OK TO ENTER: /L.M./

10/08/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

	ATTY. DOCKET NO.:	**JOHNS-002US**
In Re Application Of:	§	
	§	
JOHNSON	§ Examiner:	**MIAH, LITON**
	§	
Serial No.: **12/287,064**	§ Art Unit:	**2642**
	§	
Filed: **OCTOBER 3, 2008**	§ Confirmation No.	**6272**
	§	
For: **SYSTEM AND METHOD FOR LOCATION BASED EXCHANGES OF DATA FACILITATING DISTRIBUTED LOCATIONAL APPLICATIONS**	§	

AMENDMENT D UNDER 37 C.F.R. § 1.312

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Arlington, Virginia 22313-1450

Sir:

A Notice of Allowance was issued in the subject application on September 4, 2013. Please amend the above-identified application as indicated below. No new matter has been entered by these amendments. Please charge additional claim fees to **Deposit Account Number 50-3083**.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/287,064	10/03/2008	William J. Johnson	JOHNS-002US	6272

42640 7590 10/15/2013

Yudell Isidore Ng Russell PLLC
8911 N. Capital of Texas Hwy.,
Suite 2110
Austin, TX 78759

EXAMINER	
MIAH, LITON	
ART UNIT	PAPER NUMBER
2642	

NOTIFICATION DATE	DELIVERY MODE
10/15/2013	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):

Patents@yudellisidore.com

Response to Rule 312 Communication	Application No.	Applicant(s)
	12/287,064	JOHNSON, WILLIAM J.
	Examiner	Art Unit
	LITON MIAH	2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

1. ☒ The amendment filed on *16 September 2013* under 37 CFR 1.312 has been considered, and has been:

   a) ☒ entered.

   b) ☐ entered as directed to matters of form not affecting the scope of the invention.

   c) ☐ disapproved because the amendment was filed after the payment of the issue fee.
   Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

   d) ☐ disapproved. See explanation below.

   e) ☐ entered in part. See explanation below.

/Liton Miah/
Examiner, Art Unit 2642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

	ATTY. DOCKET NO.:	**JOHNS-002US**
In Re Application Of:	§	
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JOHNSON	§ Examiner:	**MIAH, LITON**
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CLAIMS

1. (Previously Presented) A method for automatic location based exchange processing by a mobile data processing system, the method comprising:

presenting a user interface to a user of the mobile data processing system, the user interface for configuring privilege data relating the mobile data processing system with a remote data processing system, the privilege data stored local to the mobile data processing system and searched upon receipt of whereabouts data received for processing by the mobile data processing system;

receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data;

searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system for a matching privilege upon the receiving, for processing by the mobile data processing system, the whereabouts data, wherein the matching privilege is configured for relating the originating identity of the whereabouts data with a destination identity of the whereabouts data to permit trigger of a privileged action for the receipt of whereabouts data received for processing by the mobile data processing system; and

performing the privileged action at the mobile data processing system upon finding the matching privilege, after the searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system.

2. (Previously Presented) The method of claim 1 wherein the privileged action is configured by a user of the remote data processing system.

3. (Previously Presented) The method of claim 2 wherein the destination identity is associated to the mobile data processing system and wherein the receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data comprises receiving, for processing by the mobile data processing system, inbound whereabouts data including an originating identity of the whereabouts data, wherein the originating identity is associated to the remote data processing system, and wherein the whereabouts data is sent by the remote data processing system.

4. (Previously Presented) The method of claim 2 wherein the destination identity is associated to the remote data processing system and wherein the receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data comprises receiving, for processing by the mobile data processing system, outbound whereabouts data including an originating identity of the whereabouts data, wherein the originating identity is associated to the mobile data processing system, and wherein the whereabouts data is to be sent to the remote data processing system.

5. (Previously Presented) The method of claim 1 wherein the privileged action is configured by the user of the mobile data processing system.

6. (Previously Presented) The method of claim 5 wherein the destination identity is associated to the mobile data processing system and wherein the receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data comprises receiving, for processing by the mobile data processing system, inbound whereabouts data including an originating identity of the whereabouts data, wherein the originating identity is associated to the remote data processing system, and wherein the whereabouts data is sent by the remote data processing system.

7. (Previously Presented) The method of claim 5 wherein the destination identity is associated to the remote data processing system and wherein the receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data comprises receiving, for processing by the mobile data processing system, outbound whereabouts data including an originating identity of the whereabouts data, wherein the originating identity is associated to the mobile data processing system, and wherein the whereabouts data is to be sent to the remote data processing system.

8. (Previously Presented) The method of claim 1 further including:

maintaining a user configured charter at the mobile data processing system, the charter having a conditional expression and an associated action depending on evaluation of the conditional expression;

evaluating the conditional expression by comparing the conditional expression to the whereabouts data, upon the receiving, for processing by the mobile data processing system, the whereabouts data; and

performing the associated action at the mobile data processing system upon the evaluating the conditional expression by comparing the conditional expression to the whereabouts data.

9. (Previously Presented) The method of claim 8 wherein the charter is configured by a user of the remote data processing system.

10. (Previously Presented) The method of claim 8 wherein the maintaining a user configured charter at the mobile data processing system comprises maintaining a user specified textual syntax.

11. (Previously Presented) The method of claim 1 wherein the whereabouts data is carried by way of a wireless communications transmission through no intervening data processing system between the mobile data processing system and the remote data processing system.

12. (Canceled).

13. (Previously Presented) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with a user configured time specification, the time specification stored local to the mobile data processing system and used to compare to a receipt time of the receipt of whereabouts data received for processing by the mobile data processing system.

14. (Previously Presented) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes initiating an action at the remote data processing system.

15. (Previously Presented) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes sending an sms message.

16. (Previously Presented) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes sending an electronic mail.

17. (Previously Presented) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes automatically making a phone call by the mobile data processing system.

18. (Previously Presented) The method of claim 14 wherein the remote data processing system establishes a phone call with the mobile data processing system.

19. (Previously Presented) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes presenting information to an informative user interface.

20. (Canceled).

21. (Currently Amended) A mobile data processing system comprising:

one or more processors; and

memory coupled to the one or more processors and storing instructions, which when executed by the one or more processors, causes the one or more processors to perform operations comprising:

presenting a user interface to a user of the mobile data processing system, the user interface for configuring privilege data relating the mobile data processing system with a remote data processing system, the privilege data stored local to the mobile data processing system and searched upon receipt of whereabouts data received for processing by the mobile data processing system;

receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data;

searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system for a matching privilege upon the receiving, for processing by the mobile data processing system, the whereabouts data, wherein the matching privilege is configured for relating the originating identity of the whereabouts

data with a destination identity of the whereabouts data to permit trigger of a privileged action for the receipt of whereabouts data received for processing by the mobile data processing system; and

performing the privileged action at the mobile data processing system upon finding the matching privilege, after the searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system.

22. (Previously Presented) The method of claim 1 wherein the whereabouts data is an unsolicited broadcast of data from the remote data processing system.

23. (Currently Amended) The ~~method~~ system of claim 21 wherein the whereabouts data is an unsolicited broadcast of data from the remote data processing system.

24. (Previously Presented) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, a specified distance between locations of the mobile data processing system and the remote data processing system.

25. (Previously Presented) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the remote data processing system is at a specified location.

26. (Previously Presented) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the remote data processing system is at a specified situational location.

27. (Previously Presented) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the remote data processing system arrived to a specified location during a time in history.

28. (Previously Presented) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the remote data processing system departed a specified location during a time in history.

29. (Previously Presented) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the mobile data processing system is in a specified vicinity of a plurality of other mobile data processing systems.

30. (Previously Presented) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes altering calendar application data.

31. (Previously Presented) The method of claim 10 wherein the user specified textual syntax comprises an XML encoding.

32. (Previously Presented) The method of claim 10 wherein the user specified textual syntax comprises a Whereabouts Programming Language encoding.

33. (New) The system of claim 21 wherein the privileged action is configured by a user of the remote data processing system.

34. (New) The system of claim 33 wherein the destination identity is associated to the mobile data processing system and wherein the receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data comprises receiving, for processing by the mobile data processing system, inbound whereabouts data including an originating identity of the whereabouts data, wherein the originating identity is associated to the remote data processing system, and wherein the whereabouts data is sent by the remote data processing system.

35. (New) The system of claim 33 wherein the destination identity is associated to the remote data processing system and wherein the receiving, for processing by the mobile data processing

system, the whereabouts data including an originating identity of the whereabouts data comprises receiving, for processing by the mobile data processing system, outbound whereabouts data including an originating identity of the whereabouts data, wherein the originating identity is associated to the mobile data processing system, and wherein the whereabouts data is to be sent to the remote data processing system.

36. (New) The system of claim 21 wherein the privileged action is configured by the user of the mobile data processing system.

37. (New) The system of claim 36 wherein the destination identity is associated to the mobile data processing system and wherein the receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data comprises receiving, for processing by the mobile data processing system, inbound whereabouts data including an originating identity of the whereabouts data, wherein the originating identity is associated to the remote data processing system, and wherein the whereabouts data is sent by the remote data processing system.

38. (New) The system of claim 36 wherein the destination identity is associated to the remote data processing system and wherein the receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data comprises receiving, for processing by the mobile data processing system, outbound whereabouts data including an originating identity of the whereabouts data, wherein the originating identity is associated to the mobile data processing system, and wherein the whereabouts data is to be sent to the remote data processing system.

39. (New) The system of claim 21 wherein the operations further include:

maintaining a user configured charter at the mobile data processing system, the charter having a conditional expression and an associated action depending on evaluation of the conditional expression;

evaluating the conditional expression by comparing the conditional expression to the whereabouts data, upon the receiving, for processing by the mobile data processing system, the whereabouts data; and

performing the associated action at the mobile data processing system upon the evaluating the conditional expression by comparing the conditional expression to the whereabouts data.

40. (New) The system of claim 39 wherein the charter is configured by a user of the remote data processing system.

41. (New) The system of claim 39 wherein the maintaining a user configured charter at the mobile data processing system comprises maintaining a user specified textual syntax.

42. (New) The system of claim 21 wherein the whereabouts data is carried by way of a wireless communications transmission through no intervening data processing system between the mobile data processing system and the remote data processing system.

43. (New) The system of claim 21 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with a user configured time specification, the time specification stored local to the mobile data processing system and used to compare to a receipt time of the receipt of whereabouts data received for processing by the mobile data processing system.

44. (New) The system of claim 21 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes initiating an action at the remote data processing system.

45. (New) The system of claim 21 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes sending an sms message.

46. (New) The system of claim 21 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes sending an electronic mail.

47. (New) The system of claim 21 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes automatically making a phone call by the mobile data processing system.

48. (New) The system of claim 44 wherein the remote data processing system establishes a phone call with the mobile data processing system.

49. (New) The system of claim 21 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes presenting information to an informative user interface.

50. (New) The system of claim 21 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, a specified distance between locations of the mobile data processing system and the remote data processing system.

51. (New) The system of claim 21 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the remote data processing system is at a specified location.

52. (New) The system of claim 21 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the remote data processing system is at a specified situational location.

53. (New) The system of claim 21 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the remote data processing system arrived to a specified location during a time in history.

54. (New) The system of claim 21 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the remote data processing system departed a specified location during a time in history.

55. (New) The system of claim 21 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the mobile data processing system is in a specified vicinity of a plurality of other mobile data processing systems.

56. (New) The system of claim 21 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes altering calendar application data.

57. (New) The system of claim 41 wherein the user specified textual syntax comprises an XML encoding.

58. (New) The system of claim 41 wherein the user specified textual syntax comprises a Whereabouts Programming Language encoding.

REMARKS

Applicant amended claim 21 to include the word "and" between clauses. Applicant amended claim 23 to correct an antecedent basis error. Applicant has added new dependent claims 33-58. No new matter has been entered by these amendments.

Specifically, new claims 33-58 are clones of allowed claims 2-11, 13-19 and 24-32, respectively, followed by minimal editing to depend from allowed independent claim 21. Allowed independent claim 21 is a system version of allowed independent claim 1. Allowed claims 2-11, 13-19 and 24-32 depend from allowed claim 1. New claims are dependent on allowed claims and should therefore be in condition for allowance.

Applicant invites the Examiner to contact the undersigned at the below listed telephone number if a telephone conference would expedite prosecution of this application.

Respectfully submitted,

/Craig J. Yudell/

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UNITED STATES PATENT AND TRADEMARK OFFICE

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NOTICE OF ALLOWANCE AND FEE(S) DUE

42640 7590 09/04/2013

Yudell Isidore Ng Russell PLLC
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Austin, TX 78759

EXAMINER
MIAH, LITON

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 09/04/2013

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/287,064	10/03/2008	William J. Johnson	JOHNS-002US	6272

TITLE OF INVENTION: SYSTEM AND METHOD FOR LOCATION BASED EXCHANGES OF DATA FACILITATING DISTRIBUTED LOCATIONAL APPLICATIONS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$890	$300	$0	$1190	12/04/2013

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

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IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

42640 7590 09/04/2013
Yudell Isidore Ng Russell PLLC
8911 N. Capital of Texas Hwy.,
Suite 2110
Austin, TX 78759

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/287,064	10/03/2008	William J. Johnson	JOHNS-002US	6272

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APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$890	$300	$0	$1190	12/04/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
MIAH, LITON	2642	455-456300

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:
- ❑ Issue Fee
- ❑ Publication Fee (No small entity discount permitted)
- ❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ❑ A check is enclosed.
- ❑ Payment by credit card. Form PTO-2038 is attached.
- ❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

❑ Applicant certifying micro entity status. See 37 CFR 1.29	NOTE: Absent a valid certification of Micro Entity Status (see form PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
❑ Applicant asserting small entity status. See 37 CFR 1.27	NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
❑ Applicant changing to regular undiscounted fee status.	NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER	
MIAH, LITON	

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 09/04/2013

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 732 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 732 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 12/287,064	Applicant(s) JOHNSON, WILLIAM J.	
	Examiner LITON MIAH	Art Unit 2642	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Amendment filed on June 13, 2013*.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on_____.
2. ☐ 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.
3. ☒ The allowed claim(s) is/are *1-11,13-19 and 21-32*. As a result of the allowed claim(s), 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 .
4. ☐ 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)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
5. ☐ Examiner's Amendment/Comment
6. ☒ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

DETAILED ACTION

This Action is in response to Applicant's amendment filed on June 13, 2013.

Allowable Subject Matter

1. Claims 1-11, 13-19 and 21-32 are allowed.

2. The following is an Examiner's statement of reasons for allowance:

Consider claim 1 and 21, the best references found during the prosecution of the present application were, **Sheha (U.S. Pat. Pub. No. 2008/0170679), Phillips (U.S. Pat. Pub. No. 2007/0244633) and Almassy (U.S. Pat. No. 7,177,651)**. In view of Remarks filed on June 13, 2013, Sheha, Phillips and Almassy alone or in combination with any of the cited prior art of record fail to disclose, teach or suggest a method and system of claims 1 and 21; therefore claims 1-11, 13-19 and 21-32 are found allowable.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any response to this Office Action should be:

Faxed to: (571) 273-8300

Mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LITON MIAH whose telephone number is (571)270-3124. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571)272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Liton Miah/

Examiner, Art Unit 2642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

	ATTY. DOCKET NO.:	**JOHNS-002US**
In Re Application Of:	§	
	§	
JOHNSON	§ Examiner:	**MIAH, LITON**
	§	
Serial No.: **12/287,064**	§ Art Unit:	**2642**
	§	
Filed: **OCTOBER 3, 2008**	§ Confirmation No.	**6272**
	§	
For: **SYSTEM AND METHOD FOR LOCATION BASED EXCHANGES OF DATA FACILITATING DISTRIBUTED LOCATIONAL APPLICATIONS**	§	

AMENDMENT C UNDER 37 C.F.R. § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Arlington, Virginia 22313-1450

Sir:

This Amendment is submitted in response to the Office Action dated March 18, 2013. Please charge any fee due as well as additional claim fees to **Deposit Account Number 50-3083**. Please amend the above-identified application as indicated below.

CLAIMS

1. (Currently Amended) A method for automatic location based exchange processing [[at]] by a mobile data processing system, [[said]] the method comprising:

presenting a user interface to a user of [[said]] the mobile data processing system, [[said]] the user interface for configuring privilege data relating [[said]] the mobile data processing system with ~~other mobile~~ a remote data processing ~~systems~~ system, [[said]] the privilege data stored local to [[said]] the mobile data processing system and ~~for describing how to distinctly process forthcoming~~ searched upon receipt of whereabouts data received [[at]] for processing by the [[said]] mobile data processing system;

receiving ~~at said~~ , for processing by the mobile data processing system, the [[said]] whereabouts data including an originating identity of the whereabouts data;

searching, by the mobile data processing system, the [[said]] privilege data ~~at said~~ stored local to the mobile data processing system for a matching privilege upon the receiving, for processing by the mobile data processing system, the whereabouts data ~~permitting a user configured action determined for said whereabouts data~~, [[said]] wherein the matching privilege is configured for relating [[said]] the originating identity of the whereabouts data with a ~~receiving~~ destination identity of [[said]] the whereabouts data to permit trigger of a privileged action for the receipt of whereabouts data received for processing by the mobile data processing system; and

performing [[said]] the privileged action at [[said]] the mobile data processing system ~~when~~ upon finding [[said]] the matching privilege ~~upon receipt of said whereabouts data~~ , after the searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system.

2. (Currently Amended) The method of claim 1 wherein ~~said mobile data processing system is a first mobile data processing system, and wherein said~~ the privileged action is configured by a user of [[a]] the remote ~~mobile~~ data processing system.

3. (Currently Amended) The method of claim 2 wherein ~~said whereabouts data is received from said remote mobile data processing system by way of an inbound communications transmission~~ the destination identity is associated to the mobile data processing system and

wherein the receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data comprises receiving, for processing by the mobile data processing system, inbound whereabouts data including an originating identity of the whereabouts data, wherein the originating identity is associated to the remote data processing system, and wherein the whereabouts data is sent by the remote data processing system.

4. (Currently Amended) The method of claim 2 wherein ~~said whereabouts data is received for processing by said first mobile data processing system for an outbound communications transmission to said remote mobile data processing system~~ the destination identity is associated to the remote data processing system and wherein the receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data comprises receiving, for processing by the mobile data processing system, outbound whereabouts data including an originating identity of the whereabouts data, wherein the originating identity is associated to the mobile data processing system, and wherein the whereabouts data is to be sent to the remote data processing system.

5. (Currently Amended) The method of claim 1 wherein ~~said mobile data processing system is a first mobile data processing system, and wherein said~~ the privileged action is configured by [[a]] the user of ~~said first~~ the mobile data processing system.

6. (Currently Amended) The method of claim 5 wherein ~~said whereabouts data is received from a remote mobile data processing system by way of an inbound communications transmission~~ the destination identity is associated to the mobile data processing system and wherein the receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data comprises receiving, for processing by the mobile data processing system, inbound whereabouts data including an originating identity of the whereabouts data, wherein the originating identity is associated to the remote data processing system, and wherein the whereabouts data is sent by the remote data processing system.

7. (Currently Amended) The method of claim 5 wherein ~~said whereabouts data is received for processing by said first mobile data processing system for an outbound communications~~

~~transmission to a remote mobile data processing system~~ the destination identity is associated to the remote data processing system and wherein the receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data comprises receiving, for processing by the mobile data processing system, outbound whereabouts data including an originating identity of the whereabouts data, wherein the originating identity is associated to the mobile data processing system, and wherein the whereabouts data is to be sent to the remote data processing system.

8. (Currently Amended) The method of claim 1 further including:

maintaining a user configured charter at [[said]] the mobile data processing system, [[said]] the charter having a conditional expression and an associated action depending on evaluation of [[said]] the conditional expression;

evaluating the conditional expression by comparing the conditional expression to the whereabouts data, upon the receiving, for processing by the mobile data processing system, the whereabouts data;

~~determining relevance of said charter to said whereabouts data;~~ and

performing [[said]] the associated action at [[said]] the mobile data processing system ~~when said~~ upon the evaluating the conditional expression by comparing the conditional expression to the whereabouts data ~~evaluates to an actionable condition~~.

9. (Currently Amended) The method of claim 8 wherein [[said]] the charter is configured by a user of [[a]] the remote ~~mobile~~ data processing system.

10. (Currently Amended) The method of claim 8 wherein [[said]] the maintaining [[said]] a user configured charter at [[said]] the mobile data processing system comprises maintaining a user specified textual syntax.

11. (Currently Amended) The method of claim 1 wherein [[said]] the whereabouts data is carried by way of a wireless communications transmission through no intervening data processing system between [[said]] the mobile data processing system and [[a]] the remote ~~mobile~~ data processing system.

12. (Canceled).

13. (Currently Amended) The method of claim 1 wherein [[said]] the performing [[said]] the privileged action at [[said]] the mobile data processing system ~~comprises~~ upon finding the matching privilege includes performing [[an]] the privileged action in accordance with a user configured time specification, the time specification stored local to the mobile data processing system and used to compare to a receipt time of the receipt of whereabouts data received for processing by the mobile data processing system.

14. (Currently Amended) The method of claim 1 wherein [[said]] the performing [[said]] the privileged action at [[said]] the mobile data processing system ~~comprises~~ upon finding the matching privilege includes initiating an action at ~~a data processing system remote to said~~ the remote ~~mobile~~ data processing system.

15. (Currently Amended) The method of claim 1 wherein [[said]] the performing [[said]] the privileged action at [[said]] the mobile data processing system ~~comprises~~ upon finding the matching privilege includes sending an sms message.

16. (Currently Amended) The method of claim 1 wherein [[said]] the performing [[said]] the privileged action at [[said]] the mobile data processing system ~~comprises~~ upon finding the matching privilege includes sending an electronic mail.

17. (Currently Amended) The method of claim 1 wherein [[said]] the performing [[said]] the privileged action at [[said]] the mobile data processing system ~~comprises~~ upon finding the matching privilege includes automatically making a phone call ~~from said~~ by the mobile data processing system.

18. (Currently Amended) The method of claim 14 wherein [[said]] the remote data processing system ~~remote to said mobile data processing system~~ establishes a phone call with [[said]] the mobile data processing system.

19. (Currently Amended) The method of claim 1 wherein [[said]] the performing [[said]] the privileged action at [[said]] the mobile data processing system ~~comprises~~ upon finding the matching privilege includes presenting information to an informative user interface.

20. (Canceled).

21. (Currently Amended) A mobile data processing system comprising:

one or more processors;

memory coupled to [[said]] the one or more processors and storing instructions, which when executed by [[said]] the one or more processors, causes [[said]] the one or more processors to perform operations comprising:

presenting a user interface to a user of [[said]] the mobile data processing system, [[said]] the user interface for configuring privilege data relating [[said]] the mobile data processing system with ~~other mobile~~ a remote data processing ~~systems~~ system, [[said]] the privilege data stored local to [[said]] the mobile data processing system and ~~for describing how to distinctly process forthcoming~~ searched upon receipt of whereabouts data received [[at]] for processing by the [[said]] mobile data processing system;

receiving ~~at said~~ , for processing by the mobile data processing system, the [[said]] whereabouts data including an originating identity of the whereabouts data;

searching, by the mobile data processing system, the [[said]] privilege data ~~at said~~ stored local to the mobile data processing system for a matching privilege upon the receiving, for processing by the mobile data processing system, the whereabouts data ~~permitting a user configured action determined for said whereabouts data~~, [[said]] wherein the matching privilege is configured for relating [[said]] the originating identity of the whereabouts data with a ~~receiving~~ destination identity of [[said]] the whereabouts data to permit trigger of a privileged action for the receipt of whereabouts data received for processing by the mobile data processing system; and

performing [[said]] the privileged action at [[said]] the mobile data processing system ~~when~~ upon finding [[said]] the matching privilege ~~upon receipt of said whereabouts data~~ , after the searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system.

22. (Currently Amended) The method of claim 1 wherein [[said]] the whereabouts data is an unsolicited broadcast of data from [[a]] the remote ~~mobile~~ data processing system.

23. (Currently Amended) The method of claim 21 wherein [[said]] the whereabouts data is an unsolicited broadcast of data from [[a]] the remote ~~mobile~~ data processing system.

24. (New) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, a specified distance between locations of the mobile data processing system and the remote data processing system.

25. (New) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the remote data processing system is at a specified location.

26. (New) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the remote data processing system is at a specified situational location.

27. (New) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the remote data processing system arrived to a specified location during a time in history.

28. (New) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the remote data processing system departed a specified location during a time in history.

29. (New) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes performing the privileged action in accordance with determining, by the mobile data processing system, the mobile data processing system is in a specified vicinity of a plurality of other mobile data processing systems.

30. (New) The method of claim 1 wherein the performing the privileged action at the mobile data processing system upon finding the matching privilege includes altering calendar application data.

31. (New) The method of claim 10 wherein the user specified textual syntax comprises an XML encoding.

32. (New) The method of claim 10 wherein the user specified textual syntax comprises a Whereabouts Programming Language encoding.

REMARKS

This Amendment is submitted in response to the Office Action dated March 18, 2013. Applicant has canceled Claim 20 and amended Claims 1-11, 13-19, and 21-23 without prejudice or disclaimer to the subject matter. Claims 24-32 have been added. No new matter has been entered by these amendments.

Claim Rejections Under 35 USC §103

In the present Office Action, Claims 1-11 and 13-23 have been rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Application Publication No. 2008/0170679 (hereinafter "*Sheha*") in view of U.S. Patent Application Publication No. 2007/0244633 (hereinafter "*Phillips*") and further in view of U.S. Patent 7,177,651 (hereinafter "*Almassy*"). Those rejections are respectfully traversed and reconsideration of the claims is requested.

Claims 1-11, 13-19, and 21-32
Not Anticipated or Rendered Obvious by the Prior Art of Record

Amended Claims 1-11, 13-19, and 21-32 are not anticipated or rendered obvious by any of *Sheha*, *Phillips*, nor *Almassy*, taken individually, or in combination. For example, with respect to exemplary independent Claim 1, therein is recited, *inter alia:*

> *"presenting a user interface to a user of the mobile data processing system, the user interface for configuring privilege data relating the mobile data processing system with a remote data processing system, the privilege data stored local to the mobile data processing system and searched upon receipt of whereabouts data received for processing by the mobile data processing system"*

Claim 1 provides searching privilege data stored local to the mobile data processing system which receives the whereabouts information. The local privileges are not searched until after the whereabouts data is already received. There is nothing in *Sheha*, *Phillips*, nor *Almassy*, taken individually, or in combination, that shows or suggests this processing. For example, *Sheha* paragraph [0046] states "The mobile device location information can be provided only, due to privacy settings…." (also see entire paragraph), *Sheha* paragraph [0049] states "the position information of each device can be updated in the ODAS 3 prior to establishing the telephone call, depending on each mobile device's 18b and 18c privacy settings", and *Sheha* paragraph [0052] states "When a mobile device's position information is requested, the system,

based on privacy settings, responds with the appropriate position information to the requesting user's device." The *Sheha* privacy setting is accessed remotely by a request before any position information is transmitted or received. Receipt of the position information is not the event which causes a search to a privacy setting. Position information is not sent to *Sheha's* online database and application server (ODAS), nor any receiving system if the request for the privacy setting determines access is not allowed. *Sheha* describes whether or not a mobile device will allow its position information to be provided at all to another party. Privilege data disclosed in the present application is stored local to the mobile data processing system which receives whereabouts data from another party, and the privilege data is "*searched upon receipt of whereabouts data received for processing by the mobile data processing system.*" Upon receipt of whereabouts data, the "*privilege data stored local to the mobile data processing system*" is searched for a match. Not only are *Sheha* privacy settings stored and accessed remotely by a request, but the receiving mobile data processing system never receives the position information if the privacy setting indicates not to provide it. Location information in *Sheha* is not sent at all when the privacy setting indicates private. Whereabouts data disclosed in the present application is received at the mobile data processing system for processing before locally maintained privilege data is searched and processed.

Further, *Phillips* also discloses location information not being provided at all if the requester of the location information does not have an appropriate level of access. For example, *Phillips* paragraphs [0026] and [0181] state "It may be that whether a user is permitted to know the location of another user is determined based on the access levels of the users", and *Phillips* paragraph [0085] states "a first peer may exchange location and/or velocity data with a second peer provided that the second peer has an appropriate level of access to such information from the first peer. In yet another instance, the exchange of information from the first peer to the second peer may be conditioned on the second peer having both the appropriate level of access and the user of the second peer providing a PIN and/or authentication code that corresponds to a code stored in the database 100." *Phillips* discloses different levels of access and a PIN and/or authentication code, but like *Sheha*, access credentials are stored and accessed remotely with a request, and the receiving mobile data processing system never receives the location information if it does not have the necessary level of access. Again, the location information in *Phillips* is not transmitted or received at all when the requester's access level to the location information is

not sufficient. In the same manner as *Sheha*, location information is never sent unless the location data is authorized for access by the requester. *Phillips* access levels determine whether or not a mobile device will send its position information at all to a particular party. Also, *Phillips* authentication data is not stored local to the device which receives the location information. For the same reasons stated for *Sheha* above, Claim 1 language "*the privilege data stored local to the mobile data processing system and searched upon receipt of whereabouts data received for processing by the mobile data processing system*" is also distinctly different from *Phillips*.

Further still, *Almassy* teaches trust level information stored local to a mobile data processing system, but not the mobile data processing system of Claim 1. *Almassy*, like *Sheha* and *Phillips*, does not allow access to location information at all unless the trust level exists at the remote system to allow access to it. Similarly, trust level information is accessed remotely with a request prior to transmitting or receiving any location information. For example, the *Almassy* abstract states "Trust determinations can be enabled so that position data is sent to a restricted list of requesting telephone numbers", *Almassy* column 2 lines 12-22 state "the telephone determining a trust level that it has in the first mobile station. Then, the first mobile station receives the position of the telephone in response to the level of trust determined at the telephone. Alternately, the trust level determination is made by the service provider when the telephone is a landline telephone, or a wireless communication system when the telephone is a second mobile station. In some aspects of the invention, a manual step is inserted in the process. A request is made to the telephone user to authorize the transmission of position information to the first mobile station", and *Almassy* column 4 lines 9-18 state "Typically, the second mobile station 22 does not send its position to the first mobile station unless the first mobile station is known and trusted. In one aspect of the invention, the second mobile station 22 includes a memory 34 including a record of trust relationships, where a party, the first mobile station 12 for example, is recognized by a caller ID function that is incorporated into the telephone. The second mobile station sends it position in response to accessing the memory 34 to determine the level of trust with the first mobile station. Thus, the position information is sent by the second mobile station 22 automatically, if the first mobile station is trusted." Thus, none of *Sheha*, *Phillips*, nor *Almassy*, taken individually or in combination, teaches or suggests "*the privilege data stored local to the*

mobile data processing system and searched upon receipt of whereabouts data received for processing by the mobile data processing system."

As a further example, with respect to exemplary independent Claim 1, therein is recited, *inter alia:*

> *"searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system for a matching privilege upon the receiving, for processing by the mobile data processing system, the whereabouts data, wherein the matching privilege is configured for relating the originating identity of the whereabouts data with a destination identity of the whereabouts data to permit trigger of a privileged action for the receipt of whereabouts data received for processing by the mobile data processing system"*

There is nothing in *Sheha*, *Phillips*, nor *Almassy*, taken individually, or in combination, that shows or suggests searching privileges stored local to the receiving mobile data processing system after already receiving whereabouts data from a sending system. Claim 1 "*searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system for a matching privilege upon the receiving, for processing by the mobile data processing system, the whereabouts data"* describes an unusual time to search privileges. Thus, the "*receipt of whereabouts data received for processing by the mobile data processing system*" is the event that causes *"searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system for a matching privilege.*" This unusual time to search privileges is nowhere to be found in *Sheha*, *Phillips*, nor *Almassy.* Again, *Sheha*, *Phillips*, and *Almassy*, taken individually, or in combination, fail to show or suggest this Claim 1 processing. The searching of privilege data, in the present application, occurs "*upon the receiving, for processing by the mobile data processing system, the whereabouts data"* and privileges searched are those of "*privilege data stored local to the mobile data processing system."*

As yet a further example, with respect to exemplary independent Claim 1, therein is recited, *inter alia:*

> *"performing the privileged action at the mobile data processing system upon finding the matching privilege, after the searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system"*

There is nothing in *Sheha*, *Phillips*, nor *Almassy*, taken individually, or in combination, that shows or suggests searching privileges stored local to the receiving mobile data processing system after already receiving whereabouts data from a sending system. Claim 1 "*performing the privileged action at the mobile data processing system upon finding the matching privilege*" occurs "*after the searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system*". Claim 1 "*searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system*" occurs *"upon the receiving, for processing by the mobile data processing system, the whereabouts data"*. *Sheha*, *Phillips*, and *Almassy*, taken individually, or in combination, fail to show or suggest this Claim 1 processing.

Moreover, neither *Sheha*, nor *Phillips*, nor *Almassy*, alone or in combination teach exemplary independent Claim 1 recited, *inter alia*:

> *"presenting a user interface to a user of the mobile data processing system, the user interface for configuring privilege data relating the mobile data processing system with a remote data processing system, the privilege data stored local to the mobile data processing system and searched upon receipt of whereabouts data received for processing by the mobile data processing system;*
>
> *receiving, for processing by the mobile data processing system, the whereabouts data including an originating identity of the whereabouts data;*
>
> *searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system for a matching privilege upon the receiving, for processing by the mobile data processing system, the whereabouts data, wherein the matching privilege is configured for relating the originating identity of the whereabouts data with a destination identity of the whereabouts data to permit trigger of a privileged action for the receipt of whereabouts data received for processing by the mobile data processing system; and*
>
> *performing the privileged action at the mobile data processing system upon finding the matching privilege, after the searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system."*

Claim 1 provides for all processing at a mobile data processing system (i.e. the preamble "*A method for automatic location based exchange processing by a mobile data processing system"*). Claim 1 provides "*performing the privileged action at the mobile data processing system upon finding the matching privilege, after the searching, by the mobile data processing system, the privilege data stored local to the mobile data processing system"* and "*searching, by the mobile data processing system, the privilege data stored local to the mobile data processing*

system for a matching privilege" does not occur until *"upon the receiving, for processing by the mobile data processing system, the whereabouts data"*. Claim 1 provides *"wherein the matching privilege is configured for relating the originating identity of the whereabouts data with a destination identity of the whereabouts data to permit trigger of a privileged action for the receipt of whereabouts data received for processing by the mobile data processing system"*. Claim 1 provides receiving the whereabouts data (i.e. "*receiving, for processing by the mobile data processing system, the whereabouts data"*) and then using privileges: *"the privilege data stored local to the mobile data processing system and searched upon receipt of whereabouts data received for processing by the mobile data processing system"*. Claim 1 provides local privileges and applicable processing, not remotely accessed permission for access to location/position information: "*presenting a user interface to a user of the mobile data processing system, the user interface for configuring privilege data relating the mobile data processing system with a remote data processing system, the privilege data stored local to the mobile data processing system"*.

Claim 1 whereabouts data receipt is the event which causes searching of privileges. *Sheha*, *Phillips*, and *Almassy* disclose a request to a remote system being the event to search access permission before any position/location information is subsequently transmitted or received. Furthermore, Claim 1 privileges are stored local to the receiving mobile data processing system and the privileges are also searched local to the mobile data processing system which has already received the whereabouts data. *Sheha*, *Phillips*, and *Almassy* disclose access permissions being located at a remote system, searched at that remote system, and then determining if position/location information is to be subsequently transmitted and received at all. Moreover, Claim 1 local search processing occurs "*upon the receiving, for processing by the mobile data processing system, the whereabouts data"*. *Sheha*, *Phillips*, and *Almassy* disclose making requests for permission to access the position/location information at a remote system, thereby the request for access to position/location information at the remote system causing a search at the remote system.

In conclusion, Applicant respectfully submits that neither *Sheha*, nor *Phillips*, nor *Almassy*, nor any known prior art, alone or in combination, anticipates or render obvious the above elements of Claim 1. The prior art, alone or in combination, fails to teach or suggest

Claim 1 and the claims dependent thereon in the present application. For at least the same reasons as given above with respect to independent Claim 1, Applicant submits that independent Claim 21 is similarly in condition for allowance. New Claims 24-32 depend from amended Claim 1 and therefore should be in condition for allowance.

Having now responded to each rejection set forth in the present Office Action, Applicant believes all pending claims are now in condition for allowance and respectfully request early notice hereof. Applicant invites the Examiner to contact the undersigned at the below listed telephone number if a telephone conference would expedite prosecution of this application.

Respectfully submitted,

/Craig J. Yudell/

Craig J. Yudell
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/287,064	10/03/2008	William J. Johnson	JOHNS-002US	6272

42640 7590 03/18/2013

Yudell Isidore Ng Russell PLLC
8911 N. Capital of Texas Hwy.,
Suite 2110
Austin, TX 78759

EXAMINER	
MIAH, LITON	
ART UNIT	PAPER NUMBER
2642	

NOTIFICATION DATE	DELIVERY MODE
03/18/2013	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):

Patents@yudellisidore.com

Office Action Summary	Application No.	Applicant(s)	
	12/287,064	JOHNSON, WILLIAM J.	
	Examiner	Art Unit	
	LITON MIAH	2642	

-- 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 June 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) *1-11 and 13-23* 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) *1-11 and 13-23* 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 _____ 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/SB/08) Paper No(s)/Mail Date *01/11/2013*.

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

4) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements submitted on January 11, 2013 have been considered by the Examiner and made of record in the application file.

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 June 29, 2012 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-11 and 13-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheha et al (US 2008/0170679) in view of Phillips et al (US 2007/0244633) and further in view of Almassy (US 7,177,651).

For claim 1, Sheha et al discloses a method for automatic location based exchange processing at a mobile data processing system, the method comprising:

presenting a user interface to a user of the mobile data processing system **(fig. 3 [18, mobile device] and paragraph 53, discloses user interface)**, the user interface for configuring privilege data relating the mobile data processing system with other mobile data processing systems, the privilege data for describing how to distinctly process forthcoming whereabouts data received at the mobile data processing system **(paragraph 49 and 51-52 and fig. 6; discloses privacy setting, which allows the position transfer permission)**;

receiving at the mobile data processing system the whereabouts data including an originating identity **(paragraph 47 discloses that the mobile device receiving position and the identification information)**;.

Sheha et al specifically does not disclose searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for said whereabouts data, said matching privilege configured for relating said originating identity with a receiving identity of said mobile data processing system and performing said action at said mobile data processing system when finding said matching privilege upon receipt, said action privileged by said permission and a result of said whereabouts data. However, **Phillips et al** from the same or similar fields of endeavor teaches searching the privilege data at the mobile

data processing system for a matching privilege permitting a user configured action determined for the whereabouts data, the matching privilege configured for relating the originating identity with a receiving identity of the mobile data processing system **(paragraph 84-85; determining a user's privileges based access level)**; and performing the action at the mobile data processing system when finding said matching privilege upon receipt, the action privileged by said permission and a result of the whereabouts data **(paragraph 84; the service would be enable based location and the PIN).** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sheha et al with Phillips et al they both can exchange data in a peer-to-peer configuration so it would grant different access levels and also improve the system for using location-based information.

Sheha et al and Phillips et al specifically do not disclose the privilege data stored local to the mobile data processing system. However, **Almassy** from the same or similar fields of endeavor teaches the privilege data stored local to the mobile data processing system **(col. 2 [lines 12-15] and col. 4 [lines 9-15] discloses that memory of mobile station 22 stores trust relationships which is considered as the privilege data).** It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate above mention feature of the privilege data stored local to the mobile data processing system as taught by Almassy into the invention of Sheha et al and Phillips et al for the purpose of exchanging location information in a telephone network as it would guarantee the privacy of both parties.

For claim 2, Sheha et al further discloses the mobile data processing system is a first mobile data processing system, and wherein said action is configured by a user of a remote mobile data processing system **(paragraph 22 and 51)**.

For claim 3, Sheha et al further discloses the whereabouts data is received from the remote mobile data processing system by way of an inbound communications transmission **(paragraph 22 and 51)**.

For claim 4, Sheha et al further discloses the whereabouts data is received for processing by the first mobile data processing system for an outbound communications transmission to the remote mobile data processing system **(paragraph 22 and 51)**.

For claim 5, Sheha et al further discloses the mobile data processing system is a first mobile data processing system, and wherein the action is configured by a user of the first mobile data processing system **(paragraph 51-52)**.

For claim 6, Sheha et al further discloses the whereabouts data is received from a remote mobile data processing system by way of an inbound communications transmission **(paragraph 51-52)**.

For claim 7, Sheha et al further discloses the whereabouts data is received for processing by the first mobile data processing system for an outbound communications transmission to a remote mobile data processing system **(paragraph 51-52)**.

For claim 8, Sheha et al further discloses maintaining a user configured charter at said mobile data processing system, said charter having a conditional expression and an associated action depending on evaluation of said expression **(paragraph 22 and 52)**;
determining relevance of said charter to said whereabouts data **(paragraph 22 and 52)**; and performing said associated action at said mobile data processing system when said expression evaluates to an actionable condition **(paragraph 22 and 52)**.

For claim 9, Sheha et al further discloses the charter is configured by a user of a remote mobile data processing system **(paragraph 22 and 52)**.

For claim 10, Sheha et al further discloses the maintaining the user configured charter at the mobile data processing system comprises maintaining a user specified textual syntax **(paragraph 22 and 52)**.

For claim 11, Sheha et al further discloses the whereabouts data is carried by way of a wireless communications transmission through no intervening data processing system between the mobile data processing system and a remote mobile data processing system **(paragraph 51; peer-to-peer transfer, avoids server in between)**

For claim 13, Sheha et al further discloses the performing the action at said mobile data processing system comprises performing an action in accordance with a time specification **(paragraph 22 and 48)**.

For claim 14, Sheha et al further discloses the performing the action at said mobile data processing system comprises initiating an action at a data processing system remote to said mobile data processing system **(paragraph 22 and 48)**.

For claim 15, Sheha et al specifically does not disclose the performing the action at the mobile data processing system comprises sending an sms message. However, **Phillips et al** from the same or similar fields of endeavor teaches the performing the action at the mobile data processing system comprises sending an sms message **(paragraph 13).** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sheha et al with Phillips et al they both can exchange data in a peer-to-peer configuration so it would grant different access levels and also improve the system for using location-based information.

For claim 16, Sheha et al specifically does not disclose performing said action at the mobile data processing system comprises sending an electronic mail. However, **Phillips et al** from the same or similar fields of endeavor teaches the performing the action at said mobile data processing system comprises sending an electronic mail **(paragraph 13).** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sheha et al with Phillips et al they both can exchange data in a peer-to-peer configuration so it would grant different access levels and also improve the system for using location-based information.

For claim 17, Sheha et al further discloses the performing the action at said mobile data processing system comprises automatically making a phone call from the mobile data processing system **(paragraph 49)**.

For claim 18, Sheha et al further discloses the data processing system remote to the mobile data processing system establishes a phone call with the mobile data processing system **(paragraph 49)**.

For claim 19, Sheha et al further discloses the performing the action at the mobile data processing system comprises presenting information to an informative user interface **(paragraph 53)**.

For claim 20, Sheha et al discloses a method for automatic location based exchange processing at a mobile data processing system, the method comprising:
presenting a user interface to a user of the mobile data processing system **(fig. 3 [18, mobile device] and paragraph 53, discloses user interface)**, the user interface for configuring privilege data relating the mobile data processing system with other mobile data processing systems, the privilege data for describing how to distinctly process forthcoming whereabouts

data received at the mobile data processing system **(paragraph 49 and 51-52 and fig. 6; discloses privacy setting, which allows the position transfer permission)**.

Sheha et al specifically does not disclose searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for said whereabouts data, said matching privilege configured for relating said originating identity with a receiving identity of said mobile data processing system and performing said action at said mobile data processing system when finding said matching privilege upon receipt, said action privileged by said permission and a result of said whereabouts data. However, **Phillips et al** from the same or similar fields of endeavor teaches searching the privilege data at the mobile data processing system for matching privileges permitting user configured actions determined for the whereabouts data, said whereabouts data describing the mobile data processing system or remote mobile data processing systems in the vicinity of the mobile data processing system **(paragraph 84-85; determining a user's privileges based access level)**; and performing the actions at the mobile data processing system when finding said matching privileges upon receipt of the whereabouts data **(paragraph 84; the service would be enable based location and the PIN).** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sheha et al with Phillips et al they both can exchange data in a peer-to-peer configuration so it would grant different access levels and also improve the system for using location-based information.

Sheha et al and Phillips et al specifically do not disclose the privilege data stored local to the mobile data processing system. However, **Almassy** from the same or similar fields of endeavor teaches the privilege data stored local to the mobile data processing system **(col. 2**

[lines 12-15] and col. 4 [lines 9-15] discloses that memory of mobile station 22 stores trust relationships which is considered as the privilege data). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate above mention feature of the privilege data stored local to the mobile data processing system as taught by Almassy into the invention of Sheha et al and Phillips et al for the purpose of exchanging location information in a telephone network as it would guarantee the privacy of both parties.

For claim 21, Sheha et al discloses a mobile data processing system comprising:

one or more processors **(paragraph 53)**;

memory coupled to said one or more processors and storing instructions, which when executed by the one or more processors **(paragraph 53)**, causes the one or more processors to perform operations comprising:

presenting a user interface to a user of the mobile data processing system **(fig. 3 [18, mobile device] and paragraph 53, discloses user interface)**, the user interface for configuring privilege data relating the mobile data processing system with other mobile data processing systems, the privilege data for describing how to distinctly process forthcoming whereabouts data received at the mobile data processing system **(paragraph 49 and 51-52 and fig. 6; discloses privacy setting, which allows the position transfer permission)**; receiving at the mobile data processing system the whereabouts data including an originating identity **(paragraph 47 discloses that the mobile device receiving position and the identification information)**.

Sheha et al specifically does not disclose searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for

said whereabouts data, said matching privilege configured for relating said originating identity with a receiving identity of said mobile data processing system and performing said action at said mobile data processing system when finding said matching privilege upon receipt, said action privileged by said permission and a result of said whereabouts data. However, **Phillips et al** from the same or similar fields of endeavor teaches searching the privilege data at the mobile data processing system for a matching privilege permitting a user configured action determined for the whereabouts data, said matching privilege configured for relating the originating identity with a receiving identity of the mobile data processing system **(paragraph 84-85; determining a user's privileges based access level)**; and performing the action at the mobile data processing system when finding the matching privilege upon receipt, the action privileged by said permission and a result of the whereabouts data **(paragraph 84; the service would be enable based location and the PIN).** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sheha et al with Phillips et al they both can exchange data in a peer-to-peer configuration so it would grant different access levels and also improve the system for using location-based information.

Sheha et al and Phillips et al specifically do not disclose the privilege data stored local to the mobile data processing system. However, **Almassy** from the same or similar fields of endeavor teaches the privilege data stored local to the mobile data processing system **(col. 2 [lines 12-15] and col. 4 [lines 9-15] discloses that memory of mobile station 22 stores trust relationships which is considered as the privilege data).** It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate above mention feature of the privilege data stored local to the mobile data processing system as taught by Almassy into the

invention of Sheha et al and Phillips et al for the purpose of exchanging location information in a telephone network as it would guarantee the privacy of both parties.

For claims 22-23, Sheha et al further discloses the whereabouts data is an unsolicited broadcast of data from the remote mobile data processing system **(paragraph 22 and 51)**.

Response to Arguments

5. Applicant's arguments, filed on June 29, 2012, with respect to **claims 1, 20 and 21** have been considered but are moot in view of the new ground(s) of rejection necessitated by the new limitations added to independent claims **1, 20 and 21.** See the above rejection of claims **1-11 and 13-23** for the relevant citations found in Sheha et al, Phillips et al and Almassy disclosing the newly cited limitations.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liton Miah whose telephone number is (571)270-3124. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571)272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Liton Miah/

Examiner, Art Unit 2642

Doc code: RCEX
Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	12/287,064	Filing Date	2008-10-03	Docket Number (if applicable)	JOHNSON.000610US	Art Unit	2617
First Named Inventor	WILLIAM J. JOHNSON			Examiner Name	LITON MIAH		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____

☒ Enclosed

- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____ (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☐ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Signature of Registered U.S. Patent Practitioner			
Signature	/Jonathan E. Jobe/	Date (YYYY-MM-DD)	2012-06-29
Name	Jonathan E. Jobe	Registration Number	28429

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

		Attorney Docket No. **JOHNSON.000610US**
In re Application of: **WILLIAM J. JOHNSON**	§ §	
	§	Examiner: **LITON MIAH**
Serial No.: **12/287,064**	§	Confirmation No.: **6272**
Filed: **OCTOBER 3, 2008**	§	Art Unit: **2617**
For: **SYSTEM AND METHOD FOR LOCATION BASED EXCHANGES OF DATA FACILITATING DISTRIBUTED LOCATIONAL APPLICATIONS**	§	

AMENDMENT SUBMITTED WITH THE FILING OF A REQUEST FOR CONTINUED PROSECUTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated March 2, 2012, please amend the above identified Application as follows:

Amendments to the Claims are reflected in the listing of the claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

Amendments to the Claims

The following listing of the claims will replace all prior versions and listings of claims in the application.

1. (Currently Amended) A method for automatic location based exchange processing at a mobile data processing system, said method comprising:

presenting a user interface to a user of said mobile data processing system, said user interface for configuring ~~locally stored~~ privilege data relating said mobile data processing system with other mobile data processing systems, said privilege data stored local to said mobile data processing system and for describing how to distinctly process forthcoming whereabouts data received at said mobile data processing system;

receiving at said mobile data processing system said whereabouts data including an originating identity;

searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for said whereabouts data, said matching privilege configured for relating said originating identity with a receiving identity of said mobile data processing system; and

performing said action at said mobile data processing system when finding said matching privilege upon receipt of said whereabouts data.

2. (Previously Presented) The method of claim 1 wherein said mobile data processing system is a first mobile data processing system, and wherein said action is configured by a user of a remote mobile data processing system.

3. (Previously Presented) The method of claim 2 wherein said whereabouts data is received from said remote mobile data processing system by way of an inbound communications transmission.

4. (Previously Presented) The method of claim 2 wherein said whereabouts data is received for processing by said first mobile data processing system for an outbound communications transmission to said remote mobile data processing system.

5. (Previously Presented) The method of claim 1 wherein said mobile data processing system is a first mobile data processing system, and wherein said action is configured by a user of said first mobile data processing system.

6. (Previously Presented) The method of claim 5 wherein said whereabouts data is received from a remote mobile data processing system by way of an inbound communications transmission.

7. (Previously Presented) The method of claim 5 wherein said whereabouts data is received for processing by said first mobile data processing system for an outbound communications transmission to a remote mobile data processing system.

8. (Previously Presented) The method of claim 1 further including:

maintaining a user configured charter at said mobile data processing system, said charter having a conditional expression and an associated action depending on evaluation of said expression;

determining relevance of said charter to said whereabouts data; and

performing said associated action at said mobile data processing system when said expression evaluates to an actionable condition.

9. (Previously Presented) The method of claim 8 wherein said charter is configured by a user of a remote mobile data processing system.

10. (Currently Amended) The method of claim 8 wherein said maintaining ~~a~~ said user configured charter at said mobile data processing system comprises maintaining a user specified textual syntax.

11. (Previously Presented) The method of claim 1 wherein said whereabouts data is carried by way of a wireless communications transmission through no intervening data processing system between said mobile data processing system and a remote mobile data processing system.

12. (Cancelled).

13. (Previously Presented) The method of claim 1 wherein said performing said action at said mobile data processing system comprises performing an action in accordance with a time specification.

14. (Previously Presented) The method of claim 1 wherein said performing said action at said mobile data processing system comprises initiating an action at a data processing system remote to said mobile data processing system.

15. (Previously Presented) The method of claim 1 wherein said performing said action at said mobile data processing system comprises sending an sms message.

16. (Previously Presented) The method of claim 1 wherein said performing said action at said mobile data processing system comprises sending an electronic mail.

17. (Previously Presented) The method of claim 1 wherein said performing said action at said mobile data processing system comprises automatically making a phone call from said mobile data processing system.

18. (Previously Presented) The method of claim 14 wherein said data processing system remote to said mobile data processing system establishes a phone call with said mobile data processing system.

19. (Currently Amended) The method of claim 1 wherein said performing said action at said mobile data processing system comprises presenting information to ~~a~~ an informative user interface.

20. (Currently Amended) A method for automatic location based exchange processing at a mobile data processing system, said method comprising:

presenting a user interface to a user of said mobile data processing system, said user interface for configuring ~~locally stored~~ privilege data relating said mobile data processing system with other mobile data processing systems, said privilege data stored local to said mobile data processing system and for describing how to distinctly process forthcoming whereabouts data received at said mobile data processing system;

searching said privilege data at said mobile data processing system for matching privileges permitting user configured actions determined for said whereabouts data, said whereabouts data describing said mobile data processing system or remote mobile data processing systems in the vicinity of said mobile data processing system; and

performing said actions at said mobile data processing system when finding said matching privileges upon receipt of said whereabouts data.

21. (Currently Amended) A mobile data processing system comprising:

one or more processors;

memory coupled to said one or more processors and storing instructions, which when executed by said one or more processors, causes said one or more processors to perform operations comprising:

presenting a user interface to a user of said mobile data processing system, said user interface for configuring ~~locally stored~~ privilege data relating said mobile data processing system with other mobile data processing systems, said privilege data stored local to said mobile data processing system and for describing how to distinctly process forthcoming whereabouts data received at said mobile data processing system;

receiving at said mobile data processing system said whereabouts data including an originating identity;

searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for said whereabouts data, said matching privilege configured for relating said originating identity with a receiving identity of said mobile data processing system; and

performing said action at said mobile data processing system when finding said matching privilege upon receipt of said whereabouts data.

22. (New) The method of claim 1 wherein said whereabouts data is an unsolicited broadcast of data from a remote mobile data processing system.

23. (New) The method of claim 21 wherein said whereabouts data is an unsolicited broadcast of data from a remote mobile data processing system.

Remarks/Arguments

This is in response to the Office Action dated March 2, 2012. Reconsideration is respectfully requested.

Claim Objections

The Examiner has objected to claims 10 and 19 under 37 C.F.R. 1.75. The Applicant has amended claims 10 and 19 in the manner suggested by the Examiner.

Claim Rejections

Claims 1-11 and 13-21 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sheha et al. U.S. Patent Publication No. 2008/0170679 (Sheha) in view of Phillips et al. U.S. Patent Publication No. 2007/0244633 (Phillips). The Applicant has amended claims and respectfully traverses the rejection of claims 1-11 and 13-21. New claims 22 and 23 are also provided to further highlight Applicant's "pure peer to peer" architecture as described below.

The Applicant respectfully submits that neither Sheha nor Phillips, individually or in any combination, teaches or suggests the subject matter of amended claims 1-11 and 13-23. The Examiner rejects Applicant's claim 1 by taking the position that Figure 3 and paragraph 53 of Sheha disclose presenting a user interface to a user of a mobile data processing system, and that Figure 6 and paragraphs 49 and 51-52 of Sheha disclose privacy settings which allow the position transfer permission. The Applicant respectfully points out that a Sheha privacy setting/permission is accessed at the calling/originating device before any location information is determined to be shared or sent. Whereabouts data is never sent to Sheha's online database and application server (ODAS), nor any receiving system if the privacy/permission setting indicates not to.

Sheha describes its privacy settings at paragraph 46, as follows:

> "The mobile device location information can be provided only, due to privacy settings, if the user configured the mobile device 18a to allow position information to while calls are received. In another embodiment, the privacy configuration also includes settings such as the option to never send position information, or to send position information while receiving and/or sending calls, and whether the transfer of position information should be allowed only for an instance or for a given period of time. This provides the user the opt-in capability for position information transfer."

The privacy settings described at paragraph 46 of Sheha determine whether and under what conditions, if any, a mobile device will allow its own position information to be provided to another party. All disclosure in Sheha having to do with privacy settings is consistent with paragraph 46. Paragraph 52 cited by the Examiner states, in pertinent part: "When a mobile device's position information is requested, the system, based on privacy settings, responds with the appropriate position information to the requesting user's device."

What is claimed in claim 1 is distinctly different from what is disclosed in Sheha. In claim 1, privilege data determines how the mobile device will process whereabouts data it receives. Upon receipt of whereabouts data from an originating system, privileges are matched for processing the whereabouts data. In Sheha, privacy settings determine whether or not a mobile device will send its position information to another party. Referring to claim 1 prior to being amended, the claimed method presents to the user of the mobile data processing system a user interface "for configuring locally stored privilege data relating said mobile data processing system with other mobile data processing systems, said privilege data for describing how to distinctly process forthcoming whereabouts data received at said mobile data processing system." The whereabouts data in Sheha is not sent at all when the privacy setting indicates private. Applicant's whereabouts data is received at the mobile data processing system (from the sending mobile data processing system) before the privilege is accessed and used for processing at the receiving mobile data processing system. Nevertheless, Applicant has amended claim 1 to clarify "locally stored privilege data" with "privilege data stored local to said mobile data processing system" and respectfully submits that Sheha neither discloses nor suggests the subject matter of claim 1.

Figure 3 of Sheha discloses a mobile data processing system, and Figure 6 and paragraph 53 disclose a user interface; however, there is no disclosure in Sheha of using the disclosed user interface to configure Applicant's claimed privileges. Paragraphs 49 and 51-52 of Sheha do not disclose "privilege data stored local to said mobile data processing system and for describing how to distinctly process forthcoming whereabouts data received at said mobile data processing system."

The Examiner admits that Sheha "does not disclose searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for said whereabouts data, said matching privilege configured for relating said originating identity with a receiving identity of said mobile data processing system and performing said action at said mobile data processing system when finding said matching privilege upon receipt … ", as claimed in claim 1. However, the Examiner takes the position that Phillips, at paragraphs 84-85, discloses claim 1 features. The Applicant respectfully traverses the Examiner's position.

Paragraph 84 of Phillips discloses that a database server may store, in addition to data representative of positions and/or velocities, information pertaining to a user's privacy or security. The user may be provided with an option of choosing whether or not to store in the database the location and/or velocity of his or her portable electronic facility. If, according to the user's privacy information, the location of his or her device is not stored in the database, location information cannot be provided to another device. Thus, the system of paragraph 84 is essentially in the same condition described above as disclosed by Sheha.

Paragraph 85 of Phillips discloses that the database server may also store information pertaining to a user's level of access to services. Paragraph 85 discloses an embodiment in which a plurality of handsets may be configured as peers. In that embodiment, a first peer may provide position and/or velocity information to a second peer, provided that the first peer has given the second peer an appropriate level of access to the information.

Phillips does not disclose or suggest what is claimed in claim 1. In claim 1, a mobile data processing system receives whereabouts data including an originating identity. The mobile data processing system searches privilege data for a privilege permitting a user configured action determined for the whereabouts data based upon the originating identity. If the mobile data processing system finds a matching privilege, the mobile data processing system then performs the user configured action.

Phillips adds to Sheha the concept of different levels of access based upon the identity of the requestor of position information. In claim 1, privilege data determines how the mobile device will process whereabouts data it receives. In Phillips, access levels determine whether or

not a mobile device will send its position information at all to a particular party. Using a PIN or a level of access to request whereabouts information is not even similar to already receiving the whereabouts information at a mobile data processing system from a peer and then searching for and using identity based privileges to process it. The Applicant respectfully submits that Phillips neither discloses nor suggests the subject matter of claim 1.

Though additional distinction need not be pointed out, please note further that claim 1 recites "automatic location based exchange processing at a mobile data processing system" comprising a pure peer to peer architecture, and not a conventional "peer to peer" architecture. Terminology "peer to peer" is loosely used in the industry by many to describe what may be a centralized service architecture to accomplish at some point a peer to peer data transfer. Even so called "peer to peer" Voice over IP architectures (VoIP) such as SIP and H.323 rely on associated third party centralized services to carry out set up, connectivity, protocol and processing in an analogous manner that SS7 services accomplish in a telephony environment. There is a tremendous amount of application level communications and processing involving centralized services to accomplish many so called "peer to peer" applications. Applicant discloses a pure peer to peer communication between two mobile systems (a sending system and receiving system) with claimed processing self contained at the mobile system. Sheha relies on the ODAS, as well as conventional telephony centralized services to accomplish functionality. Sheha paragraphs 49 and 51 "peer-to-peer" references involve transferring position information after centralized service processing to get to that point. Further distortion to the terminology "peer to peer" occurs when well known or clearly described centralized service architectures include commentary like "… oh by the way, this supports peer to peer…" with little explanation of how a peer to peer embodiment could actually operate. While Phillips does disclose Figs. 3 and 26 along with several peer to peer descriptions, there is little to no disclosure of how the centralized services would actually operate in what is described as a peer to peer embodiment. Drilling down into Phillips reveals undisclosed processes which must occur to support even a loosely termed peer to peer architecture.

Since neither Sheha nor Phillips teach or suggest what is claimed in amended claim 1, the Applicant respectfully submits that claim 1 is allowable. The Applicant respectfully submits that independent claims 20 and 21 are allowable for the reasons set forth with respect to claim 1. Accordingly, the Applicant respectfully submits that all claims are allowable.

For the foregoing reasons, Applicant submits that all claims are in condition for allowance. Applicant's decision to amend or cancel any claim should not be understood as implying that Applicant agrees with Examiner's comments with respect to that claim or other claims, and Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons exist for patentability of that claim.

Respectfully submitted,

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/287,064	10/03/2008	William J. Johnson	Johnson.000610US	6272

53245 7590 03/02/2012

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EXAMINER	
MIAH, LITON	
ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
03/02/2012	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):

jej@jobepatents.com

Office Action Summary	Application No.	Applicant(s)	
	12/287,064	JOHNSON, WILLIAM J.	
	Examiner	Art Unit	
	LITON MIAH	2617	

-- 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 *06 December 2011*.

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) *1-11 and 13-21* 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) *1-11 and 13-21* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ 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).

12)☐ 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

13)☐ 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 _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Action is in response to Applicant's after final filed on December 6, 2011. Claims 1-11 and 13-21 are still pending in the present application. Claim 12 is cancelled. **This Action is made FINAL.**

Claim Objections

2. Claims 10 and 19 are objected under 37 C.F.R. 1.75 because of the following informalities:

In claim 10 line 1, "a user configured charter" seems to refer back to "a user configured charter" recited at line 2 of claim 8. If this is true, it is suggested to change "a user configured charter" to "the user configured charter".

In claim 19 line 3, "a user interface" seems to refer back to "a user interface" recited at line 5 of claim 1. If this is true, it is suggested to change "a user interface" to "the user interface". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-11 and 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheha et al (US 2008/0170679) in view of Phillips et al (US 2007/0244633).

For claim 1, Sheha et al discloses a method for automatic location based exchange processing at a mobile data processing system, the method comprising:

presenting a user interface to a user of the mobile data processing system **(fig. 3 [18, mobile device] and paragraph 53, discloses user interface)**, the user interface for configuring locally stored privilege data relating the mobile data processing system with other mobile data processing systems, the privilege data for describing how to distinctly process forthcoming whereabouts data received at the mobile data processing system **(paragraph 49 and 51-52 and fig. 6; discloses privacy setting, which allows the position transfer permission)**;

receiving at the mobile data processing system the whereabouts data including an originating identity **(paragraph 47 discloses that the mobile device receiving position and the identification information)**;.

Sheha et al specifically does not disclose searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for said whereabouts data, said matching privilege configured for relating said originating identity with a receiving identity of said mobile data processing system and performing said action at said mobile data processing system when finding said matching privilege upon receipt, said

action privileged by said permission and a result of said whereabouts data. However, **Phillips et al** from the same or similar fields of endeavor teaches searching the privilege data at the mobile data processing system for a matching privilege permitting a user configured action determined for the whereabouts data, the matching privilege configured for relating the originating identity with a receiving identity of the mobile data processing system **(paragraph 84-85; determining a user's privileges based access level)**; and performing the action at the mobile data processing system when finding said matching privilege upon receipt, the action privileged by said permission and a result of the whereabouts data **(paragraph 84; the service would be enable based location and the PIN).** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sheha et al with Phillips et al they both can exchange data in a peer-to-peer configuration so it would grant different access levels and also improve the system for using location-based information.

For claim 2, Sheha et al further discloses the mobile data processing system is a first mobile data processing system, and wherein said action is configured by a user of a remote mobile data processing system **(paragraph 22 and 51)**.

For claim 3, Sheha et al further discloses the whereabouts data is received from the remote mobile data processing system by way of an inbound communications transmission **(paragraph 22 and 51)**.

For claim 4, Sheha et al further discloses the whereabouts data is received for processing by the first mobile data processing system for an outbound communications transmission to the remote mobile data processing system **(paragraph 22 and 51)**.

For claim 5, Sheha et al further discloses the mobile data processing system

is a first mobile data processing system, and wherein the action is configured by a user of the first mobile data processing system **(paragraph 51-52)**.

For claim 6, Sheha et al further discloses the whereabouts data is received from a remote mobile data processing system by way of an inbound communications transmission **(paragraph 51-52)**.

For claim 7, Sheha et al further discloses the whereabouts data is received for processing by the first mobile data processing system for an outbound communications transmission to a remote mobile data processing system **(paragraph 51-52)**.

For claim 8, Sheha et al further discloses maintaining a user configured charter at said mobile data processing system, said charter having a conditional expression and an associated action depending on evaluation of said expression **(paragraph 22 and 52)**; determining relevance of said charter to said whereabouts data **(paragraph 22 and 52)**; and performing said associated action at said mobile data processing system when said expression evaluates to an actionable condition **(paragraph 22 and 52)**.

For claim 9, Sheha et al further discloses the charter is configured by a user of a remote mobile data processing system **(paragraph 22 and 52)**.

For claim 10, Sheha et al further discloses the maintaining a user configured charter at the mobile data processing system comprises maintaining a user specified textual syntax **(paragraph 22 and 52)**.

For claim 11, Sheha et al further discloses the whereabouts data is carried by way of a wireless communications transmission through no intervening data processing system between the mobile data processing system and a remote mobile data processing system **(paragraph 51;**

peer-to-peer transfer, avoids server in between)

For claim 13, Sheha et al further discloses the performing the action at said mobile data processing system comprises performing an action in accordance with a time specification **(paragraph 22 and 48)**.

For claim 14, Sheha et al further discloses the performing the action at said mobile data processing system comprises initiating an action at a data processing system remote to said mobile data processing system **(paragraph 22 and 48)**.

For claim 15, Sheha et al specifically does not disclose the performing the action at the mobile data processing system comprises sending an sms message. However, **Phillips et al** from the same or similar fields of endeavor teaches the performing the action at the mobile data processing system comprises sending an sms message **(paragraph 13).** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sheha et al with Phillips et al they both can exchange data in a peer-to-peer configuration so it would grant different access levels and also improve the system for using location-based information.

For claim 16, Sheha et al specifically does not disclose performing said action at the mobile data processing system comprises sending an electronic mail. However, **Phillips et al** from the same or similar fields of endeavor teaches the performing the action at said mobile data processing system comprises sending an electronic mail **(paragraph 13).** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sheha et al with Phillips et al they both can exchange data in a peer-to-peer configuration so it would grant different access levels and also improve the system for using location-based information.

For claim 17, Sheha et al further discloses the performing the action at said mobile data

processing system comprises automatically making a phone call from the mobile data processing system **(paragraph 49)**.

For claim 18, Sheha et al further discloses the data processing system remote to the mobile data processing system establishes a phone call with the mobile data processing system **(paragraph 49)**.

For claim 19, Sheha et al further discloses the performing the action at the mobile data processing system comprises presenting information to a user interface **(paragraph 53)**.

For claim 20, Sheha et al discloses a method for automatic location based exchange processing at a mobile data processing system, the method comprising:

presenting a user interface to a user of the mobile data processing system **(fig. 3 [18, mobile device] and paragraph 53, discloses user interface)**, the user interface for configuring locally stored privilege data relating the mobile data processing system with other mobile data processing systems, the privilege data for describing how to distinctly process forthcoming whereabouts data received at the mobile data processing system **(paragraph 49 and 51-52 and fig. 6; discloses privacy setting, which allows the position transfer permission)**.

Sheha et al specifically does not disclose searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for said whereabouts data, said matching privilege configured for relating said originating identity with a receiving identity of said mobile data processing system and performing said action at said mobile data processing system when finding said matching privilege upon receipt, said action privileged by said permission and a result of said whereabouts data. However, **Phillips et al** from the same or similar fields of endeavor teaches searching the privilege data at the mobile

data processing system for matching privileges permitting user configured actions determined for the whereabouts data, said whereabouts data describing the mobile data processing system or remote mobile data processing systems in the vicinity of the mobile data processing system **(paragraph 84-85; determining a user's privileges based access level)**; and performing the actions at the mobile data processing system when finding said matching privileges upon receipt of the whereabouts data **(paragraph 84; the service would be enable based location and the PIN).** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sheha et al with Phillips et al they both can exchange data in a peer-to-peer configuration so it would grant different access levels and also improve the system for using location-based information.

For claim 21, Sheha et al discloses a mobile data processing system comprising:

one or more processors **(paragraph 53)**;

memory coupled to said one or more processors and storing instructions, which when executed by the one or more processors **(paragraph 53)**, causes the one or more processors to perform operations comprising:

presenting a user interface to a user of the mobile data processing system **(fig. 3 [18, mobile device] and paragraph 53, discloses user interface)**, the user interface for configuring locally stored privilege data relating the mobile data processing system with other mobile data processing systems, the privilege data for describing how to distinctly process forthcoming whereabouts data received at the mobile data processing system **(paragraph 49 and 51-52 and fig. 6; discloses privacy setting, which allows the position transfer permission)**; receiving at the mobile data processing system the whereabouts data including an originating identity

(paragraph 47 discloses that the mobile device receiving position and the identification information).

Sheha et al specifically does not disclose searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for said whereabouts data, said matching privilege configured for relating said originating identity with a receiving identity of said mobile data processing system and performing said action at said mobile data processing system when finding said matching privilege upon receipt, said action privileged by said permission and a result of said whereabouts data. However, **Phillips et al** from the same or similar fields of endeavor teaches searching the privilege data at the mobile data processing system for a matching privilege permitting a user configured action determined for the whereabouts data, said matching privilege configured for relating the originating identity with a receiving identity of the mobile data processing system **(paragraph 84-85; determining a user's privileges based access level)**; and performing the action at the mobile data processing system when finding the matching privilege upon receipt, the action privileged by said permission and a result of the whereabouts data **(paragraph 84; the service would be enable based location and the PIN).** It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Sheha et al with Phillips et al they both can exchange data in a peer-to-peer configuration so it would grant different access levels and also improve the system for using location-based information.

Response to Arguments

6. Applicant's arguments, filed on December 6, 2011, with respect to **claims 1, 20 and 21** have been considered but are moot in view of the new ground(s) of rejection necessitated by the

new limitations added to independent claims **1, 20 and 21.** See the above rejection of claims **1-11 and 13-21** for the relevant citations found in Sheha et al and Phillips et al disclosing the newly cited limitations.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LITON MIAH whose telephone number is (571)270-3124. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez--Gutierrez can be reached on (571)272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LM

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

		Attorney Docket No. **JOHNSON.000610US**
In re Application of: **WILLIAM J. JOHNSON**	§	
	§	Examiner: **LITON MIAH**
Serial No.: **12/287,064**	§	Confirmation No.: **6272**
Filed: **OCTOBER 3, 2008**	§	Art Unit: **2617**
For: **SYSTEM AND METHOD FOR LOCATION BASED EXCHANGES OF DATA FACILITATING DISTRIBUTED LOCATIONAL APPLICATIONS**	§	

CORRECTED AMENDMENT A

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated August 25, 2011, please amend the above identified Application as follows:

Amendments to the Claims are reflected in the listing of the claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Amendments to the Claims

The following listing of the claims will replace all prior versions and listings of claims in the application.

1. (Currently Amended) A method for automatic location based exchange processing at a mobile data processing system, said method comprising ~~the steps of~~:

~~maintaining a user configured permission at said mobile data processing system, said permission granting at least one privilege from a grantor identity to a grantee identity~~

presenting a user interface to a user of said mobile data processing system, said user interface for configuring locally stored privilege data relating said mobile data processing system with other mobile data processing systems, said privilege data for describing how to distinctly process forthcoming whereabouts data received at said mobile data processing system;

receiving ~~recognizing an event for processing whereabouts data~~ at said mobile data processing system said whereabouts data including an originating identity;

~~determining relevance of said permission to~~ searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for said whereabouts data, said matching privilege configured for relating said originating identity with a receiving identity of said mobile data processing system; and

performing ~~an~~ said action at said mobile data processing system when finding said matching privilege upon receipt, ~~said action privileged by said permission and a result~~ of said ~~processing~~ whereabouts data.

2. (Currently Amended) The method of claim 1 wherein said mobile data processing system is a first mobile data processing system, and wherein said action is configured by a user of a remote ~~said grantor identity matches an identity associated to a second mobile data processing system, and said grantee identity matches an identity associated to said first~~ mobile data processing system.

3. (Currently Amended) The method of claim 2 wherein said whereabouts data is received from said remote ~~second~~ mobile data processing system by way of an inbound communications transmission.

4. (Currently Amended) The method of claim 2 wherein said whereabouts data is received for processing by ~~describes~~ said first mobile data processing system for an outbound communications transmission to said remote mobile data processing system.

5. (Currently Amended) The method of claim 1 wherein said mobile data processing system is a first mobile data processing system, and wherein said action is configured by a user of ~~said grantee identity matches an identity associated to a second mobile data processing system, and said grantor identity matches an identity associated to~~ said first mobile data processing system.

6. (Currently Amended) The method of claim 5 wherein said whereabouts data is received from a remote ~~said second~~ mobile data processing system by way of an inbound communications transmission.

7. (Currently Amended) The method of claim 5 wherein said whereabouts data is received for processing by ~~describes~~ said first mobile data processing system for an outbound communications transmission to a remote mobile data processing system.

8. (Currently Amended) The method of claim 1 further including ~~the steps of~~:

maintaining a user configured charter at said mobile data processing system, said charter having a conditional expression and an associated action depending on evaluation of said expression;

determining relevance of said charter to said whereabouts data; and

performing said associated action at said mobile data processing system when said expression evaluates to an actionable condition.

9. (Currently Amended) The method of claim 8 wherein said charter is configured by a user of a remote ~~an other~~ mobile data processing system.

10. (Currently Amended) The method of ~~or~~ claim 8 wherein said ~~step of~~ maintaining a user configured charter at said mobile data processing system comprises ~~includes~~ maintaining a user specified textual syntax.

11. (Currently Amended) The method of claim 1 wherein said ~~mobile data processing system is a first mobile data processing system, and wherein said step of recognizing an event for processing~~ whereabouts data is carried by way of a wireless communications transmission through no intervening data processing system between said mobile data processing system and a remote mobile data processing system ~~at said mobile data processing system includes recognizing an event for processing whereabouts data upon receiving whereabouts data from a second mobile data processing system within wireless range of said first mobile data processing system~~.

12. (Cancelled).

13. (Currently Amended) The method of claim 1 wherein said ~~step of~~ performing ~~an~~ said action at said mobile data processing system comprises ~~includes~~ performing an action in accordance with a time specification.

14. (Currently Amended) The method of claim 1 wherein said ~~step of~~ performing ~~an~~ said action at said mobile data processing system comprises initiating ~~includes performing~~ an action at a data processing system remote to said mobile data processing system.

15. (Currently Amended) The method of claim 1 wherein said ~~step of~~ performing ~~an~~ said action at said mobile data processing system comprises ~~includes invoking processing for~~ sending an sms message.

16. (Currently Amended) The method of claim 1 wherein said ~~step of~~ performing ~~an~~ said action at said mobile data processing system comprises ~~includes invoking processing for~~ sending an electronic mail.

17. (Currently Amended) The method of claim 1 wherein said ~~step of~~ performing ~~an~~ said action at said mobile data processing system comprises ~~includes invoking processing for~~ automatically making a phone call from said mobile data processing system.

18. (Currently Amended) The method of claim 14 wherein said data processing system remote to said mobile data processing system ~~invokes processing for automatically establishing~~ establishes a phone call with said mobile data processing system.

19. (Currently Amended) The method of claim 1 wherein said ~~step of~~ performing ~~an~~ said action at said mobile data processing system comprises ~~includes invoking processing for~~ presenting ~~an indicator~~ information to a user interface.

20. (Currently Amended) A method for automatic location based exchange processing at a mobile data processing system, said method comprising ~~the steps of~~:

~~maintaining user configured permissions at said first mobile data processing system, said permissions granting at least one privilege from a grantor identity to a grantee identity~~

presenting a user interface to a user of said mobile data processing system, said user interface for configuring locally stored privilege data relating said mobile data processing system with other mobile data processing systems, said privilege data for describing how to distinctly process forthcoming whereabouts data received at said mobile data processing system;

~~determining which of said permissions are relevant to~~ searching said privilege data at said mobile data processing system for matching privileges permitting user configured actions determined for said ~~newly processed~~ whereabouts data, said whereabouts data describing said ~~first~~ mobile data processing system

~~; determining which of said permissions are relevant to newly processed other whereabouts data received from other~~ or remote mobile data processing systems in the vicinity of said mobile data processing system; and

performing ~~at least one action~~ said actions at said mobile data processing system when finding said matching privileges upon receipt of said whereabouts data ~~in accordance with said permissions determined to be relevant~~.

21. (New) A mobile data processing system comprising:

one or more processors;

memory coupled to said one or more processors and storing instructions, which when executed by said one or more processors, causes said one or more processors to perform operations comprising:

presenting a user interface to a user of said mobile data processing system, said user interface for configuring locally stored privilege data relating said mobile data processing system with other mobile data processing systems, said privilege data for describing how to distinctly process forthcoming whereabouts data received at said mobile data processing system;

receiving at said mobile data processing system said whereabouts data including an originating identity;

searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for said whereabouts data, said matching privilege configured for relating said originating identity with a receiving identity of said mobile data processing system; and

performing said action at said mobile data processing system when finding said matching privilege upon receipt of said whereabouts data.

Remarks/Arguments

This is a corrected version of the amendment filed November 25, 2011, in response to the office action dated August 25, 2011, which appears to have been corrupted during transmission. Claims 1-20 are pending as indicated in the action mailed August 25, 2011. Claims 1-11 and 13-20 are being amended. Please cancel claim 12. New claim 21 is a system version of amended claim 1. Reconsideration is respectfully requested.

Applicant acknowledges the Examiner's request for cooperation in correcting any errors in the specification of which the Applicant may become aware.

Section 112, Paragraph 2

Claim 20 stands 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. Claim 20 is amended.

Section 102

Claims 1-14, 19, and 20 stand rejected under 35 U.S.C. 102(a) as allegedly being anticipated by Bienas et al (US 20070275730 A1). Claims are amended to point out in detail distinctions over Bienes et al (US 20070275730 A1) as well as in view of shared connected services such as Johnson (US 20060022048 A1). Bienas et al discloses a system "... which receives this request signal, knows its own local position and is ready to help the inquiring radio communication device, can communicate to the inquiring radio communication device its readiness to participate in the positioning determining method ..." (para. 21), "... which knows its own position and is ready to provide position information..." (para. 24), and "...whether the external radio communication device UEj is authorized at all to participate in the position determining method and/or is also disposed to do so. In the case of readiness to participate, ..." (para. 37). Bienes et al (e.g. language "ready to help", "ready to provide", "readiness to participate", "authorized at all", and "disposed to do so", etc) does not teach or suggest the method of amended claim 1 which recites "presenting a user interface to a user of said mobile data processing system, said user interface for configuring locally stored privilege data relating said mobile data processing system with other mobile data processing systems, said privilege data for describing how to distinctly process forthcoming whereabouts data received at said mobile data processing system". The terms

"presenting", "display", "displaying", "user", "user interface", "mobile user", "user configured", "privilege", "privileges", "privilege data", "locally stored privileges", "locally stored privilege data", "user configured privilege", "distinctly process", "distinctly process whereabouts data", "distinctly process forthcoming whereabouts data", "granting", "granting a privilege", "grantor", "grantee" or any theme similarly suggestive is nowhere to be found in the Bienas et al disclosure. Nor would it be obvious to incorporate such functionality for "how to distinctly process forthcoming whereabouts data received at said mobile data processing system." Prior art shared connected services do all the interoperability processing for location data received from connected clients.

Bienes et al does not teach or suggest the element of amended claim 1 "searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for said whereabouts data, said matching privilege configured for relating said originating identity with a receiving identity of said mobile data processing system". There is no searching of user configured privilege data, no user configured actions, and nothing similarly suggestive in Bienas et al. Nor would it be obvious to incorporate such functionality "at said mobile data processing system." Prior art shared connected services receive location data at the centralized service for "middle-manning" processing. Bienes et al does not teach or suggest the element of amended claim 1 "performing said action at said mobile data processing system when finding said matching privilege upon receipt of said whereabouts data." Applicant's claimed method completely eliminates the requirement for a shared centralized service. This is a radical departure from the state of the art of cloud and service industry methods, in particular for location based services and applications between different users. Applicant claims new location aware mobile device capabilities that free users from supervisory control of services and companies striving to maintain such control.

Claim 20 is amended analogously to claim 1. Dependent claims 2-11 and 13-19 depend from amended claim 1, and antecedent language has been amended accordingly. Applicant respectfully requests claims 1-11 and 13-21 be allowed.

Section 103

Claims 15-18 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bienas et al (US 20070275730 A1) in view of Johnson (US 20060022048 A1). Claims 15-18 depend from amended claim 1. Applicant respectfully points out that claims 15 and 16 recite "performing said action at said mobile data processing system". Automatic sending (SMS messages and electronic mail) in Johnson (US 20060022048 A1) is in server processing at a shared centralized service that mobile data processing systems communicate locations to for common data and processing at the service. Applicant's processing is completely at the mobile data processing system itself. There is no service, nor would it be obvious to remove it. A combination of Bienas et al (US 20070275730 A1) and Johnson (US 20060022048 A1) may result in combining an enhanced location determination for communicating to service processing of Johnson (US 20060022048 A1), but because neither Bienes et al, nor Johnson, considered alone or in combination, show or suggest the amended claim features, there is no *prima facie* case of obviousness under 35 U.S.C. 103(a).

Shared connected services have been the state of the art for multi-user data synchronization, scalable processing power and storage, and interoperability supporting multiple users. Location aware mobile data processing systems only very recently demonstrate promise for Applicant's storage and processing capabilities enabling removal of a service. Also, services synchronize access between multiple users to centralized data. It is not obvious to remove the synchronized access, in particular for Applicant's amended claim processing between users. There is nothing obvious in Bienes et al, services such as Johnson, or a combination thereof to suggest the amended claims. Those reasons are part of the story of why it is not obvious to remove a shared connected service. Telecommunication service provider practices discourage peer to peer connectivity between mobile devices. Such practices maintain control over billing, middle-manning communications, and denying or permitting access to services for the best interest of the applicable companies. Applicant seeks to distribute processing among location aware mobile handsets thereby overcoming monopolized service offering architectures of major telecommunication companies and mobile handset providers, some of which have already constrained access to certain services.

Hochrainer et al (US 2004/0116131) and Gupta et al (US Patent 7,787,887) are fitting examples of the services state of the art and industry wide practices discussed above.

For the foregoing reasons, Applicant submits that all claims are in condition for allowance. Applicant's decision to amend or cancel any claim should not be understood as implying that Applicant agrees with Examiner's comments with respect to that claim or other claims, and Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons exist for patentability of that claim.

Respectfully submitted,

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619-379-1172

ATTORNEY FOR THE APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

		Attorney Docket No. **JOHNSON.000610US**
In re Application of: **WILLIAM J. JOHNSON**	§	
	§	Examiner: **LITON MIAH**
Serial No.: **12/287,064**	§	Confirmation No.: **6272**
Filed: **OCTOBER 3, 2008**	§	Art Unit: **2617**
For: **SYSTEM AND METHOD FOR LOCATION BASED EXCHANGES OF DATA FACILITATING DISTRIBUTED LOCATIONAL APPLICATIONS**	§	

AMENDMENT A

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presenting a user interface to a user of said mobile data processing system, said user interface for configuring locally stored privilege data relating said mobile data processing system with other mobile data processing systems, said privilege data for describing how to distinctly process forthcoming whereabouts data received at said mobile data processing system;

receiving ~~recognizing an event for processing whereabouts data~~ at said mobile data processing system said whereabouts data including an originating identity;

~~determining relevance of said permission to~~searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for said whereabouts data, said matching privilegeconfigured for relating said originating identity with a receiving identity of said mobile data processing system;and

performing ~~an~~ said action at said mobile data processing systemwhen finding said matching privilege upon receipt~~, said action privileged by said permission and a result of said processing~~ whereabouts data.

2. (Currently Amended) The method of claim 1 wherein said mobile data processing system is a first mobile data processing system,and wherein said action is configured by a user of a remote ~~said grantor identity matches an identity associated to a second mobile data processing system, and said grantee identity matches an identity associated to said first~~mobile data processing system.

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5. (Currently Amended) The method of claim 1 wherein said mobile data processing system is a first mobile data processing system, and wherein said action is configured by a user of ~~said grantee identity matches an identity associated to a second mobile data processing system, and said grantor identity matches an identity associated to~~ said first mobile data processing system.

6. (Currently Amended) The method of claim 5 wherein said whereabouts data is received from a remote ~~said second~~ mobile data processing system by way of an inbound communications transmission.

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14. (Currently Amended) The method of claim 1 wherein said ~~step of~~ performing ~~an~~ said action at said mobile data processing system comprises initiating ~~includes performing~~ an action at a data processing system remote to said mobile data processing system.

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~~determining which of said permissions are relevant to~~searching said privilege data at said mobile data processing system for matching privileges permitting user configured actions determined for said ~~newly processed~~ whereabouts data, said whereabouts data describing said ~~first~~ mobile data processing system

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performing ~~at least one action~~ said actions at said mobile data processing systemwhen finding said matching privileges upon receipt of said whereabouts data ~~in accordance with said permissions determined to be relevant~~

21. (New) A mobile data processing system comprising:

one or more processors;

memory coupled to said one or more processors and storing instructions, which when executed by said one or more processors, causes said one or more processors to perform operations comprising:

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receiving at said mobile dataprocessing system said whereabouts data including an originating identity;

searching said privilege data at said mobile data processing system for a matching privilege permitting a user configured action determined for said whereabouts data, said matching privilege configured for relating said originating identity with a receiving identity of said mobile data processing system;and

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Remarks/Arguments

Claims 1-20 are pending as indicated in the action mailed August 25, 2011. Claims 1-11 and 13-20 are being amended. Please cancel claim 12. New claim 21 is a system version of amended claim 1. Reconsideration is respectfully requested.

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Claim 20 stands 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. Claim 20 is amended.

Section 102

Claims 1-14, 19, and 20 stand rejected under 35 U.S.C. 102(a) as allegedly being anticipated by Bienas et al (US 20070275730 A1). Claims are amended to point out in detail distinctions over Bienes et al (US 20070275730 A1) as well as in view of shared connected services such as Johnson (US 20060022048 A1). Bienas et al discloses a system "... which receives this request signal, knows its own local position and is ready to help the inquiring radio communication device, can communicate to the inquiring radio communication device its readiness to participate in the positioning determining method ..." (para. 21), "... which knows its own position and is ready to provide position information..." (para. 24), and "...whether the external radio communication device UEj is authorized at all to participate in the position determining method and/or is also disposed to do so. In the case of readiness to participate, ..." (para. 37). Bienes et al (e.g. language "ready to help", "ready to provide", "readiness to participate", "authorized at all", and "disposed to do so", etc) does not teach or suggest the method of amended claim 1 which recites "presenting a user interface to a user of said mobile data processing system, said user interface for configuring locally stored privilege data relating said mobile data processing system with other mobile data processing systems, said privilege data for describing how to distinctly process forthcoming whereabouts data received at said mobile data processing system". The terms "presenting", "display", "displaying", "user", "user interface", "mobile user", "user configured", "privilege", "privileges", "privilege data", "locally stored privileges", "locally stored privilege

data", "user configured privilege", "distinctly process", "distinctly process whereabouts data", "distinctly process forthcoming whereabouts data", "granting", "granting a privilege", "grantor", "grantee" or any theme similarly suggestive is nowhere to be found in the Bienas et al disclosure. Nor would it be obvious to incorporate such functionality for "how to distinctly process forthcoming whereabouts data received at said mobile data processing system." Prior art shared connected services do all the interoperability processing for location data received from connected clients.

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"performing said action at said mobile data processing system". Automatic sending (SMS messages and electronic mail) in Johnson (US 20060022048 A1) is in server processing at a shared centralized service that mobile data processing systems communicate locations to for common data and processing at the service. Applicant's processing is completely at the mobile data processing system itself. There is no service, nor would it be obvious to remove it. A combination of Bienas et al (US 20070275730 A1) and Johnson (US 20060022048 A1) may result in combining an enhanced location determination for communicating to service processing of Johnson (US 20060022048 A1), but because neither Bienes et al, nor Johnson, considered alone or in combination, show or suggest the amended claim features, there is no *prima facie* case of obviousness under 35 U.S.C. 103(a).

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For the foregoing reasons, Applicant submits that all claims are in condition for allowance. Applicant's decision to amend or cancel any claim should not be understood as implying that Applicant agrees with Examiner's comments with respect to that claim or other claims, and Applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, Applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons exist for patentability of that claim.

Respectfully submitted,

/Jonathan E. Jobe/

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ATTORNEY FOR THE APPLICANT

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.
12/287,064	10/03/2008	William J. Johnson	Johnson.000610US	6272

53245 7590 08/25/2011

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1042 N EL Camino Real Suite B-363
Encinitas, CA 92024

EXAMINER	
MIAH, LITON	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
08/25/2011	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):

jej@jobepatents.com

Office Action Summary	Application No.	Applicant(s)
	12/287,064	JOHNSON, WILLIAM J.
	Examiner	Art Unit
	LITON MIAH	2617

-- 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 *03 October 2008*.

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) *1-20* 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) *1-20* 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 *03 October 2008 and 12 December 2008* 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)	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/18/2008 and 11/24/2008*.	6) ☐ Other: _____.

DETAILED ACTION

Priority

Applicant's claim for domestic priority under 35 U.S.C. 120 is acknowledged.

Information Disclosure Statement

The information disclosure statements submitted on November 18, 2008 and November 24, 2008 have been considered by the Examiner and made of record in the application file.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

1. 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.

2. Claim 20 is 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.

Claim 20 recites the limitation "said first mobile data processing system" in lines 3 and 7. There is no antecedent basis for this limitation in the claim.

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 –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claims 1-14, 19, and 20** are rejected under 35 U.S.C. 102(a) as being anticipated by Bienas et al. (US 20070275730 A1).

For claim 1, Bienas et al discloses a method for automatic location based exchange processing at a mobile data processing system, the method comprising the steps of:

maintaining a user configured permission at the mobile data processing system,

the permission granting at least one privilege from a grantor identity to a grantee identity **(see at least paragraph 21 and 37; fig. 1)**;

recognizing an event for processing whereabouts data at the mobile data

processing system **(see at least paragraph 24)**;

determining relevance of the permission to the whereabouts data **(see at least paragraph 24 and 37)**; and

performing an action at the mobile data processing system, the action privileged

by the permission and a result of the processing whereabouts data **(see at least paragraph 37)**.

For claim 2, Bienas et al further discloses the mobile data processing system is a first mobile data processing system, the grantor identity matches an identity associated to a second mobile data processing system, and the grantee identity matches an identity associated to the first mobile data processing system **(see at least paragraph 21)**.

For claim 3, Bienas et al further discloses the whereabouts data is received from the second mobile data processing system **(see at least paragraph 21)**.

For claim 4, Bienas et al further discloses the whereabouts data describes the first

mobile data processing system **(see at least paragraph 37)**.

For claim 5, Bienas et al further discloses the mobile data processing system is a first mobile data processing system, the grantee identity matches an identity associated to a second mobile data processing system, and the grantor identity matches an identity associated to the first mobile data processing system **(see at least paragraph 21)**.

For claim 6, Bienas et al further discloses the whereabouts data is received from the second mobile data processing system **(see at least paragraph 21)**.

For claim 7, Bienas et al further discloses the whereabouts data describes the first mobile data processing system **(see at least paragraph 37)**.

For claim 8, Bienas et al further discloses the steps of:

maintaining a user configured charter at the mobile data processing system, the charter having a conditional expression and an associated action depending on evaluation of the expression **(see at least paragraph 20)**;

determining relevance of the charter to the whereabouts data; and performing the associated action at the mobile data processing system when the expression evaluates to an actionable condition **(see at least paragraph 20 and 28)**.

For claim 9, Bienas et al further discloses the charter is configured by a user of another mobile data processing system.

For claim 10, Bienas et al further discloses the step of maintaining a user configured charter at the mobile data processing system includes maintaining a user specified textual syntax **(see at least paragraph 37)**.

For claim 11, Bienas et al further discloses the mobile data processing system is a first

mobile data processing system, and wherein the step of recognizing an event for processing whereabouts data at the mobile data processing system includes recognizing an event for processing whereabouts data upon receiving whereabouts data from a second mobile data processing system within wireless range of the first mobile data processing system **(see at least paragraph 21 and 24)**.

For claim 12, Bienas et al further discloses the step of recognizing an event for processing whereabouts data at the mobile data processing system includes recognizing an event for processing whereabouts data upon receiving whereabouts data from a second mobile data processing system by way of at least one physical communications path **(see at least paragraph 21 and 37)**.

For claim 13, Bienas et al further discloses the step of performing an action at the mobile data processing system includes performing an action in accordance with a time specification **(see at least paragraph 39)**.

For claim 14, Bienas et al further discloses the step of performing an action at the mobile data processing system includes performing an action at a data processing system remote to the mobile data processing system **(see at least abstract and paragraph 20)**.

For claim 19, Bienas et al further discloses the step of performing an action at the mobile data processing system includes invoking processing for presenting an indicator to a user interface **(see at least paragraph 19 and 24)**.

For claim 20, Bienas et al discloses a method for automatic location based exchange processing at a mobile data processing system, the method comprising the steps of:

maintaining user configured permissions at the first mobile data processing

system, the permissions granting at least one privilege from a grantor identity to a grantee identity **(see at least paragraph 21 and 37; fig. 1)**;

determining which of the permissions are relevant to newly processed whereabouts data describing the first mobile data processing system **(see at least paragraph 24 and 37)**;

determining which of the permissions are relevant to newly processed other whereabouts data received from other mobile data processing systems in the vicinity of the mobile data processing system **(see at least paragraph 24 and 37)**; and

performing at least one action at the mobile data processing system in accordance with the permissions determined to be relevant **(see at least paragraph 37)**.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 15-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bienas et al. (US 20070275730 A1) in view of Johnson (US 20060022048 A1).

For claim 15, Bienas et al explicitly does not disclose performing an action at the mobile data processing system includes invoking processing for sending an sms message. However, **Johnson** from the same or similar fields of endeavor teaches step of performing an action at the mobile data processing system includes invoking processing for sending an sms message **(paragraph 0047)**. Therefore, it would have been obvious to the person of ordinary skill in the art at the time of the invention to modify the invention of Bienas and have it include the teachings of Johnson; therefore it would provide support for multiple network technologies.

For claim 16, Bienas et al explicitly does not disclose performing an action at the mobile data processing system includes invoking processing for sending an electronic mail. However, **Johnson** from the same or similar fields of endeavor teaches the step of performing an action at the mobile data processing system includes invoking processing for sending an electronic mail **(paragraph 0047)**. Therefore, it would have been obvious to the person of ordinary skill in the art at the time of the invention to modify the invention of Bienas and have it include the teachings of Johnson; therefore it would provide support for multiple network technologies.

For claim 17, Bienas et al explicitly does not disclose performing an action at the mobile data processing system includes invoking processing for automatically making a phone call from the mobile data processing system. However, **Johnson** from the same or similar fields of endeavor teaches the step of performing an action at the mobile data processing system includes invoking processing for automatically making a phone call from the mobile data processing

system **(paragraph 0047)**. Therefore, it would have been obvious to the person of ordinary skill in the art at the time of the invention to modify the invention of Bienas and have it include the teachings of Johnson; therefore it would provide support for multiple network technologies.

For claim 18, Bienas et al explicitly does not disclose the data processing system remote to the mobile data processing system invokes processing for automatically establishing a phone call with the mobile data processing system. However, **Johnson** from the same or similar fields of endeavor teaches the data processing system remote to the mobile data processing system invokes processing for automatically establishing a phone call with the mobile data processing system **(paragraph 0047)**. Therefore, it would have been obvious to the person of ordinary skill in the art at the time of the invention to modify the invention of Bienas and have it include the teachings of Johnson; therefore it would provide support for multiple network technologies.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hochrainer et al (US 2004/0116131) and Gupta et al (US 7,787,887) are cited to show a method, which is considered pertinent to the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LITON MIAH whose telephone number is (571)270-3124. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez--Gutierrez can be reached on (571)272-7915. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LM

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617