

PATENT OWNER  
EXHIBIT 2012



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.
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
			3628	
			MAIL DATE	DELIVERY MODE
			03/03/2011	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

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

---

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

---

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 Claims 4-6, 9-12, 14, 16, 18, 20-151, 153-179, 183-185, 188-191, 193, 195, 197, 199-330, and 332-432 have been withdrawn.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

Appeal 2010-000055  
Application 10/662,940

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

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.