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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/285,312	10/31/2002	James E. Smith	1-23649	1413
27210	7590	12/23/2003	EXAMINER	
MACMILLAN, SOBANSKI & TODD, LLC ONE MARITIME PLAZA - FOURTH FLOOR 720 WATER STREET TOLEDO, OH 43604			ALAVI, ALI	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/23/2003

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

Office Action Summary

Application No. 10/285,312	Applicant(s) SMITH ET AL.
Examiner Ali Alavi	Art Unit 2875

-- 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) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 31 October 2002.
- 2a) This action is FINAL.
- 2b) This action is non-final.
- 3) 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

- 4) Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) 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).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
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.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10/02
- 4) Interview Summary (PTO-413) Paper No(s). _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other:

DETAILED ACTION

Information Disclosure Statement

1. The references on PTO 1499 submitted on 10/31/2002 are acknowledged. All the cited references have been considered. However the foreign patents and documents cited by applicant are considered to the extent that could be understood from the abstract and drawings. Patent applicant has duty not just to disclose pertinent prior art references but to make the disclosure in such way as not to "bury" it within other disclosures of less relevant prior art; See *Golden Valley Microwave Foods Inc. v. Weaver Popcorn Co. Inc.*, 24 USPQ2d 1801 (N.D.I. 1992); *Molins PLC v. Textron Inc.*, 26 USPQ2d 1889, at 1899 (D. Del. 1992); *Penn Yan Boats, Inc. v. Sea Lark Boats, Inc. et al.*, 175 USPQ 260, at 272 (S.D. Fl. 1972).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-8, 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Toda et al (U.S. Pat. No 6,305,823).

Toda et al discloses an automatic directional control system for a vehicle headlight comprising: a sensor (12, 14) that is adapted to generate a signal that is

representative of a condition of the vehicle, said sensed condition includes one or more of road speed (12), and suspension height (14) of the vehicle; a controller (16) that is responsive to said sensor signal for generating an output signal; and an actuator (10) that is adapted to be connected to the headlight to effect movement thereof in accordance with said output signal, wherein said sensor generates a signal that is representative of the road speed of the vehicle (see abstract), speed sensor (12), Height sensor (14).

Claims 1-2, 4-8, 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Okuchi et al (U.S. Pat. No 6,193,398).

Okuchi et al discloses an automatic directional control system for a vehicle headlight comprising: a sensor (12) that is adapted to generate a signal that is representative of a condition of the vehicle, said sensed condition includes one or more of road speed (12) a controller (20) that is responsive to said sensor signal for generating an output signal; and an actuator (35) that is adapted to be connected to the headlight to effect movement thereof in accordance with said output signal, wherein said sensor generates a signal that is representative of the road speed of the vehicle (see abstract), speed sensor (12), pitch angle (2103, fig. 9), suspension height (2201, 2203, fig. 14).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gotoh (US Pat. No 5,909,949).

Gotoh discloses an automatic directional control system for a vehicle headlight comprising: a sensor (22) that is adapted to generate a signal that is representative of a condition of the vehicle, said sensed condition includes one or more of road speed (22), and steering angle (21) and a controller (10) that is responsive to said sensor signal for generating an output signal; and an actuator (24) that is adapted to be connected to the headlight to effect movement thereof in accordance with said output signal, wherein said sensor generates a signal that is representative of the road speed of the vehicle (see abstract).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kobayashi (US Pat. No 6,049,749) discloses a lighting device for a vehicle light including a road profile calculation (2) and vehicle advancing direction predicting means (3), and vehicle speed sensor (7) is cited of interest.

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