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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/444,208	02/27/2017	Curt C. von Badinski	340/0002D1	3356

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EXAMINER
WILLIAMS, ARUN C

ART UNIT	PAPER NUMBER
2859	

NOTIFICATION DATE	DELIVERY MODE
06/14/2018	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Patent Owner Oura Ex. 2007, 0001

Office Action Summary	Application No. 15/444,208	Applicant(s) VON BADINSKI ET AL.	
	Examiner ARUN WILLIAMS	Art Unit 2859	AIA (First Inventor to File) Status Yes

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/27/2017*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5)☒ Claim(s) *1-17* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-17* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☒ The drawing(s) filed on *2/27/2017* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☒ All b)☐ Some** c)☐ None of the:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date *5/5/2017,7/5/2017,3/1/2018*.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

DETAILED ACTION

1. This is a first action on the merits, in response to the claims received 2/27/2017. Claims 1-17 are pending for prosecution below.

Priority

2. Receipt is acknowledged of certified copies of papers required by 37 CFR 1.55.

3. Information Disclosure Statement

The information disclosure statement (IDS) file on 5/5/2017,7/5/2017,3/1/2018 has been considered by the examiner. An initialed copy is attached herewith.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

5. Claim(s) 1,3-5,10 is/are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Raghunath et al, (Raghunath), (USNO.2005/0062454).

As for claim 1, Raghunath discloses and shows in Figs. 1-4 a system, comprising: a wearable computing device, including a housing and a photovoltaic element disposed at least partially within the housing; and a base assembly **(within 100)**, the base assembly including a concentrated light source **(ref's laser sources)** directed at the photovoltaic element **(par.[0028-0029,0031-0035])**.

As for claim 3, Raghunath discloses and shows in Fig. 2 concentrated light source is arranged circumferentially around the wearable computing device when the wearable computing device is engaged with the base assembly.

As for claim 4, Raghunath discloses and shows in Figs. 1-4 concentrated light source comprises at least one of a laser diode and a light emitting diode (LED) **(par.[0031-0035])**

As for claim 5, Raghunath discloses and shows in Figs. 1-4 a housing of the WCD defines an opening through which the WCD is configured to receive concentrated light

As for claim 10, Raghunath discloses photovoltaic cell comprises a plurality of photovoltaic cells **(par.[0023])**.

6. **Claim(s) 11,15-17 is/are rejected under 35 U.S.C. 102(a)(1) as being anticipated by Ajagbe, (USNO.2012/0293107).**

As for claim 11, Ajagbe discloses and shows in Figs. 1-4 a enclosure for a wearable computing device, the enclosure comprising: a base defining a receptacle for receiving the wearable computing; a lid **(14)** configured to engage with the base to substantially enclose the wearable computing device**(16)**, the lid having an optical element **(within the exterior of 14)** configured to direct incident electromagnetic radiation to a photovoltaic cell **(24)** disposed on the wearable computing device to allow charging thereof **(par.[0018-0020,0030])**.

As for claim 13, Ajagbe discloses and shows in Figs. 1-4 the optical element comprises a lens **(implied via solar cell)**.

As for claim 15, Ajagbe discloses and shows in Fig. 1 a wearable computing device system, comprising: a wearable computing device **(16)**; an attachment frame **(14)** coupled to the wearable computing device; and an optical element **(within the exterior of 14)** removably coupled to the attachment frame, wherein the optical element is configured to direct electromagnetic radiation to a photovoltaic cell**(24)** disposed on a surface of the wearable computing device to allow for charging of the wearable computing device **(par.[0018-0020,0030])**.

As for claim 16, Ajagbe discloses and shows in Fig. 1 the attachment frame is removably coupled to the wearable computing device.

As for claim 17, Ajagbe discloses and shows in Fig. 1the attachment frame engages with an inward-facing surface of the wearable computing device.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims the examiner presumes that the subject matter of the various claims was commonly owned as of the effective filing date of the claimed invention(s) absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and effective filing dates of each claim that was not commonly owned as of the effective filing date of the later invention in order for the examiner to consider the applicability of 35 U.S.C. 102(b)(2)(C) for any potential 35 U.S.C. 102(a)(2) prior art against the later invention.

10. Claims 2,6-8,9,12 is/are rejected under 35 U.S.C. 103 as being unpatentable over Raghunath in combination with Baldoni, (USPATNO.5,135,220)

As for claim 2, Raghunath discloses all limitations, but differs from the claimed invention because he does not explicitly disclose a device includes at least one ferrous element disposed within the housing, and wherein the base assembly includes at least one magnetic element disposed therein

Mills discloses a device includes at least one ferrous element disposed within the housing, and wherein the base assembly includes at least one magnetic element disposed therein **(abstract)**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified the teachings of Raghunath by using a

device includes at least one ferrous element disposed within the housing, and wherein the base assembly includes at least one magnetic element disposed therein advantages such as provide positioning **(col.1, lines 50-51)**, as taught by Mills.

As for claims 6 -8, Raghunath in combination with Baldoni discloses all limitations, but differs from the claimed invention because he does not explicitly disclose an optical element for focusing concentrated light emitted from the concentrated light source and optical element comprises a lens and is selected from the group consisting of concave, convex, plano-concave, plano-convex. With regard to at least one transparent potting configured to allow concentrated light to pass therethrough, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to an optical element for focusing concentrated light emitted from the concentrated light source and optical element comprises a lens and is selected from the group consisting of concave, convex, plano-concave, plano-convex. With regard to at least one transparent potting configured to allow concentrated light to pass therethrough, since it has been held by the courts that combining prior art elements according to known methods to yield predictable results, simple substitution of one known element for another to obtain predictable results, or choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success, is not sufficient to distinguish over the prior art, as it requires only ordinary skill in the art. *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1397 (2007). In this case, providing an optical element for focusing concentrated light emitted from the concentrated light source and optical element comprises a lens and is selected from the

group consisting of concave, convex, plano-concave, plano-convex and at least one transparent potting configured to allow concentrated light to pass therethrough would have flown naturally to one of ordinary skill in the art as necessitated by the specific requirements of a given application.

As for claims 9, Raghunath in combination with Baldoni discloses all limitations, but differs from the claimed invention because he does not explicitly disclose an WCD as a ring-shaped and the base assembly comprises at least one post configured to engaged with a finger space of the WCD. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have an WCD as a ring-shaped and the base assembly comprises at least one post configured to engaged with a finger space of the WCD, since such a modification would have involved a mere change in the shape of an WCD as a ring-shaped and the base assembly comprises at least one post configured to engaged with a finger space of the WCD. A change in shape is generally recognized as being within the level of ordinary skill in the art.

As for claims 12, Raghunath in combination with Baldoni discloses the claimed invention except for the lid includes a plurality of vent holes that prevent overheating within the enclosure. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have a lid includes a plurality of vent holes that prevent overheating within the enclosure since it was known in the art that the use of vent holes provide advantages such as relieving excessive heat while providing optimal performance.

11. Claim 14 is/are rejected under 35 U.S.C. 103 as being unpatentable over Raghunath in combination with Mills et al, (Mills), (USNO.2009/0056703).

As for claim 14, Raghunath discloses all limitations, but differs from the claimed invention because he does not explicitly disclose lens has a focal length and wherein a distance between a central portion of the lens and the photovoltaic cell is greater than or less than the focal length

Mills discloses lens has a focal length and wherein a distance between a central portion of the lens and the photovoltaic cell is greater than or less than the focal length **(par.[0008-0009])**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified the teachings of Raghunath by using lens has a focal length and wherein a distance between a central portion of the lens and the photovoltaic cell is greater than or less than the focal length for advantages such as providing the ability to improve efficiency and performance **(par.[0006])**, as taught by Mills.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun Williams whose telephone number is 571-272-9765. The examiner can normally be reached on Mon - Thrus, 6:30am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Isla-Rodas can be reached on 571-272-5056. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arun Williams/
Primary Examiner, Art Unit 2859

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