

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 8,291,243
Reexam Control No. : 90/019,303
Confirmation No. : 7420
Filed : Nov. 21, 2023
TC/A.U : 3992
Examiner : Worjloh, Jalatee
Docket No. : GRA243
Customer No. : 134688
Title : ADAPTIVE COMPUTING RESPONSIVE TO
ENVIRONMENTAL CONDITIONS

Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner of Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FINAL OFFICE ACTION

Dear Sir:

This Response is in reply to the final Office Action dated August 21, 2024. Please consider the following:

Notification of Concurrent Proceedings beginning on page 2 of this paper;

Listing of Claims beginning on page 3 of this paper;

Patent Owner's Statement of the Interview beginning on page 18 of this paper; and

Remarks beginning on page 19 of this paper.

**37 CFR §1.8
CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system, EFS-Web, addressed to Mail Stop Ex Parte Reexam, Central Reexamination Unit, Commissioner of Patents, United States Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450 on the date indicated below.

/Jennifer Picini/
Jennifer Picini

September 11, 2024
Date

NOTIFICATION OF CONCURRENT PROCEEDINGS

Pursuant to 37 C.F.R. § 1.565(a), Patent Owner identifies the following concurrent proceedings involving U.S. Patent No. 8,291,243:

- 1) *Graphite Charging Co., LLC v. Tesla, Inc.*, Case No. 3:24-cv-02717-VC (N.D. Ca.)

Status: This district court litigation was recently transferred from the W.D. Texas to the N.D. California and is currently stayed; and

- 2) *Tesla, Inc. v. Graphite Charging Co., LLC*, *Inter Partes* Review No. IPR2024-00388

Status: A Petition for *Inter Partes* Review was filed on February 14, 2024. Patent Owner filed a Patent Owner Preliminary Response (“POPR”) on May 28, 2024. Petitioner filed a Reply to the POPR on June 17, 2024, and Patent Owner filed a Sur-Reply in response thereto on June 28, 2024. *Inter partes* review was instituted on August 27, 2024. Petitioner requested leave to file a motion to stay the *ex parte* reexamination on August 29, 2024, and the Board subsequently authorized briefing by the parties on whether the *ex parte* reexamination should be stayed.

LISTING OF CLAIMS

This listing of claims will replace all prior versions and listings of claims:

1. (Original, amended) A method for adapting the power consumption of a computational device in response to environmental conditions, comprising:

acquiring operating environmental condition data relevant to the generation of electric power in a power grid system from an operating environment feed input;

analyzing the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system, wherein analyzing the operating environment feed data to determine an indication of a high demand for electric power from the power grid system comprises inputting the operating environmental condition data into a weighting function; and

causing a computational device to automatically [reducing] reduce a current amount of consumption of electric power from the power grid system by the computational device if the analyzing determines the high electric power demand indication.

2. (Original, unamended) The method of claim 1,

wherein the analyzing the operating environmental condition data determines the indication of the high demand for electric power from the power grid system if the operating environmental condition data indicates that a small size fossil fuel plant is coming on-line to provide power to the power grid system in response to a power demand on the power grid system.

3. (Original, unamended) The method of claim 1, further comprising the computational device automatically increasing the current amount of consumption of electric power from the

power grid system by the computational device from a current reduced electric power consumption level in response to not determining the indication of the high demand for electric power from the power grid system by analyzing the operating environmental condition data.

4. (Original, unamended) The method of claim 1, wherein the operating environment feed is a really simple syndication feed from at least one of an electricity plant and a weather service.

5. (Original, unamended) The method of claim 1,
wherein the analyzing the operating environmental condition data determines indication of the high demand for electric power if the operating environmental condition data indicates an unusual weather condition that may result in heavy demand for power from the power grid system.

6. (Original, unamended) The method of claim 3, further comprising:
regularly updating the acquired the operating environmental condition data;
if changes are found in the updated environmental condition data, updating an internal state table with new downloaded data from the operating environment feed input; and
automatically reducing a present amount of consumption of electric power from the power grid system by the computational device if analyzing the updated state table data determines a high electric power demand indication, or increasing the present amount of consumption of electric power from the power grid system by the computational device if analyzing the updated state table data does not determine a high electric power demand indication.

7. (Original, unamended) The method of claim 1, wherein the operating environmental condition data feed comprises information describing an output capacity and a current output of each of plurality of potential energy producers of the power grid system; and

wherein the analyzing the operating environmental condition data determines the indication of the high demand for electric power from the power grid system if the operating environmental condition data feed information indicates a relatively environmentally-friendly energy producer is near its output capacity.

8. (Original, unamended) The method of claim 1 wherein the analyzing the operating environment feed data to determine a high electric power demand indication comprises:

applying a weighted function comprising a linear combination of values obtained from a plurality of different feeds, each of the different feeds having a weight; and

if the linear combination is above a certain threshold, including the high demand indicator in the aggregate feed.

9. (Original, unamended) The method of claim 1, further comprising determining the indication of the high demand for electric power from the power grid system in response to data in the operating environmental condition data that comprises at least one of:

a spot price value of electricity; and

a rate of change of a price of electricity.

10. (Original, unamended) The method of claim 9 wherein the step of the computational device automatically reducing the current amount of consumption of electric power from the power

grid system by the computational device comprises running nonessential services only when the spot price value of electricity is low.

11. (Original, amended) A [service] method for adapting the power consumption of a computational device in response to environmental conditions, comprising:

providing a computer infrastructure configured to:

acquire operating environmental condition data relevant to the generation of electric power in a power grid system from an operating environment feed input;

analyze the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system, wherein analyzing the operating environment feed data to determine an indication of a high demand for electric power from the power grid system comprises inputting the operating environmental condition data into a weighting function; and

cause a computational device to automatically reduce a current amount of consumption of electric power from the power grid system by the computational device if the analyzing determines the high electric power demand indication.

12. (Original, amended) The [service] method of claim 11, wherein the computer infrastructure is further configured to:

determine the indication of the high demand for electric power from the power grid system if the operating environmental condition data indicates that a small size fossil fuel plant is coming on-line to provide power to the power grid system in response to a power demand on the power grid system.

13. (Original, amended) The [service] method of claim 12, wherein the computer infrastructure is further configured to determine the indication of the high demand for electric power from the power grid system if the operating environmental condition data indicates an unusual weather condition that may result in heavy demand for power from the power grid system.

14. (Original, amended) The [service] method of claim 12, wherein the computer infrastructure is further configured to determine the high electric power demand indication in response to data in the operating environmental condition data that comprises at least one of:

- a spot price value of electricity; and
- a rate of change of a price of electricity.

15. (Original, amended) An article of manufacture, comprising:

a computer readable tangible storage medium having computer readable program code embodied therewith, the computer readable program code comprising instructions which, when executed on a computer system, cause the computer system to:

acquire operating environmental condition data relevant to the generation of electric power in a power grid system from an operating environment feed input;

analyze the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system, wherein analyzing the operating environment feed data to determine an indication of a high demand for electric power from the power grid system comprises inputting the operating environmental condition data into a weighting function; and

cause a computational device to automatically reduce a current amount of consumption of electric power from the power grid system by the computational device if the analyzing determines the high electric power demand indication.

16. (Original, unamended) The article of manufacture of claim 15, the program code comprising instructions which, when executed on the computer system, causes the computer system to:

regularly update the acquired the operating environmental condition data;

if changes are found in the updated environmental condition data, update an internal state table with new downloaded data from the operating environment feed input; and

automatically reduce a present amount of consumption of electric power from the power grid system by the computational device if analyzing the updated state table data determines a high electric power demand indication.

17. (Original, unamended) The article of manufacture of claim 15, the program code comprising instructions which, when executed on the computer system, causes the computer system to analyze the operating environment feed data to determine the high electric power demand indication if the operating environmental condition data feed information indicates a relatively environmentally-friendly energy producer is near its output capacity.

18. (Original, amended) A programmable device comprising:

a processing means;

a memory in communication with the processing means comprising a logic component;

and

a network interface in communication with the processing means and the memory;

wherein the processing means is configured to:

acquire operating environmental condition data relevant to the generation of electric power in a power grid system from an operating environment feed input;

analyze the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system, wherein analyzing the operating environment feed data to determine an indication of a high demand for electric power from the power grid system comprises inputting the operating environmental condition data into a weighting function; and

cause a computational device to automatically reduce a current amount of consumption of electric power from the power grid system by the computational device if the analyzing determines the high electric power demand indication.

19. (Original, unamended) The programmable device of claim 18, wherein processing means is configured to:

regularly update the acquired the operating environmental condition data;

if changes are found in the updated environmental condition data, update an internal state table with new downloaded data from the operating environment feed input; and

automatically reduce a present amount of consumption of electric power from the power grid system by the computational device if analyzing the updated state table data determines a high electric power demand indication.

20. (Original, unamended) The programmable device of claim 18, wherein processing means is configured to analyze the operating environment feed data to determine a high electric power demand indication by:

determining the indication of the high demand for electric power if the operating environmental condition data indicates that a small size fossil fuel plant is coming on-line to provide power to the power grid system in response to a power demand on the power grid system.

Cancel claim 21.

Cancel claim 22.

23. (New, amended) An article of manufacture, comprising:
a computer readable tangible storage medium having computer readable program code embodied therewith, the computer readable program code comprising instructions which, when executed on a computer system, cause the computer system to:
acquire operating environmental condition data relevant to the generation of electric power in a power grid system from an operating environment feed input;
analyze the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system; and
cause a computational device to automatically reduce a current amount of consumption of electric power from the power grid system by the computational device if the analyzing determines the high electric power demand indication;

wherein the analysis of the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system comprises using multiple thresholds that progressively trigger additional power saving actions.

24. (New, amended) A programmable device comprising:

a processing means;

a memory in communication with the processing means comprising a logic component;

and

a network interface in communication with the processing means and the memory;

wherein the processing means is configured to:

acquire operating environmental condition data relevant to the generation of electric power in a power grid system from an operating environment feed input;

analyze the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system; and

cause a computational device to automatically reduce a current amount of consumption of electric power from the power grid system by the computational device if the analyzing determines the high electric power demand indication;

wherein the analysis of the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system comprises using multiple thresholds that progressively trigger additional power saving actions.

25. (New) The method of claim 1, wherein inputting the operating environmental condition data into a weighting function produces a value, and wherein analyzing the operating environment feed data to determine an indication of a high demand for electric power from the

power grid system further comprises comparing the value to a threshold which denotes the high demand for electric power from the power grid system.

26. (New, amended) The method of claim 25, wherein the analysis of the operating environment feed data to determine an indication of a high demand for electric power from the power grid system further comprises utilizing multiple thresholds that progressively trigger additional power saving actions.

27. (New) The method of claim 1, wherein acquiring operating environmental condition data relevant to the generation of electric power in a power grid system comprises acquiring environmental condition data from a plurality of operating environment feed inputs, and wherein analyzing the operating environment feed data to determine an indication of a high demand for electric power from the power grid system further comprises assigning a respective weight to each of the operating environment feed inputs.

28. (New) The method of claim 27, wherein the weighting function comprises a linear combination of values obtained from the weighted operating environment feed inputs.

29. (New) The method of claim 28, wherein automatically reducing a current amount of consumption of electric power from the power grid system is triggered or ended if the linear combination is above a certain threshold.

30. (New) The method of claim 29, further comprising determining the weights and the threshold by machine learning based on historical data from the operating environment feed inputs.

31. (New) The method of claim 30, wherein the machine learning comprises use of a statistical classifier.

32. (New) The method of claim 11, wherein inputting the operating environmental condition data into a weighting function produces a value, and wherein the analysis of the operating environment feed data to determine an indication of a high demand for electric power from the power grid system further comprises comparing the value to a threshold which denotes the high demand for electric power from the power grid system.

33. (New) The method of claim 32, wherein the analysis of the operating environment feed data to determine an indication of a high demand for electric power from the power grid system further comprises utilizing multiple thresholds that progressively trigger additional power saving actions.

34. (New) The method of claim 11, wherein acquiring operating environmental condition data relevant to the generation of electric power in a power grid system comprises acquiring environmental condition data from a plurality of operating environment feed inputs, and wherein analyzing the operating environment feed data to determine an indication of a high demand for electric power from the power grid system further comprises assigning a respective weight to each of the operating environment feed inputs.

35. (New) The method of claim 34, wherein the weighting function comprises a linear combination of values obtained from the weighted operating environment feed inputs.

36. (New) The method of claim 35, wherein automatically reducing a current amount of consumption of electric power from the power grid system is triggered or ended if the linear combination is above a certain threshold.

37. (New) The method of claim 36, further comprising determining the weights and the threshold by machine learning based on historical data from the operating environment feed inputs.

38. (New) The method of claim 37, wherein the machine learning comprises use of a statistical classifier.

39. (New) The article of manufacture of claim 15, wherein inputting the operating environmental condition data into a weighting function produces a value, and wherein the analysis of the operating environment feed data to determine an indication of a high demand for electric power from the power grid system further comprises comparing the value to a threshold which denotes the high demand for electric power from the power grid system.

40. (New) The article of manufacture of claim 39, wherein the analysis of the operating environment feed data to determine an indication of a high demand for electric power from the power grid system further comprises utilizing multiple thresholds that progressively trigger additional power saving actions.

41. (New) The article of manufacture of claim 15, wherein acquiring operating environmental condition data relevant to the generation of electric power in a power grid system

comprises acquiring environmental condition data from a plurality of operating environment feed inputs, and wherein analyzing the operating environment feed data to determine an indication of a high demand for electric power from the power grid system further comprises assigning a respective weight to each of the operating environment feed inputs.

42. (New) The article of manufacture of claim 41, wherein the weighting function comprises a linear combination of values obtained from the weighted operating environment feed inputs.

43. (New) The article of manufacture of claim 42, wherein automatically reducing a current amount of consumption of electric power from the power grid system is triggered or ended if the linear combination is above a certain threshold.

44. (New) The article of manufacture of claim 43, further comprising determining the weights and the threshold by machine learning based on historical data from the operating environment feed inputs.

45. (New) The article of manufacture of claim 44, wherein the machine learning comprises use of a statistical classifier.

46. (New) The programmable device of claim 18, wherein inputting the operating environmental condition data into a weighting function produces a value, and wherein the analysis of the operating environment feed data to determine an indication of a high demand for electric

power from the power grid system further comprises comparing the value to a threshold which denotes the high demand for electric power from the power grid system.

47. (New) The programmable device of claim 46, wherein the analysis of the operating environment feed data to determine an indication of a high demand for electric power from the power grid system further comprises utilizing multiple thresholds that progressively trigger additional power saving actions.

48. (New) The programmable device of claim 18, wherein acquiring operating environmental condition data relevant to the generation of electric power in a power grid system comprises acquiring environmental condition data from a plurality of operating environment feed inputs, and wherein analyzing the operating environment feed data to determine an indication of a high demand for electric power from the power grid system further comprises assigning a respective weight to each of the operating environment feed inputs.

49. (New) The programmable device of claim 48, wherein the weighting function comprises a linear combination of values obtained from the weighted operating environment feed inputs.

50. (New) The programmable device of claim 49, wherein automatically reducing a current amount of consumption of electric power from the power grid system is triggered or ended if the linear combination is above a certain threshold.

51. (New) The programmable device of claim 50, further comprising determining the weights and the threshold by machine learning based on historical data from the operating environment feed inputs.

52. (New) The programmable device of claim 51, wherein the machine learning comprises use of a statistical classifier.

PATENT OWNER'S STATEMENT OF THE INTERVIEW

Patent Owner's undersigned attorney conducted a video conference interview with Examiners Worjloh, Reichle, and Fuelling on September 4, 2024. During the interview, Patent Owner's attorney summarized proposed amendments to independent claims 21-24 and dependent claim 26 that were sent to the Examiners with the interview agenda in advance of the interview (attached hereto as Exhibit A). Patent Owner also explained how the proposed amendments overcome the remaining rejections and provided citations to the '243 patent that support the proposed claim amendments. The Examiners indicated that the proposed claim amendments overcome the outstanding Section 112 rejections, but did not offer an opinion on whether the amendments overcome the Section 102/103 rejections. Examiner Fuelling suggested cancelling previously submitted new claims 21-22 to expedite reexamination.

REMARKS

Claims 1, 3-6, 9-11, 15-16, and 18-19 of U.S. Patent No. 8,291,243 (“the ‘243 patent”) are subject to reexamination. In response to the first Office Action mailed April 11, 2024, Patent Owner amended original claims 1, 11-15, and 18, and added new claims 21-52. In the final Office Action mailed on August 21, 2024, claims 1, 3-6, 9-16, 18-19, 25, and 27-52 were indicated to be allowable, and new claims 21-24 and 26 were rejected.

Patent Owner thanks the Examiner for indicating that claims 1, 3-6, 9-16, 18-19, 25, and 27-52 are allowable.

Examiner interviews were conducted by video conference on July 9, 2024 and September 4, 2024. Patent Owner’s attorney thanks Examiners Worjloh, Reichle, and Fuelling for the courtesies extended during the interviews and submits herewith a Statement of the Interview with respect to the interview of September 4, 2024. Patent Owner’s Response of July 11, 2024 included a Statement of the Interview with respect to the interview of July 9, 2024.

To expedite the proceeding, Patent Owner cancels new claims 21-22 as suggested by Examiner Fuelling during the interview of September 4, 2024, and amends new claims 23-24 and 26 to address the issues raised in the final Office Action. These amendments should be entered because they (1) cancel rejected claims 21 and 22, (2) put rejected claims 23, 24, and 26 in obvious patentable condition, and (3) present rejected claims 23, 24, and 26 in better form for consideration on appeal. As a result, claims 1-20 and 23-52 remain pending.

Applicant respectfully requests entry of the above amendments, reconsideration of the rejections, and a finding that the pending claims are patentable in view of the amendments and these remarks.

I. Amendments to Original Claims 1 and 11-14 in Response of July 11, 2024

The final Office Action objected to the proposed amendments to claims 1 and 11-14 in the Response of July 11, 2024 as not complying with the requirement in 37 C.F.R. § 1.530(d)-(j) that “the matter to be omitted by the reexamination proceeding must be enclosed in brackets.” Patent Owner has corrected this informality in the amendments to original claims 1 and 11-14 above and respectfully requests withdrawal of the objection.

Support for the amendments to original claims 1 and 11-14 was set forth in Patent Owner’s Response of July 11, 2024, which is incorporated by reference herein.

II. Amendments to New Claims 23, 24, and 26 Illustrated Relative to Response of July 11, 2024

For the convenience of the examiners, marked up versions of amended new claims 23, 24, and 26 are reproduced below to illustrate the current amended claim language relative to the claim language presented in the response of July 11, 2024:

23. (New, amended) An article of manufacture, comprising:

a computer readable tangible storage medium having computer readable program code embodied therewith, the computer readable program code comprising instructions which, when executed on a computer system, cause the computer system to:

acquire operating environmental condition data relevant to the generation of electric power in a power grid system from an operating environment feed input;

analyze the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system; and

cause a computational device to automatically reduce a current amount of consumption of electric power from the power grid system by the computational device if the analyzing determines the high electric power demand indication;

wherein the analysis of the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system comprises using multiple thresholds, ~~and wherein automatically reducing a current amount of consumption of electric power from the power grid system by the computational device comprises that~~ progressively ~~triggering~~ trigger additional power saving actions ~~if the multiple thresholds are exceeded.~~

24. (New, amended) A programmable device comprising:

a processing means;

a memory in communication with the processing means comprising a logic component;

and

a network interface in communication with the processing means and the memory;

wherein the processing means is configured to:

acquire operating environmental condition data relevant to the generation of electric power in a power grid system from an operating environment feed input;

analyze the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system; and

cause a computational device to automatically reduce a current amount of consumption of electric power from the power grid system by the computational device if the analyzing determines the high electric power demand indication;

wherein the analysis of the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system comprises using multiple thresholds, ~~and wherein automatically reducing a current amount of consumption of electric power from the power grid system by the computational device comprises that~~

progressively ~~triggering trigger~~ additional power saving actions ~~if the multiple thresholds are exceeded~~.

26. (New, amended) The method of claim 25, wherein ~~automatically reducing a current amount of consumption of electric power from the power grid system by the computational device comprises the analysis of the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system further comprises utilizing multiple thresholds that~~ progressively ~~triggering trigger~~ additional power saving actions ~~if multiple thresholds are exceeded~~.

III. Support for Amendments to New Claims 23, 24, and 26

As illustrated above, new claims 23 and 24 are amended to replace “multiple thresholds, and wherein automatically reducing a current amount of consumption of electric power from the power grid system by the computational device comprises progressively triggering additional power saving actions if the multiple thresholds are exceeded” with “multiple thresholds that progressively trigger additional power saving actions.”

Support for the amendments to new claims 23 and 24 is found at Col. 8, lines 64-67.

Also as illustrated above, new claim 26 is amended to replace “automatically reducing a current amount of consumption of electric power from the power grid system by the computational device comprises progressively triggering additional power saving actions if multiple thresholds are exceeded” with “the analysis of the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system further comprises utilizing multiple thresholds that progressively trigger additional power saving actions.”

Support for the amendment to new claim 26 is found at Col. 8, lines 64-67.

In view of the above, Patent Owner respectfully submits that there is full support for the amendments herein, and that no new matter has been introduced. Patent Owner further submits that the amendments herein do not enlarge the scope of the original patent claims and therefore satisfy 37 C.F.R. § 1.552(b).

IV. Claim Rejections - 35 U.S.C. § 112

New claims 21-24 and 26 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement because the support provided for the multiple thresholds-progressive triggering limitation (i.e., Col. 8, lines 64-67) does not expressly state that the step/feature is being performed “if the multiple thresholds are exceeded.” Patent Owner disagrees because the cited portion of the ‘243 Patent describes the multiple thresholds-progressive triggering limitation in the context of the “algorithm described,” such as the algorithm described at Col. 7, lines 51-59, which performs one or more actions if a threshold is exceeded.¹

Nevertheless, to expedite the reexamination, Patent Owner cancels new claims 21 and 22, and amends new claims 23, 24, and 26 to recite the step/feature as expressly disclosed at Col. 8, lines 64-67. Amended new claim 26 corresponds to new claims 33, 40, and 47, which were indicated to be allowable. Since these amendments (1) render the rejection of claims 21 and 22 moot, and (2) place claims 23, 24, and 26 in obvious patentable condition and/or in better form for consideration on appeal by eliminating language in claims 23, 24, and 26 that is allegedly not

¹ Patent Owner takes no position regarding the argument in the final Office Action that claim 24 should be interpreted under 35 U.S.C. § 112(f) or pre-AIA 35 U.S.C. § 112, ¶ 6, because the claim is clearly patentable regardless of whether § 112(f) or § 112, ¶ 6, applies.

expressly found at Col. 8, lines 64-67, the amendments should be entered and the rejections under 35 U.S.C. § 112 should be withdrawn.

V. Claim Rejections - 35 U.S.C. §§ 102(b) & 103(a)

New claims 21-24 and 26 stand rejected under 35 U.S.C. §§ 102(b) and 103(a) as allegedly being anticipated by or, in the alternative, obvious over U.S. Patent No. 7,274,975 to Miller (“Miller”). Patent Owner respectfully traverses this rejection. However, to expedite the reexamination, new claims 21 and 22 have been cancelled as suggested by Examiner Fuelling during the interview of September 4, 2024, and new claims 23, 24, and 26 have been amended to eliminate the alleged conditional language “if” associated with the additional limitation that is clearly not disclosed by or rendered obvious in view of Miller. Since these amendments (1) render the rejection of claims 21 and 22 moot, and (2) place claims 23, 24, and 26 in obvious patentable condition and/or in better form for consideration on appeal by eliminating the alleged conditional language in claims 23, 24, and 26, the amendments should be entered and the rejections under 35 U.S.C. § 102 and 103 should be withdrawn.

More specifically, as currently amended, new claims 23 and 24 include all of the limitations of original independent claims 15 and 18, respectively, but also include the following additional limitation (“the multiple thresholds-progressive triggering limitation”) which is not disclosed by or obvious in view of Miller:

wherein analyzing the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system comprises using multiple thresholds that progressively trigger additional power saving actions.

Similarly, new claim 26 depends from new claim 25 (which was indicated to be allowable), which in turn depends from amended original claim 1 (which was indicated to be allowable), and recites the following additional limitation which is not disclosed by or obvious in view of Miller:

wherein analyzing the operating environmental condition data to determine an indication of a high demand for electric power from the power grid system comprises utilizing multiple thresholds that progressively trigger additional power saving actions.

As noted above in Section IV of this paper, amended new claim 26 corresponds to new claims 33, 40, and 47, which were indicated to be allowable.

While Miller discloses “storage devices 105 and 106 may provide power to various devices . . . during periods where electrical grid costs exceed certain thresholds,” (Miller at Col. 2, lines 61 – 67), there is no disclosure of multiple thresholds that progressively trigger additional power saving actions, as set forth in new claims 23-24 and 26, as currently amended.

For at least the above reasons, Patent Owner respectfully requests that the rejection of new claims 23-24 and 26 under 35 U.S.C. §§ 102(b) and 103(a) over Miller be withdrawn.

VI. Conclusion

Pursuant to 37 C.F.R. 1.550(f), the attached Certificate of Service indicates that copies of this Response to Final Office Action (including the Interview Agenda and Proposed Claim Amendments attached hereto as Exhibit A) and the Information Disclosure Statement (including references cited therein) filed concurrently herewith have been served in their entirety on the third party requester by first class mail at the address of record for the third party requester, in accordance with 37 C.F.R. 1.248.

The Commissioner is hereby authorized to charge any deficiency of fees submitted herewith, or credit any overpayment, to Deposit Account No. 601918. If the Examiner believes that a phone interview would be helpful, the Examiner is kindly requested to contact Patent Owner's undersigned attorney.

Date: September 11, 2024

Respectfully submitted,

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