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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/551,365    04/17/00    JOAO    R    RJ315

RAYMOND A JOAO ESQ  
122 BELLEVUE PLACE  
YONKERS NY 10703

TM02/1129

EXAMINER

ART UNIT	PAPER NUMBER
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2532

DATE MAILED:

11/29/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No. 09/551,365	Applicant(s) JOAO, RAYMOND ANTHONY
Examiner Van T Trieu	Art Unit 2632

-- 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) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 17 April 2000.
- 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) 1-20 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4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.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) 1-20 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ 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 objected to by the Examiner.
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
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.
- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 15)  Notice of References Cited (PTO-892)
- 16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 18)  Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 19)  Notice of Informal Patent Application (PTO-152)

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

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 –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Launey et al** [US 5,086,385].

Regarding claim 1, **Launey et al** discloses an expandable home automation system for communicating and controlling of at least one of the appliances and subsystems within the home as well as systems external to the home. The system includes a central processor 10 (second control device) received a control signal from a hand-held remote 22 (first control device) to operate the audio/video system, heating/cooling system, access control systems, garage door system, security system, telephone system, appliances and lighting systems via wireless technology (third control device) through a plurality of secondary processors 26, 26b, see Figs. 1-3 and 12, col. 2, lines 41-61, col. 4, lines 34-50, col. 11, lines 54-64, col. 15, lines 2-10 and col. 24, lines 13-29.

Regarding claim 2, all the claimed subject matters are cited in respect to claim 1 above, such as lighting system and other appliances within the premise.

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Regarding claim 3, **Launey et al** discloses a control system that can speak in the location of the intruder or fire while displaying that location on a floor plan screen of the home, see col. 23, lines 2-4.

Regarding claim 4, **Launey et al** discloses a control system that includes security camera and video recorder, see Figs. 1 and 3h, col. 11, lines 54-68, col. 14, lines 24-28 and col. 18, lines 13-19.

Regarding claim 5, **Launey et al** discloses a control system that an unauthorized control of certain functions such as the security function of the instant home automation system, see Figs. 3j and 3k, col. 18, lines 58-64.

Regarding claim 6, **Launey et al** discloses a control system that home automation system includes audio/video system, heating/cooling system, access control systems, security system, telephone system, appliances and lighting systems via wireless technology, see Fig. 1, col. 2, lines 42-54, col. 4, lines 34-50, col. 11, lines 54-64 and col. 15, lines 2-10.

Regarding claim 7, **Launey et al** discloses a control system that home automation system includes remote microphones 64 and audio recording device, see Fig. 1, col. 10, lines 3-16, col. 11, lines 54-64 and col. 13, lines 3-18.

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Regarding claim 8, **Launey et al** discloses a control system that includes security camera and video recorder mounted at the front/entrance door or in the garage, see Figs. 1 and 3h, col. 11, lines 54-68, col. 14, lines 24-28 and col. 18, lines 13-19.

Regarding claim 9, **Launey et al** discloses a control system that home automation system includes audio recording device and remote microphones 64 for the user to communicate with the system by voice within the premise, see Fig. 1, col. 10, lines 3-16, col. 11, lines 54-64 and col. 13, lines 3-18.

Regarding claim 10, **Launey et al** discloses a control system that home automation system includes diagnostic routines 526, see Fig. 5a, col. 26, lines 44-56.

Regarding claim 11, all the claimed subject matters are cited in respect to claims 1 and 10 above.

Regarding claim 12, all the claimed subject matters are cited in respect to claims 1 and 10 above.

Regarding claim 13, all the claimed subject matters are cited in respect to claim 1 above.

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