

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

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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) SUPPLEMENTAL RESPONSE TO OFFICE ACTION

are being served via First Class Mail on May 12, 2015 on the Requester's attorney of

record at the address provided below:

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Respectfully Submitted,

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Date: May 12, 2015

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SUPPLEMENTAL RESPONSE TO OFFICE ACTION

Sir:

This is a Supplemental 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.

This Supplemental Response is being submitted in response to comments made during the Examiner Interview which took place on May 5, 2015, in the above-identified reexamination proceeding. During the above-referenced Examiner Interview, a question

was raised regarding whether, for an expired patent, the ordinary and customary meaning in light of the Specification and intrinsic evidence, of the words or phrases of a claim, is broader than the broadest reasonable interpretation of same. The Patent Owner respectfully submits that the ordinary and customary meaning in light of the Specification and intrinsic evidence, for the words or phrases of a claim in an expired patent, is narrower than the broadest reasonable interpretation of same.

This Supplemental Response To Office Action serves as a supplement to the Response To Office Action filed on March 18, 2015 in the above-identified reexamination proceeding. The Patent Owner further hereby incorporates by reference herein, as if to fully restate herein, the subject matter and arguments of and provided in the Response To Office Action filed on March 18, 2015.

1. 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 and phrases 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.

During the Examiner Interview of May 5, 2015, a question was raised regarding

whether the ordinary and customary meaning, in light of the Specification and the intrinsic evidence, is broader than the broadest reasonable interpretation. Upon hearing this, it was the Patent Owner's understanding that a construction broader than the broadest reasonable interpretation was being applied in the above-identified reexamination proceeding which was the subject of that Interview. The Patent Owner immediately offered its response that the ordinary and customary meaning is narrower than the broadest reasonable interpretation.

Since it is imperative that the correct claim construction standard be applied in reexamination proceedings involving expired patents, the Patent Owner submits the following remarks for entry into the record in the above-identified reexamination proceeding.

II. The Claim Construction Issues Regarding Ramono, Kniffin, Ryoichi, and Pagliaroli:

With regards to the claim construction issues regarding the rejection of Claim 48 in view of Ramono, the Patent Owner respectfully submits that any construction by the Examiner for "first control device" which would allow the alarm unit or system, or any component of same, of Ramono to serve as the "first control device" of Claim 48 would be inconsistent with, and would contradict, the Specification and the intrinsic evidence of the '130 Patent. Thus, any such construction would not be an appropriate construction for the ordinary and customary meaning of "first control device" in light of the Specification and the intrinsic evidence.

With regards to the claim construction issues regarding the rejection of Claim 48 in view of Kniffin, the Patent Owner respectfully submits that any construction by the

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