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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,940	09/16/2003	Kimball C. Chen	64171.000002	2033
21967	7590	03/03/2011	EXAMINER	
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			BORISSOV, IGOR N	
			ART UNIT	PAPER NUMBER
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**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.

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* KIMBALL C. CHEN, ALEXANDER W. EVANS, and DANIEL  
E. SHPRECHER

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Appeal 2010-000055  
Application 10/662,940  
Technology Center 3600

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Before, HUBERT C. LORIN, ANTON W. FETTING and JOSEPH A.  
FISCHETTI, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

Appeal 2010-000055  
Application 10/662,940

### STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1-3, 7, 8, 13, 15, 17, 19, 152, 180-182, 186, 187, 192, 194, 196, 198, and 331. Claims 4-6, 9-12, 14, 16, 18, 20-151, 153-179, 183-185, 188-191, 193, 195, 197, 199-330, and 332-432 have been withdrawn. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

An oral hearing was held on January 20, 2011.

### SUMMARY OF DECISION

We AFFIRM.

### THE INVENTION

Appellants claim a system and method for controlling, monitoring and managing remote devices for reducing demand/consumption to resource supply based on user defined data. (Specification 1: 15-19).

Claim 1, reproduced below, is representative of the subject matter on appeal.

Claim 1. (Previously Presented) A method for controlling one or more of resource-consumption and resource-production associated with a plurality of remote devices, the method comprising the steps of:

automatically generating at least one informational message at a central server responsive to one or more of resource-consumption by, resource-production by, operating characteristics of, and operational state of at least one device of

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the plurality of remote devices; and transmitting the at least one informational message to at least one communication device, where the at least one communication device initiates at least one action for providing a change of one or more of resource-consumption by, resource-production by, operating characteristics of, and operational state of one or more of the following: a) the at least one device of the plurality of remote devices, b) one or more second devices of the plurality of remote devices, wherein the one or more second devices is different from the at least one device and c) one or more devices of a second plurality of remote devices, wherein the second plurality of remote devices is different from the plurality of remote devices.

#### THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

Brown	US 5,544,036	Aug. 6, 1996
Woolard	US 6,178,362 B1	Jan. 23, 2001

The following rejection is before us for review.

The Examiner rejected claims 1-3, 7, 8, 13, 15, 17, 19, 152, 180-182, 186, 187, 192, 194, 196, 198, and 331 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Woolard.

#### ISSUE

Did the Examiner err in rejecting claims 1-3, 7, 8, 13, 15, 17, 19, 152, 180-182, 186, 187, 192, 194, 196, 198, and 331 on appeal as being unpatentable under 35 U.S.C. § 103(a) over Brown in view of Woolard on the grounds that a person with ordinary skill in the art would understand that

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