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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/360,942	01/28/2009	Mario Boisvert	14 733C2D1 US CON1	7355
26294	7590	04/01/2011	EXAMINER	
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVELAND, OH 44114			FLETCHER, MARLON T	
			ART UNIT	PAPER NUMBER
			2832	
			MAIL DATE	DELIVERY MODE
			04/01/2011	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.

<b>Office Action Summary</b>	<b>Application No.</b> 12/360,942	<b>Applicant(s)</b> BOISVERT ET AL.	
	<b>Examiner</b> Marlon T. Fletcher	<b>Art Unit</b> 2832	

-- 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 13 January 2011.
- 2a)  This action is **FINAL**.
- 2b)  This action is non final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 29-39 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 29 39 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO 152.

**Priority under 35 U.S.C. § 119**

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

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

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftperson'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 \_\_\_\_\_

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 29-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Takeda et al. (5,404,673).

Takeda et al. disclose an apparatus for controlling activation of a motor coupled to a motor vehicle window or panel for moving said window or panel along a travel path and deactivating the motor if an obstacle is encountered by the window or panel, said apparatus comprising: a sensor (MRS/WTS) for sensing movement of the window or panel and providing a sensor output signal related to a speed of movement of the window or panel; a switch (101) for controllably actuating the motor by providing an energization signal; and a controller (100) having an interface coupled to the sensor and the switch for controllably energizing the motor; said controller sensing a collision with an obstruction when power is applied to the controller (abstract; and column 5, lines 47-64) monitoring movement of the window or panel by monitoring a signal from the sensor related to the movement of the window or panel (column 5, lines 7-28); adjusting an obstacle detection threshold in real time based on immediate past measurements of the signal sensed by the sensor to adapt to varying conditions encountered during operation of the window or panel (column 5, line 65- column 6, line 52); identifying a collision of the window or panel with an obstacle due to a change in the signal from the sensor

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that is related to a change in movement of the window or panel by comparing a value based on a most recent signal from the sensor with the obstacle detection threshold (column 6, lines 6-52); and outputting a control signal to said switch to deactivate said motor in response to a sensing of a collision between an obstacle and said window or panel (column 6, lines 37-52).

Takeda et al. disclose the apparatus wherein the controller comprises a programmable controller including a processing unit for executing a control program and including a memory for storing multiple window or panel speed values corresponding to a signal received from the sensor (column 5, lines 7-39 and 47-64).

Takeda et al. disclose the apparatus additionally comprising one or more limit switches for use by the controller to determine window or panel position for use in identifying a collision (column 5, lines 3-46).

Takeda et al. disclose the apparatus wherein the controller maintains a position of a leading edge of the window or panel and further wherein the controller reverse energizes the motor to move the window or panel away from a closure position prior to activating the motor to close the window or panel (column 6, lines 37-52).

Takeda et al. disclose the apparatus wherein the immediate past measurements of said signal are sensed within a forty millisecond interval prior to the most recent signal from the sensor (inherent time could be set/preset - column 5, lines 7-28 and column 6, lines 6-25).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063.

The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. 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.

MTF  
3/28/2011

/Marlon T Fletcher/  
Primary Examiner, Art Unit 2832

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