E.	US 2009/0054030	02-26-2009	Golds	
	F.	US 6,952,428	10-04-2005	NECKA et al.	
	G.	US 2010/0043068	02-18-2010	VARADHAN et al.	
	H.	US 2010/0071053	03-18-2010	ANSARI et al.	
	I.	US 2003/0005112	01-03-2003	Krautkremer	
	J.	US 2006/0045245	03-02-2006	AARON et al.	
	K.	US 2007/0076616	04-05-2007	NGO et al.	
	L.	US 2006/0190314	08-24-2006	Hernandez	
	M.	US 2009/0271514	10-29-2009	THOMAS et al.	
	N.	US 6,684,244	01-27-2004	GOLDMAN et al.	
	O.	US 2005/0055291	03-10-2005	BEVENTE et al.	
	P.	US 2006/0019632	01-26-2006	CUNNINGHAM et al.	
	Q.	US 2005/0238046	10-27-2005	HASSAN et al.	
	R.	US 5,577,100	11-19-1996	McGREGOR et al.	
	S.	US 6,198,915	03-06-2001	McGREGOR et al.	
	T.	US 6,650,887	11-18-2003	McGREGOR et al.	
	U.	US 7,245,901	07-17-2007	McGREGOR et al.	
	V.	US 7,373,136	05-13-2008	WATLER et al.	
	W.	US 6,725,031	04-20-2004	WATLER et al.	
	X.	US 2002/0022472	02-21-2002	WATLER et al.	
	Y.	US 6,532,579	03-11-2003	SATO et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No.	Foreign Patent Document Country Code–Number–Kind Code *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	Z.	WO 2007/018363	08-02-2006	Upresto, Inc.	

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, page(s), volume-issue number(s), publisher, city and/or country where published	T^2
	AA.		
	BB.		

Examiner	Date Considered

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T^2 = Applicant is to place a check mark here if English language Translation is attached

Electronic Acknowledgement Receipt

EFS ID:	8590873
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	21912
Filer:	Michael J. Schallop/Veronica Pula
Filer Authorized By:	Michael J. Schallop
Attorney Docket Number:	RALEP024
Receipt Date:	08-OCT-2010
Filing Date:	27-JAN-2010
Time Stamp:	19:24:07
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	Transmittal Letter	RALEP024_IDS_Before_1st_OA.pdf	55986 823137f4f88c8aa1287ce524171eef0d92515df	no	2
Warnings:					
Information:					

2	Information Disclosure Statement (IDS) Filed (SB/08)	RALEP024_IDS_SB08_before_1st_OA_2_.pdf	101026 a6102b6807f58a5376f3f3f1e9fedf846c310e5a	no	1
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Information:					
This is not an USPTO supplied IDS fillable form					
3	Foreign Reference	RALE_Foreign_Ref_WO2007018363.pdf	1322623 37b720bd7d61efc44073aef18cbf624bab5e7d3b	no	37
Warnings:					
Information:					
		Total Files Size (in bytes):	1479635		

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.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	RALEIGH et al.	Examiner:	Brandy A. Zukanovich
Application No.:	12/695,020	Art Unit:	3625
Filed:	January 27, 2010	Docket No.:	RALEP024
Title:	ADAPTIVE AMBIENT SERVICES		

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§1.56 AND 1.97(b) BEFORE MAILING OF A FIRST OFFICE ACTION

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

Dear Sir:

The references listed in the attached PTO SB/08, may be material to examination of the above-identified patent application. Applicants disclose these references in compliance with their duty of disclosure pursuant to 37 CFR §§1.56 and 1.97. The Examiner is requested to make these references of official record in this application. Copies of the cited references are provided to the extent required by 37 CFR §1.98 and any applicable waivers.

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Respectfully submitted,
VAN PELT, YI & JAMES LLP

/Michael J. Schallop/

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Substitute for form 1449/PTO				Complete if Known	
Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
				First Named Inventor	RALEIGH et al.
				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	1	of	4	Atty Docket No.	RALEP024

U.S. Patent Documents					
Examiner Initials	CiteNo.	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A.	US 2006/0048223	03-02-2006	LEE et al.	
	B.	US 6,965,667	11-15-2005	TRABANDT et al.	
	C.	US 2008/0268813	10-13-2008	Stephane H. Maes	
	D.	US 2007/0255848	11-01-2007	SEWALL et al.	
	E.	US 2008/0039102	02-14-2008	SEWALL et al.	
	F.	US 2006/0233108	10-19-2006	Murali R. Krishnan	
	G.	US 5,892,900	04-06-1999	GINTER et al.	
	H.	US 7,403,763	07-22-2008	Stephane H. Maes	
	I.	US 7,317,699	01-08-2008	GODFREY et al.	
	J.	US 7,353,533	04-1-2008	WRIGHT et al.	
	K.	US 7,322,044	01-22-2008	Scott E. Hrastar	
	L.	US 7,058,968	06-06-2006	ROWLAND et al.	
	M.	US 7,042,988	05-09-2006	JUITT et al.	
	N.	US 7,418,253	08-26-2008	Alan Kavanah	
	O.	US 7,242,920	04-10-2007	Robert P. Morris	
	P.	US 6,148,336	11-14-2000	THOMAS et al.	
	Q.	US 7,317,699	01-08-2008	GODFREY et al.	
	R.	US 7,325,037	01-29-2008	Karen L. Lawson	
	S.	US 6,141,686	10-31-2000	JACKOWSKI et al.	
	T.	US 2004/0044623	03-04-2004	WAKE et al.	
	U.	US 2006/0040642	02-23-2006	BORIS et al.	
	V.	US 2008/0229388	09-18-2008	Stephane H. Maes	
	W.	US 2008/0120688	05-22-2008	QIU et al.	
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	Y.	US 2008/0052387	02-28-2008	HEINZ et al.	
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	DD.	US 2006/0143098	06-29-2006	Lazaridis	
	EE.	US 6,098,878	08-08-2000	DENT et al.	
	FF.	US 2004/0198331	10-07-2004	COWARD et al.	
	GG.	US 2003/0004937	01-02-2003	SALMENKAITA et al.	
	HH.	US 2005/0107091	05-19-2005	VANNITHAMBY et al.	
	II.	US 2003/0224781	12-04-2003	MILFORD et al.	
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	KK.	US 2005/0246282	11-03-2005	NASLUND et al.	
	LL.	US 2008/0316923	12-25-2008	FEDDERS et al.	
	MM.	US 2006/0026679	02-02-2006	Zakas	
	NN.	US 2008/0082643	04-03-2008	STORRIE et al.	

Substitute for form 1449/PTO				Complete if Known	
Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
				First Named Inventor	RALEIGH et al.
				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	2	of	4	Atty Docket No.	RALEP024

	OO.	US 2007/0140275	06-21-2007	BOWMAN et al.	
	PP.	US 2003/0182435	09-25-2003	REDLICH et al.	
	QQ.	US 6,263,055	07-17-2001	GARLAND et al.	
	RR.	US 5,940,472	08-17-1999	NEWMAN et al.	
	SS.	US 2008/0318550	12-25-2008	Deatley	
	TT.	US 2008/0298230	12-01-2008	LUFT et al.	
	UU.	US 2007/0220251	09-20-2007	ROSENBERG et al.	
	VV.	US 2007/0100981	05-03-2007	ADAMCZYK et al.	
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	XX.	US 2008/0095339	04-24-2008	ELLIOTT et al.	
	YY.	US 2006/0233166	10-19-2006	BOU-DIAB et al.	
	ZZ.	US 2008/0168523	07-10-2008	ANSARI et al.	
	AAA.	US 2006/0183462	08-17-2006	KOLEHAINEN et al.	
	BBB.	US 2006/0165060	07-27-2006	Dua	
	CCC.	US 2008/0177998	07-24-2008	APSANGI et al.	
	DDD.	US 2008/0064367	03-13-2008	NATH et al.	
	EEE.	US 2004/0168052	08-26-2004	CLISHAM et al.	
	FFF.	US 2005/0198377	09-08-2005	FERGUSON et al.	
	GGG.	US 2005/0216421	09-29-2005	BARRY et al.	
	HHH.	US 2006/0218395	09-28-2006	Maes	
	III.	US 2005/0055309	03-10-2005	WILLIAMS et al.	
	JJJ.	US 2003/0050837	03-13-2003	Kim	
	KKK.	US 2005/0266825	12-01-2005	Clayton	
	LLL.	US 2006/0178917	08-10-2006	Mikurak	
	MMM.	US 2007/0055694	03-08-2007	RUGE et al.	
	NNN.	US 2005/0097516	05-05-2005	DONNELLY et al.	
	OOO.	US 7,356,337	04-08-2008	Florence	
	PPP.	US 2007/0019670	01-25-2007	Falardeau	
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	SSS.	US 7,349,695	03-25-2008	OOMMEN et al.	
	TTT.	US 2004/0098715	05-20-2004	AGHERA et al.	
	UUU.	US 2006/0072646	04-06-2006	FEHER et al.	
	VVV.	US 2006/0206904	09-14-2006	WATKINS et al.	
	WWW.	US 2005/0060266	03-17-2005	DEMELLO et al.	
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	YYY.	US 6,639,975	10-28-2003	O'NEAL et al.	
	ZZZ.	US 6,539,082	03-25-2003	LOWE et al.	
	AAAA.	US 2008/0134330	06-05-2008	KAPOOR et al.	
	BBBB.	US 2004/0047358	03-11-2004	CHEN et al.	
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	DDDD.	US 2003/0161265	08-28-2003	CAO et al.	

Substitute for form 1449/PTO				Complete if Known	
				Application No.:	12/695,020
Information Disclosure Statement By Applicant				Filing Date	January 27, 2010
				First Named Inventor	RALEIGH et al.
(Use as many sheets as necessary)				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	3	of	4	Atty Docket No.	RALEP024

	EEEE.	US 2008/0305793	12-11-2008	GALLAGHER et al.	
	FFFF.	US 2008/0083013	04-03-2008	SOLIMAN et al.	
	GGGG.	US 2004/0030705	02-12-2004	BOWMAN-AMUAH et al.	
	HHHH.	US 6,574,321	06-03-2003	COX et al.	
	IIII.	US 2006/0291477	12-28-2006	CROAK et al.	
	JJJJ.	US 2005/0266880	12-01-2005	Gupta	
	KKKK.	US 2003/0229900	12-11-2003	Reisman	
	LLLL.	US 2007/0198656	08-23-2007	MAZZAFERRI et al.	
	MMMM.	US 2003/0182420	09-25-2003	JONES et al.	
	NNNN.	US 2008/0225748	09-18-2008	KHEMANI et al.	
	OOOO.	US 2005/0250508	11-10-2005	GUO et al.	
	PPPP.	US 2008/0127304	05-29-2008	GINTER et al.	
	QQQQ.	US 7,289,489	10-30-2007	KUNG et al.	
	RRRR.	US 2003/0050070	03-13-2003	MASHINSKY et al.	
	SSSS.	US 6,996,076	02-07-2006	FORBES et al.	
	TTTT.	US 2008/0183	07-31-2008	PAUL et al.	
	UUUU.	US 2007/0226225	09-27-2007	YIU et al.	
	VVVV.	US 2007/0130315	06-07-2007	FRIEND et al.	
	WWWW.	US 2008/0059743	03-06-2008	BYCHKOV et al.	
	XXXX.	US 2008/0132268	06-05-2008	CHOI-GROGAN et al.	
	YYYY.	US 2003/0133408	07-17-2003	CHENG et al.	
	ZZZZ.	US 2005/0128967	06-16-2005	Scobbie	
	AAAAA.	US 2007/0140113	06-21-2007	Gemelos	
	BBBBB.	US 2002/0138601	09-26-2002	PIPONIUS et al.	
	CCCCC.	US 2002/0176377	11-28-2002	Hamilton	
	DDDDD.	US 2006/0034256	02-16-2006	ADDAGATLA et al.	
	EEEEE.	US 2005/0228985	10-13-2005	YLIKOSKI et al.	
	FFFFF.	US 2007/0036312	02-15-2007	CAI et al.	
	GGGGG.	US 2004/0082346	04-29-2004	SKYTT et al.	
	HHHHH.	US 7,142,876	11-28-2006	TROSSEN et al.	
	IIIII.	US 2008/0005561	01-03-2008	BROWN et al.	
	JJJJJ.	US 2007/0101426	05-03-2007	LEE et al.	
	KKKKK.	US 2008/0222692	09-11-2008	ANDERSSON et al.	
	LLLLL.	US 2008/0160958	04-03-2008	ABICHANDANI et al.	
	MMMMM	US 2006/0048223	03-02-2006	LEE et al.	
	NNNNN.	US 2007/0104126	5-10-2007	CALHOUN et al.	
	OOOOO.	US 2007/0243862	10-18-2007	COSKUN et al.	
	PPPPP.	US 2008/0109679	05-08-2008	WRIGHT et al.	
	QQQQQ.	US 2006/0242685	10-26-2006	HEARD et al.	
	RRRRR.	US 2008/0130656	06-05-2008	KIM et al.	
	SSSSS.	US 2005/0021995	01-27-2005	LAL et al.	
	TTTTT.	US 2008/0162704	04-03-2008	POPLETT et al.	

Substitute for form 1449/PTO				Complete if Known	
Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
				First Named Inventor	RALEIGH et al.
				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	4	of	4	Atty Docket No.	RALEP024

	UUUUU.	US 2008/0229385	09-18-2008	FEDER et al.	
	VVVVV.	US 2008/0098062	04-24-2008	Balia	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document Country Code–Number–Kind Code *known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1A	WO 2006/130960	12-14-2006	Mobidia, Inc.	
	1B	EP 1772988A1	04-11-2007	Huawei Technologies, Co., LTD.	
	1C	EP 1978772A1	10-08-2008	British Telecommunications	
	1D	WO 2007/053848	05-10-2007	Mobile Armor, LLC	
	1E	WO 2006/073837	07-13-2006	Symbol Technologies, Inc.	
	1F	WO 2004/028070	04-01-2004	Credant Technologies, Inc.	
	1G	WO 2004/095753	11-04-2004	Motorola Inc.	
	1H	WO 2003/014891	02-20-2003	The Boeing Company	
	1I	WO 2007/107701	09-27-2007	British Telecommunications	
	1J	EP 1463238	09-29-2004	Alcatel	
	1K	WO 2008/080430	07-10-2008	Telecom Italia S.P.A	
	1L	WO 2008/017837	02-14-2008	Symbian Software	
	1M	WO 2008/099802	08-21-2008	NEC Corporation	
	1N	WO 2007/001833	01-04-2007	Symbol Technologies	
	1O	EP 1739518	06-29-2005	Research In Motion	
	1P	WO 2007/069245	06-21-2007	Yoggie Security	
	1Q	WO 2008/066419	06-05-2008	Telefonaktiebolaget LM Ericsson	
	1R	WO 2006/050758	05-18-2006	Telefonaktiebolaget LM Ericsson	

Examiner	Date Considered

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T[2] = Applicant is to place a check mark here if English language Translation is attached

Electronic Acknowledgement Receipt

EFS ID:	8294086
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	21912
Filer:	Michael J. Schallop/Veronica Pula
Filer Authorized By:	Michael J. Schallop
Attorney Docket Number:	RALEP024
Receipt Date:	27-AUG-2010
Filing Date:	27-JAN-2010
Time Stamp:	15:59:02
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	Transmittal Letter	RALEP024_IDS_Before_1st_OA.pdf	55986 823137f4f88c8aa1287ce524171eef0d92515df	no	2
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Information:					

2	Information Disclosure Statement (IDS) Filed (SB/08)	RALEP024_IDS_SB08_1.pdf	124644 ed74496d5de0953a6bdaba9021eae8a30034b115	no	4
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	RALEIGH et al.	Examiner:	Brandy A. Zukanovich
Application No.:	12/695,020	Art Unit:	3625
Filed:	January 27, 2010	Docket No.:	RALEP024
Title:	ADAPTIVE AMBIENT SERVICES		

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§1.56 AND 1.97(b) BEFORE MAILING OF A FIRST OFFICE ACTION

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

Dear Sir:

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Respectfully submitted,
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Substitute for form 1449/PTO				Complete if Known	
Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
				First Named Inventor	RALEIGH et al.
				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	1	of	1	Atty Docket No.	RALEP024

U.S. Patent Documents					
Examiner Initials	CiteNo.	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	3AA	US 7,747,240	06-29-2010	BRISCOE et al.	
	3BB	US 2003/0088671	05-08-2003	KINKER et al.	
	3CC	US 2007/0248100	10-25-2007	ZUBERI et al.	
	3DD	US 2008/0130534	06-05-2008	Tazuko Tomioka	

FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No.	Foreign Patent Document Country Code–Number–Kind Code	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	3A	WO 2007/014630	02-08-2007	Telefonaktiebolaget LM Ericsson	
	3B	WO 2006/004467	01-12-2006	Telefonaktiebolaget LM Ericsson	
	3M	WO 1999/065185	12-16-1999	British Telecommunications	

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, page(s), volume-issue number(s), publisher, city and/or country where published	T^2
	3C	KNIGHT et al., Layer 2 and 3 Virtual Private Networks: Taxonomy, Technology, and Standardization Efforts, IEEE Communications Magazine, June 2004	
	3D	KOUTSOPOULOU et al., Middleware Platform for the Support of Charging Reconfiguration Actions, 2005	
	3E	NILSSON et al., A Novel MAC Scheme for Solving the QoS Parameter Adjustment Problem in IEEE802.11e EDCA, February 2006	
	3F	Author Unknown, Overview of GSM, GPRS, and UMTS, Chapter 2, November 4, 2008	
	3G	CHAOUCHI et al., Policy Based Networking in the Integration Effort Of 4G Networks and Services, 2004 IEEE	
	3H	ZHU et al., A Survey of Quality of Service in IEEE 802.11 Networks, IEEE Wireless Communications, August 2004	
	3I	KYRIAKAKOS et al., Ubiquitous Service Provision in Next Generation Mobile Networks, Proceedings of the 13th IST Mobile and Wireless Communications Summit, Lyon, France, June 2004	
	3J	FAROOQ et al., An IEEE 802.16 WiMax Module for the NS-3 Simulator, March 2-6, 2009	
	3K	Author Unknown, HP, IP Multimedia Services Charging, A White Paper from HP, January 2006	
	3L	Author Unknown, Kindle™ User's Guide 3rd Edition, Copyright 2004-2009	

Examiner	Date Considered

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T^2 = Applicant is to place a check mark here if English language Translation is attached

Electronic Acknowledgement Receipt

EFS ID:	8296769
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	21912
Filer:	Michael J. Schallop/Veronica Pula
Filer Authorized By:	Michael J. Schallop
Attorney Docket Number:	RALEP024
Receipt Date:	27-AUG-2010
Filing Date:	27-JAN-2010
Time Stamp:	16:02:58
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	Transmittal Letter	RALEP024_IDS_Before_1st_OA.pdf	55986 823137f4f88c8aa1287ce524171eef0d92515df	no	2

Warnings:	
Information:	

2	Information Disclosure Statement (IDS) Filed (SB/08)	RALEP024_IDS_SB08_3.pdf	87684 bf6635f69d6bb06c17efe37167f5afe4f30314e3	no	1
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This is not an USPTO supplied IDS fillable form					
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4	Foreign Reference	RALE_Foreign_Ref_3B.pdf	4238695 2b1ac857c7db7ca12f5a92190a59fb4eac5e537a	no	29
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Information:					
7	NPL Documents	RALE_NPL_Ref_3E.pdf	184255 2e2daf80298dda3e93323c4a7f91f1ec3e478c42	no	9
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Information:					
9	NPL Documents	RALE_NPL_Ref_3G.pdf	1451509 e95282786ba86e4a05ee8c793a9ec634aa5a654c	no	6
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10	NPL Documents	RALE_NPL_Ref_3H.pdf	128010 8d35d15d27cc8636c1526980a75aa6a4a97a745d	no	9

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11	NPL Documents	RALE_NPL_Ref_3I.pdf	112089 24c595d8153db4b6ba795d5be64c6f98b0573749	no	5
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12	NPL Documents	RALE_NPL_Ref_3J.pdf	338617 74671591bbc19ab5364956f70d29b176cce30b1f	no	11
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13	NPL Documents	RALE_NPL_Ref_3K.pdf	2587996 104930755650d3cb8fbbb63837dc7338fbc2bd3c	no	16
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14	NPL Documents	RALE_NPL_Ref_3L.pdf	1050612 c5435588dd68fcddc7835e4dce1e6489894a398b	no	124
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Information:					
		Total Files Size (in bytes):	30684649		

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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.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	RALEIGH et al.	Examiner:	Brandy A. Zukanovich
Application No.:	12/695,020	Art Unit:	3625
Filed:	January 27, 2010	Docket No.:	RALEP024
Title:	ADAPTIVE AMBIENT SERVICES		

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§1.56 AND 1.97(b) BEFORE MAILING OF A FIRST OFFICE ACTION

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

Dear Sir:

The references listed in the attached PTO SB/08, may be material to examination of the above-identified patent application. Applicants disclose these references in compliance with their duty of disclosure pursuant to 37 CFR §§1.56 and 1.97. The Examiner is requested to make these references of official record in this application. Copies of the cited references are provided to the extent required by 37 CFR §1.98 and any applicable waivers.

This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

This Information Disclosure Statement is being filed (1) with the above-referenced application or (2) within three months of the filing date of the above-referenced application or (3) before the mailing date of a first Office Action on the merits or (4) before the mailing date of a first Office Action after filing of a Request for Continued Examination. Accordingly, it is believed that no fees are due in connection with the filing of this Information Disclosure Statement. However, if it is determined that any fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-0685 (Order No. RALEP024).

Respectfully submitted,
VAN PELT, YI & JAMES LLP

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Substitute for form 1449/PTO				Complete if Known	
Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
				First Named Inventor	RALEIGH et al.
				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	1	of	2	Atty Docket No.	RALEP024

U.S. Patent Documents					
Examiner Initials	CiteNo.	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No.	Foreign Patent Document Country Code–Number–Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	2A	WO 2006/077481	07-27-2006	True Context Corporation	
	2B	WO 2008/051379	05-02-2008	Verizon Services	
	2C	WO 2008/080139	07-03-2008	Integrated Mobile	
	2D	WO 2004/077797	09-10-2004	Boston Communications	
	2E	WO 2003/058880	04-17-2003	Telia AB	

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, page(s), volume-issue number(s), publisher, city and/or country where published	T^2
	2F	HARTMANN et al., Agent-Based Banking Transactions & Information Retrieval-What about Performance Issues? 1999	
	2G	VAN EIJK, et al., GigaMobile, Agent Technology for Designing Personalized Mobile Service Brokerage, July 1, 2002	
	2H	YU LI, Dedicated E-Reading Devices: The State of the Art and Challenges, Scroll, Vol. 1, No. 1, 2008	
	2I	DIKAIAKOS et al., A Distributed Middleware Infrastructure for Personalized Services, November 24, 2003	
	2J	RAO et al., Evolution of Mobile Location-Based Services, Communication of the ACM, December 2003	
	2K	CHANDRASEKHAR et al., Femtocell Networks: A Survey, June 28, 2008	
	2L	HOSSAIN et al., Gain-Based Selection of Ambient Media Services in Pervasive Environments, 2008	
	2M	Author Unknown, 3GPP TS 23.203, V8.4.0, 3rd Generation Partnership Project; Technical Specification Group Services and System Aspects; Policy and Charging Control Architecture (Release 8), December 2008	
	2N	Author Unknown, 3GPP TS 23.401, V8.4.0, 3rd Generation Partnership Project; Technical Specification Group Services and System Aspects; General Packer Radio Service (GPRS) Enhancements for Evolved Universal Terrestrial Radio Access Network (E-UTRAN) Access (Release 8), December 2008	
	2O	STEPHAN STEGLICH, I-Centric User Interaction, November 21, 2003	
	2P	HAN et al., Information Collection Services for Qos-Aware Mobile Applications, 2005	
	2Q	ALONISTIOTI et al., Intelligent Architectures Enabling Flexible Service Provision and Adaptability, 2002	
	2R	ROLF OPPLIGER, Internet Security: Firewalls and Bey, Communications of the ACM, May 1997, Vol. 40. No.5	

Substitute for form 1449/PTO				*Complete if Known*	
Information Disclosure Statement By Applicant *(Use as many sheets as necessary)*				Application No.:	12/695,020
				Filing Date	January 27, 2010
				First Named Inventor	RALEIGH et al.
				Art Unit	3625
				Examiner Name	Brandy A. Zukanovich
Sheet	2	of	2	Atty Docket No.	RALEP024

Examiner	Date Considered

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T[2] = Applicant is to place a check mark here if English language Translation is attached

Electronic Acknowledgement Receipt

EFS ID:	8296613
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	21912
Filer:	Michael J. Schallop/Veronica Pula
Filer Authorized By:	Michael J. Schallop
Attorney Docket Number:	RALEP024
Receipt Date:	27-AUG-2010
Filing Date:	27-JAN-2010
Time Stamp:	16:01:18
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.)
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			Total Files Size (in bytes):	70292815	

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.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	RALEIGH et al.	Examiner:	Brandy A. Zukanovich
Application No.:	12/695,020	Art Unit:	3625
Filed:	January 27, 2010	Docket No.:	RALEP024
Title:	ADAPTIVE AMBIENT SERVICES		

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§1.56 AND 1.97(b) BEFORE MAILING OF A FIRST OFFICE ACTION

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

Dear Sir:

The references listed in the attached PTO SB/08, may be material to examination of the above-identified patent application. Applicants disclose these references in compliance with their duty of disclosure pursuant to 37 CFR §§1.56 and 1.97. The Examiner is requested to make these references of official record in this application. Copies of the cited references are provided to the extent required by 37 CFR §1.98 and any applicable waivers.

This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

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Respectfully submitted,
VAN PELT, YI & JAMES LLP

/Michael J. Schallop/

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/695,020	01/27/2010	Gregory G. Raleigh	RALEP024

CONFIRMATION NO. 7074

21912
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

PUBLICATION NOTICE



Title:ADAPTIVE AMBIENT SERVICES

Publication No.US-2010-0198698-A1
Publication Date:08/05/2010

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 publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

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

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

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/695,020	01/27/2010	3744	1700	RALEP024	25	4

CONFIRMATION NO. 7074

21912
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

UPDATED FILING RECEIPT

OC000000041274595

Date Mailed: 04/27/2010

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

Applicant(s)

Gregory G. Raleigh, Woodside, CA;
Rob Rightmyer, Ithaca, NY;
Vladislav Kudelin, Los Altos, CA;

Assignment For Published Patent Application

HEADWATER PARTNERS I LLC, Woodside, CA

Power of Attorney: The patent practitioners associated with Customer Number 21912

Domestic Priority data as claimed by applicant

This application is a CIP of 12/380,780 03/02/2009
and claims benefit of 61/206,354 01/28/2009
and claims benefit of 61/206,944 02/04/2009
and claims benefit of 61/207,393 02/10/2009
and claims benefit of 61/207,739 02/13/2009
and claims benefit of 61/275,208 08/25/2009
and claims benefit of 61/237,753 08/28/2009

Foreign Applications

If Required, Foreign Filing License Granted: 02/12/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/695,020**

Projected Publication Date: 08/05/2010

Non-Publication Request: No

Early Publication Request: No

Title

ADAPTIVE AMBIENT SERVICES

Preliminary Class

062

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

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 AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	RALEIGH et al.	Examiner:	Not Assigned
Application No.:	12/695,020	Art Unit:	3744
Filed:	January 27, 2010	Docket No.:	RALEP024
Title:	ADAPTIVE AMBIENT SERVICES		

RESPONSE TO NOTICE TO FILE MISSING PARTS

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

Sir:

This is a Response to Notice to File Missing Parts mailed **February 17, 2010.**

Application Elements:

☒ Declaration

☒ Newly executed (original or copy)

☐ Copy from a prior application (37 CFR 1.63(d) for a continuation or divisional). The entire disclosure of the prior application from which a copy of the declaration is herein supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

Accompanying Application Parts:

☐ Information Disclosure Statement with Form PTO/SB/08 ☐ Copies of IDS Citations

☐ Preliminary Amendment (*New claims numbered after highest original claim in prior application.*)

☐ Return Receipt Postcard

☐ Copy of Notice to File Missing Parts of NonProvisional Application

☐ Other:

Amendments

☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee. (*At least one original independent claim must be retained.*)

Fee Calculation (37 CFR § 1.16)

					Small Entity			Large Entity	
					Rate	Fee		Rate	Fee
Filing Fees					x $165 = $		OR	x $330 = $	330
Search Fees					x $270 = $		OR	x $540 = $	540
Examination Fees					x $110 = $		OR	x $220 = $	220
CLAIMS	Filed.		Extra						
Total	25	Less 20	5		x $26 = $		OR	x $52 = $	260
Independent	4	Less 3	1		x $110 = $		OR	x $220 = $	220
Multiple Dependent Claims			-0-		x $195 = $		OR	x $390 = $	
Declaration and Surcharge Fee					X $65 = $		OR	X $130 = $	130
					TOTAL FILING FEE $			TOTAL FILING FEE $	**1700.00**

☐ Applicants petition for an extension of time to respond under 37 CFR § 1.136(a) as follows:

	SMALL ENTITY			LARGE ENTITY	
	Rate	Add'l Fee		Rate	Add'l Fee
☐ Extension for Response within FIRST month	x $65 = $		OR	x $130 = $	
☐ Extension for Response within SECOND month	x $245 = $		OR	x $490 = $	
☐ Extension for Response within THIRD month	x $555 = $		OR	x $1110 = $	
☐ Extension for Response within FOURTH month	x $865 = $		OR	x $1730= $	
☐ Extension for Response within FIFTH month	x $1175 = $		OR	x $2350 = $	

☐ Check No. _____for $_____ is enclosed.

General Authorizations

☒ Applicants hereby make and generally authorize any Petitions for Extensions of Time as needed for this or any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as needed to Deposit Account No. 50-0685 (Order No. RALEP024).

☒ The Commissioner is given general authorization to charge any fees or to credit any overpayment during the pendency of this application to Deposit Account No. 50-0685 (Order No. RALEP024).

☒ Please send correspondence to the following address:

Customer No. 21912
VAN PELT, YI & JAMES LLP
10050 N. Foothill Blvd.
Suite 200
Cupertino, CA 95014

Date: April 15, 2010

/Michael J. Schallop/
Michael J. Schallop
Registration No. 44,319

DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. RALEP024

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 that 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 which is claimed and for which a patent is sought on the invention entitled: **ADAPTIVE AMBIENT SERVICES**, the specification of which,

(check one)

1. ☐ is attached hereto.

2. ☒ was filed on January 27, 2010 as U.S. Application No. 12/695,020 and was amended on _____.

3. ☐ was filed on _____ as International PCT Application No. _____ and was amended on _____.

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.

For Assigned Inventions: I understand that the purpose of making this appointment is to permit prosecution of patent applications for the above-identified invention for the benefit of my assignee, and that this appointment does not create an attorney-client relationship between me and these appointees.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) Priority Benefits Claimed?

(Appl. No.)	(Country)	(Filing Date)	☐Yes ☐No

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

Prior Provisional Application(s)

(Application No.)	(Filing Date)
61/206,354	1/28/2009
61/206,944	2/4/2009

61/207,393 (Application No.)	2/10/2009 (Filing Date)
61/207,739 (Application No.)	2/13/2009 (Filing Date)
61/275,208 (Application No.)	8/25/2009 (Filing Date)
61/237,753 (Application No.)	8/28/2009 (Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, 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 Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s)

12/380,780 (Application No.)	3/2/2009 (Filing Date)	PENDING (Status - patented, pending, abandoned)

And I hereby appoint the attorneys and/or agents associated with Customer No. **21912** as my principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Please Direct all Correspondence To: **Customer No. 21912**
VAN PELT, YI & JAMES LLP
10050 N. Foothill Blvd., Suite 200
Cupertino, CA 95014

Direct Telephone Calls To: **Michael J. Schallop at telephone number (408) 207-4762**

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 issuing thereon.

Full name of sole or first inventor	Gregory G. Raleigh				
Signature of sole or first inventor				Date:	4/8, 2010
Residence: City	Woodside	State:	CA	Citizenship:	US
Mailing Address	2995 Woodside Road, Suite 400, Woodside, CA 94062				

Full name of second inventor	Rob Rightmyer				
Signature of second inventor				Date:	, 2010
Residence: City	Ithaca	State:	NY	Citizenship:	US
Mailing Address	2995 Woodside Road, Suite 400, Woodside, CA 94062				

Full name of third inventor	Vladislav Kudelin				
Signature of third inventor	_____			Date:	_____, 2010
Residence: City	Los Altos	State:	CA	Citizenship:	US
Mailing Address	2995 Woodside Road, Suite 400, Woodside, CA 94062				

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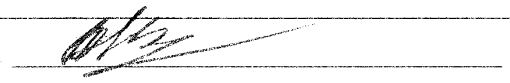
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Residence: City	Woodside	State:	CA	Citizenship:	US
Mailing Address	2995 Woodside Road, Suite 400, Woodside, CA 94062				

Full name of second inventor	Rob Rightmyer				
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Mailing Address	2995 Woodside Road, Suite 400, Woodside, CA 94062				

Full name of third inventor	Vladislav Kudelin				
Signature of third inventor				Date:	4/8, 2010
Residence: City	Los Altos	State:	CA	Citizenship:	US
Mailing Address	2995 Woodside Road, Suite 400, Woodside, CA 94062				

Electronic Patent Application Fee Transmittal	
Application Number:	12695020
Filing Date:	27-Jan-2010
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Filer:	Michael J. Schallop/Veronica Pula
Attorney Docket Number:	RALEP024
Filed as Large Entity	

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility application filing	1011	1	330	330
Utility Search Fee	1111	1	540	540
Utility Examination Fee	1311	1	220	220
Pages:				
Claims:				
Claims in excess of 20	1202	5	52	260
Independent claims in excess of 3	1201	1	220	220
Miscellaneous-Filing:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Late filing fee for oath or declaration	1051	1	130	130
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**1700**

Electronic Acknowledgement Receipt	
EFS ID:	7429450
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	21912
Filer:	Michael J. Schallop/Veronica Pula
Filer Authorized By:	Michael J. Schallop
Attorney Docket Number:	RALEP024
Receipt Date:	16-APR-2010
Filing Date:	27-JAN-2010
Time Stamp:	17:22:49
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$1700
RAM confirmation Number	3863
Deposit Account	500685
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	RALEP024_Response_to_Missing_Parts.pdf	82931 b544c2fe869d6c0393549944f2809eabeba61f70	no	2
Warnings:					
Information:					
2	Oath or Declaration filed	RALEP024_Declaration_POA.pdf	1137444 38cefc4a4ce4f9d4815774a883fe07a46dcf38fe	no	6
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	39696 670cf623a468bfe3395c1441dc3ea242a226630f	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1260071		

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.

<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.

<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.

<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.

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
12/695,020	01/27/2010	3744	0.00	RALEP024	25	4

CONFIRMATION NO. 7074

21912
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

FILING RECEIPT

OC000000040080944

Date Mailed: 02/17/2010

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)

Gregory G. Raleigh, Woodside, CA;
Rob Rightmyer, Santa Clara, CA;
Vladislav Kudelin, Los Altos, CA;

Assignment For Published Patent Application

HEADWATER PARTNERS I LLC, Woodside, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 12/380,780 03/02/2009
and claims benefit of 61/206,354 01/28/2009
and claims benefit of 61/206,944 02/04/2009
and claims benefit of 61/207,393 02/10/2009
and claims benefit of 61/207,739 02/13/2009
and claims benefit of 61/275,208 08/25/2009
and claims benefit of 61/237,753 08/28/2009

Foreign Applications

If Required, Foreign Filing License Granted: 02/12/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/695,020**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

ADAPTIVE AMBIENT SERVICES

Preliminary Class

062

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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Title 35, United States Code, Section 184

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GRANTED

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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 AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/695,020	01/27/2010	Gregory G. Raleigh	RALEP024

CONFIRMATION NO. 7074

21912
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FORMALITIES LETTER

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Date Mailed: 02/17/2010

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. 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 statutory basic filing fee is missing.
  *Applicant must submit $**330** to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
  Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The applicant needs to satisfy supplemental fees problems indicated below.

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

- Additional claim fees of $**480** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of $**130** for a non-small entity, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is $**1700** for a non-small entity
- $**330** Statutory basic filing fee.
- $**130** Surcharge.
- The application search fee has not been paid. Applicant must submit $**540** to complete the search fee.

- The application examination fee has not been paid. Applicant must submit $**220** to complete the examination fee for a non-small entity.
- Total additional claim fee(s) for this application is $**480**
  - $**220** for **1** independent claims over 3.
  - $**260** for **5** total claims over 20.

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Attorney Docket No. RALEP024

APPLICATION FOR UNITED STATES PATENT

ADAPTIVE AMBIENT SERVICES

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ADAPTIVE AMBIENT SERVICES

CROSS REFERENCE TO OTHER APPLICATIONS

[0001] This application claims priority to U.S. Provisional Patent Application No. 61/206,354 (Attorney Docket No. RALEP001+) entitled SERVICES POLICY COMMUNICATION SYSTEM AND METHOD filed January 28, 2009, U.S. Provisional Patent Application No. 61/206,944 (Attorney Docket No. RALEP002+) entitled SERVICES POLICY COMMUNICATION SYSTEM AND METHOD filed February 4, 2009, U.S. Provisional Application No. 61/207,393 (Attorney Docket No. RALEP003+) entitled SERVICES POLICY COMMUNICATION SYSTEM AND METHOD filed February 10, 2009, U.S. Provisional Patent Application No. 61/207,739 (Attorney Docket No. RALEP004+) entitled SERVICES POLICY COMMUNICATION SYSTEM AND METHOD filed on February 13, 2009, U.S. Provisional Patent Application No. 61/275,208 (Attorney Docket No. RALEP023+) entitled ADAPTIVE AMBIENT SERVICES filed on August 25, 2009, and U.S. Provisional Patent Application No. 61/237,753 (Attorney Docket No. RALEP024+) entitled ADAPTIVE AMBIENT SERVICES filed on August 28, 2009, which are incorporated herein by reference for all purposes.

[0002] This application is a continuation in part of co-pending U.S. Patent Application No. 12/380,780 (Attorney Docket No. RALEP007), entitled AUTOMATED DEVICE PROVISIONING AND ACTIVATION, filed on March 2, 2009, which is incorporated herein by reference for all purposes, and which claims priority to U.S. Provisional Patent Application No. 61/206,354 (Attorney Docket No. RALEP001+) entitled SERVICES POLICY COMMUNICATION SYSTEM AND METHOD filed January 28, 2009, U.S. Provisional Patent Application No. 61/206,944 (Attorney Docket No. RALEP002+) entitled SERVICES POLICY COMMUNICATION SYSTEM AND METHOD filed February 4, 2009, U.S. Provisional Application No. 61/207,393 (Attorney Docket No. RALEP003+) entitled SERVICES POLICY COMMUNICATION SYSTEM AND METHOD filed February 10, 2009, and U.S. Provisional Patent Application No. 61/207,739 (Attorney Docket No. RALEP004+) entitled SERVICES

POLICY COMMUNICATION SYSTEM AND METHOD filed on February 13, 2009, which are incorporated herein by reference for all purposes.

BACKGROUND OF THE INVENTION

[0003] With the advent of mass market digital communications, applications and content distribution, many access networks such as wireless networks, cable networks and DSL (Digital Subscriber Line) networks are pressed for user capacity, with, for example, EVDO (Evolution-Data Optimized), HSPA (High Speed Packet Access), LTE (Long Term Evolution), WiMax (Worldwide Interoperability for Microwave Access), DOCSIS, DSL, and Wi-Fi (Wireless Fidelity) becoming user capacity constrained. In the wireless case, although network capacity will increase with new higher capacity wireless radio access technologies, such as MIMO (Multiple-Input Multiple-Output), and with more frequency spectrum and cell splitting being deployed in the future, these capacity gains are likely to be less than what is required to meet growing digital networking demand.

[0004] Similarly, although wire line access networks, such as cable and DSL, can have higher average capacity per user compared to wireless, wire line user service consumption habits are trending toward very high bandwidth applications and content that can quickly consume the available capacity and degrade overall network service experience. Because some components of service provider costs go up with increasing bandwidth, this trend will also negatively impact service provider profits.

BRIEF DESCRIPTION OF THE DRAWINGS

[0005] Various embodiments of the invention are disclosed in the following detailed description and the accompanying drawings.

[0006] **Figure 1** illustrates a wireless network architecture for providing adaptive ambient service in accordance with some embodiments.

[0007] **Figure 2** illustrates a wireless network architecture for providing adaptive ambient service including a proxy server in accordance with some embodiments.

[0008] **Figure 3** illustrates a flow diagram for providing adaptive ambient service in accordance with some embodiments.

[0009] **Figure 4** illustrates another flow diagram for providing adaptive ambient service in accordance with some embodiments.

[0010] **Figure 5** illustrates another flow diagram for providing adaptive ambient service in accordance with some embodiments.

[0011] **Figure 6** illustrates another flow diagram for providing adaptive ambient service in accordance with some embodiments.

[0012] **Figure 7** illustrates a flow diagram for providing adaptive ambient service for a surf-out option in accordance with some embodiments.

DETAILED DESCRIPTION

[0013] The invention can be implemented in numerous ways, including as a process; an apparatus; a system; a composition of matter; a computer program product embodied on a computer readable storage medium; and/or a processor, such as a processor configured to execute instructions stored on and/or provided by a memory coupled to the processor. In this specification, these implementations, or any other form that the invention may take, may be referred to as techniques. In general, the order of the steps of disclosed processes may be altered within the scope of the invention. Unless stated otherwise, a component such as a processor or a memory described as being configured to perform a task may be implemented as a general component that is temporarily configured to perform the task at a given time or a specific component that is manufactured to perform the task. As used herein, the term 'processor' refers to one or more devices, circuits, and/or processing cores configured to process data, such as computer program instructions.

[0014] A detailed description of one or more embodiments of the invention is provided below along with accompanying figures that illustrate the principles of the invention. The invention is described in connection with such embodiments, but the invention is not limited to any embodiment. The scope of the invention is limited only by the claims and the invention encompasses numerous alternatives, modifications and equivalents. Numerous specific details are set forth in the following description in order to provide a thorough understanding of the invention. These details are provided for the purpose of example and the invention may be practiced according to the claims without some or all of these specific details. For the purpose of clarity, technical material that is known in the technical fields related to the invention has not been described in detail so that the invention is not unnecessarily obscured.

[0015] In some embodiments, adaptive ambient services for a device (e.g., any type of device capable of communicating with a wireless network) or use of a service on a wireless network are provided. In some embodiments, an ambient experience is the user experience that is available at the time the device is sold in the event the user has not yet signed up for a service plan or the device is not sold with a prepaid service plan or other required service plan. In some embodiments, an ambient service generally refers to a set of application access, network

destinations, sources, and/or traffic control rules to enable an ambient service experience, and, in some embodiments, also includes a set of billing rules to keep an accounting of service usage for different service usages (e.g., various bill by account rules or service usage accounts). For example, the ambient experience can be defined by an ambient service profile, an ambient service plan, the other service usage activity control policies, and/or the ambient service or ambient experience bill-by-account usage accounting and/or billing policies in effect in the network, on the device, on an intermediate networking device, or any combination thereof.

[0016] For example, if a service processor (e.g., on the device, the intermediate networking device, or both) is used in large part to define the ambient service profile, then the initial provisioning and activation settings in the service processor, and possibly a service controller in the network, can define the user service upgrade offering choices, network destination access control possibilities, traffic control policies, mobile commerce transaction capabilities (e.g., which transaction websites, WAP sites or portals the user can access to purchase information, content, music, games and/or eBooks), possibly free news or weather or other modest bandwidth Internet services that are provided free of charge to entice the user into using/upgrading the service or using the transactions or viewing advertisements, what advertisements are displayed to the user or what advertisement based websites the user is exposed to, certain applications may have access while others are blocked (e.g., Internet based text services have access but email downloads do not), or various other example service capabilities related to, for example, any set of application access, destinations, sources, traffic control rules to enable an ambient service experience, and/or a set of billing rules to keep an accounting of service usage for different service usages (e.g., various bill by account rules or service usage accounts). Examples of the type of useful services that can be enabled with the ambient service techniques disclosed herein include the following embodiments. In some embodiments, a content purchasing service (e.g., books, news, magazines, music, video, games, and mobile applications) is facilitated in which the device access is partially, largely, or entirely limited to the device or network based applications, source/destination addresses, and/or content transfers required to properly implement the service, in which other applications, source/destination addresses and/or content types are partly, largely, or entirely blocked. In some embodiments, such ambient services can have service usage monitoring and accounting that is reported for one or more individual ambient services. For example, the service usage for a

book storefront browsing and download service can be separately accounted for while other services such as a general Internet shopping or auction service, a music service, a picture upload and store/print service, a search and/or advertisement service can also each have individual service usage accounting, or in some cases, groups of services can have aggregate service usage accounting. In some embodiments, an ambient service is provided for the device prior to the time a user has paid for permanent or full time access services, which, for example, can include a service selection platform for allowing the device user to access certain limited network functions and/or resources, and to access those network resources necessary to choose a pay-for-service plan option. In some embodiments, the individual and/or group ambient service usage accounting can be transformed into one or more billing records in which the service usage for each ambient service is billed to an entity, which can be the business entity that provides the ambient service experience and/or transaction platform, or the end user, or the central service provider, or an MVNO service provider, or a distribution partner, or an OEM, or another entity interested in paying for one or more ambient services.

[0017] In some embodiments, allowing some or all of these services, and blocking or throttling other ambient user service attempts (e.g., unpaid large file size Internet downloads or uploads or movie viewing or other access that would consume bandwidth and cause the ambient service to be a potential source of losses for the service provider) is made possible, for example, by various service profile control capabilities of the service processor and/or the service controller or using various other techniques. In some bill by account embodiments, as described herein, in which each service activity can, for example, be separately tracked with the service monitor and other agents and server functions to produce a billing offset that allows categorization and mediation of different billing entities (accounts) provides the capability for the service provider to individually account for the costs of each ambient service element. For example, this allows for business models in which the free access to the end user can be paid for or partially paid for by one or more service provider partners who are billed for service access using the bill by account capabilities (e.g., the transaction partners can pay for user access to their transaction experience and perhaps pay a revenue share for transaction billing, the advertising sponsored website partners pay for their access service share).

[0018] While the service control capabilities of the service processor and the bill by account service cost sharing and transaction revenue sharing in some cases can create a profitable ambient business model, in other cases, the ambient services can be a potential source of losses for the service provider. Accordingly, in some embodiments, the ambient service capabilities can be modified over time to reduce service cost to the service provider or VSP based on a variety of decision factors. For example, the user can have one level of traffic control for a period of time, and if the user has not signed up for service by the end of the period or if the user is no longer in good standing (e.g., based on various service usage criteria) for use of the service, the ambient service access is reduced (e.g., the transmission speed can be reduced or throttled, and/or the total volume of data transmitted can be reduced or throttled, possibly additionally according to time of day parameters and/or network busy state parameters) by changing the service control policy settings in the service processor, and the service level can be further reduced over time if the user continues to not sign up for service or the user does not create much transaction revenue. In some embodiments, this can limit or prevent users from "camping" on free ambient services without generating any meaningful revenue to fund the service, or viewing any advertising to fund the service. In some embodiments, a user can be throttled in such a manner until the user executes a "useful activity" or a "preferred activity" (e.g., a purchase, viewing advertising, answering a questionnaire, signing up for a service, accepting a beta trial, and/or earning valued customer points), and after a useful or preferred activity occurs, then the access capabilities of the device are increased. As another example, various recursive throttling algorithms can be utilized to one or more of the service activities offered in ambient service mode so that the user experiences what full speed service is like, and if the user continues consuming appreciable bandwidth with the service activity, then the activity is throttled back to reduce costs until or unless the user selects a pay-for-service plan (or accumulates sufficient service access points as described herein). In these and other similar examples, the service processor or service controller can issue the user a notification explaining that their service is currently free so their usage is being throttled, and if they desire to receive better service, service plan upgrade offers can be delivered to the user interface (UI). In some embodiments, the level of access (e.g., ambient service bandwidth and/or transfer limits, reachable addresses beyond the ambient service, and/or bandwidth or transfer limits for open Internet usage and/or email usage, text usage) is increased as the user increases the number of

useful or preferred activities (e.g., the user accumulates "service access points," which are then spent on access activities). It will now be apparent to one of ordinary skill in the art that the various ambient service parameters including various provisioning and activation processes used to provide an ambient service, can also be managed by various virtual service provider (VSP) techniques. For example, this allows the same service controllers and service processor solutions to be used to define a wide range of ambient experiences for various device groups or user groups that are controlled by different VSPs.

[0019] Similarly, rather than controlling ambient service profile settings using the device assisted services functions and/or VSP functions to control the service controller, service processor, provisioning and activation settings, various other embodiments call for the ambient service profile settings to be controlled by various network based service activity control equipment as similarly described herein and/or by various intermediate networking devices. For example, depending on the level of service control and service monitoring sophistication (e.g., advanced DPI (Deep Packet Inspection), TCP (Transmission Control Protocol) session aware techniques, or other service aware techniques), some, much, most or all of the above described ambient services functionality can be implemented using network based service controls and various VSP management and control techniques. Similarly, in some embodiments, service processor, provisioning and activation settings, and the ambient service profile settings can also be (at least in part) controlled by various intermediate networking devices. In some embodiments, network equipment that can provide ambient service controls include, for example, service gateways, routers, charging functions, HLRs, home agents, proxy servers, and other network equipment as would be apparent to one of ordinary skill in the art.

[0020] Whether the ambient service monitoring and control apparatus is implemented with device assisted service techniques, network based techniques, or a combination of both, various embodiments described herein provide for adaptive ambient service embodiments that address the dynamic (e.g., non-static) nature of Internet service access needs (e.g., allowable source/destination and/or application lists, blocked source/destination and/or application lists, traffic control policies for each source/destination and/or application).

[0021] Providing an ambient service profile for an ambient service can be complicated by the variable nature of network addresses and offered services such as, for example, the Internet. For example, a central service provider, MVNO provider or VSP may desire to provide ambient service access to a given web site partner's web service, in exchange for a business deal with the website partner that motivates the service provider to provide the ambient access. In this example, the ambient access is intended to enable access (either wide open or throttled) to the website partner's collection of URLs (and possibly one or more applications) associated with the service, while blocking or differentially throttling access to other network destinations and/or applications not associated with the web site partner services. A problem can arise in this example whenever the website partner changes the addresses and/or domains associated with the website services, because any static access list and access list policies generally makes a static list impractical. In such cases, the adaptive ambient service embodiments described herein provide a solution to these and other problems, whether the adaptive ambient access controls and/or traffic controls are implemented with device assisted service apparatus, network based apparatus, or a combination of both.

[0022] As another example, an ambient service profile for a transaction service provider can include that service provider's domain or web site as an allowed destination. However, there are often inline advertisements provided by ad servers and/or partner sites that should also be included in the set of allowed destinations in the ambient service profile, and these are often dynamic or frequently changing. As another example, an ambient service provider may not want to allow access to sites that typically involve relatively high data usage (e.g., streaming and/or downloading of video content), while allowing other sites that result in less bandwidth intensive service usage activities. As another example, during a session a user may attempt to surf out of the ambient service, such as when the user attempts to access a website or service that is not an allowed or pre-approved destination in the ambient service profile (e.g., a search site can be the pre-approved ambient service, but the ambient service partner paying for the search service access may desire to also allow and pay for user click-through to search results and/or advertising offers, or, for example, an ambient shopping service sponsor may desire to also pay for click-through to vendor partners sites to provide a purchase transaction opportunity to the user). Moreover, the defined ambient service profile quickly stagnates as various applications and destinations, for example, change over time or on each request/usage (e.g., new applications

become available and/or web site content and link changes occur daily if not hourly and/or are dynamically generated using well known web site techniques). Thus, what is needed are adaptive techniques for providing an adaptive ambient service.

[0023] Accordingly, in some embodiments, adaptive ambient services using an adaptive ambient service profile are provided. In some embodiments, a flexible and efficient adaptive ambient service control is provided by using an intelligent element in the network that performs one or more of the following functions: (1) beginning with an initial list of allowable ambient service device access behaviors (e.g., addresses/URLs, applications and/or content types, in some cases, with a set of traffic control policies that are differentiated as discussed above), (2) as the user accesses the ambient service, determine if the access behavior of the device is within or outside of the desired ambient service access and/or traffic control policies (e.g., determine if the access behavior is properly associated with the desired ambient services and/or service policies), (3) for those access behaviors that are within the desired ambient service policies, expand the list of allowable ambient service device access behaviors to include the new behaviors that are desired and/or preferred (e.g., new sub-domains, advertising content sources, transaction partner addresses, and/or desired surf-outs), (4) for those device access behaviors that are outside of the desired/preferred ambient service policies (e.g., are not associated or beneficially associated with the desired/preferred ambient service), expand the list of blocked or differentially throttled ambient service device access behaviors to include the new behaviors that are undesired or less desired (e.g., not preferred). In some embodiments, the intelligent network element used to adapt the ambient service control is included in one or more network equipment functions (e.g., service gateways, routers, charging gateways, HLRs, AAA, base station, service controller, and/or other network equipment functions). In some embodiments the intelligent network element used to adapt the ambient service control is included in the device and/or intermediate networking device service processor. In some embodiments, the intelligent network element used to adapt the ambient service control is included in a combination of the device (and/or intermediate networking device) and one or more network equipment functions.

[0024] In some embodiments, a flexible and efficient adaptive ambient service is provided using a baseline (e.g., a basic starting point) of an adaptive ambient service profile that includes default or previously defined (e.g., by an ambient service provider, network provider,

VSP, or another entity) allowable access list and disallowed access list for the ambient service, such as to various applications, destinations, sources, traffic control rules, and/or bill by account rules or a combination thereof. In some embodiments, the ambient service profile is an automated and a self-evolving service profile using various techniques, such as those described herein.

[0025] In some embodiments, an adaptive ambient service includes providing an ambient service profile. In some embodiments, the ambient service profile includes ambient service allowed access rules and ambient service disallowed access rules. In some embodiments, the ambient service profile further includes ambient service monitored access rules, in which access to, for example, certain applications or destinations is allowed but is considered suspect or unknown, and thus, such access is monitored (e.g., until that application or destination is reclassified under an ambient service allowed access rule or ambient service disallowed access rule). In some embodiments, the ambient service allowed/disallowed/monitored access rules include IP addresses, domains (e.g., URLs for web sites), or any other unique network destination or application or source identifiers. In some embodiments, the ambient service rules provide differentiated traffic control rules. In some embodiments, the differentiated traffic control rules provide differentiated bandwidth and/or total data transfer limits according to traffic control policy elements, such as activities associated with the main ambient service functions (e.g., the main partner website or a transaction service), activities associated with secondary ambient service functions (e.g., a secondary surf-out website or a less desired service activity), activities transferring different content types, activities associated with different applications, activities based on time of day, activities based on network busy state, activities that require higher or lower QOS (Quality Of Service), and/or other activities.

[0026] In some embodiments, the ambient service allowed access rules and/or ambient service disallowed access rules are pushed to (e.g., published, at predefined times, during low service usage times or periods of low service usage activities, or upon request) the device or the intermediate networking device (e.g., any type of networking device capable of communicating with a device and a network, including a wireless network, example intermediate networking devices include a femto cell, or any network communication device that translates the wireless data received from the device to a network, such as an access network) from the network (e.g.,

an element in the network that securely provides such data, such as a service controller for the ambient service). In some embodiments, the ambient service allowed access rules and/or ambient service disallowed access rules are pulled by (e.g., at predefined times, during low service usage times or periods of low service usage activities, or upon request) the device or the intermediate networking device from the network (e.g., an element in the network that securely provides such data, such as a service controller for the ambient service).

[0027] In some embodiments, the device or intermediate networking device includes techniques for automatically adapting the service profile based on ambient service usage and thereby updates the ambient service allowed access rules, the ambient service monitored access rules, and/or ambient service disallowed access rules locally. Device access activities that fall into the monitored access rules are those activities that are determined not to be disallowed (as of that point in time) and are allowed to take place while the intelligent adaptive service element tests the activities on the monitored access rules list to determine if they should be moved to the allowed access rules list, should be moved to the disallowed access rules list, or should remain on the monitored access rules list for further testing and/or observation. In this way, a useful and friendly user experience can be maintained as the adaptive ambient service rules undergo "training" to accommodate dynamic changes to the ambient service sites/applications. The device or intermediate networking device can then periodically provide the updated ambient service allowed access rules, ambient service monitored access rules, and/or ambient service disallowed access rules with the network using various network communication techniques, such as those described herein. In some embodiments, the device periodically synchronizes its locally stored ambient service allowed access rules, ambient service monitored access rules, and/or ambient service disallowed access rules with the network using various network communication techniques, such as those described herein. In some embodiments, the training for one or more of the three lists occurs on the device. In some embodiments, the training for one or more of the three lists occurs in the network. In some embodiments, the training for one or more of the three lists occurs partly on the device and partly in the network (e.g., depending, in some cases, on the device (such as the computing/memory capacity of the device), network bandwidth, and/or any other architecture criteria).

[0028] In some embodiments, various techniques are used for providing the adaptive ambient service. Generally, in some embodiments, a requested use of the ambient service is analyzed to determine its association with the ambient service. In some embodiments, service usage traffic patterns are analyzed. In some embodiments, the requested use of the ambient service is determined to be associated or within the ambient service by querying the ambient service (e.g., a server or network function for assisting in managing the ambient service/ambient service profile(s) and/or responding to such ambient service confirmation queries). In some embodiments, the requested used of the service is analyzed by testing the requested application, destination, and/or source. In some embodiments, access for an activity not already on the allowed list or the disallowed list is initially allowed (and in some embodiments, placed on the monitoring list) if the access is associated with a TCP session and/or socket already in progress that is associated with an allowed ambient service. In some embodiments, access for an activity not already on the allowed list or the disallowed list is initially allowed (and in some embodiments, placed on the monitoring list) if the access is associated with an application already associated with and/or connected to an allowed ambient service. In some embodiments, access for an activity not already on the allowed list or the disallowed list is initially allowed (and in some embodiments, placed on the monitoring list) if the access is associated with a URL referral from an allowed URL (e.g., a URL included in an allowed list of URLs). In some embodiments, access for an activity not already on the allowed list or the disallowed list is initially allowed (and in some embodiments, placed on the monitoring list) if the access is associated with a traffic usage pattern that is within certain pre-set/predefined parameters and/or satisfies other criteria for the ambient service.

[0029] In some embodiments, device assisted services (DAS) techniques for providing an activity map for classifying or categorizing service usage activities to associate various monitored activities (e.g., by URL, by network domain, by website, by network traffic type, by application or application type, and/or any other service usage activity categorization/classification) with associated IP addresses are provided. In some embodiments, a policy control agent (not shown), service monitor agent 1696, or another agent or function (or combinations thereof) of the service processor 115 provides a DAS activity map. In some embodiments, a policy control agent, service monitor agent, or another agent or function (or combinations thereof) of the service processor provides an activity map for classifying or

categorizing service usage activities to associate various monitored activities (e.g., by Uniform Resource Locator (URL), by network domain, by website, by network traffic type, by application or application type, and/or any other service usage activity classification/categorization) with associated IP addresses. In some embodiments, a policy control agent, service monitor agent, or another agent or function (or combinations thereof) of the service processor determines the associated IP addresses for monitored service usage activities using various techniques to snoop the DNS request(s) (e.g., by performing such snooping techniques on the device 100 the associated IP addresses can be determined without the need for a network request for a reverse DNS lookup). In some embodiments, a policy control agent, service monitor agent, or another agent or function (or combinations thereof) of the service processor records and reports IP addresses or includes a DNS lookup function to report IP addresses or IP addresses and associated URLs for monitored service usage activities. For example, a policy control agent, service monitor agent, or another agent or function (or combinations thereof) of the service processor can determine the associated IP addresses for monitored service usage activities using various techniques to perform a DNS lookup function (e.g., using a local DNS cache on the monitored device 100). In some embodiments, one or more of these techniques are used to dynamically build and maintain a DAS activity map that maps, for example, URLs to IP addresses, applications to IP addresses, content types to IP addresses, and/or any other categorization/classification to IP addresses as applicable. In some embodiments, the DAS activity map is used for various DAS traffic control and/or throttling techniques as described herein with respect to various embodiments. In some embodiments, the DAS activity map is used to provide the user various UI related information and notification techniques related to service usage as described herein with respect to various embodiments. In some embodiments, the DAS activity map is used to provide service usage monitoring, prediction/estimation of future service usage, service usage billing (e.g., bill by account and/or any other service usage/billing categorization techniques), DAS techniques for ambient services usage monitoring, DAS techniques for generating micro-CDRs (e.g., also referred to as service usage partition, service usage recording partition, service charging bucket, device generated CDRs, such as in the case where the device and not a network component are generating the usage records, ambient usage records, specialized service usage records, or other terms to indicate a service usage data record generated to provide a more refined or detailed breakdown of service usage for the

device), and/or any of the various other DAS related techniques as described herein with respect to various embodiments.

[0030] In some embodiments, various techniques are used for providing the adaptive ambient service that allows for a surf-out option (e.g., to an advertisement web site or to a web site in a search result, such as a search engine's paid search result or a search engine's organic search result). In some embodiments, a surf-out option is managed using a second set of rules in the ambient service profile for the surf-out option. In some embodiments, initial allowance of a surf-out website access is based on a main ambient website generating the surf-out (e.g. with a user click), or referring the surf-out. In some embodiments, once the main ambient service creates a surf-out that will be accounted to the main ambient service usage accounting, the surf-out website access rules are constructed according to a set of temporary allowance rules. These temporary allowance rules allow the main ambient service partner to sponsor the surf-out without the danger of the surf-out website becoming a permanent allowed ambient service that the main ambient service partner must sponsor indefinitely. For example, the temporary surf-out rules can then include one or more of the three access list types, such as an allowed access list, a disallowed access list, and a monitoring access list, as similarly discussed above, and similar types of adaptive rules can be applied to create one or more of the lists. In some embodiments, differences with the temporary surf-out rules include limitations based on, for example, a total time allowed for access to the surf-out site, rules based on limiting total data transfer or transfer bandwidth, rules on content type, rules on either allowing or disallowing a secondary surf-out (or beyond secondary to third tier, or through multiple/additional tiers/degrees of separation), and/or allowing or disallowing advertising sources. For example, as similar to other ambient access list rules, the surf-out rules can also be modified based on time of day, user priority, user class, user service plan, user useful activity points, and/or network busy state.

[0031] In some embodiments, once the content offered to the user is no longer associated with the main ambient service allowed or monitoring access list, the surf-out option is limited to one or more the following: a limitation on the number of new user actions or choices; a limitation on the number of new web pages or portal pages; a limitation on the number of new URLs or sub-URLs, domains or sub domains; a limitation on the existence or type of advertisements; a limitation on the existence or type or size of certain content; a limitation on the

number of new addresses; a limitation on the type of file downloads; a limitation on the number of file downloads; a limitation on the activities of a given application; a limitation on the time for the surf-out sequence;, and/or a limitation on the total data transfer for the surf-out sequence. In some embodiments, once one or more of these established limitations is exceeded, then the surf-out sequence is disallowed or differentially traffic controlled or throttled in some way using, for example, the various techniques described herein. In some embodiments, the differential throttling successively reduces the allowed connection bandwidth for the ambient service surf-out sequence based on a length of time from the point at which the surf-out sequence branched from the main ambient service allowed or monitored/monitoring access list, the number of user activities since the surf-out sequence branched from the main ambient service allowed or monitored/monitoring access list, the number of web pages selected since the surf-out sequence branched from the main ambient service allowed or monitored/monitoring access list, the total data transferred since the surf-out sequence branched from the main ambient service allowed or monitored/monitoring access list, the number of new URLs or domains since the surf-out sequence branched from the main ambient service allowed or monitored/monitoring access list. In some embodiments, after the surf-out activities or sequence is disallowed or differentially traffic controlled or throttled, once the user again utilizes the ambient service in a manner that is directly associated with the main ambient service allowed access list or monitoring access list, and the main ambient service experience again provides a surf-out or click through option for the same or similar surf-out experience, then the ambient surf-out limitations, for example, can be reset, removed, reduced and/or modified so that the user can again continue the same or similar surf-out experience. In some embodiments, the surf-out sequence is stored in an access list so that the surf-out sequence is remembered (e.g., stored for) the next time a similar sequence is selected from the main ambient service allowed or monitoring lists, and there may be differential service allowances applied to the surf-out sequence.

[0032] For example, there are many advantageous application settings, service models and service business models for which this type of capability and various techniques to limit surf-out sequences and, in some cases, to then "refresh" or remove limitations or modify the limitations for the same or a similar surf-out sequence is valuable. An example is provided and one reasonably skilled in the art can appreciate how this can be applied to many more examples. For example, an Internet search service provider can be an ambient service partner that sponsors

ambient service access to their search website. A search website is generally not of much value unless the user can click-through to other web sites offered up in user click through options based on search results. Thus, in this example, it is important to allow the surf-out option. In some embodiments, the search provider charges differentially for paid or sponsored search results, banners or click-throughs offered up as part of an ambient service so that, for example, the search result sponsor can help to bear the costs of ambient access in the bill by account setting. However, once the user has selected a surf-out option, it is important to make sure the surf-out sequence does not become an unlimited access allowance for the user to then surf the Internet for any purpose as this would result in completely unlimited Internet access, which the search service provider and/or the search service sponsors would be billed for. Thus, in some embodiments, it is important to limit the "search sequence tree" so that the "branches" of the surf-out sequence do not progress too far from the main "trunk" of the main ambient service. For example, the surf-out sequence "branches" can be limited in many ways, and the above embodiments are provided as examples, but at this point one skilled in the art will recognize that many more specific embodiments are possible, in which an aspect of many of the embodiments described herein is the ability to identify and allow a surf-out sequence that is not on the main ambient service allowed or monitoring list, establish a process for temporarily allowing certain types of surf-out sequence(s), and then properly limiting the surf-out sequence branches using various criteria and techniques.

[0033] In some embodiments, the surf-out option is implemented on a service processor (on a device and/or an intermediate networking device) with device assisted services. In some embodiments, the surf-out option is implemented with a combination of a service processor and a service controller. In some embodiments, the surf-out option is implemented with the various service control and monitoring verification techniques.

[0034] In some embodiments, the surf-out option is billed to a main ambient service provider or a secondary ambient service partner (e.g., based on a referring URL, such as that provided by a search engine for a search result and/or a sponsored search result). In some embodiments, the surf-out option is restricted to the associated user session. In some embodiments, the surf-out option is restricted to the associated application. In some embodiments, the surf-out option is limited by time, data usage, or any other criteria. In some

embodiments, the surf-out option is controlled or restricted based on a user's current standing (e.g., good standing for service usage/billing or other purposes/criteria). In some embodiments, the user's standing is determined based on various criteria (e.g., purchase behavior, ad click through behavior, user account standing, user browsing behavior, user service data usage, reward points, or any other criteria). In some embodiments, in which a search engine is generating the click through for the surf-out session/activities, only sponsored search results for which the search provider is getting paid for displaying the search result are allowed in the ambient service for search out and/or, in some embodiments, only the sponsored search results are displayed at all. In some embodiments, both sponsored search and un-sponsored search are displayed and allowed.

[0035] In some embodiments, there is an identifier communicated from the device (e.g., a unique application identifier, an agent header, such as in an HTML header, a cookie, such as in an HTML cookie, or a communication handshake sequence, or other secure token or secure handshake technique) to the ambient service provider (e.g., a web service or web site) that identifies the device communication traffic as being associated with an ambient service. In some embodiments, the ambient service partner can interpret the identifier to ascertain that the communication is being sponsored within an ambient service model. In some embodiments, once the ambient service partner determines that the communication is associated with an ambient service model, any aspect of any combination of the ambient service experience, service interface (e.g., web pages or portal pages) look and feel, service interface (e.g., web pages or portal pages) complexity and/or content, offered content, content resolution, offered advertising, advertising resolution, transaction offers, transaction offer content or resolution, offered service bandwidth, total data transfer delivered, surf-out options, or other aspects of the ambient service experience served up by the ambient service partner can be tailored to optimize the offered ambient service experience. In some embodiments, the ambient service partner will optimize the offered ambient service experience in this way to reduce total bandwidth delivered in cases for which the ambient service partner or some other entity is paying for the ambient service access using, for example, various bill by account techniques or using other techniques.

[0036] In some embodiments, the surf-out option is associated with a token (e.g., in a request header or some other secure or encrypted token or cookie associated with the session

request) for an ambient service provider or ambient service partner, so that the surf-out session can be billed to that ambient service provider or ambient service partner, respectively. In such embodiments, the ambient service web site can receive a token request and provided that the website provides a valid token then the access to the ambient service session is allowed. In this way, a highly scalable ambient service system can be provided to any web site service partner who subscribes to the token service. In some embodiments, user information is also included in the token request to the web site provider, so that the web site provider can determine if the user is worth paying the ambient service access fees for.

[0037] In some embodiments, a token is used to identify, enable, account for, and/or establish billing for the ambient service access associated with a main ambient service and not just the surf-out sequences. In general, whenever a token enabled ambient service embodiment is discussed herein, one of ordinary skill in the art will appreciate that the token ambient service technology can be utilized for either a main ambient service or an ambient service surf-out sequence.

[0038] In some embodiments, a proxy server or router is provided, and the ambient service provider monitors, accounts, controls, and/or optimizes the service usage through the proxy server or router (e.g., using the adaptive ambient service profile and/or any of the techniques described herein). In some embodiments, the proxy server or router implements the various techniques described herein (e.g., determines if the requested access is within the ambient service profile or belongs on the monitoring or disallowed lists, whether the requested access is compliant with a surf-out option, whether the user is in good standing, whether the requested access is associated with a referring URL, adapts one or more of the three access lists, and/or whether the requested access is associated with a token for an ambient service provider or ambient service provider). For example, in some embodiments, the proxy server or router manages the secure token protocol for the surf-out option, as described herein. In some embodiments, the proxy server or router manages the bill by account for the various adaptive ambient service techniques and/or the billing of ambient service providers/partners for the adaptive ambient service provided for the surf-out option, as described herein. Each of these various techniques is further described below.

[0039] In some embodiments, a proxy network device (e.g., a proxy server or router) is provided, and the ambient service (e.g., service processor and/or service controller) directs the wireless communications device traffic to the proxy network device. In some embodiments, a proxy network device facilitates the ambient service (e.g., and/or a non-ambient service), including, for example, monitoring, accounting, controlling, providing security control, and/or optimizing the service usage through the proxy network device (e.g., using the adaptive ambient service profile and/or other associated service profile and/or any of the techniques described herein).

[0040] In some embodiments, a proxy server or router is provided (e.g., by the central provider, by the MVNO, or by the associated ambient service provider, such as an Amazon proxy server/router, or by another associated ambient service provider), and the ambient service (e.g., service processor and/or service controller) directs the wireless communications device traffic destined for the specific ambient service to the proxy server or router that supports that ambient service. In some embodiments, the proxy server or router facilitates the ambient service, including, for example, monitoring the service usage through the proxy server or router (e.g., to count bytes/data service usage levels or any other relevant metric by service/activity using the adaptive ambient service profile and/or any of the techniques described herein).

[0041] In some embodiments, a proxy server or router is provided, the service is initially an ambient service that a user subsequently upgrades to another service (e.g., any form of a non-ambient service plan) and/or the device/user initially is configured or selected another service (e.g., any form of a non-ambient service plan that provides for another/non-ambient service(s)). In some embodiments, the service (e.g., service processor and/or service controller) also directs the wireless communications devices to the proxy server or router. In some embodiments, the proxy server or router facilitates the service, including, for example, monitoring/security control the service usage through the proxy server or router (e.g., to count bytes/data service usage levels or any other relevant metric by service/activity using the associated service profile and/or any of the techniques described herein). In some embodiments, the proxy server or router facilitates the service, including, for example, monitoring, accounting, controlling, security control, and/or optimizing the service usage through the proxy server or router (e.g., using the associated service profile and/or any of the techniques described herein).

[0042] In some embodiments, one or more service gateways (or router), in some cases in conjunction with a charging gateway, HLR, AAA server, base station, or other network function/element/device (any combination of these elements being a "gateway embodiment"), is provided, and the ambient service provider monitors, accounts, controls, and/or optimizes the service usage through a gateway embodiment (e.g., using the adaptive ambient service profile and/or any of the techniques described herein). In some embodiments, a gateway embodiment implements the various techniques described herein (e.g., determines if the requested access is within the ambient service profile or belongs on the monitoring or disallowed lists, whether the requested access is compliant with a surf-out option, whether the user is in good standing, whether the requested access is associated with a referring URL, adapts one or more of the three access lists, and/or whether the requested access is associated with a token for an ambient service provider or ambient service provider). For example, in some embodiments, a gateway embodiment manages the secure token protocol for the surf-out option, as described herein. In some embodiments, a gateway embodiment manages the bill by account for the various adaptive ambient service techniques and/or the billing of ambient service providers/partners for the adaptive ambient service provided for the surf-out option, as described herein. Each of these various techniques is further described below.

[0043] In some embodiments, an adaptive ambient service includes implementing an ambient service profile for assisting control of a communications device use of an ambient service on a wireless network, in which the ambient service profile includes various service policy settings, and in which the ambient service profile is associated with an ambient service plan that provides for initial access to the ambient service with limited service capabilities prior to activation of a new service plan; monitoring use of the ambient service based on the ambient service profile; and adapting the ambient service profile based on the monitored use of the ambient service. In some embodiments, these techniques are performed by the communications device (e.g., using a service processor), a network element/function (e.g., using a service controller, proxy server, and/or other network elements/functions/devices), and/or an intermediate networking communications device and, in some embodiments in various combinations with each other and/or with other functions/elements on the network/in communication with the network. In some embodiments, the service policy settings include one or more of the following: access control settings, traffic control settings, billing system settings,

user notification with acknowledgement settings, user notification with synchronized service usage information, user privacy settings, user preference settings, authentication settings, admission control settings, application access settings, content access settings, transaction settings, and network or device management communication settings.

[0044] In some embodiments, the ambient service profile is implemented at least in part by a proxy server, in which the monitored use of the ambient service based on the ambient service profile is performed at least in part by the proxy server, and in which the proxy server communicates the ambient service traffic to the communications device. In some embodiments, the ambient service plan allows for access to the ambient service with limited service capabilities that are limited based on one or more of the following: period of time, network address, service type, content type, application type, QOS class, time of day, network capacity (e.g., network busy state), bandwidth, and data usage. In some embodiments, the ambient service plan is a low cost or free trial service plan that is bundled or provided as an option for purchase at a point of sale of the communications device. In some embodiments, the communications device is activated prior to a point of sale of the communications device, and the ambient service plan is associated with the communications device during activation. In some embodiments, the ambient service plan is associated with the communications device during one or more of the following: a manufacture of the communications device, a distribution of the communications device, or a point of sale of the communications device. In some embodiments, the ambient service plan includes an option to purchase a new service plan for the communications device, in which the new service plan includes additional service capabilities. In some embodiments, the ambient service profile is programmable by one or more of the following: a manufacturer, a service provider, a distributor, a virtual service provider, and a device manager.

[0045] In some embodiments, the ambient service is a transaction based service, n which service usage for the ambient service by the communications device is not billed, and in which electronic commerce based transactions performed using the communications device are billed as transaction based charges. In some embodiments, the ambient service is a transaction based service, in which electronic commerce based transactions performed using the communications device are billed as transaction based charges, and in which at least a portion of service usage

costs are billed to one or more of the following: an advertiser, a transaction provider, a mobile virtual network operator, a virtual service provider, and an ambient service provider.

[0046] In some embodiments, the communications device is a mobile communications device or an intermediate networking device, and the ambient service includes one or more Internet based services. In some embodiments, the communications device is a mobile communications device, and the ambient service includes one or more Internet based services, and the mobile communications device includes one or more of the following: a mobile phone, a PDA, an eBook reader, a music device, an entertainment/gaming device, a computer, laptop, a netbook, a tablet, and a home networking system. In some embodiments, the communications device includes a modem, and the processor is located in the modem.

[0047] In some embodiments, the implementation of the first service profile is verified based on one or more of the following: device based service usage information and network based service usage information. In some embodiments, the ambient service profile is adapted and/or updated based on updates received from the network.

[0048] **Figure 1** illustrates a wireless network architecture for providing adaptive ambient service in accordance with some embodiments. As shown, Figure 1 includes a 4G/3G/2G wireless network operated by, for example, a central provider. As shown, various wireless devices 100 are in communication with base stations 125 for wireless network communication with the wireless network, and other devices 100 are in communication with Wi-Fi Access Points (APs) or Mesh 702 for wireless communication to Wi-Fi Access CPE 704 in communication with central provider access network 109. In some embodiments, each of the wireless devices 100 includes a service processor 115 (as shown), and each service processor connects through a secure control plane link to a service controller 122. In some embodiments, the network based service usage information (e.g., network based CDRs) is obtained from one or more network elements and/or assisted by device based service usage information (e.g., device assisted CDRs). As shown, an MVNO core network 210 also includes a CDR storage, aggregation, mediation, feed 118, a MVNO billing interface 122, and a MVNO billing system 123 (and other network elements as shown in Figure 1). Those of ordinary skill in the art will appreciate that various other network architectures can be used for providing adaptive ambient

services, and Figure 1 is illustrative of just one such example network architecture for providing the adaptive ambient service techniques described herein.

[0049] In some embodiments, the various techniques for adaptive ambient services are performed (e.g., at least in part) on the device (e.g., device 100) and/or on an intermediate networking device (e.g., using a service processor 115 and an ambient service profile). For example, the various techniques for adaptive ambient services can be performed on a processor of the device, and the ambient service profile can be securely stored locally on the device using various techniques for secure execution and storage.

[0050] In some embodiments, the various techniques for adaptive ambient services are performed on the device or on the intermediate networking device with assistance or verification from the network (e.g., a service controller 122 executed on any network element, in which the service controller 122 is in secure communication with the device/intermediate networking device, including the service processor 115 executed on the device/intermediate networking device). In some embodiments, adaptive ambient services are performed on the device or on the intermediate networking device with assistance or verification from the network (e.g., using a service controller for maintaining a centralized set of ambient service allowed access rules and/or ambient service disallowed access rules, and a superset of all ambient service monitored access rules, working cross device population). In some embodiments, the service controller 122 or other network element(s) assist the device for implementing these techniques for adaptive ambient services (e.g., cross device, cross URL/domain usage patterns/monitoring, publishing centralized set of ambient service allowed access rules, ambient service monitored access rules, and/or ambient service disallowed access rules, including, for example, compromised and/or hacked URLs). In some embodiments, the service controller 122 or other network element(s) assist the device for implementing these techniques for adaptive ambient services by verifying the device maintained set of ambient service allowed access rules, ambient service monitored access rules, and/or ambient service disallowed access rules. In some embodiments, the service controller 122 or other network element(s) assist the device for implementing these techniques for adaptive ambient services by verifying the device monitored service usage with CDR service usage using various techniques, for example, such as those described herein. In some embodiments, the service controller 122 or other network element(s) assist the device for

implementing these techniques for adaptive ambient services by verifying the device monitored service usage by IP address (e.g., using CDR by traffic destination).

[0051] In some embodiments the various techniques for adaptive ambient services are performed on the network (e.g., a gateway, router or any other network element using, for example, deep packet inspection (DPI) on the monitored (non-encrypted) network traffic).

[0052] As shown in Figure 1, a CDR storage, aggregation, mediation, feed 118 (e.g., service usage 118, including a billing aggregation data store and rules engine) is a functional descriptor for, in some embodiments, a device/network level service usage information collection, aggregation, mediation, and reporting function located in one or more of the networking equipment boxes attached to one or more of the sub-networks shown in Figure 1 (e.g., central provider access network 109 and/or central provider core network 110), which is in communication with the service controller 122, and a central billing interface 127. As shown in Figure 1, service usage 118 is shown as a function in communication with the central provider core network 110. In some embodiments, the CDR storage, aggregation, mediation, feed 118 function is located elsewhere in the network or partially located in elsewhere or integrated with/as part of other network elements. In some embodiments, CDR storage, aggregation, mediation, feed 118 functionality is located or partially located in the AAA server 121 and/or the mobile wireless center/Home Location Register(HLR) 132 (as shown, in communication with a DNS/DHCP server 126). In some embodiments, service usage 118 functionality is located or partially located in the base station, base station controller and/or base station aggregator, collectively referred to as base station 125 in Figure 1. In some embodiments, CDR storage, aggregation, mediation, feed 118 functionality is located or partially located in a networking component in the central provider access network 109, a networking component in the core network 110, the central billing system 123, the central billing interface 127, and/or in another network component or function. This discussion on the possible locations for the network based and device based service usage information collection, aggregation, mediation, and reporting function (e.g., CDR storage, aggregation, mediation, feed 118) can be generalized as described herein and as shown in the other figures described herein as would be apparent to one of ordinary skill in the art. Also as shown in Figure 1, the service controller 122 is in communication with the central billing interface 123 (also sometimes referred to as the external billing management

interface or billing communication interface) 127, which is in communication with the central billing system 123. As shown, an order management 180 and subscriber management 182 are also in communication with the central provider core network 110 for facilitating order and subscriber management of services for the devices 100 in accordance with some embodiments.

[0053] In some embodiments, the CDR storage, aggregation, mediation, feed 118 (and/or other network elements or combinations of network elements) provides a device/network level service usage information collection, aggregation, mediation, and reporting function. In some embodiments, the CDR storage, aggregation, mediation, feed 118 (and/or other network elements or combinations of network elements) collects device generated usage information for one or more devices on the wireless network (e.g., devices 100); and provides the device generated usage information in a syntax and a communication protocol that can be used by the wireless network to augment or replace network generated usage information for the one or more devices on the wireless network. In some embodiments, the syntax is a charging data record (CDR), and the communication protocol is selected from one or more of the following: 3GPP, 3GPP2, or other communication protocols. In some embodiments, the CDR storage, aggregation, mediation, feed 118 (and/or other network elements or combinations of network elements) includes a service usage data store (e.g., a billing aggregator) and a rules engine for aggregating the collected device generated usage information. In some embodiments, the syntax is a charging data record (CDR), and the network device is a CDR feed aggregator, and the CDR storage, aggregation, mediation, feed 118 (and/or other network elements or combinations of network elements) also aggregates CDRs for the one or more devices on the wireless network; applies a set of rules to the aggregated CDRs using a rules engine (e.g., bill by account, transactional billing, and/or any other billing or other rules for service usage information collection, aggregation, mediation, and reporting), and communicates a new set of CDRs for the one or more devices on the wireless network to a billing interface or a billing system (e.g., providing a CDR with a billing offset by account/service). In some embodiments, the CDR storage, aggregation, mediation, feed 118 (and/or other network elements or combinations of network elements) communicates a new set of CDRs for the one or more devices on the wireless network to a billing interface or a billing system. In some embodiments, the CDR storage, aggregation, mediation, feed 118 (and/or other network elements or combinations of network elements) communicates with a service controller to collect the device generated usage

information for the one or more devices on the wireless network. In some embodiments, the CDR storage, aggregation, mediation, feed 118 (and/or other network elements or combinations of network elements) communicates with a service controller, in which the service controller is in communication with a billing interface or a billing system. In some embodiments, the CDR storage, aggregation, mediation, feed 118 (and/or other network elements or combinations of network elements) communicates the device generated usage information to a billing interface or a billing system. In some embodiments, the CDR storage, aggregation, mediation, feed (and/or other network elements or combinations of network elements) communicates with a transport gateway and/or a Radio Access Network (RAN) gateway to collect the network generated usage information for the one or more devices on the wireless network. In some embodiments, the service controller 122 communicates the device generated service usage information to the CDR storage, aggregation, mediation, feed 118 (and/or other network elements or combinations of network elements).

[0054] In some embodiments, the CDR storage, aggregation, mediation, feed 118 (and/or other network elements or combinations of network elements) performs rules for performing a bill by account aggregation and mediation function. In some embodiments, the service controller 122 in communication with the CDR storage, aggregation, mediation, feed 118 (and/or other network elements or combinations of network elements) performs a rules engine for aggregating and mediating the device generated usage information. In some embodiments, a rules engine device in communication with the CDR storage, aggregation, mediation, feed 118 (and/or other network elements or combinations of network elements) performs a rules engine for aggregating and mediating the device generated usage information.

[0055] In some embodiments, the rules engine is included in (e.g., integrated with/part of) the CDR storage, aggregation, mediation, feed 118. In some embodiments, the rules engine and associated functions, as discussed herein, is a separate function/device. In some embodiments, the service controller 122 performs some or all of these rules engine based functions, as discussed herein, and communicates with the central billing interface 127. In some embodiments, the service controller 122 performs some or all of these rules engine based functions, as discussed herein, and communicates with the central billing system 123.

[0056] In some embodiments, duplicate CDRs are sent from the network equipment to the billing system 123 that is used for generating service billing. In some embodiments, duplicate CDRs are filtered to send only those CDRs/records for devices controlled by the service controller and/or service processor (e.g., the managed devices). For example, this approach can provide for the same level of reporting, lower level of reporting, and/or higher level of reporting as compared to the reporting required by the central billing system 123.

[0057] In some embodiments, a bill-by-account billing offset is provided. For example, bill-by-account billing offset information can be informed to the central billing system 123 by providing a CDR aggregator feed that aggregates the device based service usage data feed to provide a new set of CDRs for the managed devices to the central billing interface 127 and/or the central billing system 123. In some embodiments, transaction billing is provided using similar techniques. For example, transaction billing log information can be provided to the central billing interface 127 and/or the central billing system 123.

[0058] In some embodiments, the rules engine (e.g., performed by the service usage 118 or another network element, as described herein) provides a bill-by-account billing offset. For example, device generated service usage information (e.g., device assisted charging data records (CDRs)) includes a transaction type field (e.g., indicating a type of service for the associated service usage information). The rules engine can apply a rule or a set of rules based on the identified service associated with the device generated usage information to determine a bill-by-account billing offset (e.g., a new CDR can be generated to provide the determined bill-by-account billing offset). For example, the determined bill-by-account billing offset can be provided as a credit to the user's service usage account (e.g., a new CDR can be generated with a negative offset for the user's service usage account, such as for network chatter service usage, or transactional service usage, or for any other purposes based on one or more rules performed by the rules engine).

[0059] As another example, for a transactional service, a first new CDR can be generated with a negative offset for the user's service usage account for that transactional service related usage, and a second new CDR can be generated with a positive service usage value to charge that same service usage to the transactional service provider (e.g., Amazon, eBay, or another

transactional service provider). In some embodiments, the service controller 122 generates these two new CDRs, and the service usage 118 stores, aggregates, and communicates these two new CDRs to the central billing interface 127. In some embodiments, the service controller 122 generates these two new CDRs, and the service usage 118 stores, aggregates, and communicates these two new CDRs to the central billing interface 127, in which the central billing interface 127 applies rules (e.g., performs the rules engine for determining the bill-by-account billing offset).

[0060] In some embodiments, the service controller 122 sends the device generated CDRs to the rules engine (e.g., service usage 118), and the rules engine applies one or more rules, such as those described herein and/or any other billing/service usage related rules as would be apparent to one of ordinary skill in the art. In some embodiments, the service controller 122 generates CDRs similar to other network elements, and the rules (e.g., bill-by-account) are performed in the central billing interface 127. For example, for the service controller 122 to generate CDRs similar to other network elements, in some embodiments, the service controller 122 is provisioned on the wireless network and behaves substantially similar to other CDR generators on the network) as would be apparent to one of ordinary skill in the art.

[0061] In some embodiments, the service controller 122 is provisioned as a new type of networking function that is recognized as a valid and secure source for CDRs by the other necessary elements in the network (e.g., the Service Usage History/ CDR Aggregation and Mediation Server 118). In some embodiments, where the network necessary apparatus will only recognize CDRs from certain types of networking equipment (e.g. RAN Gateway 410 or Transport Gateway 420), then the Service Controller 122 can provide authentication credentials to the other networking equipment that indicate it is one of the approved types of equipment. In some embodiments, the link between the Service Controller 122 and the necessary CDR aggregation and mediation equipment is secured, authenticated, encrypted and/or signed.

[0062] In some embodiments, the CDR storage, aggregation, mediation, feed 118 discards the network based service usage information (e.g., network based CDRs) received from one or more network elements. In these embodiments, the service controller 122 can provide the device based service usage information (e.g., device assisted/based CDRs) to the CDR storage,

aggregation, mediation, feed 118 (e.g., the CDR storage, aggregation, mediation, feed 118 can just provide a store, aggregate, and communication function(s)), and the device based service usage information is provided to the central billing interface 127 or the central billing system 123.

[0063] In some embodiments, the device assisted/based CDRs and/or new CDRs generated based on execution of a rules engine as described herein is provided only for devices that are managed and/or based on device group, service plan, or any other criteria, categorization, and/or grouping, such as based on ambient service or ambient service provider.

[0064] **Figure 2** illustrates a wireless network architecture for providing adaptive ambient service including a proxy server in accordance with some embodiments. As shown, Figure 2 includes a proxy server 270 in communication with a 4G/3G/2G wireless network operated by, for example, a central provider. In some embodiments, each of the wireless devices 100 includes a service processor 115 (as shown), and each service processor connects through a secure control plane link to a service controller 122. In some embodiments, the network based service usage information (e.g., CDRs) is obtained from Radio Access Network (RAN) gateway(s) 410 and/or transport gateway(s) 420.

[0065] Referring now to the 4G/3G/2G access network as shown in Figure 2, the 4G/3G and 3G/2G base stations/nodes 125 are in communication with a 4G/3G/2G Radio Access Network (RAN) gateway 410 via a radio access network 405, which are in communication with a 4G/3G/2G transport gateway 420 via an access transport network 415. The central provider core network 110 is in network communication with the access transport network 415 (e.g., via a dedicated/leased line, and as shown, via a firewall 124). The Internet 120 is available via a firewall 124 and the transport gateway(s) 420, as shown. Also, as shown, a network apparatus provisioning system 160, order management 180, and subscriber management 182 are in communication with the central provider core network 110. As shown, a AAA server 121, a mobile wireless center/Home Location Register(HLR) 132, a DNS/DHCP 126, and CDR storage, aggregation, mediation, feed 118 are also in communication with the access transport network 415. The central billing system 123 and the central billing interface 127 are shown in communication with the central provider core network 110.

[0066] In some embodiments, the various techniques for adaptive ambient services are performed using the proxy server 270. For example, the ambient service provider can provide the proxy server 270, and the ambient service provider monitors, accounts, controls, and/or optimizes the service usage through the proxy server 270 (e.g., using the adaptive ambient service profile and/or any of the techniques described herein). In some embodiments, the central service provider provides the proxy server 270, and the ambient service provider is provided access to monitor, account, control, and/or optimize the service usage through the proxy server 270 (e.g., using the adaptive ambient service profile and/or any of the techniques described herein).

[0067] **Figure 3** illustrates a flow diagram for providing adaptive ambient service in accordance with some embodiments. At 302, the process for an adaptive ambient service begins. At 304, whether a requested access is within the ambient service profile, such as within the ambient service allowed access rules, the ambient service monitoring access rules, and/or ambient service disallowed access rules, is determined. At 306, if the requested access is within the ambient service profile, then the appropriate rule is applied, such as the appropriate ambient service allowed access rule, ambient service monitoring access rule, and/or ambient service disallowed access rule. At 308, if not (e.g., the requested access is not within the ambient service profile, such as not categorized within any of the ambient service profile rules), then categorize the requested access as a monitored access. In some embodiments, a requested access that is not otherwise known or categorized in the ambient service profile, is allowed and then monitored (e.g., trusted and then verified through monitoring and other techniques, such as the various other techniques described herein). At 310, if the requested access is categorized as monitored access, then allow the requested access and monitor the requested access. At 312, determine whether the requested access can now be added or blocked based on the monitored access. At 314, if the requested access can now be blocked, then block the requested access and update the ambient service profile accordingly (e.g., add the requested access to the ambient service blocked access rules). Similarly, if the requested access can now be added, then continue to allow the requested access and update the ambient service profile accordingly (e.g., add the requested access to the ambient service allowed access rules). At 316, determine whether to continue to monitor the requested access (e.g., if the requested access is still in progress, and the requested access has not been otherwise categorized as allowed or blocked ambient service access, then continue to

monitor), and if so, continue to monitor the requested access at 318 (e.g., if and until a determination of whether to allow and/or block such access using the various techniques described herein). At 320, the process is repeated for the next requested access. At 322, the process is completed.

[0068] **Figure 4** illustrates another flow diagram for providing adaptive ambient service in accordance with some embodiments. At 402, the process for an adaptive ambient service begins. At 404, whether a requested access is associated with the ambient service is determined. As described herein with respect to Figure 4, there are various techniques for testing the association of the requested access with the ambient service. For example, at 406, whether the requested access is within the ambient service profile, such as within the ambient service allowed access rules, the ambient service monitoring access rules (also sometimes referred to herein as monitored access rules), and/or ambient service disallowed access rules, is determined. At 408, whether the requested access to an application is tested to determine whether the application is associated with the ambient service and whether the application is currently executing. At 410, whether the requested access is within the same traffic flow as other ambient services traffic is determined (e.g., using various device based, device assisted and/or network based (such as DPI) traffic monitoring techniques). Various other techniques can also be employed for testing the association of the requested access with the ambient service. For example, incoming traffic can be tagged (e.g., using a referred URL or an HREF or an IMAGE HTML tag); and/or the domain object management (DOM) tree can be analyzed to determine a links model of a requested web page or other techniques can be utilized to determine the links model of the requested web page. As another example, the content of the requested access (e.g., web page content) can be analyzed to determine if it is associated with the ambient service (e.g., using various content relevancy techniques). As another example, a reverse lookup to the requested network destination (e.g., URL, associated domain, sub-domain, ad server domain, or other destination or source) can be determined to test the association of the requested access with the ambient service. At 412, based on the above testing of the association of the requested access with the ambient service, determine whether the requested access can now be added or blocked based on the monitored access. At 414, if the requested access can now be blocked, then block the requested access and update the ambient service profile accordingly (e.g., add the requested access to the ambient service blocked access rules). Similarly, if the requested access can now be added, then continue

to allow the requested access and update the ambient service profile accordingly (e.g., add the requested access to the ambient service allowed access rules). At 416, determine whether to continue to monitor/test the association of the requested access with the ambient service (e.g., if the requested access is still in progress, and the requested access has not been otherwise categorized as allowed or blocked ambient service access, then continue to perform the testing analysis), and if so, continue to perform the monitor/testing analysis of the requested access at 418. At 420, the process is repeated for the next requested access. At 422, the process is completed.

[0069] **Figure 5** illustrates another flow diagram for providing adaptive ambient service in accordance with some embodiments. At 502, the process for an adaptive ambient service begins. At 504, traffic patterns of ambient service usage are analyzed. As described herein with respect to Figure 5, there are various techniques for testing and analyzing the ambient service usage traffic patterns to determine whether the access should be allowed, blocked, or is otherwise deemed suspicious or otherwise not known/categorized, and thus, should be monitored (e.g., using the monitoring access rules). For example, at 506, expected ambient service usage is compared with the actual ambient service usage (e.g., using various ambient service usage monitoring techniques, as described herein and/or using other techniques). In some embodiments, the expected versus actual ambient service usage is analyzed and can be further categorized as described below. At 508, the ambient service traffic usage is analyzed and categorized. In some embodiments, the ambient service traffic usage is categorized by one or more of the following: total traffic, by application, by destination (e.g., URL, domain, sub-domain, or other unique identifier), by traffic flow, by network socket, by time of day, by ambient service profile categorization (e.g., ambient service allowed access, ambient service monitored access, and/or ambient service blocked/disallowed access rules), by web browsing traffic patterns, by content download patterns, and/or using any other categorizations or patterns. In some embodiments, the ambient service traffic usage is aggregated (e.g., across user or user group), and statistical analysis techniques are used to identify categories of allowable or suspect or should be disallowed access service usage requests/patterns (e.g., very infrequently requested access for high data bandwidth ambient service usage can be deemed suspect or automatically categorized as disallowed). At 510, the ambient service traffic usage is correlated with various ambient traffic profiles. For example, buying patterns can be correlated with content download

patterns (e.g., a power use categorization versus a seldom/never purchases user categorization can be used to provide different ambient service profiles and/or throttling techniques based on such categorizations for the various ambient service users).

[0070] Various other techniques can also be employed for testing the ambient service usage traffic to provide adaptive ambient services as will now be apparent to one of ordinary skill in the art in view of the embodiments and examples described herein. At 512, based on the above testing of the association of the requested access with the ambient service, determine whether the requested access can now be added or blocked based on the monitored access. At 514, if the requested access can now be blocked, then block the requested access and update the ambient service profile accordingly (e.g., add the requested access to the ambient service blocked access rules). Similarly, if the requested access can now be added, then continue to allow the requested access and update the ambient service profile accordingly (e.g., add the requested access to the ambient service allowed access rules). At 516, determine whether to continue to monitor/test the association of the requested access with the ambient service (e.g., if the requested access is still in progress, and the requested access has not been otherwise categorized as allowed or blocked ambient service access, then continue to perform the testing analysis), and if so, continue to perform the monitor/testing analysis of the requested access at 518. At 520, the process is repeated for the next requested access. At 522, the process is completed.

[0071] **Figure 6** illustrates another flow diagram for providing adaptive ambient service in accordance with some embodiments. In some embodiments, a combination of various techniques are used for providing adaptive ambient services, such as those described below with respect to Figure 6. In some embodiments, a subset of these various techniques are employed using various combinations of such techniques or individual techniques. At 602, the process for an adaptive ambient service begins. At 604, whether a requested access is associated with the ambient service is determined (e.g., as similarly described above with respect to Figure 4). At 606, the ambient service usage is analyzed (e.g., as similarly described above with respect to Figure 5). At 608, the ambient service is queried to verify the requested access (e.g., if the requested access is not in the ambient service profile or otherwise suspicious or covered by a monitored access rule, then the ambient service can be queried for more information as to whether this requested access is associated with the ambient service usage or should otherwise be

allowed). In some embodiments, various requested accesses can be allowed for certain users or for certain requests to allow for monitoring or testing but denied for other users/requests. In some embodiments, the device or intermediate networking device based ambient service profile settings (e.g., local ambient service profile rules, categorizations, settings, and/or other data) are provided to the ambient service provider for further analysis and to correlate various access requests with the ambient service (e.g., monitored access requests can be confirmed as approved or not, that is associated with the ambient service or otherwise permissible, or not, as deemed by the ambient service provider using various techniques). At 610, the source of the requested access is analyzed. In some embodiments, the source of the requested access is itself tested using various techniques (e.g., search engine/web crawler techniques or DOM techniques to determine whether certain web based requests are associated with the ambient service; or to verify with a secondary source such as an ad server; or to verify ownership of certain network domains by the ambient service provider or associated advertiser).

[0072] Various other techniques can also be employed for providing adaptive ambient services as will now be apparent to one of ordinary skill in the art in view of the embodiments and examples described herein. At 612, based on the above testing of the association of the requested access with the ambient service, determine whether the requested access can now be added or blocked based on the monitored access. At 614, if the requested access can now be blocked, then block the requested access and update the ambient service profile accordingly (e.g., add the requested access to the ambient service blocked access rules). Similarly, if the requested access can now be added, then continue to allow the requested access and update the ambient service profile accordingly (e.g., add the requested access to the ambient service allowed access rules). At 616, determine whether to continue to monitor/test the association of the requested access with the ambient service (e.g., if the requested access is still in progress, and the requested access has not been otherwise categorized as allowed or blocked ambient service access, then continue to perform the testing analysis), and if so, continue to perform the monitor/testing analysis of the requested access at 618. At 620, the process is repeated for the next requested access. At 622, the process is completed.

[0073] **Figure 7** illustrates a flow diagram for providing adaptive ambient service for a surf-out option in accordance with some embodiments. At 702, the process for an adaptive

ambient service begins. At 704, whether a requested access is associated with the ambient service is determined. As described herein with respect to Figure 7, there are various techniques for testing the association of the requested access with the ambient service. For example, at 706, whether the requested access is within the ambient service profile, such as within the ambient service allowed access rules, the ambient service monitored access rules, and/or ambient service disallowed access rules, is determined. At 708, whether the requested access to an application is tested to determine whether the application is associated with the ambient service and whether the application is currently executing. At 710, whether the requested access is within a surf-out option is determined (e.g., using various surf-out option based techniques as described herein). At 712, based on the determination of the association of the requested access with the ambient service (e.g., using various association techniques, as described herein), determine whether the requested access can now be added or blocked based on the monitored access. At 714, if the requested access can now be blocked, then block the requested access and update the ambient service profile accordingly (e.g., add the requested access to the ambient service blocked access rules). Similarly, if the requested access can now be added, then continue to allow the requested access and update the ambient service profile accordingly (e.g., add the requested access to the ambient service allowed access rules). At 716, determine whether to continue to monitor/test the association of the requested access with the ambient service (e.g., if the requested access is still in progress, and the requested access has not been otherwise categorized as allowed or blocked ambient service access, then continue to perform the testing analysis), and if so, continue to perform the monitor/testing analysis of the requested access at 718. At 720, the process is repeated for the next requested access. At 722, the process is completed.

[0074] In some embodiments, it may not be possible to accurately identify every network service access attempt or service usage (e.g., or traffic access) as belonging to a given service usage partition (e.g., a given ambient service usage, background network chatter usage, user service plan usage, emergency service usage, and/or other type of service usage). As used herein, the terms service usage partition, service usage recording partition, service charging bucket, and micro-CDRs are used interchangeably. Accordingly, it is desirable to provide a service charging bucket for traffic that is allowed and not definitively identified as belonging to a known service charging bucket. This allows for techniques to employ an "allow but verify" approach to traffic that is likely to be legitimately associated with an ambient service or a user

service or a network service that is intended to be allowed, but is not definitively identified as being associated with an allowed service.

[0075] As an example, there may be a web site access associated with an ambient service that does not have a reference identifier or other traffic parameter that allows the service processor to associate it with the correct ambient service. In this case, a set of rules can be applied to determine if it is likely that the web site access is a legitimate access given the access control policies that are in place, and if it is the access can be allowed and the traffic usage either recorded in the ambient service charging bucket that it is suspected to be associated with, or the traffic usage can be charged to a network chatter service usage bucket, or the traffic usage can be charged to the user service usage bucket, or the traffic usage may be recorded in a "not classified but allowed" service charging bucket. In some embodiments, in which such traffic is charged to the "not classified but allowed" service usage charging bucket, additional verification measures are employed to ensure that the amount of traffic that is not classified but allowed does not grow too large or become a back-door for service usage errors. For example, the access control policy rules for allowing unclassified traffic can be relatively loose as long as the amount of service usage charges accumulating in the not classified charging bucket remains within certain bounds, and/or the rate of service usage charged to the not classified bucket remains within certain bounds, but if the not classified traffic becomes large or the rate of not classified traffic growth becomes large then the rules governing when to allow not classified traffic can be tightened.

[0076] As another example, a browser application can access a web site that is known to be an ambient service website, and that web site might serve back a series of traffic flows, some of which are associated with the ambient service website through URL identifiers that are known to be part of the website, and other traffic can be associated with the ambient service website by virtue of a referring website tag or header, and some traffic can be returned to the same application with a relatively close time proximity to the other traffic as being identified as ambient traffic. In this example, as long as the not classified traffic service charging bucket does not exceed a given pre-set policy limit on its size, and/or does not grow faster than a given pre-set policy rate, and/or is received within a certain pre-set policy period of time difference from the time that other ambient service charging bucket traffic is received, then the not classified traffic is continued to be allowed. However, if the not classified traffic amount or rate of growth

exceeds the pre-set policy limits, or if the period of time between when verified ambient service traffic is received and the not classified traffic is received exceeds policy limits, then the not classified traffic can be blocked or other action can be taken to further analyze the not classified traffic.

[0077] In some embodiments, it is important to provide a hierarchy of service usage charging rules for the various service usage partitions on a device. As an example, for a given service plan there can be two ambient service charging buckets, a network chatter (e.g., or network overhead) service charging bucket, and a user service plan service charging bucket and it is desirable to make sure that no ambient services or network overhead service or unclassified service is charged to the user service plan, and it is also desirable to ensure that all known ambient service traffic is charged to the appropriate ambient service partner, and it is desirable to ensure that no network overhead service or unclassified service is charged to ambient service partners. In such situations, a service charging bucket hierarchy can be provided as follows: determine if a traffic flow (e.g., or socket) is associated with network overhead, and if so allow it and charge that service bucket, then determine if a traffic flow (or socket) is associated with ambient service #1, and if so allow it and charge that service bucket, then determine if a traffic flow (or socket) is associated with ambient service #2, and if so allow it and charge that service bucket, then determine if a traffic flow (or socket) is associated with not classified traffic, and if so allow it and charge that service bucket, then if the traffic is not associated with any of the above service charging buckets allow it and charge it to the user service plan charging bucket. In another example, if the user has not yet chosen to pay for a user service plan, then the same hierarchical access control and service charging policy can be used except the final step would be: then if the traffic is not associated with any of the above service charging buckets block the traffic. Hierarchical service charging bucket identification such as depicted in these examples can be a crucial aspect of a robust access control policy and/or service charging policy system. Many other access control policy hierarchies and service charging bucket policy hierarchies will now be apparent to one of ordinary skill in the art.

[0078] In some embodiments, the not classified traffic is charged according to service charging rules that rely on the most likely candidate service charging bucket for the traffic. As another example, if the not classified traffic is being delivered to the same application as other

known ambient service traffic and the time difference between delivery of the known ambient service traffic and the not classified traffic is small, then the not classified traffic can be charged to the ambient service in accordance with a pre-set charging policy rule specifying these conditions. Other embodiments that will now be apparent to one of ordinary skill in the art. For example, another charging rule for not classified traffic could be to perform a pro-rata allocation of the not classified traffic to all of the other service charging buckets with the pro-rata allocation being based on the percentage of the total traffic used by the device for each service charging bucket. As another example, the not classified traffic can be charged to a subset of the service charging buckets for the device (e.g., all ambient services plus the network overhead service) in accordance with the pro-rata share for each service included in the pro-rata split.

[0079] In some embodiments, the user service plan agreement is structured so that the user acknowledges that ambient services in which the access connection to the service is sponsored, paid for, and/or partially subsidized by an entity other than the user are a benefit to the user, and/or the user acknowledges that there is no inherent right to free ambient services, and that the service usage accounting system may not always properly characterize usage for a sponsored or subsidized ambient service (e.g., or some other specialized service) in the correct accounting service charging bucket, and, thus, the user service plan account can be charged and/or billed with some of this traffic. By having the user acknowledge a service use agreement of this form then some ambient traffic can be charged to the user service plan account, including, for example, allowed but not classified traffic, excess ambient service usage beyond pre-set policy limits, ambient service usage during busy network periods or on congested network resources, and/or other criteria/measures. In some embodiments, the user might be notified that they are being charged for service activities that are sometimes subsidized or free to the user. As discussed above, it is important to ensure that a not classified service charging bucket does not become a back door for service charging errors or hacking. It will now be apparent to one of ordinary skill in the art that the not classified service usage charges can be verified in a variety of manners, including, for example, observing the size of the not classified service charging bucket as compared to other service usage charges on the device (e.g., total device service usage, ambient service usage, user bucket service usage, and/or other criteria/measures), capping the not classified bucket, and/or capping the rate of growth of the not classified bucket.

[0080] In some embodiments, it is important to verify not only that the total device service usage amount is correct, but that the service usage is being reported in the proper service charging buckets. For example, if the service processor software can be hacked so that it correctly reports the total service usage, but reports user service plan traffic under one or more ambient service buckets, then simply verifying that the total amount of service usage is correct will not be sufficient to prevent the device from obtaining free user service that can be charged to ambient service partners. There are a variety of direct and indirect embodiments to accomplish this verification of service charging bucket divisions. For example, in direct verification embodiments, one or more alternative measures of service usage are employed to cross-check the accuracy of the service charging bucket divisions. In indirect embodiments one of two classes of verification are employed: the size and rate of growth for service charging buckets is analyzed and compared to a pre-set group of policies to detect and/or modify service charging bucket growth that is out of policy; and/or the proper operation of the service processor elements involved in service charging bucket partitioning is verified.

[0081] Various embodiments involving direct verification of service charging bucket usage and/or accounting include the use of network based service usage measures such as CDRs, IPDRs, flow data records (e.g., FDRs – detailed reports of service usage for each service flow, such as network socket connection, opened and used to transmit data to or from the device), accounting records, interim accounting records or other similar usage records to verify that the device is within service policy and/or the device based service usage reports are accurate. Use of such network generated service usage records to directly verify service charging and/or proper service usage policy adherence are described herein. When network address destination and/or source information is available in these records, as described herein, this can be used in some embodiments to verify the service charging bucket accounting provided by the device service processor. In some embodiments, some types of service usage records include real-time data but not necessarily all of the useful information needed to help verify service charging bucket accounting, while other types of service usage records provide more detail (e.g., IP address for destination and source) but do not always arrive in real-time. For example, in some embodiments, FDRs are created each time a new service flow (e.g., network socket connection) is opened and then closed. At the time the service flow is closed, a (e.g., possibly time stamped) data usage record indicating source address, destination address and amount of data transmitted

is created and sent to a charging aggregation function in the network. The charging aggregation function can then forward the FDRs to the service controller for verification or direct accounting of service charging bucket accounting. By comparing the FDR addresses with known ambient service traffic address associations, the partitioning of service charging buckets between one or more ambient services and other services such as a user service plan service charging bucket may be verified. However, in some cases it can be a long period of time for an FDR to be generated when a device service flow (e.g., socket) remains open for a long period of time, as in the case for example with a long file download, a peer to peer connection with a socket keep alive, or a proxy server service with a socket keep alive. In such cases, it can be disadvantageous to have large amounts of data to be transferred without an FDR to confirm device service processor based reports, and in some cases this can provide an opportunity for service processor service reporting hacks. This can be remedied in a variety of ways by using other network reported service usage information to augment the FDR information. For example, start and stop accounting records can sometimes be obtained in some embodiments from a network element such as a service gateway or the AAA servers (e.g., or other network equipment elements depending on the network architecture). Although start and stop records do not possess the detail of service usage information that FDRs, CDRs, IPDRs, interim accounting records or other service usage records posses, they do inform the service controller that a device is either connected to the network or has stopped connecting. If a device is connected to the network and is not transmitting device usage reports or heartbeats, then the service controller is alerted that an error or hacking condition is likely. As another example of how two or more types of network reported service usage information may be used to create a better real time or near real-time check on device service usage, if both FDRs and start/stop accounting records are available, the service controller can send a stop-then-resume service command to the device (e.g., or alternatively send a stop then resume service command to a network equipment element), which will cause the device to terminate all open service flows before re-initiating them, and once the service flows are stopped then the FDR flow records will be completed and transmitted for any service flows that were in process but unreported when the stop service command was issued. This will cause any long term open socket file transfers to be reported in the FDR flow records thus plugging the potential back door hole in the FDR service usage accounting verification method.

[0082] As another example showing how multiple types of network generated service usage accounting records may be used to complement each other and strengthen the verification of service charging bucket accounting partitions, interim data records can be used with FDRs. Interim data records are available in accordance with some embodiments, n which the interim data records are generated on a regularly scheduled basis by a network element (e.g., gateway, base station, HLR, AAA, and/or other network element/function). Interim data records are typically near real time records that report the aggregate traffic usage for the device as of a point in time, but often do not include traffic address information or other traffic details. In embodiments in which both interim accounting records and FDRs are available, when the interim accounting records are indicating service usage that is not being reported in the FDR stream this is evidence that a device has one or more long term socket connections that are open and are not terminating. In this case, the service controller can verify that the device based usage reports are properly accounting for the total amount of service usage reported by the interim accounting records, and/or the service controller can force an FDR report for the open sockets by issuing a stop-resume service command as similarly discussed above.

[0083] As described herein, other embodiments involving direct verification of service charging bucket accounting can be provided. One example is to route ambient service traffic to a proxy server or router programmed to support only the network access allowed for the ambient service and to account for the ambient service usage. Additional proxy servers or routers can be similarly programmed for each ambient service that is part of the device service plan, and in some embodiments, another proxy server or router is programmed to support traffic control and account for the user service plan service access. By comparing the service usage accounting for each of these proxy servers or routers, the device generated service charging bucket accounting can be directly verified. In some embodiments, the usage accounting provided by the proxy servers or routers is used directly for service usage accounting.

[0084] In some embodiments, ambient service partner feedback is used to verify service charging bucket accounting. For example, web servers used by ambient service partners to provide ambient services can identify a user device based on header information embedded in the HTML traffic, and then account for either the service used by the device during the ambient service sessions or account for the number of transactions the user completes. If service usage is

recorded, then it can be reported to the service controller and be used directly to verify ambient service charging bucket accounting. If transactions are all that are recorded, then this can be reported to the service controller and the amount of ambient service used by the device can be compared with the number of transactions completed to determine if the ambient service usage is reasonable or should be throttled or blocked. It will now be apparent to one of ordinary skill in the art that other embodiments can be provided that employ more than one type of network generated service usage records to verify service usage accounting and/or verify service charging bucket accounting.

[0085] Other embodiments involving indirect methods for verifying or controlling service charging bucket accounting include monitoring the size and/or growth rate of ambient service usage. In some embodiments, the access control policy rules call for restricting a given ambient service access when the amount of service usage charges accumulating in the ambient service charging bucket exceed a pre-set policy limit, and/or when the rate of service usage for the ambient service exceeds a pre-set policy limit. For example, once these limits are reached, the ambient service can be throttled back for a period of time, blocked for a period of time, or charged to the user service plan charging bucket. In some embodiments, before these actions are taken the user UI can be used to notify the user of the service policy enforcement action. In some embodiments, indirect verification of service charging bucket accounting includes the various techniques described herein for verifying proper operation of the service processor agent software and/or protecting the service processor agent software from errors, manipulation, or hacking.

[0086] In some embodiments, the device service processor directs traffic destined for a given ambient service to a proxy server or router programmed to support that ambient service, and any traffic control policies and/or access control policies for the ambient service are implemented in the proxy server or router. For example, in such embodiments the proxy server or router can be programmed to only allow access to one or more ambient services that are authorized by the device service plan, with the proxy server or router controlling device access so that other network destinations cannot be reached. Continuing this example embodiment, the proxy server or router can account for the ambient service usage in an ambient service charging bucket as discussed elsewhere. In such proxy server or router ambient service control

embodiments, the same traffic association techniques described elsewhere that allow incoming traffic associated with an ambient service website or other service to be identified, allowed or blocked, potentially throttled, and accounted for in a service charging bucket can be implemented in the proxy server or router programming. Such proxy server or router embodiments can also implement user service plan service charging buckets, user service plan traffic controls, and user service plan access control as discussed herein. In some embodiments, the proxy server or router analyzes the HTML traffic content of the traffic flows as described herein to perform such associations, traffic control and/or service usage accounting. Similarly, in some embodiments, a proxy server or router can provide the "surf-out" capabilities described herein by performing the same surf-out traffic associations (e.g., HTML branch reference associations and/or other branch associations) described herein. It will now be apparent to one of ordinary skill in the art that many of the adaptive ambient service control and service usage charging functions described herein for a service processor can be readily implemented with a proxy server or router that is appropriately programmed.

[0087] In some embodiments, routing of device traffic for one or more ambient services and/or user service plan services to a proxy server or router is accomplished by the device service processor using the device service processor traffic control embodiments described herein. In some embodiments, routing of device traffic for one or more ambient services and/or user service plan services to a proxy server or router is accomplished by dedicated network equipment such as the gateways (e.g. SGSN, GGSN, PDSN, or PDN) , home agents, HLRs or base stations, with the network equipment being provisioned by a service controller (e.g., or other interchangeable network element with similar functions for this purpose) to direct the device traffic to the proxy server or router. In some embodiments, the ambient service traffic or the user service plan traffic is controlled by the proxy server according to a service plan policy set supplied by the service controller (e.g., or equivalent network function for this purpose). The traffic control service policy thus implemented by the proxy server can control traffic based on one or more of the following: period of time, network address, service type, content type, application type, QoS class, time of day, network busy state, bandwidth, and data usage.

[0088] In some embodiments, a proxy server or router is used to verify accounting for a given service, for example, an ambient service. In some embodiments, this is accomplished by

the device service processor directing the desired service flows to a proxy server or router programmed to handle the desired service flows, with the proxy server or router being programmed to only allow access to valid network destinations allowed by the access control policies for the desired service, and the proxy server or router also being programmed to account for the traffic usage for the desired services. In some embodiments, the proxy service usage accounting may then be used to verify device based service usage accounting reported by the service processor. In some embodiments, the accounting thus reported by the proxy server or router can be used directly to account for service usage, such as ambient service usage or user service plan service usage.

[0089] In some embodiments, in which a proxy server is used for device service usage accounting, the proxy server maintains a link to the device service notification UI via a secure communication link, such as the heartbeat device link described herein. For example, the proxy server or router can keep track of device service usage versus service plan usage caps/limits and notify the user device UI through the device communication link (e.g., heartbeat link) between the service controller and the device. In some embodiments, the proxy server/router communicates with a device UI in a variety of ways, such as follows: UI connection through a device link (e.g., heartbeat link), through a device link connected to a service controller (e.g., or other network element with similar function for this purpose), presenting a proxy web page to the device, providing a pop-up page to the device, and/or installing a special portal mini-browser on the device that communicates with the proxy server/router. In some embodiments, the UI connection to the proxy server/router is used as a user notification channel to communicate usage notification information, service plan choices, or any of the multiple services UI embodiments described herein.

[0090] In some embodiments for the proxy server/router techniques for implementing service traffic/access controls and/or service charting bucket accounting, it is desirable to have the same information that is available to the service processor on the device, including, for example, application associated with the traffic, network busy state, QoS level, or other information about the service activity that is available at the device. For example, such information can be used to help determine traffic control rules and/or special services credit is due (e.g., ambient services credit). In some embodiments, information available on the device

can be communicated to the proxy server/router and associated with traffic flows or service usage activities in a variety of ways. For example, side information can be transmitted to the proxy server/router that associates a traffic flow or service activity flow with information available on the device but not readily available in the traffic flow or service activity flow itself. In some embodiments, such side information may be communicated over a dedicated control channel (e.g., the device control link or heartbeat link), or in a standard network connection that in some embodiments can be secure (e.g., TLS/SSL, or a secure tunnel). In some embodiments, the side information available on the device can be communicated to the proxy server/router via embedded information in data (e.g., header and/or stuffing special fields in the communications packets). In some embodiments, the side information available on the device can be communicated to the proxy server/router by associating a given secure link or tunnel with the side information. In some embodiments, the side information is collected in a device agent or device API agent that monitors traffic flows, collects the side information for those traffic flows, and transmits the information associated with a given flow to a proxy server/router. It will now be apparent to one of ordinary skill in the art that other techniques can be used to communicate side information available on the device to a proxy server/router.

[0091] For example, just as the hierarchy of charging rules can be important for implementations in which the service processor is creating the service charging bucket accounting, it can also important in implementations that use a proxy server or router for service charging bucket accounting. Accordingly, various embodiments described herein for creating a hierarchy of service usage charging rules can be applied to proxy server or proxy router embodiments. It will be apparent to one of ordinary skill in the art that the service charging bucket embodiments and traffic control and access control embodiments described herein for allowed but not classified buckets apply equally to the proxy server/router embodiments. For example, pre-defined service policy rules can be programmed into the proxy server/router to control the traffic flows and/or place usage limits or access limits on an ambient service, or a user service plan service. It will also now be apparent to one of ordinary skill in the art that the embodiments described herein disclosing an initial allowed service access list, temporarily allowing additional service activities until they are determined to be allowed or not allowed, expanding the allowed service activity list, maintaining a not allowed service activity list and expanding the not allowed service activity list also apply equally to proxy server/router

embodiments. Similarly, it will now be apparent to one of ordinary skill in the art that the proxy/server router embodiments can be employed to directly generate the service charging bucket (or micro-CDR) usage reports used to provide further detail and/or billing capabilities for service usage. In some embodiments, in which the device service processor directs traffic to a proxy server/router, there are advantageous design feature embodiments available that can reduce the need to provision network to detect and force specialized device service traffic to the appropriate proxy server/router. For example, this can be done by creating a "usage credit" system for the services supported by the proxy server/outer. Total service usage is counted on the one hand by the device service processor, or by other network equipment, or by both. Credit on the other hand for ambient service or other specialized access service usage that is not charged to the user is then provided for services that the device directs through the proxy server/router destination (e.g., URL or route hop) supporting the particular ambient service or other specialized access service. If the device correctly directs traffic to the proxy server/router, then the counting and/or access rules are correctly implemented by the proxy server/router. The service can be thus controlled and/or accounted for. When the service is accounted for, the proxy server/router reports the service charging bucket accounting back to the service controller (e.g., or other network equipment responsible for service charging bucket/ micro CDR mediation) and the user service plan service charging bucket account can be credited for the services. Traffic that reaches the proxy server/router is controlled by the access rules and/or traffic control rules and/or QoS control rules of the proxy server/router programming, so there is no question regarding the type of service that is supported with the service charging buckets that are reported to mediation functions (e.g., mediation functions can be performed by one or more of service controller, usage mediation, billing, AAA, and/or HLR/home agent). As the proxy server/router is in the network and can be physically secured and protected from hacking, there is high confidence that the service control and/or charging rules intended for ambient services or some other specialized service are properly implemented and that the proxy server/router connection is being used for the intended service and not some other unintended hacked service. If the device is somehow hacked or otherwise in error so that the traffic is not directed through the appropriate proxy server/router, then the proxy server/router does not log the traffic in micro CDRs/buckets and no specialized service usage credit is sent to the mediation functions, so there is no usage credit deducted from the device user service plan service usage totals. Thus, the user

pays for the services when the device is hacked to avoid the proxy server/router. The user account service agreement can specify that if the user tampers with software and traffic is not routed to servers then credit will not be provided and user plan will be charged.

[0092] In some proxy server/router embodiments, the usage credit is sometimes recorded by the proxy server/router detecting which device is performing the access. Device identification can be accomplished in a variety of ways including a header/tag inserted into the traffic by the device, a route in the network specified for that device, a secure link (e.g., TLS/SSL, IP Sec, or other secure tunnel), a unique device IP address or other credential (e.g., where proxy server/router has access to an active IP address look up function), a unique proxy server/router address and/or socket for the device.

[0093] In some embodiments, the coordination of the device service controller traffic control elements with a proxy server/outer can make it simpler to locate, install, provision and operate the proxy servers. The proxy server/routers do not need to be located "in line" with the access network because it is the device's responsibility to make sure the traffic is routed to the servers/routers or else there is not credit and the user account is charged. In some embodiments, this makes it unnecessary or reduces the need to force device traffic routes in carrier network. In some embodiments, the proxy server/routers can be located in carrier network or on the Internet. If the proxy server/routers are on Internet, then traffic can be authenticated in a firewall before being passed to server/routers to enhance security to attack.

[0094] In some embodiments, the service charging bucket recording software in the proxy server/router can be programmed into an ambient service partners network equipment directly thus eliminating the need for special apparatus. The ambient service partners equipment (e.g., a web server, load balancer or router) can recognize the device using one of the techniques described above, aggregate the device service charging bucket accounting, and periodically send the usage accounting to the service controller or other network service usage mediation function.

[0095] Programming and/or provisioning the types of ambient services, user service plan services and/or specialized services disclosed in various embodiments described herein can be a complex process. In some embodiments, a simplified user programming interface, also referred to herein as a service design interface, is used to program the necessary policy settings for such

services is desirable. For example, a service design interface is provided that organizes and/or categorizes the various policy settings that are required to set up an ambient service (e.g., or other service) including one or more of the following: a policy list of service activities that are allowed under the ambient service (e.g., or other service), access control policies, rules for implementing and/or adapting an allowed list of network destinations, rules for implementing and/or adapting a blocked list of network destinations, service charging bucket policies, user notification policies, service control, and/or service charging bucket verification policies, actions to be taken upon verification errors. In some embodiments, the required information for one or more of these policy sets is formatted into a UI that organizes and simplifies the programming of the policies. In some embodiments, the UI is partly graphical to help the user understand the information and what settings need to be defined in order to define the service. In some embodiments, the UI is created with an XML interface. In some embodiments, the UI is offered via a secure web connection. In some embodiments, a basic service policy for an ambient service (e.g., or another service) is created that includes one or more of the above service policy settings, and then this service policy set becomes a list or an object that can be replicated and used in multiple service plan policy set definitions (e.g., "dragged and dropped" in a graphical UI). In some embodiments, the resulting set of policies created in this service design interface are then distributed to the necessary policy control elements in the network and/or on the device that act in coordination to implement the service policy set for a given device group. For example, if a service processor is used in conjunction with a service controller, then the service design interface can load the service policy settings subsets that need to be programmed on the service controller and the device service processor into the service controller, and the service controller loads the service controller policy settings subset into the service controller components that control the policies and loads the device policy settings subset to the devices that belong to that device group. In embodiments in which a proxy server/router is used to help control and account for services, in some embodiments, the service design interface loads the service policy settings subsets that need to be programmed on the proxy server/router into the proxy server/router. In embodiments where other network equipment (e.g., gateways, base stations, service usage recording/aggregation/feed equipment, AAA, home agent/HLR, mediation system, and/or billing system) need to be provisioned or programmed, in some embodiments, the service design interface also loads the appropriate device group policy subsets

to each of the equipment elements. Accordingly, various techniques can be used as described herein to greatly simplify the complex task of translating a service policy set or service plan into all the myriad equipment and/or device settings, programming, and/or provisioning commands required to correctly implement the service. It will now be apparent to one of ordinary skill in the art that various of these techniques can similarly be used for the VSP service design interface.

[0096] Those of ordinary skill in the art will appreciate that various other rules can be provided for the rules engine as described herein. Those of ordinary skill in the art will also appreciate that the functions described herein can be implemented using various other network architectures and network implementations (e.g., using various other networking protocols and corresponding network equipment and techniques).

[0097] Although the foregoing embodiments have been described in some detail for purposes of clarity of understanding, the invention is not limited to the details provided. There are many alternative ways of implementing the invention. The disclosed embodiments are illustrative and not restrictive.

[0098] WHAT IS CLAIMED IS:

CLAIMS

1. A system, comprising:

a processor of a communications device configured to:

implement an ambient service profile for assisting control of the communications device use of an ambient service on a wireless network, wherein the ambient service profile includes a plurality of service policy settings, and wherein the ambient service profile is associated with an ambient service plan that provides for initial access to the ambient service with limited service capabilities prior to activation of a new service plan;

monitor use of the ambient service based on the ambient service profile; and

adapt the ambient service profile based on the monitored use of the ambient service;

a memory of the communications device coupled to the processor and configured to provide the processor with instructions.

2. The system recited in claim 1, wherein the ambient service profile is implemented at least in part by a proxy network device, wherein the monitored use of the ambient service based on the ambient service profile is performed at least in part by the proxy network device, and wherein the proxy network device periodically sends an updated ambient service profile to the communications device, wherein the proxy network device is a proxy server or a router.

3. The system recited in claim 1, wherein the ambient service plan allows for access to the ambient service with limited service capabilities that are limited based on one or more of the following: period of time, network address, service type, content type, application type, bandwidth, and data usage.

4. The system recited in claim 1, wherein the ambient service plan is a low cost or free trial service plan that is bundled or provided as an option for purchase at a point of sale of the communications device.

5. The system recited in claim 1, wherein the communications device is activated prior to a point of sale of the communications device, and the ambient service plan is associated with the communications device during activation.

6. The system recited in claim 1, wherein the ambient service plan is associated with the communications device during one or more of the following: a manufacture of the communications device, a distribution of the communications device, or a point of sale of the communications device.

7. The system recited in claim 1, wherein the ambient service plan includes an option to purchase a new service plan for the communications device, wherein the new service plan includes additional service capabilities.

8. The system recited in claim 1, wherein the ambient service profile is programmable by one or more of the following: a manufacturer, a service provider, a distributor, a virtual service provider, and a device manager.

9. The system recited in claim 1, wherein the ambient service is a transaction based service, wherein service usage for the ambient service by the communications device is not billed, and wherein electronic commerce based transactions performed using the communications device are billed as transaction based charges.

10. The system recited in claim 1, wherein the ambient service is a transaction based service, wherein electronic commerce based transactions performed using the communications device are billed as transaction based charges, and wherein at least a portion of service usage costs are billed to one or more of the following: an advertiser, a transaction provider, a mobile virtual network operator, a virtual service provider, and an ambient service provider.

11. The system recited in claim 1, wherein the communications device is a mobile communications device or an intermediate networking device, and the ambient service includes one or more Internet based services.

12. The system recited in claim 1, wherein the communications device is a mobile communications device, and the ambient service includes one or more Internet based services, and wherein the mobile communications device includes one or more of the following: a mobile phone, a PDA, an eBook reader, a music device, an entertainment/gaming device, a computer, laptop, a netbook, a tablet, and a home networking system.

13. The system recited in claim 1, wherein the communications device includes a modem, and the processor is located in the modem.

14. The system recited in claim 1, wherein the service policy settings include one or more of the following: access control settings, traffic control settings, billing system settings, user notification with acknowledgement settings, user notification with synchronized service usage information, user privacy settings, user preference settings, authentication settings, admission control settings, application access settings, content access settings, transaction settings, and network or device management communication settings.

15. The system recited in claim 1, wherein the implementation of the first service profile is verified based on one or more of the following: device based service usage information and network based service usage information.

16. The system recited in claim 1, wherein the processor of the communications device is further configured to:

determine whether a requested access should be allowed based on the ambient service profile;

determine whether a requested access should be blocked based on the ambient service profile; and

determine whether a requested access should be allowed and monitored based on the ambient service profile.

17. The system recited in claim 1, wherein the processor of the communications device is further configured to:

determine whether a requested access should be allowed based on the ambient service profile;

determine whether a requested access should be blocked based on the ambient service profile; and

determine whether a requested access should be allowed and monitored based on the ambient service profile,

wherein the ambient service profile includes a surf-out option.

18. The system recited in claim 1, wherein the processor of the communications device is further configured to:

modify the ambient service profile based on updates received from the network.

19. The system recited in claim 1, wherein the processor of the communications device is further configured to:

monitor a requested access based on the ambient service profile; and

adapt the ambient service profile based on the monitored access, wherein the ambient service profile includes a set of ambient service allow access rules, a set of ambient service monitoring access rules, and a set of ambient service block access rules.

20. The system recited in claim 1, wherein the processor of the communications device is further configured to:

monitor a requested access based on the ambient service profile, wherein the ambient service profile includes a surf-out option; and

adapt the ambient service profile based on the monitored access, wherein the ambient service profile includes a set of ambient service allow access rules, a set of ambient service monitoring access rules, and a set of ambient service block access rules.

21. The system recited in claim 1, wherein the processor of the communications device is further configured to:

monitor a requested access based on the ambient service profile using one or more of the following: determine whether the requested access is associated with the ambient service, analyze ambient service usage, query the ambient service to verify the requested access, and test the source of the requested access; and

adapt the ambient service profile based on the monitored access, wherein the ambient service profile includes a set of ambient service allow access rules, a set of ambient service monitoring access rules, and a set of ambient service block access rules.

22. A method, comprising:

implementing an ambient service profile for assisting control of the communications device use of an ambient service on a wireless network, wherein the ambient service profile includes a plurality of service policy settings, and wherein the ambient service profile is associated with an ambient service plan that provides for initial access to the ambient service with limited service capabilities prior to activation of a new service plan;

monitoring use of the ambient service based on the ambient service profile; and

adapting the ambient service profile based on the monitored use of the ambient service.

23. A computer program product, the computer program product being embodied in a computer readable storage medium and comprising computer instructions for:

implementing an ambient service profile for assisting control of the communications device use of an ambient service on a wireless network, wherein the ambient service profile includes a plurality of service policy settings, and wherein the ambient service profile is associated with an ambient service plan that provides for initial access to the ambient service with limited service capabilities prior to activation of a new service plan;

monitoring use of the ambient service based on the ambient service profile; and

adapting the ambient service profile based on the monitored use of the ambient service.

24. A system, comprising:

a processor of a proxy server configured to:

implement an ambient service profile for assisting control of a plurality of communications devices use of an ambient service on a wireless network, wherein the ambient service profile includes a plurality of service policy settings, and wherein the ambient service profile is associated with an ambient service plan that provides for initial access to the ambient service with limited service capabilities prior to activation of a new service plan;

monitor use of the ambient service based on the ambient service profile; and

adapt the ambient service profile based on the monitored use of the ambient service;

a memory of the proxy server coupled to the processor and configured to provide the processor with instructions.

25. The system recited in claim 24, wherein the processor of the proxy server is further configured to:

monitor a requested access based on the ambient service profile, wherein the ambient service profile includes a surf-out option; and

adapt the ambient service profile based on the monitored access, wherein the ambient service profile includes a set of ambient service allow access rules, a set of ambient service monitoring access rules, and a set of ambient service block access rules,

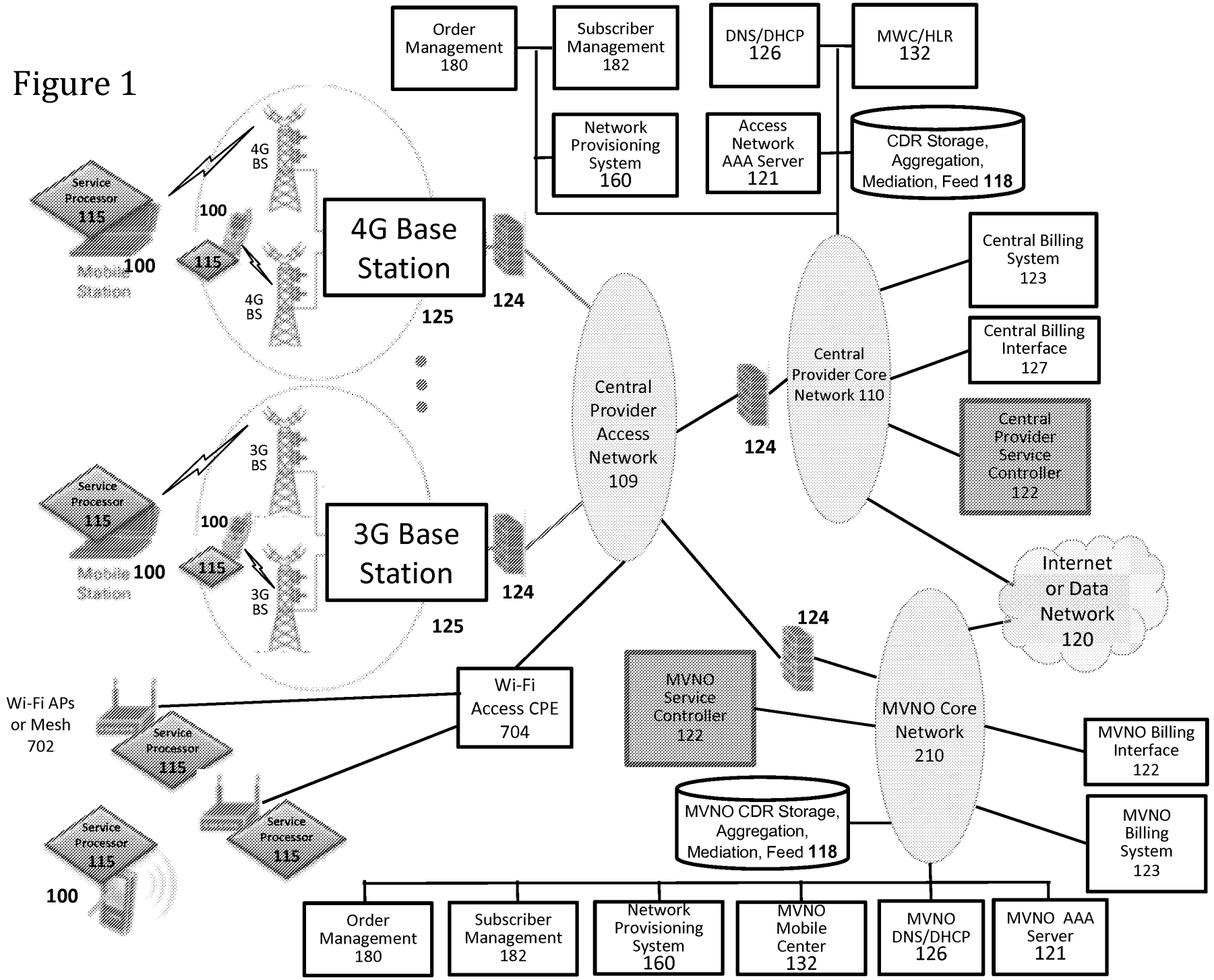
wherein the proxy server is also configured to facilitate an upgraded service, wherein the upgraded service is associated with a non-ambient service plan.

ADAPTIVE AMBIENT SERVICES

ABSTRACT OF THE DISCLOSURE

[0099] Adaptive ambient services are provided. In some embodiments, an adaptive ambient service includes providing an ambient service profile. In some embodiments, an ambient service includes implementing an ambient service profile for assisting control of the communications device use of an ambient service on a wireless network, in which the ambient service profile includes a plurality of service policy settings, and in which the ambient service profile is associated with an ambient service plan that provides for initial access to the ambient service with limited service capabilities prior to activation of a new service plan; monitoring use of the ambient service based on the ambient service profile; and adapting the ambient service profile based on the monitored use of the ambient service.

Figure 1


Order Management 180
Subscriber Management 182
DNS/DHCP 126
MWC/HLR 132
Network Provisioning System 160
Access Network AAA Server 121
CDR Storage, Aggregation, Mediation, Feed 118
4G BS
Service Processor 115
100
Mobile Station
4G Base Station
125
124
Central Billing System 123
Central Billing Interface 127
Central Provider Core Network 110
Central Provider Access Network 109
Central Provider Service Controller 122
3G BS
3G Base Station
Internet or Data Network 120
Wi-Fi APs or Mesh 702
Wi-Fi Access CPE 704
MVNO Service Controller 122
MVNO Core Network 210
MVNO Billing Interface 122
MVNO CDR Storage, Aggregation, Mediation, Feed 118
MVNO Billing System 123
Order Management 180
Subscriber Management 182
Network Provisioning System 160
MVNO Mobile Center 132
MVNO DNS/DHCP 126
MVNO AAA Server 121

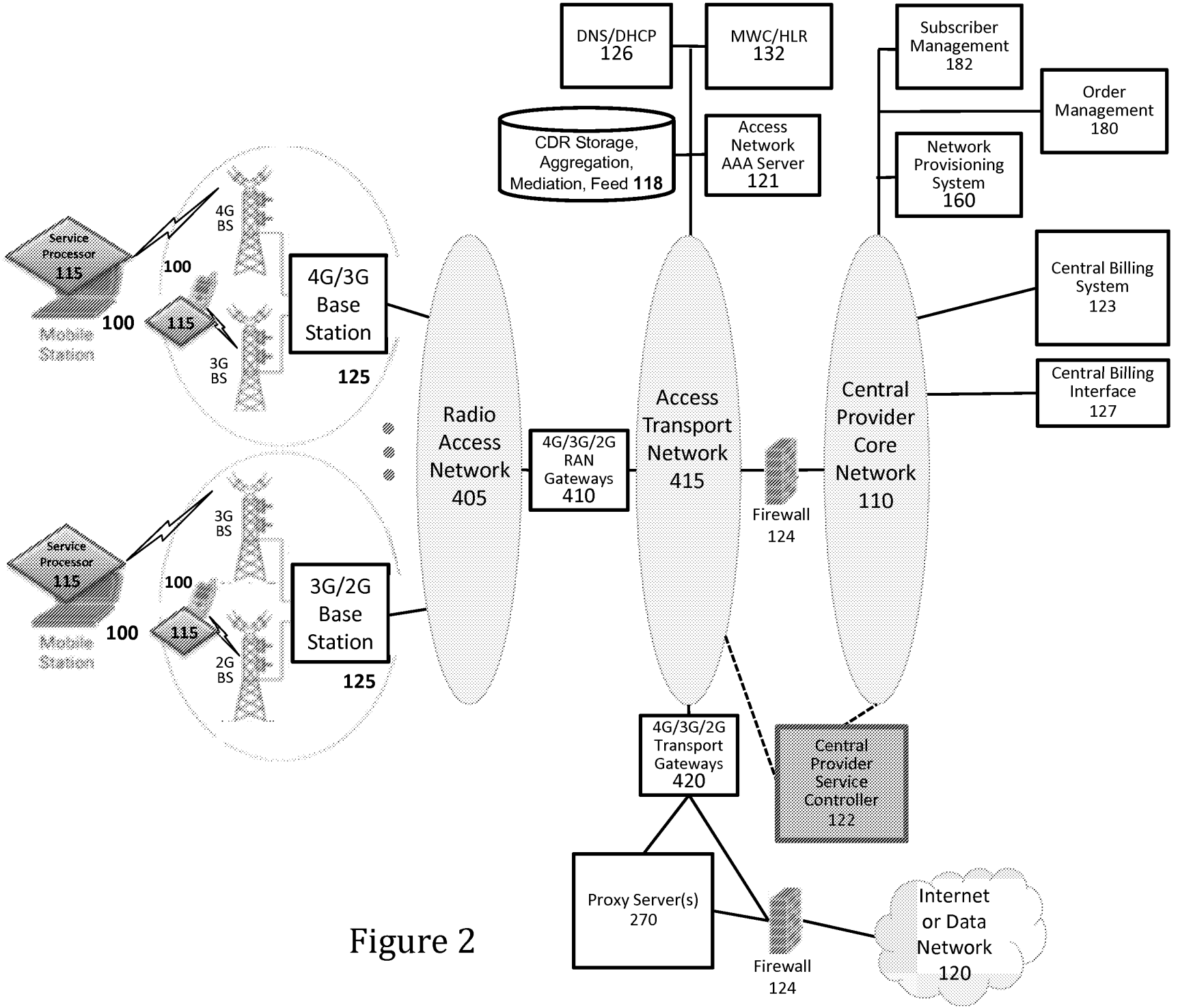

DNS/DHCP
126
MWC/HLR
132
Subscriber Management
182
Order Management
180
CDR Storage, Aggregation, Mediation, Feed 118
Access Network AAA Server
121
Network Provisioning System
160
Central Billing System
123
Central Billing Interface
127
Service Processor
115
4G BS
100
Mobile Station
3G BS
4G/3G Base Station
125
Radio Access Network
405
4G/3G/2G RAN Gateways
410
Access Transport Network
415
Firewall
124
Central Provider Core Network
110
Service Processor
115
3G BS
100
Mobile Station
2G BS
3G/2G Base Station
125
4G/3G/2G Transport Gateways
420
Central Provider Service Controller
122
Proxy Server(s)
270
Firewall
124
Internet or Data Network
120

Figure 2

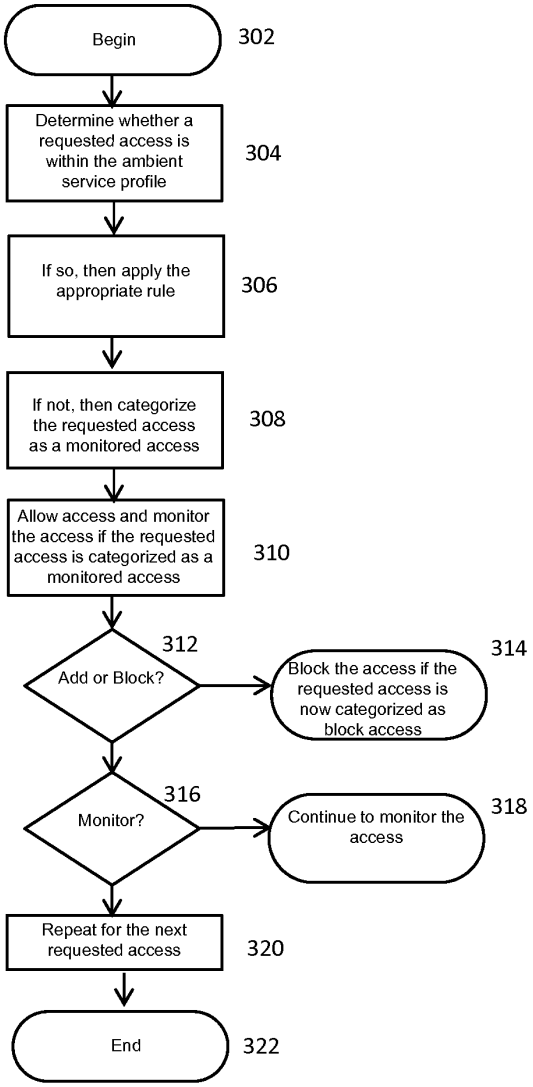

Begin
302
Determine whether a requested access is within the ambient service profile
304
If so, then apply the appropriate rule
306
If not, then categorize the requested access as a monitored access
308
Allow access and monitor the access if the requested access is categorized as a monitored access
310
312
Add or Block?
314
Block the access if the requested access is now categorized as block access
316
Monitor?
318
Continue to monitor the access
Repeat for the next requested access
320
End
322

Figure 3

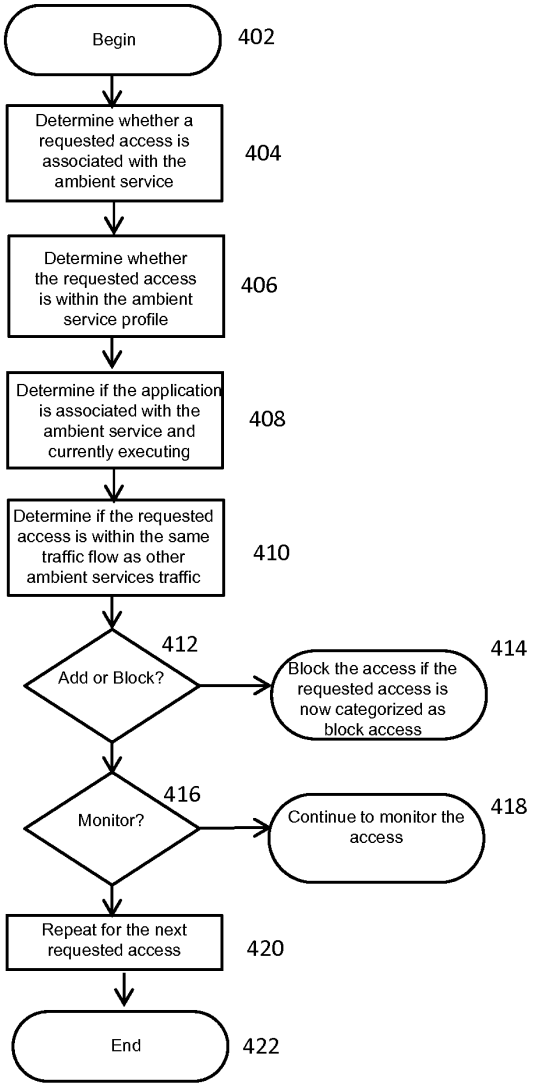

Begin
402
Determine whether a requested access is associated with the ambient service
404
Determine whether the requested access is within the ambient service profile
406
Determine if the application is associated with the ambient service and currently executing
408
Determine if the requested access is within the same traffic flow as other ambient services traffic
410
412
Add or Block?
414
Block the access if the requested access is now categorized as block access
416
Monitor?
418
Continue to monitor the access
Repeat for the next requested access
420
End
422

Figure 4

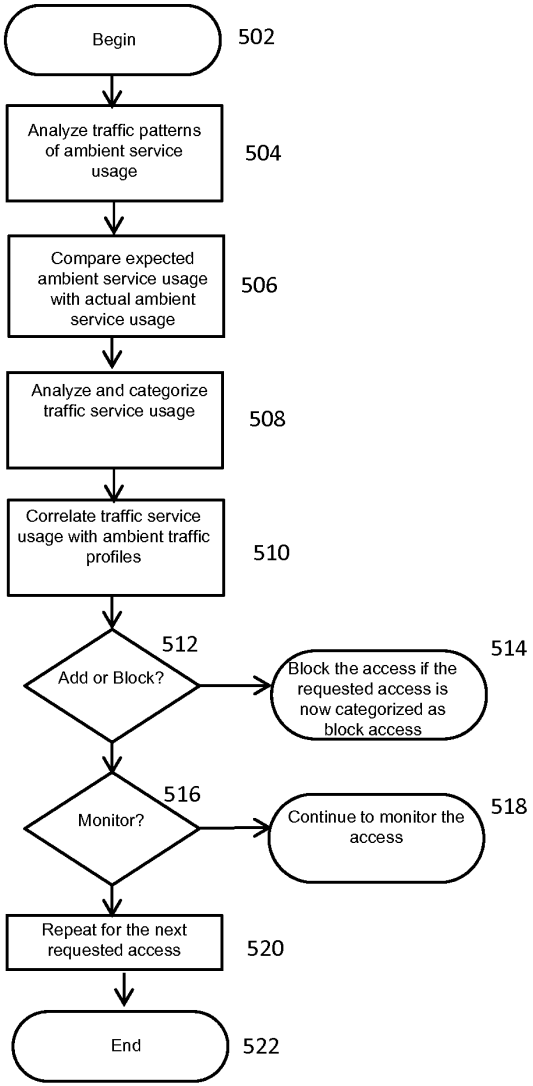

Begin
502
Analyze traffic patterns of ambient service usage
504
Compare expected ambient service usage with actual ambient service usage
506
Analyze and categorize traffic service usage
508
Correlate traffic service usage with ambient traffic profiles
510
512
Add or Block?
514
Block the access if the requested access is now categorized as block access
516
Monitor?
518
Continue to monitor the access
Repeat for the next requested access
520
End
522

Figure 5

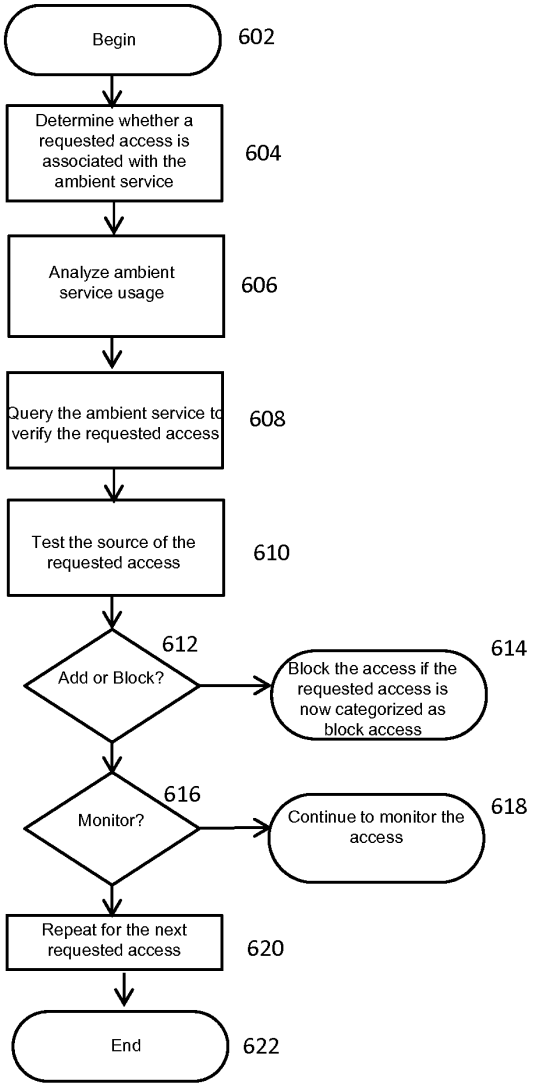

Begin
602
Determine whether a requested access is associated with the ambient service
604
Analyze ambient service usage
606
Query the ambient service to verify the requested access
608
Test the source of the requested access
610
612
Add or Block?
614
Block the access if the requested access is now categorized as block access
616
Monitor?
618
Continue to monitor the access
Repeat for the next requested access
620
End
622

Figure 6

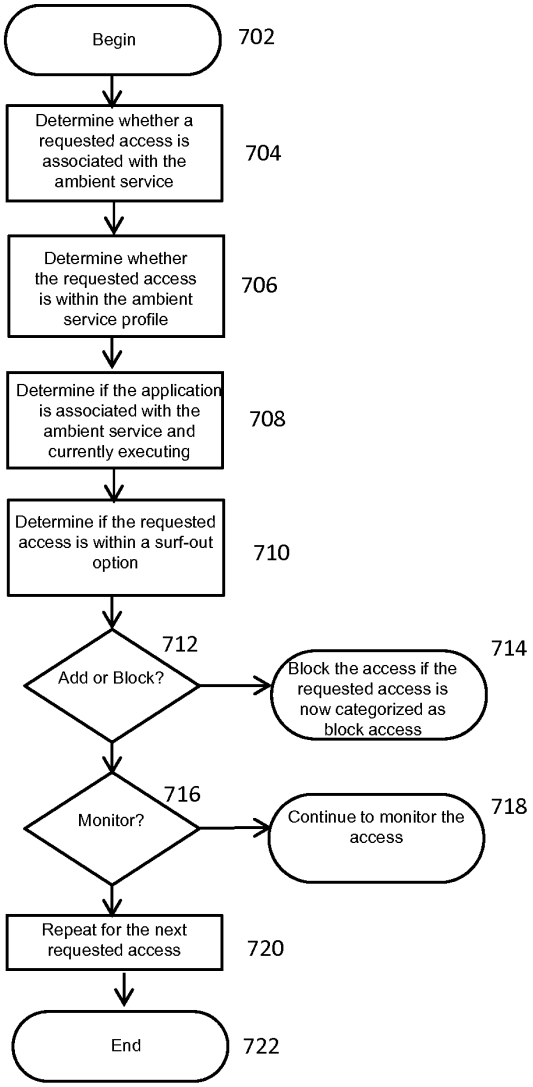

Begin
702
Determine whether a requested access is associated with the ambient service
704
Determine whether the requested access is within the ambient service profile
706
Determine if the application is associated with the ambient service and currently executing
708
Determine if the requested access is within a surf-out option
710
712
Add or Block?
714
Block the access if the requested access is now categorized as block access
716
Monitor?
718
Continue to monitor the access
Repeat for the next requested access
720
End
722

Figure 7

Electronic Acknowledgement Receipt

EFS ID:	6890952
Application Number:	12695020
International Application Number:	
Confirmation Number:	7074
Title of Invention:	ADAPTIVE AMBIENT SERVICES
First Named Inventor/Applicant Name:	Gregory G. Raleigh
Customer Number:	21912
Filer:	Michael J. Schallop/Veronica Pula
Filer Authorized By:	Michael J. Schallop
Attorney Docket Number:	RALEP024
Receipt Date:	27-JAN-2010
Filing Date:	
Time Stamp:	18:36:56
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	Application Data Sheet	RALEP024_Application_Data_Sheet_sb0014_fill.pdf	965226 772bb918a5501a2bc00cc3ab5cff7c7de4a9261b	no	5

Warnings:	
Information:	

2		RALEP024_APP.pdf	233174 06116a5a72a2bc6ffe23361680a872c03f32569d	yes	59

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Transmittal of New Application	1	1
	Specification	2	52
	Claims	53	58
	Abstract	59	59

Warnings:

Information:

3	Drawings-only black and white line drawings	RALEP024_Figures.pdf	644517 ceb88ff9bd52086842b8d3151a8613938480a320	no	7

Warnings:

Information:

Total Files Size (in bytes):	1842917

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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.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	RALEP024
	Application Number	
Title of Invention	ADAPTIVE AMBIENT SERVICES	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2

☐ 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 ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Gregory	G.	Raleigh	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	Woodside	State/Province	CA	Country of Residence [i]	US

Citizenship under 37 CFR 1.41(b) [i] US

Mailing Address of Applicant:

Address 1	2995 Woodside Road
Address 2	Suite 400

City	Woodside	State/Province	CA
Postal Code	94062	Country [i]	US

Applicant 2 Remove

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Rob		Rightmyer	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	Santa Clara	State/Province	CA	Country of Residence [i]	US

Citizenship under 37 CFR 1.41(b) [i] US

Mailing Address of Applicant:

Address 1	2995 Woodside Road
Address 2	Suite 400

City	Woodside	State/Province	CA
Postal Code	94062	Country [i]	US

Applicant 3 Remove

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
	Vladislav		Kudelin	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	Los Altos	State/Province	CA	Country of Residence [i]	US

PTO/SB/14 (07-07)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	RALEP024
	Application Number	
Title of Invention	ADAPTIVE AMBIENT SERVICES	

Citizenship under 37 CFR 1.41(b) [i]	US		
Mailing Address of Applicant:			
Address 1	2995 Woodside Road		
Address 2	Suite 400		
City	Woodside	**State/Province**	CA
Postal Code	94062	**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).

☐ **An Address is being provided for the correspondence Information of this application.**

Customer Number	21912		
Email Address		Add Email	Remove Email

Application Information:

Title of the Invention	ADAPTIVE AMBIENT SERVICES		
Attorney Docket Number	RALEP024	**Small Entity Status Claimed**	☐
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		**Sub Class (if any)**	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	7	**Suggested Figure for Publication (if any)**	

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **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:	◉ Customer Number	○ US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	RALEP024
	Application Number	
Title of Invention	ADAPTIVE AMBIENT SERVICES	

Customer Number	21912

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 in part of	12380780	2009-03-02
Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61206354	2009-01-28
Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61206944	2009-02-04
Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61207393	2009-02-10
Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61207739	2009-02-13
Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61275208	2009-08-25
Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	61237753	2009-08-28

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
			◉ Yes ○ No

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	RALEP024
	Application Number	
Title of Invention	ADAPTIVE AMBIENT SERVICES	

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

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. ☒

Organization Name	Headwater Partners I LLC		
Mailing Address Information:			
Address 1	2995 Woodside Road		
Address 2	Suite 400		
City	Woodside	**State/Province**	CA
Country [i]	US	Postal Code	94062
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	/Michael J. Schallop/			Date (YYYY-MM-DD)	2010-01-27
First Name	Michael	Last Name	Schallop	Registration Number	44319

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.

SCORE Placeholder Sheet for IFW Content

Application Number: 12695020 Document Date: 1/27/2010

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.

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- 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

PTO/SB/06 (12-04)

Date: **01/27/10**

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 12/695,020

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	330
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	540
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	220
TOTAL CLAIMS (37 CFR 1.16(i))	25 minus 20 =	5	x$26		OR	x$52	260
INDEPENDENT CLAIMS (37 CFR 1.16(h))	4 minus 3 =	* 1	x$110			x$220	220
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $260 ($130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			195			390	
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	1570

APPLICATION AS AMENDED – PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDI-TIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDI-TIONAL FEE ($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		OR	N/A	
						TOTAL ADD'T FEE		OR	TOTAL ADD'T FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDI-TIONAL FEE ($)	OR	RATE ($)	ADDI-TIONAL FEE ($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		OR	N/A	
						TOTAL ADD'T FEE		OR	TOTAL ADD'T FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

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

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