

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: JUNE 29, 1999

Examiner: SAMUEL G. RIMELL

Group Art Unit: 3992

Confirmation No.: 3482

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 December 19, 2014, 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 on the ground of nonstatutory double patenting as being unpatentable over Claim 13 of U.S. Patent No. 6,542,076, and further in view of a prior art reference.

REMARKS

U.S. Patent No. 7,397,363 (the '363 Patent) 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 of the '363 Patent on the ground of nonstatutory double patenting as unpatentable over Claim 13 of U.S. Patent No. 6,542,076 (the '076 Patent), and further in view of a prior art reference. In view of the following Remarks, Patentee respectfully submits that Claim 21 is patentable over Claim 13 of U.S. Patent No. 6,542,076 and is patentable over the prior art. Accordingly, reconsideration of the rejection of Claim 21 of the '363 Patent is respectfully requested.

I. THE DOUBLE PATENTING REJECTION:

The Examiner rejects Claim 21 of U.S. Patent No. 7,397,363 (the '363 Patent) on the ground of nonstatutory double patenting as unpatentable over Claim 13 of U.S. Patent No. 6,542,076 ("the '076 Patent). For at least the following reasons, Patentee respectfully submits that Claim 21 of the '363 Patent is patentable over Claim 13 of the '076 Patent.

A comparison of Claim 21 of the '363 Patent and Claim 13 of the '076 Patent is provided in the following Table:

Claim 21 of the '363 Patent	Claim 13 of the '076 Patent
21. An apparatus, comprising: a first processing device, wherein the first processing device at least one of generates a first signal and transmits a first signal for	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

at least one of activating, de-activating, disabling, re-enabling, and controlling an operation of, 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 or located at a vehicle, wherein the first processing device is associated with a web site, and further wherein the first processing device is located at a location remote from the vehicle,

wherein the first processing 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 processing device and transmitted from a second processing device, wherein the second processing device is located at a location which is remote from the first processing device and remote from the vehicle,

wherein the first processing device determines whether an action or an operation associated with information contained in the second signal, to at least one of activate, de-activate, disable re-enable, and control an operation of, the at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, is an authorized or an allowed action or an authorized or an allowed operation, and further wherein the first processing device at least one of generates the first signal and transmits the first signal to a third processing device if the action or the operation is determined to be an authorized or an allowed action or an authorized or an allowed operation,

wherein the third processing device is located at the vehicle,

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,

No such limitations in Claim 13 of the '076 Patent.

<p>wherein the second signal is transmitted to the first processing device via, on, or over, at least one of the Internet and the World Wide Web, and further wherein the second signal is automatically received by the first processing device,</p> <p>wherein the first signal is transmitted to and automatically received by the third processing device,</p> <p>wherein the third processing device at least one of generates a third signal and transmits a third signal for at least one of activating, de-activating, disabling, re-enabling, and controlling an operation of, the at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, in response to the first signal.</p>	<p>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.</p> <p>13. The apparatus of claim 3, wherein the apparatus is utilized on or over at least one of the Internet and the World Wide Web, and further wherein at least one of the second signal and the third signal is transmitted utilizing TCP/IP protocol.</p>
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Patentee respectfully submits that Claim 13 of the '076 Patent does not disclose, teach, or suggest, the following recited limitations of Claim 21: "wherein the first processing device determines whether an action or an operation associated with information contained in the second signal, to at least one of activate, de-activate, disable re-enable, and control an operation of, the at least one of a vehicle system, a vehicle equipment system, a vehicle component, a vehicle device, a vehicle equipment, and a vehicle appliance, is an authorized or an allowed action or an authorized or an allowed operation, and further wherein the first processing device at least one of generates the first

signal and transmits the first signal to a third processing device if the action or the operation is determined to be an authorized or an allowed action or an authorized or an allowed operation". Patentee respectfully submits that the Examiner's double patenting analysis failed to address the above limitations, which are specifically recited features and limitations, which are important features and limitations of Claim 21, and which further define the recited first processing device of Claim 21. Patentee respectfully submits that the above-identified features and limitations are not disclosed, taught, or suggested, by Claim 13 of the '076 Patent.

For at least the reasons set forth above, Patentee respectfully submits that Claim 21 of the '363 Patent, which contains features and limitations which are not disclosed, taught, or suggested, by Claim 13 of the '076 Patent, is patentable over Claim 13 of the '076 Patent. Accordingly, withdrawal of the rejection of Claim 21 on the ground of nonstatutory double patenting is respectfully requested.

II. THE 35 U.S.C. §103 REJECTION:

The Examiner rejects Claim 21 under pre-AIA 35 U.S.C. §103(a) as being unpatentable over Spaur, et al., U.S. Patent No. 5,732,074 (Spaur).

For at least the reasons set forth below, Patentee respectfully submits that Claim 21 of the '363 Patent is patentable over the prior art.

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