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Sunstein Kann Murphy & Timbers LLP 125 SUMMER STREET BOSTON, MA 02110-1618			NGUYEN, NAM V	
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Art Unit: 2682

### **DETAILED ACTION**

This communication is in response to applicant's Amendment which is filed February 6, 2013.

Claims 1-20 has been cancelled and a new set of claims 21-108 is introduced by the amendment filed on December 27, 2012 in the application of Van Swaay for a "programmable communicator" filed December 16, 2011.

A supplemental amendment to the claims 21, 52 and 82 has been entered and made of record on February 6, 2013.

Claims 21-108 are now pending in the application.

#### ***Response to Arguments***

Applicant submits a Terminal Disclaimer to overcome the rejection of the Claims Under the Doctrine of Double Patenting. The Terminal Disclaimer is approved on December 27, 2012. Therefore, examiner withdraws the Double Patenting rejection.

Applicant's arguments with respect to claims 21-108, filed February 6, 2013, have been fully considered but are moot in view of the new ground(s) of rejection.

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### *Claim Objections*

Claim 21 is objected to because of the following informalities: “and a least one telephone number” in line 9 should be “and an at least one telephone number”. An appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 52-108 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

According to claims 52 and 82, nowhere in the specification as originally disclosed is described the limitation that the lack of a limitation that “the one or more programming instructions includes a coded number and a at least one telephone number or Internet Protocol (IP) address corresponding to an at least one monitoring device.” This limitation of claims 52-108 contains new matter.

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The applicant has not pointed out support, nor could support be found for an authentication module for authenticating one or more programming instructions initially contained in an at least one transmission sent from a programming transmitter and received by the programmable communicator device without the determining the presence of a coded number **and** an at least one telephone number or an Internet Protocol address corresponding to an at least one monitoring device. In other words, the transmission sent from the programming transmitter includes both the PUK code **and** the telephone number or IP address corresponding to an at least one monitoring device for authenticating one or more programming instructions initially (see specification page 15 lines 27 to 30).

*Allowable Subject Matter*

Claims 21-51 are allowed as evident by applicant's amendment and arguments.

Referring to claims 21, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations an authentication module for authenticating one or more programming instructions initially contained in an at least one transmission sent from a programming transmitter and received by the programmable communicator device, the one or more programming instructions including a coded number and an at least one telephone number or an Internet Protocol (IP) address corresponding to an at least one monitoring device, wherein the authentication module authenticates the one or more programming instructions by determining if at least one programming instruction contains the

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