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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/891,443	09/27/2010	Michael Tasler	0757-113189	1408
24628	7590	11/28/2012	EXAMINER	
Husch Blackwell LLP Husch Blackwell Sanders LLP Welsh & Katz 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			LEE, CHUN KUAN	
			ART UNIT	PAPER NUMBER
			2181	
			MAIL DATE	DELIVERY MODE
			11/28/2012	PAPER

**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.

**Office Action Summary**

<b>Application No.</b> 12/891,443	<b>Applicant(s)</b> TASLER, MICHAEL	
<b>Examiner</b> Chun-Kuan Lee	<b>Art Unit</b> 2181	

-- 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 29 October 2012.
- 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) 2-36 is/are pending in the application.  
5a) Of the above claim(s) 14, 17, 23-26, 28, 29 and 33 is/are withdrawn from consideration.
- 6)  Claim(s) \_\_\_\_\_ is/are allowed.
- 7)  Claim(s) 2-13, 15, 16, 18-22, 24, 27, 30-32, 35 and 36 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 27 September 2010 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).  
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)  Information Disclosure Statement(s) (PTO-893)
- 3)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 4)  Other:

## **DETAILED ACTION**

### **CONTINUED EXAMINATION UNDER 37 CFR 1.114**

1. 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 final rejection. 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 finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/29/2012 has been entered.

### **RESPONSE TO ARGUMENTS**

2. Applicant's arguments filed 10/29/2012 have been fully considered but they are not persuasive.

3. In response to applicant's reiteration with regard to the telephone interview conducted such that Applicant respectfully disagrees with the summary of the interview particularly the attempt to reduce the claims to the "inventive concept". Applicant did not and does not agree with recharacterizing the claims to an inventive concept of the summary's indications of invention concepts. It is Applicant's position that the claims as they are set out define the invention, and that it is these claims which should be examined. Thus, Applicant respectfully requests that each claim of this application be examined as written and as a whole.

As indicated in the interview summary, "... the inventive concept for the instant application is the claims ..." and the explanation with regard to the function of the inventive concept in the interview summary is a clear exemplary interpretation regarding on how the claims can be envisioned; therefore, the examiner is examining each claims as written and as a whole based on the examiner's best understanding on how the claims can be interpreted. If the interpretation is erroneous in any way, the examiner welcomes the applicant's clarification in the subsequent response, as the applicant currently do not offer how the examiner's interpretation of the claims are inaccurate and what is the correct interpretation of the claims.

Additionally, the examiner clearly understood that the summary for the inventive concept regarding to claims of another application (11/467,092) is relevant to the instant application as the examiner did inquire as to how this application differ from the copending application 11/467,092, wherein the applicant indicted that the claims for the instant application are broader as the independent claims for the instant do not require the multiple parallel channels and that the instant application is basically the same concept as the copending application 11/467,092. Furthermore, this was part of the examiner's rational for the double patenting rejection between the instant application and the copending application 11/467,092.

4. In response to applicant's plurality of arguments with regard to the independent claims 2, 32 and 35 rejected under 35 U.S.C. 103(a) that the resulting combination of

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the references does not teach/suggest applicant's inventive concept because of the following:

- Hashimoto does not describe execution of an instruction set to establish communication with the host computer as claimed because Hashimoto merely describes a process for detection by the camera of an active connection by monitoring for a signal from the interface, and not the process claimed which is a process in which the analog device processor executes instructions to cause a class identifying parameter (mis-indicative of the class of the device) to be sent to the host computer (i.e. automatically sends mis-identifying information to the host computer);
- there is no description anywhere in Hashimoto of the claimed process of executing a set of instructions that sends a class identifying parameter to the host computer;
- at the time of the Hashimoto disclosure, the user would load software and input information into the host computer to identify the camera and there was no requirement for the camera CPU to be involved in a process to identify itself to the host computer;
- neither Hashimoto nor any of the other cited references disclose a processor in the peripheral device involved in automatically sending a mis-identifying class parameter/information to the host computer because host computer in Smith's Plug and Play functionality assigns an identifying number rather than the peripheral processor automatically sending identification information; therefore

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