

6-10-02

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PTO/SB/05 (03-01)

Approved for use through 10/31/2002 OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No.		33135.15
First Inventor	Raymond J. Menard	
Title	PERSONAL MEDICAL DEVICE COMMUNICATION SYSTEM AND METHOD	
Express Mail Label No.	EK362655236US	

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages  ]  
*(preferred arrangement set forth below)*
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [Total Sheets  ]
5. Oath or Declaration [Total Pages  ]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for a continuation/divisional with Box 18 completed)*
  - i.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 C.F.R. §3.73(b) Statement of Power of Attorney (when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations]
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation   
  Divisional   
  Continuation-in-part (CIP)   
 of prior application No: 09/956,474  
 Prior application information:    Examiner: \_\_\_\_\_    Group / Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label    32300    or     Correspondence address below  
 (Insert Customer No. or Attach bar code label here)

Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Nelson R. Capes	Registration No. (Attorney/Agent)	37,106
Signature		Date	6/7/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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1046 U.S. PTO  
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<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2002</h2> <p style="font-size: small; margin: 5px 0;">Patent fees are subject to annual revision.</p>		<p><i>Complete if Known</i></p>	
		Application Number	N/A
		Filing Date	June 7, 2002
		First Named Inventor	Raymond J. Menard
		Examiner Name	
		Group / Art Unit	
		Attorney Docket No.	33135 15
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 745			

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																							
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> Other <input type="checkbox"/> None Order <input checked="" type="checkbox"/> Deposit Account:				<b>3. ADDITIONAL FEES</b> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17 (q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>						Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	105	130	205	65	Surcharge - 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The Commissioner is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, <b>except for the filing fee</b> to the above-identified deposit account																																																																																																																																																																																											
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SUBMITTED BY			Complete (if applicable)		
Name (Print/Type)	Nelson R. Capes	Registration No. Attorney/Agent	37,106	Telephone	(612) 334-8486
Signature			Date	6/7/02	

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Appln: Raymond J. Menard  
Serial No.: Not Yet Assigned  
Filed: June 7, 2002  
For: PERSONAL MEDICAL DEVICE COMMUNICATION SYSTEM  
AND METHOD  
Attorney: Gerald E. Helget  
Attorney Docket No.: 33135.15  
Additional Fees: Charge to Deposit Account No. 02-3732

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:


**TRANSMITTAL COVER LETTER**

Enclosed for filing, please find the following:

1. Utility Patent Application Transmittal (1 page);
2. Fee Transmittal for FY 2002 (1 page);
3. Specification, Claims and Abstract (34 pages);
4. Nine Sheets of Formal Drawings;
5. Check in the amount of \$745.00 for filing fee; and
6. Postcard Receipt.

Respectfully submitted,

Dated: 6/7/02

By:   
Gerald E. Helget (Reg. No. 30,948)  
Nelson R. Capes (Reg. No. 37,106)  
Briggs and Morgan, P.A.  
2400 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
Telephone: (612) 334-8480

**CERTIFICATE OF EXPRESS MAIL**

I hereby certify that this document, along with the documents referenced above, are being deposited with the United States Postal Service as Express Mail, Receipt No. EK362655236US, in an envelope addressed to: BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

By:   
Date: 6/7/02

Inventor: Raymond J. Menard

Address: 906 E. First Street  
Hastings, MN 55033

Citizenship: United States of America

Invention: PERSONAL MEDICAL DEVICE COMMUNICATION SYSTEM  
AND METHOD

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## BACKGROUND OF THE INVENTION

The present application is a continuation-in-part of co-pending U.S. patent application serial number 09/956,474 filed September 19, 2001, which is a continuation of U.S. patent application number 09/384,165, filed August 27, 1999 and now issued as U.S. Patent No. 6,356,192, which claims priority to U.S. provisional patent application serial number 60/135,862, filed May 25, 1999 and to U.S. provisional patent application serial number 60/105,493 filed October 23, 1998. The present application is also a continuation-in-part of a co-pending U.S. patent application filed March 28, 2002, entitled "Method and System for Wireless Tracking", which claims priority to a provisional patent application serial number 60/279,401, filed March 28, 2001.

The present invention relates generally to bi-directional personal and health-wellness provider communication system and in particular to a personal communication system suitable for use with children, vulnerable adults (such as those in assisted living situations), and more specifically, medically distressed persons and those in whom an personal medical device has been deployed, for medical testing, and for other life enhancements.

There are several trends which taken together are causing a change in the way medical services are delivered. Among other things, these include longer lifespan, medical technology improvements, automation of diagnostic processes, specialization of caregivers, the rapid pace of technology that causes a shortening of the amortization of development and investment costs, increasing expense of medical care centers, and the shortage of health care workers.

The results of these trends are manifold. They include moving more of the delivery of services out of a medical center and away from the direct supervision of highly trained medical personnel. They include providing personal medical devices to allow long-term patients to resume a more mobile lifestyle. They include allowing patients to be treated from home for issues of cost and comfort. They include reducing the level of training associated with caregivers so that in some cases, even a casual passerby is able to provide meaningful assistance with devices once associated only with properly trained medical personnel, for example using Portable Automated Defibrillators. However, the remoteness of patients from

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