

**REEXAM-7397363**

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

In Re Reexamination of: PATENT OF RAYMOND A. JOAO

Patent No.: 7,397,363

For: CONTROL AND/OR MONITORING APPARATUS AND METHOD

Control No.: 90/013,303

Issue Date: JULY 8, 2008

Examiner: SAMUEL G. RIMELL

Group Art Unit: 3992

Confirmation No.: 3482

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 1.33(c)**

Sir:

The undersigned hereby certifies that copies of:

- (1) CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 1.33(c); and
- (2) RESPONSE TO OFFICE ACTION

are being served via First Class Mail on June 1, 2015 on the Requester's attorney of

record at the address provided below:

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Respectfully Submitted,

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Date: June 1, 2015

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**RESPONSE TO OFFICE ACTION**

Sir:

This is a Response To Office Action in response to the Office Action, mailed March 31, 2015, in the above-referenced Ex Parte Reexamination of Claim 21 of U.S. Patent No. 7,397,363 (the '363 Patent), wherein the Examiner rejected Claim 21 in view of prior art references. The Patent Owner respectfully traverses the rejection of Claim 21.

Based on the following Remarks, the Patent Owner respectfully submits that Claim 21 of U.S. Patent No. 7,397,363 is patentable over the prior art.

## REMARKS

U.S. Patent No. 7,397,363 contains 88 claims. Claim 21 is subject to reexamination. Claims 1-20 and 22-88 are not subject to reexamination. The Examiner has rejected Claim 21 in view of prior art references. In view of the following Remarks, Applicant respectfully submits that Claim 21 is patentable over the prior art.

### I. THE 35 U.S.C. §103 REJECTION:

The Examiner asserts that Claim 21 of U.S. Patent No. 7,397,363 (the '363 Patent) is rejected under pre-AIA 35 U.S.C. §103(a) as being unpatentable over Spaur, et al., U.S. Patent No. 5,732,074 (Spaur) in view of Kniffin, et al., U.S. Patent No. 6,072,402 (Kniffin). The Patent Owner respectfully traverses the Examiner's rejection of Claim 21.

In view of the following Remarks, the Patent Owner respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness, as required under 35 U.S.C. §103, and that Claim 21 of the '363 Patent is patentable over the prior art.

### IA. The Examiner's Rejection Of Claim 21 Over Spaur In View Of Kniffin:

The Examiner, at pages 2 through 8 of the Office Action, mailed March 31, 2015, sets forth his rationale for rejecting Claim 21 of the '363 Patent over Spaur in view of Kniffin.

As best understood by the Patent Owner, the Examiner seeks to reconfigure the various components of the Spaur system, as depicted in Fig. 2 of Spaur, in order to group them into: 1) a "1st Device"; 2) a "2nd Device"; and 3) a "3rd Device" (see page 3 of the Office Action, mailed March 31, 2015). The Examiner contends that the "1st Device"

corresponds to the following components of the Spaur system: 10a (remote station 10a), 64 (modem 64), 68 (Internet 68), 30 (controller 30 which is "contained in the vehicle" see, Spaur at Col. 7, lines 23-25), and 122 (controller area network control unit 122, which is also located at the vehicle and is a component of the CAN 124 also located at the vehicle, see Spaur at Col. 10, lines 23-50 and Fig. 2). The Examiner further contends that the "2nd Device" corresponds to the following components of the Spaur system: 80 (cellular phone 80 "which is contained in the vehicle", see Spaur at Col. 7, lines 40-47 and Fig. 2), 82 (vehicle CDPD network modem 82 which is also located at the vehicle and demodulates the information received by the cellular phone 80, see Spaur at Col. 7, lines 50-54 and Fig. 2), and 84 (phone interface 84 which "links the cellular phone 80 with the controller 30", see Spaur at Col. 7, lines 54-58 and Fig. 2, and thus, is also located at the vehicle). The Examiner also contends that the "3rd Device" corresponds to vehicle devices 50a to 50n in the Spaur system (see page 3 of the Office Action, mailed March 31, 2015).

The Examiner then, at page 5, lines 1-3, of the Office Action, mailed March 31, 2015, stated that: "Kniffin et al at FIG 3 teaches a first processing device (clearing house database and transmission system 54) and second processing device (mobile phone 52) as being remote from the lock mechanism."

The Examiner further stated:

"This configuration allows a user to be granted authorization for direct access to the lock system by use of the remote telephone (Kniffin et al at col. 7, lines 16-30). It would therefore have been obvious to one of ordinary skill in the art to modify Spaur et al to allow its first and second devices to be connected remotely to the devices on the vehicle, whereby such configuration allows the user to advantageously gain direct access to the devices on the vehicle (Kniffin et al at col. 7, lines 16-30)". See Office Action, mailed March 31, 2015 at page 5, lines 3-8.

As provided herein, the Patent Owner respectfully traverses the Examiner's

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