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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/328,095	12/16/2011	Eveline Wesby-van Swaay	3781/1007	5730
2101	7590	04/19/2013	EXAMINER	
Sunstein Kann Murphy & Timbers LLP 125 SUMMER STREET BOSTON, MA 02110-1618			NGUYEN, NAM V	
			ART UNIT	PAPER NUMBER
			2682	
			NOTIFICATION DATE	DELIVERY MODE
			04/19/2013	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomail@sunsteinlaw.com

**Office Action Summary**

**Application No.**  
13/328,095

**Applicant(s)**  
WESBY-VAN SWAAY, EVELINE

**Examiner**  
NAM V. NGUYEN

**Art Unit**  
2682

**AIA (First Inventor to File) Status**  
No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 6 February 2013.  
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_\_.
- 2a)  This action is **FINAL**.                                    2b)  This action is non-final.
- 3)  An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5)  Claim(s) 21-108 is/are pending in the application.  
5a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 6)  Claim(s) 21-51 is/are allowed.
- 7)  Claim(s) 52-108 is/are rejected.
- 8)  Claim(s) \_\_\_\_\_ is/are objected to.
- 9)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

\* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see [http://www.uspto.gov/patents/init\\_events/pph/index.jsp](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).

**Application Papers**

- 10)  The specification is objected to by the Examiner.
- 11)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

**Certified copies:**

- a)  All    b)  Some \*    c)  None of the:
  - 1.  Certified copies of the priority documents have been received.
  - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Interim copies:**

- a)  All    b)  Some    c)  None of the: Interim copies of the priority documents have been received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Information Disclosure Statement(s) (PTO/SB/08)
- 3)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

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.

Art Unit: 2682

### *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.

Art Unit: 2682

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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