**REEXAM-6542076**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Reexamination of: PATENT OF RAYMOND A. JOAO

Patent No.: 6,542,076

For: CONTROL, MONITORING AND/OR SECURITY APPARATUS AND METHOD

Control No.: 90/013,302

Issue Date: APRIL 1, 2003

Examiner: KARIN REICHLE

Group Art Unit: 3992

Confirmation No.: 2538

Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Sir:

This is a Response To Office Action in response to the Office Action, mailed February 12, 2015, in the above-referenced Ex Parte Reexamination of Claim 3 of U.S. Patent No. 6,542,076 (the '076 Patent), wherein the Examiner rejected Claim 3 in view of prior art references.

Based on the following Remarks, the Patent Owner respectfully submits that Claim 3 of U.S. Patent No. 6,542,076 is patentable over the prior art.

## REMARKS

Claim 3 of the '076 Patent is subject to reexamination. The Examiner has rejected Claim 3 in view of prior art references. In view of the following Remarks, the Patent Owner respectfully submits that Claim 3 of the '076 Patent is patentable over the prior art.

### I. THE 35 U.S.C. §102 REJECTIONS:

The Examiner has rejected Claim 3 of U.S. Patent No. 6,542,076 (the '076 Patent) under 35 U.S.C. §102(b) as being anticipated by Ramono, U.S. Patent No. 5,070,320 (Ramono). The Examiner has also rejected Claim 3 of the '076 Patent under 35 U.S.C. §102(b) as being anticipated by Ryoichi, et al., U.S. Patent No. 5,113,427 (Ryoichi). Lastly, the Examiner has rejected Claim 3 of the '076 Patent under 35 U.S.C. §102(e) as being anticipated by Pagliaroli, et al., U.S. Patent No. 5,276,728 (Pagliaroli).

In view of the following Remarks, the Patent Owner respectfully submits that Claim 3 of the '076 Patent is patentable over the prior art.

### 1A. The Claim Construction Standard:

The Patent Owner respectfully notes that U.S. Patent No. 6,542,076 is expired, that the claims of U.S. Patent No. 6,542,076 are thus not subject to amendment in this reexamination proceeding and, as a result, the words of Claim 3 should be given their ordinary and customary meaning. See MPEP §2258(I)(G). The pertinent portion of MPEP §2258(I)(G) provides:

In a reexamination proceeding involving claims of an expired patent, claim construction pursuant to the principle set forth by the court in *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316, 75 USPQ2d 1321, 1329 (Fed. Cir. 2005) (words of a claim "are generally given their ordinary and customary meaning" as understood by a person of ordinary skill in the art in question at the time of the invention) should be applied since the expired claim are not subject to amendment.

**IB. Background: The Invention of Claim 3 of the '076 Patent:**

The invention of Claim 3 of the '076 Patent can be described as being a distributed control system for vehicles, wherein control functions for a vehicle or for a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, or a vehicle appliance, of a vehicle, can be distributed among three separate and distinct control devices, each of which can generate or transmit a separate and distinct signal in order to control a separate fourth device of or at the vehicle, which is the respective vehicle system, vehicle equipment system, vehicle component, vehicle device, vehicle equipment, or vehicle appliance.

Each of the first control device, the second control device, and the third control device can generate or transmit a separate and distinct signal, and each of the first control device, the second control device, and the third control device is not merely a relay device and is not a device which simply retransmits a signal that it receives. As and for an illustrative example, see Col. 56, lines 27-40, Figure 11A, Col. 40, line 30 to Col. 44, line 42, and Figures 6A and 6B, steps 68, 69, 70, 73, 74, or 75, of the '076 Patent, which describe and illustrate an embodiment wherein an access code (a third signal) can be transmitted from a transmitter 2 (a third control device) to the apparatus 950 containing computer 970 (a second control device), which is located remote from the vehicle, and wherein access and command codes (a second signal) are transmitted from the apparatus

950 to the receiver 3 of apparatus 1 and with the CPU 4 (a first control device), which is located at the vehicle, generating or transmitting a respective control signal (a first signal) for respectively activating, de-activating, disabling, and re-enabling, a respective vehicle system, vehicle equipment system, vehicle component, vehicle device, vehicle equipment, or vehicle appliance (a fourth device).

Claim 3 of the '076 Patent recites:

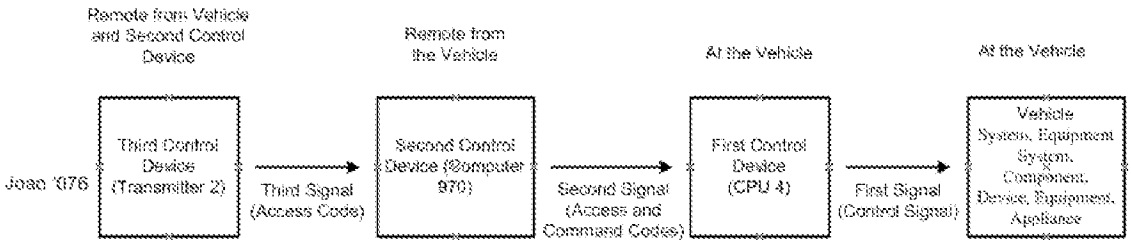
3. A control apparatus, comprising:

a first control device, wherein the first control device at least one of generates a first signal and transmits a first signal for at least one of activating, de-activating, disabling, and re-enabling, at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, of a vehicle, wherein the first control device is located at the vehicle,

wherein the first control device at least one of generates the first signal and transmits the first signal in response to a second signal, wherein the second signal is at least one of generated by a second control device and transmitted from a second control device, wherein the second control device is located at a location which is remote from the vehicle, wherein the second signal is transmitted from the second control device to the first control device, wherein the second signal is automatically received by the first control device, and further wherein the second control device at least one of generates the second signal and transmits the second signal in response to a third signal, wherein the third signal is at least one of generated by a third control device and transmitted from a third control device, wherein the third control device is located at a location which is remote from the

vehicle and remote from the second control device, wherein the third signal is transmitted from the third control device to the second control device, and further wherein the third signal is automatically received by the second control device.

The control apparatus of Claim 3 can be depicted as follows:




The invention of Claim 3 of the '076 Patent provides many benefits and advantages over prior art systems. For example, the utilization of the second control device in the distributed control system provides for the ability to perform a wide range of control and monitoring functionality for, and regarding, any number, variety, types, or kinds, of motor vehicles, boats, ships, water vessels, aircraft, spacecraft, and/or various recreational vehicles, both manned and/or unmanned, and for any number, variety, types, or kinds, of systems, equipment systems, components, devices, equipment, or appliances, of these vehicles. The invention of Claim 3 of the '076 Patent also provides for a distributed control system which can allow for greater and enhanced control and monitoring functionality and which can be utilized in connection with a wide range and/or combination of communication networks or systems, making same useful in a wide variety of applications and with a wide variety of communication devices. The invention of Claim 3 of the '076 Patent also provides for a distributed control system which can be utilized to provide control and monitoring functions over greater geographical areas and even

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