



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

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

10/06/2006

MACMILLAN, SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA - FIFTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604

EXAMINER
----------

ALAVI, ALI

ART UNIT	PAPER NUMBER
----------	--------------

2875

DATE MAILED: 10/06/2006

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) 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 09 August 2006.
- 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) 1-5 and 7-14 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  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.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) 1-5 and 7-14 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**

- 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.

**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/SB/08)  
Paper No(s)/Mail Date 7/17/06.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other:

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after abandonment. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the abandonment of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/09/06 has been entered.

Applicant's amendment has been entered. Accordingly, new claim 14 has been added. And now claims 1-5, 7-14 are pending in this application.

***Response to Arguments***

Applicant's arguments filed on 8/9/06 have been considered but they are not persuasive. Applicant contend that "none of the art of record is believed to show or suggest a controller that is responsive to the sensor signal for generating an output signal only when the sensor signal changes by more than a predetermined amount." Examiner respectfully disagrees with the applicant assertion. All of the art of record including Toda et al, Okuchi et al, and Gotoh references discloses the claimed invention. For instance, Toda et al discloses 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 only when said sensor signal changes by more than a predetermined amount (this limitation is considered an intended use, because the actuator would change the headlight

Art Unit: 2875

according to the output signal generated by the sensor), 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.

### ***Claim Rejections - 35 USC § 102***

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, 4-5, 7-8, 10-14 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 only when said sensor signal changes by more than a predetermined amount (this limitation is considered an intended use, because the actuator would change the headlight according to the output signal generated by the sensor), and an actuator (10) that is adapted to be connected to the headlight to effect movement thereof in accordance with said output signal, wherein

Art Unit: 2875

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, 4-5, 7-8, 10-14 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 only when said sensor signal changes by more than a predetermined amount (this limitation is considered an intended use, because the actuator would change the headlight according to the output signal generated by the sensor), 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***

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.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.