REMARKS/ARGUMENTS

By this Response, Applicant proposes to amend claims 1, 10, 13, and 17. Support for the amended claims can be found throughout the specification and figures, for example in paragraphs [0015] and [0018]. Claims 1-20 remain pending in the application. Applicant respectfully submits that no new matter has been added.

In the event that the Examiner declines to enter the present Amendment, and (i) any portion of the present Amendment would place some of the claims in better form for appeal if a separate paper were filed containing only such amendments or (ii) any proposed amendment to any claim would render that claim allowable, Applicants respectfully request that the Examiner inform Applicants of the same pursuant to MPEP §714.13.

In the Final Office Action (FOA) dated June 2, 2009, the Examiner rejected claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over PCT Publication No. WO 95/26113 to Hays et al. ("Hays") in view of U.S. Patent No. 6,968,153 to Heinonen et al. (Heinonen), U.S. Publication No. 2002/0024940 to Smith, and U.S. Publication No. 2002/0115455. Applicant respectively traverses the rejection.

Rejection Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Hays in view of Heinonen, Smith, and Umstetter. Applicant respectfully traverses this rejection.

For a proper rejection under section 103(a), the Examiner must clearly articulate the reasons why the claimed invention would have been obvious. *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007). Where the prior art fails to disclose each and every element of a claim, the Examiner must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. M.P.E.P. § 2141(III), p. 2100-118 (Rev. 6, Sept. 2007). This explanation must include a clear basis for concluding that it would have been obvious to one of ordinary skill in the art to bridge the gap between the prior art and claimed invention. *Id.* The rejection cannot be based merely on conclusory statements. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

In this case, the combination of Hays, Heinonen, Smith, and Umstetter fails to teach or suggest each and every element of the claims. Furthermore, the proposed combination changes the principle of operation of the prior art being combined.

Claim 1 recites a system to provide an indication to a user of a first wireless communication device located in a vehicle that a communication is waiting or wanted comprising, among other things, a first wireless communication device located in a cab portion of the vehicle and available to the user in the vehicle; a second wireless communication device located in a trailer portion of the vehicle; a first wireless communication network connecting the first wireless communication device to a dispatch center; and a second wireless communication network facilitating two-way data communication between the second wireless communication device and 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. Claims 13 and 17 recite similar elements.

Applicant respectfully submits that Hays fails to disclose each and every element recited in claims 1, 13, and 17. Instead, Hays describes 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 Abstract). In particular, Hays discloses sending an alerting message to the mobile unit via a paging channel, wherein the alerting message indicates that a data message failed to deliver to the mobile unit and that the data message has been stored for later retrieval (see Id.).

Nowhere does Hays disclose or suggest a first wireless communication device located in a cab portion of the vehicle and available to the user in the vehicle, or a second wireless communication device located in a trailer portion of the vehicle, as recited in claim 1, and similarly recited in claims 13 and 17. Instead, Hays discloses a singular mobile unit 19 comprising two communication devices: namely, a mobile telephone 20 and a pager 21. A user of the mobile unit 19 is provided the convenience of having a device with both the mobile telephone 20 and the pager 21, and therefore has no motivation to separate the mobile telephone 20 from the pager 21. Further, nowhere does Hays disclose or suggest that either the mobile

telephone 20 or the pager 21 is located in a vehicle, let alone in separate locations within the vehicle. Moreover, a mobile-to-mobile "call relay" wherein the mobile components are located in separate locations within a vehicle is not known in the art. As such, Hays fails to disclose or suggest a first wireless communication device located in a cab portion of the vehicle and available to the user in the vehicle, or a second wireless communication device located in a trailer portion of the vehicle, as recited in claim 1, and similarly recited in claims 13 and 17.

Further, as the Examiner recognized, Hays does not explicitly teach a dispatch center being used to forward or transmit a message from one mobile device to another for two-way communications (see FOA, page 4). Further, nowhere does Hays disclose or suggest a dispatcher, or that the dispatcher can alert the user of the first wireless communication device that a communication is waiting or wanted, as recited in claim 1, and similarly recited in claims 13 and 17. Instead, Hays discloses a CSO 14 that receives data messages from a calling device 12 and routes the messages to a message manager 15 for storing and managing messages (see page 5). Further, Hays discloses that the CSO 14 can route calls from subscribers and destined for the mobile unit 19 via an MTSO 16 and a cellular station 18 (see Id.). In other words, instead of disclosing a dispatcher alerting a user that a communication is waiting or wanted, Hays discloses that a CSO 14 receives data messages and calls originating from remote outside subscribers, and the CSO 14 merely acts as a separate network point to facilitate cellular or pager transmission. The outside subscribers of Hays are not analogous to the dispatcher of claims 1, 13, and 17 because the outside subscribers are located remotely from the CSO and merely use the CSO as an intermediary means of connecting to an intended recipient. Therefore, Hays fails to disclose or suggest that the dispatcher can alert the user of the first wireless communication device that a communication is waiting or wanted, as recited in claim 1, and similarly recited in claims 13 and 17.

Further, not only does Hays fail to disclose a dispatcher, but Hays also fails to disclose or suggest both a first wireless communication network connecting the first wireless communication device to a dispatch center, and a second wireless communication network facilitating two-way data communication between the second wireless communication device and the dispatch center, as recited in claim 1, and similarly recited in claims 13 and 17. Instead,

Hays merely discloses a UMS 24 transmitting a page message to a pager 21 in a mobile unit 19 via a satellite 28 and a regional paging transmitter 30 (see FIG. 1A, and pages 6 and 9). Further, Hays discloses an MTSO 16 that receives and routes calls to a cellular station 18, which transmits to and receives signals relating to the calls from a mobile telephone 20 (see FIG. 1A and page 5). Instead of a single dispatch center connected to two devices (a first and second wireless communication device) over two networks (a first and second wireless communication network), Hays discloses that the pager 21 is connected to the UMS 24 and the mobile telephone 20 is connected to the cellular station 18. Therefore, Hays fails to disclose or suggest both a first wireless communication network connecting the first wireless communication device to a dispatch center, and a second wireless communication network facilitating two-way data communication between the second wireless communication device and the dispatch center, as recited in claim 1, and similarly recited in claims 13 and 17.

None of the remaining references, namely, Heinonen, Smith, and Umstetter, when combined with Hays correct these deficiencies. Instead, Heinonen discloses a Bluetooth repeater that may receive Bluetooth communications from an originating Bluetooth enabled device within range and then forward the same data to an intended recipient that was outside the range of the originating Bluetooth device (see Abstract). Futher, Smith describes a single electronic device that is capable of communicating within a wireless data network and at least one other communications network to effectively provide expanded coverage for data communications with the device (see Abstract). In particular, Smith discloses allowing the device expanded coverage via the ability to connect to multiple networks (see paragraph [0010]). Moreover, Umstetter describes an extended range cordless telephone system (see Abstract). In particular, Umstetter discloses a cordless handset that acts as an RF repeater between a base station and a remote cordless handset (see paragraph [0021]).

As such, neither Heinonen, Smith, nor Umstetter disclose or suggest at least a first wireless communication device located in a cab portion of the vehicle and available to the user in the vehicle, or a second wireless communication device located in a trailer portion of the vehicle, as recited in claim 1, and similarly recited in claims 13 and 17. Further, neither Heinonen, Smith, nor Umstetter disclose or suggest at least that the dispatcher can alert the user of the first

wireless communication device that a communication is waiting or wanted, or both a first wireless communication network connecting the first wireless communication device to a dispatch center, and a second wireless communication network facilitating two-way data communication between the second wireless communication device and the dispatch center, as recited in claim 1, and similarly recited in claims 13 and 17.

Therefore, the combination of Hays, Heinonen, Smith, and Umsetter, even if the combination were proper, fails to disclose, teach, or suggest each and every claim element of claims 1, 13, and 17. Moreover, the proposed combination changes the principle of operation of the prior art being combined. In particular, the Examiner indicates that Heinonen, Smith, and Umstetter teach the concepts of relays and repeaters, and the use of two different wireless network protocols whereby a relay or repeater can received data from one network and translate and forward it to an appropriate end-user over a second network (see FOA, page 4). However, claims 1, 13, and 17 do not relate to relaying or repeating a signal via two networks. Instead, claims 1, 13, and 17 recite that the second wireless communication device merely sends or transmits a signal to the first wireless communication device without the use of a network. Therefore, the relay and repeater networks of Heinonen, Smith, and Umstetter are not analogous to the system and methods of claims 1, 13, and 17.

Further, the relays and repeaters of Heinonen, Smith, and Umstetter are only useful when the repeating device is remote from the end-receiving device because if the devices were respectively local, then there would be no need for a repeating network. In contrast, the systems and methods of claims 1, 13, and 17 are used in the case where the first and second wireless communication devices are respectively local, such as in portions of a vehicle. Therefore, the proposed combination of Hays with Heinonen, Smith, and Umstetter changes the principle of operation of the prior art being combined.

Accordingly, the rejection of claims 1, 13, and 17 under section 103(a) is improper and should be withdrawn. Applicants therefore respectfully submit that claim 1 is in condition for allowance, as are claims 2-12, 14-16, and 18-20 at least by virtue of their dependency from allowable claims 1, 13, and 17. It is therefore respectfully requested that the rejection be withdrawn.

CONCLUSION

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-20 in condition for allowance. Applicants submit that the proposed amendments of claims 1, 10 13, and 17 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the Final Office Action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow Applicant to reply to the final rejections and place the application in condition for allowance.

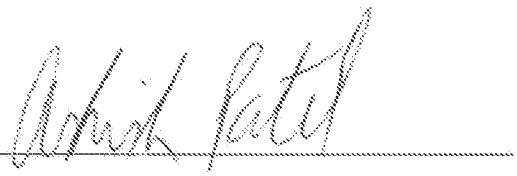
Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is not rendered obvious by the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 17-0026.

Respectfully submitted,

Dated: August 27, 2009

By: 

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