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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/345,809

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Thomas F. Doyle

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

10/13/2009

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):

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Office Action Summary	Application No. 11/345,809	Applicant(s) DOYLE, THOMAS F.	
	Examiner Stephen M. D'Agosta	Art Unit 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 8-27-2009.
- 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- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.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 _____ 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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. 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 appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 8-27-2009 has been entered.

1. The examiner has added new art to reject the amended claims. He notes that the "location" of the components (eg. trailer and cab) are viewed as design choices since there is nothing novel about the specific location of a transceiver in a vehicle (eg. in a cab, trailer, trunk, engine compartment, back seat, etc) and it will operate in the same exact manner no matter where the two components are located.

2. Independent claims 1 and 13 appear to be more narrow in scope than claim 17. The applicant should cancel claim 17 or re-write it to include all the limitations of claims 1 or 13.

3. A more favorable outcome may occur if the applicant amends the claims as follows:

- i. Claim 1 + claim 4 + claims 7-8
- ii. Claim 13 + claim 4 + claims 7-8
- iii. (Rewrite claim 17 similar to claims 1 or 3) + claims 4, 7 and 8

Claim Rejections - 35 USC § 103

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 negated by the manner in which the invention was made.

Claim 1-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Hays and further in view of Smith, Umstetter and {Moore or Wortham}.

As per **claims 1, 13 and 17**, Hays teaches a system to provide an indication to a user of a first wireless communication device that a communication is waiting or wanted (Abstract teaches calling device and mobile unit/called device and cellular/paging systems), the system comprising:

- a first wireless communication device (mobile unit in figure 1) comprising a display indicator (figure 1 shows a mobile phone which inherently have display(s) for indicators, eg. incoming call, missed call, email waiting, SMS message waiting, battery level, signal strength level, service provider, wallpaper, etc.);

- a second wireless communication device (figure 1 shows calling device #12);

- a data link connecting the first communication device and the second communication device (figure 1 shows multiple links connecting to mobile unit via either cellular or paging networks);

- a first wireless communication network connecting the first wireless communication device to the "network switching" center (figure 1 shows links connecting to the MTSO and UMS "centers"); and

- a second wireless communication network connecting the second wireless communication device to the dispatch center, wherein when the first wireless communication device is outside of the first wireless communication network, the dispatcher can alert the user of the first wireless communication device that the communication is waiting or wanted by causing the second wireless communication

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device to send a signal to the first wireless communication device causing the display indicator to indicate said alert (Abstract and pages 2-4 show that a called device can be connected via a first network and/or if out of range, then a second network can be used (eg. paging))

but is silent on a dispatch center being used and forwarding/transmitting a message from one mobile to another for two-way communications (eg. Hays teaches more of a page/data message than voice) AND the first wireless device located in the cab portion and a second wireless device located in the trailer portion of the vehicle.

The 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. Also the Applicant’s Admitted Prior Art (AAPA) discloses network communications using a manned dispatch center for truck or delivery vehicles (see spec. Para #'s 2-3). Furthermore, the AAPA teaches the communication can be voice or data over the wireless network (Para #2)

The concept of mobile-to-mobile “call relay” is well known in cellular, WLAN and short-range communication.

Since Hays clearly teaches a dual-mode transceiver device (figure 1 #19, also figure 2, paging and cellular supported), the examiner need only put forth art that teaches communicating with a vehicle (trailer), eg. in a relay connection and/or a direct connection. As far as relaying communications as based on a “cab and trailer” configuration, the examiner notes that this is a DESIGN CHOICE since the location of a transmitter/receiver is not novel unto itself (eg. there is no reason why a transceiver must be located in either the cab or trailer or both when a trunk, engine compartment or “other” location would suffice as well). The examiner puts forth the following to show different configurations/design choices:

a. Moore shows a relay between a police officer’s transceiver, the police car “relay” and a cell tower which can connect back to the police station (see figures 1-5)

b. Wortham clearly shows a truck (cab and trailer) with a cellular transceiver located on the trailer portion of the truck (see figure 1). Figure 2 shows the actual

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cellular transceiver system which can act as a "relay" since it can both receive and transmit data/voice.

Hence the examiner has shown that a design choice exists for both car/truck implementations and the "relay or second communications device" can be located anywhere in a vehicle (trailer, engine, hood/car top, trunk, etc). NOTE that the "relay" capability will allow a connection even when the user roams too far away from the coverage of the "primary/cellular" limit and thusly reads on the applicant's limitation of "if/when losing a connection to the dispatch center".

Smith teaches a similar design as Hays in which a mobile device can be contacted via multiple different wireless/wired networks, especially if the device is out of range of a "first" network (Abstract, figure 1, Para's #10-11).

Clearly the prior art teaches the concepts of relays/repeaters and use of two different wireless network protocols (eg. cellular, bluetooth, WLAN, etc) whereby a relay/repeater (or dual mode device) can receive data from one network and translate/forward it to another network and ultimately on to another end-user.

Umstetter teaches relaying two-way **voice** communications (see Abstract and figure 1b whereby a cordless user connects through the PSTN to another phone user). Hence, the design can utilize one-or-two wireless networks in order to convey data as well as convey voice data (instead of only paging/text messages).

It would have been obvious to one skilled in the art at the time of the invention to modify Hays, such that a dispatch service is supported and call relay/forwarding, to provide means for forwarding a call if a certain mobile unit is out of range when a dispatcher needs to communicate with said certain mobile/user.

As per **claims 2 and 18**, the combo teaches claim 1, wherein the first wireless communication device is a digital wireless communication device (The prior art put forth teaches myriad wireless communications, including both digital and analog, both of which are well known in the art - see at least Hays, spec Page 1 disclosing AMPS and CDMA and TDMA. Note that for claim 18, the first device and network can be analog or digital).

As per **claim 3**, the combo teaches claim 1, **but is silent on** wherein the second wireless communication device is a combination digital and analog wireless communication device.

Note that Hays discusses support for both analog and digital which can be broadly interpreted as simultaneous and/or multiple transceivers on the same device (spec, page bottom page 1 to top of page 2). The examiner takes **Official Notice** that dual-mode phones are well known and can support two or more communication protocols/signals.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that the second device is a combo digital/analog device, to provide means for supporting different communications technologies.

As per **claim 4**, the combo teaches claim 1, wherein the second wireless communication device comprises at least a satellite communication device (the examiner takes note that satellite/cellular phones are well known and the prior art or record teaches many different communications technologies which would include satellite/cellular. See **Chou**, *pertinent but not cited*, C8, L25-30 which teaches support for satellite communications.).

As per **claim 5**, the combo teaches claim 1, wherein the first wireless communication network and the second wireless communication network are identical (The prior art teaches that a “first” link can be established and/or a “second” link if need be, eg. Smith teaches use of a second link if the user is out of range of the first link/network).

As per **claim 6**, the combo teaches claim 1, wherein the second wireless communication network encompasses the first wireless communication network (The ability for overlapping networks to occur is obvious, eg. for two different cellular networks, for hotspots within a cellular network, for WLAN and cellular, etc.. Hence the examiner takes **Official Notice** that a user with a multi-transceiver phone would seek to connect to the network giving the best/optimal data throughput if/having roamed into an overlapping area of two "cells" or "coverage areas". The prior art does not limit how the mobile device will act, Hays' teaching would allow the mobile to receive a page if the user is in an overlapping area where cellular coverage is "poor" yet paging works).

As per **claim 7**, the combo teaches claim 1, wherein the first wireless communication device is coupled to the second wireless communication device by a data link (the prior art shows that there are myriad configurations supported as to "who" the calling and called devices can be (eg. wired or wireless) and "how" they can be connected (eg. wireless protocols, wired protocols, paging, text, email, etc.).

As per **claims 8, 19-20**, the combo teaches claim 7/17, wherein the data link is a wired link (at least Smith teaches a wired link being supported, see Abstract. All the prior art teaches support for wireless communications as per claim 20).

As per **claims 9 and 14**, the combo teaches claim 1/13, wherein the display indicator is selected from the group of indicators consisting of: a light, a vibration, a text display, or a ring tone (Hays teaches a "alerting message" being sent to the phone/pager, which reads on at least a vibration and/or display, eg. Missed Page indicator, as is well known in the art. Similarly, mobile phones can ring, vibrate, light up and display a message).

As per **claim 10**, the combo teaches claim 1, wherein the first wireless communication device and the wireless second communication device are mounted in a vehicle (The examiner believes that these two devices are in **DIFFERENT** vehicles. The prior art does not limit where the called and calling devices can be. The AAPA teaches dispatch networks for trucks and delivery vehicles which would inherently have truck-mounted communication units. Similarly **Rast**, *pertinent but not cited*, teaches a taxi network whereby the car has mounted communication units as well).

As per **claim 11**, the combo teaches claim 10, wherein the vehicle is selected from a group of vehicles consisting of: a car, a truck, a train, a plane, or a boat. (See AAPA and the prior art which discloses myriad uses and locations for the mobile units)>

As per **claims 12 and 15**, the combo teaches claim 1/13, wherein the first wireless communication unit is portable (Hays teaches a mobile unit, see figures 1-2).

As per **claim 16**, the combo teaches claim 13, **but is silent on** further comprising the step of: supplying a communication request confirmation signal to the dispatcher to confirm the communication request signal was received by the second wireless communication device.

The examiner takes **Official Notice** that the concept of a "confirmation message" is well known and would be used by one skilled if/when a message is relayed in order to provide confirmation that said relayed message was actually received by its intended recipient.

It would have been obvious to one skilled in the art at the time of the invention to modify the combo, such that a confirmation message is used, to provide means for confirming receipt when a message is not directly sent, but rather relayed (which could have a tendency to be dropped, etc.).

Conclusion

-- Pertinent but not cited art is found in the PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. 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.

/Stephen M. D'Agosta/
Primary Examiner, Art Unit 2617