EXHIBIT 5

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DETAILED ACTION

Claims status

1. In the amendment filed on October 10, 2009, claim 1 has been amended. Therefore, claims 1-16 are currently pending for examination.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

3. The substitute specification filed 10 June 2009 has NOT been entered because it does not conform to 37 CFR 1.125(b) and (c) because: a clean copy has not been provided.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

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Drawings

4. Objections to drawings from previous office action are withdrawn and substitute drawings filed on 10/09/2009 are entered.

Claim Rejections - 35 USC § 103

5. Claims 1-6, 8-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schuermann** (U. S. Patent No. 5,287,112) in view of **Charrat** et al. (hereinafter "**Charrat**" - U.S. Patent No. 6,905,074).

Regarding claim 1, **Schuermann** discloses a communication apparatus for setting up a data connection between intelligent devices, comprising:

• a transmission oscillator (resonant circuit 28) for carrying out a contactless data exchange, said oscillator including a coil (Column 4 Lines 42-44 and 50-52);

• a communication element (control circuit 16) which is connected to the coil and the data processing component of an intelligent device and which emits search signals via the coil to receive a response from another intelligent device (Column 3 Lines 46-54);

Schuermann does not disclose:

• a measuring device for monitoring a property of the transmission oscillator which outputs a control signal when ascertaining a change of the monitored property; and

• a switching apparatus which is connected to the measuring device and the communication element and which switches on the communication element when it has received a control signal from the measuring device.

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However, the preceding limitations are known in the art of communications. **Charrat** discloses an RFID reader with an active standby mode comprising a measuring device for monitoring a property of the transmission oscillator which outputs a control signal when ascertaining a change of the monitored property (FIG. 3, 10 and Column 9 Lines 25-31, DETC3 measures the amplitude of the envelope signal of the transmitter coil and Column 9 Lines 38-55; microprocessor compares the amplitude with the threshold and deduces the presence of a contactless integrated circuit and Column 4, Lines 43-47: variations higher than a determined variation threshold); and a switching apparatus which is connected to the measuring device and the communication element and which switches on the communication element when it has received a control signal from the measuring device (Column. 11, Lines 7-12: saving on the current consumption of a reader using the invention. Therefore, one can easily see that part of the communication circuits can be powered down/switched off by the microprocessor on standby mode since sending identification request from the reader and receiving identification message from the tag do not need to be performing during the standby mode).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine **Schuermann** with **Charrat** in order to send the identification request from the reader after the non-contact IC enters the proximity of the reader and therefore, prolongs battery life and/or saves energy of the reader (**Charrat**: Column 11 Lines 1-12).

Regarding claim 2, **Schuermann** in view of **Charrat** teaches the apparatus of claim 1 as discussed above. **Schuermann** further discloses an assembly that is switchable to the transmission oscillator via a switch (the tuning circuit consisting of capacitor 56 and resistor 58 connects to resonant circuit 34 via switch 54 to form new resonant circuit 60), said assembly

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causing an increase in the bandwidth of the oscillating circuit (Column 5 Lines 47-59; one of ordinary skill in the art could combine this arrangement from the transponder with the interrogator since it is known in the art that interrogators can act as transponders and receive data from other transponders).

Regarding claim 3, **Schuermann** in view of **Charrat** teaches the apparatus of claim 2 as discussed above. **Schuermann** further discloses that the assembly is a resistive element (the tuning circuit is a resistive element since it comprises a resistor).

Regarding claim 4, **Schuermann** in view of **Charrat** teaches the apparatus of claim 1 as discussed above. **Schuermann** further discloses including an assembly (capacitor 52) switchable to the transmission oscillator via a switch (switch 50), said assembly causing a change in the resonant frequency of the transmission oscillator (Column 5 Lines 13-19).

Regarding claim 5, **Schuermann** in view of **Charrat** teaches the apparatus of claim 4 as discussed above. **Schuermann** further discloses that the assembly causes a reduction in the resonant frequency (Column 5 Lines 13-15).

Regarding claim 6, **Schuermann** in view of **Charrat** teaches the apparatus of claim 4 as discussed above. **Schuermann** further discloses that that the assembly comprises a capacitor (see above).

Regarding claim 8, **Schuermann** in view of **Charrat** teaches the apparatus of claim 1 as discussed above. **Schuermann** in view of **Charrat** does not explicitly disclose the switching apparatus has a time controller for cyclically switching the measuring device on and off.

However, **Charrat** further discloses that pulses of 10 to 50 microseconds spaced out by

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