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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.	
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HERNANDEZ, O	
EXAMINER	
3661	PAPER NUMBER
ART UNIT	01/08/99


DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

### Office Action Summary

Application No. <b>08/795,999</b>	Applicant(s) <b>Cluff</b>
Examiner <b>Olga Hernandez</b>	Group Art Unit <b>3661</b>



- Responsive to communication(s) filed on \_\_\_\_\_.
- This action is **FINAL**.
- 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.
- A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- Claim(s) 1-9 \_\_\_\_\_ is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) 6-9 \_\_\_\_\_ is/are allowed.
- Claim(s) 1-4 \_\_\_\_\_ is/are rejected.
- Claim(s) 5 \_\_\_\_\_ is/are objected to.
- Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been
- received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received: \_\_\_\_\_.
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

Application/Control Number: 08/795999

Page 2

Art Unit: 3661

### DETAILED ACTION

#### *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 --

(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. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Omura.

Omura in patent 5,398,185 discloses a system acquires that data on occupant presence and/or position and a communication system (figure 1, item 9) for communicating such data to a control circuit. Omura discloses how to establish a message interval for presence data; devoting a first portion of each interval to low rate presence data reserving a second portion of each interval for position data and transmit at least one of the presence and position data and encoding (item 75, figure 4) occupant presence data into a message by setting the nominal logic states of successive intervals to values in accord with the code.

#### *Claim Rejections - 35 USC § 103*

3. 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

Art Unit: 3661

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.\*

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura in view of Kamei et al.

Omura is relied upon as in paragraph 2 above.

Kamei et al. discloses an automotive occupant sensing device that sensing the presence of an occupant and the position of an infant seat. Also encoding occupant presence data into a message by setting the nominal logic states of successive intervals to values representing the sensed condition in accord with the code.

In view of Kamei et al's teachings, it would be obvious to one of ordinary skill in the art to adapt the Kamei et al to have placed a sensor for an infant seat on the system of Omura thereby providing increased safety for infants.

*Allowable Subject Matter*

5. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*



Application/Control Number: 08/795999

Page 4


Art Unit: 3661

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takeda et al. in patent 5,782,485, Liu et al. in patent 5,801,619, Furui et al. in patent 5,406,127 and Gornig in patent 5,689,421.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is (703) 305-0918. The examiner can normally be reached on Monday to Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Cuchlinski, can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-0285.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
WILLIAM A. CUCHLINSKI, JR.  
SUPERVISORY PATENT EXAMINER  
GROUP 3600

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