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August 10, 2023

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APPLICATION NUMBER: 13/750,970

FILING DATE: *January 25, 2013*

PATENT NUMBER: 9405947

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Certified by

Kathi

Performing the Functions and Duties of the
Under Secretary of Commerce
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Patent and Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Zatloukal et al.

Application No.: Unassigned

Filed: January 25, 2013

For: EMULATED RADIO FREQUENCY
IDENTIFICATION

Examiner: Unassigned

Art Group: Unassigned

Confirmation No: Unassigned

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Sir:

Applicant respectfully requests that, prior to the examination of the above-referenced application, the Examiner enter the following amendments and consider the following remarks.

Amendments to the Specification begin on page **2** of this paper

Amendments to the Claims begin on page **3** of this paper.

Remarks/Arguments begin on page **9** of this paper.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/750,970	01/25/2013	Peter Zatloukal	2039-006	8778

27820	7590	07/22/2014
WITHROW & TERRANOVA, P.L.L.C.		
100 REGENCY FOREST DRIVE		
SUITE 160		
CARY, NC 27518		

EXAMINER	
WALSH, DANIEL I	

ART UNIT	PAPER NUMBER
2887	

NOTIFICATION DATE	DELIVERY MODE
07/22/2014	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):

patents@wt-ip.com

Office Action Summary	Application No. 13/750,970	Applicant(s) ZATLOUKAL ET AL.	
	Examiner DANIEL WALSH	Art Unit 2887	AIA (First Inventor to File) Status No

-- 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 7-1-14.
☐ 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) 61-99 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) 61-99 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 ____ 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) | 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____ | 4) ☐ Other: ____ |

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Claim Rejections - 35 USC § 103

2. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under pre-AIA 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of pre-AIA 35 U.S.C. 103(c) and potential pre-AIA 35 U.S.C. 102(e), (f) or (g) prior art under pre-AIA 35 U.S.C. 103(a).
4. Claims 61-68, 69-70, and 72-99 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Zalewski et al. (US 6771981).

Re claim 61, Zalewski et al. teaches receiving by the mobile communicating device, from an RFID reader external to the mobile device, an instruction to output first RFID transponder data in a format compatible with said RFID reader and outputting the RFID transponder data (FIG. 8 which teaches the door lock interrogates cover 100 and cover 100 responds with the code to unlock the door).

Though silent to switching from a first state to a second state wherein the first state the device is configured to output voice call signals and in the second state to output the first RFID transponder data, the Examiner notes that it would have been obvious to switch modes such that the phone is used to open the doors as opposed to voice calls, based on the needs of the user, especially as it appears that the functional use of the device changes from a phone to use as a key, for example. Simply put, the claims do not require that the first and second states are exclusive of each other. Therefore, when the phone is enabled and then when used as an RFID transponder, this is interpreted as first and second states and switching from one (use) to another. The cover can be embedded into the mobile device (col 8, lines 15+). Thus, the Examiner notes that the mobile communications device is interpreted as the phone with the embedded RFID transponder. Thus the change of state can be interpreted as using the mobile device (phone with embedded RFID) in different states. Thus when the mobile device (phone with embedded RFID) receives an instruction for RFID, this is interpreted as switching states (from phone/phone ready state to RFID communicative state). Further, col 10, line 15+ teach the interrogator putting the phone into a passive mode (switch from phone to a tag, such as at fueling or when determined by an application).

Re claim 62, as voice and transponder data are at different frequencies/standards it would have been obvious to switch transmission paths for separate communications. Separating or integration of processing units is a mere issue of separation/integration of parts, which is within the ordinary skill in the art as the general limitations are taught by the prior art.

Re claim 63, 840 include room number, id code, etc. interpreted as a key and an identifier.

Re claim 64, the limitations have been discussed above.

Re claim 65, FIG. 5A+ teaches that the cover can be used for credit transactions. Therefore it would have been obvious to include a credit card identifier or functionally equivalent identifier for such transactions to be processed.

Re claim 66, the use selects the transponder data based on the desired application/usage.

Re claim 67, FIG. 5A+ teaches providing the data to the mobile device, such as by giving the identifier to the phone.

Re claim 68, a signaling attribute is interpreted to include the data.

Re claims 69, 70, 72-99, though silent to explicitly monitoring for RFID signals the Examiner notes that tags can be active or passive, as known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to monitor for a first RFID signal (such as for an active tag) for the expected benefits of active tags (increased distance, for example). Alternatively, a passive RFID tag that is woken up by an interrogation signal can be interpreted as monitoring (waiting for a signal). Further, the use of “joint” storage medium is sufficiently broad to read upon a storage medium that is shared or common and thus without specifying limitations is still read on the claimed limitations.

5. Claims 69-99 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Zalewski et al., as discussed above, in view of Overhultz et al. (US 6837427).

The teachings of Zalewski et al. have been discussed above.

Zalewski et al. is silent to monitoring.

Overhultz et al. teaches such limitations (col 5, lines 40+).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings.

One would have been motivated to do this for efficiency, for reduction in reader complexity, for increased distance, etc.

Re claims 70-71, the limitations have been discussed above wherein the probing is the interrogation signal waking up the mobile device (phone), which is done periodically.

Re claim 72, FIG. 8 shows a wireless mobile phone.

Re claim 73, the limitations have been discussed above.

Re claim 74, probing signals can be monitored from a plurality of readers.

Re claim 75-77 the limitations have been discussed above.

Re claim 78, the tag data is provided to the device as it is communicated from the device.

Re claim 79, it would have been obvious to have a signaling attribute so that the tag data is proper (for example, compatible with the hotel door)

Re claim 80, a phone is discussed above.

Re claim 81-99, the limitations have been discussed above. The probing is interpreted as the interrogator signal.

Additional Remarks

Response to Arguments

1. Applicant's arguments filed have been fully considered but they are not persuasive.

The Examiner notes that the phone with embedded RFID is interpreted together as the mobile device. The mobile device can change state from a phone operable type state to an RFID state upon receipt of a communication. The claims do not recite exclusivity of the states, either, and thus changing modes (operation) can read on such limitations. Additionally, col 10, line 15+ teach the interrogator putting the phone into a passive mode (switch from phone to a tag). This turns off the phone and switches to RFID only, for example. Further, the Examiner notes that a first state can be a (phone ready) state and the second state can be the RFID state. Further, the Examiner note that a "joint" storage medium is sufficiently broad to be read upon by the prior art.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL WALSH whose telephone number is (571)272-2409. The examiner can normally be reached on M-F 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Paik can be reached on 571-272-2404. 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.

/DANIEL WALSH/
Primary Examiner, Art Unit 2887

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peter Zatloukal et al.

Examiner: Daniel I. Walsh

Serial No. 13/750,970

Art Unit: 2887

Filed: 01/25/2013

Attorney Docket No. 2039-006

For: **EMULATED RADIO FREQUENCY IDENTIFICATION**

Mail Stop AF

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE TO THE FINAL OFFICE ACTION MAILED JULY 22, 2014

In response to the Final Office Action mailed July 22, 2014, Applicant offers the following amendments and remarks. Applicant concurrently files a Request for Continued Examination and encloses a payment in the amount of \$600 + \$1,500 to cover the fees associated with a five-month Extension of Time; and Applicant requests that this be considered a petition for a five-month Extension of Time. If any additional fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and to consider this a petition therefor.

Amendments to the Claims are reflected in the Listing of Claims beginning on page 2 of this Response.

Remarks begin on page 9 of this Response.

In the Claims:

1-60. (Cancelled)

61. (Currently Amended) A method for ~~providing a radio frequency identification (RFID)~~ from a mobile communication device capable of RFID communication and voice call ~~communication~~ emulating radio frequency identification (RFID) signals from a mobile communication device, the method comprising:

receiving, by the mobile communication device, from an RFID reader external to the mobile communication device, an ~~instruction to output first~~ RFID probing signal ~~transponder data in a format compatible with said RFID reader;~~

~~switching the mobile communication device from a first state to a second state upon reception of said instruction, the mobile communication device being configured to output voice call signals in the first state and to output the first RFID transponder data in the format compatible with said RFID reader in the second state; and~~

determining, by the mobile communication device, whether the mobile communication device is in an operational space of the RFID reader based on the RFID probing signal; and

if the mobile communication device is in the operational space of the RFID reader, outputting, by the mobile communication device in the second state, the first an RFID signal responsive to the RFID probing signal ~~transponder data in the format compatible with said RFID reader;~~

62. (Currently Amended) The method of claim 61, wherein ~~said the~~ mobile communication device ~~comprises a first signal processing unit configured to process the~~ is configured to process voice call signals and a ~~second signal processing unit configured to process the~~ RFID signals; ~~said switching comprising coupling the second signal processing unit to a transmission path.~~

63. (Currently Amended) The method of claim 61, wherein ~~said the~~ RFID signal includes ~~first RFID transponder data comprises~~ comprising a selected one of a security key and an identifier.

64. (Currently Amended) The method of claim 63, wherein ~~said~~ the security key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

65. (Currently Amended) The method of claim ~~[[61]]~~ 63, wherein ~~said~~ the ~~first RFID transponder data comprises an identifier, and said~~ identifier comprises a selected one of a social security number, a driver's license number, an affinity program account number, and a credit card number.

66. (Currently Amended) The method of claim ~~[[61]]~~ 63, wherein the method further comprises facilitating a user in selecting the ~~first~~ RFID ~~transponder~~ data from a plurality of the RFID ~~transponder~~ data using the mobile communication device.

67. (Currently Amended) The method of claim ~~[[61]]~~ 63, wherein the method further comprises facilitating provision of the ~~first~~ RFID ~~transponder~~ data to the mobile communication device.

68. (Currently Amended) The method of claim 67, wherein ~~said~~ facilitating of the provisioning of the RFID ~~transponder~~ data to the mobile communication device includes facilitating provision of at least a signaling attribute associated with the outputting of the RFID ~~transponder~~ data ~~in the format compatible with said RFID reader~~.

69-71. Cancelled.

72. (Previously Presented) The method of claim 61, wherein the mobile communication device is a selected one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

73. (Currently Amended) A method for ~~providing a radio frequency identification (RFID) from a mobile communication device capable of RFID communication and voice call~~

~~communication~~ emulating radio frequency identification (RFID) signals from a mobile communication device, the method comprising:

monitoring, by the mobile communication device, for a proximal presence of a proximal
an RFID reader external to said the mobile communication device, the monitoring comprising
determining whether the mobile communication device is in an operational space of the RFID
reader based on an RFID probing signal received from the RFID reader; by said mobile
communication device, the mobile communication device having communication circuitry
configured to:

outputting, by the mobile communication device output, in a first state, an RFID signal
transponder data in a format compatible with said RFID reader upon the mobile communication
device determining the proximal presence of said the RFID reader[.]; and

outputting, by the mobile communication device, the communication circuitry being also
configured to output, in a second state, a voice call signal for transmission at least in part over a
wireless network; and

on detection of said RFID reader, outputting, by a transceiver, the RFID transponder data
in the format compatible with said RFID reader as a radio frequency signal.

74. Cancelled.

75. (Currently Amended) The method of claim 73, wherein the RFID signal said data
comprise[s] includes RFID data comprising a security key.

76. (Currently Amended) The method of claim 75, wherein said the security key comprises a
door key.

77. (Currently Amended) The method of claim 76, wherein said the door key comprises a
selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle
door key.

78. (Currently Amended) The method of claim 73, wherein the method further comprises
facilitating provision of the RFID ~~transponder~~ data to the mobile communication device.

79. (Currently Amended) The method of claim 78, wherein ~~said~~ facilitating of the provisioning of the RFID ~~transponder~~ data to the mobile communication device includes facilitating provision of at least a signaling attribute associated with the outputting of the RFID ~~transponder~~ data ~~in the format compatible with the RFID reader.~~

80. (Previously Presented) The method of claim 73, wherein the mobile communication device is one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

81. (Currently Amended) A mobile communication device ~~capable of RFID communication and voice call communication, the mobile communication device~~ comprising:

communication circuitry configured to output voice call signals in a first radio frequency range and ~~[[to]]~~ output first radio frequency identification (RFID) transponder data signals in a second radio frequency range;

a ~~joint~~ storage medium ~~storing the first RFID transponder data and storing~~ including instructions for the communication circuitry to:

- monitor for a proximal presence of one or more an RFID reader~~[[s]]~~ external to the mobile communication device, the monitoring comprising determining whether the mobile communication device is in an operational space of the RFID reader based on an RFID probing signal received from the RFID reader; and
- output ~~the~~ a voice call signal for transmission over a wireless network; and
- output an the first RFID signal transponder data as ~~RFID transponder signals in a format employed by a proximal RFID reader~~ ~~[[,]]~~ in response to detection ~~by the mobile communication device~~ of the proximal presence of ~~the one or more an~~ RFID ~~readers~~ reader external to the mobile communication device.

82. (Currently Amended) The mobile communication device of claim 81, wherein ~~said first the~~ RFID transponder data signal includes RFID data comprising ~~comprises~~ a selected one of a security key and an identifier.

83. (Currently Amended) The mobile communication device of claim 82, wherein ~~said first RFID transponder data comprises the security key, and said~~ the security key comprises a door key.

84. (Currently Amended) The mobile communication device of claim 83, wherein ~~said the~~ door key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

85. (Currently Amended) The mobile communication device of claim 82, wherein ~~said first RFID transponder data comprises the identifier, and said~~ the identifier comprises a selected one of a social security number, a driver's license number, an affinity program account number, and a credit card number.

86. (Currently Amended) The mobile communication device of claim ~~[[81]]~~82, wherein the instructions are further designed to facilitate a user in selecting the ~~first~~ RFID ~~transponder~~ data from a plurality of RFID ~~transponder~~ data.

87. (Currently Amended) The mobile communication device of claim ~~[[81]]~~82, wherein the instructions are further designed to facilitate provision of the ~~first~~ RFID ~~transponder~~ data to the mobile communication device.

88. (Currently Amended) The mobile communication device of claim 87, wherein the instructions are further designed to include ~~with said facilitating,~~ provisioning of at least a signaling attribute associated with ~~the outputting of the first~~ RFID ~~transponder~~ data in the form of a radio frequency signal.

89. Cancelled.

90. (Currently Amended) The mobile communication device of claim ~~[[81]]~~82, wherein the ~~first~~ RFID ~~transponder~~ data includes information identifying a user.

91. (Currently Amended) The mobile communication device of claim 81, wherein the mobile communication device is one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

92. (Currently Amended) A mobile communication device ~~capable of radio frequency identifier (RFID) communication and voice call communication, the mobile communication device~~ comprising:

communication circuitry configured to transmit ~~[[a]]~~ voice call signals ~~in a first operational state and [[a]] RFID transponder signals in a second operational state;~~
~~a storage medium storing first data and instructions for the communication circuitry to selectively a control system configured to cause the communication circuitry to:~~

~~[[a]] monitor for a proximal presence of a proximal an RFID reader external to the mobile communication device, the monitoring comprising determining whether the mobile communication device is in an operational space of the RFID reader based on an RFID probing signal received from the RFID reader; and~~

~~on detection of the proximal RFID reader, output an RFID signal; and transponder data as an RFID signal in a format employed by the proximal RFID reader;~~

~~[[b]] transmit [[the]] a voice call signal to another mobile communication device at least in part over a wireless network.~~

93. Cancelled.

94. (Currently Amended) The mobile communication device of claim 92, wherein ~~said the~~ RFID signal transponder data comprises includes RFID data comprising a security key.

95. (Currently Amended) The mobile communication device of claim 94, wherein ~~said the~~ security key comprises a door key.

96. (Currently Amended) The mobile communication device of claim 95, wherein ~~said the~~ door key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

97. (Currently Amended) The mobile communication device of claim 92, wherein ~~the instructions are further designed~~ the control system is further configured to facilitate provision of ~~the RFID transponder~~ data to the mobile communication device.

98. (Currently Amended) The mobile communication device of claim 97, wherein ~~the instructions are further designed~~ the control system is further configured to include with said ~~facilitating~~, provisioning of at least a signaling attribute associated with the outputting of the ~~RFID transponder~~ data in the form of a radio frequency signal.

99. (Currently Amended) The mobile communication device of claim 92, wherein the mobile communication device is one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

REMARKS

Applicant has carefully reviewed the Final Office Action mailed July 22, 2014, (hereinafter “Office Action”), and respectfully request reconsideration of the subject application, particularly in view of the above amendments and the following remarks.

Status of the Claims

Claims 61-99 were previously pending. No claims are added herein. Claims 69-71, 74, 89, and 93 are cancelled herein. Claims 61-68, 73, 75-79, 81-88, 90-92, and 94-99 are amended herein. Accordingly, claims 61-68, 72, 73, 75-88, 90-92, and 94-99 remain pending.

Rejection Under 35 U.S.C. § 103(a) – Zalewski

Claims 61-70, and 72-99 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,771,981 B1 to Zalewski et al. (hereinafter “Zalewski.” Applicant respectfully traverses. Claims 61, 73, 81, and 92 are independent claims.

When determining whether a claim is obvious, an Examiner must make “a searching comparison of the claimed invention—including all its limitations—with the teaching of the prior art.” *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, “obviousness requires a suggestion of all limitations in a claim.” *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Moreover, as the Supreme Court recently stated, “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418, 82 U.S.P.Q.2d (BNA) 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

Claim 61 has been amended to require determining, by a mobile communication device, whether the mobile communication device is in an operational space of an RFID reader based on an RFID probing signal received from the RFID reader. To support these amendments, Applicant respectfully refers the Patent Office to paragraphs [0041] and [0042] of Applicant’s specification. Zalewski completely fails to describe at least these features. As discussed in Applicant’s response to the Office Action mailed April 01, 2014, Zalewski describes a mobile station with a changeable cover. The changeable cover includes a radio frequency identification (RFID) transponder. As discussed throughout Zalewski, the RFID transponder “is responsive to

interrogation by an electric field.” In other words, and as discussed in the declaration of Roger Stewart filed along with the present response, “the RFID transponder described in Zalewski is a passive type RFID transponder that does not include a power source.”

In contrast to Zalewski, which attaches a passive RFID transponder to a mobile station via a changeable cover, claim 61 is primarily concerned with *emulating* an RFID transponder by a mobile communication device. In order to emulate the functionality of an RFID transponder, the mobile communication device must determine whether it is in the operational space of an intended RFID reader before communicating therewith. As will be appreciated by those of ordinary skill in the art and detailed in the declaration by Roger Stewart filed along with the present response, the operational space of an RFID reader refers to “the area surrounding an RFID reader in which a conventional RFID transponder will respond to an RFID probing signal from the RFID reader.” This operational space may be different for different types of RFID signals, but is important to consider due to the security implications discussed below. Absent this step of determining whether the mobile device is in the operational space of the RFID reader, the mobile communication device may unintentionally communicate with an RFID reader that is not proximal to the device, thereby compromising the security of the RFID exchange. That is, since a great deal of the security involved with RFID technology is based on proximity, this must be taken into account by the mobile communication device when emulating such functionality. More specifically, as will be appreciated by those of ordinary skill in the art and detailed in the declaration by Roger Stewart filed along with the present response, due to the sensitivity thereof, “active communications circuitry may detect RFID probing signals meant for conventional RFID transponders outside of the intended operating space of the RFID reader generating the RFID probing signals in certain circumstances.” If a mobile communication device were to respond to these probing signals, it could pose a large security risk and inadvertently overload and shut down the operation of nearby readers. For example, responding to an RFID probing signal outside of the operational space of an RFID reader could lead to a user to unintentionally unlock a door or make a mobile payment with their mobile communication device. Accordingly, it is important for a mobile communication device to determine whether it is in the operational space of an RFID reader before responding thereto in order to provide an adequate level of security.

As will be appreciated by those of ordinary skill in the art and detailed in the declaration by Roger Stewart filed along with the present response, the passive RFID transponder used in Zalewski will either obtain sufficient energy from a nearby electric field to power on or it will remain off. In other words, there is no determination of whether the RFID transponder in Zalewski is in the operational space of an RFID reader (or an interrogating electric field), because the passive nature of the RFID transponder (specifically, the fact that it does not include a power source) ensures that the RFID transponder will not turn on unless it obtains enough energy from a nearby electric field (which coincides with the operational space of an RFID reader). If the RFID transponder receives sufficient energy from a nearby electric field to power on, it will respond absent any determination regarding whether or not the device is within the operational space of a reader. Indeed, Zalewski provides absolutely no guidance regarding how the RFID transponder and/or mobile station could or should determine if they are in the operational space of an RFID reader, as they do not need to and are not equipped to perform such a task. Accordingly, claim 61 is allowable, and such action is respectfully requested at this time.

Independent claims 73, 81, and 92 have been amended to include features similar to those of claim 61. Accordingly, claims 73, 81, and 92 are allowable for at least the same reasons as claim 1, and such action is respectfully requested.

Dependent claims 62-68, 72, 75-80, 82-88, 90, 91, and 94-99 are patentable for at least the same reasons as their base claims, as well as on their own merits. Accordingly, Applicant respectfully submits that the current rejection should be withdrawn.

Rejection Under 35 U.S.C. § 103(a) – Zalewski and Overhultz

Claims 69-99 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zalewski in view of U.S. Patent No. 6,837,427 to Overhultz et al. (hereinafter “Overhultz”). Applicant respectfully traverses. The standards for obviousness are set forth above.

Independent claims 73, 81, and 92 are patentable over Zalewski for the reasons stated above. As discussed in detail in the declaration by Roger Stewart filed along with the present response, Overhultz does not remedy the deficiencies of Zalewski. Specifically, Overhultz describes an advertising compliance system that utilizes RFID tags to determine compliance with an advertising campaign at a storefront. According to Overhultz, RFID tags are placed on advertising materials and identified by one or more RFID readers to determine if the advertising

materials have been properly displayed. The RFID tags described in Overhultz may be passive RFID tags or active RFID tags. In the case of the passive RFID tags described in Overhultz, communication is achieved by inductively coupling the reader and the tag.¹ In the case of the active RFID tags described in Overhultz, the tags are responsive to an “interrogation signal” from an RFID reader.² When an active tag in Overhultz receives an interrogation signal, it verifies the validity of the interrogation signal then responds. Notably, nothing in Overhultz describes the feature of determining whether a device is in an operational space of an RFID reader based on an RFID probing signal received from the RFID reader. While Overhultz does describe verifying the validity of an interrogation signal, this is not equivalent to determining if a device is in the operational space of an RFID reader. Specifically, while Overhultz is concerned with determining if a received RF signal is in fact an interrogation signal, claim 61 is concerned with whether or not an RFID probing signal was sent from an RFID reader with an operational space in which the mobile communication device is currently located. In the case of the passive RFID tags described in Overhultz, these tags will only power on and thus respond to an interrogation signal when they are in the operational space of an RFID reader as discussed above, and thus have no need to make a determination regarding whether or not such a tag is within the operational space of an RFID reader. With respect to the active RFID tags described in Overhultz, these tags will respond to a received interrogation signal that is determined to be valid completely independent of where they are located with respect to the RFID reader so long as they receive a valid interrogation signal. In other words, as detailed in the declaration of Roger Stewart filed along with the present response, “if the active RFID tags described in Overhultz receive an interrogation signal, they will respond thereto without any determination regarding whether or not they are in the operational space of the reader that sent the signal.” In either case, Overhultz completely fails to describe determining whether or not a device is within the operational space of an RFID reader. Accordingly, claim 61 is allowable, and such action is respectfully requested at this time.

Dependent claims 72, 75-80, 82-88, 90, 91, and 94-99 are patentable for the same reasons as their base claims, as well as on their own merits. Applicant respectfully submits that this rejection should be withdrawn.

¹ *Overhultz*, column 5, lines 21-40.

² *Id.* at column 5, lines 40-54.

Rejection in Copending U.S. Case - Chetty & Gangi

In copending U.S. Patent Application No. 14/097,141, the Patent Office cited U.S. Patent Application Publication No. 2002/0052193 A1 to Chetty (hereinafter “Chetty”) along with U.S. Patent Application Publication No. 2008/0059374 A1 to Gangi (hereinafter “Gangi”) to reject one or more of the claims. In an effort to expedite prosecution, Applicant will now address Chetty and Gangi as they relate to the current claims. Similar to Zalewski and Overhultz discussed above and as detailed in the declaration by Roger Stewart filed along with the present response, neither Chetty nor Gangi, either alone or in combination, describe determining, by a mobile communication device, whether the mobile communication device is in an operational space of an RFID reader based on an RFID probing signal received from the RFID reader. While Chetty refers to a “portable unit” capable of storing and providing “remote codes,” Chetty does not describe that these remote codes could or should be communicated via RFID signals. In fact, Chetty completely fails to describe a scheme in which an RFID reader (or any other device) requests a remote code from the portable unit, upon which time the portable unit provides the remote code. In other words, as discussed in the declaration of Roger Stewart filed along with the present response, “Chetty does not describe an interrogation/response operating scheme to exchange data at all,” instead merely describing a unilateral initiation of communication from the portable unit to an external device such as a garage door. Accordingly, there is absolutely no reason for the portable unit in Chetty to determine if it is in the operational space of an RFID reader (or any other device for that matter), because Chetty does not even contemplate receiving an RFID probing signal (or any other interrogation signal) to which the portable unit should respond.

Gangi similarly fails to describe the aforementioned features of claim 61. Instead, Gangi describes a “wallet consolidator” that may store and provide various information such as magnetic stripe information and barcode information to, for example, a point of sale terminal. While Gangi does discuss using a communications mechanism to provide stored information to a point of sale terminal, Gangi does not specifically describe the use of RFID at all. As discussed in the declaration of Roger Stewart filed along with the present response, “Gangi does not describe an interrogation/response operating scheme to exchange data,” instead merely describing a unilateral initiation of communication from the wallet consolidator to a point of sale terminal. Accordingly, there is no reason for the wallet consolidator in Gangi to determine if it is

the operational space of an RFID reader (or any other device for that matter), because Gangi does not even contemplate receiving an RFID probing signal (or any other interrogation signal) to which the wallet consolidator should respond.

Even the combination of Chetty and Gangi fails to describe at least the aforementioned features of claim 61. Specifically, since neither Chetty nor Gangi describe determining, by a mobile communication device, whether the mobile communication device is in an operational space of an RFID reader based on an RFID probing signal received from the RFID reader, the combination fails to describe each and every feature of the claim. Accordingly, claim 61 is allowable, and such action is respectfully requested at this time.

Independent claims 73, 81, and 92 include features similar to those of claim 61. Accordingly, claims 73, 81, and 92 are allowable for at least the same reasons as claim 61, and such action is respectfully requested.

Dependent claims 62-68, 72, 75-80, 82-88, 90, 91, and 94-99 are patentable for at least the same reasons as their base claims, as well as on their own merits. Accordingly, Applicant respectfully submits that the current rejection should be withdrawn.

Conclusion

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,
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Date: January 21, 2015
Attorney Docket: 2039-006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peter Zatloukal et al.

Examiner: Daniel I. Walsh

Application No. 13/750,970

Art Unit: 2887

Filed: 1/25/2013

Attorney Docket No. 2039-006

For: **EMULATED RADIO FREQUENCY IDENTIFICATION**

Mail Stop Amendment

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE TO THE OFFICE ACTION MAILED AUGUST 14, 2015

In response to the Office Action mailed August 14, 2015, Applicant offers the following amendments and remarks. Applicant submits herewith \$700.00 to cover the fees associated with a three-month Extension of Time; and Applicant requests that this be considered a petition for a three-month Extension of Time. If any additional fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

In the Claims:

1-60. (Cancelled)

61. (Currently Amended) A method for ~~emulating radio frequency identification (RFID) signals from a mobile communication device~~ operating a mobile communication device comprising:

- ~~receiving, by the mobile communication device,~~ receiving a radio frequency identification (RFID) probing signal from an RFID reader external to the mobile communication device, ~~an RFID probing signal;~~
- executing, on processing circuitry in the mobile communication device, instructions stored in a memory in the mobile communication device, the instructions configured to cause the mobile communication device to:
 - ~~determining, by the mobile communication device,~~ determine whether if the mobile communication device is in an operational space of the RFID reader based on the RFID probing signal; and
 - if the mobile communication device is in the operational space of the RFID reader, ~~outputting, by the mobile communication device~~ output an RFID signal responsive to the RFID probing signal.

62. (Currently Amended) The method of claim 61, wherein the ~~mobile communication device is configured~~ instructions are further configured to cause the mobile communication device to process voice call signals ~~and the RFID signals.~~

63. (Previously Presented) The method of claim 61, wherein the RFID signal includes RFID data comprising a selected one of a security key and an identifier.

64. (Previously Presented) The method of claim 63, wherein the security key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

65. (Previously Presented) The method of claim 63, wherein the identifier comprises a selected one of a social security number, a driver's license number, an affinity program account number, and a credit card number.

66. (Previously Presented) The method of claim 63, wherein the method further comprises facilitating a user in selecting the RFID data from a plurality of the RFID data using the mobile communication device.

67. (Previously Presented) The method of claim 63, wherein the method further comprises facilitating provision of the RFID data to the mobile communication device.

68. (Previously Presented) The method of claim 67, wherein facilitating provisioning of the RFID data to the mobile communication device includes facilitating provision of at least a signaling attribute associated with the outputting of the RFID data.

69-71. Cancelled.

72. (Currently Amended) The method of claim 61, wherein the mobile communication device is ~~a selected~~ one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

73. (Currently Amended) A method for ~~emulating radio frequency identification (RFID) signals from a mobile communication device~~ operating a mobile communication device comprising:

- executing, on processing circuitry in the mobile communication device, instructions stored in a memory in the mobile communication device, the instructions configured to cause the mobile communication device to:
- ~~monitoring, by the mobile communication device,~~ monitor for a proximal presence of ~~[[an] a radio frequency identification (RFID) reader external to the~~ mobile communication device, the monitoring comprising determining whether

the mobile communication device is in an operational space of the RFID reader based on an RFID probing signal received from the RFID reader;

- ~~outputting, by the mobile communication device~~ output an RFID signal upon ~~the mobile communication device determining~~ determining that the mobile communication device is within the proximal presence of the RFID reader; and
- ~~outputting, by the mobile communication device;~~ output a voice call signal for transmission at least in part over a wireless network.

74. Cancelled.

75. (Previously Presented) The method of claim 73, wherein the RFID signal includes RFID data comprising a security key.

76. (Previously Presented) The method of claim 75, wherein the security key comprises a door key.

77. (Previously Presented) The method of claim 76, wherein the door key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

78. (Currently Amended) The method of claim 73, wherein the ~~method further comprises facilitating~~ instructions are further configured to cause the mobile communication device to facilitate provision of the RFID data to the mobile communication device.

79. (Previously Presented) The method of claim 78, wherein facilitating provisioning of the RFID data to the mobile communication device includes facilitating provision of at least a signaling attribute associated with the outputting of the RFID.

80. (Previously Presented) The method of claim 73, wherein the mobile communication device is one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

81. (Currently Amended) A mobile communication device comprising:
- communication circuitry configured to output voice call signals in a first radio frequency range and output radio frequency identification (RFID) signals in a second radio frequency range;
 - processing circuitry; and
 - a storage medium including instructions, which, when executed by the processing circuitry cause the mobile communication device ~~for the communication circuitry~~ to:
 - monitor for a proximal presence of an RFID reader external to the mobile communication device via the communication circuitry, the monitoring comprising determining whether the mobile communication device is in an operational space of the RFID reader based on an RFID probing signal received from the RFID reader;
 - output a voice call signal for transmission over a wireless network via the communication circuitry; and
 - output an RFID signal via the communication circuitry in response to detection of the proximal presence of ~~[[an]]the~~ RFID reader external to the mobile communication device.
82. (Previously Presented) The mobile communication device of claim 81, wherein the RFID signal includes RFID data comprising a selected one of a security key and an identifier.
83. (Previously Presented) The mobile communication device of claim 82, wherein the security key comprises a door key.
84. (Previously Presented) The mobile communication device of claim 83, wherein the door key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

85. (Previously Presented) The mobile communication device of claim 82, wherein the identifier comprises a selected one of a social security number, a driver's license number, an affinity program account number, and a credit card number.

86. (Currently Amended) The mobile communication device of claim 82, wherein the instructions are further ~~designed~~ configured to cause the mobile communication device to facilitate a user in selecting the RFID data from a plurality of RFID data.

87. (Currently Amended) The mobile communication device of claim 82, wherein the instructions are further ~~designed~~ configured to cause the mobile communication device to facilitate provision of the RFID data to the mobile communication device.

88. (Currently Amended) The mobile communication device of claim 87, wherein the instructions are further ~~designed~~ configured to cause the mobile communication device to include provisioning of at least a signaling attribute associated with the RFID data in the form of a radio frequency signal.

89. Cancelled.

90. (Previously Presented) The mobile communication device of claim 82, wherein the RFID data includes information identifying a user.

91. (Previously Presented) The mobile communication device of claim 81, wherein the mobile communication device is one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

92. (Currently Amended) A mobile communication device comprising:

- communication circuitry configured to transmit voice call signals;
- processing circuitry; and

- ~~a control system configured to cause the communication circuitry to~~ a memory storing instructions, which, when executed by the processing circuitry cause the mobile communication device to:
 - monitor for a proximal presence of an RFID reader external to the mobile communication device via the communication circuitry, the monitoring comprising determining whether the mobile communication device is in an operational space of the RFID reader based on an RFID probing signal received from the RFID reader;
 - on detection of the proximal RFID reader, output an RFID signal via the communication circuitry; and
 - transmit a voice call signal to another mobile communication device via the communication circuitry at least in part over a wireless network.

93. Cancelled.

94. (Previously Presented) The mobile communication device of claim 92, wherein the RFID signal includes RFID data comprising a security key.

95. (Previously Presented) The mobile communication device of claim 94, wherein the security key comprises a door key.

96. (Previously Presented) The mobile communication device of claim 95, wherein the door key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

97. (Currently Amended) The mobile communication device of claim 92, wherein the ~~control system is~~ instructions are further configured to cause the mobile communication device to facilitate provision of RFID data to the mobile communication device.

98. (Currently Amended) The mobile communication device of claim 97, wherein the ~~control system is~~ instructions are further configured to cause the mobile communication device to

include provisioning of at least a signaling attribute associated with the outputting of the RFID data in the form of a radio frequency signal.

99. (Previously Presented) The mobile communication device of claim 92, wherein the mobile communication device is one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

REMARKS

Applicant has carefully reviewed the Office Action mailed August 14, 2015, and offers the following remarks to accompany the above amendments.

Status of the Claims

Claims 61-68, 72, 73, 75-88, 90-92, and 94-99 were previously pending. No claims are added or cancelled herein. Claims 61, 62, 72, 73, 78, 81, 86-88, 92, 97, and 98 are amended herein. Accordingly, claims 61-68, 72, 73, 75-88, 90-92, and 94-99 remain pending.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 61-68, 72, 73, and 75-80 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. Claims 61 and 73 are amended herein to correct any and all deficiencies in claim language. The remaining claims depend from these claims. Accordingly, Applicant respectfully requests withdrawal of the §112 rejections at this time.

Rejection Under 35 U.S.C. § 102(b) - Zalewski

Claims 61-64 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,771,981 B1 to Zalewski et al. (hereinafter “Zalewski”). Applicant respectfully traverses. The standards for a successful § 102 rejection are discussed in MPEP § 2131: “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”¹ “The identical invention must be shown in as complete detail as is contained in the ... claim.”² Because the hallmark of anticipation is prior invention, the prior art reference--in order to anticipate under 35 U.S.C. § 102--must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements “arranged as in the claim.”³

Claim 61 requires determining if a mobile communication device is within an operational space of a radio frequency identification (RFID) reader based on an RFID probing signal from

¹ *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

² *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

³ *Net Moneyin, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008) citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983).

the RFID reader. Notably, this determination is accomplished by executing instructions, which are stored in a memory, on processing circuitry within the mobile communication device. Zalewski fails to describe at least these features. As discussed in Applicant's previous response to the Final Office Action mailed July 22, 2014, Zalewski describes attaching a passive RFID transponder to a mobile station via a changeable cover. Accordingly, as previously described, the passive RFID transponder described in Zalewski will either obtain sufficient energy from a nearby electric field to power on, or it will remain off. In other words, it is assumed that any time the passive RFID transponder is powered on, it is within the operational space of an RFID reader. This may be true or not, as the passive RFID transponder described in Zalewski may power on in the presence of an electric field that is not provided by an RFID reader.⁴ In contrast, claim 61 describes determining if a mobile communication device is within an operational space of an RFID reader *based on an RFID probing signal* provided by the RFID reader. No such determination is made by Zalewski, and certainly is not made by executing instructions stored in a memory in a mobile communication device.

In contrast to claim 61, the passive RFID transponder described in Zalewski will assume that it is within the operational space of an RFID reader any time it is powered on. These operational principles are not equivalent to those described in claim 61. In particular, the operational principles described in Zalewski differ in several ways with respect to claim 61. First, the mobile terminal described in Zalewski does not determine if it is in the operational space of an RFID reader at all.⁵ Instead, it is assumed by the passive RFID transponder described in Zalewski that if there is sufficient energy to power on, that the passive RFID transponder is in the operational space of the RFID reader. Applicant respectfully submits that simply turning on in the presence of a sufficient electric field provided by an RFID reader is not equivalent to making a determination regarding whether or not a device is within an operational space of an RFID reader.⁶ This is evident considering that the passive RFID transponder described in Zalewski may turn on and attempt to transmit an RFID signal in the presence of an electric field that is not provided by an RFID reader. However, even if said turning on in response to a sufficient electric field provided by an RFID reader can be read as such a determination, this determination is not made by the mobile terminal, but rather by the passive

⁴ See Declaration of Roger Stewart.

⁵ See *id.*

⁶ See *id.*

RFID transponder in a cover attached to the mobile terminal. This carries to the next operational difference, which is that the determination is not made by executing instructions stored in memory in the mobile communication device. Instead, if any determination is made at all (which Applicant respectfully submits that one is not), it does not involve any control logic or the execution of any instructions, as it simply relies upon turning on one or more elements in the passive RFID transponder.

In the Office Action mailed August 14, 2015, the Patent Office argued that the step of determining if a mobile communication device is in the operational space of an RFID reader can be encompassed by an “RFID responding to interrogation signals.” Applicant respectfully disagrees. In making such an argument, the Patent Office has completely ignored an element of claim 61. Claim 61 requires receiving an RFID probing signal, determining if a mobile communication device is in an operational space of the RFID reader based on the RFID probing signal, and outputting an RFID signal responsive to the RFID probing signal if the mobile communication device is within the operational space of the RFID reader. The Patent Office is essentially arguing that performing first and third of these steps (receiving and outputting) necessarily results in the performance of the second of these steps (determining). However, a device is perfectly capable of receiving and responding to an RFID probing signal without determining if the device is within the operational space of the RFID reader, as evidenced by the declaration of Roger Stewart submitted along with Applicant’s previous response stating that “the passive RFID transponder described in Zalewski may turn on in the presence of an electric field not provided by an RFID reader, and thus may attempt, albeit unsuccessfully, to transmit an RFID signal outside of the operational space of an RFID reader.” The Patent Office noted that “if the Applicant wishes to claim that the determination is not merely the response to the interrogation signal being received, that such limitations should be recited in the claims...” However, Applicant *has* specifically recited such limitations (namely, the determining) as separate from receiving an RFID probing signal and responding thereto. For at least these reasons, Zalewski fails to describe each and every feature of claim 61. Claim 61 is therefore allowable, and such action is respectfully requested at this time.

Claims 62-64 depend either directly or indirectly from claim 61. Accordingly, claims 62-64 are allowable at least by virtue of their dependence from claim 1.

Applicant reserves the right to specifically address the rejections with respect to claims 62-64 in the future, if necessary.

Rejection Under 35 U.S.C. § 103(a) - Zalewski

Claims 65-68, 72, 73, 75-88, 90-92, and 94-99 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zalewski. Applicant respectfully traverses. When rejecting a claim under 35 U.S.C. § 103, the Patent Office must either show that the prior art references teach or suggest all limitations of the claim or explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.⁷ The gap between the prior art and the claimed invention may not be “so great as to render the [claim] nonobvious to one reasonably skilled in the art.”⁸

Claims 65-68 and 72 depend either directly or indirectly from claim 61. Accordingly, claims 65-68 and 72 are allowable at least by virtue of their dependence from claim 61.

Claims 73, 81, and 92 are independent claims with features similar to those of claim 61. Accordingly, claims 73, 81, and 92 are allowable for at least the same reasons as claim 61.

Claims 75-80, 82-88, 90, 91, and 94-99 depend either directly or indirectly from independent claims 73, 81, and 92. Accordingly, claims 75-80, 82-88, 90, 91, and 94-99 are allowable at least by virtue of their dependence from claims 73, 81, and 92.

Applicant reserves the right to specifically address the rejections with respect to claims 65-68, 72, 73, 75-88, 90-92, and 94-99 in the future, if necessary.

Rejection Under 35 U.S.C. § 103(a) – Zalewski and Overhultz

Claims 73, 75-88, 90-92, and 94-99 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zalewski in view of U.S. Patent No. 6,837,427 B2 to Overhultz et al. (hereinafter “Overhultz”). Applicant respectfully traverses. The standards for obviousness are set forth above.

Claims 73, 81, and 92 are independent claims with features similar to those of claim 61. Accordingly, claims 73, 81, and 92 are allowable for at least the same reasons as claim 61.

⁷ *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418, 82 U.S.P.Q.2d (BNA) 1385 (2007).

⁸ *Dann v. Johnston*, 425 U.S. 219, 230, 189 U.S.P.Q. (BNA) 257, 261 (1976).

Claims 75-80, 82-88, 90, 91, and 94-99 depend either directly or indirectly from independent claims 73, 81, and 92. Accordingly, claims 75-80, 82-88, 90, 91, and 94-99 are allowable at least by virtue of their dependence from claims 73, 81, and 92.

Applicant reserves the right to specifically address the rejections with respect to claims 73, 75-88, 90-92, and 94-99 in the future, if necessary.

Rejection Under 35 U.S.C. § 103(a) – Albanese and Overhultz

Claims 61-63, 66-68, 72, 73, 78-82, 86-88, 90-92, and 97-99 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0111360 A1 to Albanese (hereinafter “Albanese”) in view of Overhultz. Applicant respectfully traverses. The standards for obviousness are set forth above.

Claim 61 requires determining if a mobile communication device is within an operational space of a radio frequency identification (RFID) reader based on an RFID probing signal from the RFID reader. Notably, this determination is accomplished by executing instructions, which are stored in a memory, on processing circuitry within the mobile communication device. Both Albanese and Overhultz fail to describe at least these features. In the Office Action, the Patent Office admitted that Albanese failed to describe determining if a device was in the operational space of an RFID reader whatsoever, and therefore relied completely on Overhultz to describe these features. However, Overhultz fails to remedy the deficiencies of Albanese. Overhultz describes both active and passive RFID tags. In the case of the passive RFID tags described in Overhultz, these tags function similarly to the passive RFID transponder described above with respect to Zalewski. With respect to the active RFID tags described in Overhultz, these tags provide a response to any received interrogation signal. Accordingly, similar to the differences between claim 61 and Zalewski discussed above, Overhultz completely fails to describe determining if a mobile communication device is within an operational space of an RFID reader based on an RFID probing signal. This is due to the automatic receive-and-respond behavior described in Overhultz. For at least these reasons, the combination of Albanese and Overhultz fails to render claim 61 obvious to those skilled in the art. Accordingly, claim 61 is allowable, and such action is respectfully requested at this time.

Claims 62, 63, 66-68, and 72 depend directly or indirectly from claim 61.

Claims 73, 81, and 92 are independent claims with features similar to those of claim 61. Accordingly, claims 73, 81, and 92 are allowable for at least the same reasons as claim 61.

Claims 78-80, 82, 86-88, 90, 91, and 97-99 depend from independent claims 73, 81, and 92. Accordingly, claims 78-80, 82, 86-88, 90, 91, and 97-99 are allowable at least by virtue of their dependence from claims 73, 81, and 92.

Applicant reserves the right to specifically address the rejections with respect to claims 62, 63, 66-68, 72, 73, 78-82, 86-88, 90-92, and 97-99 in the future, if necessary.

Rejection Under 35 U.S.C. § 103(a) – Albanese, Overhultz, and Zalewski

Claims 64, 65, 75-77, 83-85, and 94-96 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Albanese in view of Overhultz and further in view of Zalewski. Applicant respectfully traverses.

Claims 64, 65, 75-77, 83-85, and 94-96 depend either directly or indirectly from independent claims 61, 73, 81, and 92. Accordingly, claims 64, 65, 75-77, 83-85, and 94-96 are allowable at least by virtue of their dependence from claims 61, 73, 81, and 92.

Applicant reserves the right to specifically address the rejections with respect to claims 64, 65, 75-77, 83-85, and 94-96 in the future, if necessary.

Conclusion

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,
WITHROW & TERRANOVA, P.L.L.C.

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Attorney Docket: 2039-006



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/750,970	01/25/2013	Peter Zatloukal	2039-006	8778

27820	7590	04/28/2016
WITHROW & TERRANOVA, P.L.L.C.		
106 Pinedale Springs Way		
Cary, NC 27511		

EXAMINER	
WALSH, DANIEL I	

ART UNIT	PAPER NUMBER
2887	

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 13/750,970	Applicant(s) ZATLOUKAL ET AL.	
	Examiner DANIEL WALSH	Art Unit 2887	AIA (First Inventor to File) Status No

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-16-16.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
2. ☐ 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.
3. ☒ The allowed claim(s) is/are 61,63-68,72,73,75-88,90-92 and 94-99. As a result of the allowed claim(s), 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.
4. ☐ 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)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. ☒ Notice of References Cited (PTO-892) | 5. ☒ Examiner's Amendment/Comment |
| 2. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>1-28-16</u> | 6. ☒ Examiner's Statement of Reasons for Allowance |
| 3. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 7. ☐ Other _____. |
| 4. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____. | |

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DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Selby on 4-21-16.

The application has been amended as follows:

1-60. (Cancelled)

61. (Currently Amended) A method for operating a mobile communication device comprising:

- [[•]] receiving, by the mobile communication device, a radio frequency identification (RFID) probing signal from an RFID reader external to the mobile communication device;
- [[•]] executing, on processing circuitry in the mobile communication device, instructions stored in a memory in the mobile communication device, the instructions configured to cause the mobile communication device to:
 - ~~determine if the mobile communication device is in an operational space of the RFID reader based on the RFID probing signal; and~~

[[●]] ~~if the mobile communication device is in the operational space of the RFID reader, output an RFID signal responsive to the RFID probing signal~~
output an RFID signal and output a voice call signal, wherein the RFID signal is output in response to the mobile communication device determining the mobile communication device is in an operational space of the RFID reader based upon receipt of the RFID probing signal, and wherein the voice call signal is output over a wireless network and within a radio frequency range that is different than a radio frequency range used to output the RFID signal.

62. Cancelled.

63. (Previously Presented) The method of claim 61, wherein the RFID signal includes RFID data comprising a selected one of a security key and an identifier.

64. (Previously Presented) The method of claim 63, wherein the security key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

65. (Previously Presented) The method of claim 63, wherein the identifier comprises a selected one of a social security number, a driver's license number, an affinity program account number, and a credit card number.

66. (Previously Presented) The method of claim 63, wherein the method further comprises facilitating a user in selecting the RFID data from a plurality of the RFID data using the mobile communication device.

67. (Previously Presented) The method of claim 63, wherein the method further comprises facilitating provision of the RFID data to the mobile communication device.

68. (Previously Presented) The method of claim 67, wherein facilitating provisioning of the RFID data to the mobile communication device includes facilitating provision of at least a signaling attribute associated with the outputting of the RFID data.

69-71. Cancelled.

72. (Previously Presented) The method of claim 61, wherein the mobile communication device is one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

73. (Currently Amended) A method for operating a mobile communication device comprising:

- [[•]] executing, on processing circuitry in the mobile communication device, instructions stored in a memory in the mobile communication device, the instructions configured to cause the mobile communication device to monitor, output an RFID signal, and output a voice call signal;
wherein the monitoring comprises monitoring for a proximal presence of a radio frequency identification (RFID) reader external to the mobile communication device and determining the mobile communication device is in an operational space of the RFID reader based on an RFID probing signal received by the mobile communication device from the RFID reader;
wherein the outputting of the RFID signal comprises outputting the RFID signal in response to determining the mobile communication device is within the proximal presence of the RFID reader based upon receipt of the RFID probing signal; and
wherein the outputting of the voice call signal comprises outputting the voice call signal over a wireless network in a radio frequency range different than a radio frequency range in which the RFID signal is output.;
 - ~~monitor for a proximal presence of a radio frequency identification (RFID) reader external to the mobile communication device, the monitoring~~

~~comprising determining whether the mobile communication device is in an operational space of the RFID reader based on an RFID probing signal received from the RFID reader;~~

- ~~● output an RFID signal upon determining that the mobile communication device is within the proximal presence of the RFID reader; and~~
- ~~● output a voice call signal for transmission at least in part over a wireless network.~~

74. Cancelled.

75. (Previously Presented) The method of claim 73, wherein the RFID signal includes RFID data comprising a security key.

76. (Previously Presented) The method of claim 75, wherein the security key comprises a door key.

77. (Previously Presented) The method of claim 76, wherein the door key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

78. (Currently Amended) The method of claim ~~[[73]]~~75, wherein the instructions are further configured to cause the mobile communication device to facilitate provision of the RFID data to the mobile communication device.

79. (Currently Amended) The method of claim 78, wherein facilitating provisioning of the RFID data to the mobile communication device includes facilitating provision of at least a signaling attribute associated with the outputting of the RFID data.

80. (Previously Presented) The method of claim 73, wherein the mobile communication device is one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

81. (Currently Amended) A mobile communication device comprising:

- [[•]] communication circuitry configured to output voice call signals in a first radio frequency range over a wireless network and output radio frequency identification (RFID) signals in a second radio frequency range, which is different than the first radio frequency range;
- [[•]] processing circuitry; and
- [[•]] a storage medium including instructions, which, when executed by the processing circuitry cause the mobile communication device to:
 - [[•]] monitor for a proximal presence of an RFID reader external to the mobile communication device via the communication circuitry, the monitoring comprising determining the mobile communication device is in an operational space of the RFID reader based on an RFID probing signal received by the mobile device from the RFID reader ~~comprising determining whether the mobile communication device is in an operational space of the RFID reader based on an RFID probing signal received from the RFID reader~~;
 - [[•]] output a voice call signal for transmission over a wireless network via the communication circuitry in the first radio frequency range; and
 - [[•]] output an RFID signal via the communication circuitry in response to detection of the proximal presence of the RFID reader external to the mobile communication device based upon receipt of the RFID probing signal, wherein the RFID signal is output in the second radio frequency range.

82. (Previously Presented) The mobile communication device of claim 81, wherein the RFID signal includes RFID data comprising a selected one of a security key and an identifier.

83. (Previously Presented) The mobile communication device of claim 82, wherein the security key comprises a door key.

84. (Previously Presented) The mobile communication device of claim 83, wherein the door key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

85. (Previously Presented) The mobile communication device of claim 82, wherein the identifier comprises a selected one of a social security number, a driver's license number, an affinity program account number, and a credit card number.

86. (Previously Presented) The mobile communication device of claim 82, wherein the instructions are further configured to cause the mobile communication device to facilitate a user in selecting the RFID data from a plurality of RFID data.

87. (Previously Presented) The mobile communication device of claim 82, wherein the instructions are further configured to cause the mobile communication device to facilitate provision of the RFID data to the mobile communication device.

88. (Previously Presented) The mobile communication device of claim 87, wherein the instructions are further configured to cause the mobile communication device to include provisioning of at least a signaling attribute associated with the RFID data in the form of a radio frequency signal.

89. Cancelled.

90. (Previously Presented) The mobile communication device of claim 82, wherein the RFID data includes information identifying a user.

91. (Previously Presented) The mobile communication device of claim 81, wherein the mobile communication device is one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

92. (Currently Amended) A mobile communication device comprising:

- [[•]] communication circuitry configured to transmit voice call signals in a first radio frequency range over a wireless network;
- [[•]] processing circuitry; and
- [[•]] a memory storing instructions, which, when executed by the processing circuitry cause the mobile communication device to:
 - [[•]] monitor for a proximal presence of ~~[[an]]~~ a radio frequency identification (RFID) reader external to the mobile communication device via the communication circuitry, the monitoring comprising determining the mobile communication device is in an operational space of the RFID reader based on an RFID probing signal received by the mobile communication device from the RFID reader comprising determining whether the mobile communication device is in an operational space of the RFID reader based on an RFID probing signal received from the RFID reader;
 - [[•]] in response to determining the mobile communication device is in the operational space of the RFID reader based upon the receipt of the RFID probing signal, output an RFID signal via the communication circuitry in a second radio frequency range that is different than the first radio frequency range on detection of the proximal RFID reader, output an RFID signal via the communication circuitry; and
 - [[•]] transmit a voice call signal to another mobile communication device via the communication circuitry at least in part over a wireless network in the first radio frequency range.

93. Cancelled.

94. (Previously Presented) The mobile communication device of claim 92, wherein the RFID signal includes RFID data comprising a security key.

95. (Previously Presented) The mobile communication device of claim 94, wherein the security key comprises a door key.

96. (Previously Presented) The mobile communication device of claim 95, wherein the door key comprises a selected one of a garage door key, an exterior door key, an interior door key, and a motor vehicle door key.

97. (Previously Presented) The mobile communication device of claim 92, wherein the instructions are further configured to cause the mobile communication device to facilitate provision of RFID data to the mobile communication device.

98. (Previously Presented) The mobile communication device of claim 97, wherein the instructions are further configured to cause the mobile communication device to include provisioning of at least a signaling attribute associated with the outputting of the RFID data in the form of a radio frequency signal.

99. (Previously Presented) The mobile communication device of claim 92, wherein the mobile communication device is one of a wireless mobile phone and a personal digital assistant equipped with communication capability.

Allowable Subject Matter

3. Claims 61, 63-68, 72-73, 75-88, 90-92, and 94-99 are allowed.
4. The prior art of record fails to teach the limitations of the independent claims above, including at least the outputting of the RFID signal in response to determining of being in the operational space of the RFID reader based on receipt of the probing signal and outputting the RFID signal and voice call signal in the different radio frequency ranges as set forth in the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL WALSH whose telephone number is (571)272-2409. The examiner can normally be reached on M-F 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Paik can be reached on 571-272-2404. 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.

/DANIEL WALSH/
Primary Examiner, Art Unit 2887