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16138 U.S. PTO

JDM/002 CON2

Applicant : Jeffrey D. Mullen
For : SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND
SECURITY MEASURES FOR THE SAME

EXPRESS MAIL CERTIFICATION

"Express Mail" mailing label number: EV669671948US

Date of Deposit: July 12, 2006

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Isatta B. Smith

Hon. Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER FOR RULE 53(b)
CONTINUING PATENT APPLICATION

Sir:

This is a request for filing a ☒ continuation, ☐ divisional, application of pending prior Application No. 10/400,296, (Confirmation No. 8666), filed March 25, 2003.

Transmitted herewith for filing are the ☒ specification;
☒ claims; ☒ abstract; ☒ declaration; and ☒ Application Data Sheet; for the above-identified patent application.

The enclosed declaration is:

- ☐ Newly executed (original or copy).
- ☒ Copy from a prior application (37 C.F.R. § 1.63(d)).
- ☐ A signed statement is attached deleting inventors named in the prior application (37 C.F.R. §§ 1.63(d)(2) and 1.33(b)).
- ☒ The entire disclosure of the prior application, from which a copy of the declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ The prior application, Application No. _____, filed _____, is assigned of record to _____

_____.

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Also transmitted herewith are:

- ☒ Seventeen (17) of:
- ☐ Formal Drawings.
- ☒ Informal drawings. Formal drawings will be filed during the pendency of this application.
- ☐ An assignment of the invention to _____.
- ☐ A check in the amount of \$40.00 to cover the recording fee.
- ☐ Please charge \$40.00 to Deposit Account No. _____ in payment of the recording fee. A duplicate copy of this transmittal letter is transmitted herewith.

☒ A Preliminary Amendment.

☒ Small Entity Status is respectfully requested.

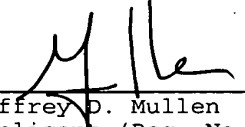
The filing fee has been calculated as shown below:

FOR	NUMBER FILED		NUMBER EXTRA		RATE		FEE
BASIC FEE							\$ 500.00
TOTAL CLAIMS	19	- 20 =	0		x \$25	=	\$ 0.00
INDEPENDENT CLAIMS	3	- 3 =	0		x \$100	=	\$ 0.00
☐ A MULTIPLE DEPENDENT CLAIM					+ \$	=	\$ 0.00

TOTAL \$ 500.00

☐ A check in the amount of \$ _____ in payment of the filing fee is transmitted herewith.

- ☒ The Director is hereby authorized to charge \$500.00 in payment of the filing fee to Deposit Account No. 50-3855, Order No. JDM/002 CON2. The Director is also authorized to charge any additional filing fees required under 37 C.F.R. § 1.16 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-3855, Order No. JDM/002 CON2. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ Please charge \$_____ to Deposit Account No. _____ in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : Not yet assigned Confirmation No. : Not yet assigned
Filed : Concurrently herewith
For : SYSTEMS AND METHODS FOR LOCATING CELLULAR
PHONES AND SECURITY MEASURES FOR THE SAME
Art Unit : Not yet assigned
Examiner : Not yet assigned

New York, New York 10020
July 12, 2006

Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATION

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1. Transmittal Letter for Rule 53(b) Continuing Patent Application (in duplicate);
2. Preliminary Amendment;
3. Application Data Sheet;
4. Specification;
5. Signed Declaration;
6. Informal Drawings (17 sheets); and,
7. Return Postcard.


Isatta B. Smith

SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND
SECURITY MEASURES FOR THE SAME

Background of the Invention

[0001] This invention relates to systems and methods
5 for determining a device's location. More particularly, this invention relates to systems and methods for remotely determining a device's location.

[0002] The Global Positioning System (GPS) has been developed in which a ground-based system can receive
10 GPS signals from satellites and determine its location based on the time that it takes the GPS signals to reach the ground-based system. Generally, three satellite signals are needed to determine where in the world a receiver is located (i.e., position
15 triangulation).

[0003] GPS systems have been integrated into cellular phones. However, these systems are deficient because the location of a device that is determined by these GPS signals are only minimally utilized. It is
20 therefore desirable to provide systems and methods which better utilize the information about a device's location.

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Summary of the Invention

[0004] In accordance with the present invention, systems and methods are provided for locating cellular phones. More particularly, the present invention
5 provides systems and methods for allowing a user of a cellular phone (e.g., a requesting user or a requestor) to locate the position of a different user's cellular phone (e.g., a requested user) based upon requestor-assigned access rights.

10 [0005] One object of the present invention is to provide a security feature which allows a user to limit and/or deny location access to a particular user. In preferred embodiments, only the users that have been granted access to the location of a user's cellular
15 phone can actually locate that user's cellular phone. Furthermore, different types of access levels may be provided that allow a user to filter location information to a different user. In this manner, a cell phone user may give access, through his or her cell
20 phone, to a friend so that the friend can locate him or her dependent on the level of access that is granted to that friend.

[0006] For example, suppose that Phil tells Bill that he will be shopping in Manhattan and that Bill
25 should locate him when Bill gets to Manhattan through their cell phones. In such an example, Phil may grant Bill access the exact location of his cell phone for a specific period of time (e.g., the next two hours). As a result, when Bill tries to access Phil's location,
30 Bill will be told exactly where in Manhattan Phil's cell phone is located. Thus, Bill does not have to contact Phil directly to see where he is and, therefore, Phil does not have to spend any time giving

Bill verbal directions; Bill can simply see what store Phil is currently in and go to it.

[0007] As mentioned previously, levels in the scope of access may be controlled by a user such that, for
5 example, only a user's exact location, approximate location, city, state, or country can be accessed by a particular user.

[0008] Location alerts and monitoring features are also provided. For example, Phil may give Jen, a
10 resident of Pittsburgh, city access so that when Phil travels into Pittsburgh, Jen will be alerted of Phil's presence. Such an alert may take the form of, for example, a display on Jen's cell phone that communicates to Jen "Phil is in Pittsburgh."

15 [0009] Locating a cellular phone may be accomplished in several ways. For example, satellite positioning systems such as the Global Positional System and the soon to be deployed Galileo system may be used to locate a user's cell phone.

20 [0010] User positions and security settings may be regularly or manually transmitted to a remote system, such a remote database so that requesting users can locate a requested user's position even if the requested user turns his/her cell phone OFF. Placing
25 the security measures on a remote system (e.g., remote database, computer, or server) provides an information brokering scheme such that the system is still operable even when cell phones are added, removed, or modified from the system.

30 [0011] Additionally, the present invention may be configured to provide additional information about the location of a user. Such additional information may be, for example, a map, a location marker on a map, a

map that changes as the user moves, a compass, coordinates of the located cell phone, directions to the located cell phone, where a user is in relation to another user, and information about the location the located user is currently positioned in or nearby locations such as landmarks. Such information may be provided by a remote information provider (e.g., a remote map information provider) and accessed by an information broker through a communications network.

10 [0012] Many other features are also employed that realizes advantageous locating functionality. As per an example, suppose that a wife wants to see if her husband has left work yet. She can locate her husband, without having to talk to him, and realize that he is driving home on a highway. Thus, a travel time option may be provided to the user. This option would compute the distance between the wife's location and husband's location by taking multiple location readings of the husband's location to see how fast the husband is traveling. Alternatively, because the husband's position will map to a highway, the system may assume that the user is driving and may provide the wife with an estimate on the husband's arrival time based on an assumed route. In this manner, the present invention may determine how much time it will take the husband to reach the wife and display this information to the wife.

20 [0013] As per other examples, a "see my friends" option may also be provided that brings up a map of a desired area. Dots or symbols may be present on the map to signify the location of all user's from which the requesting user has location information for. Similarly, a "find closest friend" option may be

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employed which finds the closest user with which the requesting user has location access to.

[0014] A cell phone location may be accessed by a variety of other devices. Alternatively, a cell phone
5 may be used to access the location of a variety of other devices. For example, if the wife was at home, that wife may connect to the internet and access a remote database to either provide the most recent location information about the husband's cell phone to
10 her or request a location update from the husband's cell phone. The wife's location may be already stored in such a database by associating the location to the IP address of the computer or by a manual input of the wife's location. The wife's identity may be determined
15 by, for example, a login and password on a website. Thus, the above-identified security measures are not limited to device-to-device locating rather user to user locating; the wife may only access the husband's location if the husband has granted access for the wife
20 to do so. If, by accident, the wife's cell phone breaks, she may login on a friend's cell phone and determine the husband's location according to the device that the husband is logged into.

[0015] Security is preferably taken into account in
25 the present invention and, therefore, location rights for a specific user may be given to a different user only by that specific user. However, a user may request location access rights from a different user. For example, a user may be provided with a request
30 location screen on his cell phone and that user (e.g., user "X") may enter in the cell phone number of the cell phone whose location is desired. The user associated to the entered cell phone number may then

receive an alert that says "user X has requested access to your location." Location access may then be given or denied on multiple levels and the requesting user notified of the decision.

5 [0016] The location feature of the present invention may be turned ON or OFF at any time. Users may be added, individually or in groups, to a list of users with location access rights to a specific user by that specific user. A specific user may, at any time,
10 modify, delete, or add users allowed to access his or her location. Login and password information may be included to increase security or to create a user profile, allowing a specific user to log into any cell phone and be recognize by the present invention (and
15 thereby be located with that cell phone or locatable device).

Brief Description of the Drawings

[0017] The principles and advantages of the present
20 invention can be more clearly understood from the following detailed description considered in conjunction with the following drawings, in which the same reference numerals denote the same structural elements throughout, and in which:

25 [0018] FIG. 1 is a network topology of a cell phone locating network in accordance with the principles of the present invention;

[0019] FIG. 2 is a flow chart of the locating feature in accordance with the principles of the
30 present invention;

[0020] FIG. 3 is an illustration of a cell phone in accordance with the principles of the present invention;

[0021] FIG. 4 is a display screen for a locate feature in accordance with the principles of the present invention;

5 [0022] FIG. 5 is a display screen for a retrieving location status feature in accordance with the principles of the present invention;

[0023] FIG. 6 is a display screen for a displaying location feature in accordance with the principles of the present invention;

10 [0024] FIG. 7 is a display screen listing options for a locate feature in accordance with the principles of the present invention;

[0025] FIG. 8 is a display screen of a failed locate feature due to insufficient rights in accordance with the principles of the present invention;

15 [0026] FIG. 9 is a display screen of adding and modifying locate rights and options to a user in accordance with the principles of the present invention;

20 [0027] FIG. 10 is a display screen of assigning location rights to a user in accordance with the principles of the present invention;

[0028] FIG. 11 is a display screen of alert options in accordance with the principles of the present invention;

25 [0029] FIG. 12 is a display screen of an alert feature in accordance with the principles of the present invention;

30 [0030] FIG. 13 is a display screen of a login feature in accordance with the principles of the present invention;

[0031] FIG. 14 is a display screen of a login feature in accordance with the principles of the present invention;

5 [0032] FIG. 15 is a wireless device in accordance with the principles of the present invention;

[0033] FIG. 16 is an embodiment of a network topology in accordance with the principles of the present invention;

10 [0034] FIG. 17 is an embodiment of a locating feature in accordance with the principles of the present invention; and

[0035] FIG. 18 is an embodiment of a communications signal in accordance with the principles of the present invention.

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Detailed Description of the Invention

20 [0036] FIG. 1 depicts a network topology of device location network 100 incorporating principles of the present invention. Network 100 includes one or more positioning satellites 110, 112, and 114 that can locate the position of one or more cell phones 120, 122, 126, and 124 (and other locatable devices) on Earth 101. Positioning satellites 110, 112, and 114 may be, for example, the Global Positioning System

25 (GPS) or the upcoming Galileo satellite network.

[0037] Preferably, any cell phone in network 100 may locate a different cell phone, as long as access to location information is allowed, through the utilization of positioning satellites 110, 112, and

30 114. Persons skilled in the art will appreciate that other positioning systems and methods may be used in locating the position of a user on a cell phone of network 100.

[0038] To route information to and from a cell phone of network 100 additional facilities and communication paths may be included. For example, a main facility (not shown in FIG. 1) containing user location access rights may be included in network 100. Such a main facility may retrieve location information directly from a positioning system or a cellular phone and then route this information to a cellular phone or positioning system.

10 [0039] Persons skilled in the art will appreciate that if the Global Positioning System (GPS) is used as the positioning system then GPS receivers will be incorporated into cellular phones of the present invention. Persons skilled in the art will also appreciate that devices other than cellular phones may include positioning features. For example, watches, clothing, laptop computers, personal digital assistants (PDAs), may all contain location systems (e.g., GPS) and utilize the security principles of the present invention to allow different user's to access these locations.

[0040] FIG. 2 shows flow chart 200 of a simplified locating feature constructed in accordance with the principles of the present invention. Step 202 initiates when a user requests the location of another user's cell phone. Step 206 evaluates if the user initiating the location request has the rights to access the location of the desired user. If no access rights for the requesting user have been granted then step 204 will preferably inform the requesting user that he/she has not been given access to the requested location. In this manner, every user may assign rights (e.g. govern the security) to whom may or may not

locate him/her. In preferred embodiments, these rights will be stored in, or functionality executed from, a remote facility and accessed and utilized by a user's cell phone or other requesting device (e.g., a watch or PDA) .

5 [0041] If access has been given by a particular user that allows for the requesting user to locate that particular user, step 208 is initiated and the allowed location information is provided to the user in step 10 210. Step 208 may optionally filter the location information such that only a portion information is passed to the requesting user. The requested user may have, for example, defined that the requesting user only can obtain the city, state, or country of his/her 15 location. Persons skilled in the art will appreciate that only the location of the desired user needs to have a cell phone or a positioning system. The requesting user may use other means (e.g., the internet) to request the location of the desired user.

20 [0042] Persons skilled in the art will appreciate that the location of a user's cell phone may be retrieved, in step 208, from a remote database, facility, distribution center, or any other system. More particularly, a remote database may periodically 25 request the location of a cell phone user with a positioning system and store this information. This database may also keep a record of those people allowed to access that user's location, the extent to which access is allowed, and the extent to which a user has requested a user's location. A user may update, add, 30 manipulate, or remove access at any time by doing so at this database. Thus, a requesting user only has to contact the remote database, have his/her identity

recognized, have his/her access rights for the requested user location determined, and, if the requesting user has the correct access rights, be provided with the requested user's location.

5 [0043] Instead of a remote database periodically obtaining location information for a user, the database can obtain a user's locations when a request is made for that user's location, providing the requesting user has access to the requested user's location. However, 10 persons skilled in the art will recognize that a remote database is utilized in the above examples that contains the locations, in most circumstances, of a multitude of users. Thus, to increase security even more, a requesting user's cell phone may directly 15 request a user's location from the requested user's cell phone without the need for a database. In such an example a user adds, manipulates, or removes access rights locally on his/her cell phone and does not have to worry about security issues that surround placing 20 his location on a remote database. Furthermore, in such an embodiment a user's location does not have to be saved anywhere, a positioning system can just be "read" by a requesting user with the appropriate access rights.

25 [0044] However, by recording a user's location on a device, e.g., a cell phone's memory or in a remote database, novel applications may be utilized. For example, whenever a user makes a credit card purchase, a credit card authorization system can record the 30 location of a cell phone associated to the purchasing user. In this manner, a new system and method of fraud protection is introduced. The credit card authorization system may, for example, reject a

purchase if the purchaser's cell phone (or watch, clothing, PDA, or other positioning enabled device) is not in the vicinity of the purchase. Alternatively, the credit card authorization system may request a
5 second form of identification if the purchaser's cell phone location does not correlate to the location of the purchase. Additionally, the credit card authorization system may call the purchaser's cell phone and request authorization for the credit card
10 purchase. However, such features would preferably first involve the user/purchaser giving the credit card authorization system access to the location of his/her cell phone.

[0045] As per another application, a unique
15 dating/matching service could be embodied. For example, a user may store a number of preferences in a matching profile. These preferences may describe what type of person he is interested in meeting. Additionally, a user may store, preferably locally (for
20 the dating/matching feature) but alternatively at a remote location, his/her own profile that has data describing similar attributes for what he/she is looking for. For example, an entry in a user's profile may be "male" and an entry in "looking for" profile may
25 be "female." When a user comes within a certain distance of a user (determined by comparing locations of a user) that fits his/her "looking for" profile, the user may be alerted of the proximity of a matching user. Preferably, the particular user is only alerted
30 if the "looking for" user has entered in attributes similar to the particular user's attributes and is also alerted of the particular user. The next stages of such an application could include, for example,

requesting access to a form of communication. Such a form of communication could be for example, talking on the phone, instant messaging, or delivering an email address. Persons skilled in the art will therefore
5 appreciate that many useful applications may be constructed using the principles of the present invention.

[0046] FIG. 3 depicts cell phone 300 constructed in accordance with the principles of the present
10 invention. Cell Phone 300 preferably includes speaker 330, antenna 310, display screen 320, control keys 360, alpha-numeric keys 350, and microphone 340. Cell phone 300 also preferably may include, for example, a communications transmitter (not shown), communications
15 receiver (not shown), memory (not shown), positioning device (not shown), and a microprocessor (not shown).

[0047] Cell phone 300 may also include locate button 380. Cell phone 300 may be configured such that if locate button 380 is pressed, a locate feature is
20 initiated (e.g., display screen 400 of FIG. 4 is initiated). Alternatively, cell phone 300 may be configured such that if locate button 380 is pressed, a location signal is sent to a remote storage area (e.g., a remote database), thus manually updating the user's
25 location. This latter functionality may be useful when a user does not want his/her location accessed. As in another alternative embodiment, cell phone 380 may be configured such that if locate button 380 is pressed, the locating features of cell phone 300 are toggled
30 between ON and OFF. Person skilled in the art will appreciate that locate button 380 may be configured to produce a variety of useful functionalities.

[0048] FIG. 4 depicts display screen 400 that is displaying a locate feature constructed in accordance with the principles of the present invention. The locate feature of display screen 400 may be included, for example, in cell phone 300 of FIG. 3 and displayed to the user of cell phone 300 of FIG. 3 when that user requests the location of a different user of the present invention. The programming for the feature may, for example, be stored in the memory of the cell phone and executed by the processor at a user's request. Locate Feature 400 includes identifier list 410 of alpha-numeric identifiers for users stored in the memory on cell phone 300 (FIG. 3) or at a remote location. More particularly the user of display 410 may locate a user contained in identifier list 410 by selecting an appropriate user identifier 420.

[0049] The user identifiers (e.g., "Susan Pracht") in identifier list 410 are selectable and may be selected by control keys 360 of FIG. 3. Highlight window 410 may be used to prompt the user what identifier from list 410 is currently selected any may be controlled, for example, by the input keys of the cell phone (e.g., keys 350 and 360 of FIG. 3). Identifiers may be associated to, for example, cellular telephone number, user profiles, or any other identifier that may be associated to a locatable device or user interacting with a locatable device.

[0050] Persons skilled in the art will appreciate that display screen 400 may be provided to a user of devices other than wireless devices. For example, display screen 410 may be provided to a user of a personal computer with no positioning system. Preferably, however, the security measures in

accordance with the principles of the present invention are still abided to (e.g., access has been granted to the identifier associated to the requesting user). In this manner, a user can control who can access his/her
5 wireless device (e.g., cell phone).

[0051] Persons skilled in the art will appreciate that identifier list 410 may be configured, for example, to contain only those users in which the user of cell phone 300 (FIG. 3) has locate access rights to
10 or any user stored in cell phone 300. Persons skilled in the art will also appreciate that devices other than cell phone 300 may be used to incorporate the features of the present invention. Such devices could include, for example, personal digital assistants (PDAs),
15 laptop, GPS pagers, GPS watches, car positioning devices, or any other devices that can be located. One advantage of the present invention is that it allows a mobile device with a positioning system to locate a different mobile device with a positioning system while
20 still retaining a high level of location security and privacy.

[0052] FIG. 5 is display screen 500 for retrieving location status feature in accordance with the principles of the present invention. The selected
25 identifier may be incorporated into display screen 500 through location status display 510 to inform the user of the status of the location retrieval. For example, display screen 500 may display "locating user" while a request is being processed by a remote facility or
30 database.

[0053] FIG. 6 shoes display screen 600 for a display location feature constructed in accordance with the principles of the present invention. When a location

is retrieved for the requested user, the location may be displayed on Display Screen 600 through primary location information 610. Depending on what scope the requesting user has access to primary location
5 information 610 may include, for example, the country, state, city, exact location, or any combination thereof of location information to the user. For example, if the user requesting the location of a desired user has been given unlimited location access by the desired
10 user, primary information 610 may include the exact location of the user.

[0054] Secondary location information 620 may be included to supplement the requested users exact location so that the requesting user may have more of
15 an idea of where the requested user is located. For example, if the desired user is located in a mall, primary location information 610 may be the address of the mall. In such an example, secondary location information 620 may be included and display, to the
20 requesting user, the name of the mall.

[0055] Directional information 630 may also be included on display 600 or any other display of the present invention. Directional information 630 may include a digital compass 632 so that the user of cell
25 phone 300 (FIG. 3) knows what direction he or she is facing in. Digital compass 632 may be connected to a direction sensitive device (e.g, mechanical compass) in order to gather directional information. Directional arrow 633 may also be included in Display 600 to
30 indicate where the requested user's location is relative to the location and direction of cell phone 300 (FIG. 3) (e.g, the requesting user). Persons skilled in the art will appreciate that for some

directional information 630 the location of the requesting user must be obtained. This information may be obtained either from cell phone 300, a remote facility, or by any other suitable means. If the
5 information is gathered from a location gathering device other than the requesting user's device (e.g., cell phone 300 (FIG. 3)), then the user's device may communicate from this other location gathering device. Once both the locations of the requesting and
10 requested/desired users are known, this information may be utilized in a number of features incorporating the principles of the present invention.

[0056] Distance information 634 is one such feature that displays the distance between the locations of the
15 requested and requesting users (e.g., distance between the locations of the requested and requesting devices). Directional information 630 may contain many other elements to enhance the utility of the present invention. For example, a map (not shown in FIG. 6)
20 may be included in display 600. This map may be of the area surrounding either the requested, the requesting user's location or both. Information may be included on the map to show the shortest path between the location as well as information about the surrounding
25 area (e.g., area names, store names, etc.). Other information may include, for example, time to reach the destination according to specific types of travel (e.g., subway, walking, running, driving) and the direction the requested user is traveling in.

30 [0057] Many uses for this information may be utilized by a user. For example, if Jane calls Bill and Bill says "I am roaming midtown manhattan shopping why don't you join me", no other call to Bill is

needed. Bill simply has to give Jane access to his location and Bill can continue shopping without having to worry about meeting up with Jane at a specific location.

5 [0058] In some instances, it may be beneficial to find the speed and direction of a requested user. For example, if a wife wants to see how long before her husband arrives home, the wife can use this feature of the present invention. This feature may find the
10 husbands location multiple times in a determined amount of time. Through this information the feature may determine the speed and direction that the user is traveling. Using this speed, for example, this feature may display to the wife that the husband "is 10 minutes
15 away" in directional information 630. In doing so, the need for a call to the husband to determine his location is eliminated.

[0059] Persons skilled in the art that the location of multiple users may be displayed on display screen
20 600. For example, suppose Jeff, Susan, and Chrissy are at a concert. If all three of these users have unlimited access to the other users, principles of the present invention would allow for a map to be displayed on each of the three locating devices with locator
25 designations for each of the users. Using such map, the group may be able to find themselves in relative location to one another and decide, if need be, on the easiest location for them to meet. Thus map 660 may be included on display screen 600 and display the
30 locations of multiple users (e.g., user's 621 and 622).

[0060] More region 640 designates that more options or information may be retrieved or performed using principles of the present invention. A user may use

control keys 340 (FIG. 3) on cell phone 300 (FIG. 3) to perform the functionality associated with more region 640.

[0061] FIG. 7 shows display screen 700 for locate
5 listing options in accordance with the principles of the present invention. Display screen 700 includes selectable options list 710 and highlight window 720 and may be displayed to the user, for example, through the activation of functionality associated by more
10 region 640 (FIG. 6). Options list 710 may include any of the features of the present invention. For example, options list 710 may include options activating a display screen of a map of the requesting user's location, a map of the requested user's location,
15 directions to the requested user's location from the requesting user's location, travel time for the requesting user, travel time for the requested user, and options to set location alerts.

[0062] FIG. 8 shows display screen 800 of a failed
20 locate feature due to insufficient rights in accordance with the principles of the present invention. Display screen 800 may be displayed if a requesting user attempts to located a requested user but has not been given access rights by the request user to his or her
25 location. In such an instance insufficient rights message 801 may be prompted on display screen 800.

[0063] FIG. 9 shows display screen 900 of adding and modifying locate rights and options to a user in
30 accordance with the principles of the present invention. A user may give or modify access rights through display 900 to a user identifier in selectable user identifier listing 910. Highlight window 920 may be included to enhance the selecting process.

[0064] FIG. 10 shows display screen 1000 of assigning location rights to a user in accordance with the principles of the present invention. Display screen 1000 may be displayed, for example, after a user has been selected to be given location rights. Display screen 1000 contains selectable location rights listing 1010, in which the selecting process may be enhanced by highlight window 1020. Possible location access rights may be, for example, by country, state, city, exact location, or any other scope of location. Other rights may be assigned such as particular times in the day or time periods at which locations may be accessed.

[0065] FIG. 11 shows display screen 1100 of alert options in accordance with the principles of the present invention. Display screen 1100 allows for a user to set up alerts depending on the location of specific users. Selectable alert listings 1110 are included and may be selectable with highlight window 1120. Examples of alerts that may be included in display screen 1100 may occur, for example, if the requested user is in a specific city or the same city as the user of display 1100, is within a certain distance, or if a user located the user of display 1100.

[0066] The alerts of the present invention may realize useful functionality. For example, suppose Susan Pracht lives in Pittsburgh and rarely comes to the city of the user of display screen 1100 on cell phone 300 (FIG. 3) which is New York City. The user of cell phone 300 (FIG. 3) may then use display screen 1100 and set an alert such that if Susan Pracht ever enters New York City, he or she would be alerted of Susan Pracht's presence.

[0067] FIG. 12 shows display screen 1200 of an alert feature in accordance with the principles of the present invention. Display screen 1200 includes an alert message and is displayed to a user when an event
5 occurs that is designated by the user in display screen 1100 (FIG. 11). Continuing the example from FIG. 11, if Susan Pracht enters New York City, alert message 1210 would prompt the user that this event has occurred.

[0068] FIG. 13 shows display screen 1300 of a login
10 feature in accordance with the principles of the present invention. In order for users to be identified by other user's cell phones or locating devices a user profile may need to be stored remotely from such devices. In such instances user profiles would be used
15 as the locating identifier and the devices into which these profiles are logged into (recognized by) would allow for the user to be located. Display screen 1300 allows for a user to log into a locating device of the present invention. Logging into a device also adds a
20 level of security to the present invention, especially when combined with a password. A user may use the controls of the device of the present invention to enter login 1310 of display 1300.

[0069] In this manner a user may use another user's
25 location device (e.g., cell phone) to locate a user or may use, for example, the internet to locate a user. Additionally, in this manner, a user may change the device being located. For example, a user may use his or her car GPS system or other systems in accordance
30 with the principles of the present invention to be located instead of his or her cell phone. To further this example, a user may log into a web site on the internet and designate his or her current location as

home, or any other location, thus eliminating the need for locatable device entirely.

[0070] FIG. 14 shows display screen 1400 of a login feature in accordance with the principles of the present invention. Display screen 1400 may be used by a user to enter a password associated to his profile, identity, or cell phone functionality access. A user may enter password 1410 using the controls of the device of display screen 1400 (e.g., cell phone 300 of FIG. 3). By including a login/password scheme a user can be identified by a remote facility (e.g., a remote database) so that the user's location can be recorded/updated by multiple devices. Additionally, a login/password adds an extra level of security.

[0071] FIG. 15 shows cell phone 1500 that may be utilized to carry out the functionality in accordance with the principles of the present invention. Cell phone 1500 includes receiver/transmitter 1510, microprocessor 1520, positioning system 1530, and memory 1540.

[0072] Persons skilled in the art will appreciate that receiver/transmitter 1510 may directly communicate with memory 1540 if receiver/transmitter 1510 does not have its own memory (e.g., if receiver/transmitter 1510 are configured to utilize a buffer for capturing incoming communications bursts before demodulation and decryptions).

[0073] Positioning system 1530 may be, for example, a GPS system or a similar positioning system. Positioning system 1530 may include its own receiver for receiving particular signals utilized in positioning cell phone 1500.

[0074] FIG. 16 shows network topology 1600, in which all components of, or a part of the components of, may be utilized to carry out the features in accordance with the principles of the present invention. In this manner, persons skilled in the art will appreciate that multiple system configurations may be utilized. Topology 1600 introduces the diversity of systems that can be utilized to realize such configurations.

[0075] Generally, topology 1600 includes multiple mobile devices (e.g., multiple instances of mobile device 1601), access control devices and location broker devices (e.g., database 1602 and cell phone base station 1603), and non-mobile devices (e.g., grounded non-wireless device 1605). Persons skilled in the art will appreciate that other devices or facilities may be included in topology 1600. For example, one or more positioning systems 1601 may be included in topology 1600 in order to locate particular devices. For example, a positioning receiver (e.g., GPS receiver) may be included in wireless device 1601 with positioning system 1601 being a positioning transmitter (e.g., GPS satellite network).

[0076] One or more wireless devices 1601 may be included in topology 1600 and may be, for example, watches, PDAs, cellular phones, radios, cars, or any other mobile device whose location can be determined.

[0077] As previously mentioned, access control and location broker devices may be included in topology 1600. Such devices may be utilized, for example, to store user access rights for a particular user and may contain functionality to request and route a device's location. These devices may be considered information broker's such that devices may be added, removed, or

modified without creating the necessity of having to modify the other devices of topology 1600.

[0078] Database 1602 is one such information broker. Database 1602 may, for example, be located in cell
5 phone base station 1603 if database 1602 is utilized to assist in cell phone locating. Database 1602 may be utilized, for example, to store a history of a device's locations, a user's list of assigned access rights to other users, a log of a user's call activity,
10 a log of a location initiations, a user profile, login/password information, or any other sort of information. Many features may be provided that utilize such information. For example, an approximate location may be determined for a device that is turned
15 OFF (e.g., by utilizing the device's location history). As per another example, if a cell phone is lost and a new one replaced, information such as, for example, phone books, activity logs, and assigned user access rights may be downloaded/flushed into the cell phone.

20 [0079] Database 1602 may be accessed either directly (e.g., manually by an user of the device) or indirectly (e.g., periodically) by a cell phone or other device. Alternatively, a device or cell phone may access database 1602 directly (e.g., manually by an
25 administrator of the database) or indirectly (e.g., periodically) by database 1602.

[0080] A credit card authorization system is an example of additional system 1606 that may be added to topology 1600 to realize new features. Such a credit
30 card authorization system, as described above, could utilize a device's location in order to decrease credit card fraud. System 1600 may also be, for example, systems needed to realize the described dating

functionalities or another information provider (e.g., a map information provider).

[0081] Non-wireless devices 1605 (e.g., a personal computer) may be included in topology 1600. Such
5 devices may have locations associated to them or contain a positioning system. These locations may then be associated to a user that is recognized as using the device. For example, if a particular user logs into a non-mobile personal computer, that user's location will
10 be recognized as being the location associated to the personal computer.

[0082] The devices of topology 1600 communicate with each other through communications network 1610. Communications network 1610 may include, for example,
15 any type of communications, routing, amplification, encryption, decryption, parsing, modulation, or demodulation technologies. For example, positioning system 1601 may communicate with wireless device 1601 by sending multiple wireless positioning signals. At
20 the same time, database 1602 may be providing non-wireless device 1605 with a device's location over conventional telephone wires.

[0083] FIG. 17 shows locating feature 1700 in accordance with the principles of the present
25 invention. Locating feature 1701 starts at step 1701 and waits at step 1702 until a location is requested. As stated, a location can be requested in a number of instances and by a variety of different means.

[0084] For example, a location may be requested by a
30 user of a cell phone that desires to locate a friend by locating that friend's cell phone. Alternatively, a device may be triggered to request a location of a mobile device when an event occurs. For example, a

credit card authorization system may request the location of a user's cell phone and the location of a store that just used a credit card associated to the requested user.

5 [0085] If a location is requested, access rights to the requested location for the requesting device and/or user are obtained at step 1703. Step 1703 may be employed for example, as a call to a database storing a
10 list of assigned access rights for the requested device/user and finding if any access rights were assigned to the requestor's identity. As per another example, step 1703 may be employed as a direct call to the requested device/user.

[0086] Step 1704 determines if the requestor has
15 been assigned access rights to obtain the requested device/user's location. Persons skilled in the art will appreciate that some devices may always have access to a user's location regardless if a user has assigned access rights to the requesting device. In
20 this manner, a device may be set up to always let a user access a location. For example, a mother may purchase a cell phone for a minor and may configure the cell phone to always allow her location information.

[0087] If access rights do exist for the requesting
25 device/user at step 1704 then step 1705 may be initiated and location information may be provided to the requestor. Such location information may be filtered according to the assigned access rights. For example, if a user has only been assigned access rights
30 to obtain the requested user's city location, only the city that the requested user/device is currently located in (or the last city location available) may be obtained. The process then finishes at step 1707 after

the assigned location information has been delivered to the requestor at step 1705. Persons skilled in the art will appreciate that steps may be added to, removed, or modified from locating feature 1700. For example,
5 instead of finish step 1707, step 1702 may be initiated after step 1706 has completed.

[0088] If a requestor has not been assigned rights to access the requested user/device's location as determined by step 1704, then step 1712 may be
10 initiated. Step 1712 informs the requestor that the requestor does not have access rights to obtain the location of a user/device. Step 1711 may follow and provide an opportunity for the requestor to obtain the access rights. More particularly, step 1711 asks the
15 requestor if the requestor would like to request access rights. If the requestor does not want to request access rights, locating feature 1700 may, for example, return to step 1702. Else, access rights may be requested at step 1721. Step 1722 follows and if
20 access rights were given then step 1705 may be initiated. Else, step 1712 may, for example, be re-initiated.

[0089] FIG. 18 shows one embodiment of a cell phone burst that has been configured to embed a device or
25 user's location 1801 between control signals (e.g., synchronization signals) and data signals. Persons skilled in the art will appreciate that some cell phone burst standards (e.g., TDMA and CDMA) have signal portions that are reserved for future technologies. In
30 one embodiment, this reserved portion is utilized to house location information 1801. A cell phone tower or base information may then strip received signals 1800 of location information 1801, store location

information 1801 into a database or other storage device, and deliver the received signals to its desired location. In this manner, a user may refresh his/her location information every time that a cell phone base station receives or routes information for the user. By stripping location information 1801 from signal 1800, the intended receiver does not have access to the location of the device transmitting signal 1800. A signal similar to signal 1800 may be sent to a cell phone that has requested, and has the appropriate location access rights, to location 1801. Location 1701 may also be stored in other portions of signal 1700 that are not reserved portions. For example, a received signal 1800 may store location information in the data portions of signal 1800. In embodiments where additional information is sent about location 1801 (e.g., a map associated with location 1801) utilizing a main data portion of signal 1800 is preferred. Persons skilled in the art will appreciate that signal burst 1800 may actually be any type of communication signal such as, for example, information returned from a database inquiry.

[0090] Persons skilled in the art will also appreciate that the systems and methods of the present invention may be implemented using other locating features and configurations. For example, a user may be manually requested to allow location access rights every time his/her location is requested. As per another example, a user may organize his/her user list into groups and assign access rights to that group (e.g., family member user group, close friend user group). All such modifications are within the scope of

the present invention, which is limited only by the claims that follow.

What is Claimed is:

1. A method of mobile-to-mobile locating,
said method comprising:
 - requesting a location of a first
wireless device by a second wireless device;
 - 5 assigning location access rights to said
second wireless device by said first wireless device;
determining said access rights assigned
by said first wireless device to said second wireless
device; and
 - 10 providing said location to said second
wireless device dependent upon said access rights.
2. The method of claim 1 wherein said first
and second wireless devices are cellular phones.

SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND
SECURITY MEASURES FOR THE SAME

Abstract of the Disclosure

Systems and methods for locating a cellular
5 phone are provided. More particularly, systems and
methods for providing the location of a requested
user's cellular phone from a requesting user's device
(e.g., a second cellular phone) based on access rights
defined by the requested user. Location descriptions
10 may be provided at a multitude of levels. For example,
if a cellular phone, or an identity associated to
(e.g., logged into) a cellular phone, has been given
access rights to a cell phone's exact location for an
indefinite amount of time, that cell phone can receive,
15 on command, the exact location of the approved cell
phone. Other levels of location information that can
be granted include, for example, proximities, states,
and countries.

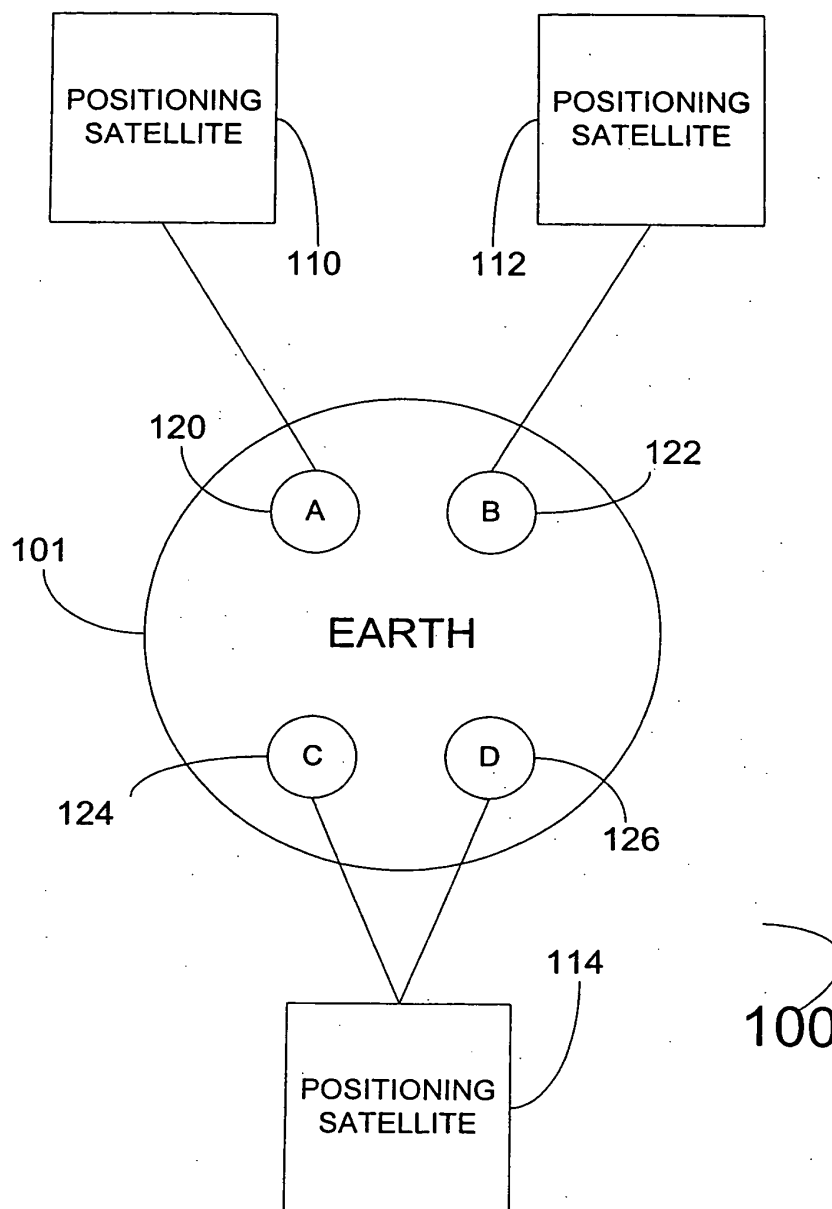
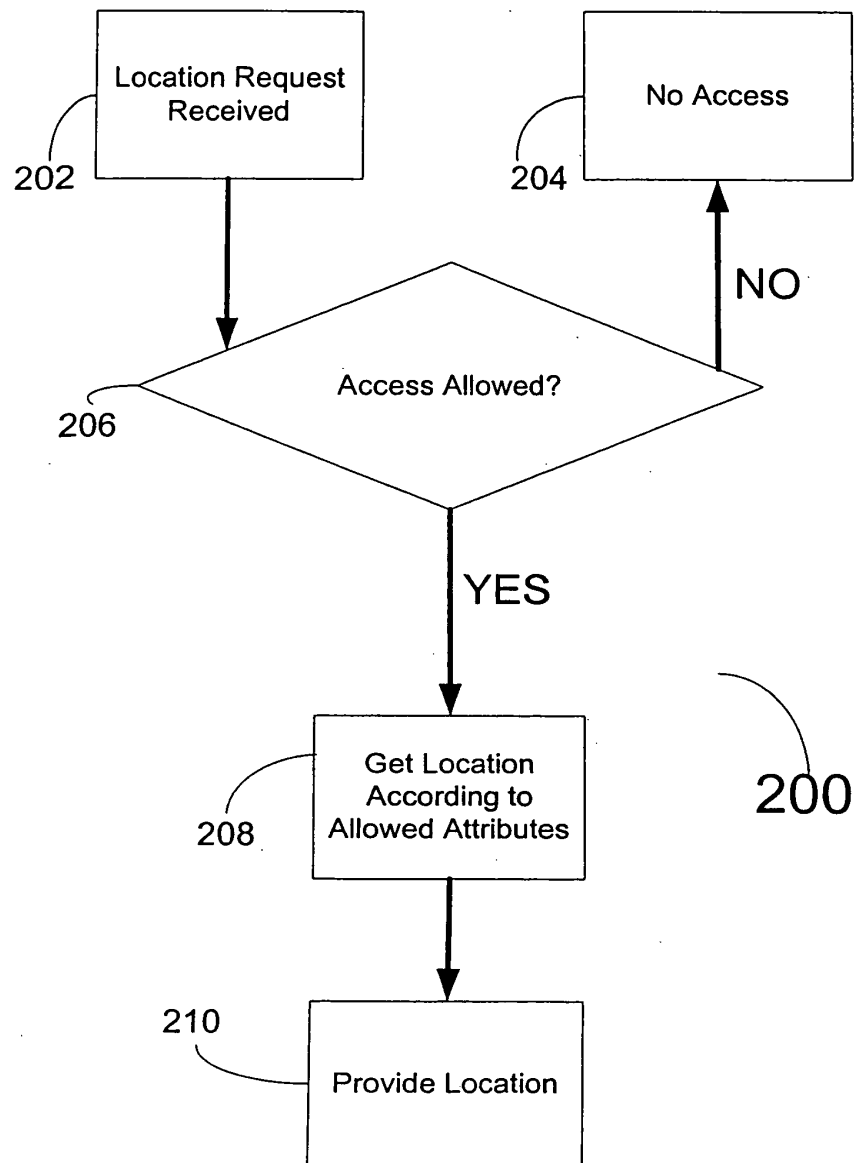


FIG. 1

**FIG. 2**

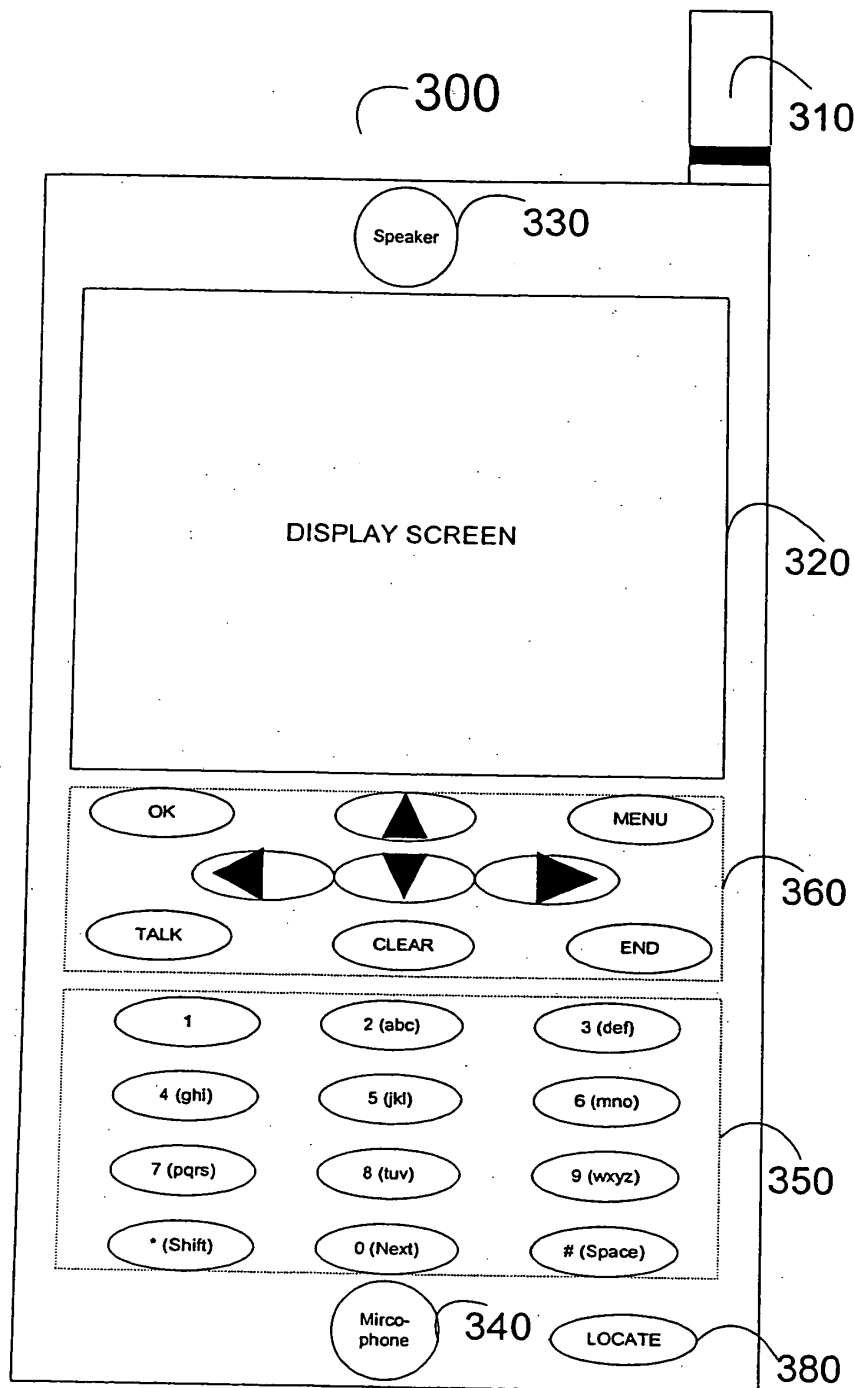


FIG. 3

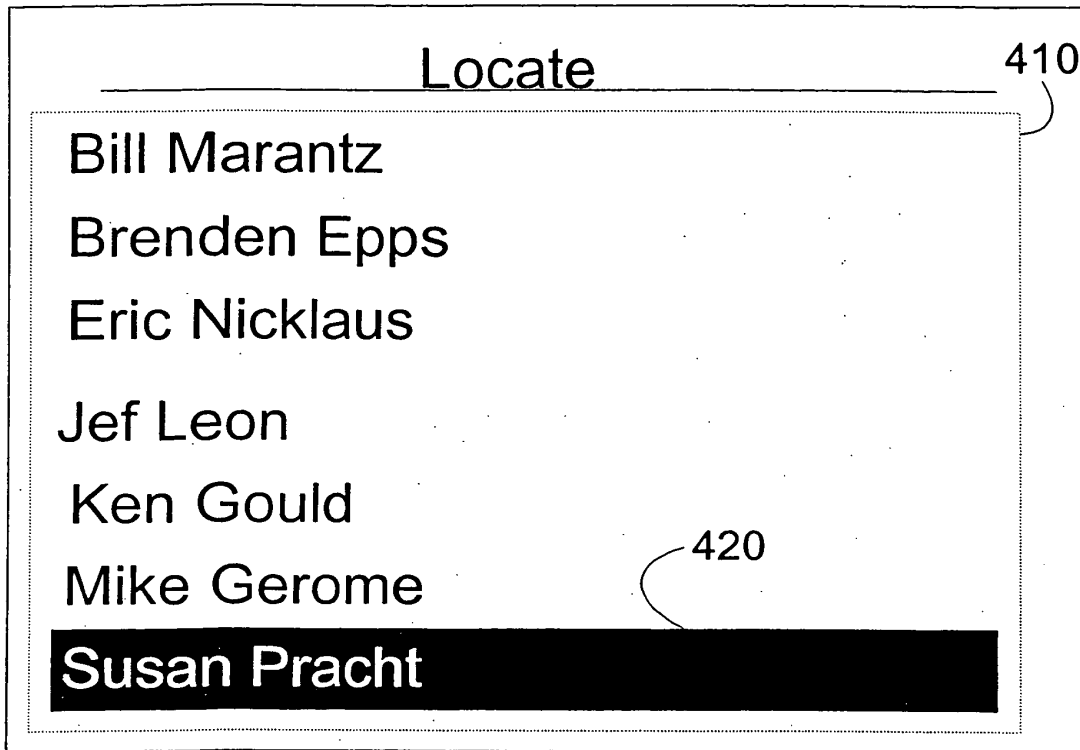


FIG. 4

400

Locating Susan Pracht . . .

510

FIG. 5

500

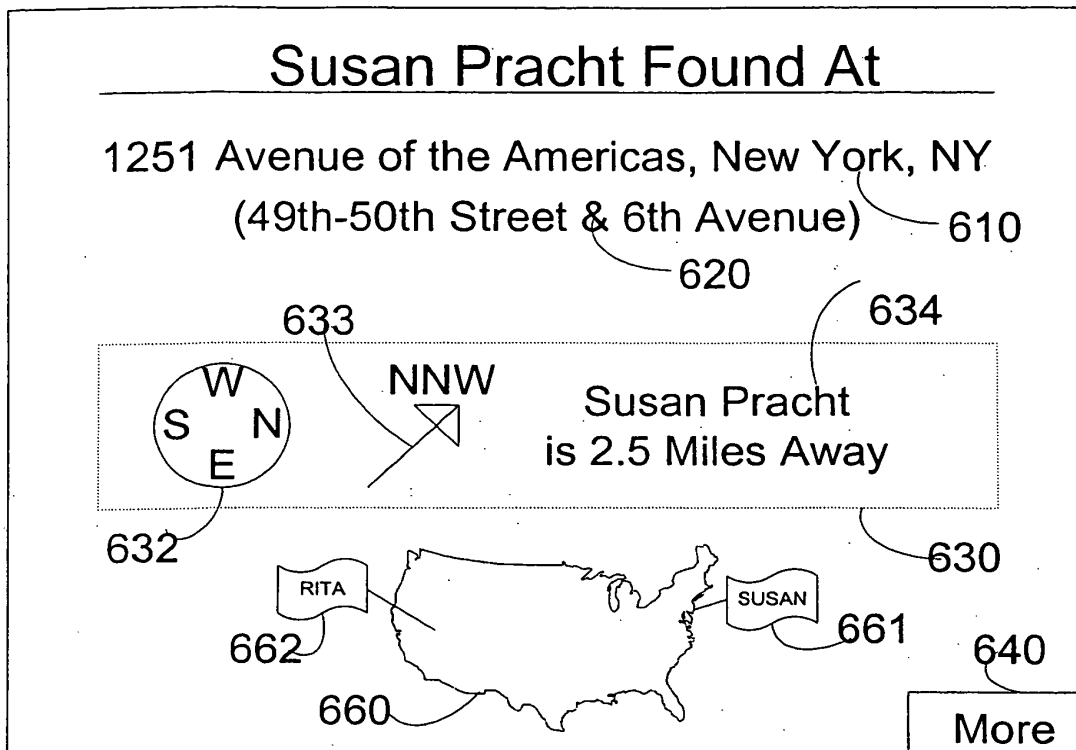


FIG. 6

600

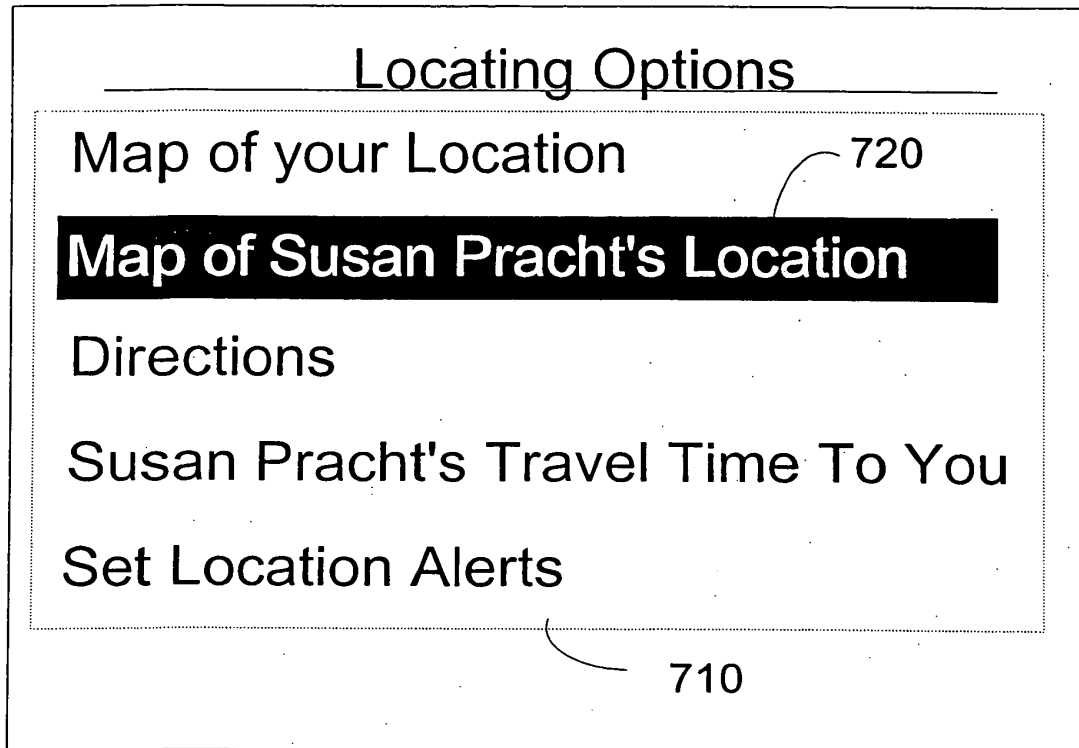


FIG. 7

700

Susan Pracht Has Not Given You
Locate Rights

810

FIG. 8

800

<u>Give/Modify Locate Rights To</u>	
Bill Marantz	910
Brenden Epps	
Eric Nicklaus	
Jef Leon	920
Ken Gould	
Mike Gerome	
Susan Pracht	

FIG. 9

900

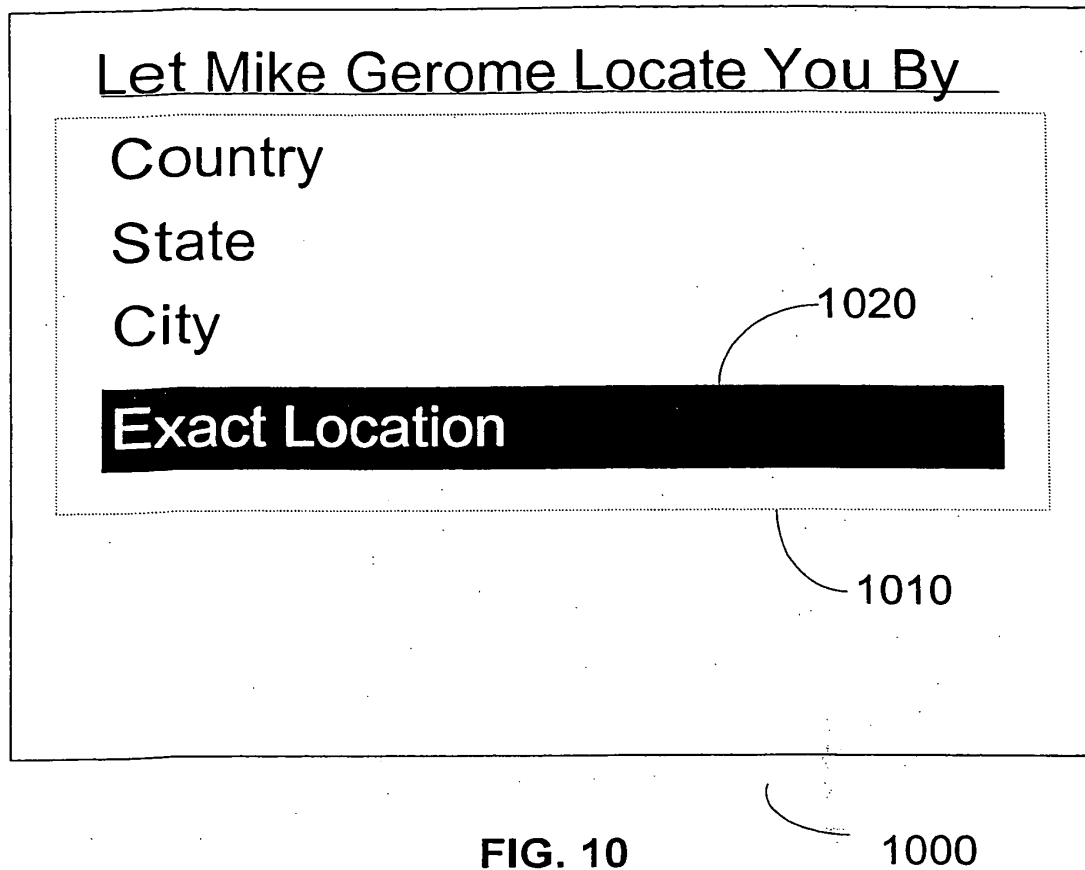


FIG. 10

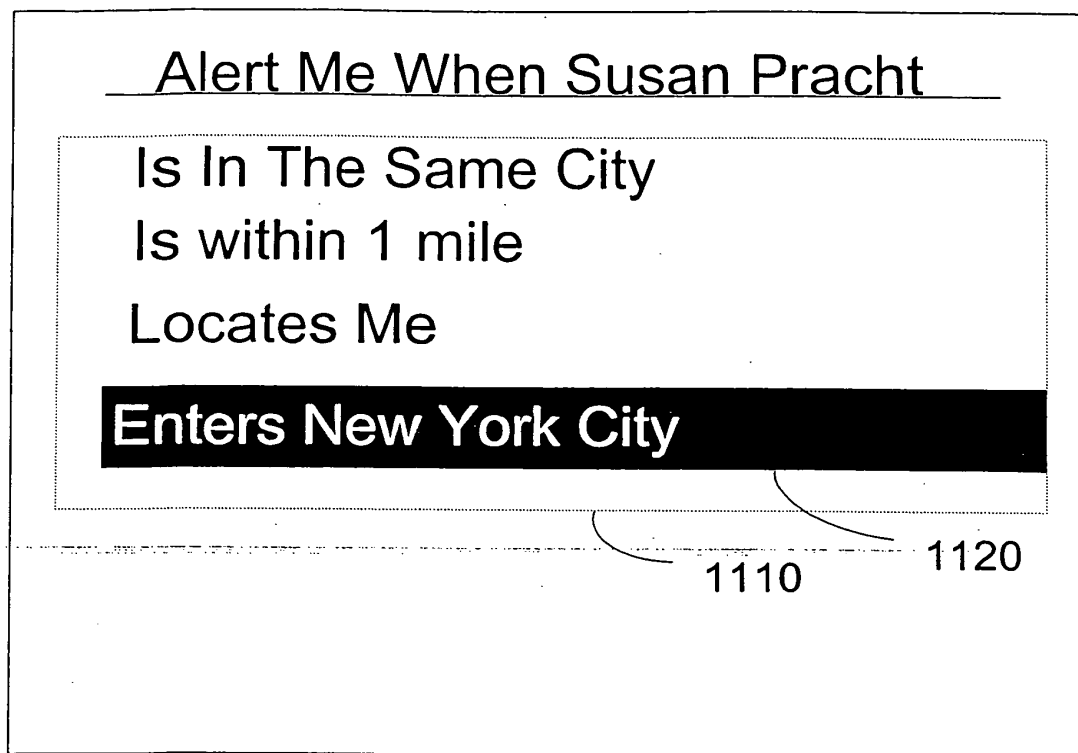


FIG. 11

1100

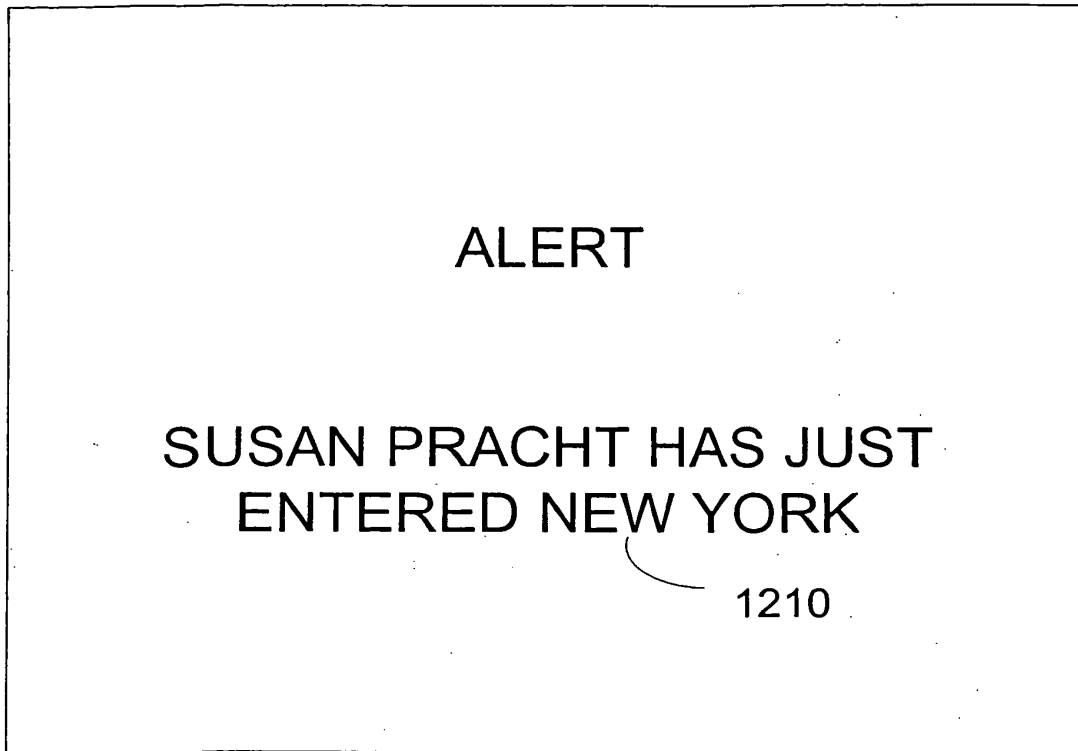


FIG. 12

1200

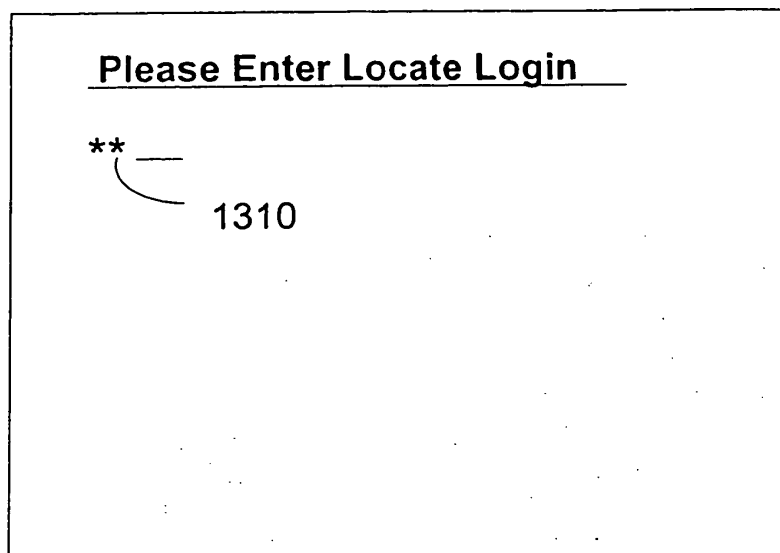


FIG. 13

1300

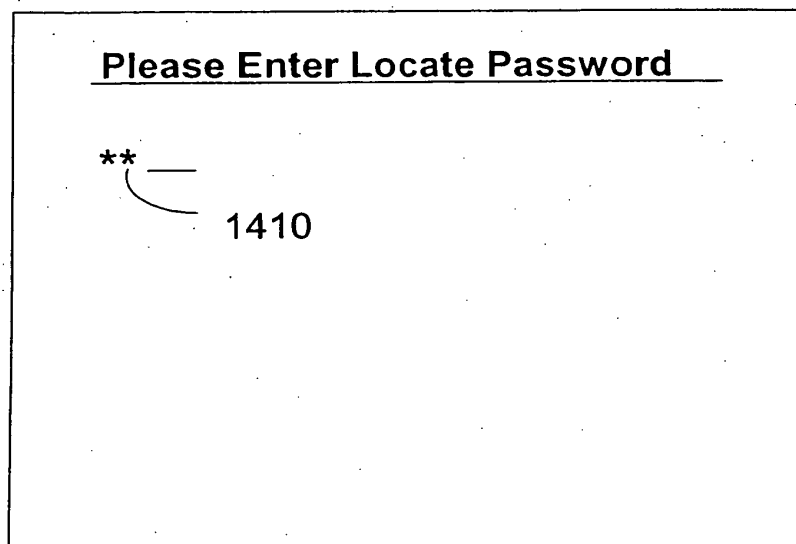


FIG. 14

1400

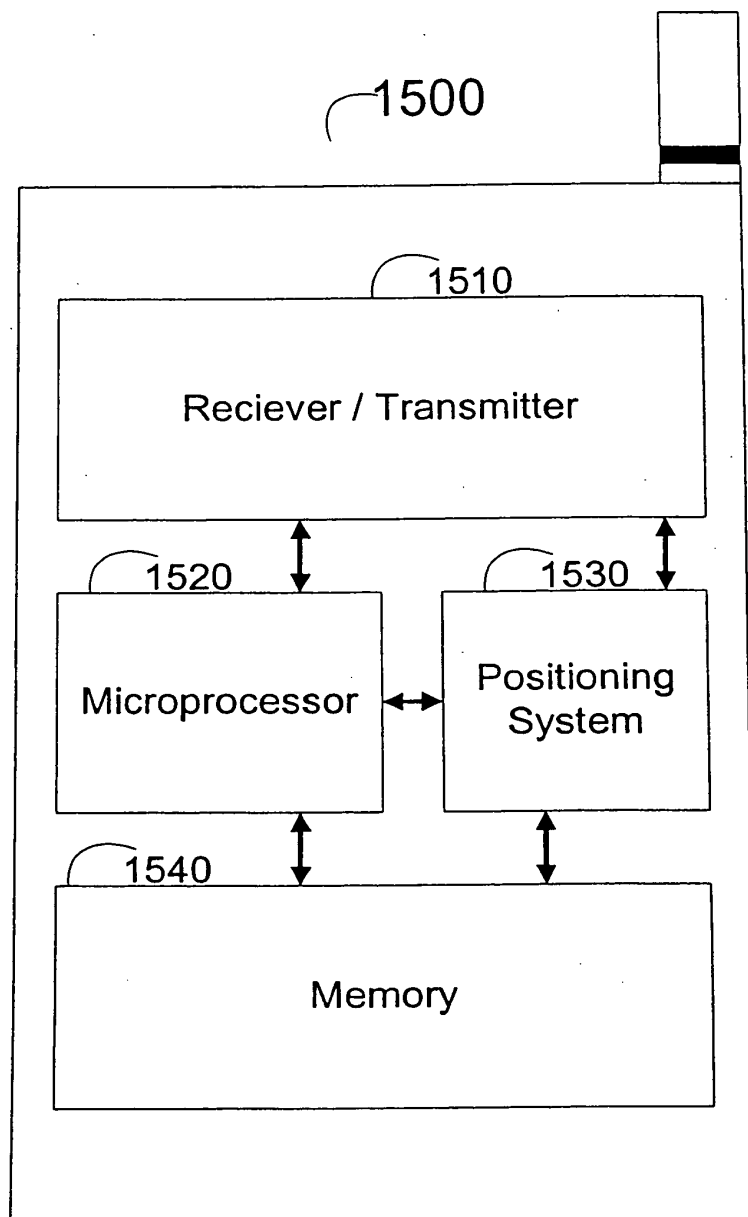


FIG. 15

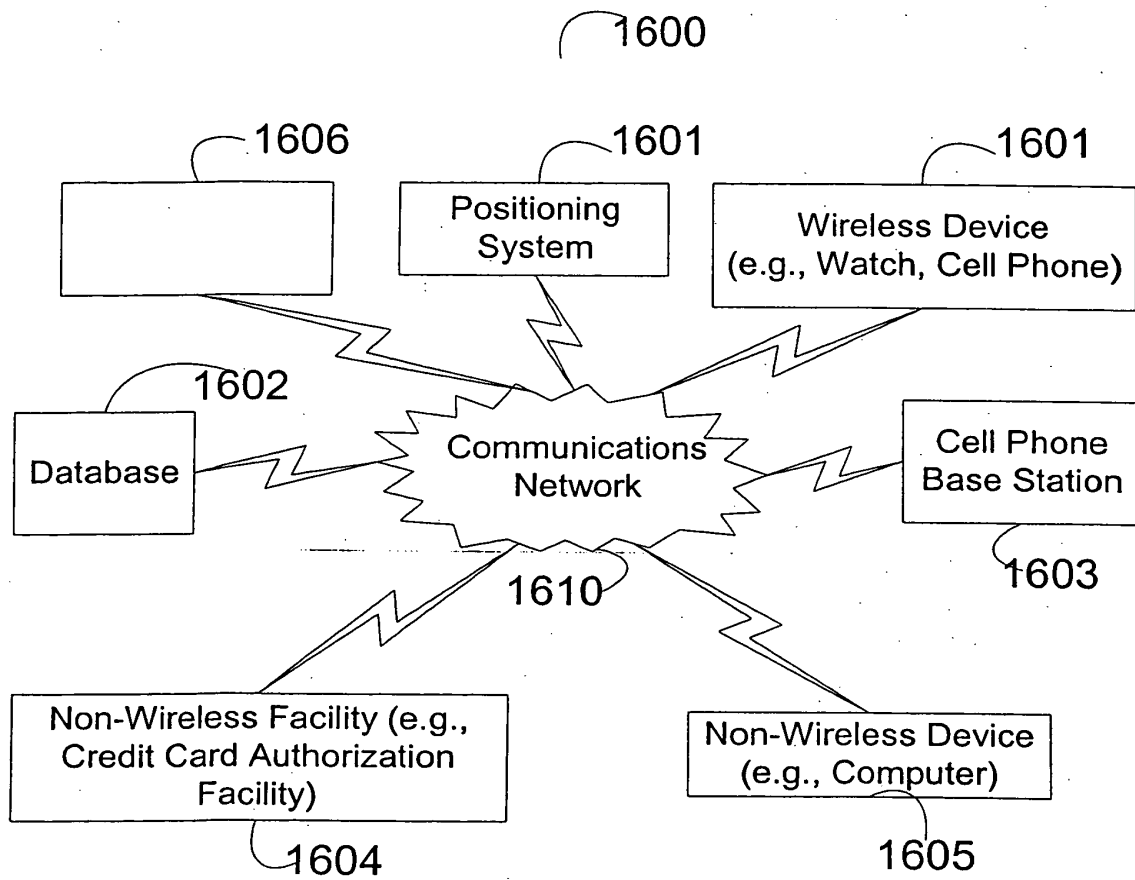


FIG. 16

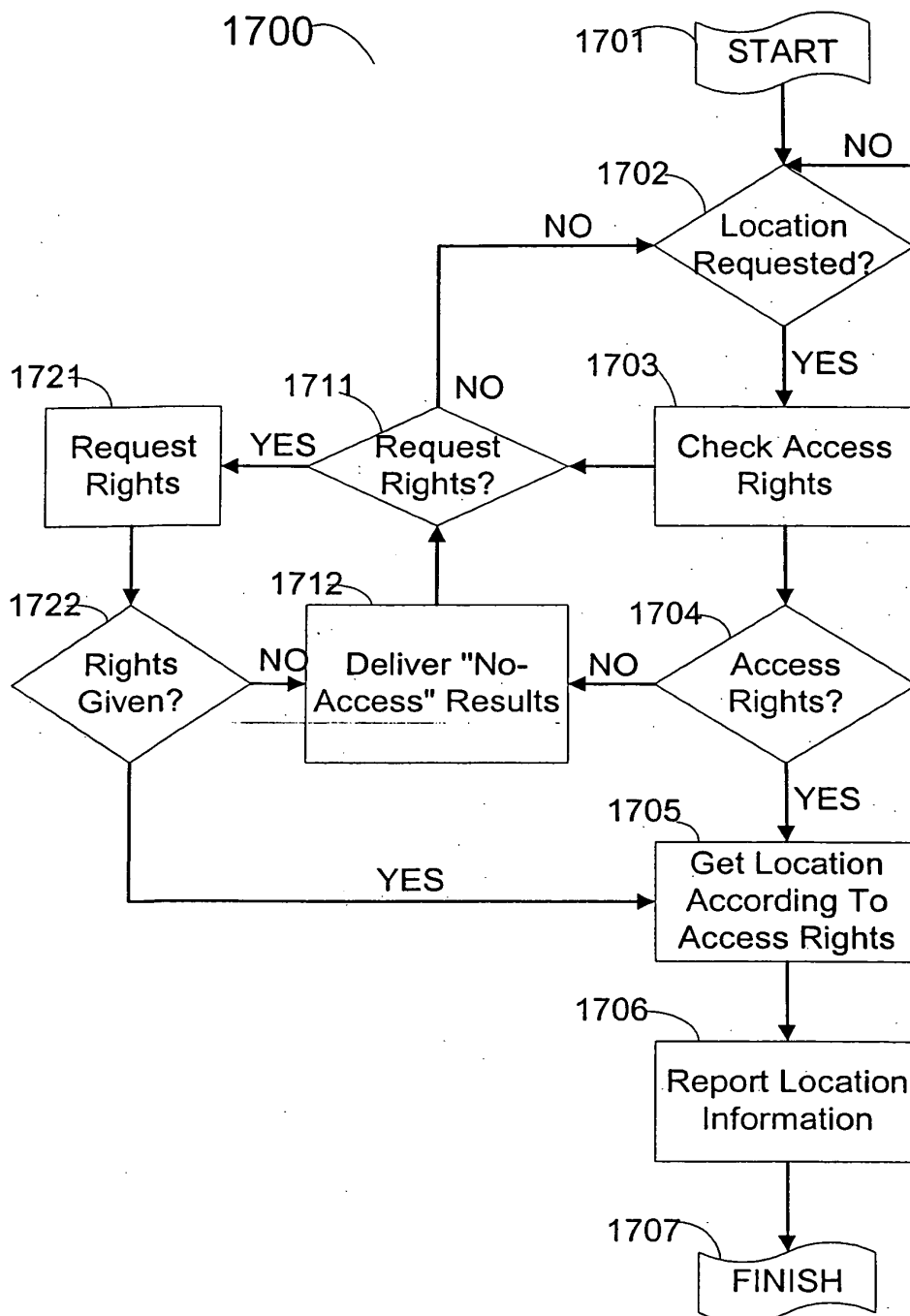


FIG. 17

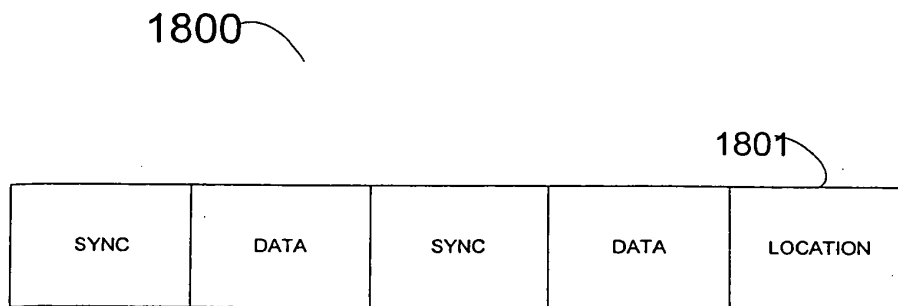


FIG. 18

DECLARATION

I, Jeffrey D. Mullen, declare that I am a citizen of the United States of America, respectively residing at and having post office addresses at 1 Mercer Court, Scarsdale, New York 10583; and

that I verily believe myself to be the original and first inventor of the invention or discovery in:

SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND
SECURITY MEASURES FOR THE SAME

which is described and claimed in the attached specification, and for which a patent is sought;

that I have reviewed and do understand the content of said specification, including the claims, and acknowledge my duty to disclose to the United States Patent and Trademark Office information known by myself to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

that I do not know and do not believe that this invention or discovery was ever known or used in the United States of America before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application; or in public use or on sale in the United States of America more than one year prior to this application; that this invention or discovery has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an

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application filed by myself or my legal representatives or assigns more than twelve months prior to this application; and that no application for patent or inventor's certificate on this invention or discovery has been filed in any country foreign to the United States of America by myself or my legal representatives or assigns;

I hereby claim the benefit under Title 35, United States Code § 119(e) to the United States provisional application listed below.

60/367,967

(Application Serial No.)

March 25, 2002

(Filing Date)

and I request that communications be sent to:

Jeffrey D. Mullen
1 Mercer Court
Scarsdale, New York 10583

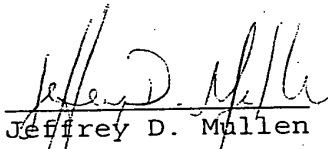
and that telephone calls be directed to:

Jeffrey D. Mullen
(914) 837-7741

Wherefore, I pray that Letters Patent be granted to myself for the invention or discovery described and claimed in the attached specification and claims, and I hereby subscribe my name to the foregoing specification, claims, and declaration.

I declare, further, that I understand the English language and that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

3/25/03
Date


Jeffrey D. Mullen

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.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875 Effective December 8, 2004

Application or Docket Number

11485161

APPLICATION AS FILED - PART I

(Column 1)

(Column 2)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A
TOTAL CLAIMS (37 CFR 1.16(j))	19 minus 20 =	✓
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =	0
APPLICATION SIZE FEE (37 CFR 1.16(e))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))		

RATE (\$)	FEE (\$)
N/A	150.00
N/A	\$250
N/A	\$100
X\$ 25 =	
X100 =	
+180=	

OR

RATE (\$)	FEE (\$)
N/A	300.00
N/A	\$500
N/A	\$200
X\$50 =	
X200 =	
+360=	

TOTAL

500

TOTAL

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(j))	Minus	**	=
Independent (37 CFR 1.16(h))	Minus	***	=
Application Size Fee (37 CFR 1.16(s))			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))			

RATE (\$)	ADDITIONAL FEE (\$)
X\$ 25 =	
X100 =	
+180=	

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

OR

TOTAL

ADD'L FEE

TOTAL

ADD'L FEE

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(j))	Minus	**	=
Independent (37 CFR 1.16(h))	Minus	***	=
Application Size Fee (37 CFR 1.16(s))			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))			

RATE (\$)	ADDITIONAL FEE (\$)
X\$ 25 =	
X100 =	
+180=	

TOTAL

ADD'L FEE

TOTAL

ADD'L FEE

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

07/14/2006 HDEMESS1 00000026 503855 11485161

01 FC:2011	150.00 DA
02 FC:2111	250.00 DA
03 FC:2311	100.00 DA

PTO-1556
(5/87)

U.S. Government Printing Office: 2002 — 489-267/69033

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : Not Yet Assigned
Confirmation No. : Not Yet Assigned
Filed : Herewith
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : Not Yet Assigned
Examiner : Not Yet Assigned

Hon. Commissioner for Patents
P.O. Box 1450 New York, NY 10036
Alexandria, VA 22313-1450 July 12, 2006

PRELIMINARY AMENDMENT

Sir:

Before examination of the application, please
amend the application as follows:

Amendments to the Specification are reflected
on page 2.

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

Remarks/Arguments begin on page 9 of this
paper.

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Amendments to the Specification:

Please add the following after page 1, line 2 and before page 1, line 3 of the specification.

--Cross-Reference To Related Applications

This application is a continuation of U.S. Patent Application No. 10/400,296, filed on March 25, 2003, which claims the benefit of U.S. Provisional Application No.60/367,967, filed on March 25, 2002, both of which are incorporated by reference herein in their entirety.--

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (new) A method comprising:

determining a location of a first wireless device;

providing said location to a facility;

requesting said location of said first wireless device by a second wireless device;

providing a permission by said first wireless device for said second wireless device to access location information about said location;

storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices;

providing said location information about said location from said facility to said second wireless device in accordance with said permission; and

wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device.

4. (new) The method of claim 3, wherein said first and second wireless devices are wireless telephones.

5. (new) The method of claim 3, wherein said second wireless device displays a map with a location marker associated with said location.

6. (new) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (new) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (new) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (new) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (new) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of second wireless device.

11. (new) The method of claim 3, further comprising:

 providing a first dating matching profile by said first wireless device;

 providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (new) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (new) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (new) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (new) The method of claim 3, wherein said permission is assigned for a period of time.

16. (new) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic area.

17. (new) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (new) The method of claim 3, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (new) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (new) A method comprising:
determining a first location of a first wireless device;
determining a second location of a second wireless device;
providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;
requesting said first location by said second wireless device;
requesting said second location by said first wireless device;
providing a first permission by said first wireless device for said second wireless device to obtain said first location;
providing a second permission by said second wireless device for said first wireless device to obtain said second location;
storing said first and second permissions on said server;
providing said first location from said server to said second wireless device as a result of said first permission; and

providing said second location from said server to first wireless device as a result of said second permission.

21. (new) A method comprising:
determining a first location of a first wireless device;
determining a second location of a second wireless device;
providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;
requesting said first location by said second wireless device;
requesting said second location by said first wireless device;
providing a first permission by said first wireless device for said second wireless device to obtain said first location;
providing a second permission by said second wireless device for said first wireless device to obtain said second location;
storing said first and second permissions on said server;
providing said first location from said server to said second wireless device as a result of said first permission;
providing said second location from said server to first wireless device as a result of said second permission;
providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

REMARKS

Summary of Applicant's Amendments

Applicant has cancelled claims 1 and 2 without prejudice. Applicant reserves the right to claim the subject matter lost in the cancellation of claims 1 and 2 in a continuation or divisional application.

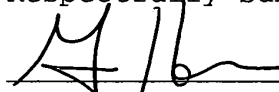
Applicant has added claims 3-21 in order to more particularly point out and distinctly claim the subject matter that applicant regards as the invention.

Conclusion

Applicant respectfully submits that this application, including claims 3-21, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully Submitted,



Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
350 West 43rd Street, Apt. 5H
New York, NY 10036
Tel.: (914) 837-7741

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	JDM/002 CON2
		Application Number	
Title of Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

Secrecy Order 37 CFR 5.2

☐	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
--------------------------	---

Applicant Information:

Applicant 1				
Applicant Authority ☒ Inventor		☐ Legal Representative under 35 U.S.C. 117		☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name	Suffix
	Jeffrey	D	Mullen	
Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service				
City	New York	State/Province	NY	Country of Residence i US
Citizenship under 37 CFR 1.41(b) i		US		
Mailing Address of Applicant:				
Address 1	350 West 43rd St., Apt. 5H			
Address 2				
City	New York	State/Province	NY	
Postal Code	10036	Countryi	US	
<p>All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.</p> <div style="text-align: right;"></div>				

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
☐ An Address is being provided for the correspondence Information of this application.	
Customer Number	32733
Email Address	jmullen54@aol.com  

Application Information:

Title of the Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME		
Attorney Docket Number	JDM/002 CON2	Small Entity Status Claimed ☒	
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	17	Suggested Figure for Publication (if any)	

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	JDM/002 CON2
		Application Number	
Title of Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME		

Publication Information:
☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.
Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ US Representative (37 CFR 11.9)
Customer Number	32733		

Domestic Priority Information:

This section allows for the applicant to claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	10/400296	2003-03-25
Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
10/400296	non provisional of	60/367967	2002-03-25

Additional Domestic Priority Data may be generated within this form by selecting the **Add** button.

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

Remove			
Application Number	Country ⁱ	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☐ Yes ☒ No

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	JDM/002 CON2
		Application Number	
Title of Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME		

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

Assignee 1

If the Assignee is an Organization check here. ☐

Prefix	Given Name	Middle Name	Family Name	Suffix

Mailing Address Information:

Address 1			
Address 2			
City		State/Province	
Country i		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Assignee Data may be generated within this form by selecting the **Add** button.

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature				Date (YYYY-MM-DD)	2006-07-12
First Name	Jeffrey D.	Last Name	Mullen	Registration Number	52056

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875 Effective December 8, 2004

Application or Docket Number

11485161

APPLICATION AS FILED - PART I

(Column 1)

(Column 2)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(e), (f), or (g))	N/A	N/A
SEARCH FEE (37 CFR 1.16(h), (i), or (j))	N/A	N/A
EXAMINATION FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A
TOTAL CLAIMS (37 CFR 1.16(n))	19 minus 20 =	✓
INDEPENDENT CLAIMS (37 CFR 1.16(n))	3 minus 3 =	0
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).	

RATE (\$)	FEE (\$)
N/A	150.00
N/A	\$250
N/A	\$100
X\$ 25 =	
X100 =	
+180=	

RATE (\$)	FEE (\$)
N/A	300.00
N/A	\$500
N/A	\$200
X\$50 =	
X200 =	
+360=	

MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(g))

TOTAL

500

TOTAL

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(g))	19	20	✓
Independent (37 CFR 1.16(g))	3	3	✓
Application Size Fee (37 CFR 1.16(s))			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(g))			

RATE (\$)	ADDITIONAL FEE (\$)
X\$ 25 =	
X100 =	
+180=	
TOTAL ADD'L FEE	

RATE (\$)	ADDITIONAL FEE (\$)
X\$50 =	
X200 =	
+360=	
TOTAL ADD'L FEE	

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(g))			
Independent (37 CFR 1.16(g))			
Application Size Fee (37 CFR 1.16(s))			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(g))			

RATE (\$)	ADDITIONAL FEE (\$)
X\$ 25 =	
X100 =	
+180=	
TOTAL ADD'L FEE	

RATE (\$)	ADDITIONAL FEE (\$)
X\$50 =	
X200 =	
+360=	
TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/485,161		Filing Date 07/12/2006		☐ To be Mailed	
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APPLICATION AS FILED – PART I						OTHER THAN SMALL ENTITY			
(Column 1)		(Column 2)		SMALL ENTITY ☒		OR		SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A		N/A		N/A		
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A		N/A		N/A		
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		N/A		N/A		
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =		OR	X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =		OR	X \$ =			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))			If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
			TOTAL		TOTAL				

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II						OTHER THAN SMALL ENTITY					
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		SMALL ENTITY	
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)			
Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR	X \$ =			
Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR	X \$ =			
☐ Application Size Fee (37 CFR 1.16(s))											
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE			

(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		SMALL ENTITY	
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)			
Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR	X \$ =			
Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR	X \$ =			
☐ Application Size Fee (37 CFR 1.16(s))											
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE			

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/ANDREA BURDEN/

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen

Application No. : 11/485,161

Confirmation No. : 1639

Filed : July 12, 2006

For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES AND
SECURITY MEASURES FOR THE SAME

Group Art Unit : 2614

Examiner : Not Yet Assigned

Hon. Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

New York, NY 10036

October 17, 2006

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.56 and 1.97,
applicant wishes to call the attention of the Examiner to the
following documents:

U.S. Patent Documents

4,654,879	03/31/1987	Goldman et al.
5,043,736	08/27/1991	Darnell et. al
5,086,390	02/04/1992	Matthews
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WO 01/039525	05-31-2001	Nokia Networks
WO 01/039528	05-31-2001	Nokia Networks
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WO 01/050544	07-12-2001	Nokia Networks
WO 01/086880	11-15-2001	Nokia Networks
WO 01/089251	11-22-2001	Nokia Networks
WO 02/003718	01-10-2002	Nokia Networks

Other Documents

ETSI TS 101 513. "Digital Cellular Telecommunications System (Phase 2): Location Services (LCS)," GSM 12.71, version 8.0.1. 1999.

ETSI TS 101 527 "Digital Cellular Telecommunications System (Phase 2+): Location Services (LCS): Mobile Station (MS): Serving Mobile Location Centre (SMLC)," Radio Resource LCS Protocol (RRLP), GSM 04.31, version 8.1.0. 1999.

All of the above-identified documents were cited in parent United States Patent Application No. 10/400,296. Copies of the non-U.S. publication documents are being submitted herewith.

It is respectfully requested that these documents be (1) fully considered by the Patent and Trademark Office during examination of this application; and (2) printed on any patent which may issue on this application. Applicant requests that a copy of Form PTO/SB/08A, as considered and

initialed by the Examiner, be returned with the next communication.

The documents above marked with numeral one, **(1)**, were cited in the Office Action mailed March 8, 2005 in related United States Patent Application No. 10/400,296. Applicant draws the Examiner's attention to this Office Action.

The documents above marked with numeral two, **(2)**, were cited in the Office Action mailed October 13, 2005 in related United States Patent Application No. 10/400,296. Applicant draws the Examiner's attention to this Office Action.

This Statement is being submitted before the mailing of a first office action on the merits. Thus, in accordance with 37 C.F.R. § 1.97, no fee is due. The Director, however, is hereby authorized to charge any fees required for this filing, or credit any overpayment thereon, to Deposit Account No. 50-3855, Order No. JDM-002 CON2.

An early and favorable action is respectfully
requested.

Respectfully submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen

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Substitute for form 1449A/PTO				Complete if known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	11/485,161
				Filing Date	July 12, 2006
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	2614
				Examiner Name	Not Yet Assigned
Sheet	1	of	7	Attorney Docket Number	JDM/002 CON2

U.S. PATENT DOCUMENTS					
Examiner initials*	Cite No. ¹	Document Number Number – Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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		5,043,736	08/27/1991	Darnell et. al	
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				First Named Inventor	Jeffrey D. Mullen
				Art Unit	2614
				Examiner Name	Not Yet Assigned
Sheet	2	of	7	Attorney Docket Number	JDM/002 CON2

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Sheet		3	of	7	Filing Date July 12, 2006
					First Named Inventor Jeffrey D. Mullen
					Art Unit 2614
					Examiner Name Not Yet Assigned
					Attorney Docket Number JDM/002 CON2

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				Art Unit	2614
				Examiner Name	Not Yet Assigned
Sheet	4	of	7	Attorney Docket Number	JDM/002 CON2

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		6,806,813	10/19/2004	Cheng et al.	102(e) 06/04/1999
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		6,879,838	04/12/2005	Rankin et al.	102(e) 04/20/2001
		6,882,837	04/19/2005	Fernandez et al.	102(e) 01/23/2002
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		6,944,447	09/13/2005	Portman et al.	102(e) 09/04/2001
		2002/0042277	04/11/2002	Steven Smith	102(e) 01/18/2001
		2004/0127231	07/01/2004	Dorr	07/23/2001 (PCT)
		2004/0180669	09/16/2004	Jan Kall	06/07/2001 (PCT)
		D464,033	10/08/2002	Piano Poirier	102(e) 01/23/2002

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		WO 99/007170	02-11-1999	Nokia Telecommunications		
		WO 99/009775	02-25-1999	Nokia Telecommunications		
		WO 99/051051	03-31-1999	Nokia Telecommunications		
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		WO 00/064075	10-26-2000	Nokia Networks		
		WO 00/076194	12-14-2000	Nokia Networks		
		WO 00/076243	12-14-2000	Nokia Networks		
		WO 01/001711	01-04-2001	Nokia Networks		
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		WO 01/003406	01-11-2001	Nokia Networks		
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		WO 01/089251	11-22-2001	Nokia Networks		
		WO 02/003718	01-10-2002	Nokia Networks		

NON PATENT LITERATURE DOCUMENTS		
Examiner initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
		ETSI TS 101 513. "Digital Cellular Telecommunications System (Phase 2): Location Services (LCS)," GSM 12.71, version 8.0.1. 1999.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	11/485,161
				Filing Date	July 12, 2006
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	2614
				Examiner Name	Not Yet Assigned
Sheet	7	of	7	Attorney Docket Number	JDM/002 CON2

NON PATENT LITERATURE DOCUMENTS			
Examiner initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		ETSI TS 101 527 "Digital Cellular Telecommunications System (Phase 2+): Location Services (LCS): Mobile Station (MS): Serving Mobile Location Centre (SMLC)," Radio Resource LCS Protocol (RRLP), GSM 04.31, version 8.1.0. 1999.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. 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 2 hours 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Electronic Acknowledgement Receipt

EFS ID:	1258682
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	17-OCT-2006
Filing Date:	12-JUL-2006
Time Stamp:	22:41:42
Application Type:	Utility

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed	JDM-002CON2-IDS.pdf	23309	no	7

Warnings:

Information:					
This is not an USPTO supplied IDS fillable form					
2	NPL Documents	ETSITS101513v810.pdf	2177205	no	65
Warnings:					
Information:					
3	NPL Documents	ETSITS101527v810.pdf	2036965	no	52
Warnings:					
Information:					
4	NPL Documents	WO00-28760.pdf	1248176	no	26
Warnings:					
Information:					
5	NPL Documents	WO00-35228.pdf	729369	no	23
Warnings:					
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6	NPL Documents	WO00-38350.pdf	758072	no	17
Warnings:					
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7	NPL Documents	WO00-64075.pdf	817715	no	23
Warnings:					
Information:					
8	NPL Documents	WO00-76194.pdf	1545232	no	33
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Information:					
9	NPL Documents	WO00-76243.pdf	801735	no	26
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10	NPL Documents	WO01-01711.pdf	1527959	no	41

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11	NPL Documents	WO01-01718.pdf	826937	no	19
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12	NPL Documents	WO01-03406.pdf	765570	no	26
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13	NPL Documents	WO01-03454.pdf	784446	no	23
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14	NPL Documents	WO01-03461.pdf	1122937	no	36
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15	NPL Documents	WO01-20938.pdf	932475	no	31
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16	NPL Documents	WO01-33885.pdf	1195034	no	25
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17	NPL Documents	WO01-39525.pdf	1460131	no	47
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18	NPL Documents	WO01-39528.pdf	1188426	no	38
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19	NPL Documents	WO01-41468.pdf	808919	no	23

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21	NPL Documents	WO01-50544.pdf	572123	no	20
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22	NPL Documents	WO01-86880.pdf	647019	no	20
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23	NPL Documents	WO01-89251.pdf	1401466	no	38
Warnings:					
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24	NPL Documents	WO02-03718.pdf	1406207	no	43
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25	NPL Documents	WO99-07170.pdf	1428603	no	37
Warnings:					
Information:					
26	NPL Documents	WO99-09775.pdf	1039394	no	25
Warnings:					
Information:					
27	NPL Documents	WO99-51051.pdf	1107348	no	26
Warnings:					
Information:					
Total Files Size (in bytes):			28692675		

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.



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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2

CONFIRMATION NO. 1639

32733
JEFFREY D. MULLEN
350 WEST 43RD ST., APT. 5H
NEW YORK, NY10036

Title: Systems and methods for locating cellular phones and security measures for the same

Publication No. US-2006-0252431-A1

Publication Date: 11/09/2006

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 703-305-3028.

Pre-Grant Publication Division, 703-605-4283



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733 7590 01/11/2008 JEFFREY D. MULLEN 731 SOUTH NEGLEY APT. 2 PITTSBURGH, PA 15232			EXAMINER DEANE JR, WILLIAM J	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

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.

Office Action Summary	Application No.	Applicant(s)	
	11/485,161	MULLEN, JEFFREY D.	
	Examiner	Art Unit	
	William J. Deane	2614	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 12 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ 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

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ 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).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).
- a) ☐ All b) ☐ Some * c) ☐ None of:
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) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application |
| 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 – 2 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 79 of copending Application No. 10/400296. Although the conflicting claims are not identical, they are not patentably distinct from each other because both are claiming requesting a location from one cellular phone, assigning access rights to a second cellular phone and depending on those access rights, sending the location information to the second cellular phone user.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Application/Control Number:
11/485,161
Art Unit: 2614

Page 3

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 7,177,651 (Almassy).

With respect to claims 1—2, note Fig. 1 and Col. 3, line 4 – Col. 4, line 54.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

07Jan2008


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER

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Substitute for form 1449A/PTO				Complete if known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	11/485,161
				Filing Date	July 12, 2006
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	2614
				Examiner Name	Not Yet Assigned
Sheet	1	of	7	Attorney Docket Number	JDM/002 CON2

U.S. PATENT DOCUMENTS					
Examiner initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (If known)			
<i>ms</i>		4,654,879	03/31/1987	Goldman et al.	
		5,043,736	08/27/1991	Darnell et. al	
		5,086,390	02/04/1992	Matthews	
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		5,767,788	06/16/1998	Ness	
		5,778,315	07/07/1998	Proietti	
		5,796,634	08/18/1998	Craport et al.	

Examiner Signature	<i>Bill Deane</i>	Date Considered	<i>07 Jan 08</i>
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				Art Unit	2614
				Examiner Name	Not Yet Assigned
(use as many sheets as necessary)				Attorney Docket Number	JDM/002 CON2
Sheet	2	of	7		

		5,805,999	09/08/1998	Inoue	
		5,815,538	09/29/1998	Grell et al.	
		5,832,381	11/03/1998	Kauppi	
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		6,173,182	01/09/2001	Cha	

Examiner Signature	<i>Bill Deane</i>	Date Considered	<i>07 Jan 08</i>
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		First Named Inventor	Jeffrey D. Mullen
		Art Unit	2614
		Examiner Name	Not Yet Assigned
(use as many sheets as necessary)		Attorney Docket Number	JDM/002 CON2
Sheet	3	of	7

	6,201,803	03/13/2001	Munday et al.	
	6,208,866	03/27/2001	Rouhollahzadeh et al.	
	6,236,359	05/22/2001	Watters et al.	
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	6,400,956	06/02/2002	Richton	102(e) 11/15/1999
	6,408,186	06/18/2002	Park et al.	102(e) 06/21/2000

Examiner Signature	<i>Bill Deane</i>	Date Considered	<i>07 Jan 08</i>
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	11/485,161
				Filing Date	July 12, 2006
				First Named Inventor	Jeffrey D. Mullen
				Art Unit	2614
				Examiner Name	Not Yet Assigned
Sheet	4	of	7	Attorney Docket Number	JDM/002 CON2

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Examiner Signature	<i>Bill Deane</i>	Date Considered	<i>07 Jan 08</i>
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				Filing Date	July 12, 2006
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				Art Unit	2614
				Examiner Name	Not Yet Assigned
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Examiner Initials*	Cite No.†	Foreign Patent Document Country Code* - Number* - Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T*
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U		WO 00/035228	06-15-2000	Nokia Networks		

Examiner Signature	B. H. Deane	Date Considered	07 Jan 08
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		Filing Date	July 12, 2006
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FOREIGN PATENT DOCUMENTS						
Examiner initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ² - Number ³ - Kind Code ⁵ (if known)				
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Examiner initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
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Examiner Signature	Bill Deane	Date Considered	07 Jan 08
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		Filing Date	July 12, 2006
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Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
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Examiner Signature	Bill Deane	Date Considered	07 Jan 08
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Notice of References Cited	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner William J. Deane	Art Unit 2614	Page 1 of 1

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
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	E	US-			
	F	US-			
	G	US-			
	H	US-			
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	J	US-			
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	L	US-			
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FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims



Application/Control No.

11/485,161

Examiner

William J. Deane

Applicant(s)/Patent under Reexamination

MULLEN, JEFFREY D.

Art Unit

2614

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
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N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim	Date
Final	Original
1	✓ 10/30/08
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11/485,161

William J. Deane

MULLEN, JEFFREY D.

2614

[illegible]

Class	Subclass	Date	Examiner

[illegible]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15232
May 29, 2008

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated January 11, 2008. A two-month extension of time is applicable hereto. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (previously presented) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim
3, wherein said second wireless device displays a map
with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (currently amended) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for

said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (currently amended) A method comprising:
determining a first location of a first wireless device;
determining a second location of a second wireless device;
providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;
requesting said first location by said second wireless device;
requesting said second location by said first wireless device;
providing a first permission by said first wireless device for said second wireless device to obtain said first location;
providing a second permission by said second wireless device for said first wireless device to obtain said second location;
storing said first and second permissions on said server;
providing said first location from said server to said second wireless device as a result of said first permission; and
providing said second location from said server to said first wireless device as a result of said second permission.

21. (currently amended) A method comprising:

- determining a first location of a first wireless device;
- determining a second location of a second wireless device;
- providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;
- requesting said first location by said second wireless device;
- requesting said second location by said first wireless device;
- providing a first permission by said first wireless device for said second wireless device to obtain said first location;
- providing a second permission by said second wireless device for said first wireless device to obtain said second location;
- storing said first and second permissions on said server;
- providing said first location from said server to said second wireless device as a result of said first permission;
- providing said second location from said server to said first wireless device as a result of said second permission;
- providing updates of said first location to said second wireless device as a result of said first permission; and
- providing updates of said second location to said first wireless device as a result of said second permission.

22. (new) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (new) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (new) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (new) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (new) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (new) The method of claim 20, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

28. (new) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (new) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (new) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (new) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (new) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

The Examiner provisionally rejected claims 1 and 2 on the ground of non-statutory double patenting as being unpatentable over claims 1-79 of copending Application No. 10/400,296 (hereinafter "the '296 application").

Claims 1 and 2 were rejected under 35 U.S.C. 102(e) as being anticipated by Almassy U.S. Patent No. 7,177,651 (hereinafter "Almassy").

Summary of Applicant's Amendments

Applicant has added new claims 22-32.

Applicant has amended claims 10, 20, and 21 without prejudice and solely in order to expedite prosecution.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Improper Rejections

The Examiner rejected claims 1 and 2. Claims 1 and 2 were cancelled in the Preliminary Amendment dated July 12, 2006. Additionally, claims 3-21 were added in the Preliminary Amendment.

Accordingly, applicant respectfully submits that the Examiner's rejections of claims 1 and 2 are moot.

Applicant's Reply to the Double Patenting Rejection

The Examiner provisionally rejected claims 1 and 2 on the ground of non-statutory double patenting as being unpatentable over claims 1-79 of the '296 application.

As shown above, the Examiner's rejections are moot as claims 1 and 2 were cancelled in the Preliminary Amendment dated July 12, 2006.

Claims 3-32 are currently pending. Each of claims 3-32 include patentable features not included in any claim of the '296 application. Accordingly, no double patenting rejection is merited in view of the '296 application.

In light of the foregoing, applicant respectfully requests that the Examiner's provisional double patenting rejections be withdrawn.

Applicant's Reply to the 102(e) Rejections

Claims 1 and 2 were rejected under 35 U.S.C. 102(e) as being anticipated by Almassy.

As shown above, the Examiner's rejections are moot as claims 1 and 2 were cancelled in a Preliminary Amendment dated July 12, 2006.

Accordingly, applicant respectfully requests that the Examiner's rejection be withdrawn.

Claim 3

Almassy does not show or suggest applicant's invention of claim 3 of providing a permission by a first wireless device for a second wireless device to access location information about a location, requesting the location, storing the permission, and providing the location information from the facility. Almassy, at best, alleges authorizing the transmission of a position

from one mobile station to another mobile station. Authorizing such a transmission is not applicant's invention of claim 3 of providing a permission - that is stored on a server - to access a location from a facility.

Accordingly, applicant respectfully submits that claim 3, and any claims dependent therefrom, is patentable.

Claims 20 and 21

Almassy does not show or suggest applicant's invention of claims 20 or 21 of providing a first permission by said first wireless device for said second wireless device to obtain said first location, requesting the first location, storing the first permission, and providing the first location from the server. Almassy, at best, alleges authorizing the transmission of a position from one mobile station to another mobile station. Authorizing such a transmission is not applicant's invention of providing a permission - that is stored on a server - to obtain a first location from the server.

Accordingly, applicant respectfully submits that claims 20 and 21, and any claims dependent therefrom, is patentable.

New Claims 22-32

As shown above, claims 20 and 21 are patentable. New claims 22-32 depend from patentable claims 20 and 21. Accordingly, new claims 22-32 are patentable for depending from patentable independent claims.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully Submitted,

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Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	2202	10	25	250
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 2 months with \$0 paid	2252	1	230	230
Miscellaneous:				
Total in USD (\$)				480

Electronic Acknowledgement Receipt

EFS ID:	3373763
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	29-MAY-2008
Filing Date:	12-JUL-2006
Time Stamp:	14:16:53
Application Type:	Utility under 35 USC 111(a)

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RAM confirmation Number	9194
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Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON2--Reply.pdf	64566 <small>3e6c79c3f057dd0fc41b2e3d29770bda 3d0ae6b</small>	yes	12

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment - After Non-Final Rejection	1	1
Claims	2	8
Applicant Arguments/Remarks Made in an Amendment	9	12

Warnings:

Information:

2	Fee Worksheet (PTO-06)	fee-info.pdf	8326 <small>73269738b3812f471e68e18ca48cc4f1 18939311</small>	no	2
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Warnings:

Information:

Total Files Size (in bytes):

72892

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733 7590 09/22/2008 JEFFREY D. MULLEN 731 SOUTH NEGLEY APT. 2 PITTSBURGH, PA 15232			EXAMINER DEANE JR, WILLIAM J	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 09/22/2008	DELIVERY MODE PAPER

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.

Office Action Summary	Application No.	Applicant(s)	
	11/485,161	MULLEN, JEFFREY D.	
	Examiner	Art Unit	
	William J. Deane	2614	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 29 May 2008.

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

3) ☐ 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

4) ☒ Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-32 is/are rejected.

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

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

Application Papers

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

10) ☐ 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).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a) ☐ All b) ☐ Some * c) ☐ None of:

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

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

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

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

Attachment(s)

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

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

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

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *in re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *in re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *in re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *in re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *in re Vogel* 422 F.2d 438, 164 U. SPQ 619 (CCPA 1970); and *in re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 3 - 32 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 - 79 of copending Application No. 10/400296. Although the conflicting claims are not identical, they are not patentably distinct from each other because both are claiming requesting a location from one cellular phone, assigning access rights to a second cellular phone and depending on those access rights, sending the location information to the second cellular phone user.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 3 - 32 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3 - 22 of copending Application No. 11/841765. Although the conflicting claims are not identical, they are not patentably distinct from each other because both are claiming requesting a location from one cellular phone, assigning access rights to a second cellular phone and depending on those access rights, sending the location information to the second cellular phone user.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3 – 10, 12 – 16, 19 - 32 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,885,874 (Grube et al.).

With respect to claims 3 – 4, 20 – 22, 28 note Col. 3, lines 51 – 65, Col. 4, lines 51 – 53, Col. 5, lines 2 – 4, Col. 6, lines 14 – 26, Col. 11, lines 1 – 42, Col. 13, lines 5 – 23, Col. 14, lines 35 - 55 and Figs. 4, 4, 6A and 6B.

With respect to claims 5 - 7, 23 – 25, 29 - 31 note Fig. 2, Col. 6, lines , 4 - 32 and Col. 3, line 47, Col. 8, line 52 and Col. 18, line 40.

With respect to claims 8, 26 and 32, note Col. 10, line 47 – Col. 11, line 42.

With respect to claim 9, note Col. 6, lines 33 – 41.

With respect to claim 10, 27 note Col. 6, line 59 – Col. 7, line 20 and Col. 16, lines 11 – 26.

With respect to claims 12 – 16, note the rejections above.

With respect to claim 19, such a limitation is inherent in view of the above.

Claim Rejections - 35 USC § 103

The following is a quotation of 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.

Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al. in view of U.S. Patent Application No. 2003/0013446 (Bates et al.).

With respect to the dating profile aspect of the claimed limitation, note paragraphs 0021 and 0038 of Bates et al. it would have been obvious (if not inherent in Grube et al.) to one of ordinary skill in the art to have incorporated such use as identifiers and profiles in Grube et al. in order to more efficiently assist customers. In addition, it is noted that the use of identifiers and user profiles are notoriously old in the art and it would have been obvious to one of ordinary skill to use such wherever it was deemed necessary. Once one incorporates the use of user profiles and identifiers, it would be obvious to use such as dating profiles.

Claims 17 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al. in view of U.S. Patent Application No. 2002/0102989 (Calvert et al.).

As shown above, Grube et al. teach the claimed limitations as shown above and teach the use of access levels. Calvert et al. teach the same access levels as described in applicant's specification. Note the approximate and exact locations in the Abstract of Calvert et al. It would have been obvious to one of ordinary skill in the art to have incorporated such plurality of access levels as disclosed by Calvert et al. into the Grube et al. system and method as such would only entail the substitution of well known access levels for others.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

14Sep2008

/William J Deane/

Primary Examiner, Art Unit 2614

Application/Control Number: 11/485,161
Art Unit: 2614

Page 6

Notice of References Cited	Application/Control No. 11/485,161		Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner William J. Deane		Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,885,874	04-2005	Grube et al.	455/520
*	B	US-2002/0102989	08-2002	Calvert et al.	455/456
*	C	US-2003/0013456	01-2003	Bates et al.	455/456
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	09/14/2008								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
	10	✓								
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	24	✓								
	25	✓								
	26	✓								
	27	✓								
	28	✓								
	29	✓								
	30	✓								
	31	✓								
	32	✓								

<i>Search Notes</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Pittsburgh, PA 15232
Alexandria, VA 22313-1450 March 22, 2009

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated September 22, 2008. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (previously presented) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim
3, wherein said second wireless device displays a map
with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for

said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (previously presented) A method comprising:

- determining a first location of a first wireless device;

- determining a second location of a second wireless device;

- providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

- requesting said first location by said second wireless device;

- requesting said second location by said first wireless device;

- providing a first permission by said first wireless device for said second wireless device to obtain said first location;

- providing a second permission by said second wireless device for said first wireless device to obtain said second location;

- storing said first and second permissions on said server;

- providing said first location from said server to said second wireless device as a result of said first permission; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

The Examiner provisionally rejected claims 3-32 on the ground of non-statutory double patenting as being unpatentable over claims 1-79 of copending Application No. 10/400,296 (hereinafter "the '296 application").

The Examiner provisionally rejected claims 3-22 on the ground of non-statutory double patenting as being unpatentable over claims 3-22 of copending Application No. 11/841,765 (hereinafter "the '765 application").

Claims 3-10, 12-16, and 19-22 were rejected under 35 U.S.C. 102(e) as being anticipated by Grube U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Bates U.S. Patent Application No. 2003/0013446 (hereinafter "Bates").

Claim 17-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the Double Patenting Rejection

The Examiner provisionally rejected claims 3-32 on the ground of non-statutory double patenting as being unpatentable over claims 1-79 of the '296 application.

All of the claims of the '296 application, however, are patentable distinct from the claims of the present application. For example, claims 1, 67, and 71 of the '296 application includes requesting that location access rights be assigned for said second wireless device by a first wireless device if location access rights have not yet been assigned. Claims 38, 61, and 74 of the '296 application includes assigning first location access rights in response to a request that first location access rights be assigned. Claims 45, 69, and 77 includes providing a location from a server dependent upon access rights even when a wireless telephone is OFF. Claims 3-32 of the present application do not include such features. Similarly, the claims the present application include patentable features not included in the claims of the '296 application. Accordingly, applicant respectfully requests that the Examiner's double patenting rejection of the present application in view of the '296 application be withdrawn.

The Examiner provisionally rejected claims 3-22 on the ground of non-statutory double patenting as being unpatentable over claims 3-22 of the '765 application.

All of the claims of the '765 application, however, include the patentable feature of providing a signal from a device to a second wireless

telephonic device without location information. None of the claims of the present application include this feature. Similarly, all of the claims of the present application include the patentable feature of storing permission at either a facility or server. None of the claims of the '765 application include this feature. Accordingly, applicant respectfully requests that the Examiner's double patenting rejection of the present application in view of the '765 application be withdrawn.

As shown above, each of claims 3-32 are patentable distinct from the claims of the '296 application or '765 application. Accordingly, no double patenting rejection is merited in view of the '296 application or the '765 application. Applicant respectfully requests that the Examiner's provisional double patenting rejections be withdrawn.

Regardless, the double patenting rejection is a provisional and, as such, pre-mature until the claims of the '296 and '765 patents are placed in condition for allowance.

Applicant's Reply to the 102(e) Rejections

Claims 3-10, 12-16, and 19-22 were rejected under 35 U.S.C. 102(e) as being anticipated by Grube.

Grube alleges a radio that distributes a location to subscribers of a dispatch talkgroup created for a specific event (e.g., a traffic accident). Filtering policies are pre-set by third parties to control the type of data client software receives from a separate GPS device. Third parties may determine service levels for all users and are global service levels for

these users (e.g., "monitoring users" or "contributing users").

Claim 3

Applicant's invention of claim 3, however, includes requesting the location of a first wireless device by a second wireless device, providing a permission by the first wireless device for the second wireless device to access location information about the location, and providing the location information from a facility in accordance with the permission.

Grube does not show or suggest practically anything of interest.

Grube alleges radio talkgroups in a dispatch setting and controlled by a dispatch control room. In doing so, a dispatch may force a police officer to communicate his/her location to all police officers of a radio talkgroup when a specific event occurs (e.g., a traffic accident).

Grube's pre-determined filtering policies merely determine the type of information to grab from a GPS device located separately from the radio. Accordingly, Grube's client algorithm merely allegedly filters information from the location unit for all talkgroup subscribers. For example:

"the filtering policies may define, for example, how often and what type of location information the client should receive from the locating determination units how often and what type of location information the client should report to the GLSS controller for the purposes of disseminating it to the GLSS subscribers."
(Grube, col. 10, lines 49-54).

The filtering is used to reduce load. For example:

"the filtering policy is designed to exclude or filter out certain low-priority information, thereby communicating relatively high-priority information to the receiving subscriber so as to reduce the cognitive load on the user" (Grube, col. 17, lines 19-27).

Grube's service levels are just as irrelevant as Grube's filtering policies. Such service levels are allegedly determined merely based on general categorizations of transmission type. For example:

"service levels may be based on the level of participation of the subscriber (e.g., 'monitoring online' or 'contributing only'). A 'monitoring only' participant does not transmit its own location but receives all location information transmissions. The 'contributing only' participant is the opposite by not receiving any of the location information broadcasts but sending its own information data." (Grube, col. 11, lines 13-20).

Such service levels and pre-determined filtering policies are dictated across the talkgroup for a specific event.

Accordingly, Grube does not show or suggest applicant's invention of claim 3 that includes requesting the location of a first wireless device by a second wireless device, providing a permission by the first wireless device for the second wireless device to access location information about the location, and providing the location information from a facility in accordance with the permission.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 3, and any claim dependent therefrom, is patentable.

Claims 20 and 21

Applicant's invention of claims 20 and 21 include patentable features similar to patentable features of claim 3.

Particularly, applicant's invention of claims 20 or 21 of requesting a first location by a second wireless device, providing a first permission by said first wireless device for the second wireless device to obtain the first location, and providing the first location to the second wireless device as a result of the first permission.

As shown above in connection with applicant's arguments for the patentability of claim 3, Grube does not show or suggest such features. Accordingly, applicant respectfully requests that the Examiner's rejections of claims 20 and 21, and any claims dependent therefrom, be withdrawn.

Applicant's Reply to the 103(a) Rejections

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Bates. Claim 17-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Calvert.

As shown above, claim 3 is patentable. Claims 11 and 17-18 depend from claim 3. Accordingly, applicant respectfully submits that claims 11 and 17-18 are patentable as claims 11 and 17-18 depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
731 South Negley, Apt. 2
Pittsburgh, PA 15232
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	555	555

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				555

Electronic Acknowledgement Receipt	
EFS ID:	5010555
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	22-MAR-2009
Filing Date:	12-JUL-2006
Time Stamp:	18:13:55
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$555
RAM confirmation Number	6069
Deposit Account	503855
Authorized User	
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p>	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)					
Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)					
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON2--Reply.pdf	72973	yes	15
			95ded44e2206762c858096c9190b4c040ef980a		
	Multipart Description/PDF files in .zip description				
	Document Description	Start	End		
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1		
	Claims	2	8		
	Applicant Arguments/Remarks Made in an Amendment	9	15		
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	29800	no	2
			1d9ae6de03786ba3fab73c1284b4e94b10db482c		
Warnings:					
Information:					
Total Files Size (in bytes):			102773		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/485,161		Filing Date 07/12/2006		☐ To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY ☒ OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =		OR	X \$ =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =			X \$ =				
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.										
			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	05/29/2008	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	X \$25 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$105 =	0	OR	X \$ =	
☐ Application Size Fee (37 CFR 1.16(s))										
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	03/22/2009	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	X \$26 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$110 =	0	OR	X \$ =	
☐ Application Size Fee (37 CFR 1.16(s))										
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.										
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".										
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".										
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

Legal Instrument Examiner:
/DENISE HOPKINS/

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733 7590 06/08/2009 JEFFREY D. MULLEN 731 SOUTH NEGLEY APT. 2 PITTSBURGH, PA 15232			EXAMINER DEANE JR, WILLIAM J	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 06/08/2009	DELIVERY MODE PAPER

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.

Office Action Summary	Application No. 11/485,161		Applicant(s) MULLEN, JEFFREY D.	
	Examiner William J. Deane		Art Unit 2614	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 22 March 2009.

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

3) ☐ 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

4) ☒ Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-32 is/are rejected.

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

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

Application Papers

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

10) ☐ 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).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a) ☐ All b) ☐ Some * c) ☐ None of:

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

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

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

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

Attachment(s)

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

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

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

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 - 32 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 - 20 of copending Application No. 208/0039059. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are so similar as to not be patentably distinct from one another. This Double Patenting rejection is in addition to the one given in the last Office Action dated 09/22/2008.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 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.

Claims 3 – 4, 6 – 8, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2009/0029717 (Bates et al.) or in the alternative Bates in view of U.S. Patent Application no. 2002/0115453 (Poulin et al.).

With respect to claims 3 – 4 and 8 such limitations are taught by Bates at paragraphs 0022, 0026 -0028, 0033 – 0035, 0042 – 0047, 0052 – 0054 and 0057 and the Abstract.

With respect to permissions note that members of the group initially give permission that their locations can be given to others. Also note that one may add or delete members of a group, enable or disable detection of a group (note paragraphs 0053 – 0054 of Bates et al.). One may also avoid detection by others (see paragraph 0057 of Bates et al.).

With respect to a remote facility; it is believed that such is inherent in the network in Bates. In addition, it would be obvious to one of ordinary skill in the art to take the any of the parts of the phone depicted in Bates et al. (position detector, memory , alert programs and data structures) and place them in a sever as such would only entail the transfer of what is used locally to a remote location.

For example, note the Location Based Service Center in at least Fig. 1 of Poulin et al. This LBSC server would read on the remote facility of the instant application. It would have been obvious to one of ordinary skill in the art to have incorporated such a remote facility (LBSC) as taught by Poulin et al. into the system of Bates et al. as such would only entail the transfer of what is used locally to a remote location.

With respect to claims 6 and 7, note paragraph 0045 of Bates et al.

With respect to claim 9, note paragraph 0026 of Bates et al.

With respect to claim 10, note paragraphs 0027 – 0028 of Bates et al.

With respect to claim 11, with respect to a dating profile, Bates et al. teach different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill as such would only entail the substitution or addition of one profile or group for another.

With respect to claim 15, of course the permissions are granted for a period of time, for example, until the user changes the permissions.

With respect to claim 16, both devices can be alerted as noted in Bates above.

With respect to claim 19, since the location information is sent to a remote facility it would be obvious to one of ordinary skill in the art that the first wireless device need not be turned on when the information is sent to the second wireless device,

Claims 5, 12 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. and Poulin in view of U.S. Patent No. 6,885,874 (Grube et al.).

Note that Poulin et al. disclose the use of a map (see at least the Abstract). However, there is no disclosure of a location marker. Note that Grube et al. teach such

(see Fig. 2). It would have been obvious to one of ordinary skill in the art to have incorporated such location markers as disclosed by Grube et al. into the Bates et al./Poulin et al. device as an obvious convenience to a user.

With respect to claims 12 -13, Poulin discloses a map and Bates et al. disclose direction (paragraph 0045 of Bates et al.) and there for the instant limitation would have been obvious to one of ordinary skill. If this is argued, then note Fig. 2 of Grube et al. below.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. in view of U.S. Patent Application No. 2002/0102989 (Calvert et al.).

As shown above, Bates et al./Poulin et al. disclose the claimed limitations. Bates et al. disclose access levels. That is, Bates et al. teach at least 2 levels of access; those being access and no access. In addition, access may be determined by distance thresholds, which may be different for each group or group member.

Calvert et al. teach the same access levels as described in applicant's specification. Note the approximate and exact locations in the Abstract of Calvert et al. It would have been obvious to one of ordinary skill in the art to have incorporated such plurality of access levels as disclosed by Calvert et al. into the Bates et al./Poulin et al. system and method, as such would only entail the substitution of well known access levels for others,

With respect o claims 20 - 32, such claims mirror the claims above and would be rejected in a similar manner as the claims above.

Response to Arguments

Applicant's arguments with respect to claims 1 - 32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

06Jun2009

/William J Deane/

Primary Examiner, Art Unit 2614

Notice of References Cited	Application/Control No. 11/485,161		Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner William J. Deane		Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2009/0029717	01-2009	Bates et al.	455/456.1
*	B	US-2002/0115453	08-2002	Poulin et al.	455/456
*	C	US-2003/0119522	06-2003	Barclay et al.	455/456
*	D	US-2003/0023726	01-2003	Rice et al.	709/225
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	09/14/2008	06/06/2009							
	1	✓	-							
	2	✓	-							
	3	✓	✓							
	4	✓	✓							
	5	✓	✓							
	6	✓	✓							
	7	✓	✓							
	8	✓	✓							
	9	✓	✓							
	10	✓	✓							
	11	✓	✓							
	12	✓	✓							
	13	✓	✓							
	14	✓	✓							
	15	✓	✓							
	16	✓	✓							
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	24	✓	✓							
	25	✓	✓							
	26	✓	✓							
	27	✓	✓							
	28	✓	✓							
	29	✓	✓							
	30	✓	✓							
	31	✓	✓							
	32	✓	✓							

Search Notes 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Pittsburgh, PA 15232
Alexandria, VA 22313-1450 December 8, 2009

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated June 8, 2009. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (previously presented) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim
3, wherein said second wireless device displays a map
with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for

said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

The Examiner provisionally rejected claims 3-32 on the ground of non-statutory double patenting as being unpatentable over claims 1-20 of copending Application No. 11/834,674 (hereinafter "the '674 application").

The Examiner provisionally rejected claims 3-32 on the ground of non-statutory double patenting as being unpatentable over claims 1-79 of 10/400,296 (hereinafter "the '296 application").

The Examiner provisionally rejected claims 3-22 on the ground of non-statutory double patenting as being unpatentable over claims 3-22 of copending Application No. 11/841, 765 (hereinafter "the '765 application").

Claims 3-4, 6-8, 14 and 19 were rejected under 35 U.S.C. 103(a) as being anticipated by Bates U.S. Patent Application Publication No. 2009/0029717 (hereinafter "Bates") or in the alternative Bates in view of Poulin U.S. Patent Application Publication No. 2002/0115453 (hereinafter "Poulin").

Claim 5 and 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin in view of Grube U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claim 17-18 and 20-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the Double Patenting Rejection

The '674 Application

The Examiner provisionally rejected claims 3-32 on the ground of non-statutory double patenting as being unpatentable over claims 1-20 of the '674 application.

Claim 3 of the '674 application includes creating a list. Claim 4-5 of the '674 application includes requesting to be alerted. Claim 6 of the '674 application includes a server that receives a first and second location. Claim 7 of the '674 application includes a stationary computer. Claim 8 of the '674 application includes a first level of access. Claim 9 of the '674 application includes a plurality of times. Claim 10 of the '674 application includes a map. Claim 11 of the '674 application includes finding the closest one of a plurality of wireless devices. Claim 12 of the '674 application includes providing a display screen. Claim 13 of the '674 application includes requesting access to a form of communication. Claim 14 of the '674 application includes determining the distance. Claim 15 of the '674 application includes determining the shortest path. Claims 16 and 17 of the '674 application includes determining an arrival time. Claim 18 of the '674 application includes a list. Claim 19 of the '674 application includes a

display screen. Claim 20 of the '674 application includes utilizing a password.

As shown above, each and every claim of the '674 application includes a patentable feature that is not included in claims 3-32 of the present application. Similarly, the claims of the present application include patentable features not included in the claims of the '674 application.

Accordingly, applicant respectfully requests that the Examiner's provisional double patenting rejection in view of the '674 application be withdrawn.

Regardless, the double patenting rejection is a provisional and, as such, pre-mature until the claims of the '674 application are placed in condition for allowance.

The '296 Application

The Examiner provisionally rejected claims 3-32 on the ground of non-statutory double patenting as being unpatentable over claims 1-79 of the '296 application.

All of the claims of the '296 application, however, are patentable distinct from the claims of the present application. For example, claims 1, 67, and 71 of the '296 application includes requesting that location access rights be assigned for said second wireless device by a first wireless device if location access rights have not yet been assigned. Claims 38, 61, and 74 of the '296 application includes assigning first location access rights in response to a request that first location access rights be assigned. Claims 45, 69, and 77 includes providing a location from a server dependent upon

access rights even when a wireless telephone is OFF. Claims 3-32 of the present application do not include such features. Similarly, the claims of the present application include patentable features not included in the claims of the '296 application.

Accordingly, applicant respectfully requests that the Examiner's double patenting rejection of the present application in view of the '296 application be withdrawn.

Regardless, the double patenting rejection is a provisional and, as such, pre-mature until the claims of the '296 application are placed in condition for allowance.

The '765 Application

The Examiner provisionally rejected claims 3-22 on the ground of non-statutory double patenting as being unpatentable over claims 3-22 of the '765 application.

All of the claims of the '765 application, however, include the patentable feature of providing a signal from a device to a second wireless telephonic device without location information. None of the claims of the present application include this feature. Similarly, all of the claims of the present application include the patentable feature of storing permission at either a facility or server. None of the claims of the '765 application include this feature. Accordingly, applicant respectfully requests that the Examiner's double patenting rejection of the present application in view of the '765 application be withdrawn.

As shown above, each of claims 3-32 are patentable distinct from the claims of the '296 application or '765 application. Accordingly, no double patenting rejection is merited in view of the '296 application or the '765 application.

In light of the foregoing, applicant respectfully requests that the Examiner's provisional double patenting rejections be withdrawn.

Regardless, the double patenting rejection is a provisional and, as such, pre-mature until the claims of the '765 application are placed in condition for allowance.

Applicant's Reply to the 103(a) Rejections

Claims 3-4, 6-8, 14 and 19 were rejected under 35 U.S.C. 103(a) as being anticipated by Bates or in the alternative Bates in view of Poulin.

Bates alleges notifying the presence of group members that are in the same region to the various other group members. Different users are classified into different groups. A packet includes a group identifier and group member location. A receiving portable device allegedly receives this information and determines if it is in the same group. The receiving portable device determines if detection is enabled and, if so, stores the location to memory. Alarms are enabled for a group with a group member.

Bates, however, does not show many of the features of applicant's invention of claim 3.

For example, Bates does not show or suggest applicant's invention of claim 3 of a second wireless device that uses the location information to display direction from the second wireless device

to the first wireless device. Bates is silent on directions.

As per another example, Bates does not show or suggest applicant's invention of claim 3 of requesting a location of a first wireless device by a second wireless device.

As per another example, Bates does not show or suggest applicant's invention of providing a permission by the first wireless device for the second wireless device to access location information, storing this permission in a facility, and providing location information in accordance with the permission.

Bates allegedly sends location information to a portable device and this portable devices allegedly stores this location to memory if the group member may be detected (See Bates, paragraph 43). Sending a location to a portable device regardless if the group member may be detected or not does not show or suggest applicant's invention of claim 3 of providing location information in accordance with a permission in a facility.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3, and any claims dependent therefrom, in view of Bates be withdrawn.

Poulin does not correct for any of the deficiencies in Bates. In fact, Poulin merely compounds the deficiencies in Bates.

Poulin discusses location based wireless communication services in villages. Employers may track progress and manage workloads of employees.

Poulin, however, does not show or suggest applicant's invention of claim 3 of displaying

directions from the second wireless device to the first wireless device. Poulin merely alleges a subscriber using a website to provide turn-by-turn directions to an address to help assist in locating a lost subscriber (See Poulin, paragraph 58). Poulin's subscriber merely provides turn-by-turn directions to an arbitrary address and does not show or suggest applicants invention of claim 3 of displaying directions from the second wireless device to the first wireless device. Accordingly, neither Poulin nor Bates, used either alone or in combination, show or suggest such a feature. Applicant respectfully requests that the Examiner's rejection be withdrawn.

Furthermore, Poulin is silent on applicant's invention of claim 3 of permissions. For example, Poulin neither shows or suggests applicant's invention of claim 3 of providing a permission by a first wireless device for a second wireless device, storing this permission in a facility, and providing location information to the second wireless device in accordance with the permission. Similarly, neither Bates nor Poulin, used either alone or in combination, show or suggest such a feature.

Moreover, Poulin teaches directly away from Bates and is inoperable with bates. The devices are unrelated precision devices. The Examiner cannot pick and choose unrelated elements of unrelated devices and stitch them together, in hindsight, in order to create an entirely new, inoperable device neither shown nor suggested by the individual devices. In doing so, the Examiner

merely eviscerates the spirit of both the Poulin and Bates devices.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 3, and any claim dependent therefrom, is patentable.

Applicant's Reply to the Calvert 103(a) Rejections

Claim 17-18 and 20-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Calvert.

Applicant's invention of claims 20 and 21 include patentable features similar to patentable features of claim 3.

Particularly, applicant's invention of claims 20 or 21 of requesting a first location by a second wireless device, providing a first permission by said first wireless device for the second wireless device to obtain the first location, and providing the first location to the second wireless device as a result of the first permission.

As shown above in connection with applicant's arguments for the patentability of claim 3, Bates does not show or suggest such features. Similarly, neither Bates nor Poulin, used either alone or in combination, shows or suggests such features.

Calvert does not correct for such deficiencies. Calvert does not show or suggest permissions. Accordingly, neither Calvert nor Bates, used either alone or in combination, shows or suggests applicant's inventions of claims 20 and 21 of requesting a first location by a second wireless device, providing a first permission by said first wireless device for the second wireless device to obtain the first location, and

providing the first location to the second wireless device as a result of the first permission.

Moreover, Calvert teaches directly away from Bates and is inoperable with Bates. The devices are unrelated precision devices. The Examiner cannot pick and choose unrelated elements of unrelated devices and stitch them together, in hindsight, in order to create an entirely new, inoperable device neither shown nor suggested by the individual devices. In doing so, the Examiner merely eviscerates the spirit of both the Calvert and Bates devices.

Accordingly, applicant respectfully requests that the Examiner's rejections of claims 20 and 21, and any claims dependent therefrom, be withdrawn.

Applicant's Reply to the Dependent Claim Rejections

Claim 5 and 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin in view of Grube.

As shown above, claim 3 is patentable. Claims 5 and 12-13 depend from claim 3. Accordingly, applicant respectfully submits that claims 5 and 12-13 are patentable as such claims depend from a patentable base claim.

Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
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Pittsburgh, PA 15232
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Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	555	555

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				555

Electronic Acknowledgement Receipt	
EFS ID:	6592054
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	08-DEC-2009
Filing Date:	12-JUL-2006
Time Stamp:	12:43:03
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$555
RAM confirmation Number	9253
Deposit Account	503855
Authorized User	MULLEN,JEFFREY D.
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p>	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON2--Reply.pdf	85895	yes	18
			da1a03d1b453fe3b830338482a2117eeb4649c38		

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	8
Applicant Arguments/Remarks Made in an Amendment	9	18

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	29799	no	2
			e3c0aabb8b37e68789007421cd45e50c02f678f00		

Warnings:

Information:

Total Files Size (in bytes): 115694

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733 7590 02/22/2010 JEFFREY D. MULLEN 731 SOUTH NEGLEY APT. 2 PITTSBURGH, PA 15232			EXAMINER DEANE JR, WILLIAM J	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 02/22/2010	DELIVERY MODE PAPER

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.

Office Action Summary	Application No.	Applicant(s)	
	11/485,161	MULLEN, JEFFREY D.	
	Examiner	Art Unit	
William J. Deane 2614			

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 08 December 2009.

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

3) ☐ 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

4) ☒ Claim(s) 3-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 3-32 is/are rejected.

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

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

Application Papers

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

10) ☐ 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).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a) ☐ All b) ☐ Some * c) ☐ None of:

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

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

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

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

Attachment(s)

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

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

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

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 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.

Claims 3-5, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,269,428 (Wallenius et al.) in view of U.S. Patent No. 6,920,328 (Wollrab)

Regarding claims 3 – 5 and 12, Wallenius discloses a method comprising: accepting on a first wireless device a manual selection representative of a second wireless device (i.e. see col. 2 lines 37-55, col. 6 lines 57-65, col. 7 lines 24-35, col. 9 lines 4-11, requesting a subscriber information and entering a code, therefore accepting the first name); locating said second wireless device (col. 8 lines 31-45); determining on a server whether said second wireless device has provided permission for said first wireless device to locate said second wireless device (at least see Fig. 7, col. 8 lines 5-45); providing location information to said first wireless device based on said determination (Abstract, col. 7 lines 44-55, col. 8 lines 31-45, col. 9 lines 28-47); and receiving location information on said first wireless device (Abstract, col. 7 lines 44-55, col. 8 lines 31-45, col. 9 lines 28-47).

Wallenius discloses requesting party receiving location information of a subscriber on the first wireless device but does not explicitly disclose displaying a map with a marker representative of the location of said second wireless device. Wollrab teaches displaying a map with a marker representative of the location of said second wireless device (at least see col. 4 lines 40-58 and Fig. 4A). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the invention of Wallenius, to display the requested location information as a map on the wireless unit as taught by Wollrab, thus allowing a better way of presenting requested information through a map with a location indicator (col. 4 lines 40-58).

With respect to claim 19, such a limitation is inherent

Claims 6 –16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,269,428 (Wallenius et al.) in view of U.S. Patent No. 6,920,328 (Wollrab) and further in view of U.S. Patent Application No. 2009/0029717 (Bates et al.).

Wallenius et al. and Wollrab teach the claimed limitations except for explicitly discussing the rate of speed and direction of travel. However, Bates et al. teach such at paragraph 0045. It would have been obvious to one of ordinary skill in the art to have incorporated such speed and direction as taught by Bates et al. into the Wallenius et al./Wollrab in order to have a more efficient map system.

With respect to claim 8, note at least Col. 3, lines 35 – 36 of Wollrab for modifying access rights.

With respect to claim 9, note Col. 7, lines 44 - 55, Col. 8, lines 31 - 45 and Col. 9, lines 28 - 47 of Wallenius.

With respect to claim 10, note paragraphs 0027 - 0028 of Bates et al.

With respect to claim 11 and a dating profile, note that Bates et al. teach different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one profile or group for another.

With respect to claims 12 - 14 and 16, note paragraph 0045 of Bates et al. In addition, note paragraphs 0053 - 0054 of Bates et al. and 0057 of Bates et al. Additionally, note alert programs 310 of Bates.

With respect to claim 15, obviously the permissions are granted for a period of time, for example, until the user changes the permissions.

Claims 17 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,269,428 (Wallenius et al.) in view of U.S. Patent No. 6,920,328 (Wollrab) and further in view of U.S. Patent Application No. 2009/0029717 (Bates et al.) and U.S. Patent Application No. 2002/0102989 (Calvert et al.).

Wallenius et al./Wollrab/Bates et al. teach the claimed limitations as shown above. In addition, Bates et al. disclose access levels. That is, Bates et al. teach at least 2 access levels; access and no access. In addition, access may be determined by distance thresholds, which may be different for each group or group member.

Calvert et al. teach the same levels of access as described in Applicant's specification. Note the approximate and exact locations in the Abstract of Calvert et al.

Art Unit: 2614

It would have been obvious to one of ordinary skill in the art to have incorporated such plurality of access levels as disclosed by Calvert et al. into the Wallenius et al./Wollrab/Bates et al. system and method, as such would only entail the substitution of well known access levels for others.

With respect to claims 20-- 32, such claims mirror the claims above and would be rejected in a similar manner as the claims above.

Response to Arguments

Applicant's arguments with respect to claims 3 - 32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

15Feb2009

/William J Deane/

Primary Examiner, Art Unit 2614

Application/Control Number: 11/485,161
Art Unit: 2614

Page 6

Notice of References Cited	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner William J. Deane	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,269,428	09-2007	Wallenius et al.	455/456.2
*	B	US-6,920,328	07-2005	Wollrab, Lee M.	455/456.1
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant										☐ CPA										☐ T.D.										☐ R.1.47									
CLAIM		DATE																																					
Final	Original	09/14/2008	06/06/2009	02/15/2010																																			
	1	✓	-	-																																			
	2	✓	-	-																																			
	3	✓	✓	✓																																			
	4	✓	✓	✓																																			
	5	✓	✓	✓																																			
	6	✓	✓	✓																																			
	7	✓	✓	✓																																			
	8	✓	✓	✓																																			
	9	✓	✓	✓																																			
	10	✓	✓	✓																																			
	11	✓	✓	✓																																			
	12	✓	✓	✓																																			
	13	✓	✓	✓																																			
	14	✓	✓	✓																																			
	15	✓	✓	✓																																			
	16	✓	✓	✓																																			
	17	✓	✓	✓																																			
	18	✓	✓	✓																																			
	19	✓	✓	✓																																			
	20	✓	✓	✓																																			
	21	✓	✓	✓																																			
	22	✓	✓	✓																																			
	23	✓	✓	✓																																			
	24	✓	✓	✓																																			
	25	✓	✓	✓																																			
	26	✓	✓	✓																																			
	27	✓	✓	✓																																			
	28	✓	✓	✓																																			
	29	✓	✓	✓																																			
	30	✓	✓	✓																																			
	31	✓	✓	✓																																			
	32	✓	✓	✓																																			

Search Notes 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15232
August 23, 2010

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated February 22, 2010. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (previously presented) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim
3, wherein said second wireless device displays a map
with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for

said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (previously presented) A method comprising:

- determining a first location of a first wireless device;
- determining a second location of a second wireless device;
- providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;
- requesting said first location by said second wireless device;
- requesting said second location by said first wireless device;
- providing a first permission by said first wireless device for said second wireless device to obtain said first location;
- providing a second permission by said second wireless device for said first wireless device to obtain said second location;
- storing said first and second permissions on said server;
- providing said first location from said server to said second wireless device as a result of said first permission; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 12, and 19 were rejected under 35 U.S.C. 103(a) as being anticipated by Wallenius et al. U.S. Patent No. 7,269,428 (hereinafter "Wallenius") in view of Wollrab U.S. Patent No. 6,920,328 (hereinafter "Wollrab").

Claims 6-16 were rejected under 35 U.S.C. 103(a) as being anticipated by Wallenius in view of Wollrab and further in view of Bates U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claim 17-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wallenius and Wollrab and further in view of Bates and Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Claims 20-32 were rejected as they "mirror the claims above and would be rejected in a similar manner as the claims above" (Office Action, page 5).

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

Claim 3

Claims 3-5, 12, and 19 were rejected under 35 U.S.C. 103(a) as being anticipated by Wallenius in view of Wollrab.

Neither Wallenius nor Wollrab show or suggest applicant's invention of claim 3 that includes a location being provided to a facility and a permission that is stored at that facility. Wallenius' SCP allegedly performs the policy service and indicates fulfillment to Wallenius' HLR. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Additionally, the Examiner stated:

"Wallenius does not explicitly disclose displaying a map with a marker representative of the location of said second wireless device. Wollrab teaches displaying a map." (Office Action, page 3)

Wollrab, however, does not show or suggest applicant's invention of claim 3 of a second wireless device that uses the location information to display directions from the second wireless device to the first wireless device. Wollrab alleges receiving, via email, directions. Receiving email content is not a wireless device that uses a location to display directions. Accordingly, none of the prior art, used either alone or

in combination show or suggest applicant's invention of claim 3 of a second wireless device that uses the location information to display directions from the second wireless device to the first wireless device.

Moreover, Wollrab and Wallenius directly teach away from one another. Wollrab does not allege any information policies while Wallenius alleges information policies. Moreover, Wallenius requests a subscriber not only for information, but then also for the ability to send the user particular information. See *Wallenius*, col. 5, lines 55-63. Wollrab alleges an opposing scheme. Moreover, the Examiner cannot place any information schemes of Wallrab into Wallenius and ignore Wallenius' information policies.

Additionally, Wollrab and Wallenius are unrelated, precision devices that directly teach away from one another. The Examiner cannot pick and chose elements of unrelated devices and put them together to form a completely new device in hindsight. In doing so, the Examiner merely creates in inoperable device while eviscerating the spirit of the individual Wollrab and Wallenius devices.

In light of the foregoing, none of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 3 that includes the second wireless device using the location information to display directions from said second wireless device to said first wireless device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 3, and any claim dependent therefrom, is patentable.

Claim 20

Claims 20 and 22-27 were rejected as they "mirror the claims above and would be rejected in a similar manner as the claims above" (Office Action, page 5).

The Examiner's rejection is improper. Claim 20 is an independent claim that includes features not included in any other claim. The Examiner, however, did not provide any documentary evidence to reject applicant's claim 20.

Regardless, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 20 that includes providing the first and second locations to a server and storing the first and second permissions on the server.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Claims 21 and 28-32 were rejected as they "mirror the claims above and would be rejected in a similar manner as the claims above" (Office Action, page 5).

The Examiner's rejection is improper. Claim 21 is an independent claim that includes features not included in any other claim. The Examiner, however, did not provide any documentary evidence to reject applicant's claim 21.

Regardless, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 21 that includes providing updates of the first location to the second wireless device as a result of the first permission. Additionally, none of the prior art, used either alone or in combination, shows

or suggests applicant's invention of claim 21 that includes providing updates of the second location to the first wireless device as a result of the second permission.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Official Notice Rejections

It appears as if the Examiner has rejected claims in view of multiple instances of Official Notice. The Examiner appears to commonly add elements to references where the references are silent on such elements. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection. For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known. The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at

1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Applicant reserves the right at any time to Petition for Patent Term Adjustment or Extension in light of the delay. The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim.

Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Applicant's Reply to the Dependent Claim Rejections

Claims 4-5, 12, and 19 were rejected under 35 U.S.C. 103(a) as being anticipated by Wallenius in view of Wollrab. Claims 6-16 were rejected under 35 U.S.C. 103(a) as being anticipated by Wallenius in view of Wollrab and further in view of Bates. Claim 17-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wallenius and Wollrab and further in view of Bates and Calvert.

As shown above, claim 3 is patentable. Claims 4-19 depend from claim 3. Accordingly, applicant respectfully submits that claims 4-19 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
731 South Negley, Apt. 2
Pittsburgh, PA 15232
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	555	555

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				555

Electronic Acknowledgement Receipt	
EFS ID:	8268452
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	23-AUG-2010
Filing Date:	12-JUL-2006
Time Stamp:	14:16:20
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$555
RAM confirmation Number	570
Deposit Account	503855
Authorized User	MULLEN,JEFFREY D.
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p>	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON2-Reply.pdf	35068 b31f415b7522dda5268432be54c15775d546a15e	yes	15

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	9
Amendment/Req. Reconsideration-After Non-Final Reject	10	15

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	29800 8bb5a737694d23691f5369527cb2110dbef21f0e	no	2
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Warnings:

Information:

Total Files Size (in bytes): 64868

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/485,161		Filing Date 07/12/2006		☐ To be Mailed	
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APPLICATION AS FILED – PART I						OTHER THAN SMALL ENTITY				
(Column 1)		(Column 2)		SMALL ENTITY ☒		OR		SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$	=		X \$	=		X \$	=
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=		X \$	=
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))			If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
			TOTAL						TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II						OTHER THAN SMALL ENTITY					
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		SMALL ENTITY	
AMENDMENT	DATE	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	08/23/2010										
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	X \$26 =	0	OR	X \$	=	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$110 =	0	OR	X \$	=	
☐ Application Size Fee (37 CFR 1.16(s))											
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								OR			
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		

(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		SMALL ENTITY	
AMENDMENT	DATE	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$	=		X \$	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=		X \$	=	
☐ Application Size Fee (37 CFR 1.16(s))											
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								OR			
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/Katscha R. Wanzer/

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733 7590 12/08/2010 JEFFREY D. MULLEN 731 SOUTH NEGLEY APT. 2 PITTSBURGH, PA 15232			EXAMINER DEANE JR, WILLIAM J	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 12/08/2010	DELIVERY MODE PAPER

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.

Office Action Summary	Application No.		Applicant(s)	
	11/485,161		MULLEN, JEFFREY D.	
	Examiner		Art Unit	
	William J. Deane		2614	

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 23 August 2010.

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

3) ☐ 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

4) ☒ Claim(s) 3-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 3-32 is/are rejected.

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

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

Application Papers

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

10) ☐ 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).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

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).

a) ☐ All b) ☐ Some * c) ☐ None of:

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

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

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

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

Attachment(s)

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

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

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

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 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.

Claims 3 – 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.).

With respect to claim 1, note that Barclay teach

determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012);

providing said location to a facility (the service provider in paragraphs 0016 and 0017);

requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413);

providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider) ;

providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018); and

wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device (paragraph 0022).

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025).

With respect to claims 8, 26 and 32 note paragraph 0018.

With respect to claim 9, note paragraph 0015.

With respect to claim 15, obviously the permissions are granted for a period of time. For example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the service

provider. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point?

Claims 6, 7, 10, 11, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al. system in order to have a more efficient map.

With respect to claims 10, 16 and 27, note paragraphs 0027 – 0028 of Bates et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent No. 6,885,874 (Grube et al.).

With respect to claims 12 – 13, note that Grube et al. teach the claimed limitations at Col. 5, lines 2 – 4, Col. 6, lines 14 – 26 and Col. 6, line 59 – Col. 7, line 6, Col. 16, lines 11 – 26. It would have been obvious to one of ordinary skill in the art to

Art Unit: 2614

have incorporated such limitations as disclosed by Grube et al. in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract). A history of approximate and exact locations would have to be stored at least for a short time in order for the system to compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay device in order to have a more efficient map system.

Response to Arguments

Applicant's arguments with respect to claim 3 - 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the Abstracts and Figs. of the additional references cited on the accompanying 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

08Nov2010

/William J Deane/

Primary Examiner, Art Unit 2614

Notice of References Cited	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner William J. Deane	Art Unit 2614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2003/0119522	06-2003	Barclay et al.	455/456
*	B	US-6,360,102	03-2002	Havinis et al.	455/457
*	C	US-2002/0164998	11-2002	Younis, Saeed	455/456
*	D	US-6,975,998	12-2005	Jones, Martin Kelly	705/8
*	E	US-7,215,965	05-2007	Fournier et al.	455/456.1
*	F	US-7,570,958	08-2009	Krasner et al.	455/456.1
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant						☐ CPA		☐ T.D.		☐ R.1.47	
CLAIM		DATE									
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010						
	1	✓	-	-	-						
	2	✓	-	-	-						
	3	✓	✓	✓	✓						
	4	✓	✓	✓	✓						
	5	✓	✓	✓	✓						
	6	✓	✓	✓	✓						
	7	✓	✓	✓	✓						
	8	✓	✓	✓	✓						
	9	✓	✓	✓	✓						
	10	✓	✓	✓	✓						
	11	✓	✓	✓	✓						
	12	✓	✓	✓	✓						
	13	✓	✓	✓	✓						
	14	✓	✓	✓	✓						
	15	✓	✓	✓	✓						
	16	✓	✓	✓	✓						
	17	✓	✓	✓	✓						
	18	✓	✓	✓	✓						
	19	✓	✓	✓	✓						
	20	✓	✓	✓	✓						
	21	✓	✓	✓	✓						
	22	✓	✓	✓	✓						
	23	✓	✓	✓	✓						
	24	✓	✓	✓	✓						
	25	✓	✓	✓	✓						
	26	✓	✓	✓	✓						
	27	✓	✓	✓	✓						
	28	✓	✓	✓	✓						
	29	✓	✓	✓	✓						
	30	✓	✓	✓	✓						
	31	✓	✓	✓	✓						
	32	✓	✓	✓	✓						

Search Notes 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15232
June 8, 2011

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated February 22, 2010. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (previously presented) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim
3, wherein said second wireless device displays a map
with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for

said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (previously presented) A method comprising:

- determining a first location of a first wireless device;
- determining a second location of a second wireless device;
- providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;
- requesting said first location by said second wireless device;
- requesting said second location by said first wireless device;
- providing a first permission by said first wireless device for said second wireless device to obtain said first location;
- providing a second permission by said second wireless device for said first wireless device to obtain said second location;
- storing said first and second permissions on said server;
- providing said first location from said server to said second wireless device as a result of said first permission; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay").

Claims 6, 7, 10, 11, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay.

Barclay alleges a location ID for initiated calls. A location ID customer may selection options. A party may disable the location ID.

Claim 3

Barclay does not show or suggest applicant's invention of claim 3 of providing a location to a facility - let alone providing location information about the location from the facility to the second wireless device. Barclay is silent on providing the location to a facility and providing the location information from a facility. More particularly, Barclay requires the initiation of a call between two devices, but is silent as to the providing of location and location information after the call is initiated between the two devices.

Barclay does not show or suggest applicant's invention of claim 3 of providing the location to a facility and requesting the location of the first wireless device by a second wireless device.

Barclay's does not permit a request of the location of the first wireless device for Barclay's call initiation. Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation. If Barclay's step 413 occurs, all of applicant's features of claim 3 are not met.

Particularly, Barclay states:

"At step 313, either party may query for the other party's location, which information is sent according to profile at step 415 as long as permission is obtained/granted by the party, if so required..." (Barclay, paragraph 21)

Accordingly, Barclay's discussion in paragraph 21 does not show or suggest the features of applicant's invention of claim 3.

Furthermore, Barclay does not show or suggest applicant's invention of claim 3 of a second wireless device that use the location information to display directions from said second wireless device to said first wireless device.

In light of the foregoing, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 3.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3, and any claim dependent therefrom, is patentable.

Claim 20

Barclay does not show or suggest applicant's invention of claim 20 of providing said first and second locations to a server - let alone providing the first location from the server to the second wireless device as a result of said first permission. Barclay is silent on providing the location to a server and providing the location from a server. More particularly, Barclay requires the initiation of a call between two devices, but is silent as to the providing of location and location information after the call is initiated between the two devices.

Furthermore Barclay's does not show or suggest applicant's invention of claim 20 of requesting said first location by said second wireless device and requesting said second location by said first wireless device. As shown above in connection with applicant's arguments for the patentability of claim 3, Barclay's system is deficient.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Barclay does not show or suggest applicant's invention of claim 22 of providing said first and second locations to a server - let alone providing the first location from the server to the second wireless device. Barclay is silent on providing the location to a server and providing the location from a server. More particularly, Barclay requires the initiation of a call between two devices, but is silent as to the providing of location and location information after the call is initiated between the two devices.

Furthermore, Barclay does not show or suggest providing updates of said first location to said second wireless device as a result of said first permission and providing updates of said second location to said first wireless device as a result of said second permission. As shown above in connection with applicant's arguments for the patentability of claim 3, Barclay's system is deficient.

Additionally, Applicant's invention of claim 21 providing updates of said first location to said second wireless device as a result of the first permission and providing updates of the second location to said first wireless device as a result of the second permission. Barclay is silent to such a feature. Barclay provides information at call initiation, such as a map of a building, and is silent on applicant's invention of claim 21 of updates as a result of a permission.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Official Notice Rejections

It appears as if the Examiner has rejected claims in view of multiple instances of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection. For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known. The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Applicant reserves the right at any time to Petition for Patent Term Adjustment or Extension in light of the delay. The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim.

Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Grube. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
731 South Negley, Apt. 2
Pittsburgh, PA 15232
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	555	555

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				555

Electronic Acknowledgement Receipt	
EFS ID:	10264201
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	08-JUN-2011
Filing Date:	12-JUL-2006
Time Stamp:	19:42:12
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$555
RAM confirmation Number	8037
Deposit Account	503855
Authorized User	MULLEN,JEFFREY D.
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p>	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON2-Reply.pdf	34669	yes	15
			457b05071b2e65a881f9326275e65ec31cd b4f3		

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	8
Applicant Arguments/Remarks Made in an Amendment	9	15

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	29799	no	2
			1cd08b9744287fd3e091b974367a58741d9 094df		

Warnings:

Information:

Total Files Size (in bytes): 64468

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/485,161		Filing Date 07/12/2006		☒ To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY ☒ OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A				
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$ =		OR	X \$ =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =			X \$ =				
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.										
			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	06/08/2011	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	X \$26 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$110 =	0	OR	X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	
AMENDMENT	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR	X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR	X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/MONICA FRANCIS/

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733 7590 10/25/2011 JEFFREY D. MULLEN 731 SOUTH NEGLEY APT. 2 PITTSBURGH, PA 15232			EXAMINER DEANE JR, WILLIAM J	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 10/25/2011	DELIVERY MODE PAPER

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.

Office Action Summary	Application No.		Applicant(s)	
	11/485,161		MULLEN, JEFFREY D.	
	Examiner		Art Unit	
WILLIAM DEANE JR		2614		

-- 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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 08 June 2011.

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) 3-32 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) 3-32 is/are rejected.

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

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

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).

12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

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

a) ☐ All b) ☐ Some c) ☐ None of:

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)

<p>1) ☐ Notice of References Cited (PTO-892)</p> <p>2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____.</p>	<p>4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.</p> <p>5) ☐ Notice of Informal Patent Application</p> <p>6) ☐ Other: ____.</p>
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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 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.

Claims 3 - 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.).

With respect to claim 3, note that Barclay teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012);

providing said location to a facility (the service provider in paragraphs 0016 and 0017);

requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413);

providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility,

wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider) ;
providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018); and
wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device (paragraph 0022).

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025).

With respect to claims 8, 26 and 32 note paragraph 0018.
With respect to claim 9, note paragraph 0015.

With respect to claim 15, obviously the permissions are granted for a period of time. For example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent. Since the information is stored at a facility and as long as the second device is given permission

by the first device to receive the location information, obviously there is no need that the first device be turned on.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the service provider. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point?

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al. system in order to have a more efficient map.

With respect to claims 10, 14, 16 and 27, note paragraphs 0027 - 0028 of Bates et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent No. 6,885,874 (Grube et al.).

With respect to claims 12 - 13, note that Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6, Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract). A history of approximate and exact locations would have to be stored at least for a short time in order for the system to

compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay device in order to have a more efficient map system.

Response to Arguments.

Response to Arguments

Applicant's arguments filed 06/08/2011 have been fully considered but are not deemed persuasive to any error in the rejections above.

Applicant argues that no facility is involved in sending and receiving the location information. Applicant is directed to paragraphs 0016 - 0020. In paragraph 20, it is stated "In other words, location information is sent to one or both parties of the call in accord with the appropriate customer profile. In paragraphs 0016 – 0019, explain that location information is stored in the customer's profile by the service provide (SP; a facility).

Applicant argues that no location information is used to display directions from one device to the other. Applicant is directed to paragraph 0022. In paragraph 22, it is stated "...where the location information is displayed to the customer according to the format selected by the customer. The other party to the call may also receive the customer's location, and the same method and features of FIG. 5 are also applicable to that party. Various options for display include, for example, display on the customer's telephone or cellular phone; display on a personal computer (PC), personal digital assistant (PDA), wireless laptop; automatic direction to a printer; and so forth. At step

507, the location information may optionally be processed further by the customer's PC, PDA, phone, or other equipment. At step 509, the processing may provide information based on the location as may be desired by the customer. Such processing may include generating a map of the calling party's location, directions between the calling party's location and the called party's location ...

With respect to claims 20 and 21 and applicant's argument that there is no server in which the locations information of the parties is sent. Note the examiner's argument with respect to a facility (SP) above. Obviously an SP contains servers. It would have been obvious to one of ordinary skill in the art to have incorporated such servers wherever and whenever it was deemed necessary.

Further with respect to claim 21 and updates. As stated in the Office Action, if the system does not update the locations, what's the point? At the very least, each time there is a request for a particular party's location (even if the requests are days apart), there must be an update from the earlier location.

Conclusion

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

Art Unit: 2614

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 Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

23Oct2011

/William J Deane/

Primary Examiner, Art Unit 2614

Search Notes 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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<i>Index of Claims</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant										☐ CPA										☐ T.D.										☐ R.1.47									
CLAIM		DATE																																					
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011																																	
	1	✓	-	-	-	-																																	
	2	✓	-	-	-	-																																	
	3	✓	✓	✓	✓	✓																																	
	4	✓	✓	✓	✓	✓																																	
	5	✓	✓	✓	✓	✓																																	
	6	✓	✓	✓	✓	✓																																	
	7	✓	✓	✓	✓	✓																																	
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	24	✓	✓	✓	✓	✓																																	
	25	✓	✓	✓	✓	✓																																	
	26	✓	✓	✓	✓	✓																																	
	27	✓	✓	✓	✓	✓																																	
	28	✓	✓	✓	✓	✓																																	
	29	✓	✓	✓	✓	✓																																	
	30	✓	✓	✓	✓	✓																																	
	31	✓	✓	✓	✓	✓																																	
	32	✓	✓	✓	✓	✓																																	

Doc code: RCEX

PTO/SB/30EFS (10-08)

Doc description: Request for Continued Examination (RCE)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11485161	Filing Date	2006-07-12	Docket Number (if applicable)	JDM/002 CON2	Art Unit	1639
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William Deane Jr.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____.
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
 Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☐ Patent Practitioner Signature

☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Applicant Signature			
Applicant 1		Remove	
Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2012-04-25
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature			Add

This collection of information is required by 37 CFR 1.114. 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 1.11 and 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, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
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.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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 inspections 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15232
April 25, 2012

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated October 25, 2011. A three-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (previously presented) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim
3, wherein said second wireless device displays a map
with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for

said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (previously presented) A method comprising:

- determining a first location of a first wireless device;
- determining a second location of a second wireless device;
- providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;
- requesting said first location by said second wireless device;
- requesting said second location by said first wireless device;
- providing a first permission by said first wireless device for said second wireless device to obtain said first location;
- providing a second permission by said second wireless device for said first wireless device to obtain said second location;
- storing said first and second permissions on said server;
- providing said first location from said server to said second wireless device as a result of said first permission; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay").

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay.

Barclay alleges a location ID for initiated calls. A location ID customer may selection options. A party may disable the location ID.

Claim 3

Barclay does not show or suggest applicant's invention of claim 3 of providing a location to a facility - let alone providing location information about the location from the facility to the second wireless device. Barclay is silent on providing the location to a facility and providing the location information from a facility. More particularly, Barclay requires the initiation of a call between two devices, but is silent as to the providing of location and location information after the call is initiated between the two devices.

The Examiner stated:

"applicant is directed to paragraphs 0016 - 0020 ... location information is sent to one or both parties of the call in accord with the appropriate customer profile..."
(Office Action, page 6)

The Examiner's argument is irrelevant. Applicant has included a specific topology that is not shown or suggested in Barclays.

Furtermore, Barclay does not show or suggest applicant's invention of claim 3 of providing the location to a facility and requesting the location of the first wireless device by a second wireless device.

Barclay's does not permit a request of the location of the first wireless device for Barclay's call initiation. Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation. If Barclay's step 413 occurs, all of applicant's features of claim 3 are not met. Particularly, Barclay states:

"At step 313, either party may query for the other party's location, which information is sent according to profile at step 415 as long as permission is obtained/granted by the party, if so required..." (Barclay, paragraph 21)

Accordingly, Barclay's discussion in paragraph 21 does not show or suggest the features of applicant's invention of claim 3.

Furthermore, Barclay does not show or suggest applicant's invention of claim 3 of a second wireless device that use the location information to display directions from said second wireless device to said first wireless device.

In light of the foregoing, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 3.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3, and any claim dependent therefrom, is patentable.

Claim 20

Barclay does not show or suggest applicant's invention of claim 20 of providing said first and second locations to a server - let alone providing the first location from the server to the second wireless device as a result of said first permission. Barclay is silent on providing the location to a server and providing the location from a server. More particularly, Barclay requires the initiation of a call between two devices, but is silent as to the providing of location and location information after the call is initiated between the two devices.

The Examiner stated:

"it would have been obvious ... to have incorporated such servers wherever and whenever

it was deemed necessary."
(Office Action, page 7)

The Examiner's argument is without merit. Barclay did not only deem them unnecessary and, as a result, did not include them but also including them would render the Barclay system inoperable and eviscerate its spirit. The Examiner appears to invoke Official Notice. As stated below, applicant demands that the Examiner show each element in a reference as well as the motivation and ability to combine the references in the specific

Furthermore Barclay's does not show or suggest applicant's invention of claim 20 of requesting said first location by said second wireless device and requesting said second location by said first wireless device. As shown above in connection with applicant's arguments for the patentability of claim 3, Barclay's system is deficient.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Barclay does not show or suggest applicant's invention of claim 21 of providing said first and second locations to a server - let alone providing the first location from the server to the second wireless device. Barclay is silent on providing the location to a server and providing the location from a server. More particularly, Barclay requires the initiation of a call between two devices, but is silent as to the providing of location and location information after the call is initiated between the two devices.

Furthermore, Barclay does not show or suggest providing updates of said first location to said second wireless device as a result of said first permission and providing updates of said second location to said first wireless device as a result of said second permission. As shown above in connection with applicant's arguments for the patentability of claim 3, Barclay's system is deficient.

The Examiner stated:

"if the system does not update the locations, what's the point?" (Office Action, page 7)

The Examiner's argument is without merit. The system does not update the locations because the system does not update the locations. There are numerous topologies - including ones that provide locations without updates (e.g., for security purposes).

Additionally, Applicant's invention of claim 21 providing updates of said first location to said second wireless device as a result of the first permission and providing updates of the second location to said first wireless device as a result of the second permission. Barclay is silent to such a feature. Barclay provides information at call initiation, such as a map of a building, and is silent on applicant's invention of claim 21 of updates as a result of a permission.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Official Notice Rejections

It appears as if the Examiner has rejected claims in view of multiple instances of Official Notice. Any rejection that does not show each and every element

of a claim in one or more references is an inadequate rejection. For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known. The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Applicant reserves the right at any time to Petition for Patent Term Adjustment or Extension in light of the delay. The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim.

Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Grube. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
731 South Negley, Apt. 2
Pittsburgh, PA 15232
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	635	635

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	465	465
Total in USD (\$)				1100

Electronic Acknowledgement Receipt	
EFS ID:	12622592
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	25-APR-2012
Filing Date:	12-JUL-2006
Time Stamp:	09:06:59
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1100
RAM confirmation Number	10583
Deposit Account	503855
Authorized User	
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p>	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)					
Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)					
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-002C2--RCE.pdf	697276	no	3
			a4ecec05a9a3267a5a365f7401a8dc84c97c70d		
Warnings:					
Information:					
2		JDM-002CON2--Reply.pdf	37683	yes	16
			c62554a5bb2bfe3b05ea3d46912a91955fa be003		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	8	
	Applicant Arguments/Remarks Made in an Amendment		9	16	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	31663	no	2
			fe7c412de621cd704f3227c86e32b491d1742f7d		
Warnings:					
Information:					
Total Files Size (in bytes):			766622		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/485,161		Filing Date 07/12/2006		☐ To be Mailed	
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APPLICATION AS FILED – PART I					OTHER THAN SMALL ENTITY				
(Column 1)		(Column 2)		SMALL ENTITY ☒		OR		SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR		RATE (\$)	FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A		OR		N/A		
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A				N/A		
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A				N/A		
TOTAL CLAIMS (37 CFR 1.16(j))	minus 20 =	*	X \$ =		OR		X \$ =		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =				X \$ =		
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			TOTAL		OR		TOTAL		

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY						
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		SMALL ENTITY	
AMENDMENT	04/25/2012	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	X \$30 =	0	OR		X \$ =	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$125 =	0			X \$ =	
☐ Application Size Fee (37 CFR 1.16(s))											
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								OR			
						TOTAL ADD'L FEE	0	OR		TOTAL ADD'L FEE	

(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		SMALL ENTITY	
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR		RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =	OR		X \$ =		
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =			X \$ =		
☐ Application Size Fee (37 CFR 1.16(s))											
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								OR			
						TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/ALLYSON PURNELL/

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733	7590	07/03/2013	EXAMINER	
JEFFREY D. MULLEN 1310 Riverfront Drive PITTSBURGH, PA 15238			DEANE JR, WILLIAM J	
			ART UNIT	PAPER NUMBER
			2652	
			MAIL DATE	DELIVERY MODE
			07/03/2013	PAPER

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.

Office Action Summary	Application No. 11/485,161	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	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 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 25 April 2012.
☐ 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) 3-32 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) 3-32 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)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 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.

Claims 3 - 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.).

With respect to claim 3, note that Barclay teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012);
providing said location to a facility (the service provider in paragraphs 0016 and 0017);
requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413). In addition, note Fig.5;
providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility,

wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider) ;
providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018); and
wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device (paragraph 0022).

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025).

With respect to claims 8, 26 and 32 note paragraph 0018.
With respect to claim 9, note paragraph 0015.

With respect to claim 15, obviously the permissions are granted for a period of time. For example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent. Since the information is stored at a facility and as long as the second device is given permission

by the first device to receive the location information, obviously there is no need that the first device be turned on.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the service provider. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point?

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al. system in order to have a more efficient map.

With respect to claims 10, 14, 16 and 27, note paragraphs 0027 - 0028 of Bates et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent No. 6,885,874 (Grube et al.).

With respect to claims 12 - 13, note that Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6, Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract). A history of approximate and exact locations would have to be stored at least for a short time in order for the system to

compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay device in order to have a more efficient map system.

Response to Arguments

Applicant's arguments filed 04/25/2012 have been fully considered but are not deemed persuasive to any error in the rejections above.

Applicant argues that no facility is involved in sending and receiving the location information. Applicant is directed to paragraphs 0016 - 0020. In paragraph 20, it is stated "In other words, location information is sent to one or both parties of the call in accord with the appropriate customer profile. In paragraphs 0016 – 0019, explain that location information is stored in the customer's profile by the service provide (SP; a facility).

Applicant argues that no location information is used to display directions from one device to the other. Applicant is directed to paragraph 0022. In paragraph 22, it is stated "...where the location information is displayed to the customer according to the format selected by the customer. The other party to the call may also receive the customer's location, and the same method and features of FIG. 5 are also applicable to that party. Various options for display include, for example, display on the customer's telephone or cellular phone; display on a personal computer (PC), personal digital assistant (PDA), wireless laptop; automatic direction to a printer; and so forth. At step 507, the location information may optionally be processed further by the customer's PC,

PDA, phone, or other equipment. At step 509, the processing may provide information based on the location as may be desired by the customer. Such processing may include generating a map of the calling party's location, directions between the calling party's location and the called party's location ...

With respect to claims 20 and 21 and applicant's argument that there is no server in which the locations information of the parties is sent. Note the examiner's argument with respect to a facility (SP) above. Obviously an SP contains servers. It would have been obvious to one of ordinary skill in the art to have incorporated such servers wherever and whenever it was deemed necessary.

Further with respect to claim 21 and updates. As stated in the Office Action, if the system does not update the locations, what's the point? At the very least, each time there is a request for a particular party's location (even if the requests are days apart), there must be an update from the earlier location. In addition, note the use of GPS. GPS systems are well known for updating locations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is

Art Unit: 2652

571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

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).

30Jun2013

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,725,032	04-2004	Sheridan et al.	455/419
*	B	US-6,716,101	04-2004	Meadows et al.	455/456.1
*	C	US-6,662,614	12-2003	Lim, Sang-Won	72/186
*	D	US-2004/0077359	04-2004	Bernas et al.	455/456.1
*	E	US-6,999,777	02-2006	Ganesh, Rajamani	455/456.1
*	F	US-7,248,872	07-2007	Bassett et al.	455/433
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47				
CLAIM		DATE								
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011	06/30/2013			
	1	✓	-	-	-	-	-			
	2	✓	-	-	-	-	-			
	3	✓	✓	✓	✓	✓	✓			
	4	✓	✓	✓	✓	✓	✓			
	5	✓	✓	✓	✓	✓	✓			
	6	✓	✓	✓	✓	✓	✓			
	7	✓	✓	✓	✓	✓	✓			
	8	✓	✓	✓	✓	✓	✓			
	9	✓	✓	✓	✓	✓	✓			
	10	✓	✓	✓	✓	✓	✓			
	11	✓	✓	✓	✓	✓	✓			
	12	✓	✓	✓	✓	✓	✓			
	13	✓	✓	✓	✓	✓	✓			
	14	✓	✓	✓	✓	✓	✓			
	15	✓	✓	✓	✓	✓	✓			
	16	✓	✓	✓	✓	✓	✓			
	17	✓	✓	✓	✓	✓	✓			
	18	✓	✓	✓	✓	✓	✓			
	19	✓	✓	✓	✓	✓	✓			
	20	✓	✓	✓	✓	✓	✓			
	21	✓	✓	✓	✓	✓	✓			
	22	✓	✓	✓	✓	✓	✓			
	23	✓	✓	✓	✓	✓	✓			
	24	✓	✓	✓	✓	✓	✓			
	25	✓	✓	✓	✓	✓	✓			
	26	✓	✓	✓	✓	✓	✓			
	27	✓	✓	✓	✓	✓	✓			
	28	✓	✓	✓	✓	✓	✓			
	29	✓	✓	✓	✓	✓	✓			
	30	✓	✓	✓	✓	✓	✓			
	31	✓	✓	✓	✓	✓	✓			
	32	✓	✓	✓	✓	✓	✓			

<i>Search Notes</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD
	Updated the prior search	30Jun2013	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Pittsburgh, PA 15238
January 3, 2014

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated July 3, 2013. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (currently amended) A method comprising:
determining a location of a first wireless device;

providing said location to a facility;

requesting said location of said first wireless device by a second wireless device outside of a call between said first wireless device and said second wireless device;

providing a permission by said first wireless device for said second wireless device to access location information about said location;

storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices;

providing said location information about said location from said facility to said second wireless device in accordance with said permission outside of said call; and

wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device.

4. (previously presented) The method of claim 3, wherein said first and second wireless devices are wireless telephones.

5. (previously presented) The method of claim 3, wherein said second wireless device displays a map with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (currently amended) A method comprising:
determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (currently amended) A method comprising:
determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless

device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay").

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Applicant has amended claims 3, 20, and 21 without prejudice and solely in order to expedite prosecution.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay.

Claim 3

Applicant has amended claim 3 without prejudice and solely in order to expedite prosecution.

The Examiner stated that:

"Barclay teaches ... requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413). In addition, note Fig. 5" (Office Action, page 2)

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

Barclay does not show or suggest applicant's claim 3 of requesting the location of a first wireless device by a second wireless device outside of a call between the first wireless device and the second wireless device. Additionally, Barclay does not show or suggest applicant's claim 3 that includes providing location information from the facility to the second wireless device in accordance with said permission outside of said call. Barclay's calling and called orientation does not show or suggest such features.

In light of the foregoing, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 3. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3, and any claim dependent therefrom, is patentable.

Claim 20

Applicant has amended claim 20 without prejudice and solely in order to expedite prosecution.

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

Barclay, however, does not show or suggest applicant's claim 20 of requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device. Additionally, Barclay does not show or suggest applicant's claim 20 of providing said first location from said server to said second wireless device as a result of said first permission outside of the call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Applicant has amended claim 21 without prejudice and solely in order to expedite prosecution.

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

Barclay, however, does not show or suggest applicant's invention of claim 21 of requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device. Additionally, Barclay does not show or suggest applicant's claim 21 of providing the first

location from the server to said second wireless device as a result of the first permission outside of said call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Official Notice Rejections

It appears as if the Examiner has rejected claims in view of multiple instances of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection. For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known. The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements

and explanation to such a finding. See MPEP 2144.03(c). Applicant reserves the right at any time to Petition for Patent Term Adjustment or Extension in light of the delay. The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim.

Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Grube. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
1310 Riverfront Drive
Pittsburgh, PA 15238
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	700	700

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt	
EFS ID:	17818529
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	03-JAN-2014
Filing Date:	12-JUL-2006
Time Stamp:	19:50:44
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$700
RAM confirmation Number	4979
Deposit Account	503855
Authorized User	
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p>	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON2-Reply.pdf	183250 2f0946f4784180bc0418d657639c52e5229124c6	yes	14

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	8
Amendment/Req. Reconsideration-After Non-Final Reject	9	14

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	29943 69e836eea412f84586a01358bc9dd02e6327f034	no	2
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Warnings:

Information:

Total Files Size (in bytes): 213193

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/485,161		Filing Date 07/12/2006		☐ To be Mailed	
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A		N/A		N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$		=	
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$		=	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
						TOTAL			
* If the difference in column 1 is less than zero, enter "0" in column 2.									
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	01/03/2014	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	X \$40 =		0	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$210 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		0	
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$		=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$		=	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.									
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".									
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".									
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733	7590	04/30/2014	EXAMINER	
JEFFREY D. MULLEN 1310 Riverfront Drive PITTSBURGH, PA 15238			DEANE JR, WILLIAM J	
			ART UNIT	PAPER NUMBER
			2652	
			MAIL DATE	DELIVERY MODE
			04/30/2014	PAPER

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.

Office Action Summary	Application No. 11/485,161	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	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 01/03/2014.
☐ 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) 3-32 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) 3-32 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)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

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

DETAILED ACTION

Personal Note

The examiner would still be willing to talk with Applicant about Applicant's cases in a single Interview, if Applicant desires. Applicant can send possible dates for such an Interview to william.deane@uspto.gov or call the number below to set up such an Interview. The examiner feels that in doing so, progress could be made for all the cases and be beneficial to Applicant in the further prosecution of Applicant's applications.

Claim Rejections - 35 USC § 103

The following is a quotation of 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.

Claims 3 - 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.).

With respect to claim 3, note that Barclay teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012);

providing said location to a facility (the service provider in paragraphs 0016 and 0017);
requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413). In addition, note Fig.5;
providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider) ;
providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018); and
wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device (paragraph 0022).

With respect to the new limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such

information to the caller.

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025).

With respect to claims 8, 26 and 32 note paragraph 0018.
With respect to claim 9, note paragraph 0015.

With respect to claim 15, obviously the permissions are granted for a period of time. For example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent. Since the information is stored at a facility and as long as the second device is given permission by the first device to receive the location information, obviously there is no need that the first device be turned on.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request

the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the Service Provider location. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point?

With respect to the new limitation of "requesting location information... outside a call between said first wireless device and said second wireless device", such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at

paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al. system in order to have a more efficient map.

With respect to claims 10, 14, 16 and 27, note paragraphs 0027 - 0028 of Bates et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent No. 6,885,874 (Grube et al.).

With respect to claims 12 - 13, note that Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6, Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract). A history of approximate and exact locations would have to be stored at least for a short time in order for the system to compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay device in order to have a more efficient map system.

Response to Arguments

With respect to the new limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

Conclusion

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 William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

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).

29Apr2014

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant										☐ CPA		☐ T.D.		☐ R.1.47	
CLAIM		DATE													
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011	06/30/2013	04/29/2014							
	1	✓	-	-	-	-	-	-							
	2	✓	-	-	-	-	-	-							
	3	✓	✓	✓	✓	✓	✓	✓							
	4	✓	✓	✓	✓	✓	✓	✓							
	5	✓	✓	✓	✓	✓	✓	✓							
	6	✓	✓	✓	✓	✓	✓	✓							
	7	✓	✓	✓	✓	✓	✓	✓							
	8	✓	✓	✓	✓	✓	✓	✓							
	9	✓	✓	✓	✓	✓	✓	✓							
	10	✓	✓	✓	✓	✓	✓	✓							
	11	✓	✓	✓	✓	✓	✓	✓							
	12	✓	✓	✓	✓	✓	✓	✓							
	13	✓	✓	✓	✓	✓	✓	✓							
	14	✓	✓	✓	✓	✓	✓	✓							
	15	✓	✓	✓	✓	✓	✓	✓							
	16	✓	✓	✓	✓	✓	✓	✓							
	17	✓	✓	✓	✓	✓	✓	✓							
	18	✓	✓	✓	✓	✓	✓	✓							
	19	✓	✓	✓	✓	✓	✓	✓							
	20	✓	✓	✓	✓	✓	✓	✓							
	21	✓	✓	✓	✓	✓	✓	✓							
	22	✓	✓	✓	✓	✓	✓	✓							
	23	✓	✓	✓	✓	✓	✓	✓							
	24	✓	✓	✓	✓	✓	✓	✓							
	25	✓	✓	✓	✓	✓	✓	✓							
	26	✓	✓	✓	✓	✓	✓	✓							
	27	✓	✓	✓	✓	✓	✓	✓							
	28	✓	✓	✓	✓	✓	✓	✓							
	29	✓	✓	✓	✓	✓	✓	✓							
	30	✓	✓	✓	✓	✓	✓	✓							
	31	✓	✓	✓	✓	✓	✓	✓							
	32	✓	✓	✓	✓	✓	✓	✓							

Search Notes 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD
	Updated the prior search	30Jun2013	WJD
	Updated the prior search	29Apr2014	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11485161	Filing Date	2006-07-12	Docket Number (if applicable)	JDM/002CON2	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J. Dean Jr.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____.
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
 Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☐ Patent Practitioner Signature

☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Applicant Signature			
Applicant 1		Remove	
Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2014-10-30
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature			Add

This collection of information is required by 37 CFR 1.114. 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 1.11 and 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, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
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.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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 inspections 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Glenshaw, PA 15116
Alexandria, VA 22313-1450 October 30, 2014

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated April 30, 2014. A three-month extension of time and a Request of Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (previously amended) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device outside of a call
between said first wireless device and said second
wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission outside of said
call; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim 3, wherein said second wireless device displays a map with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (previously presented) A method comprising:

- determining a first location of a first wireless device;

- determining a second location of a second wireless device;

- providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

- requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

- requesting said second location by said first wireless device;

- providing a first permission by said first wireless device for said second wireless device to obtain said first location;

- providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless

device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay").

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay.

Claim 3

Applicant has amended claim 3 without prejudice and solely in order to expedite prosecution.

The Examiner stated that:

"Barclay teaches ... requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413). In addition, note Fig. 5" (Office Action, page 2)

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation. See Barclay FIG. 4 and FIG. 5 and associated paragraphs.

The Examiner stated:

"The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device." (Office Action, page 8)

However, the Examiner's statement on storing the permission is irrelevant.

Applicant's claim 3 that includes providing location information to the second wireless device outside of said call.

Barclay is only capable of receiving location at call initiation. Call initiation is not outside of a call.

In light of the foregoing, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 3. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3, and any claim dependent therefrom, is patentable.

Claim 20

Applicant has amended claim 20 without prejudice and solely in order to expedite prosecution.

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 20 is patentable for including patentable features similar to the patentable features of claim 3. Barclay does not show or suggest applicant's claim 20 of providing said first location from said server to said second wireless device as a result of said first permission outside of the call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Applicant has amended claim 21 without prejudice and solely in order to expedite prosecution.

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 21 is patentable for including patentable features similar to the patentable features of claim 3. Additionally, Barclay does not show or suggest applicant's claim 21 of providing the first location from the server to said second wireless device as a result of the first permission outside of said call. Barclay's

calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Official Notice Rejections

It appears as if the Examiner has rejected claims in view of multiple instances of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection. For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known. The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Applicant reserves the right at any time to Petition for

Patent Term Adjustment or Extension in light of the delay. The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim.

Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Grube. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 3 months with \$0 paid	2253	1	700	700

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
RCE - 2nd and Subsequent Request	2820	1	850	850
Total in USD (\$)				1550

Electronic Acknowledgement Receipt	
EFS ID:	20561203
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	30-OCT-2014
Filing Date:	12-JUL-2006
Time Stamp:	13:55:00
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$1550
RAM confirmation Number	155
Deposit Account	503855
Authorized User	
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p>	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)					
Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)					
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-002CON2--RCE.pdf	697796	no	3
			3e14ef630cf367c05848593e51c82ee53583ca20		
Warnings:					
Information:					
2		JDM-002CON2-Reply.pdf	184034	yes	14
			ac8ad68d7f8da45db246901423ac423bf1582043		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	8	
	Applicant Arguments/Remarks Made in an Amendment		9	14	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	31797	no	2
			9060dd96503a6b3b836588b2ba82f24dad6bf929		
Warnings:					
Information:					
Total Files Size (in bytes):			913627		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number		Filing Date		☐ To be Mailed	
Substitute for Form PTO-875				11/485,161		07/12/2006			
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)		FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A					
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A					
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A					
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		X \$ =					
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		X \$ =					
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL					
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	10/30/2014	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	X \$40 =		0	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$210 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		0	
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733	7590	11/19/2014	EXAMINER	
JEFFREY D. MULLEN 2212 Hassinger Lane Glenshaw, PA 15116			DEANE JR, WILLIAM J	
			ART UNIT	PAPER NUMBER
			2652	
			MAIL DATE	DELIVERY MODE
			11/19/2014	PAPER

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.

Office Action Summary	Application No. 11/485,161	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	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 10/30/2014.
☐ 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) 3-32 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) 3-32 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)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

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

DETAILED ACTION

It should be noted that applicant states, in his remarks, that the independent claims 3, 20 and 21 have been amended. However, the claims have no indication of being amended. In the Remarks, applicant says such claims are amended but it appears that these amendments were made in Applicant's last Response. Hence the rejection of 04/30/2014 is repeated below.

Claim Rejections - 35 USC § 103

The following is a quotation of 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 negatived by the manner in which the invention was made.

Claims 3 - 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.).

With respect to claim 3, note that Barclay teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012); providing said location to a facility (the service provider in paragraphs 0016 and

0017);

requesting said location of said first wireless device by a second wireless device

(paragraph 0020 and step 413). In addition, note Fig.5;

providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider) ;

providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018); and

wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device (paragraph 0022).

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025).

With respect to claims 8, 26 and 32 note paragraph 0018.
With respect to claim 9, note paragraph 0015.

With respect to claim 15, obviously the permissions are granted for a period of time. For example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent. Since the information is stored at a facility and as long as the second device is given permission by the first device to receive the location information, obviously there is no need that the first device be turned on.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the Service

Provider location. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point?

With respect to the limitation of "requesting location information... outside a call between said first wireless device and said second wireless device", such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al. system in order to have a more

efficient map.

With respect to claims 10, 14, 16 and 27, note paragraphs 0027 - 0028 of Bates et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent No. 6,885,874 (Grube et al.).

With respect to claims 12 - 13, note that Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6, Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract). A history of approximate and exact locations would have to be stored at least for a short time in order for the system to compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay device in order to have a more efficient map system.

Response to Arguments

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-

7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

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).

11Nov2014

/William J Deane/

Primary Examiner, Art Unit 2652

Search Notes 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD
	Updated the prior search	30Jun2013	WJD
	Updated the prior search	29Apr2014	WJD
	Updated the above	17Nov2014	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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<i>Index of Claims</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant											☐ CPA	☐ T.D.	☐ R.1.47
CLAIM		DATE											
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011	06/30/2013	04/29/2014	11/17/2014				
	1	✓	-	-	-	-	-	-	-				
	2	✓	-	-	-	-	-	-	-				
	3	✓	✓	✓	✓	✓	✓	✓	✓				
	4	✓	✓	✓	✓	✓	✓	✓	✓				
	5	✓	✓	✓	✓	✓	✓	✓	✓				
	6	✓	✓	✓	✓	✓	✓	✓	✓				
	7	✓	✓	✓	✓	✓	✓	✓	✓				
	8	✓	✓	✓	✓	✓	✓	✓	✓				
	9	✓	✓	✓	✓	✓	✓	✓	✓				
	10	✓	✓	✓	✓	✓	✓	✓	✓				
	11	✓	✓	✓	✓	✓	✓	✓	✓				
	12	✓	✓	✓	✓	✓	✓	✓	✓				
	13	✓	✓	✓	✓	✓	✓	✓	✓				
	14	✓	✓	✓	✓	✓	✓	✓	✓				
	15	✓	✓	✓	✓	✓	✓	✓	✓				
	16	✓	✓	✓	✓	✓	✓	✓	✓				
	17	✓	✓	✓	✓	✓	✓	✓	✓				
	18	✓	✓	✓	✓	✓	✓	✓	✓				
	19	✓	✓	✓	✓	✓	✓	✓	✓				
	20	✓	✓	✓	✓	✓	✓	✓	✓				
	21	✓	✓	✓	✓	✓	✓	✓	✓				
	22	✓	✓	✓	✓	✓	✓	✓	✓				
	23	✓	✓	✓	✓	✓	✓	✓	✓				
	24	✓	✓	✓	✓	✓	✓	✓	✓				
	25	✓	✓	✓	✓	✓	✓	✓	✓				
	26	✓	✓	✓	✓	✓	✓	✓	✓				
	27	✓	✓	✓	✓	✓	✓	✓	✓				
	28	✓	✓	✓	✓	✓	✓	✓	✓				
	29	✓	✓	✓	✓	✓	✓	✓	✓				
	30	✓	✓	✓	✓	✓	✓	✓	✓				
	31	✓	✓	✓	✓	✓	✓	✓	✓				
	32	✓	✓	✓	✓	✓	✓	✓	✓				

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Glenshaw, PA 15116
Alexandria, VA 22313-1450 May 19, 2015

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated April 30, 2014. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (previously amended) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device outside of a call
between said first wireless device and said second
wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission outside of said
call; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim 3, wherein said second wireless device displays a map with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (previously presented) A method comprising:

- determining a first location of a first wireless device;

- determining a second location of a second wireless device;

- providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

- requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

- requesting said second location by said first wireless device;

- providing a first permission by said first wireless device for said second wireless device to obtain said first location;

- providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless

device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay").

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay.

Claim 3

The Examiner stated:

"Since the permissions are stored at the facility, the facility it should have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller" (Office Action, page 8)

Applicant's claim 3, however, includes providing location information to the second wireless device outside of said call. Barclay is only capable of receiving location at call initiation. Call initiation is not outside of a call. More particularly, Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation. See Barclay FIG. 4 and FIG. 5 and associated paragraphs.

Accordingly, the Examiner's statement of storing the permission is not relevant.

Furthermore, the Examiner stated that it was "obvious that one only need to call the facility..." The Examiner appears to state that the reference is silent on this point.

Accordingly, the rejection made by the Examiner herein appears to have been rejected in view of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection. For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the

art. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known. The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim. Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

In light of the foregoing, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 3. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3, and any claim dependent therefrom, is patentable.

Claim 20

Barclay's system is driven by a call initiation. Callers either receive location or do not

receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 20 is patentable for including patentable features similar to the patentable features of claim 3. Barclay does not show or suggest applicant's claim 20 of providing said first location from said server to said second wireless device as a result of said first permission outside of the call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 21 is patentable for including patentable features similar to the patentable features of claim 3. Additionally, Barclay does not show or suggest applicant's claim 21 of providing the first location from the server to said second wireless device as a result of the first permission outside of said call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Official Notice Rejections

It appears as if the Examiner has rejected claims in view of multiple instances of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection. For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known. The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Applicant reserves the right at any time to Petition for Patent Term Adjustment or Extension in light of the delay. The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim.

Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Grube. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
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Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt	
EFS ID:	22392790
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	19-MAY-2015
Filing Date:	12-JUL-2006
Time Stamp:	17:38:10
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$700
RAM confirmation Number	4621
Deposit Account	503855
Authorized User	MULLEN, JEFFREY D.
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p>	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON2-Reply.pdf	185990 4a61bf034d95d6103161b2065119e2426fe49de0	yes	15

Multipart Description/PDF files in .zip description				
Document Description		Start	End	
Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
Claims		2	8	
Applicant Arguments/Remarks Made in an Amendment		9	15	

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30259 dcc3421b570629669775ed06f2decca05ef666e0	no	2
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Warnings:

Information:

Total Files Size (in bytes):	216249
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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.

PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number		Filing Date		☐ To be Mailed	
Substitute for Form PTO-875				11/485,161		07/12/2006			
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)		FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A					
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A		N/A					
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A					
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		X \$ =					
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		X \$ =					
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL					
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	05/19/2015	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	X \$40 =		0	
	Independent (37 CFR 1.16(h))	* 3	Minus	***3	= 0	X \$210 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		0	
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.									
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".									
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".									
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733	7590	05/27/2015	EXAMINER	
JEFFREY D. MULLEN			DEANE JR, WILLIAM J	
2212 Hassinger Lane				
Glenshaw, PA 15116				
			ART UNIT	PAPER NUMBER
			2652	
			MAIL DATE	DELIVERY MODE
			05/27/2015	PAPER

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.

Office Action Summary	Application No. 11/485,161	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	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 05/19/2015.
☐ 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) 3-32 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) 3-32 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)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 4) ☐ Other: ____.

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

DETAILED ACTION

Claim Rejections - 35 USC § 103

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.

Claims 3 - 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent No. 7,010,110 (Jorasch et al.).

With respect to claim 3, note that Barclay teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012); providing said location to a facility (the service provider in paragraphs 0016 and 0017); requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413 of Barclay et al.). In addition, note Fig.5 of Barclay; providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices

(paragraph 0018 and service provider). In addition, note at least Figs. 1 and 2 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to store the permission information wherever it was deemed necessary; providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018 of Barclay et al.); and wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device (paragraph 0022 of Barclay et al.).

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 – 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more

flexible and user friendly by allowing one to obtain location information from multiple device.

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012 of Barclay et al.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025 of Barclay et al.).

With respect to claims 8, 26 and 32 note paragraph 0018 of Barclay et al.

With respect to claim 9, note paragraph 0015 of Barclay et al.

With respect to claim 15, obviously the permissions are granted for a period of time, for example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent. Since the information is stored at a facility and as long as the second device is given permission by the first device to receive the location information, obviously there is no need that the first device be turned on.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request

the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the Service Provider location. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point? In addition, note Col. 17, lines 16 – 26 of Jorasch et al.

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 – 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly.

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al./Jorasch et al. system in order to have a more efficient map. In addition, note Col. 18, lines 21 – 22 of Jorasch et al.

With respect to claims 10, 14, 16 and 27, note paragraphs 0027 - 0028 of Bates et al. In addition, note Col. 17, lines 38 -43 of Jorasch et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al. in view of U.S Patent No. 6,885,874 (Grube et al.).

With respect to claims 12 - 13, note that Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6, Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. into the Barclay et al./Jorasch et al. system and method in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al. in view of U.S Patent Application No. 2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract) and Jorasch et al. at Col. 3, lines 37 – 41 and Col. 17, 38 - 40. A history of approximate and exact locations would have to be stored at least for a short time in order for the system to compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay et al./Jorasch et al. device in order to have a more efficient map system.

Response to Arguments

Applicant's arguments with respect to claims 3 - 32 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

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

Application/Control Number: 11/485,161
Art Unit: 2652

Page 9

you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

24May2015

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,010,110	03-2006	Jorasch et al.	379/207.04
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<p align="center"><i>Index of Claims</i></p> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011	06/30/2013	04/29/2014	11/17/2014	05/24/2015
	1	✓	-	-	-	-	-	-	-	-
	2	✓	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23	✓	✓	✓	✓	✓	✓	✓	✓	✓
	24	✓	✓	✓	✓	✓	✓	✓	✓	✓
	25	✓	✓	✓	✓	✓	✓	✓	✓	✓
	26	✓	✓	✓	✓	✓	✓	✓	✓	✓
	27	✓	✓	✓	✓	✓	✓	✓	✓	✓
	28	✓	✓	✓	✓	✓	✓	✓	✓	✓
	29	✓	✓	✓	✓	✓	✓	✓	✓	✓
	30	✓	✓	✓	✓	✓	✓	✓	✓	✓
	31	✓	✓	✓	✓	✓	✓	✓	✓	✓
	32	✓	✓	✓	✓	✓	✓	✓	✓	✓

Search Notes 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD
	Updated the prior search	30Jun2013	WJD
	Updated the prior search	29Apr2014	WJD
	Updated the above	17Nov2014	WJD
	Updated the above	24May2015	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Glenshaw, PA 15116
Alexandria, VA 22313-1450 November 27, 2015

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated May 27, 2015. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (previously amended) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device outside of a call
between said first wireless device and said second
wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission outside of said
call; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim 3, wherein said second wireless device displays a map with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (previously presented) A method comprising:

 determining a first location of a first wireless device;

 determining a second location of a second wireless device;

 providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

 requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

 requesting said second location by said first wireless device;

 providing a first permission by said first wireless device for said second wireless device to obtain said first location;

 providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless

device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay") in view of Jorasch et al U.S. Patent No. 7,010,110 (hereinafter "Jorasch").

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch.

Claim 3

Applicant's claim 3 includes providing location information to the second wireless device outside of said call.

Barclay is only allegedly capable of receiving location at call initiation. Call initiation is not outside of a call. More particularly, Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation. See *Barclay* FIG. 4 and FIG. 5 and associated paragraphs. The Examiner's position of storing a permission is not relevant.

The Examiner stated:

"note Col. 17, lines 6-15 of Jorasch. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly by allowing one to obtain location information from multiple device." (Office Action, pages 3-4)

Barclay is a precision system that allegedly requires receiving Barclay's location at call initiation. A reference that does not provide this feature in the way that Barclay provides would, if combined with Barclay, merely eviscerate the spirit of the Barclay and render an inoperable device. Barclay is precise on the complexity of Barclay needed to merely achieve receiving Barclay's location at call initiation. Accordingly, Jorasch cannot be combined with Barclay as it would render an inoperable Barclay device and merely eviscerate the spirit of

Barlcay. Furthermore, Jorasch is merely generally directed to monitoring telephone status. Jorasch is silent on many features of applicant's claim 3 such as a second wireless device that uses location information to display directions from said second wireless device to said first wireless device. Jorasch's system is far removed from Barclay.

In light of the foregoing, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 3. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3, and any claim dependent therefrom, is patentable.

Claim 20

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

The Examiner stated:

"note Col. 17, lines 6-15 of Jorasch. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly." (Office Action, page 7)

As shown above, claim 3 is patentable. Claim 20 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 20 of providing said first location from said server to said second wireless device as a result of said first permission outside of the call. Barclay's calling and called orientation does not show or suggest such features.

Barclay is a precision system that allegedly requires receiving Barclay's location at call initiation. A reference that does not provide this feature in the way that Barclay provides would, if combined with Barclay, merely eviscerate the spirit of the Barclay and render an inoperable device. Barclay is precise on the complexity of Barclay needed to merely achieve receiving Barclay's location at call initiation. Accordingly, Jorasch cannot be combined with Barclay as it would render an inoperable Barclay device and merely eviscerate the spirit of Barclay. Furthermore, Jorasch is merely generally directed to monitoring telephone status. Jorasch is silent on many features of applicant's claim 3 such as a second wireless device that uses location information to display directions from said second wireless device to said first wireless device. Jorasch's system is far removed from Barclay.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

The Examiner stated:

"note Col. 17, lines 6-15 of Jorasch. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly." (Office Action, page 7)

As shown above, claim 3 is patentable. Claim 21 is patentable for including patentable features

similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 21 of providing the first location from the server to said second wireless device as a result of the first permission outside of said call. Barclay's calling and called orientation does now show or suggest such features.

Barclay is a precision system that allegedly requires receiving Barclay's location at call initiation. A reference that does not provide this feature in the way that Barclay provides would, if combined with Barclay, merely eviscerate the spirit of the Barclay and render an inoperable device. Barclay is precise on the complexity of Barclay needed to merely achieve receiving Barclay's location at call initiation. Accordingly, Jorasch cannot be combined with Barclay as it would render an inoperable Barclay device and merely eviscerate the spirit of Barclay. Furthermore, Jorasch is merely generally directed to monitoring telephone status. Jorasch is silent on many features of applicant's claim 3 such as a second wireless device that uses location information to display directions from said second wireless device to said first wireless device. Jorasch's system is far removed from Barclay.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Official Notice Rejections

It appears as if the Examiner has rejected claims in view of multiple instances of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection. For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element

of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known. The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Applicant reserves the right at any time to Petition for Patent Term Adjustment or Extension in light of the delay. The Examiner cannot make rejections using a reference or combination of references where the references do not show each and every element of a particular claim.

Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of Grube. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt	
EFS ID:	24201807
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	27-NOV-2015
Filing Date:	12-JUL-2006
Time Stamp:	12:00:27
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$700
RAM confirmation Number	30152
Deposit Account	503855
Authorized User	MULLEN, JEFFREY D.
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)</p>	

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON2-Reply.pdf	189884 756ce6dbb77f034311e001a10a84d959efbf5f39	yes	16

Multipart Description/PDF files in .zip description				
Document Description		Start	End	
Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
Claims		2	8	
Applicant Arguments/Remarks Made in an Amendment		9	16	

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30258 35d4f61f70eb1fc1b9572cdf6c6120183b6e2639	no	2
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Warnings:

Information:

Total Files Size (in bytes):	220142
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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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.

PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number		Filing Date		☐ To be Mailed	
Substitute for Form PTO-875				11/485,161		07/12/2006			
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)		FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A					
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A					
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A					
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		X \$ =					
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		X \$ =					
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL					
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	11/27/2015	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	X \$40 =		0	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$210 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		0	
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733	7590	12/15/2015	EXAMINER	
JEFFREY D. MULLEN			DEANE JR, WILLIAM J	
2212 Hassinger Lane				
Glenshaw, PA 15116				
			ART UNIT	PAPER NUMBER
			2652	
			MAIL DATE	DELIVERY MODE
			12/15/2015	PAPER

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.

Office Action Summary	Application No. 11/485,161	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	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 11/27/2015.
☐ 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) 3-32 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) 3-32 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)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

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

DETAILED ACTION

Claim Rejections - 35 USC § 103

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.

Claims 3 - 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent No. 7,010,110 (Jorasch et al.).

With respect to claim 3, note that Barclay teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012); providing said location to a facility (the service provider in paragraphs 0016 and 0017); requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413 of Barclay et al.). In addition, note Fig.5 of Barclay; providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider). In addition, note at least Figs. 1 and 2 of

Jorasch et al. It would have been obvious to one of ordinary skill in the art to store the permission information wherever it was deemed necessary; providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018 of Barclay et al.); and wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device (paragraph 0022 of Barclay et al.).

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 – 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly by allowing one to obtain location information from multiple device.

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012 of Barclay et al.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025 of Barclay et al.).

With respect to claims 8, 26 and 32 note paragraph 0018 of Barclay et al.

With respect to claim 9, note paragraph 0015 of Barclay et al.

With respect to claim 15, obviously the permissions are granted for a period of time, for example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent. Since the information is stored at a facility and as long as the second device is given permission by the first device to receive the location information, obviously there is no need that the first device be turned on.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the Service

Provider location. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point? In addition, note Col. 17, lines 16 – 26 of Jorasch et al.

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 – 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly.

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al./Jorasch et al. system in order to have a more efficient map. In addition, note Col. 18, lines 21 – 22 of Jorasch et al.

With respect to claims 10, 14, 16 and 27, note paragraphs 0027 - 0028 of Bates et al. In addition, note Col. 17, lines 38 -43 of Jorasch et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al. in view of U.S Patent No. 6,885,874 (Grube et al.).
With respect to claims 12 - 13, note that Grube et al. teach the claimed limitations at

Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6, Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. into the Barclay et al./Jorasch et al. system and method in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al. in view of U.S Patent Application No. 2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract) and Jorasch et al. at Col. 3, lines 37 – 41 and Col. 17, 38 - 40. A history of approximate and exact locations would have to be stored at least for a short time in order for the system to compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay et al./Jorasch et al. device in order to have a more efficient map system.

Response to Arguments

Applicant's arguments filed 11/27/2015 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

In this case, Applicant reproduces the idea that one invention (Barclay) is a precision instrument and therefore, is not combinable with the second reference (Jorasch). Applicant's argument is not sustainable. The requirement is not only combinable but the requirement could be modifying one or both of the references. In addition, although the references are classified in two different areas Barclay (455 – wireless telephony) and Jorasch (379 landline telephony), Jorasch discloses wireless application of the device. The point is, the teachings are in the references and to use those teachings to combine the references, from the same art (telephony), would have been obvious to one of ordinary skill in the art.

Applicant argues that it appears the examiner is taking Official Notice in some instances. However, Applicant does not specifically point out where the examiner has done such.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The examiner has included U.S. Patent Application No. 2003/0080897 (Tranchina et al.) as a relevant reference. Applicant may find at least paragraph 0060 of interest, among others.

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 William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

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).

14Dec2015

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-2003/0080897 A1	05-2003	Tranchina, James R.	G01S5/0009	342/357.31
	B	US-				
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011	06/30/2013	04/29/2014	11/17/2014	05/24/2015
	1	✓	-	-	-	-	-	-	-	-
	2	✓	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
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	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23	✓	✓	✓	✓	✓	✓	✓	✓	✓
	24	✓	✓	✓	✓	✓	✓	✓	✓	✓
	25	✓	✓	✓	✓	✓	✓	✓	✓	✓
	26	✓	✓	✓	✓	✓	✓	✓	✓	✓
	27	✓	✓	✓	✓	✓	✓	✓	✓	✓
	28	✓	✓	✓	✓	✓	✓	✓	✓	✓
	29	✓	✓	✓	✓	✓	✓	✓	✓	✓
	30	✓	✓	✓	✓	✓	✓	✓	✓	✓
	31	✓	✓	✓	✓	✓	✓	✓	✓	✓
	32	✓	✓	✓	✓	✓	✓	✓	✓	✓

Search Notes 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner
H04W 64/006	14Dec2015	WJD

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD
	Updated the prior search	30Jun2013	WJD
	Updated the prior search	29Apr2014	WJD
	Updated the above	17Nov2014	WJD
	Updated the above	24May2015	WJD
	Updated the search above	14Dec2015	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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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.

PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number		Filing Date		☐ To be Mailed	
Substitute for Form PTO-875				11/485,161		07/12/2006			
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)		FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A					
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A					
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A					
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		X \$ =					
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		X \$ =					
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL					
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	01/17/2016	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	X \$40 =		0	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$210 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
	TOTAL ADD'L FEE					0			
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
	TOTAL ADD'L FEE								
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Doc code: RCEX

PTO/SB/30EFS (10-08)

Doc description: Request for Continued Examination (RCE)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11485161	Filing Date	2006-07-12	Docket Number (if applicable)	JDM/002CON2	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J. Dean Jr.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____.
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No. 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Applicant Signature			
Applicant 1		<input type="button" value="Remove"/>	
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2016-06-14
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		<input type="button" value="Add"/>	

This collection of information is required by 37 CFR 1.114. 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 1.11 and 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, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
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.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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 inspections 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Glenshaw, PA 15116
Alexandria, VA 22313-1450 June 14, 2016

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated December 15, 2016. A three-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (currently amended) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device outside of a call
between said first wireless device and said second
wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission outside of said
call; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim 3, wherein said second wireless device displays a map with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless

device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay") in view of Jorasch et al U.S. Patent No. 7,010,110 (hereinafter "Jorasch").

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch.

Claim 3

Applicant's claim 3 includes providing location information to the second wireless device outside of said call and requesting said location outside of a call.

Barclay is only allegedly capable of receiving location at call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation. See *Barclay* FIG. 4 and FIG. 5 and associated paragraphs.

Call initiation is not applicant's claim 3 of providing said location to said second wireless device outside of the call.

Jorasch is silent on applicant's claim 3 of providing said location to said wireless device outside of the call - let alone requesting said location outside of a call. See Jurasch, col. 3, lines 36-59 and col. 18.

Accordingly, neither Jorasch nor Barclay, used either alone or in combination, show or suggest applicant's claim 3 of providing said location to said wireless device outside of the call.

In light of the foregoing, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 3. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3, and any claim dependent therefrom, is patentable.

Claim 20

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 20 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 20 of providing said first location from said server to said second wireless device as a result of said first permission outside of the call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 21 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 21 of providing the first location from the server to said second wireless device as a result of the first permission outside of said call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Official Notice Rejections

It appears as if the Examiner has rejected claims in view of multiple instances of Official Notice. Any rejection that does not show each and every element of a claim in one or more references is an inadequate rejection. For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. If the Examiner is taking Official Notice, MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known. The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c). Applicant reserves the right at any time to Petition for Patent Term Adjustment or Extension in light of the delay. The Examiner cannot make rejections using a reference or combination of references where the

references do not show each and every element of a particular claim.

Applicant respectfully requests that the Examiner withdraw any rejections that do not show the inclusion of each and every element of a particular claim in a reference or a combination of references.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of Grube. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
RCE- 2nd and Subsequent Request	2820	1	850	850
Total in USD (\$)				1550

Electronic Acknowledgement Receipt	
EFS ID:	26066389
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	14-JUN-2016
Filing Date:	12-JUL-2006
Time Stamp:	21:17:42
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1550
RAM confirmation Number	6121
Deposit Account	503855
Authorized User	
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>Charge any Additional Fees required under 37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>Charge any Additional Fees required under 37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

Charge any Additional Fees required under 37 CFR 1.19 (Document supply fees)

Charge any Additional Fees required under 37 CFR 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-002CON2--RCE.pdf	697796	no	3
			b5805a30f075890e7ed9ad597e3267a5884d81b8		
Warnings:					
Information:					
2		JDM-002CON2-Reply.pdf	185083	yes	14
			1f75a9a576354dc140434a5201567bbbc58f8191		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	8	
	Applicant Arguments/Remarks Made in an Amendment		9	14	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32067	no	2
			f5746bbbc796c3adaac7633686c200f0fb2db2a		
Warnings:					
Information:					
Total Files Size (in bytes):			914946		

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number		Filing Date		☐ To be Mailed	
Substitute for Form PTO-875				11/485,161		07/12/2006			
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)		FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A					
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A					
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A					
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		X \$ =					
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		X \$ =					
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL					
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	06/14/2016	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	X \$40 =		0	
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	X \$210 =		0	
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE		0	
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =			
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
						TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733	7590	07/14/2016	EXAMINER	
JEFFREY D. MULLEN			DEANE JR, WILLIAM J	
2212 Hassinger Lane				
Glenshaw, PA 15116				
			ART UNIT	PAPER NUMBER
			2652	
			MAIL DATE	DELIVERY MODE
			07/14/2016	PAPER

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.

Office Action Summary	Application No. 11/485,161	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	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 06/14/2016.
☐ 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) 3-32 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) 3-32 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)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

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

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3 - 19 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

Applicant states that claim 3 is (currently amended), however, the examiner cannot see where the claim has been amended. Therefore, the claim is ambiguous.

Claim Rejections - 35 USC § 103

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.

Claims 3 - 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent No. 7,010,110 (Jorasch et al.).

With respect to claim 3, note that Barclay teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012);

providing said location to a facility (the service provider in paragraphs 0016 and 0017); requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413 of Barclay et al.). In addition, note Fig.5 of Barclay;

providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider). In addition, note at least Figs. 1 and 2 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to store the permission information wherever it was deemed necessary;

providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018 of Barclay et al.);

and wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device (paragraph 0022 of Barclay et al.).

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing (see paragraph 0018 of Barclay et al.). The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 – 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly by allowing one to obtain location information from multiple device.

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012 of Barclay et al.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025 of Barclay et al.).

With respect to claims 8, 26 and 32 note paragraph 0018 of Barclay et al.

With respect to claim 9, note paragraph 0015 of Barclay et al.

With respect to claim 15, obviously the permissions are granted for a period of time, for example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent. Since the information is stored at a facility and as long as the second device is given permission by the first device to receive the location information, obviously there is no need that the first device be turned on.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the Service Provider location. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point? In addition, note Col. 17, lines 16 – 26 of Jorasch et al.

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of

another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 – 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly.

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al./Jorasch et al. system in order to have a more efficient map. In addition, note Col. 18, lines 21 – 22 of Jorasch et al.

With respect to claims 10, 14, 16 and 27, note paragraphs 0027 - 0028 of Bates et al. In addition, note Col. 17, lines 38 -43 of Jorasch et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al. in view of U.S Patent No. 6,885,874 (Grube et al.).

With respect to claims 12 - 13, note that Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6, Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. into the Barclay et al./Jorasch et al. system and method in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al. in view of U.S Patent Application No. 2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract) and Jorasch et al. at Col. 3, lines 37 – 41 and Col. 17, 38 - 40. A history of approximate and exact locations would have to be stored at least for a short time in order for the system to compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay et al./Jorasch et al. device in order to have a more efficient map system.

Response to Arguments

Applicant's arguments filed 11/27/2015 have been fully considered but they are not persuasive.

Applicant's main argument is that neither Barclay et al. nor Jorasch et al. teach or disclose:

requesting said location of said first wireless device by a second wireless device outside of a call
between said first wireless device and said second wireless device;

However, as shown above, this is what Barclay et al. disclose at paragraph 0018.

[0018] At step 313, one or more permission options are provided to the customer. These permission options include the ability to selectively allow the customer to allow certain individuals the ability to see the customer's location information. At step 315, the customer selects one or more of the options and sends the

option(s) for receipt by the service provider. Optionally, the customer may select various different permissions for different callers or circumstances. For example, the customer may select a quantity of telephone numbers for which permission is always given (e.g., for family members, friends, or emergency services such as police or fire department), a different set of numbers for which permission is always denied (e.g., for out of state numbers, telemarketing numbers, and/or specifically entered numbers, area codes, and/or exchanges), and the remaining numbers may be on a call-by-call basis where permission is requested at the time of the call. Another option is the ability to disable or enable location information to be sent for all calls. At step 317, the permission selection(s) are stored with the customer's profile, for example, by the service provider.

Applicant argues that it appears the examiner is taking Official Notice in some instances. However, Applicant does not specifically point out where the examiner has done such.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2652

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).

11July2016

/William J Deane/

Primary Examiner, Art Unit 2652

<i>Index of Claims</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011	06/30/2013	04/29/2014	11/17/2014	07/11/2016
	1	✓	-	-	-	-	-	-	-	-
	2	✓	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23	✓	✓	✓	✓	✓	✓	✓	✓	✓
	24	✓	✓	✓	✓	✓	✓	✓	✓	✓
	25	✓	✓	✓	✓	✓	✓	✓	✓	✓
	26	✓	✓	✓	✓	✓	✓	✓	✓	✓
	27	✓	✓	✓	✓	✓	✓	✓	✓	✓
	28	✓	✓	✓	✓	✓	✓	✓	✓	✓
	29	✓	✓	✓	✓	✓	✓	✓	✓	✓
	30	✓	✓	✓	✓	✓	✓	✓	✓	✓
	31	✓	✓	✓	✓	✓	✓	✓	✓	✓
	32	✓	✓	✓	✓	✓	✓	✓	✓	✓

Search Notes 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner
H04W 64/006	14Dec2015	WJD

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD
	Updated the prior search	30Jun2013	WJD
	Updated the prior search	29Apr2014	WJD
	Updated the above	17Nov2014	WJD
	Updated the above	24May2015	WJD
	Updated the search above	14Dec2015	WJD
	Updated the search above	11July2016	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Glenshaw, PA 15116
January 17, 2017

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated July 14, 2016. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (previously presented) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device outside of a call
between said first wireless device and said second
wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission outside of said
call; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim 3, wherein said second wireless device displays a map with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless

device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-9 are rejected under 35 U.S.C. 112(b), second paragraph, as being indefinite.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay") in view of Jorasch et al U.S. Patent No. 7,010,110 (hereinafter "Jorasch").

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 112 Rejections

Claims 3-9 are rejected under 35 U.S.C. 112(b), second paragraph, as being indefinite.

The Examiner stated the claim 3 was currently amended, but the Examiner cannot see the amendments. See Office Action, page 3.

Applicant has reverted the status for claim 3 to previously presented. No amendments have been made.

Accordingly, applicant respectfully requests that the Examiner's rejections in view of 35 U.S.C. 112 be withdrawn.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch.

Claim 3

Applicant's claim 3 includes providing location information to the second wireless device outside of said call and requesting said location outside of a call.

The Examiner stated that Applicant argues:

"that neither Barclay ... nor Jorasch ... disclose ... requesting said location ... outside of a call between said first wireless device and said second wireless device ... However ... Barclay ... disclose at paragraph 18."

(Office Action, page 8)

Barclay paragraph 18, however, discusses permission options - not providing location.

Applicant's claim 3 includes requesting location outside of a call and providing location information outside of the call.

Regardless of the permission, however, Barclay is only allegedly capable of receiving location at call initiation. Communicating location is different from a permission. Barclay's paragraph 18 is allegedly directed to permissions.

With respect to providing location, callers either receive location or do not receive location based on the status of Barclay's system at call initiation. See Barclay FIG. 4 and FIG. 5 and associated paragraphs.

Call initiation is not applicant's claim 3 of providing said location information to said second wireless device outside of the call. Accordingly, Barclay's is silent on applicant's claim 3. Applicant's claim 3 includes requesting location outside of the call and providing location information outside of the call.

Jorasch is also silent on applicant's claim 3 of providing said location information to said wireless device outside of the call - let alone requesting said location outside of a call. See Jurasch, col. 3, lines 36-59 and col. 18.

Accordingly, neither Jorasch nor Barclay, used either alone or in combination, show or suggest applicant's claim 3 of providing said location to said wireless device outside of the call.

In light of the foregoing, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 3. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3, and any claim dependent therefrom, is patentable.

Claim 20

Barclay's system is driven by a call initiation. Callers either receive location or do not

receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 20 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 20 of providing said first location from said server to said second wireless device as a result of said first permission outside of the call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 21 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 21 of providing the first location from the server to said second wireless device as a result of the first permission outside of said call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of Grube. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

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Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt	
EFS ID:	28087799
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	17-JAN-2017
Filing Date:	12-JUL-2006
Time Stamp:	20:10:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$700
RAM confirmation Number	011817INTEFSW20115600
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)
 37 CFR 1.20 (Post Issuance fees)
 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON2-Reply--V1.pdf	181001	yes	14
			afa651c73dd29aaa68e353c22d72a7b34f1c a35a		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	8	
	Applicant Arguments/Remarks Made in an Amendment		9	14	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30258	no	2
			841227a49a757652c1996a71aa825b995e0 d607f		
Warnings:					
Information:					
Total Files Size (in bytes):			211259		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733	7590	05/02/2017	EXAMINER	
JEFFREY D. MULLEN			DEANE JR, WILLIAM J	
2212 Hassinger Lane				
Glenshaw, PA 15116				
			ART UNIT	PAPER NUMBER
			2652	
			MAIL DATE	DELIVERY MODE
			05/02/2017	PAPER

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.

Office Action Summary	Application No. 11/485,161	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	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 01/17/2017.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 3-32 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) 3-32 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)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

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

Claim Rejections - 35 USC § 103

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.

Claims 3 - 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent No. 7,010,110 (Jorasch et al.) and further in view of U.S. Patent No. 7,433, 836 (August et al.).

With respect to claim 3, note that Barclay teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012); providing said location to a facility (the service provider in paragraphs 0016 and 0017); requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413 of Barclay et al.). In addition, note Fig.5 of Barclay; providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider). In addition, note at least Figs. 1 and 2 of

Jorasch et al. It would have been obvious to one of ordinary skill in the art to store the permission information wherever it was deemed necessary; providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018 of Barclay et al.); and wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device (paragraph 0022 of Barclay et al.).

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing (see paragraph 0018 of Barclay et al.). The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 – 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly by allowing one to obtain location information from multiple device.

If this is argued, please note Col. 15, lines 39 – 57 of August. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of August into the Barclay/Jorasch system or method so that others with permission can know the whereabouts or location of associates or family members without disturbing them with an actual phone call.

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012 of Barclay et al.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025 of Barclay et al.).

With respect to claims 8, 26 and 32 note paragraph 0018 of Barclay et al.

With respect to claim 9, note paragraph 0015 of Barclay et al.

With respect to claim 15, obviously the permissions are granted for a period of time, for example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent. Since the information is stored at a facility and as long as the second device is given permission by the first device to receive the location information, obviously there is no need that the first device be turned on. In addition, again, note Col. 15, lines 39 – 57 of August.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the Service Provider location. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point? In addition, note Col. 17, lines 16 – 26 of Jorasch et al. In addition, note August at Col. 15, lines 39 – 57.

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 – 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly.

If this is argued, please note Col. 15, lines 39 – 57 of August. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of August into the Barclay/Jorasch system or method so that others with permission can know the whereabouts or location of associates or family members without disturbing them with an actual phone call.

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al./August et al. in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al./Jorasch et al./August et al. system in order to have a more efficient map. In addition, note Col. 18, lines 21 – 22 of Jorasch et al.

With respect to claims 10, 14, 16 and 27, note paragraphs 0027 - 0028 of Bates et al. In addition, note Col. 17, lines 38 -43 of Jorasch et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al./August et al. in view of U.S Patent No. 6,885,874 (Grube et al.).

With respect to claims 12 - 13, note that Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6, Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. into the Barclay et al./Jorasch et al./August et al. system and method in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al./August et al. in view of U.S Patent Application No. 2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract) and Jorasch et al. at Col. 3, lines 37 – 41 and Col. 17, 38 - 40. A history of approximate and exact locations would have to be

stored at least for a short time in order for the system to compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay et al./Jorasch et al./August et al. device in order to have a more efficient map system.

Response to Arguments

Applicant's arguments with respect to claims 3 - 32 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

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).

29Apr2017

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/485,161		Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR		Art Unit 2652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-7,433,836 B1	10-2008	August; Katherine G.	G06Q10/10	705/30
*	B	US-6,556,831 B1	04-2003	Buppelmann; Ralf	H04M3/42229	455/403
*	C	US-6,377,810 B1	04-2002	Geiger; Robert L.	H04L63/123	342/357.4
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011	06/30/2013	04/29/2014	11/17/2014	07/11/2016
	1	✓	-	-	-	-	-	-	-	-
	2	✓	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23	✓	✓	✓	✓	✓	✓	✓	✓	✓
	24	✓	✓	✓	✓	✓	✓	✓	✓	✓
	25	✓	✓	✓	✓	✓	✓	✓	✓	✓
	26	✓	✓	✓	✓	✓	✓	✓	✓	✓
	27	✓	✓	✓	✓	✓	✓	✓	✓	✓
	28	✓	✓	✓	✓	✓	✓	✓	✓	✓
	29	✓	✓	✓	✓	✓	✓	✓	✓	✓
	30	✓	✓	✓	✓	✓	✓	✓	✓	✓
	31	✓	✓	✓	✓	✓	✓	✓	✓	✓
	32	✓	✓	✓	✓	✓	✓	✓	✓	✓

Search Notes 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner
H04W 64/006	14Dec2015	WJD

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD
	Updated the prior search	30Jun2013	WJD
	Updated the prior search	29Apr2014	WJD
	Updated the above	17Nov2014	WJD
	Updated the above	24May2015	WJD
	Updated the search above	14Dec2015	WJD
	Updated the search above	11July2016	WJD
	Updated the above and EAST word search	29Apr2017	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Glenshaw, PA 15116
Alexandria, VA 22313-1450 October 31, 2017

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated May 2, 2017. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (previously presented) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device outside of a call
between said first wireless device and said second
wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission outside of said
call; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim 3, wherein said second wireless device displays a map with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (previously presented) A method comprising:

 determining a first location of a first wireless device;

 determining a second location of a second wireless device;

 providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

 requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

 requesting said second location by said first wireless device;

 providing a first permission by said first wireless device for said second wireless device to obtain said first location;

 providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless

device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay") in view of Jorasch et al U.S. Patent No. 7,010,110 (hereinafter "Jorasch") and further in view of August et al. U.S. Patent No. 7,433,836 (hereinafter "August").

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch/August in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch/August in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch/August in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of August.

Claim 3

Applicant's claim 3 includes providing location information to the second wireless device outside of said call and requesting said location outside of a call.

The Examiner stated that Applicant argues:

"The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored in the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

(Office Action, page 3)

Applicant's claim 3 includes requesting location outside of a call and providing location information outside of the call. Barclay is only allegedly capable of receiving location at call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation. See *Barclay* FIG. 4 and FIG. 5 and associated paragraphs.

Call initiation is not applicant's claim 3 of providing said location information to said second wireless device outside of the call. Accordingly, Barclay's is silent on applicant's claim 3.

Applicant's claim 3 includes requesting location outside of the call and providing location information outside of the call.

Jorasch is also silent on applicant's claim 3 of providing said location information to said wireless device outside of the call - let alone requesting said location outside of a call. See Jurasch, col. 3, lines 36-59 and col. 18.

Accordingly, neither Jorasch nor Barclay, used either alone or in combination, show or suggest applicant's claim 3 of providing said location to said wireless device outside of the call.

With respect to August, the Examiner stated it would have been obvious to include August so "others with permission can know the whereabouts or location of associates or family members without disturbing them with an actual phone call." Office Action, page 4.

However, the August cannot change the fact that Barclay requires communication at call initiation. Barclay would not operate without this feature. Accordingly, August is not being used as an additive reference but a reference that requires Barclay to be something it cannot be - which is an impermissible combination.

In light of the foregoing, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 3. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3, and any claim dependent therefrom, is patentable.

Claim 20

Barclay's system is driven by a call initiation. Callers either receive location or do not

receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 20 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 20 of providing said first location from said server to said second wireless device as a result of said first permission outside of the call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 21 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 21 of providing the first location from the server to said second wireless device as a result of the first permission outside of said call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August and in view of Grube. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August and in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt	
EFS ID:	30820173
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	31-OCT-2017
Filing Date:	12-JUL-2006
Time Stamp:	22:34:58
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$700
RAM confirmation Number	110117INTEFSW22362500
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)
 37 CFR 1.20 (Post Issuance fees)
 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON2-Reply.pdf	181162	yes	14
			3f6f8ec2ade6e38206098a8857c8bb5967715f43		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	8	
	Applicant Arguments/Remarks Made in an Amendment		9	14	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30258	no	2
			cb0bd48bb82eaf37c4f267650efae44cbbf4aae88		
Warnings:					
Information:					
Total Files Size (in bytes):			211420		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/485,161		Filing Date 07/12/2006		☐ To be Mailed						
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO														
APPLICATION AS FILED – PART I														
(Column 1)		(Column 2)												
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)						
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A								
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))		N/A		N/A		N/A								
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A								
TOTAL CLAIMS (37 CFR 1.16(i))		minus 20 =		*		X \$		=						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$		=						
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).												
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))														
						TOTAL								
* If the difference in column 1 is less than zero, enter "0" in column 2.														
APPLICATION AS AMENDED – PART II														
(Column 1)		(Column 2)		(Column 3)										
AMENDMENT	10/31/2017		CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))		* 29		Minus	** 30		= 0		X \$40 =		0		
	Independent (37 CFR 1.16(h))		* 3		Minus	*** 3		= 0		X \$210 =		0		
	☐ Application Size Fee (37 CFR 1.16(s))													
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))													
											TOTAL ADD'L FEE		0	
(Column 1)		(Column 2)		(Column 3)										
AMENDMENT			CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))		*		Minus	**		=		X \$		=		
	Independent (37 CFR 1.16(h))		*		Minus	***		=		X \$		=		
	☐ Application Size Fee (37 CFR 1.16(s))													
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))													
											TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										LIE CAROL BARNES				

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733	7590	12/27/2017	EXAMINER	
JEFFREY D. MULLEN			DEANE JR, WILLIAM J	
2212 Hassinger Lane				
Glenshaw, PA 15116				
			ART UNIT	PAPER NUMBER
			2652	
			MAIL DATE	DELIVERY MODE
			12/27/2017	PAPER

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.

Office Action Summary	Application No. 11/485,161	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	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 10/31/2017.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 3-32 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) 3-32 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)
- 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date ____.
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 4) ☐ Other: ____.

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

Claim Rejections - 35 USC § 103

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.

Claims 3 - 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent No. 7,010,110 (Jorasch et al.) and further in view of U.S. Patent No. 7,433, 836 (August et al.).

With respect to claim 3, note that Barclay teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012); providing said location to a facility (the service provider in paragraphs 0016 and 0017); requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413 of Barclay et al.). In addition, note Fig.5 of Barclay; providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility, wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider). In addition, note at least Figs. 1 and 2 of

Jorasch et al. It would have been obvious to one of ordinary skill in the art to store the permission information wherever it was deemed necessary; providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018 of Barclay et al.); and wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device (paragraph 0022 of Barclay et al.).

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing (see paragraph 0018 of Barclay et al.). The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 – 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly by allowing one to obtain location information from multiple device.

If this is argued, please note Col. 15, lines 39 – 57 of August. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of August into the Barclay/Jorasch system or method so that others with permission can know the whereabouts or location of associates or family members without disturbing them with an actual phone call.

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012 of Barclay et al.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025 of Barclay et al.).

With respect to claims 8, 26 and 32 note paragraph 0018 of Barclay et al.

With respect to claim 9, note paragraph 0015 of Barclay et al.

With respect to claim 15, obviously the permissions are granted for a period of time, for example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent. Since the information is stored at a facility and as long as the second device is given permission by the first device to receive the location information, obviously there is no need that the first device be turned on. In addition, again, note Col. 15, lines 39 – 57 of August.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the Service Provider location. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point? In addition, note Col. 17, lines 16 – 26 of Jorasch et al. In addition, note August at Col. 15, lines 39 – 57.

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 – 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly.

If this is argued, please note Col. 15, lines 39 – 57 of August. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of August into the Barclay/Jorasch system or method so that others with permission can know the whereabouts or location of associates or family members without disturbing them with an actual phone call.

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al./August et al. in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al./Jorasch et al./August et al. system in order to have a more efficient map. In addition, note Col. 18, lines 21 – 22 of Jorasch et al.

With respect to claims 10, 14, 16 and 27, note paragraphs 0027 - 0028 of Bates et al. In addition, note Col. 17, lines 38 -43 of Jorasch et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al./August et al. in view of U.S Patent No. 6,885,874 (Grube et al.).

With respect to claims 12 - 13, note that Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6, Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. into the Barclay et al./Jorasch et al./August et al. system and method in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al./August et al. in view of U.S Patent Application No. 2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract) and Jorasch et al. at Col. 3, lines 37 – 41 and Col. 17, 38 - 40. A history of approximate and exact locations would have to be

stored at least for a short time in order for the system to compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay et al./Jorasch et al./August et al. device in order to have a more efficient map system.

Response to Arguments

Applicant's main argument is that neither Barclay nor Jorasch teach or disclose requesting location outside of a call and providing location information outside of the call.

However, this is not what Applicant's claim recites. Claim 3, recites:

requesting said location of said first wireless device by a second wireless device outside of a call between said first wireless device and said second wireless device; and

providing said location information about said location from said facility to said second wireless device in accordance with said permission outside of said call;

Therefore, Applicant is not claiming requesting or providing location information outside a call, but rather claiming requesting and providing location information outside a call between users.

With respect to Barclay, note at least Fig. 5 and steps 501, 503, 505, 507, and 509. Also, note paragraph 0022. It appears that a call is placed, but not connection is discussed. It appears that if permission is found at the service provider the location is sent. That is, there is a call that goes to or is intercepted by the service provider and the location information is sent without a connection between the parties.

If this is argued, it is clear in Jorasch that a connection is not needed between parties before information is sent (see at least Col. 2, lines 12 – 35). In addition, not the requesting can be provided offline via email or regular mail as well as by telephone). Note that since one party is the monitored party the location information is sent without a connection between the monitored and monitoring parties.

In addition, Applicant may want to review the Abstract, the Summary of the Invention and Col. 4, lines 54 – 65 of U.S. Patent No. 6,442, 391 (Johansson et al.).

Additionally, note Cols. 3 - 4, lines 65 – 13 of U.S. Patent No. 7,269,428 (Wallenius et al.).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the Abstracts and Figs. of the additional references cited on the accompanying 892.

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 William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

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).

17Dec2017

/William J Deane/

Primary Examiner, Art Unit 2652

Application/Control Number: 11/485,161
Art Unit: 2652

Page 12

Notice of References Cited	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-6,442,391 B1	08-2002	Johansson; Jorgen	H04W12/06	455/433
*	B	US-7,269,428 B1	09-2007	Wallenius; Jukka	H04W8/08	455/404.2
*	C	US-5,771,280 A	06-1998	Johnson; William J.	H04L29/06	379/201.06
*	D	US-5,946,687 A	08-1999	Gehani; Narain H.	G06Q10/10	707/919
*	E	US-7,171,742 B2	02-2007	Cromwell; Dan	H01L23/4006	257/E23.084
*	F	US-7,913,179 B2	03-2011	Sheha; Michael A.	H04L51/04	701/532
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

<i>Index of Claims</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant											☐ CPA	☐ T.D.	☐ R.1.47
CLAIM		DATE											
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011	06/30/2013	04/29/2014	11/17/2014	12/17/2017			
	1	✓	-	-	-	-	-	-	-	-			
	2	✓	-	-	-	-	-	-	-	-			
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓			
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓			
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓			
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓			
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓			
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	9	✓	✓	✓	✓	✓	✓	✓	✓	✓			
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓			
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	15	✓	✓	✓	✓	✓	✓	✓	✓	✓			
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	27	✓	✓	✓	✓	✓	✓	✓	✓	✓			
	28	✓	✓	✓	✓	✓	✓	✓	✓	✓			
	29	✓	✓	✓	✓	✓	✓	✓	✓	✓			
	30	✓	✓	✓	✓	✓	✓	✓	✓	✓			
	31	✓	✓	✓	✓	✓	✓	✓	✓	✓			
	32	✓	✓	✓	✓	✓	✓	✓	✓	✓			

Search Notes 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner
H04W 64/006	14Dec2015	WJD

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD
	Updated the prior search	30Jun2013	WJD
	Updated the prior search	29Apr2014	WJD
	Updated the above	17Nov2014	WJD
	Updated the above	24May2015	WJD
	Updated the search above	14Dec2015	WJD
	Updated the search above	11July2016	WJD
	Updated the above and EAST word search	29Apr2017	WJD
	Updated the searches above	17Dec2017	WJD

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES		
Search Notes	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11485161	Filing Date	2006-07-12	Docket Number (if applicable)	JDM/002CON2	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J. Dean Jr.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____.
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No. 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Applicant Signature			
Applicant 1		<input type="button" value="Remove"/>	
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2018-06-27
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		<input type="button" value="Add"/>	

This collection of information is required by 37 CFR 1.114. 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 1.11 and 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, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Glenshaw, PA 15116
Alexandria, VA 22313-1450 June 27, 2018

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated December 27, 2017. A three-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (currently amended) A method comprising:
determining a location of a first wireless device;

providing said location to a facility;

requesting said location of said first wireless device by a second wireless device outside of a call for communication between said first wireless device and said second wireless device;

providing a permission by said first wireless device for said second wireless device to access location information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first and second wireless devices;

providing said location information about said location from said facility to said second wireless device in accordance with said permission outside of said call; and

wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device.

4. (previously presented) The method of claim 3, wherein said first and second wireless devices are wireless telephones.

5. (previously presented) The method of claim 3, wherein said second wireless device displays a map with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (currently amended) A method comprising:
determining a first location of a first wireless device;
determining a second location of a second wireless device;
providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;
requesting said first location by said second wireless device outside of a call for communication between said first wireless device and said second wireless device;
requesting said second location by said first wireless device;
providing a first permission by said first wireless device for said second wireless device to obtain said first location;
providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (currently amended) A method comprising:
determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call for communication between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless

device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay") in view of Jorasch et al U.S. Patent No. 7,010,110 (hereinafter "Jorasch") and further in view of August et al. U.S. Patent No. 7,433,836 (hereinafter "August").

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch/August in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch/August in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch/August in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Without prejudice and solely in order to expedite prosecution, applicant amends claims 3, 20, and 21.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to

any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of August.

Claim 3

Applicant's claim 3 includes providing location information to the second wireless device outside of said call and requesting said location outside of a call.

The Examiner stated that Applicant argues:

"that neither Barclay nor Jorasch teach or disclose requesting location outside of a call and providing location information outside of a call ... However, this is not what Applicant's claim recites.'".

(Office Action, page 3)

The Examiner stated:

"Applicant is not claiming requesting or providing location information outside of a call, but rather claiming requesting and providing location information outside of a call between users.'".

(Office Action, page 3)

Applicant's claim 3 includes requesting location outside of a call between two devices and providing location information outside of the call between two devices.

The Examiner appears to agree that Barclay does not show or suggest this feature so long as the call is defined at initiation (not connection). *See Office Action page 5.*

Solely in order to expedite prosecution and without prejudice applicant amends claim 3.

Barclay is only allegedly capable of receiving location at call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation. See *Barclay* FIG. 4 and FIG. 5 and associated paragraphs.

Call initiation is not applicant's claim 3 of providing said location information to said second wireless device outside of the call. Accordingly, Barclay's is silent on applicant's claim 3.

Applicant's claim 3 includes requesting location outside of the call and providing location information outside of the call.

The Examiner stated that:

"it is clear in Jorasch that a connection is not needed between parties before information is sent ... In addition ... requesting can be provided offline ... locating is sent without a connection between the monitored and monitoring parties." (Office Action, page 10)

First, changing the combination of Jorasch and Barclay in a manner that removes the request and information provisioning in Barclay would eviscerate the spirit of Barclay and render it inoperable. A combination between two devices cannot render one device inoperable. Combining Jorasch and Barclay in this manner would render Barclay inoperable.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3, and any claims dependent therefrom, be withdrawn.

With respect to August, the Examiner stated it would have been obvious to include August so "others with permission can know the whereabouts or location of associates or family members without disturbing them with an actual phone call." Office Action, page 4.

However, the August cannot change the fact that Barclay requires communication at call initiation. Barclay would not operate without this feature. Accordingly, August is not being used as an additive reference but a reference that requires Barclay to be something it cannot be - which is an impermissible combination.

In light of the foregoing, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 3. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3, and any claim dependent therefrom, is patentable.

Claim 20

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 20 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 20 of providing said first location from said server to said second wireless device as a result of said first permission outside of the call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 21 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 21 of providing the first location from the server to said second wireless device as a result of the first permission outside of said call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August and in view of Grube. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August and in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim.

Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	950	950
Total in USD (\$)				1650

Electronic Acknowledgement Receipt	
EFS ID:	33021806
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	27-JUN-2018
Filing Date:	12-JUL-2006
Time Stamp:	14:44:35
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$1650
RAM confirmation Number	062818INTEFSW00001124503855
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)
 37 CFR 1.20 (Post Issuance fees)
 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-002CON2--RCE.pdf	697801	no	3
			527d105c6d46c280eae8473f4e398fea2ff8c110		

Warnings:

Information:

2		JDM-002CON2-Reply--V1.pdf	186320	yes	15
			190293801478b42942469b309bc8da1564172770		

Multipart Description/PDF files in .zip description

	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	8
	Applicant Arguments/Remarks Made in an Amendment	9	15

Warnings:

Information:

3	Fee Worksheet (SB06)	fee-info.pdf	32483	no	2
			f9545d074b3c4ca98c610f943d996b674a53e567		

Warnings:

Information:

Total Files Size (in bytes):			916604
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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/485,161		Filing Date 07/12/2006		☐ To be Mailed			
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO											
APPLICATION AS FILED - PART I											
		(Column 1)		(Column 2)							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A					
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A		N/A		N/A					
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A					
TOTAL CLAIMS (37 CFR 1.16(j))		minus 20 = *				x \$25 =					
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 = *				x \$100 =					
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))											
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL					
APPLICATION AS AMENDED - PART II											
AMENDMENT	(Column 1)		(Column 2)		(Column 3)						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		
	06/27/2018										
	Total (37 CFR 1.16(i))		* 30 Minus ** 30		= 0		x \$50 =		0		
	Independent (37 CFR 1.16(h))		* 3 Minus *** 3		= 0		x \$230 =		0		
☐ Application Size Fee (37 CFR 1.16(s))											
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
								TOTAL ADD'L FEE		0	
AMENDMENT	(Column 1)		(Column 2)		(Column 3)						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))		* Minus **		=		x \$0 =				
	Independent (37 CFR 1.16(h))		* Minus ***		=		x \$0 =				
☐ Application Size Fee (37 CFR 1.16(s))											
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
								TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.								SLIE			
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".								shanda E ross			
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".											
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733	7590	07/24/2018	EXAMINER	
JEFFREY D. MULLEN			DEANE JR, WILLIAM J	
2212 Hassinger Lane				
Glenshaw, PA 15116				
			ART UNIT	PAPER NUMBER
			2652	
			MAIL DATE	DELIVERY MODE
			07/24/2018	PAPER

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.

Office Action Summary	Application No. 11/485,161	Applicant(s) MULLEN, JEFFREY D.	
	Examiner WILLIAM DEANE JR	Art Unit 2652	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 06/27/2018.
☐ 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) 3-32 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) 3-32 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) |
| 2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) | Paper No(s)/Mail Date. ____. |
| Paper No(s)/Mail Date ____. | 4) ☐ Other: ____. |

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

Claim Rejections - 35 USC § 103

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.

Claims 3 - 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent No. 7,010,110 (Jorasch et al.) and further in view of U.S. Patent No. 7,433, 836 (August et al) or U.S. Patent No. 6,442, 391 (Johansson et al.) or U.S. Patent No. 7,269,428 (Wallenius et al.).

With respect to claim 3, note that Barclay teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012); providing said location to a facility (the service provider in paragraphs 0016 and 0017); requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413 of Barclay et al.). In addition, note Fig.5 of Barclay; providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility,

wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider). In addition, note at least Figs. 1 and 2 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to store the permission information wherever it was deemed necessary; providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018 of Barclay et al.); and wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device (paragraph 0022 of Barclay et al.).

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing (see paragraph 0018 of Barclay et al.). The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 – 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more

flexible and user friendly by allowing one to obtain location information from multiple device.

If this is argued, please note Col. 15, lines 39 – 57 of August. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of August into the Barclay/Jorasch system or method so that others with permission can know the whereabouts or location of associates or family members without disturbing them with an actual phone call.

If this is argued, note Abstract, the Summary of the Invention and Col. 4, lines 54 – 65 of U.S. Patent No. 6,442, 391 (Johansson et al.).

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Johansson et al. into the Barclay/Jorasch system or method so that others with permission can obtain the whereabouts or location of others without disturbing them with an actual phone call.

If this is argued, note Cols. 3 - 4, lines 65 – 13 of U.S. Patent No. 7,269,428 (Wallenius et al.).

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Wallenius et al. into the Barclay/Jorasch system or method so that others with permission can obtain the whereabouts or location of others without disturbing them with an actual phone call.

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012 of Barclay et al.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025 of Barclay et al.).

With respect to claims 8, 26 and 32 note paragraph 0018 of Barclay et al.

With respect to claim 9, note paragraph 0015 of Barclay et al.

With respect to claim 15, obviously the permissions are granted for a period of time, for example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent. Since the information is stored at a facility and as long as the second device is given permission by the first device to receive the location information, obviously there is no need that the first device be turned on. In addition, again, note Col. 15, lines 39 – 57 of August.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the Service

Provider location. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point? In addition, note Col. 17, lines 16 – 26 of Jorasch et al. In addition, note August at Col. 15, lines 39 – 57.

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 – 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly.

If this is argued, please note Col. 15, lines 39 – 57 of August. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of August into the Barclay/Jorasch system or method so that others with permission can know the

whereabouts or location of associates or family members without disturbing them with an actual phone call.

If this is argued, note Abstract, the Summary of the Invention and Col. 4, lines 54 – 65 of U.S. Patent No. 6,442, 391 (Johansson et al.).

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Johansson et al. into the Barclay/Jorasch system or method so that others with permission can obtain the whereabouts or location of others without disturbing them with an actual phone call.

If this is argued, note Cols. 3 - 4, lines 65 – 13 of U.S. Patent No. 7,269,428 (Wallenius et al.).

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Wallenius et al. into the Barclay/Jorasch system or method so that others with permission can obtain the whereabouts or location of others without disturbing them with an actual phone call.

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al./August et al. in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and

directions as taught by Bates et al. into the Barclay et al./Jorasch et al./August et al. system in order to have a more efficient map. In addition, note Col. 18, lines 21 – 22 of Jorasch et al.

With respect to claims 10, 14, 16 and 27, note paragraphs 0027 - 0028 of Bates et al. In addition, note Col. 17, lines 38 -43 of Jorasch et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al./August et al. in view of U.S Patent No. 6,885,874 (Grube et al.).

With respect to claims 12 - 13, note that Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14 - 26 and Col. 6, line 59 - Col. 7, line 6, Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. into the Barclay et al./Jorasch et al./August et al. system and method in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al./August et al. in view of U.S Patent Application No.

2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract) and Jorasch et al. at Col. 3, lines 37 – 41 and Col. 17, 38 - 40. A history of approximate and exact locations would have to be stored at least for a short time in order for the system to compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay et al./Jorasch et al./August et al. device in order to have a more efficient map system.

Response to Arguments

Applicant's main argument is that neither Barclay nor Jorasch teach or disclose requesting location outside of a call and providing location information outside of the call.

Applicant argues that "changing the combination of Jorasch and Barclay in a manner that removes the request and information provisioning in Barclay would eviscerate the spirit of Barclay and render it inoperable. A combination between two devices cannot render one device inoperable. Combining Jorasch and Barclay in this manner would render Barclay inoperable."

The examiner disagrees, it would not make Barclay inoperable. The combination may make Barclay redundant if both systems were combined in total, but that is ok.

The question is would it have been obvious to do so. In another situation, is it obvious to end one part of a system in favor of some part of another system? Usually the answer is yes. That is in this case, would it have been obvious to disallow or replace or combine sending location information at call connection and send it by way of the teachings of Jorasch, August et al., Johansson et al. or Wallenius et al. The examiner says yes, for the reasons shown above.

In addition, with respect to Barclay, note at least Fig. 5 and steps 501, 503, 505, 507, and 509. Also, note paragraph 0022. It appears that a call is placed, but not connection is discussed. It appears that if permission is found at the service provider the location is sent. That is, there is a call that goes to or is intercepted by the service provider and the location information is sent without a connection between the parties.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571-272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

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).

22Jul2018

/William J Deane/

Primary Examiner, Art Unit 2652

<i>Index of Claims</i> 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011	06/30/2013	04/29/2014	11/17/2014	07/22/2018
	1	✓	-	-	-	-	-	-	-	-
	2	✓	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23	✓	✓	✓	✓	✓	✓	✓	✓	✓
	24	✓	✓	✓	✓	✓	✓	✓	✓	✓
	25	✓	✓	✓	✓	✓	✓	✓	✓	✓
	26	✓	✓	✓	✓	✓	✓	✓	✓	✓
	27	✓	✓	✓	✓	✓	✓	✓	✓	✓
	28	✓	✓	✓	✓	✓	✓	✓	✓	✓
	29	✓	✓	✓	✓	✓	✓	✓	✓	✓
	30	✓	✓	✓	✓	✓	✓	✓	✓	✓
	31	✓	✓	✓	✓	✓	✓	✓	✓	✓
	32	✓	✓	✓	✓	✓	✓	✓	✓	✓

Search Notes 	Application/Control No. 11485161	Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D.
	Examiner William J Deane	Art Unit 2614

CPC- SEARCHED		
Symbol	Date	Examiner
H04W 64/006	14Dec2015	WJD

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD
	Updated the prior search	30Jun2013	WJD
	Updated the prior search	29Apr2014	WJD
	Updated the above	17Nov2014	WJD
	Updated the above	24May2015	WJD
	Updated the search above	14Dec2015	WJD
	Updated the search above	11July2016	WJD
	Updated the above and EAST word search	29Apr2017	WJD
	Updated the searches above	17Dec2017	WJD
	updated the searches above; and Inventor name search conducted and EAST word search	22Jul2018	WJD

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

SEARCH NOTES		
Search Notes	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/William J Deane/ Primary Examiner.Art Unit 2614
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Glenshaw, PA 15116
January 24, 2019

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated July 24, 2018. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (previously presented) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device outside of a call for
communication between said first wireless device and said
second wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission outside of said
call; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim 3, wherein said second wireless device displays a map with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (previously presented) A method comprising:

 determining a first location of a first wireless device;

 determining a second location of a second wireless device;

 providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

 requesting said first location by said second wireless device outside of a call for communication between said first wireless device and said second wireless device;

 requesting said second location by said first wireless device;

 providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call for communication between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by

said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay") in view of Jorasch et al U.S. Patent No. 7,010,110 (hereinafter "Jorasch") and further in view of:

- (i) August et al. U.S. Patent No.
7,433,836 (hereinafter "August");
or
- (ii) Johansson et al. U.S. Patent No.
6,442,391 (hereinafter
"Johansson"); or
- (iii) Wallenius et al. U.S. Patent No.
7,269,428 (hereinafter
"Wallenius"). .

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch/August in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch/August in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch/August in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of (i) August; or (ii) Johansson; or (iii) Wallenius.

Claim 3

Applicant's previously amended claim 3 includes providing location information to the second wireless device outside of said call and requesting said location outside of a call.

The Examiner previously stated:

"Applicant is not claiming requesting or providing location information outside of a call, but rather claiming requesting and providing location information outside of a call between users.'".

(previous Office Action, page 3)

As a result of the Examiner's statements, applicant amended claim 3 includes requesting location outside of a call between two devices and providing location information outside of the call between two devices.

Now, the Examiner states that "the question is would it have been obvious to do so." (Office Action, page 10).

The references are silent on such a feature. Accordingly, obviousness is not applicable. If Applicant is relying on Official Notice, then applicant invokes his right to require the Examiner to provide a reference that provides the feature.

Applicant's claim requires a different function and a different structure than the Examiner's combination. Applicant's amended claim provides both a different function and a different structure than the Examiner's combination. Accordingly, applicant's amended claim - which was done at the suggestion of the Examiner - is patentable.

The Examiner appears to agree that Barclay does not show or suggest this feature so long as the call is defined at initiation (not connection). See *Office Action* page 5.

Barclay is only allegedly capable of receiving location at call initiation. See *Barclay* FIG. 4 and FIG. 5 and associated paragraphs. Accordingly, Barclay specifically requires receiving location at call initiation. There is no way to change the structure of Barclay. Barclay directly teaches against applicant's amended feature of receiving location outside of call for communication. None of the supplemental references impact Barclay's direct teaching away of such a feature.

The Examiner added the new argument that:

"note at least Fig. 5 and steps 501, 503, 505, 507, and 509. Also, note paragraph 0022. It appears that a call is placed but no connection is discussed." (*Office Action*, page 10)

These sections of Barclays only supports applicant's position and the stated Barclay's construction - Barclays requires location at call initiation. The sections described by the Examiner is the call initiation process (between when call is made

and connected). Accordingly, the Examiner's reference is a reference to Barclay's call initiation process - nothing more - and provides support to the patentability of applicant's amended claims.

In light of the foregoing, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 3.

Claim 20

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 20 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 20 of providing said first location from said server to said second wireless device as a result of said first permission outside of the call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 21 is patentable for including patentable features similar to the patentable features of claim 3. None of

the references, used either alone or in combination, show or suggest applicant's claim 21 of providing the first location from the server to said second wireless device as a result of the first permission outside of said call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August and in view of Grube. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August and in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
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Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt	
EFS ID:	34943057
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	24-JAN-2019
Filing Date:	12-JUL-2006
Time Stamp:	02:30:00
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$700
RAM confirmation Number	012419INTEFSW00007246503855
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)
 37 CFR 1.20 (Post Issuance fees)
 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON2-Reply--V1.pdf	227975	yes	14
			91c8196d44f59a433904523ca1f4effd77bc84cd		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	8	
	Applicant Arguments/Remarks Made in an Amendment		9	14	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30259	no	2
			6defec93f964de077a3a927b661a75708a8b25c8		
Warnings:					
Information:					
Total Files Size (in bytes):			258234		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/485,161		Filing Date 07/12/2006		☐ To be Mailed		
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO										
APPLICATION AS FILED - PART I										
		(Column 1)	(Column 2)							
FOR		NUMBER FILED	NUMBER EXTRA	RATE (\$)		FEE (\$)				
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A	N/A						
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A	N/A	N/A						
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A	N/A						
TOTAL CLAIMS (37 CFR 1.16(j))		minus 20 =	*	x \$25 =						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*	x \$100 =						
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL						
APPLICATION AS AMENDED - PART II										
		(Column 1)	(Column 2)	(Column 3)						
AMENDMENT	01/24/2019	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)			
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	x \$50 =		0		
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	x \$230 =		0		
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE		0			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)			
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =				
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =				
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE					
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.					SLIE					
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".					/KAREN L VESTAL/					
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".										
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733	7590	05/10/2019	EXAMINER	
JEFFREY D. MULLEN			DEANE JR, WILLIAM J	
2212 Hassinger Lane				
Glenshaw, PA 15116				
			ART UNIT	PAPER NUMBER
			2652	
			MAIL DATE	DELIVERY MODE
			05/10/2019	PAPER

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 Pre-AIA or AIA Status

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

Claim Rejections - 35 USC §103

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.

Claims 3 - 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) in view of U.S. Patent No. 7,010,110 (Jorasch et al.) and further in view of U.S. Patent No. 7,433, 836 (August et al) or U.S. Patent No. 6,442, 391 (Johansson et al.) or U.S. Patent No. 7,269,428 (Wallenius et al.).

With respect to claim 3, note that Barclay teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012);

providing said location to a facility (the service provider in paragraphs 0016 and 0017); requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413 of Barclay et al.). In addition, note Fig.5 of Barclay; providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility,

wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider). In addition, note at least Figs. 1 and 2 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to store the permission information wherever it was deemed necessary;

providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018 of Barclay et al.); and wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device (paragraph 0022 of Barclay et al.).

With respect to the limitation of “requesting location information... outside a call between said first wireless device and said second wireless device”, such appears to be what Barclay et al. does or at least is capable of doing (see paragraph 0018 of Barclay et al.). The permissions are stored as shown above in the facility. If one has permission to be given the location information of another's position, it does not

matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 - 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly by allowing one to obtain location information from multiple device.

If this is argued, please note Col. 15, lines 39 - 57 of August. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of August into the Barclay/Jorasch system or method so that others with permission can know the whereabouts or location of associates or family members without disturbing them with an actual phone call.

If this is argued, note Abstract, the Summary of the Invention and Col. 4, lines 54 - 65 of U.S. Patent No. 6,442, 391 (Johansson et al.).

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Johansson et al. into the Barclay/Jorasch system or method so that others with permission can obtain the whereabouts or location of others without disturbing them with an actual phone call.

If this is argued, note Cols. 3 - 4, lines 65 - 13 of U.S. Patent No. 7,269,428 (Wallenius et al.).

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Wallenius et al. into the Barclay/Jorasch system or method so that others with permission can obtain the whereabouts or location of others without disturbing them with an actual phone call.

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012 of Barclay et al.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025 of Barclay et al.).

With respect to claims 8, 26 and 32 note paragraph 0018 of Barclay et al.

With respect to claim 9, note paragraph 0015 of Barclay et al.

With respect to claim 15, obviously the permissions are granted for a period of time, for example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent. Since the information is stored at a facility and as long as the second device is given permission by the first device to receive the location information, obviously there is no need that the first device be turned on. In addition, again, note Col. 15, lines 39 - 57 of August.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the Service Provider location. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point? In addition, note Col. 17, lines 16 - 26 of Jorasch et al. In addition, note August at Col. 15, lines 39 - 57.

With respect to the limitation of "requesting location information... outside a call between said first wireless device and said second wireless device", such appears to be what Barclay et al. does or at least is capable of doing. The permissions are stored

as shown above in the facility. If one has permission to be given the location information of another's position, it does not matter or is obvious to give out such information without involving the second device. Permission is granted until revoked. That is, since the permissions are stored at the facility it would have been obvious that one only need call the facility, the facility checks permissions and if the caller is on the list of people who are permitted to know such information, the facility gives out such information to the caller.

If this is argued, note Col. 17, lines 6 - 15 of Jorasch et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Jorasch et al. into the Barclay et al. system and method as such would make the system more flexible and user friendly.

If this is argued, please note Col. 15, lines 39 - 57 of August. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of August into the Barclay/Jorasch system or method so that others with permission can know the whereabouts or location of associates or family members without disturbing them with an actual phone call.

If this is argued, note Abstract, the Summary of the Invention and Col. 4, lines 54 - 65 of U.S. Patent No. 6,442, 391 (Johansson et al.).

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Johansson et al. into the Barclay/Jorasch system or method so that others with permission can obtain the whereabouts or location of others without disturbing them with an actual phone call.

If this is argued, note Cols. 3 - 4, lines 65 - 13 of U.S. Patent No. 7,269,428 (Wallenius et al.).

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Wallenius et al. into the Barclay/Jorasch system or method so that others with permission can obtain the whereabouts or location of others without disturbing them with an actual phone call.

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al./August et al. in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al./Jorasch et al./August et al. system in order to have a more efficient map. In addition, note Col. 18, lines 21 - 22 of Jorasch et al.

With respect to claims 10, 14, 16 and 27, note paragraphs 0027 - 0028 of Bates et al. In addition, note Col. 17, lines 38 -43 of Jorasch et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 -13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al./August et al. in view of U.S Patent No. 6,885,874 (Grube et al.). With respect to claims 12-13, note that Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14-26 and Col. 6, line 59 - Col. 7, line 6, Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. into the Barclay et al./Jorasch et al./August et al. system and method in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay et al./Jorasch et al./August et al. in view of U.S Patent Application No. 2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract) and Jorasch et al. at Col. 3, lines 37 -41

and Col. 17, 38 - 40. A history of approximate and exact locations would have to be stored at least for a short time in order for the system to compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay et al./Jorasch et al./August et al. device in order to have a more efficient map system.

Response to Arguments

Applicant's main argument is that neither Barclay nor Jorasch teach or disclose requesting location outside of a call and providing location information outside of the call.

The examiner believes that such a limitation would be obvious to one of ordinary skill in the art. That is, even without another reference such a limitation would have been obvious. For example, requesting location information could be done via email or SMS or through a GPS system. Note That Wallenius et al. discuss SMS with regard to location information. Jorasch and Barclay discuss location information using GPS and Johansson discusses both SMS and GPS with regard to location information.

In addition, note the 2 references cited on the accompanying 892.

In addition, with respect to Barclay, note at least Fig. 5 and steps 501, 503, 505, 507, and 509. Also, note paragraph 0022. It appears that a call is placed, but not connection is discussed. It appears that if permission is found at the service provider the location is sent. That is, there is a call that goes to or is intercepted by the

service provider and the location information is sent without a connection between the parties.

In addition, note the 2 references cited on the accompanying 892.

Conclusion

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 William Deane whose telephone number is 571 -272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571 -272-7488. The official fax phone number for the organization where this application or proceeding is assigned

is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

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).

09May2019

/WILLIAM J DEANE JR/
Primary Examiner, Art Unit 2652

<i>Notice of References Cited</i>	Application/Control No. 11/485,161		Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.	
	Examiner WILLIAM J DEANE JR		Art Unit 2652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Code-Number-Kind Code	Country	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-6580904-B2		06-2003	Cox; Patrick M.	H04M3/42	340/905
*	B	US-7009659-B2		03-2006	Dew; Aaron	H04N5/44513	348/553
	C						
	D						
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	F						
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	K						
	L						
	M						

FOREIGN PATENT DOCUMENTS

*		Document Number Code-Number-Kind Code	Country	Date MM-YYYY	Country	Name	CPC Classification
	N						
	O						
	P						
	Q						
	R						
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 20190509

<i>Search Notes</i> 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

CPC - Searched*		
Symbol	Date	Examiner
H04W 64/006	14Dec2015	WJD

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD
	Updated the prior search	30Jun2013	WJD
	Updated the prior search	29Apr2014	WJD
	Updated the above	17Nov2014	WJD
	Updated the above	24May2015	WJD
	Updated the search above	14Dec2015	WJD
	Updated the search above	11July2016	WJD
	Updated the above and EAST word search	29Apr2017	WJD
	Updated the searches above	17Dec2017	WJD
	updated the searches above; and Inventor name search conducted and EAST word search	22Jul2018	WJD
	Updated the searches above	05/09/2019	WJD

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

	/WILLIAM J DEANE JR/ Primary Examiner, Art Unit 2652
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<i>Search Notes</i> 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

Search Notes		
Search Notes	Date	Examiner

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

	/WILLIAM J DEANE JR/ Primary Examiner, Art Unit 2652
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<i>Index of Claims</i> 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011	06/30/2013	04/29/2014	11/17/2014	05/09/2019
	1	✓	-	-	-	-	-	-	-	-
	2	✓	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23	✓	✓	✓	✓	✓	✓	✓	✓	✓
	24	✓	✓	✓	✓	✓	✓	✓	✓	✓
	25	✓	✓	✓	✓	✓	✓	✓	✓	✓
	26	✓	✓	✓	✓	✓	✓	✓	✓	✓
	27	✓	✓	✓	✓	✓	✓	✓	✓	✓
	28	✓	✓	✓	✓	✓	✓	✓	✓	✓
	29	✓	✓	✓	✓	✓	✓	✓	✓	✓
	30	✓	✓	✓	✓	✓	✓	✓	✓	✓
	31	✓	✓	✓	✓	✓	✓	✓	✓	✓
	32	✓	✓	✓	✓	✓	✓	✓	✓	✓

Doc code: RCEX

PTO/SB/30EFS (10-08)

Doc description: Request for Continued Examination (RCE)

Approved for use through 11/30/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11485161	Filing Date	2006-07-12	Docket Number (if applicable)	JDM/002CON2	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J. Dean Jr.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No. 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Applicant Signature			
Applicant 1		<input type="button" value="Remove"/>	
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2019-11-11
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		<input type="button" value="Add"/>	

This collection of information is required by 37 CFR 1.114. 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 1.11 and 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, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
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.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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 inspections 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Glenshaw, PA 15116
Alexandria, VA 22313-1450 November 11, 2019

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated June 10, 2018. A three-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (previously presented) A method comprising:
determining a location of a first wireless
device;

providing said location to a facility;

requesting said location of said first wireless
device by a second wireless device outside of a call for
communication between said first wireless device and said
second wireless device;

providing a permission by said first wireless
device for said second wireless device to access location
information about said location;

storing said permission in said facility,
wherein said facility is located remotely from said first
and second wireless devices;

providing said location information about said
location from said facility to said second wireless
device in accordance with said permission outside of said
call; and

wherein said second wireless device uses said
location information to display directions from said
second wireless device to said first wireless device.

4. (previously presented) The method of claim
3, wherein said first and second wireless devices are
wireless telephones.

5. (previously presented) The method of claim 3, wherein said second wireless device displays a map with a location marker associated with said location.

6. (previously presented) The method of claim 3, further comprising determining how fast said first wireless device is traveling.

7. (previously presented) The method of claim 3, further comprising determining the direction said first wireless device is traveling.

8. (previously presented) The method of claim 3, further comprising removing said permission, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The method of claim 3, further comprising:

providing a first dating matching profile by said first wireless device;

providing a second dating matching profile by said second wireless device;

obtaining a second location, wherein said second location is the location of said second wireless device; and

utilizing said location, said second location, said first dating matching profile, and said second dating matching profile to provide an alert.

12. (previously presented) The method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The method of claim 3, further comprising displaying the direction that said second wireless device is traveling in.

14. (previously presented) The method of claim 3, further comprising allowing said second wireless device to set location alerts associated with said first wireless device.

15. (previously presented) The method of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The method of claim 3, further comprising alerting said second wireless device when said first wireless device enters a geographic region.

17. (previously presented) The method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The method of claim 3, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call for communication between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call; and

providing said second location from said server to said first wireless device as a result of said second permission.

21. (previously presented) A method comprising:

determining a first location of a first wireless device;

determining a second location of a second wireless device;

providing said first and second locations to a server, wherein said server is located remotely from said first and second wireless devices;

requesting said first location by said second wireless device outside of a call for communication between said first wireless device and said second wireless device;

requesting said second location by said first wireless device;

providing a first permission by said first wireless device for said second wireless device to obtain said first location;

providing a second permission by said second wireless device for said first wireless device to obtain said second location;

storing said first and second permissions on said server;

providing said first location from said server to said second wireless device as a result of said first permission outside of said call;

providing said second location from said server to said first wireless device as a result of said second permission;

providing updates of said first location to said second wireless device as a result of said first permission; and

providing updates of said second location to said first wireless device as a result of said second permission.

22. (previously presented) The method of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The method of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The method of claim 20, further comprising determining how fast said first wireless device is traveling.

25. (previously presented) The method of claim 20, further comprising determining the direction said first wireless device is traveling.

26. (previously presented) The method of claim 20, further comprising removing said first permission, by

said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The method of claim 20, further comprising alerting said second wireless device when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The method of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The method of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The method of claim 21, further comprising determining how fast said first wireless device is traveling.

31. (previously presented) The method of claim 21, further comprising determining the direction said first wireless device is traveling.

32. (previously presented) The method of claim 21, further comprising removing said first permission, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay") in view of Jorasch et al U.S. Patent No. 7,010,110 (hereinafter "Jorasch") and further in view of:

- (i) August et al. U.S. Patent No. 7,433,836 (hereinafter "August");
or
- (ii) Johansson et al. U.S. Patent No. 6,442,391 (hereinafter "Johansson"); or
- (iii) Wallenius et al. U.S. Patent No. 7,269,428 (hereinafter "Wallenius"). .

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch/August in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch/August in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay/Jorasch/August in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of (i) August; or (ii) Johansson; or (iii) Wallenius.

Claim 3

Applicant previously amended claim 3 includes requesting location outside of a call between two devices and providing location information outside of the call between two devices.

Applicant's Right To A Reference

The Examiner states:

"The examiner believes that such a limitation would be obvious ... that is even without another reference such a limitation would be obvious."
(Office Action, page 10).

The Examiner is not afforded an obvious rejection without a reference once Applicant invokes applicant's right that a reference be provided.

For rejections under 35 U.S.C. § 103(a), the Examiner has the burden of showing each and every element of applicant's invention in the prior art combination. MPEP § 2144.03 requires that the facts of which notice are being taken be capable of instant and unquestionable demonstration as being well known in the art. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA

1970). Applicant believes that the "facts" of which the Examiner may have taken Official Notice do not meet that standard, and invoke his right under MPEP § 2144.03 to have the Examiner provide documentary proof that those facts are actually well known.

The Examiner "cannot simply reach conclusions based on its own understanding or experience - or on its assessment of what would be basic knowledge or common sense. Rather, ... [the Examiner] ... must point to some concrete evidence in the record in support of these findings." *In re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697 (Fed. Cir. 2001). If the Examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth factual statements and explanation to such a finding. See MPEP 2144.03(c).

Accordingly, for any rejection in view of Official Notice, applicant requests that the Examiner provide a specific reference.

The references are silent on such a feature, as admitted by the Examiner. Accordingly, applicant invokes his right to require the Examiner to provide a reference that provides the feature.

Any reference that is provided must be operable to be combined with the other references.

Non-Obvious and Inoperable

Applicant's claim requires a different function and a different structure than the Examiner's combination. Accordingly, applicant's feature is patentable.

However, even if any reference is found by the Examiner, the combination would be non-obvious and inoperable.

Barclay is only allegedly capable of receiving location at call initiation. See *Barclay* FIG. 4 and FIG. 5 and associated paragraphs.

Accordingly, Barclay specifically requires receiving location at call initiation.

There is no way to change the structure of Barclay. Barclay directly teaches against applicant's amended feature of receiving location outside of call for communication.

If this structure was changed, Barclay would be inoperable. Furthermore, if this structure was changed, the functionality of Barclay would be changed - which teaches away from Barclay.

Accordingly, any reference from the Examiner would require that Barclay's structure be changed - which would result in an inoperable device. And, Barclay's function be changed - which would teach away from the combination.

As a result, the addition of any reference that requires a modification of Barclay would be moot.

In light of the foregoing, none of the prior art, used either alone or in combination, shows or suggests applicant's invention of claim 3.

Claim 20

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 20 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show

or suggest applicant's claim 20 of providing said first location from said server to said second wireless device as a result of said first permission outside of the call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 21 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 21 of providing the first location from the server to said second wireless device as a result of the first permission outside of said call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August and in view of Grube. Claims 17 and 18 were

rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August and in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	950	950
Total in USD (\$)				1650

Electronic Acknowledgement Receipt	
EFS ID:	37708348
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	11-NOV-2019
Filing Date:	12-JUL-2006
Time Stamp:	08:28:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$1650
RAM confirmation Number	E2019AA928591477
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)					
37 CFR 1.20 (Post Issuance fees)					
37 CFR 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-002CON2--RCE.pdf	697797	no	3
			ad9c60a890b0bbbc92fcdff025c796b24720bda6		
Warnings:					
Information:					
2		JDM-002CON2-Reply--V1.pdf	162459	yes	14
			0f820eec3e1118cd4ccd0a5502f457426b96db78		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment Submitted/Entered with Filing of CPA/RCE		1	1	
	Claims		2	8	
	Applicant Arguments/Remarks Made in an Amendment		9	14	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32481	no	2
			9d09a633b7ae5c8c7d152e6b2fce3d5c1da27658		
Warnings:					
Information:					
Total Files Size (in bytes):			892737		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/485,161		Filing Date 07/12/2006		☐ To be Mailed		
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO										
APPLICATION AS FILED - PART I										
		(Column 1)	(Column 2)							
FOR		NUMBER FILED	NUMBER EXTRA	RATE (\$)		FEE (\$)				
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A	N/A						
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A	N/A	N/A						
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A	N/A						
TOTAL CLAIMS (37 CFR 1.16(j))		minus 20 =	*	x \$25 =						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*	x \$100 =						
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL						
APPLICATION AS AMENDED - PART II										
		(Column 1)	(Column 2)	(Column 3)						
AMENDMENT	11/11/2019	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)			
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	x \$50 =		0		
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	x \$230 =		0		
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE		0			
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)			
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =				
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =				
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
					TOTAL ADD'L FEE					
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.					LIE					
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".					/DELEACHES M YOUNG/					
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".										
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733	7590	01/23/2020	EXAMINER	
JEFFREY D. MULLEN			DEANE JR, WILLIAM J	
2212 Hassinger Lane				
Glenshaw, PA 15116				
			ART UNIT	PAPER NUMBER
			2652	
			MAIL DATE	DELIVERY MODE
			01/23/2020	PAPER

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 Pre-AIA or AIA Status

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

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/11/2019 have been fully considered but they are not persuasive.

Applicant's main argument is that the references do not disclose the ability of requesting location information outside of a call. However, this is so broad as to read on an email or snail mail or SMS message or filling out a form on the Internet or the like.

Applicant and the examiner had an Interview on January 15, 2020, with regard to co-pending application 11/841734, in which Applicant proffered 4 areas in which an amendment could possibly be made. The examiner agreed to search these 4 areas including the idea of requesting location information outside of the call. Then another interview will be held and we will discuss this issue.

Claim Rejections - 35 USC § 103

The following is a quotation of 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 negatived by the manner in which the invention was made.

Claims 3 - 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.).

With respect to claim 3, note that Barclay teach determining a location of a first wireless device (FIG. 4, step 407 and paragraph 0012);

providing said location to a facility (the service provider in paragraphs 0016 and 0017);

requesting said location of said first wireless device by a second wireless device (paragraph 0020 and step 413);

providing a permission by said first wireless device for said second wireless device to access location information about said location storing said permission in said facility,

wherein said facility is located remotely from said first and second wireless devices (paragraph 0018 and service provider) ;

providing said location information about said location from said facility to said second wireless device in accordance with said permission (paragraph 0018); and wherein said

second wireless device uses said location information to display directions from said second wireless device to said first wireless device (paragraph 0022).

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025).

With respect to claims 8, 26 and 32 note paragraph 0018.

With respect to claim 9, note paragraph 0015.

With respect to claim 15, obviously the permissions are granted for a period of time. For example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent. Since the information is stored at a facility and as long as the second device is given permission by the first device to receive the location information, obviously there is no need that the first device be turned on.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the service provider. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point?

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al. system in order to have a more efficient map.

With respect to claims 10, 14, 16 and 27, note paragraphs 0027 - 0028 of Bates et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent No. 6,885,874 (Grube et al.).

With respect to claims 12-13, note that Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14-26 and Col. 6, line 59 - Col. 7, line 6, Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract). A history of approximate and exact locations would have to be stored at least for a short time in order for the system to compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay device in order to have a more efficient map system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Deane whose telephone number is 571 -272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

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).

20Jan2020

/WILLIAM J DEANE JR/
Primary Examiner, Art Unit 2652

<i>Index of Claims</i> 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011	06/30/2013	04/29/2014	11/17/2014	01/20/2020
	1	✓	-	-	-	-	-	-	-	-
	2	✓	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23	✓	✓	✓	✓	✓	✓	✓	✓	✓
	24	✓	✓	✓	✓	✓	✓	✓	✓	✓
	25	✓	✓	✓	✓	✓	✓	✓	✓	✓
	26	✓	✓	✓	✓	✓	✓	✓	✓	✓
	27	✓	✓	✓	✓	✓	✓	✓	✓	✓
	28	✓	✓	✓	✓	✓	✓	✓	✓	✓
	29	✓	✓	✓	✓	✓	✓	✓	✓	✓
	30	✓	✓	✓	✓	✓	✓	✓	✓	✓
	31	✓	✓	✓	✓	✓	✓	✓	✓	✓
	32	✓	✓	✓	✓	✓	✓	✓	✓	✓

<i>Search Notes</i> 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

CPC - Searched*		
Symbol	Date	Examiner
H04W 64/006	14Dec2015	WJD

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD
	Updated the prior search	30Jun2013	WJD
	Updated the prior search	29Apr2014	WJD
	Updated the above	17Nov2014	WJD
	Updated the above	24May2015	WJD
	Updated the search above	14Dec2015	WJD
	Updated the search above	11July2016	WJD
	Updated the above and EAST word search	29Apr2017	WJD
	Updated the searches above	17Dec2017	WJD
	updated the searches above; and Inventor name search conducted and EAST word search	22Jul2018	WJD
	Updated the searches above	05/09/2019	WJD
	Updated the searches above	01/20/2020	WJD

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<i>Search Notes</i> 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

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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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/485,161		Filing Date 07/12/2006		☐ To be Mailed			
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO											
APPLICATION AS FILED - PART I											
		(Column 1)	(Column 2)								
FOR		NUMBER FILED	NUMBER EXTRA		RATE (\$)		FEE (\$)				
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A		N/A						
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A	N/A		N/A						
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A		N/A						
TOTAL CLAIMS (37 CFR 1.16(j))		minus 20 =	*		x \$25 =						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*		x \$100 =						
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))											
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL						
APPLICATION AS AMENDED - PART II											
		(Column 1)	(Column 2)		(Column 3)						
AMENDMENT	07/23/2020	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0		x \$50 =		0		
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0		x \$230 =		0		
	☐ Application Size Fee (37 CFR 1.16(s))										
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
								TOTAL ADD'L FEE		0	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE (\$)		ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=		x \$0 =				
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x \$0 =				
	☐ Application Size Fee (37 CFR 1.16(s))										
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
								TOTAL ADD'L FEE			
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.								LIE			
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".								/VINCENT S BUTLER/			
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".											
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.											

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Glenshaw, PA 15116
Alexandria, VA 22313-1450 July 23, 2020

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated January 23, 2019. A three-month extension of time is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (currently amended) A system ~~method~~ comprising:

~~determining a location of~~ a first wireless device, wherein a location of said first wireless device is operable of being determined and provided to a remote system,

~~providing said location to a facility;~~

~~requesting~~ said location of said first wireless device is operable of being requested by a second wireless device outside of a call for communication between said first wireless device and said second wireless device, ~~device;~~

~~providing~~ a permission is operable of being provided by said first wireless device for said second wireless device to access location information about said location, ~~location;~~

~~storing~~ said permission is operable of being stored in said remote system facility, wherein said remote system facility is located remotely from said first and second wireless devices, ~~devices;~~

~~providing~~ said location information about said location is operable of being provided from said remote system facility to said second wireless device in accordance with said permission outside of said call. ~~call; and~~

~~wherein said second wireless device uses said location information to display directions from said second wireless device to said first wireless device.~~

4. (currently amended) The system method of claim 3, wherein said first and second wireless devices are wireless telephones.

5. (currently amended) The system method of claim 3, wherein said second wireless device displays a map with a location marker associated with said location.

6. (currently amended) The system method of claim 3, ~~further comprising determining how fast wherein~~ a speed said first wireless device is traveling is operable of being determined.

7. (currently amended) The system method of claim 3, ~~further comprising determining wherein a the~~ direction said first wireless device is traveling is operable of being determined.

8. (currently amended) The system method of claim 3, ~~wherein further comprising removing~~ said permission is operable of being removed, by said first wireless device, for said second wireless device to obtain said location.

9. (currently amended) The system method of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (currently amended) The system method of claim 3, ~~wherein further comprising alerting~~ said second wireless device is operable of being alerted when said first wireless device is within a distance of said second wireless device.

11. (currently amended) The system method of claim 3, ~~wherein further comprising:~~
~~providing~~ a first dating matching profile is operable of being provided by said first wireless device;
~~providing~~ a second dating matching profile is operable of being provided by said second wireless device;
~~obtaining~~ a second location is operable of being obtained, wherein said second location is the location of said second wireless device; and
~~utilizing~~ said location, said second location, said first dating matching profile, and said second dating matching profile is operable of being utilized to provide an alert.

12. (currently amended) The system method of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (currently amended) The system method of claim 3, ~~wherein further comprising displaying the a~~ direction that said second wireless device is traveling in is operable of being displayed.

14. (currently amended) The system method of claim 3, wherein further comprising allowing said second wireless device is operable of being allowed to set location alerts associated with said first wireless device.

15. (currently amended) The system method of claim 3, wherein said permission is assigned for a period of time.

16. (currently amended) The system method of claim 3, wherein further comprising alerting said second wireless device is operable of being alerted when said first wireless device enters a geographic region.

17. (currently amended) The system method of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (currently amended) The system method of claim 3, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (currently amended) The system method of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (currently amended) A system method comprising:

~~determining a~~ first wireless device, wherein a first location of a said first wireless device is operable of being determined, device,

~~determining~~ a second location of a second wireless ~~device is operable of being determined, device,~~
~~providing~~ said first and second locations are operable of being provided to a server, wherein said server is located remotely from said first and second wireless ~~devices, devices,~~
~~requesting~~ said first location is operable of being requested by said second wireless device outside of a call for communication between said first wireless device and said second wireless ~~device, device,~~
~~requesting~~ said second location is operable of being requested by said first wireless ~~device device,~~
~~providing~~ a first permission is operable of being provided by said first wireless device for said second wireless device to obtain said first location location,
~~providing~~ a second permission is operable of being provided by said second wireless device for said first wireless device to obtain said second location location,
~~storing~~ said first and second permissions are operable of being stored on said ~~server, server,~~
~~providing~~ said first location from said server is operable of being provided to said second wireless device as a result of said first permission outside of said call, call, and
~~providing~~ said second location is operable of being provided from said server to said first wireless device as a result of said second permission.

21. (currently amended) A system ~~method~~ comprising:

~~determining~~ a first wireless device operable of
determining a first location of said ~~a~~ first wireless
device, device;

~~determining~~ a second location of a second
wireless device, device; is operable of being determined,

~~providing~~ said first and second locations are
operable of being provided to a server, ~~wherein~~ said
server is located remotely from said first and second
wireless devices, devices;

~~requesting~~ said first location is operable of
being requested by said second wireless device outside of
a call for communication between said first wireless
device and said second wireless device, device;

~~requesting~~ said second location is operable of
being requested by said first wireless device, device;

~~providing~~ a first permission is operable of
being provided by said first wireless device for said
second wireless device to obtain said first location,
location;

~~providing~~ a second permission is operable of
being provided by said second wireless device for said
first wireless device to obtain said second location,
location;

~~storing~~ said first and second permissions are
operable of being stored on said server, server;

~~providing~~ said first location is operable of
being provided from said server to said second wireless
device as a result of said first permission outside of
said call, call;

~~providing~~ said second location is operable of
being provided from said server to said first wireless
device as a result of said second permission, permission;

~~providing~~ updates of said first location are operable of being provided to said second wireless device as a result of said first permission, ~~permission,~~ and ~~providing~~ updates of said second location are operable of being provided to said first wireless device as a result of said second permission.

22. (currently amended) The system ~~method~~ of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (currently amended) The system ~~method~~ of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (currently amended) The system ~~method~~ of claim 20, wherein further comprising determining how fast a speed of said first wireless device is traveling is operable of being determined.

25. (currently amended) The system ~~method~~ of claim 20, wherein further comprising determining the direction said first wireless device is traveling is operable of being determined.

26. (currently amended) The system ~~method~~ of claim 20, wherein further comprising removing said first permission is operable of being removed, by said first wireless device, for said second wireless device to obtain said first location.

27. (currently amended) The system ~~method~~ of claim 20, wherein further comprising alerting said second

wireless device is operable of being alerted when said first wireless device is within a distance of said second wireless device.

28. (currently amended) The system ~~method~~ of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (currently amended) The system ~~method~~ of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (currently amended) The system ~~method~~ of claim 21, ~~wherein further comprising determining how fast~~ a speed said first wireless device is traveling is operable of being determined.

31. (currently amended) The system ~~method~~ of claim 21, ~~wherein further comprising determining the~~ direction said first wireless device is traveling is operable of being determined.

32. (currently amended) The system ~~method~~ of claim 21, ~~wherein further comprising removing~~ said first permission is operable of being removed, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay").

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Without prejudice and solely in order to expedite prosecution, applicant has amended claims 3-32.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant Note

The Examiner referenced Application No. 11/841,734. See *Office Action*, pages 2-3. The

present application and Application 11/841,734 are separate and independent applications and are being examined separately and independently. Claims elements may be added or removed in any application at any time solely to expedite prosecution and the merits of the present application resides in the present application alone.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of (i) August; or (ii) Johansson; or (iii) Wallenius.

Claim 3

Applicant previously amended claim 3 includes requesting location outside of a call between two devices and providing location information outside of the call between two devices.

The Examiner stated Barclay:

"do not disclose the ability of requesting location information outside of a call. However, this is so broad to read on an email or snail mail or SMS message or filling out a form on the internet or the like." (Office Action, page 2)

Applicant's claim 3, however, includes:

a first location that is operable of being requested by a second wireless device outside of a call for communication between a first wireless device and a second wireless; and

a first location that is operable of being provided from said server to said second wireless device as a result of said first permission outside of said call.

Accordingly, an email or snail mail or SMS message or filling out a form on the internet on a like does not show or suggest anything other than an email or snail mail or SMS message or filling out a form on the internet or the like.

Barclay does not show any of these elements and even if an email or SMS was able of being added to Barclay - and added to Barclay outside of a call - that is all that would be added -- an email or SMS outside of a call. And, that is all Barclay would show - an email or SMS outside of a call.

Additionally, applicant's claim 3 also include numerous additionally features that are associated with the above-identified elements and such elements cannot be viewed piecemeal without such associations.

Even if an email or SMS were added to Barclay, Barclay does not show or suggest - in any way, shape, or form - applicant's invention of claim 3 of a first location that is operable of being requested by a second wireless device outside of a call for communication between a first wireless device and a second wireless and a first location that is operable of being provided from said server to said second wireless device as a result of said first permission outside of said call.

Additionally, Barclay directly teaches away from, and would not be operable of, adding whatever systems, processing, program logic, structural changes, functional changes, etc. that Barclay would need to add and modify an SMS or email as Barclay is only capable of receiving location at call initiation. See *Barclay* FIG. 4 and FIG. 5 and associated paragraphs. And, adding these elements would not show or suggest a first location that is operable of being requested by a second wireless device outside of a call for communication between a

first wireless device and a second wireless and a first location that is operable of being provided from said server to said second wireless device as a result of said first permission outside of said call.

Furthermore, the Examiner cannot modify a single reference Barclay rejection in any way except with Barclay's own discussion. The Examiner cannot modify an almost twenty-year-old reference with hindsight reconstruction of today. Anything to the contrary would be bone fide hindsight reconstruction.

Accordingly, Barclay specifically requires receiving location at call initiation. There is no way to change this structure of Barclay with any reference and Barclay is clear that Barclay requires call initiation.

Furthermore, Barclay directly teaches against applicant's amended feature of a first location that is operable of being requested by a second wireless device outside of a call for communication between a first wireless device and a second wireless and a first location that is operable of being provided from said server to said second wireless device as a result of said first permission outside of said call.

Applicant's claim 3 must be afforded its broadest possible scope. As there is no references that show or suggest applicant's features or can be combined with Barclay without hindsight reconstruction and without rendering Barclay inoperable or eviscerating the spirit of Barclay, then applicant respectfully requests that the Examiner's rejections be withdrawn.

Claim 20

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 20 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 20 of providing said first location from said server to said second wireless device as a result of said first permission outside of the call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

As shown above, claim 3 is patentable. Claim 21 is patentable for including patentable features similar to the patentable features of claim 3. None of the references, used either alone or in combination, show or suggest applicant's claim 21 of providing the first location from the server to said second wireless device as a result of the first permission outside of said call. Barclay's calling and called orientation does now show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August and in view of Grube. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August and in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
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Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	700	700
Miscellaneous:				
Total in USD (\$)				700

Electronic Acknowledgement Receipt	
EFS ID:	40092710
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	23-JUL-2020
Filing Date:	12-JUL-2006
Time Stamp:	21:21:11
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$700
RAM confirmation Number	E20207ML21353081
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.21 (Miscellaneous fees and charges)</p> <p>37 CFR 1.20 (Post Issuance fees)</p>	

37 CFR 1.19 (Document supply fees)
 37 CFR 1.17 (Patent application and reexamination processing fees)
 37 CFR 1.16 (National application filing, search, and examination fees)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		JDM-002CON2-Reply--V1.pdf	131017	yes	16
			138b8b8895df63d5c1b3a61eacb07e2c2696114c		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	9	
	Applicant Arguments/Remarks Made in an Amendment		10	16	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30257	no	2
			2a43ca67ec015b7f02f131700c1371f2246837c3		
Warnings:					
Information:					
Total Files Size (in bytes):			161274		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733	7590	10/27/2020	EXAMINER	
JEFFREY D. MULLEN			DEANE JR, WILLIAM J	
2212 Hassinger Lane				
Glenshaw, PA 15116				
			ART UNIT	PAPER NUMBER
			2652	
			MAIL DATE	DELIVERY MODE
			10/27/2020	PAPER

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 Pre-AIA or AIA Status

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

Claim Rejections - 35 USC § 103

The following is a quotation of 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.

Claims 3 - 5, 8 - 9, 15, 19 - 23, 26, 28 - 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.).

With respect to claim 3, note that Barclay teach a first wireless device (FIG. 4, step 407 and paragraph 0012) wherein a location of said first wireless device is operable of being determined and provided to a remote system (service provider in paragraphs 0016 - 0018;

said location of said first wireless device is operable of being requested by a second wireless device (paragraph 0020 and step 413) outside of a call for communication between said first wireless device and said second wireless device (reads on an email or text message or chat and the like);

a permission is operable of being provided by said first wireless device for said second wireless device to access location information about said location, said permission is operable of being stored in said remote system, wherein said remote system is located remotely from said first and second wireless devices (paragraph 0018 and the service provider);

said location information about said location is operable of being provided from said remote system to said second wireless device in accordance with said permission outside of said call (paragraph 0018 and note comment above about outside call).

With respect to claims 4, 22 and 28, wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

With respect to claims 5, 23 and 29 wherein said second wireless device displays a map with a location marker associated with said location (note paragraphs 0022, 0023 and 0025).

With respect to claims 8, 26 and 32 note paragraph 0018.

With respect to claim 9, note paragraph 0015.

With respect to claim 15, obviously the permissions are granted for a period of time. For example, until the user changes the permissions.

With respect to claim 19, note that such a limitation is inherent. Since the information is stored at a facility and as long as the second device is given permission by the first device to receive the location information, obviously there is no need that the first device be turned on.

With respect to claims 20 and 21, it is noted from the above that both wireless device give permissions, both locations are provided, both wireless device can request the location of the other, the permissions are stored and can provide location information to both devices. With respect to a server, such is inherent at the service provider. With respect to updates, such if not inherent in Barclay would have been obvious to one of ordinary skill in the art. If the system does not update the location of the devices, what's the point?

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2009/0029717 (Bates et al.)

With respect to claims 6, 7, 24, 25, 30 and 31, Barclay et al does not explicitly disclose speed and direction of travel, however, note that Bates et al. teach such at paragraph 0045. It would have been obvious to have incorporated such speed and directions as taught by Bates et al. into the Barclay et al. system in order to have a more efficient map.

With respect to claims 10, 14, 16 and 27, note paragraphs 0027 - 0028 of Bates et al.

With respect to claim 11, note that Bates discloses different profiles for family, business and etc. A dating profile would have been obvious to one of ordinary skill in the art as such would only entail the substitution or addition of one known profile or group for another.

Claims 12 -13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent No. 6,885,874 (Grube et al.).

With respect to claims 12 - 13, note that Grube et al. teach the claimed limitations at Col. 5, lines 2 - 4, Col. 6, lines 14-26 and Col. 6, line 59 - Col. 7, line 6, Col. 16, lines 11 - 26. It would have been obvious to one of ordinary skill in the art to have incorporated such limitations as disclosed by Grube et al. in order to have a more efficient system.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of U.S Patent Application No. 2002//0102989 (Calvert et al.).

With respect to claims 17 and 18, note use of approximate and exact locations used in Calvert et al. (see at least the Abstract). A history of approximate and exact locations would have to be stored at least for a short time in order for the system to compare such location information. Storing the information at the service provider of Bates or anywhere the history information could be retrieved would have been obvious to one of ordinary skill in the art. It would have been obvious to have one of ordinary skill to have incorporated such history location as taught by Calvert et al. into the Barclay device in order to have a more efficient map system.

Response to Arguments

Applicant's arguments filed 07/23/2020 have been fully considered but they are not persuasive.

Specifically, Applicant mainly converted the method claims into system claims and inserted words and phrases to reflect such change. The rejection of the method claims apply to system claims and is reflected in the rejection above.

Conclusion

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 William Deane whose telephone number is 571 -272-7484. The examiner can normally be reached on Monday - FRIDAY from 9:00 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571 -272-7488. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. However, unofficial faxes can be direct to the examiners computer at 571 273 - 7484.

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).

24Oct2020

/WILLIAM J DEANE JR/
Primary Examiner, Art Unit 2652

<i>Search Notes</i> 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

CPC - Searched*		
Symbol	Date	Examiner
H04W 64/006	14Dec2015	WJD

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD
	Updated the prior search	30Jun2013	WJD
	Updated the prior search	29Apr2014	WJD
	Updated the above	17Nov2014	WJD
	Updated the above	24May2015	WJD
	Updated the search above	14Dec2015	WJD
	Updated the search above	11July2016	WJD
	Updated the above and EAST word search	29Apr2017	WJD
	Updated the searches above	17Dec2017	WJD
	updated the searches above; and Inventor name search conducted and EAST word search	22Jul2018	WJD
	Updated the searches above	05/09/2019	WJD
	Updated the searches above	01/20/2020	WJD
	Updated the searches above	10/24/2020	WJD

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<i>Search Notes</i> 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

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<i>Index of Claims</i> 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011	06/30/2013	04/29/2014	11/17/2014	10/24/2020
	1	✓	-	-	-	-	-	-	-	-
	2	✓	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓
	6	✓	✓	✓	✓	✓	✓	✓	✓	✓
	7	✓	✓	✓	✓	✓	✓	✓	✓	✓
	8	✓	✓	✓	✓	✓	✓	✓	✓	✓
	9	✓	✓	✓	✓	✓	✓	✓	✓	✓
	10	✓	✓	✓	✓	✓	✓	✓	✓	✓
	11	✓	✓	✓	✓	✓	✓	✓	✓	✓
	12	✓	✓	✓	✓	✓	✓	✓	✓	✓
	13	✓	✓	✓	✓	✓	✓	✓	✓	✓
	14	✓	✓	✓	✓	✓	✓	✓	✓	✓
	15	✓	✓	✓	✓	✓	✓	✓	✓	✓
	16	✓	✓	✓	✓	✓	✓	✓	✓	✓
	17	✓	✓	✓	✓	✓	✓	✓	✓	✓
	18	✓	✓	✓	✓	✓	✓	✓	✓	✓
	19	✓	✓	✓	✓	✓	✓	✓	✓	✓
	20	✓	✓	✓	✓	✓	✓	✓	✓	✓
	21	✓	✓	✓	✓	✓	✓	✓	✓	✓
	22	✓	✓	✓	✓	✓	✓	✓	✓	✓
	23	✓	✓	✓	✓	✓	✓	✓	✓	✓
	24	✓	✓	✓	✓	✓	✓	✓	✓	✓
	25	✓	✓	✓	✓	✓	✓	✓	✓	✓
	26	✓	✓	✓	✓	✓	✓	✓	✓	✓
	27	✓	✓	✓	✓	✓	✓	✓	✓	✓
	28	✓	✓	✓	✓	✓	✓	✓	✓	✓
	29	✓	✓	✓	✓	✓	✓	✓	✓	✓
	30	✓	✓	✓	✓	✓	✓	✓	✓	✓
	31	✓	✓	✓	✓	✓	✓	✓	✓	✓
	32	✓	✓	✓	✓	✓	✓	✓	✓	✓

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/485,161		Filing Date 07/12/2006		☐ To be Mailed		
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO										
APPLICATION AS FILED - PART I										
		(Column 1)	(Column 2)							
FOR		NUMBER FILED	NUMBER EXTRA	RATE (\$)		FEE (\$)				
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A	N/A	N/A						
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A	N/A	N/A						
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A	N/A	N/A						
TOTAL CLAIMS (37 CFR 1.16(j))		minus 20 =	*	x \$25 =						
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =	*	x \$100 =						
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL						
APPLICATION AS AMENDED - PART II										
		(Column 1)	(Column 2)	(Column 3)						
AMENDMENT	03/29/2021	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)			
	Total (37 CFR 1.16(i))	* 30	Minus	** 30	= 0	x \$50 =		0		
	Independent (37 CFR 1.16(h))	* 3	Minus	*** 3	= 0	x \$240 =		0		
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE		0		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)			
	Total (37 CFR 1.16(i))	*	Minus	**	=	x \$0 =				
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x \$0 =				
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE				
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.						LIE				
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".						/ALLYSON PURNELL/				
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".										
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

This collection of information is required by 37 CFR 1.16. 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Doc code: RCEX

PTO/SB/30EFS (10-08)

Doc description: Request for Continued Examination (RCE)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL **(Submitted Only via EFS-Web)**

Application Number	11485161	Filing Date	2006-07-12	Docket Number (if applicable)	JDM/002CON2	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J. Dean Jr.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☐ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____.
 (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to
 Deposit Account No 503855

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

☒ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Applicant Signature			
Applicant 1		<input type="button" value="Remove"/>	
Signature	Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2021-03-29
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		<input type="button" value="Add"/>	

This collection of information is required by 37 CFR 1.114. 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 1.11 and 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, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
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.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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 inspections 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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jeffrey D. Mullen
Application No. : 11/485,161
Confirmation No. : 1639
Filed : July 12, 2006
For : SYSTEMS AND METHODS FOR
LOCATING CELLULAR PHONES
AND SECURITY MEASURES FOR
THE SAME
Group Art Unit : 2614
Examiner : William J. Deane Jr.

Hon. Commissioner for Patents
P.O. Box 1450 Glenshaw, PA 15116
Alexandria, VA 22313-1450 March 29, 2021

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated January 23, 2019. A two-month extension of time and a Request for Continued Examination is applicable hereto and is being submitted herewith. In response to the Office Action, applicant amends the application as follows:

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

Remarks/Arguments begin on page 9 of this paper.

Amendments to the Claims:

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

Listing of Claims:

1-2. (cancelled).

3. (currently amended) A system comprising:

a first wireless device, wherein a location of said first wireless device is operable of being determined and provided to a remote system,

said location of said first wireless device is operable of being requested by a second wireless device outside of a call for communication between said first wireless device and said second wireless device,

a permission is operable of being provided by said first wireless device for said second wireless device to access location information about said location,

said permission is operable of being stored in said remote system, wherein said remote system is located remotely from said first and second wireless devices,

said location information about said location is operable of being provided from said remote system to said second wireless device in accordance with said permission outside of said call, wherein said first wireless device is operable of providing a first map provided with respect to said location.

4. (previously presented) The system of claim 3, wherein said first and second wireless devices are wireless telephones.

5. (previously presented) The system of claim 3, wherein said second wireless device displays a map with a location marker associated with said location.

6. (previously presented) The system of claim 3, wherein a speed said first wireless device is traveling is operable of being determined.

7. (previously presented) The system of claim 3, wherein a direction said first wireless device is traveling is operable of being determined.

8. (previously presented) The system of claim 3, wherein said permission is operable of being removed, by said first wireless device, for said second wireless device to obtain said location.

9. (previously presented) The system of claim 3, wherein said location is determined by a positioning system that receives signals from a plurality of positioning satellites, said location is updated by said positioning system, and said updated location is provided to said facility.

10. (previously presented) The system of claim 3, wherein said second wireless device is operable of being alerted when said first wireless device is within a distance of said second wireless device.

11. (previously presented) The system of claim 3, wherein:

a first dating matching profile is operable of being provided by said first wireless device;

a second dating matching profile is operable of being provided by said second wireless device;

a second location is operable of being obtained, wherein said second location is the location of said second wireless device; and

said location, said second location, said first dating matching profile, and said second dating matching profile is operable of being utilized to provide an alert.

12. (previously presented) The system of claim 3, wherein a second location is associated with said second wireless device and said location of said first wireless device is displayed relative to said second location of said second wireless device.

13. (previously presented) The system of claim 3, wherein a direction that said second wireless device is traveling in is operable of being displayed.

14. (previously presented) The system of claim 3, wherein said second wireless device is operable of being allowed to set location alerts associated with said first wireless device.

15. (previously presented) The system of claim 3, wherein said permission is assigned for a period of time.

16. (previously presented) The system of claim 3, wherein said second wireless device is operable of being alerted when said first wireless device enters a geographic region.

17. (previously presented) The system of claim 3, wherein said facility stores a history of locations for said first wireless device.

18. (previously presented) The system of claim 3, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device.

19. (previously presented) The system of claim 3, wherein said first wireless device is OFF when said location is provided to said second wireless device.

20. (currently amended) A system comprising:
a first wireless device, wherein a first location of said first wireless device is operable of being determined,

a second location of a second wireless device is operable of being determined,

said first and second locations are operable of being provided to a server, wherein said server is located remotely from said first and second wireless devices,

said first location is operable of being requested by said second wireless device outside of a call for communication between said first wireless device and said second wireless device,

said second location is operable of being requested by said first wireless device

a first permission is operable of being provided by said first wireless device for said second wireless device to obtain said first location

a second permission is operable of being provided by said second wireless device for said first wireless device to obtain said second location

said first and second permissions are operable of being stored on said server,

said first location from said server is operable of being provided to said second wireless device as a result of said first permission outside of said call, and

said second location is operable of being provided from said server to said first wireless device as a result of said second permission, wherein said first wireless device is operable of providing a first map from a perspective of said first wireless device.

21. (currently amended) A system comprising:

a first wireless device operable of determining a first location of said first wireless device,

a second location of a second wireless device, is operable of being determined,

said first and second locations are operable of being provided to a server, said server is located remotely from said first and second wireless devices,

said first location is operable of being requested by said second wireless device outside of a call for communication between said first wireless device and said second wireless device,

said second location is operable of being requested by said first wireless device,

a first permission is operable of being provided by said first wireless device for said second wireless device to obtain said first location,

a second permission is operable of being provided by said second wireless device for said first wireless device to obtain said second location,

said first and second permissions are operable of being stored on said server,

said first location is operable of being provided from said server to said second wireless device as a result of said first permission outside of said call,

said second location is operable of being provided from said server to said first wireless device as a result of said second permission,

updates of said first location are operable of being provided to said second wireless device as a result of said first permission, and

updates of said second location are operable of being provided to said first wireless device as a result of said second permission, wherein said first wireless device is operable of providing a first map from a perspective of said first location.

22. (previously presented) The system of claim 20, wherein said first and second wireless devices are wireless telephones.

23. (previously presented) The system of claim 20, wherein said second wireless device displays a map with a location marker associated with said first location.

24. (previously presented) The system of claim 20, wherein a speed of said first wireless device is traveling is operable of being determined.

25. (previously presented) The system of claim 20, wherein the direction said first wireless device is traveling is operable of being determined.

26. (previously presented) The system of claim 20, wherein said first permission is operable of being removed, by said first wireless device, for said second wireless device to obtain said first location.

27. (previously presented) The system of claim 20, wherein said second wireless device is operable of being alerted when said first wireless device is within a distance of said second wireless device.

28. (previously presented) The system of claim 21, wherein said first and second wireless devices are wireless telephones.

29. (previously presented) The system of claim 21, wherein said second wireless device displays a map with a location marker associated with said first location.

30. (previously presented) The system of claim 21, wherein a speed said first wireless device is traveling is operable of being determined.

31. (previously presented) The system of claim 21, wherein the direction said first wireless device is traveling is operable of being determined.

32. (previously presented) The system of claim 21, wherein said first permission is operable of

being removed, by said first wireless device, for said second wireless device to obtain said first location.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application No. 2003/0119522 (hereinafter "Barclay").

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Bates et al. U.S. Patent Application No. 2009/0029717 (hereinafter "Bates").

Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Grube et al U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Calvert U.S. Patent Application No. 2002/0102989 (hereinafter "Calvert").

Summary of Applicant's Amendments

Without prejudice and solely in order to expedite prosecution, applicant has amended claims 3, 20, and 21.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to file any number of continuation or divisional claims directed to any of the subject matter contained in applicant's specification.

Applicant's Reply to the 103(a) Rejections

Claims 3-5, 8-9, 15, 19-23, 26, 28-29, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and in view of (i) August; or (ii) Johansson; or (iii) Wallenius.

Claim 3

Nonetheless, applicant has, without prejudice and solely in order to expedite prosecution, amended claim 3 to a first wireless device is operable of providing a first map provided with respect to said location. None of the prior art, used either alone or in combination, shows or suggest applicant's features of claim 3.

Furthermore, Applicant's claim 3, includes a first location that is operable of being requested by a second wireless device outside of a call for communication between a first wireless device and a second wireless; and a first location that is operable of being provided from said server to said second wireless device as a result of said first permission outside of said call. Accordingly, an email or snail mail or SMS message or filling out a form on the internet on a like does not show or suggest anything other than an email or snail mail or SMS message or filling out a form on the internet or the like. Barclay does not show any of these elements and even if an email or SMS was able of being added to Barclay - and added to Barclay outside of a call - that is all that would be added -- an email or SMS outside of a call. And, that is all Barclay would show - an email or SMS outside of a call.

Additionally, applicant's claim 3 also include numerous additionally features that are associated with

the above-identified elements and such elements cannot be viewed piecemeal without such associations. Even if an email or SMS were added to Barclay, Barclay does not show or suggest - in any way, shape, or form - applicant's invention of claim 3 of a first location that is operable of being requested by a second wireless device outside of a call for communication between a first wireless device and a second wireless and a first location that is operable of being provided from said server to said second wireless device as a result of said first permission outside of said call.

Applicant's claim 3 must be afforded its broadest possible scope. As there is no references that show or suggest applicant's features or can be combined with Barclay without hindsight reconstruction and without rendering Barclay inoperable or eviscerating the spirit of Barclay, then applicant respectfully requests that the Examiner's rejections be withdrawn.

Claim 20

Applicant has, without prejudice and solely in order to expedite prosecution, amended claim 20 to include patentable features similar to the features of claim 3. None of the prior art, used either alone or in combination, shows or suggest applicant's features of claim 20.

Furthermore, Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 20 be withdrawn.

Claim 21

Applicant has, without prejudice and solely in order to expedite prosecution, amended claim 21 to include patentable features similar to the features of claim 3. None of the prior art, used either alone or in combination, shows or suggest applicant's features of claim 21.

Furthermore, Barclay's system is driven by a call initiation. Callers either receive location or do not receive location based on the status of Barclay's system at call initiation.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 21 be withdrawn.

Applicant's Reply to the Dependent Claim Rejections

Claims 6, 7, 10, 11, 14, 16, 24, 25, 27, 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August in view of Bates. Claims 12-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August and in view of Grube. Claims 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Jorasch and August and in view of Calvert.

As shown above, claims 3, 20, and 21 are patentable. Accordingly, applicant respectfully submits that claims 4-19 and 22-32 are patentable as such claims depend from a patentable base claim. Accordingly, applicant respectfully requests that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

The Director is hereby authorized to charge and fees due in conjunction with this filing, or to credit any overpayment of the same, to Deposit Account No. 50-3855.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 2 months with \$0 paid	2252	1	320	320
Miscellaneous:				
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	1000	1000
Total in USD (\$)				1320

Electronic Acknowledgement Receipt	
EFS ID:	42313389
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	29-MAR-2021
Filing Date:	12-JUL-2006
Time Stamp:	19:11:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$1320
RAM confirmation Number	E20213SJ11430833
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)
 37 CFR 1.20 (Post Issuance fees)
 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	JDM-002CON2--RCE.pdf	697796	no	3
			bddb29a435c6337ddaa9e971af0b31175ab30cb2		

Warnings:

Information:

2		JDM-002CON2-Reply.pdf	104250	yes	14
			ea3be058053845f836e14b3ad4de542e75899745d		

Multipart Description/PDF files in .zip description

	Document Description	Start	End
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1
	Claims	2	9
	Applicant Arguments/Remarks Made in an Amendment	10	14

Warnings:

Information:

3	Fee Worksheet (SB06)	fee-info.pdf	32294	no	2
			acf70b3af4821c685fb568325ccb20deaa5f7ce5		

Warnings:

Information:

Total Files Size (in bytes): 834340

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

32733 7590 05/10/2021
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER

DEANE JR, WILLIAM J

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 05/10/2021

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639

TITLE OF INVENTION: Systems and methods for locating cellular phones and security measures for the same

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$600	\$0.00	\$0.00	\$600	08/10/2021

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE 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.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

32733 7590 05/10/2021
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639

TITLE OF INVENTION: Systems and methods for locating cellular phones and security measures for the same

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$600	\$0.00	\$0.00	\$600	08/10/2021

EXAMINER	ART UNIT	CLASS-SUBCLASS
DEANE JR, WILLIAM J	2652	455-456100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-09 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☐ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

☐ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. Change in Entity Status (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☐ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639
32733	7590	05/10/2021	EXAMINER	
JEFFREY D. MULLEN			DEANE JR, WILLIAM J	
2212 Hassinger Lane			ART UNIT	
Glenshaw, PA 15116			PAPER NUMBER	
			2652	
DATE MAILED: 05/10/2021				

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 30 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.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
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.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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. 11/485,161	Applicant(s) Mullen, Jeffrey D.	
	Examiner WILLIAM J DEANE JR	Art Unit 2652	AIA (FITF) 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 03/29/2021.
☐ 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 3-32. 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 _____.	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 _____.	

/WILLIAM J DEANE JR/ Primary Examiner, Art Unit 2652	
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<i>Search Notes</i> 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

CPC - Searched*		
Symbol	Date	Examiner
H04W 64/006	14Dec2015	WJD

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

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<i>Search Notes</i> 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

US Classification - Searched*			
Class	Subclass	Date	Examiner
	Updated the prior search.	13Sep2008	WJD
	Updated the prior search.	06Jun2009	WJD
	Updated the prior search.	14Feb2009	WJD
	Updated the prior search	08Nov2010	WJD
	Updated the prior search	10/23/2011	WJD
	Updated the prior search	30Jun2013	WJD
	Updated the prior search	29Apr2014	WJD
	Updated the above	17Nov2014	WJD
	Updated the above	24May2015	WJD
	Updated the search above	14Dec2015	WJD
	Updated the search above	11July2016	WJD
	Updated the above and EAST word search	29Apr2017	WJD
	Updated the searches above	17Dec2017	WJD
	updated the searches above; and Inventor name search conducted and EAST word search	22Jul2018	WJD
	Updated the searches above	05/09/2019	WJD
	Updated the searches above	01/20/2020	WJD
	Updated the searches above	10/24/2020	WJD
	Updated the searches above	05/07/2021	WJD

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
USPGPUB Interference Search (see printout)	05/07/2021	WJD

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<i>Search Notes</i> 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

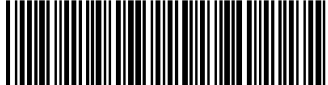
Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner
455	456.1	05/07/2021	WJD
455	456.3	05/07/2021	WJD
455	404.2	05/07/2021	WJD

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<i>Index of Claims</i> 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

CLAIMS										
☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	09/14/2008	06/06/2009	02/15/2010	11/08/2010	10/23/2011	06/30/2013	04/29/2014	11/17/2014	05/07/2021
	1	✓	-	-	-	-	-	-	-	-
	2	✓	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	=
	4	✓	✓	✓	✓	✓	✓	✓	✓	=
	5	✓	✓	✓	✓	✓	✓	✓	✓	=
	6	✓	✓	✓	✓	✓	✓	✓	✓	=
	7	✓	✓	✓	✓	✓	✓	✓	✓	=
	8	✓	✓	✓	✓	✓	✓	✓	✓	=
	9	✓	✓	✓	✓	✓	✓	✓	✓	=
	10	✓	✓	✓	✓	✓	✓	✓	✓	=
	11	✓	✓	✓	✓	✓	✓	✓	✓	=
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	13	✓	✓	✓	✓	✓	✓	✓	✓	=
	14	✓	✓	✓	✓	✓	✓	✓	✓	=
	15	✓	✓	✓	✓	✓	✓	✓	✓	=
	16	✓	✓	✓	✓	✓	✓	✓	✓	=
	17	✓	✓	✓	✓	✓	✓	✓	✓	=
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	24	✓	✓	✓	✓	✓	✓	✓	✓	=
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	26	✓	✓	✓	✓	✓	✓	✓	✓	=
	27	✓	✓	✓	✓	✓	✓	✓	✓	=
	28	✓	✓	✓	✓	✓	✓	✓	✓	=
	29	✓	✓	✓	✓	✓	✓	✓	✓	=
	30	✓	✓	✓	✓	✓	✓	✓	✓	=
	31	✓	✓	✓	✓	✓	✓	✓	✓	=
	32	✓	✓	✓	✓	✓	✓	✓	✓	=

Issue Classification 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

CPC						
Symbol					Type	Version
H04W	/	8	/	14	F	2013-01-01
H04W	/	64	/	00	I	2013-01-01
H04W	/	8	/	16	A	2013-01-01

CPC Combination Sets							
Symbol				Type	Set	Ranking	Version
	/		/				

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	30	
/WILLIAM J DEANE JR/ Primary Examiner, Art Unit 2652	07 May 2021	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	2

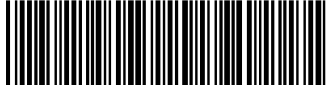
Issue Classification 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

INTERNATIONAL CLASSIFICATION				
CLAIMED				
H04M	/	11	/	00
NON-CLAIMED				
	/		/	

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS
455	456.1

CROSS REFERENCES(S)					
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
455	456.3	404.2			

NONE (Assistant Examiner)		Total Claims Allowed: 30	
(Date)		07 May 2021	
/WILLIAM J DEANE JR/ Primary Examiner, Art Unit 2652 (Primary Examiner)		O.G. Print Claim(s) 1	O.G. Print Figure 2

Issue Classification 	Application/Control No. 11/485,161	Applicant(s)/Patent Under Reexamination Mullen, Jeffrey D.
	Examiner WILLIAM J DEANE JR	Art Unit 2652

☐ Claims renumbered in the same order as presented by applicant
 ☐ CPA
 ☐ T.D.
 ☐ R.1.47

CLAIMS															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1	8	10	17	19	26	28								
	2	9	11	18	20	27	29								
1	3	10	12	19	21	28	30								
2	4	11	13	20	22	29	31								
3	5	12	14	21	23	30	32								
4	6	13	15	22	24										
5	7	14	16	23	25										
6	8	15	17	24	26										
7	9	16	18	25	27										

NONE (Assistant Examiner) _____ (Date) _____		Total Claims Allowed: 30	
/WILLIAM J DEANE JR/ Primary Examiner, Art Unit 2652 (Primary Examiner) _____ (Date) 07 May 2021		O.G. Print Claim(s) 1	O.G. Print Figure 2

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	0	(first adj2(wireless or cell or cellular or mobile) adj (device or phone or telephone or communicator) with location and second adj2(wireless or cell or cellular or mobile) adj (device or phone or telephone or communicator) and outside adj3 call and (access adj right or permission) and remote adj system and map).clm.	US-PGPUB; USPAT; EPO	OR	ON	2021/05/07 22:26

5/7/2021 10:28:04 PM

C:\Users\wdeane\Documents\EAST\Workspaces\11485161.wsp

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Jeffrey D. Mullen	(Depositor's name)
/Jeffrey D. Mullen/	(Signature)
08/10/2021	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	07/12/2006	Jeffrey D. Mullen	JDM/002 CON2	1639

TITLE OF INVENTION:

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$600	\$0	\$600	08/10/2021

EXAMINER	ART UNIT	CLASS-SUBCLASS

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1__ (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2__ 3__
---	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed: ☒ Issue Fee ☒ Publication Fee (No small entity discount permitted) ☐ Advance Order - # of Copies __	4b. Payment of Fee(s): ☐ A check in the amount of the fee(s) is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached. ☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 503855
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5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
 NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature /Jeffrey D. Mullen/

Date 08/10/2021

Typed or printed name Jeffrey D. Mullen

Registration No. 52,056

This collection of information 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.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
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.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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.

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
UTILITY APPL ISSUE FEE	2501	1	600	600

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				600

Electronic Acknowledgement Receipt	
EFS ID:	43476690
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	10-AUG-2021
Filing Date:	12-JUL-2006
Time Stamp:	19:52:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$600
RAM confirmation Number	E202180J53081804
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)
 37 CFR 1.20 (Post Issuance fees)
 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	JDM-002CON2--IF.pdf	232029	no	2
			9fceaace1abf96f38d6735b74c55b5298a886288		

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	37735	no	2
			dc3b9c57df0eb505b608ebe8cc504987254d599a		

Warnings:

Information:

Total Files Size (in bytes):	269764
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/485,161	09/14/2021	11122418	JDM/002 CON2	1639

32733 7590 08/25/2021
JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 6 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

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 Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Jeffrey D. Mullen, New York, NY;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 11,122,418 B2
APPLICATION : 11/485,161
NO.
ISSUE DATE : Sep. 14, 2021
INVENTOR(S) : Jeffrey D. Mullen

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims

Claim 7, Column 13, Line 53: "said facility" should read --said remote system--.

MAILING ADDRESS OF SENDER (Please do not use Customer Number below):

Jeffrey D. Mullen
APPLICANT
2212 HASSINGER LANE
GLENSHAW, PA 15116

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
MULLEN

Examiner: Deane Jr., William J.

Inventor: Jeffrey D. Mullen

Patent No.: 11,122,418

Art Unit: 2652

Issue Date: September 14, 2021

Conf. No. 1639

Serial No.: 11/485,161

Filed: July 12, 2006

For: Systems and Methods for Locating Cellular
Phones and Security Measures for the Same

**REQUEST FOR CERTIFICATE OF CORRECTION
PURSUANT TO 37 C.F.R. § 1.322**

Attention: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please issue a certificate of correction in accordance with the attached form.

One or more of the errors to be corrected were made by applicant. The fee of \$160 is being paid with this request.

Apply any other necessary charges or credits to Deposit Account 50-3855, referencing the above attorney docket number.

Respectfully submitted,

Date: October 14, 2021

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Mobile No. 914 837-7741

Electronic Patent Application Fee Transmittal				
Application Number:		11485161		
Filing Date:		12-Jul-2006		
Title of Invention:		Systems and methods for locating cellular phones and security measures for the same		
First Named Inventor/Applicant Name:		Jeffrey D. Mullen		
Filer:		Jeffrey David Mullen		
Attorney Docket Number:		JDM/002 CON2		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
CERTIFICATE OF CORRECTION	2811	1	160	160

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				160

Electronic Acknowledgement Receipt	
EFS ID:	44036728
Application Number:	11485161
International Application Number:	
Confirmation Number:	1639
Title of Invention:	Systems and methods for locating cellular phones and security measures for the same
First Named Inventor/Applicant Name:	Jeffrey D. Mullen
Customer Number:	32733
Filer:	Jeffrey David Mullen
Filer Authorized By:	
Attorney Docket Number:	JDM/002 CON2
Receipt Date:	14-OCT-2021
Filing Date:	12-JUL-2006
Time Stamp:	23:18:26
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	DA
Payment was successfully received in RAM	\$160
RAM confirmation Number	E20210DN18532210
Deposit Account	503855
Authorized User	Jeffrey Mullen
<p>The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:</p> <p>37 CFR 1.16 (National application filing, search, and examination fees)</p> <p>37 CFR 1.17 (Patent application and reexamination processing fees)</p>	

37 CFR 1.19 (Document supply fees)
 37 CFR 1.20 (Post Issuance fees)
 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Certificate of Correction	JDM-002CON2-- CertificateofCorrection.pdf	209300 7080fb2bc42be83f0a0fcd87861dd83f0cf06b5	no	1

Warnings:

Information:

2	Request for Certificate of Correction	JDM-002CON2-- RequestForCertificateOfCorrect ion.pdf	147829 5864844dd568e54e9f125b46876260ca9b984e37	no	1
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Warnings:

Information:

3	Fee Worksheet (SB06)	fee-info.pdf	37618 31be6b3765b969c4d2f202a1c4a77ac10f426765	no	2
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Warnings:

Information:

Total Files Size (in bytes):	394747
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 11,122,418 B2
APPLICATION NO. : 11/485161
DATED : September 14, 2021
INVENTOR(S) : Jeffrey D. Mullen

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims

Claim 7, Column 13, Line 53: "said facility" should read --said remote system--.

Signed and Sealed this
Seventh Day of December, 2021



Drew Hirshfeld
*Performing the Functions and Duties of the
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office*

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Texas - Waco Division on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:22-cv-00145	DATE FILED 2/9/2022	U.S. DISTRICT COURT Western District of Texas - Waco Division
PLAINTIFF Mullen Industries LLC		DEFENDANT Apple Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,374,575	2/12/2013	Mullen Industries LLC
2 9,204,283	12/1/2015	Mullen Industries LLC
3 9,635,540	4/25/2017	Mullen Industries LLC
4 11,096,039	8/17/2021	Mullen Industries LLC
5 11,109,218	8/31/2021	Mullen Industries LLC

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Western District of Texas - Waco Division on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:22-cv-00145	DATE FILED 2/9/2022	U.S. DISTRICT COURT Western District of Texas - Waco Division
PLAINTIFF Mullen Industries LLC		DEFENDANT Apple Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 11,122,418	9/14/2021	Mullen Industries LLC
2 11,190,633	11/30/2021	Mullen Industries LLC
3 11,234,117	1/25/2022	Mullen Industries LLC
4 11,246,024	2/8/2022	Mullen Industries LLC
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT		
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

MULLEN INDUSTRIES LLC,
Patent Owner.

IPR2023-00090
Patent 11,122,418 B2

Before JEFFREY S. SMITH, JAMES B. MAYBERRY, and
NATHAN A. ENGELS, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

SCHEDULING ORDER

A. GENERAL INSTRUCTIONS

1. Initial and Additional Conference Calls

The parties are directed to contact the Board within a month of this Order if there is a need to discuss proposed changes to this Scheduling Order or proposed motions that have not been authorized in this Order or other prior Order or Notice. *See Consolidated Trial Practice Guide* (“Consolidated Practice Guide”)¹ at 9–10, 65 (guidance in preparing for a conference call); *see also* 84 Fed. Reg. 64,280 (Nov. 21, 2019). A request for an initial conference call shall include a list of proposed motions, if any, to be discussed during the call.

The parties may request additional conference calls as needed. Any email requesting a conference call with the Board should: (a) copy all parties, (b) indicate generally the relief being requested or the subject matter of the conference call, (c) include multiple times when all parties are available, (d) state whether the opposing party opposes any relief requested, and (e) if opposed, either certify that the parties have met and conferred telephonically or in person to attempt to reach agreement, or explain why such meet and confer did not occur. The email may not contain substantive argument and, unless otherwise authorized, may not include attachments. *See Consolidated Practice Guide* at 9–10.

2. Protective Order

No protective order shall apply to this proceeding until the Board enters one. If either party files a motion to seal before entry of a protective order, a jointly proposed protective order shall be filed as an exhibit with the

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

motion. It is the responsibility of the party whose confidential information is at issue, not necessarily the proffering party, to file the motion to seal.² The Board encourages the parties to adopt the Board's default protective order if they conclude that a protective order is necessary. *See Consolidated Practice Guide at 107–122 (App. B, Protective Order Guidelines and Default Protective Order)*. If the parties choose to propose a protective order deviating from the default protective order, they must submit the proposed protective order jointly along with a marked-up comparison of the proposed and default protective orders showing the differences between the two and explain why good cause exists to deviate from the default protective order.

The Board has a strong interest in the public availability of trial proceedings. Redactions to documents filed in this proceeding should be limited to the minimum amount necessary to protect confidential information, and the thrust of the underlying argument or evidence must be clearly discernible from the redacted versions. We also advise the parties that information subject to a protective order may become public if identified in a final written decision in this proceeding, and that a motion to expunge the information will not necessarily prevail over the public interest in maintaining a complete and understandable file history. *See Consolidated Practice Guide at 21–22*.

3. Discovery Disputes

The Board encourages parties to resolve disputes relating to discovery on their own. To the extent that a dispute arises between the parties relating to discovery, the parties must meet and confer to resolve such a dispute

² If the entity whose confidential information is at issue is not a party to the proceeding, please contact the Board.

before contacting the Board. If attempts to resolve the dispute fail, a party may request a conference call with the Board.

4. Testimony

The parties are reminded that the Testimony Guidelines appended to the Consolidated Practice Guide at 127–130 (App. D, Testimony Guidelines) apply to this proceeding. The Board may impose an appropriate sanction for failure to adhere to the Testimony Guidelines. 37 C.F.R. § 42.12. For example, reasonable expenses and attorneys’ fees incurred by any party may be levied on a person who impedes, delays, or frustrates the fair examination of a witness.

5. Cross-Examination

Except as the parties might otherwise agree, for each due date: Cross-examination ordinarily takes place after any supplemental evidence is due. 37 C.F.R. § 42.53(d)(2).

Cross-examination ordinarily ends no later than a week before the filing date for any paper in which the cross-examination testimony is expected to be used. *Id.*

6. Motion to Amend

Patent Owner may file a motion to amend without prior authorization from the Board. Nevertheless, Patent Owner must confer with the Board before filing such a motion. 37 C.F.R. § 42.121(a). To satisfy this requirement, Patent Owner should request a conference call with the Board no later than two weeks prior to DUE DATE 1. *See* Section B below regarding DUE DATES.

Patent Owner has the option to receive preliminary guidance from the Board on its motion to amend. *See* Notice Regarding a New Pilot Program

Concerning Motion to Amend Practice and Procedures in Trial Proceedings under the America Invents Act before the Patent Trial and Appeal Board, 84 Fed. Reg. 9497 (Mar. 15, 2019) (“MTA Pilot Program Notice”); *see also* Consolidated Practice Guide at 67. If Patent Owner elects to request preliminary guidance from the Board on its motion, it must do so in its motion to amend filed on DUE DATE 1.

Any motion to amend and briefing related to such a motion shall generally follow the practices and procedures described in MTA Pilot Program Notice unless otherwise ordered by the Board in this proceeding. The parties are further directed to *Lectrosonics, Inc. v. Zaxcom, Inc.*, IPR2018-01129, Paper 15 (PTAB Feb. 25, 2019) (precedential), and Rules of Practice To Allocate the Burden of Persuasion on Motions To Amend in Trial Proceedings Before the Patent Trial and Appeal Board, 85 Fed. Reg. 82923 (Dec. 21, 2020).

At DUE DATE 3, Patent Owner has the option to file a reply to the opposition to the motion to amend and preliminary guidance, or a revised motion to amend. *See* MTA Pilot Program Notice at 9500–01. Patent Owner may elect to file a revised motion to amend even if Patent Owner did not request to receive preliminary guidance on its motion to amend. A revised motion to amend must provide amendments, arguments, and/or evidence in a manner that is responsive to issues raised in the preliminary guidance and/or Petitioner’s opposition.

If Patent Owner files a revised motion to amend, the Board shall enter a revised scheduling order setting the briefing schedule for that revised motion and adjusting other due dates as needed. *See* MTA Pilot Program Notice at 9501, App. 1B.

As also discussed in the MTA Pilot Program Notice, if the Board issues preliminary guidance on the motion to amend, and Patent Owner files neither a reply to the opposition to the motion to amend nor a revised motion to amend at DUE DATE 3, Petitioner may file a reply to the Board's preliminary guidance, no later than three (3) weeks after DUE DATE 3. The reply may only respond to the preliminary guidance. Patent Owner may file a sur-reply in response to Petitioner's reply to the Board's preliminary guidance. The sur-reply may only respond to arguments made in the reply and must be filed no later than three (3) weeks after Petitioner's reply. *See* MTA Pilot Program Notice at 9502. No new evidence may accompany the reply or the sur-reply in this situation.

7. Oral Argument

Requests for oral argument must comply with 37 C.F.R. § 42.70(a). To permit the Board sufficient time to schedule the oral argument, the parties may not stipulate to an extension of the request for oral argument beyond the date set forth in the Due Date Appendix.

The parties may request that the oral argument be held at the USPTO headquarters in Alexandria, Virginia or the USPTO Regional Office in Dallas, Texas. The parties may also request that the oral argument instead be held virtually by videoconference. The parties should meet and confer, and provide each party's preference at the initial conference call, if requested. Alternatively, the parties may jointly file a paper stating each party's preference for a hearing in a particular location or for a virtual hearing within one month of this Order. Note that the Board may not be able to honor the parties' preferences due to, among other things, the availability of hearing room resources, the needs of the panel, and USPTO

policy at the time of the hearing. The Board will consider the parties' request and notify the parties of how and where the hearing will be conducted.

For in-person hearings, seating in the Board's hearing rooms may be limited, and will be available on a first-come, first-served basis. If either party anticipates that more than five (5) individuals will attend the argument on its behalf, the party should notify the Board as soon as possible, and no later than the request for oral argument. Parties should note that the earlier a request for accommodation is made, the more likely the Board will be able to accommodate additional individuals.

The Board has established the "Legal Experience and Advancement Program," or "LEAP," to encourage advocates before the Board to develop their skills and to aid in succession planning for the next generation. The Board defines a LEAP practitioner as a patent agent or attorney having three (3) or fewer substantive oral arguments in any federal tribunal, including PTAB. Parties are encouraged to participate in the Board's LEAP program.³ The Board will grant up to fifteen (15) minutes of additional argument time to that party, depending on the length of the proceeding and the PTAB's hearing schedule. A party should submit a request, no later than at least five (5) business days before the oral hearing, by email to the Board at PTABHearings@uspto.gov.⁴

³ Information about the LEAP program can be found at www.uspto.gov/leap.

⁴ Additionally, a LEAP Verification Form shall be submitted by the LEAP practitioner, confirming eligibility for the program. A combined LEAP Practitioner Request for Oral Hearing Participation and Verification Form is available at www.uspto.gov/leap.

All practitioners appearing before the Board shall demonstrate the highest professional standards. All practitioners are expected to have a command of the factual record, the applicable law, and Board procedures, as well as the authority to commit the party they represent. The Board discerns that it is often LEAP practitioners who have the best understanding of the facts of the case and the evidence of record, and the Board encourages their participation.

B. DUE DATES

This Order sets due dates for the parties to take action after institution of the proceeding. The parties may stipulate different dates for DUE DATES 1, 5, and 6, as well as the portion of DUE DATE 2 related to Petitioner's reply (earlier or later, but no later than DUE DATE 3 for Patent Owner's sur-reply) and the portion of DUE DATE 3 related to Patent Owner's sur-reply (earlier or later, but no later than DUE DATE 7). The parties may not stipulate to a different date for the portion of DUE DATE 2 related to Petitioner's opposition to a motion to amend, or for the portion of DUE DATE 3 related to Patent Owner's reply to an opposition to a motion to amend (or Patent Owner's revised motion to amend) without prior authorization from the Board. In stipulating to move any due dates in the scheduling order, the parties must be cognizant that the Board requires four weeks after the filing of an opposition to the motion to amend (or the due date for the opposition, if none is filed) for the Board to issue its preliminary guidance, if requested by Patent Owner. A notice of the stipulation, specifically identifying the changed due dates, must be promptly filed. The parties may not stipulate an extension of DUE DATES 4, 7, and 8.

In stipulating different times, the parties should consider the effect of the stipulation on times to object to evidence (37 C.F.R. § 42.64(b)(1)), to supplement evidence (§ 42.64(b)(2)), to conduct cross-examination (§ 42.53(d)(2)), and to draft papers depending on the evidence and cross-examination testimony.

1. DUE DATE 1

Patent Owner may file—

- a. A response to the petition (37 C.F.R. § 42.120). If Patent Owner elects not to file a response, Patent Owner must arrange a conference call with the parties and the Board. Patent Owner is cautioned that any arguments not raised in the response may be deemed waived.
- b. A motion to amend the patent (37 C.F.R. § 42.121).

2. DUE DATE 2

Petitioner may file a reply to the Patent Owner's response.

Petitioner may file an opposition to the motion to amend.

3. DUE DATE 3

Patent Owner may file a sur-reply to Petitioner's reply.

Patent Owner may also file either:

- a. a reply to the opposition to the motion to amend and/or preliminary guidance (if provided); or
- b. a revised motion to amend.

NOTE: If Patent Owner files neither of the above papers (a reply to the opposition or a revised motion to amend), and the Board has issued preliminary guidance, Petitioner may file a reply to the preliminary guidance, no later than three (3) weeks after DUE DATE 3. Patent Owner

may file a sur-reply to Petitioner's reply to the preliminary guidance no later than three (3) weeks after Petitioner's reply.

4. DUE DATE 4

Either party may file a request for oral argument (may not be extended by stipulation).

5. DUE DATE 5

Petitioner may file a sur-reply to Patent Owner's reply to the opposition to the motion to amend.

Either party may file a motion to exclude evidence (37 C.F.R. § 42.64(c)).

6. DUE DATE 6

Either party may file an opposition to a motion to exclude evidence.

Either party may request that the Board hold a pre-hearing conference.

7. DUE DATE 7

Either party may file a reply to an opposition to a motion to exclude evidence.

8. DUE DATE 8

The oral argument (if requested by either party) shall be held on this date. Approximately one month prior to the argument, the Board will issue an order setting the start time of the hearing and the procedures that will govern the parties' arguments.

DUE DATE APPENDIX

DUE DATE 1	August 2, 2023
Patent Owner's response to the petition	
Patent Owner's motion to amend the patent	
DUE DATE 2	October 25, 2023
Petitioner's reply to Patent Owner's response to petition	
Petitioner's opposition to motion to amend	
DUE DATE 3	December 6, 2023
Patent Owner's sur-reply to reply	
Patent Owner's reply to opposition to motion to amend (or Patent Owner's revised motion to amend) ⁵	
DUE DATE 4	December 27, 2023
Request for oral argument (may not be extended by stipulation)	
DUE DATE 5	January 17, 2024
Petitioner's sur-reply to reply to opposition to motion to amend	
Motion to exclude evidence	
DUE DATE 6	January 24, 2024
Opposition to motion to exclude	
Request for prehearing conference	
DUE DATE 7	January 31, 2024
Reply to opposition to motion to exclude	
DUE DATE 8	February 8, 2024
Oral argument (if requested)	

⁵ If Patent Owner files neither a reply to Petitioner's opposition to the MTA nor a revised MTA, the parties are directed to Section B(3) above.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MULLEN INDUSTRIES LLC,
Patent Owner.

IPR2022-01389 (Patent 11,190,633 B2)
IPR2023-00090 (Patent 11,122,418 B2)
IPR2023-00091 (Patent 9,204,283 B2)
IPR2023-00096 (Patent 11,096,039 B2)
IPR2023-00097 (Patent 8,374,575 B2)
IPR2023-00115 (Patent 11,234,117 B2)
IPR2023-00116 (Patent 11,234,117 B2)
IPR2023-00148 (Patent 11,246,024 B2)¹

Before JEFFREY S. SMITH, BARBARA A. PARVIS,
JAMES B. MAYBERRY, NATHAN A. ENGELS, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.²

PER CURIAM.

¹ This Order addresses issues that are the same in each of the identified proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this style heading in subsequent papers.

² This listing of Administrative Patent Judges does not reflect an expanded panel under SOP 1 § III.M. This order addresses multiple proceedings in which listed judges are paneled in various groups of three.

IPR2022-01389; IPR2023-00090; IPR2023-00091; IPR2023-00096;
IPR2023-00097; IPR2023-00115; IPR2023-00116; IPR2023-00148

TERMINATION

Due to Settlement After Institution of Trial and
Granting Joint Motion to File Settlement Agreement
as Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. § 42.74

I. INTRODUCTION

With the Board’s authorization, Petitioner and Patent Owner (collectively, “the Parties”) filed a joint motion to terminate in each of the above-captioned proceedings. Paper 18 (“Joint Motion”).³ Along with the Joint Motion, the Parties filed a copy of a Settlement Agreement (Ex. 1019, “Settlement Agreement”), as well as a joint motion requesting that the Settlement Agreement be treated as business confidential information and kept separate from the files of the patents involved in the above-captioned proceedings. Paper 19 (“Joint Request”).

II. DISCUSSION

Under 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

In the Joint Motion, the Parties represent that the Settlement Agreement resolves their disputes involving the patents at issue in the

³ The relevant papers and exhibits filed in the above-captioned proceedings are substantively the same. We cite to the record in IPR2022-01389, unless otherwise indicated.

IPR2022-01389; IPR2023-00090; IPR2023-00091; IPR2023-00096;
IPR2023-00097; IPR2023-00115; IPR2023-00116; IPR2023-00148

above-captioned proceedings. Joint Motion 2.⁴ The Parties also “certify that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this proceeding, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b).” *Id.* at 3.

We instituted trial for the above-identified *inter partes* review proceedings (*see* Paper 9), but we have not yet decided the merits of the proceedings, and final written decisions have not been entered. Notwithstanding that the proceedings have moved beyond the preliminary stage, the Parties have shown adequately that termination of the proceedings is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceedings with respect to the Parties.

In the Joint Request, the Parties request that the Settlement Agreement be treated as business confidential information and kept separate from the files of the patents involved in the above-captioned proceedings. Joint Request 2.⁵ After reviewing the Settlement Agreement, we find that it contains confidential business information regarding the terms of settlement. Thus, good cause exists to treat the Settlement Agreement as business confidential information pursuant to 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

⁴ The Joint Motion (Paper 18) does not include page numbers. We consider the title page as page 1 and then proceed from there in numerical order.

⁵ The Joint Request (Paper 19) does not include page numbers. We consider the title page as page 1 and then proceed from there in numerical order.

IPR2022-01389; IPR2023-00090; IPR2023-00091; IPR2023-00096;
IPR2023-00097; IPR2023-00115; IPR2023-00116; IPR2023-00148

III. ORDER

Accordingly, it is:

ORDERED that the Joint Motions to Terminate (IPR2022-01389, Paper 18; IPR2023-00090, Paper 17; IPR2023-00091, Paper 15; IPR2023-00096, Paper 15; IPR2023-00097, Paper 15; IPR2023-00115, Paper 15; IPR2023-00116, Paper 15; IPR2023-00148, Paper 14) are *granted*, and IPR2022-01389, IPR2023-00090, IPR2023-00091, IPR2023-00096, IPR2023-00097, IPR2023-00115, IPR2023-00116, and IPR2023-00148 are *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Requests to treat the Settlement Agreement as business confidential information (IPR2022-01389, Paper 19; IPR2023-00090, Paper 18; IPR2023-00091, Paper 16; IPR2023-00096, Paper 16; IPR2023-00097, Paper 16; IPR2023-00115, Paper 16; IPR2023-00116, Paper 16; IPR2023-00148, Paper 15) are *granted*, and the Settlement Agreement (IPR2022-01389, Ex. 1019; IPR2023-00090, Ex. 1061; IPR2023-00091, Ex. 1063; IPR2023-00096, Ex. 1062; IPR2023-00097, Ex. 1061; IPR2023-00115, Ex. 1062; IPR2023-00116, Ex. 1062; IPR2023-00148, Ex. 1056) shall be kept separate from the files of U.S. Patent Nos. 11,190,633 B2, 11,122,418 B2, 9,204,283 B2, 11,096,039 B2, 8,374,575 B2, 11,234,117 B2, and 11,246,024 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

IPR2022-01389; IPR2023-00090; IPR2023-00091; IPR2023-00096;
IPR2023-00097; IPR2023-00115; IPR2023-00116; IPR2023-00148

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