

REMARKS

Status of the Claims

By this Amendment, claims 1, 13, and 17 have been amended, and claims 4, 7, 8, and 18-20 have been canceled without disclaimer of the subject matter contained therein. Support for the amended claims can be found throughout the as-filed specification and figures. Claims 1-3, 5, 6, and 9-17 remain pending in the application.

In the Office Action (OA) dated October 13, 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. Publication No. 2002/0024940 to Smith, U.S. Publication No. 2002/0115455 to Umstetter et al. (“Umstetter”), and U.S. Patent No. 4,606,073 to Moore or U.S. Patent No. 5,905,433 to Wortham. Applicant respectively traverses the rejection.

Rejections 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 and further in view of Smith, Umstetter and {Moore or Wortham}. Applicant respectively traverses the rejection because the combination of Hays, Smith, Umstetter and {Moore or Wortham} fails to teach or suggest each and every element of the claims. Moreover, the Examiner provides no articulated reasoning with some rational underpinning to combine Hays, Smith, Umstetter and {Moore or Wortham} to produce the claimed invention.

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.

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, wherein the second wireless communication device comprises a satellite communication device; a wired data link coupling the first wireless communication device to the 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 over the wired data link 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 or suggest 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 in the OA, 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 (see OA, page 4). 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. Similarly, nowhere does Hays disclose or suggest a wired data link coupling the first wireless communication device to the second wireless communication device, as recited in claim 1, and similarly recited in claims 13 and 17.

Further, nowhere does Hays disclose or suggest wherein the second wireless communication device comprises a satellite communication device, as recited in claim 1, and similarly recited in claims 13 and 17. Instead, Hays merely discloses a UMS 24 sending out paging messages via a satellite 28 to a regional paging transmitter 30, which can in turn communicate with the mobile unit 19 (see FIG. 1). In other words, instead of the mobile unit 19 comprising a satellite communication device, the mobile 19 merely communicates with the paging transmitter 30, which in turn communicates with the satellite 28. As such, Hays fails to disclose or suggest wherein the second wireless communication device comprises a satellite communication device, as recited in claim 1, and similarly recited in claims 13 and 17.

None of the remaining references, namely, Smith, Umstetter, Moore, and Wortham, when combined with Hays correct these deficiencies. Instead, 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]). Further, 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]).

Still further, Moore discloses a compact and simple to operate transceiving device used by law enforcement officers, security agents, military personnel and the like to prerecord an emergency message prior to leaving his vehicle (see Abstract). In particular, Moore discloses an antenna 33 relaying a message from a police officer to a remote receiving station 36 (see column 5, lines 30-45). Moreover, Wortham discloses a trailer communications system including a trailer transducer unit for location on a trailer (see Abstract). In particular, Wortham discloses a relay unit 34 that can relay various information between a host and other trailers (see FIG. 1).

As such, neither Smith, Umstetter, Moore, nor Wortham 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, wherein the second wireless communication device comprises a satellite communication device, as recited in claim 1, and similarly recited in claims 13 and 17. Further, neither Smith, Umstetter, Moore, nor Wortham disclose or suggest at least a wired data link coupling the first wireless communication device to the second wireless communication device, as recited in claim

1, and similarly recited in claims 13 and 17. Still further, neither Smith, Umstetter, Moore, nor Wortham 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, Smith, Umsetter, and {Moore or Wortham}, even if the combination were proper, fails to disclose or suggest each and every claim element of claims 1, 13, and 17. Moreover, Examiner provides no articulated reasoning with some rational underpinning to combine Hays, Smith, Umstetter and {Moore or Wortham} to produce the claimed invention. Instead, the Examiner merely indicates that it would have been obvious to a person having ordinary skill in the art to modify Hays such that a dispatch service and call relay/forwarding are supported 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 unit/user. Therefore, the Examiner's reasoning for combining Hays, Smith, Umsetter, and {Moore or Wortham} fails to provide a suitable rationale to support a conclusion of obviousness.

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, 3, 5, 6, 9-12, and 14-16 at least by virtue of their dependency from allowable claims 1 and 13. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

In light of the remarks contained herein, Applicant respectfully 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,

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