



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.
90/013,252	05/22/2014	5,954,781		9999

88360 7590 10/21/2014
Richards Patent Law P.C.
233 S. Wacker Dr., 84th Floor
Chicago, IL 60606

EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
3992	

MAIL DATE	DELIVERY MODE
10/21/2014	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.



DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

KENYON & KENYON LLP

ONE BROADWAY

NEW YORK, NY 10004

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/013,252.

PATENT NO. 5,954,781.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Office Action in Ex Parte Reexamination	Control No. 90/013,252	Patent Under Reexamination 5,954,781	
	Examiner DAVID ENGLAND	Art Unit 3992	AIA (First Inventor to File) Status No

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

- a. Responsive to the communication(s) filed on 06/27/2014 .
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- b. This action is made FINAL.
- c. A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire _____ month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c)**. If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input checked="" type="checkbox"/> Information Disclosure Statement, PTO/SB/08. | 4. <input type="checkbox"/> _____. |

Part II SUMMARY OF ACTION

- 1a. Claims 1, 2, 4, 5, 7, 8, 10, 12, 13, 15, and 17 – 32 are subject to reexamination.
- 1b. Claims 3, 6, 9, 11, 14 and 16 are not subject to reexamination.
2. Claims _____ have been canceled in the present reexamination proceeding.
3. Claims 1, 2, 4, 5, 7, 8, 10, 12, 13, 15, and 17 – 30 are patentable and/or confirmed.
4. Claims 31, 32 are rejected.
5. Claims _____ are objected to.
6. The drawings, filed on _____ are acceptable.
7. The proposed drawing correction, filed on _____ has been (7a) approved (7b) disapproved.
8. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the certified copies have
1 been received.
2 not been received.
3 been filed in Application No. _____ .
4 been filed in reexamination Control No. _____ .
5 been received by the International Bureau in PCT application No. _____ .
- * See the attached detailed Office action for a list of the certified copies not received.
9. Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate 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.
10. Other: _____

Art Unit: 3992

DETAILED EX PARTE REEXAMINATION NON-FINAL OFFICE ACTION

I. INTRODUCTION

This is a first Non-Final Office Action on the merits in the *Ex Parte* Reexamination of claims 1, 2, 4, 5, 7, 8, 10, 12, 13, 15, and 17 – 32 of US Patent No. US 5,954,781 to Slepian et al., hereinafter “the ‘781 Patent”.

The present application is being examined under the pre-AIA first to invent provisions.

A. References Cited in this Office Action

1. The prior art patents and/or printed publications, hereinafter “the references”, which have been submitted 08/22/2014, have been considered and are relied upon in this Office Action are relisted as follows.

- a. Automotive Electronics Handbook, by Ronald Jurgen (“Jurgen”).
- b. U.S. Patent No. 5,477,452 to Milunas et al. (“Saturn ‘452”).
- c. U.S. Patent No. 4,559,599 to Habu et al. (“Toyota ‘599”).
- d. German Patent Application Publication No. 29 26 070 (“Volkswagen ‘070”).
- e. U.S. Patent No. 5,357,438 to Davidian (“Davidian”).
- f. PCT Publication No. WO 96/02853 (“Tonkin”).

Art Unit: 3992

II. REJECTIONS

A. Relevant Statutes – Claim Rejections

1. *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of pre-AIA 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 –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. *Claim Rejections - 35 USC § 103*

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

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

B. Detailed Analysis of the Rejection

The Examiner will use the shorthand notation of “1:1-5” for Column 1, lines 1-5.

1. Claim 31 is rejected under pre-AIA 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 5,357,438 to Davidian, hereinafter “**Davidian**”.

RE: Claim 31

Apparatus for optimizing operation of a vehicle, comprising:

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.