

**REEXAM-6549130**

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

In Re Reexamination of: PATENT OF RAYMOND A. JOAO

Patent No.: 6,549,130

For: CONTROL APPARATUS AND METHOD FOR VEHICLES AND/OR FOR  
PREMISES

Control No.: 90/013,301

Issue Date: APRIL 15, 2003

Examiner: MINH T. NGUYEN

Group Art Unit: 3992

Confirmation No.: 1082

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

**POWER OF ATTORNEY**

Sir:

Joao Control & Monitoring Systems, LLC (JCMS), the owner of the above-identified U.S. Patent No. 6,549,130, hereby appoints Raymond A. Joao, Reg. No. 35,907 as Attorney to transact all business in the United States Patent and Trademark Office connected with the above-identified Reexamination proceeding.

Respectfully Submitted,



Raymond A. Joao  
Reg. No. 35,907  
President, JCMS

Date: March 18, 2015

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**REEXAM-6549130**

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**RESPONSE TO OFFICE ACTION**

Sir:

This is a Response To Office Action in response to the Office Action, mailed January 20, 2015, in the above-referenced Ex Parte Reexamination of Claim 48 of U.S. Patent No. 6,549,130 (the '130 Patent), wherein the Examiner rejected Claim 48 in view of prior art references.

Based on the following Remarks, the Patent Owner respectfully submits that Claim 48 of U.S. Patent No. 6,549,130 is patentable over the prior art.

## **REMARKS**

Claim 48 of the '130 Patent is subject to reexamination. The Examiner has rejected Claim 48 in view of prior art references. In view of the following Remarks, the Patent Owner respectfully submits that Claim 48 of the '130 Patent is patentable over the prior art.

### **I. THE 35 U.S.C. §102 REJECTIONS:**

The Examiner has rejected Claim 48 of U.S. Patent No. 6,549,130 (the '130 Patent) under 35 U.S.C. §102(b) as being anticipated by Ramono, U.S. Patent No. 5,070,320 (Ramono) (Issue 1). The Examiner has also rejected Claim 48 of the '130 Patent under 35 U.S.C. §102(e) as being anticipated by Kniffin, et al., U.S. Patent No. 6,072,402 (Kniffin) (Issue 2). The Examiner has also rejected Claim 48 of the '130 Patent under 35 U.S.C. §102(b) as being anticipated by Ryoichi, et al., U.S. Patent No. 5,113,427 (Ryoichi) (Issue 3). Lastly, the Examiner has rejected Claim 48 of the '130 Patent under 35 U.S.C. §102(e) as being anticipated by Pagliaroli, et al., U.S. Patent No. 5,276,728 (Pagliaroli) (Issue 4).

In view of the following Remarks, the Patent Owner respectfully submits that Claim 48 of the '130 Patent is patentable over the prior art.

### **1A. The Claim Construction Standard:**

The Patent Owner respectfully notes that U.S. Patent No. 6,549,130 is expired, that the claims of U.S. Patent No. 6,549,130 are thus not subject to amendment in this reexamination proceeding and, as a result, the words of Claim 48 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 48 of the '130 Patent:**

The invention of Claim 48 of the '130 Patent can be described as being a distributed control system for vehicles, wherein control functions for a vehicle or for a vehicle system, vehicle component, vehicle device, vehicle equipment, vehicle equipment system, or 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 component, vehicle device, vehicle equipment, vehicle equipment system, 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. 48, lines 15-28, Figure 11A, Col. 33, line 46 to Col. 37, line 58, and Figures 6A, 6B, and 6C, steps 68, 69, 70, 73, 74, or 75, of the '130 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

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