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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/934,763	07/03/2013	Eveline Wesby-van Swaay	3781/1014	3746
2101	7590	09/25/2013	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
			09/25/2013	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.
13/934,763

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 7/12/13.
 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) 1-15,17 and 19-26 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) Claim(s) _____ is/are allowed.
- 7) Claim(s) 1-15,17 and 19-26 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 or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on 7/3/13 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.

Attachment(s)

1) Notice of References Cited (PTO-892)

3) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

2) Information Disclosure Statement(s) (PTO/SB/08)

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DETAILED ACTION

The present application is being examined under the pre-AIA first to invent provisions.

The application of Van Swaay for a "programmable communicator" filed July 12 , 2013 has been examined.

This application claims foreign priority based on the application 20001239 filed May 23, 2000 in Finland. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a) - (d), which papers have been placed of record in the file.

This application is a CON of 13/801,773 filed March 13, 2013 which is now US PAT No. 8,542,111, which is a CON of 13/328,095 filed December 16, 2011, which is a CON of 12,538,603 filed August 10, 2009 which is now US PAT No. 8,094,010, which is a CON of 11/329,212 filed January 10, 2006 which is now US PAT No. 7,583,197, which is a CON of 10/296,571 filed January 21, 2003 which is abandoned, which is a 371 of PCT/EP01/05738 filed May 18,2001.

Claims 16 and 18 are cancelled.

Claims 1-15, 17 and 19-26 are pending.

Specification

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The disclosure is objected to because of the following informalities: Under cross references to related applications CON status needs to be updated. Application serial number 13/801,773 filed March 13, 2013 which is now US PAT No. 8,542,111.

Claim Rejections - 35 USC § 112

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

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-15, 17 and 19-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the phrase “wherein the programmable communicator device is configured to use a memory to store at least one telephone number or IP address included within at least one of the transmissions as a list of one or more linked numbers to which the programmable communicator device may send outgoing wireless transmissions if the processing module authenticates the at least one of the transmissions including the at least one telephone number or IP address and the coded number by determining that the at least one of the transmissions includes the coded number” is confusing and unclear. It is not understood what is meant by such a limitation. This limitation appears to be that the programmable communicator device may or may not send wireless transmission whether or not the transmissions is authenticate or not. Where is this limitation supported by specification?

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Furthermore, as recited in the claim 1, the programmable communicator device able to send outgoing wireless transmissions to any linked numbers with or without authenticate the transmissions.

Referring to claims 2-15, 17 and 19-26 are rejected as being dependent upon a rejected Claim 1 above.

Allowable Subject Matter

Claims 1-15, 17 and 19-26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and the examiner suggest amending the claim as follow to provide consistency with previous allowable subject matter:

Referring to claim 1, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations:

wherein the programmable communicator device is configured to use a memory to store at least one telephone number or IP address included within at least one of the transmissions **as a list of one or more permitted callers to which the programmable communicator device is permitted to be sent to linked telephone number or IP address as outgoing transmissions** if the processing module authenticates the at least one of the transmissions including the at least one telephone number or IP address and the coded number by determining that the at least one of the transmissions includes the coded number”

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