REMARKS

By this Amendment, claims 1, 12, 13, 17, and 18 have been amended. Support for the amended claims can be found throughout the specification and figures, for example in FIG. 2 and paragraph [0018]. Claims 1-20 remain pending in the application. Applicant respectfully submits that no new matter has been added.

In the Office Action (OA) dated January 23, 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) or U.S. Patent No. 5,898,679 to Brederveld et al. ("Brederveld") and U.S. Publication No. 2002/0024940 to Smith. Applicant respectively traverses the rejection.

Rejection Under 35 U.S.C. § 103(a)

A. The Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Hays in view of Heinonen or Brederveld, and Smith. Applicants respectfully traverse 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, Brederveld, and Smith fails to teach or suggest each and every element of the claims. Furthermore, the proposed modification renders the prior art unsatisfactory for its intended purpose.

Claim 1 recites a system to provide an indication to a user of a first wireless communication device that a communication is waiting or wanted comprising, among other things, a first wireless communication device comprising a display indicator, a second wireless communication device, 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 by causing the second wireless communication device to send a signal to the first wireless communication device causing the display indicator to indicate said alert. 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.).

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 (see OA, page 3). Further, nowhere does Hays disclose or suggest 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 informing the subscriber that he or she has a data message stored at a UMS 24 (see page 9). Nowhere does Hays disclose or suggest that the pager 21 can send or transmit data or other information to the UMS 24. As such, Hays merely discloses a one-way data communication from the UMS 24 to the pager 21. Therefore, Hays fails to disclose or suggest 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.

Still further, nowhere does Hays disclose or suggest both a first wireless communication device and a second wireless communication device, wherein the second wireless communication device sends a signal to the first wireless communication device when the first wireless communication device is outside of the first wireless communication network, as recited

in claim 1, and similarly recited in claims 13 and 17. Instead, Hays merely discloses a mobile device 19 which includes both a mobile telephone 20 and a pager 21, (see page 6 and FIG. 2). Because the mobile telephone 20 and pager 21 of Hays are part of the same mobile device 19, Hays fails to disclose both a first wireless communication device and a second wireless communication device, as recited in claims 1, 13, and 17.

Moreover, the Examiner alleged that the calling device 12 of Hays is analogous to the second wireless communication device of claims 1, 13, and 17 (see OA, page 2). However, claims 1, 13, and 17 recite that the second wireless communication device send a signal to the first wireless communication device when the first wireless communication device is outside of the first wireless communication network, and nowhere does Hays disclose or suggest that the calling device 12 can perform these functions. Instead, the calling device 12 merely sends a caller- or operator-generated message over a network (see page 5). Nowhere does the calling device 12 of Hays receive or relay any sort of signal, as does the second wireless communications device of claims 1, 13, and 17. As such, Hays fails to teach or suggest at least a first wireless communication device and a second wireless communication device, wherein the second wireless communication device sends a signal to the first wireless communication device when the first wireless communication device is outside of the first wireless communication network, as recited in claim 1, and similarly recited in claims 13 and 17. Therefore, Hays fails to disclose each and every element of claims 1, 13, and 17.

None of the remaining references, Heinonen, Brederveld, nor Smith, when combined with Hays correct these deficiencies. Instead, Heinonen describes an apparatus, method, and system to extend the range of effective communication as between Bluetooth enabled devices (see Abstract). In particular, 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 Id.). The Bluetooth devices operate over a single communications network (see column 1, lines 10-32). As such, Heinonen fails to disclose or suggest at least 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.

Further, Bredervelt describes a wireless computer network having a radio relay capable of transmitting messages (see Abstract). In particular, Bredervelt discloses a single wireless communications network 100 comprising a set of access points and mobile stations (see FIG. 1). A dedicated relay 150 "performs no function other than relaying messages" (see column 4, line 64). As such, Bredervelt fails to disclose or suggest at least 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.

Moreover, 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]). However, Smith fails to disclose or suggest at least 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, Brederveld, and Smith, 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 modification renders the prior art being unsatisfactory for its intended purpose because Heinonen and Bredervelt relate to call and data relaying over a single network, and Hays and Smith relate to providing coverage to a single device. In particular, there is no need for multiple networks in a single network relay environment, and a user as described in Hays and Smith would have no need for multiple devices. As such, it would not be obvious for a person having ordinary skill in the art to combine Hays, Heinonen, Brederveld, and Smith to bridge the gap between the prior art and the claims.

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

In light of the amendments contained herein, Applicant submits 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: April 23, 2009

By: _____

Ashish L. Patel
Reg. No. 53,440
(858) 658-2585

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 658-2426
Facsimile: (858) 658-2502