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 to correct minor informalities. Support for these amendments can be found throughout the Specification. 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 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;
>
> when the first wireless communication device loses connection with the dispatch center over the first wireless communication network, receive via the second wireless communication device over the wired data link a communication request signal originating from the dispatch center causing 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.

Applicants respectfully submit that there is no combination of the cited references that discloses or suggests that "a first wireless communication device … 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; when the first wireless communication device loses connection with the dispatch center over the first wireless communication network, receive via the second wireless communication device over the wired data link a communication request signal originating from the dispatch center causing 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," as recited.

It is noted that, in rejecting independent claim 1, the Office Action on pages 3-6 primarily relies upon Hays at Fig. 1; Abstract; and pages 2-4 as support. More specifically, the Office Action explicitly equates 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 alleges 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.*, page 4. Further, the Office Action cites Fig. 2 of Wortham and Fig. 5 of Moore, alleging that both references disclose the recited "wired data link" between the recited "first wireless communication device" and "second wireless communication device." *Id.*, pages 4-5.

Applicants respectfully disagree with the Office Action allegations.

First, 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.

In addition, Applicants respectfully submit that Hays does not disclose or suggest "*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*; when the first wireless communication device loses connection with the dispatch center over the first wireless communication network, *[the first wireless communication device is configured to] receive via the second wireless communication device over the wired data link a communication request signal originating from the dispatch center causing 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*," as recited in independent claim 1.

In particular, the outstanding Office Action fails to address the features that "a first wireless communication device … is configured to … *supply a communication request confirmation signal to the dispatch center to confirm the communication request signal was received*," as recited in independent claim 1. Applicants respectfully submit that none of the cited references, when taken alone or in combination, discloses or suggests this combination of features in claim 1.

Second, 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.

It has long been recognized that motivation to combine is effectively defeated when the combination either renders prior art being modified unsatisfactory for its intended purpose or changes the principle of operations of a prior art reference.[1]

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. More specifically, Hays at the cited Fig. 1 (see reproduction below) discloses that the telecommunication system receives a data message for a subscriber from a calling device, which is routed to a mobile telephone switching office (MTSO) via a central switching office. The MTSO can transmit a data message to the mobile telephone in the mobile unit via a cellular phone channel, and can also send a message to a Universal Messaging System (UMS) to be sent to a pager in the mobile unit via a paging channel. When the system is unable to deliver a data message to the mobile telephone via the cellular channel, it can store the message at the UMS or MTSO and send an alerting message to the mobile unit via the paging channel indicating that a message has been stored for later retrieval. *Id.*

More specifically, Hays at page 10, second paragraph, discloses 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."

[1] MPEP 2143.01.

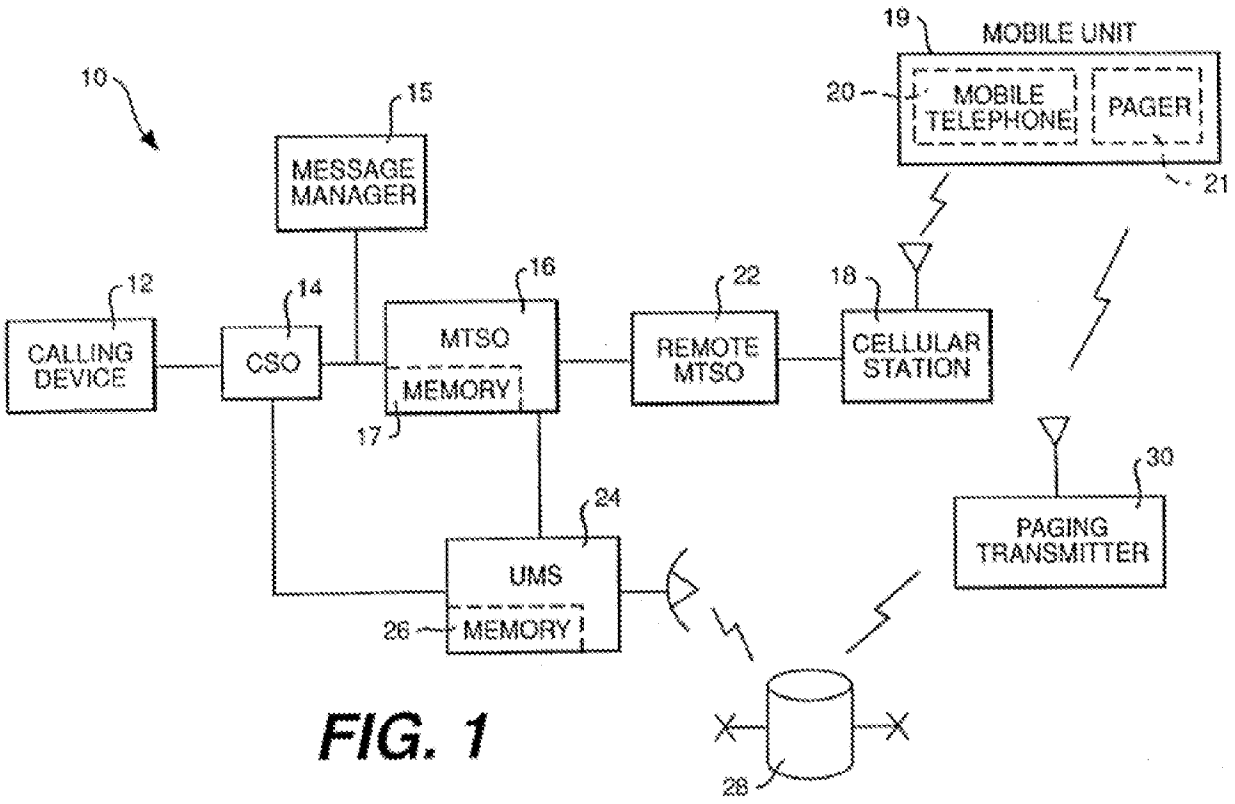

FIG. 1

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.

In contrast, the cited Fig. 2 of Wortham and Fig. 5 of 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 it is essential that UMS 24 in Hays has the ability to deliver data messages via 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, Hays is focused on contemplating wireless cellular and paging channels between the calling device 12 and mobile telephone 20; whereas Wortham and Moore both disclose wired coupling/buses among different communication components.

It is respectfully submitted that 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. 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 are not cited for, nor do the references cure the above-noted deficiencies of Hays, Moore or Wortham. As such, there is no combination of the cited references that discloses or suggests "first wireless communication device … 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; when the first wireless communication device loses connection with the dispatch center over the first wireless communication network, receive via the second wireless communication device over the wired data link a communication request signal originating from the dispatch center causing 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," as recited in independent claim 1.

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

While the claims differ in their scope, at least similar arguments to those made above with regard to independent claim 1 apply to one or more limitations of independent claims 3, 5, 7, 9, 11, 13, 15, 17-19, and 21 in distinguishing over the cited art, and independent clams 3, 5, 7, 9, 11, 13, 15, 17-19, and 21 are therefore also allowable.

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,

Dated: July 11, 2013

By: /Gerald P. Joyce III – 37,648/

Gerald P. Joyce III, Reg. No. 37,648
Direct: 858.845.2204
General: 858.658.4351

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714