

REMARKS/ARGUMENTS

Claims 1-5 and 7-34 were previously pending. As noted above, claims 1, 3, 5, 7, 9, 11, 13, 15, 17-19, and 21 have been amended. Support for these amendments can be found throughout the Specification.¹ No new matter has been added. Thus, after entry of the amendments, claims 1-5 and 7-34 remain pending in the present application and subject to further examination.

Applicants respectfully request reconsideration of this application based on the following remarks.

Claim Rejection – 35 USC § 103

Claims 1-5 and 7-34 are rejected under 35 USC § 103(a) as being unpatentable over Hays and further in view of Smith, Umstetter and {Moore or Wortham}.

To the extent the §103 rejection remains applicable to the claims as amended, Applicants respectfully traverse the rejection.

Referring to amended independent claim 1, the recited subject matter relates to a wireless communication apparatus, comprising:

- a first wireless communication device located in a cab portion of a vehicle and available to a user of the vehicle, wherein the first wireless communication device comprises a display indicator and is configured to:

- couple to a dispatch center via a first wireless communication network;

- couple, via a wired data link, to a second wireless communication device, wherein the second wireless communication device is coupled to a second wireless communication network and is configured to facilitate two-way data communication with the dispatch center;

- receive, over the wired data link, a display signal generated by the second wireless communication device in response to receipt of a communication request signal originating from the dispatch center when the first wireless communication device loses a connection with the dispatch center over the first wireless communication network, wherein the display signal is configured to cause the display indicator to indicate an alert; and

- supply a communication request confirmation signal to the dispatch center to confirm the communication request signal was received.

¹ See, e.g., Specification, Fig. 3 and paragraph [0019].

In rejecting independent claim 1, the Office Action on pages 4-7 primarily relied upon Hays at Fig. 1; Abstract; and pages 2-4 as support. More specifically, the Office Action explicitly equated mobile unit 19 and calling device 12 in Hays' Fig. 1 with the recited "first wireless communication device" and "second wireless communication device," respectively. While acknowledging that Hays is silent with respect to "a dispatch center being used and forward/transmitting a message from one mobile to another for two-way communications and the first wireless device located in the cab portion and coupled, via a wired data link (to second wireless communication system)," the Office Action alleged that "[t]he use of a manned dispatch center is well known and can also be viewed as a more 'manual' automated switching network such as Hays' MTSO/UMS components." *Id.* at 5. Further, the Office Action relied upon Fig. 2 of Wortham and Fig. 5 of Moore for allegedly disclosing the recited "wired data link" between the recited "first wireless communication device" and "second wireless communication device." *Id.* at 5-6.

Applicants respectfully disagree with the Office Action allegations.

First, Applicants respectfully submit that the cited references, when taken individually or in combination, fail to disclose or suggest at least that a wireless communication apparatus is configured to *"receive, over the wired data link, a display signal generated by the second wireless communication device in response to receipt of a communication request signal originating from the dispatch center when the first wireless communication device loses a connection with the dispatch center over the first wireless communication network, wherein the display signal is configured to cause the display indicator to indicate an alert,"* as recited in amended independent claim 1. (Emphasis Added).

In particular, cited references disclose "relaying" a message, which fails to disclose the recited subject matter of a "display signal" that is "generated by the second communication device in response to receipt of a communication request signal originating from the dispatch center."

Specifically, as correctly acknowledged by the Office Action, Hays is entirely silent with respect to the recited **"dispatch center"** and **"wired data link"** for coupling the "first wireless communication device" to the "second wireless communication device," in independent claim 1. However, the Office Action on pages 5-6 attempted to supplement Moore's disclosure at Figs. 1-5 where the reference discloses a relay between a police officer's transceiver and "wired connection(s)" exist and would connect to/from the different components located proximate or

separate in the vehicle. Further, the Office Action relied upon Wortham at Figs. 1-2 where the reference discloses a cellular transceiver system which can act as a “relay” and one skilled can use either wired or wireless links between the cab and the trailer.

Applicants respectfully point out that Moore explicitly discloses an emergency radio signaling system adapted to pre-existing mobile transceiver to be used by law enforcement officers to pre-record pertinent information such as location, vehicle description, license plate number, suspect description, time, etc., and to be automatically retrieved and transmitted over the existing mobile transceiver equipment if the officer needs assistance. *Id.* at Col. 2, lines 32-44. That is, as acknowledged by the Office Action on pages 4-5, Moore merely discloses relaying a pre-recorded message among officers to summon assistance in emergencies. This teaching of Moore, however, is fundamentally different from a wireless communication apparatus that is configured to “*receive, over the wired data link, a display signal generated by the second wireless communication device in response to receipt of a communication request signal originating from the dispatch center when the first wireless communication device loses a connection with the dispatch center over the first wireless communication network, wherein the display signal is configured to cause the display indicator to indicate an alert,*” as recited in amended independent claim 1. (Emphasis Added).

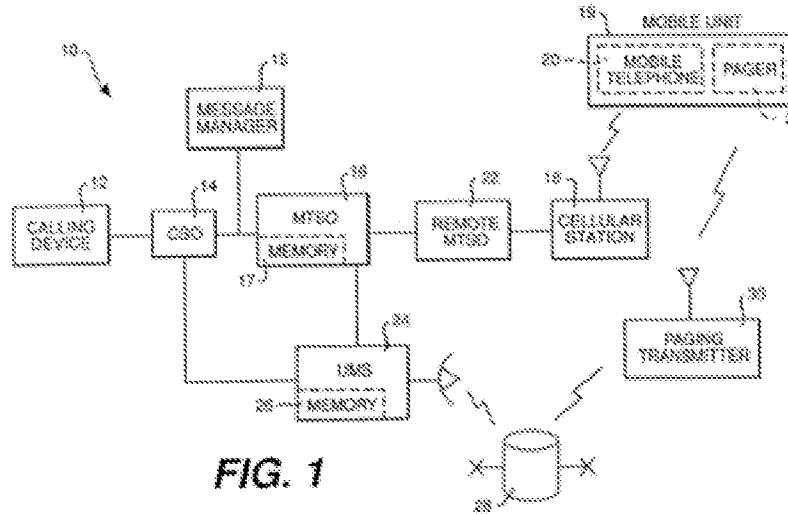
In other words, the recited subject matter does not relay a message between two devices, but instead generates a new, different display signal that is configured to cause the display indicator to indicate an alert, based on receiving a communication request signal. Specifically, the recited “second wireless communication device generates a display signal” “in response to a communication request signal originating from the dispatch center” and transmits the display signal to the first wireless communication device “over the wired data link” “when the first wireless communication device loses a connection with the dispatch center over the first wireless communication network, wherein the display signal is configured to cause the display indicator to indicate an alert.” The relaying of a same signal, as disclosed by Moore, does not disclose or suggest this combination of features as recited in claim 1.

Moreover, Wortham does not make up the foregoing deficiencies in Moore. Wortham generally relates to a microprocessor which inquires a cellular telephone located in a vehicle to obtain location information received by the cellular phone in an overhead message stream transmitted from the particular cellular system providing service at the time of the interrogation. A call is then initiated from the cellular telephone to a host controller for display of the location

of the vehicle on a map and textual display of any other vehicle information transmitted from the vehicle. *Id.*, Summary of the Invention. The cited Fig. 2 in Wortham discloses an in-vehicle portion of a vehicle locating and communicating apparatus in which a microprocessor is configured to, e.g., monitor vehicle conditions such as temperature, engine speed, and oil pressure and relay signals from audio communication between an operator of a host controller and a driver. *Id.* at Col. 3, lines 21-30 and 56-68. Accordingly, if the cellular telephone network became unavailable in Wortham, there would be no communications between the host controller and the microprocessor. Wortham cannot and does not disclose or suggest a wireless communication apparatus is configured to “receive, over the wired data link, a display signal generated by the second wireless communication device in response to receipt of a communication request signal originating from the dispatch center *when the first wireless communication device loses a connection with the dispatch center over the first wireless communication network*, wherein the display signal is configured to cause the display indicator to indicate an alert,” as recited in amended independent claim 1. (Emphasis Added).

Second, as previously noted by the Applicants, the purported combination of Hays, Moore and Wortham as alleged by the Office Action in disclosing the recited “wired data link” for coupling the “first wireless communication device” to the “second wireless communication device,” in claim 1 is improper. In response, the Office Action on page 3 asserted that “[t]he prior art clearly solves problems from the same field of endeavor and provide rationale as to why one skilled would seek to modify Hays with their teachings.” Applicants respectfully disagree.

More specifically, Hays generally relates to a telecommunication system which allows messages to be transmitted via a cellular phone channel and a paging channel to a mobile unit having both a mobile telephone and a page receiver. *See, e.g.*, Abstract. As previously noted by the Applicants, in Hays, when a system is unable to deliver a data message to a mobile telephone via a cellular channel, it can store the message at UMS or MTSO as depicted in Fig. 1 (see reproduction below) and send an alerting message to the mobile telephone via the paging channel indicating that a message has been stored for later retrieval. *Id.*



Further, Hays at page 10, second paragraph, states that “[a]fter the data message entered at calling device 12 is sent to UMS 24 (step 116), UMS 24 sends the entire data message to pager 21 of mobile unit 19 via the paging channel (step 300). In this case, the data message need not be stored at UMS 24. UMS 24 transmits the data message to pager 21 via satellite 28 and paging transmitter 30. Pager 21 receives the data (step 302), and mobile unit 19 displays the data (step 304). **This method allows data messages to be immediately delivered to the subscriber when mobile telephone 20 is out of range or turned off.**” (Emphasis Added).

That is, it is essential that UMS 24 in Hays is able to transmit data messages to pager 21 of the mobile telephone 20 via satellite 28 and paging transmitter 30 through a paging channel when mobile telephone 20 is out of range or turned off and the cellular channel between the MTSO 16 and the mobile telephone 20 is unavailable. See also, Hays, pages 8-10. (Emphasis Added).

In contrast, Wortham and Moore generally show various wired coupling/buses among different communication devices.

Applicants respectfully submit that one of ordinary skill in the art would understand that the wireless satellite communications in Hays are specifically contemplated to deliver data messages using satellite 28 and paging transmitter 30 through a paging channel to mobile telephone 20 when the cellular channel between the MTSO 16 and the mobile telephone 20 is unavailable. That is, when the cellular communications become unavailable in Hays, only wireless satellite communications are intended and implemented for delivering messages from

the network to the mobile telephone; whereas Wortham and Moore both disclose wired coupling/buses among different communication components.

Therefore, based on the foregoing, Hays, Wortham and Moore solve different technological issues with fundamental differences existing in each respective principle of operation. Accordingly, any proposed modification of Hays by Wortham and Moore's teachings to read on the recited subject matter is improper and inevitably makes Hays unsatisfactory for its intended purpose and changes the principle of operations of Hays, as Hays cannot realize wired data link between a satellite and a mobile telephone on earth when the cellular communications become unavailable. Therefore, one of skill in the art would have no reason to combine the teachings of Hays, Wortham and Moore.

Accordingly, Applicants respectfully submit that the rejection based on the combination of Hays, Moore or Wortham is unsupported and defective.

Smith and Umstetter were not cited for, nor do the references cure the above-noted deficiencies of Hays, Moore or Wortham. In particular, Smith and Umstetter are silent with respect to the above-noted subject matter. As such, any modification of Hays, Moore and/or Wortham based on the teachings of Smith and Umstetter fails to disclose or suggest a wireless communication apparatus is configured to *"receive, over the wired data link, a display signal generated by the second wireless communication device in response to receipt of a communication request signal originating from the dispatch center when the first wireless communication device loses a connection with the dispatch center over the first wireless communication network, wherein the display signal is configured to cause the display indicator to indicate an alert,"* as recited in amended independent claim 1. (Emphasis Added).

Thus, based on the foregoing, independent claim 1, as amended, is patentable over any combination of the cited references.

Similar arguments to those made above with regard to amended independent claim 1 apply to one or more features of amended independent claims 3, 5, 7, 9, 11, 13, 15, 17-19, and 21 in distinguishing over the cited art. As such, amended independent claims 3, 5, 7, 9, 11, 13, 15, 17-19, and 21 are therefore also allowable for at least the same reasons discussed above.

Claims 2, 4, 8, 10, 12, 14, 16, 20, and 22-34 depend from one of the independent claims, and therefore, likewise define patentable subject matter. Additionally, each of these dependent claims separately recites a combination of subject matter that is not disclosed or suggested by any combination of the cited references.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-5 and 7-34 under 35 USC § 103(a).

CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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