

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 215127.01662

In re U.S. Patent Application of Michael D. Prstojeovich, et al.	)	
	)	
	)	Examiner: Paula J. Stice
Application No. 13/531,072	)	
	)	Group Art Unit: 3766
Filed: June 22, 2012	)	
	)	Confirmation No. 7563
For: Adaptive Watch	)	
	)	

MAIL STOP: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

This paper is responsive to the Office Action mailed February 14, 2013. The Examiner has set a three-month period for response thus making this response due on or before **May 14, 2013**. The Commissioner is hereby authorized to charge such fee or credit any overpayment of fees to Deposit Account No. 19-0733.

Amendments to the Specification are reflected in the listing of claims which begins on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 7 of this paper.

Amendments to the Specification:

Please replace paragraph [01] with the following amended paragraph:

[01] This application is a continuation of U.S. Patent Application No. 12/498,197 filed July 6, 2009, now US Patent No. 8,224,429 which is a divisional application of and claims priority to co-pending U.S. Patent Application Number 11/690,766, which was filed in the U.S. Patent and Trademark Office on March 23, 2007 and is entitled “Adaptive Watch,” which is a divisional application of U.S. Patent Application Number 10/417,796, which was filed in the U.S. Patent and Trademark Office on April 17, 2003 and is entitled “Adaptive Watch.” Each of these patent applications is entirely incorporated herein by reference.

Amendments to the Claims

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims

1. (Currently Amended) An apparatus comprising:
a processor; and
a memory storing instructions that, when executed by the processor, cause the apparatus at least to:
 - prompt a user to exercise at multiple exertion levels;
 - determine a plurality of heart rate zones based on first heart rate measurements received from a sensor while the user exercises at the multiple exertion levels;
 - generate a prompt instructing a user to exercise while maintaining heart rate within a particular one of the plurality of heart rate zones;
 - process second heart rate measurements received from the sensor subsequent to generating the prompt; and
 - determine whether the second heart rate measurements are within the particular heart rate zone.
2. (Original) The apparatus of claim 1, wherein the first heart rate measurements and the second heart rate measurements are received in a plurality of encoded messages.
3. (Original) The apparatus of claim 2, wherein the instructions, when executed by the processor, cause the apparatus to decode the encoded messages using identification data of the sensor.
4. (Original) The apparatus of claim 2, wherein the encoded messages comprise identification information of the sensor.

5. (Original) The apparatus of claim 1, wherein the instructions, when executed by the processor, cause the apparatus to receive a message from a speed sensor, wherein the message comprises speed information measured by the speed sensor.
6. (Original) The apparatus of claim 5, wherein the instructions, when executed by the processor, cause the apparatus to designate a time channel for communicating with the speed sensor.
7. (Original) The apparatus of claim 1, wherein the instructions, when executed by the processor, cause the apparatus to receive a message from a distance sensor, wherein the message comprises distance information measured by the distance sensor.
8. (Original) The apparatus of claim 7, wherein the instructions, when executed by the processor, cause the apparatus to designate a time channel for communicating with the distance sensor.
9. (Original) The apparatus of claim 1, wherein the instructions, when executed by the processor, cause the apparatus to determine that a message is from the sensor based upon a time at which the message is received.
10. (Original) The apparatus of claim 1, wherein the instructions, when executed by the processor, cause the apparatus to distinguish between messages from the sensor and a second sensor based on times at which respective ones of the messages are received.
11. (Original) The apparatus of claim 1, wherein the instructions, when executed by the processor, cause the apparatus to distinguish between messages from the sensor and a second sensor based on frequencies at which respective ones of the messages are received.
12. (Currently Amended) A method comprising:
prompting a user to exercise at multiple exertion levels;

determining, by a processor, a plurality of heart rate zones based on first heart rate measurements received from a sensor while the user exercises at the multiple exertion levels;

generate, by the processor, a prompt instructing a user to exercise while maintaining heart rate within a particular one of the plurality of heart rate zones;

process, by the processor, second heart rate measurements received from the sensor subsequent to generating the prompt; and

determine, by the processor, whether the second heart rate measurements are within the particular heart rate zone.

13. (Original) The method of claim 12, further comprising decoding a plurality of encoded messages using identification data of the sensor, wherein the first heart rate measurements and the second heart rate measurements are received in respective ones of the plurality of encoded messages.

14. (Original) The method of claim 12, further comprising designating a time channel for communicating with the sensor.

15. (Original) The method of claim 12, further comprising distinguishing between messages from the sensor and a second sensor based on times at which respective ones of the messages are received.

16. (Original) The method of claim 12, further comprising distinguishing between messages from the sensor and a second sensor based on frequencies at which respective ones of the messages are received.

17. (Currently Amended) A non-transitory computer readable medium storing executable instructions that, when executed, cause a computing system at least to:

prompt a user to exercise at multiple exertion levels;

determine a plurality of heart rate zones based on first heart rate measurements received from a sensor while the user exercises at the multiple exertion levels;

generate a prompt instructing a user to exercise while maintaining heart rate within a particular one of the plurality of heart rate zones;

process second heart rate measurements received from the sensor subsequent to generating the prompt; and

determine whether the second heart rate measurements are within the particular heart rate zone.

18. (Original) The computer readable medium of claim 17, wherein the executable instructions, when executed, cause the computing system to decode a plurality of encoded messages using identification data of the sensor, wherein the first heart rate measurements and the second heart rate measurements are received in respective ones of the plurality of encoded messages.

19. (Original) The computer readable medium of claim 17, wherein the executable instructions, when executed, cause the computing system to designate a time channel for communicating with the sensor.

20. (Original) The computer readable medium of claim 17, wherein the executable instructions, when executed, cause the computing system to perform at least one of:
distinguish between messages from the sensor and a second sensor based on times at which respective ones of the messages are received; and
distinguish between messages from the sensor and a second sensor based on frequencies at which respective ones of the messages are received.

REMARKS

The Office Action mailed February 14, 2013 has been reviewed and the comments therein were carefully considered by the Applicant. Claims 1-20 remain pending and stand rejected.

Objections

The specification of the disclosure is objected to because of a minor informality. The specification has been amended in paragraph [01] to include cross-reference data as requested in the official notice. Reconsideration of the objection is requested.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 12 and 17 stand rejected under 35 U.S.C. 102(b) as being anticipated by Lubell et al. US 4,566,461.

Claim 1 has been amended to include the features of:

- prompt a user to exercise at multiple exertion levels;
- determine a plurality of heart rate zones based on first heart rate measurements received from a sensor while the user exercises at the multiple exertion levels;

Similar amendments have been made to independent claims 12 and 17. The Applicant respectfully submits that the combinations of features now included in claims 1, 12 and 17 are not taught or suggested by Lubell et al. or any of the remaining prior art of record. The Applicant requests reconsideration of the rejection.

Claim Rejections Under 35 U.S.C. § 103

Claims 2-5, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lubell et al. in view of Yoshimura et al. US 2003/0073911.

Claims 2-5, 13 and 18 are dependent claims and are allowable for at least the same reasons as the claims from which they depend.

Claims 6-11, 14-16 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lubell et al. in view of Yoshimura et al. and further in view of Flach et al. US 2001/0023315.

Claims 6-11, 14-16 and 19-20 are dependent claims and are allowable for at least the same reasons as the claims from which they depend.

CONCLUSION

Applicant respectfully submits that the pending claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,

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