

Remarks

Claims 1, 2, 4-7, and 11-24 are pending in this application, all of which now stand rejected.

Claim Rejections – 35 USC § 112

The claims have been amended to overcome the 35 U.S.C. § 112(a) or U.S.C. § 112 (pre-AIA), first paragraph rejection. Claims 1, 7, and 15, have been amended to overcome the rejection. Support for geofence can be found at in the specification under box 708 and box 710 of Fig-7A and paragraphs [0074-0075].

Claims 2, 4-6, 11-14, 16-20, and 22-24 are dependent on the independent claims and should have the rejection withdrawn based on the amendments to claims 1, 7, and 15. Applicant request that the Examiner withdraw the rejection under 35 U.S.C. § 112, first paragraph.

Claims 7, 11-14, and 22-23 are rejected under 35 U.S.C. § 112 (b) or U.S.C. § 112(pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Applicant has corrected the antecedent basis errors. Applicant request that the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph.

Claim Rejections – 35 USC § 103

Claims 1-2, 5, 7, 12, 15-17, 19-22, and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Zaid et al. (US 2011/0112969 A1) (“Zaid”) in view of O’Neil et al. (US 2011/0153143 A1) (“O’Neil”).

Claim 1 recites, *inter alia*, “in response to authenticating input identifying a user against the credential, enable keyless drive away of the vehicle.” As such, the combination of references does not yield the claimed invention. Zaid states that the user’s identification code is captured and transmitted over-the-air to the back-end system in paragraph [0015]. Zaid’s back-end system then generates a rental schedule including the identification code, and forwards this rental

schedule to the user's mobile device. The user provides the received rental schedule to the vehicle. Because the rental schedule includes the identification code for the user, there is no need for Zaid to authenticate the user against some other identification code previously received. That is, the vehicle assumes that the user is an authorized user because his identification code is packaged with the rental scheduled. O'Neil does not cure, nor is alleged to cure, the noted deficiencies in Zaid.

Furthermore, claim 1 recites, *inter alia*, "receive rental data, originating from an administrative system remote from the vehicle, specifying a credential for an authorized user of the vehicle and defining a threshold speed for the vehicle." The primary reference, however, does not suggest or recognize that there is a problem with excessive speed. An ordinary artisan first needs to recognize a problem before turning to additional prior art to cure it. *Leo Pharmaceuticals, Ltd. v. Rea* (Fed. Cir. 2013). Therefore one of ordinary skill would not of had reason to combine the teachings of O'Neil with Zaid. This argument also applies to the limitation in claim 7: Zaid does not suggest or recognize a geofence problem.

Claim 7 and 15 contain similar limitations as claim 1, therefore should be allowable based on similar reasons. Claims 2, 5, 12, 16, 17, 19-22, and 24 are allowable based at least on dependency form allowable independent claims 1, 7, and 15.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Zaid* in view of *O'Neil* in further view of Weis (US 2005/0149742 A1). With respect to the limitation noted above in claim 1, claim 4 is allowable based at least on dependency form allowable claim 1.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Zaid* in view of *O'Neil* in further view of Cahoon (US 7,233,857 B2). With respect to the limitation noted above in claim 1, claim 6 is allowable based at least on dependency form allowable claim 1.

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Zaid* in view of *O'Neil* in further view of Rhode III (US 7,089,452 A). With respect to the limitation noted above in claim 7, claim 11 is allowable based at least on dependency form allowable claim 7.

Claims 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Zaid* in view of *O'Neil* in further view of White et al. (US 7,812,712 A) (“White”). With respect to the limitation noted above in claim 7, claims 13 and 14 are allowable based at least on dependency from allowable claim 7.

Claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Zaid* in view of *O'Neil* in further view of Caci (US 7,154,658). With respect to the limitation noted above in claim 15, claim 18 is allowable based at least on dependency from allowable claim 15.

Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Zaid* in view of *O'Neil* in further view of Zhou et al. (US 2008/0186166 A1) (“Zhou”). With respect to the limitation noted above in claim 7, claim 23 is allowable based at least on dependency from allowable claim 7.

Conclusion

Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his/her earliest convenience.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 06-1510.

Respectfully submitted,

Robert Bruce KLEVE et al.

By: /Marco J. Gatti/

Marco J. Gatti

Reg. No. 70,959

Attorney for Applicant

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BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351