JDM/002 CON6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
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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
Alexandria, VA 22313-1450

Pittsburgh, PA 15232
August 20, 2007

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 5 of this paper.

Google Exhibit 1002
Google v. Mullen

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:

identifying a user by receiving at least a login from a first wireless device;

recording the location of said user based on the location of said first wireless device;

identifying said user by receiving at least said login from a second device; and

recording the location of said user based on the location of said second device.

4. (new) A method comprising:

triggering the request by a device of location information of a wireless telephonic device at the occurrence of an event;

obtaining access rights associated with accessing said location information, wherein said access rights are determined by said wireless telephonic device; and

determining whether to provide and filter said location information to said device based on said access rights, wherein said location and said access rights are stored on a remote server.

5. (new) A wireless telephonic device comprising:

a display screen;

a speaker;

a microphone;

a plurality of keys for providing alpha-numeric inputs; and

a locate button, wherein said locate button is pressed and location information of said wireless telephonic device is provided to a remote storage device.

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, or any subject matter in the present application, in a continuation or divisional application.

Applicant has added claims 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 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:	
Filing Date:	
Title of Invention:	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME
First Named Inventor/Applicant Name:	Jeffrey David Mullen
Filer:	Jeffrey David Mullen
Attorney Docket Number:	JDM/002 CON6

Filed as Small Entity

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	75	75
Utility Search Fee	2111	1	250	250
Utility Examination Fee	2311	1	100	100
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
		Total in USD ($)		**425**

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First Named Inventor/Applicant Name:	Jeffrey David Mullen
Customer Number:	32733
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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-002-USPTOScan.pdf	1577501 c85f4fe7d9e0c5cd06ea938450707783c5fc5b19	yes	51

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Specification	1	29
	Claims	30	30
	Abstract	31	31
	Drawings	32	48
	Oath or Declaration filed	49	51

Warnings:

Information:

2	Application Data Sheet	JDM-002CON6-ADS.pdf	123634 5bd92ff495136ccacf01aab8e1ac7455b0a510ac	no	5

Warnings:

Information:

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3		JDM-002CON6-Prelim.pdf	49934 7414c1a093936b249be58608617b48742d7051a7	yes	5

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Preliminary Amendment	1	1
	Specification	2	2
	Claims	3	4
	Applicant Arguments/Remarks Made in an Amendment	5	5

Warnings:

Information:

4	Fee Worksheet (PTO-06)	fee-info.pdf	8403 6852bc04bfbce2bacd861ea13bf4a1735247fe9a	no	2

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Information:	
Total Files Size (in bytes):	1759472

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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.

JDM/002

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 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 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 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 therefore desirable to provide systems and methods which better utilize the information about a device's location.

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 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.

[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 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 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 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, 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 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 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."

[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.

[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 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.

[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.

[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.

[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

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

[0014] A cell phone location may by accessed by a variety of other devices. Alternatively, a cell phone 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 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 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 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 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 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.

[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, 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 thereby be located with that cell phone or locatable device).

Brief Description of the Drawings

[0017] The principles and advantages of the present 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:

[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 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 with the principles of the present invention;

[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;

[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;

[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;

[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;

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

[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;

[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;

[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.

Detailed Description of the Invention

[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 (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 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.

[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).

[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 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 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 user other means (e.g., the internet) to request the location of the desired user.

[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 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, 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.

[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, 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 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 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.

[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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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), 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 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 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 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 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 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 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 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 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 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 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 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 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) 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 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.

[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.

[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 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 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 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 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 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 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 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, 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 locate feature due to insufficient rights in accordance with the principles of the present invention. Display scree 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 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 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 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 occured.

[0068] FIG. 13 shows display screen 1300 of a login 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 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 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 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 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 muliple 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 positing 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 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 a of a device's locations, a user's list of assigned access rights to other users, a log of a user's call activity, 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, n approximate location may be determined for a device that is turned 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/flashed into the cell phone.

[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 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 card authorization system, as described above, could utilize a devices 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 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 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, 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 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 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 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.

[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 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 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 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 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 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, 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 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 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 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 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 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;

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

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 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 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, 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.

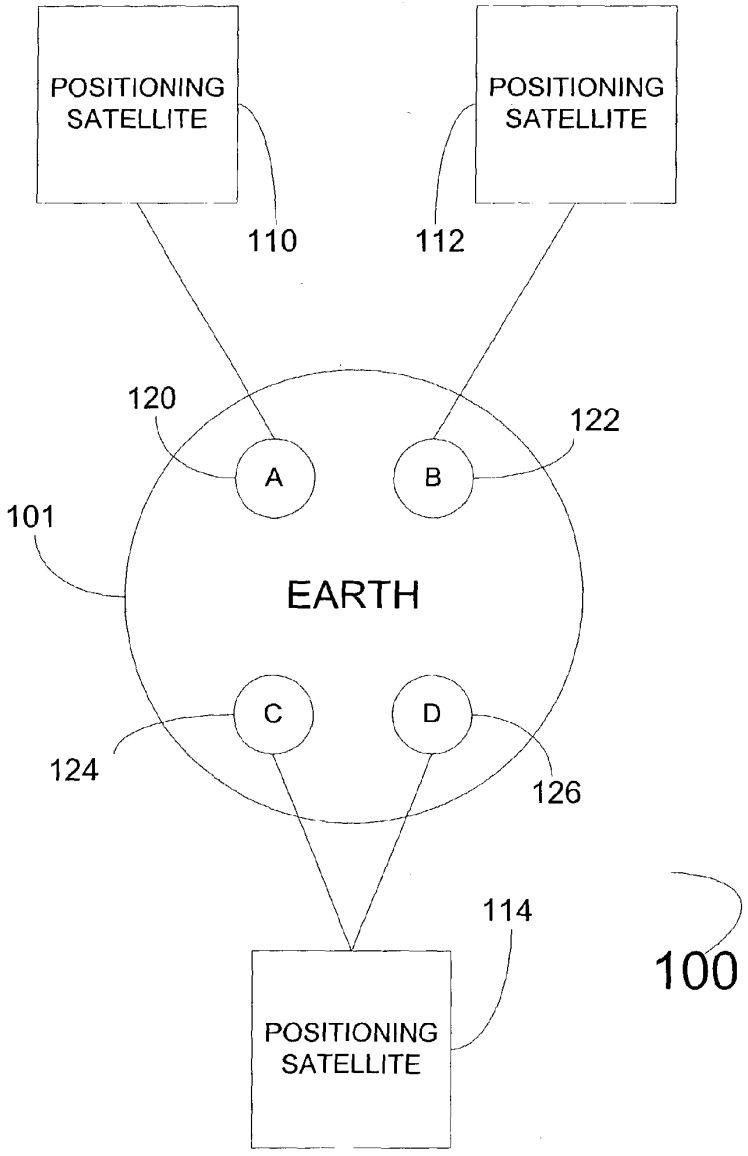

POSITIONING SATELLITE
POSITIONING SATELLITE
110
112
120
122
A
B
101
EARTH
C
D
124
126
114
100
POSITIONING SATELLITE

FIG. 1

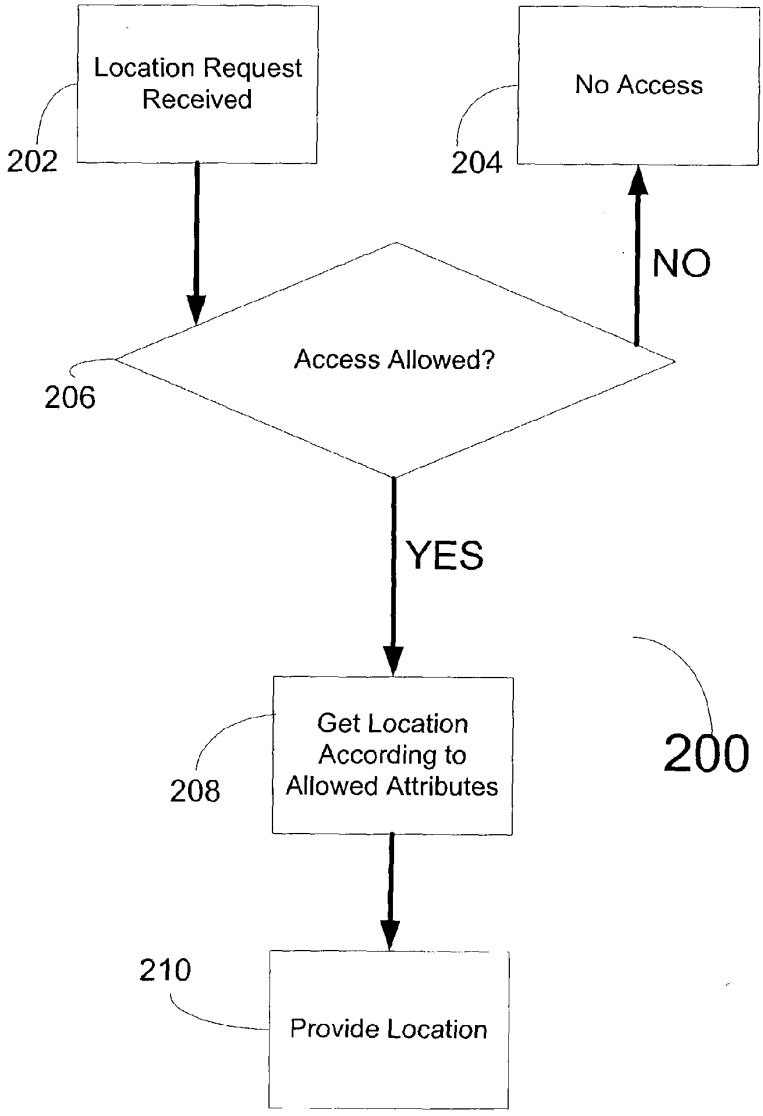

Location Request Received
202
No Access
204
NO
Access Allowed?
206
YES
Get Location According to Allowed Attributes
208
200
210
Provide Location

FIG. 2

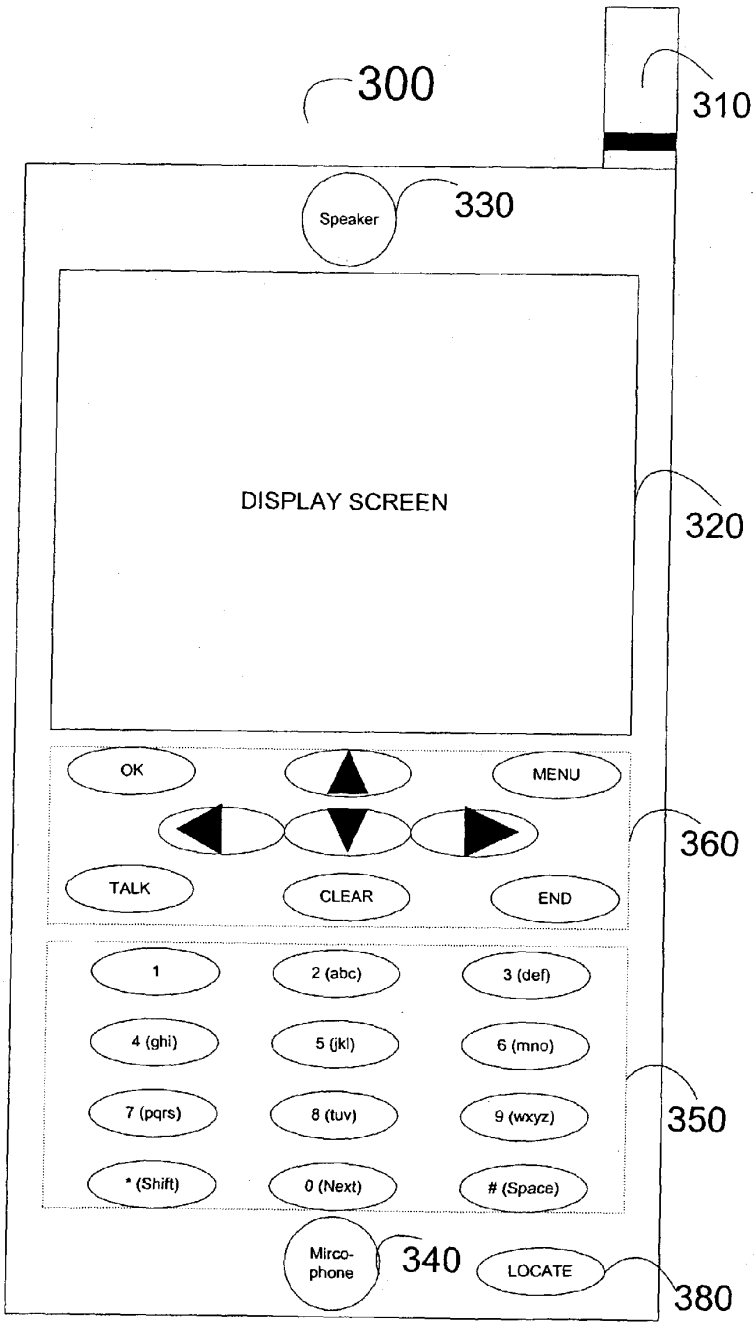

300
310
Speaker
330
DISPLAY SCREEN
320
OK
MENU
360
TALK
CLEAR
END
1
2 (abc)
3 (def)
4 (ghi)
5 (jkl)
6 (mno)
7 (pqrs)
8 (tuv)
9 (wxyz)
350
* (Shift)
0 (Next)
(Space)
Mirco-phone
340
LOCATE
380

FIG. 3

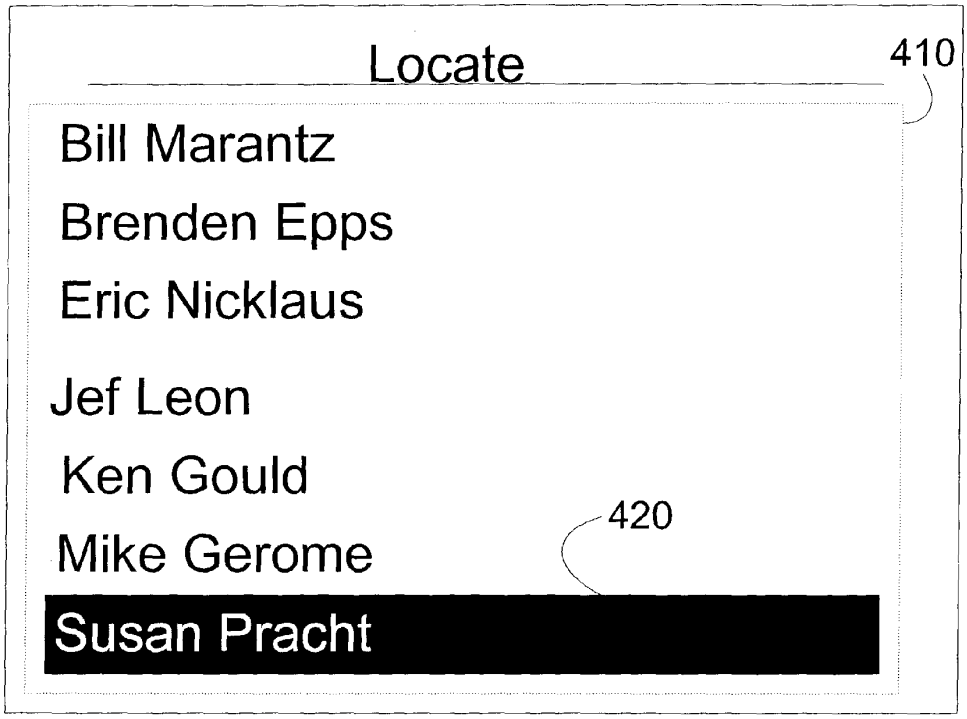

Locate
410
Bill Marantz
Brenden Epps
Eric Nicklaus
Jef Leon
Ken Gould
Mike Gerome
420
Susan Pracht

FIG. 4

400

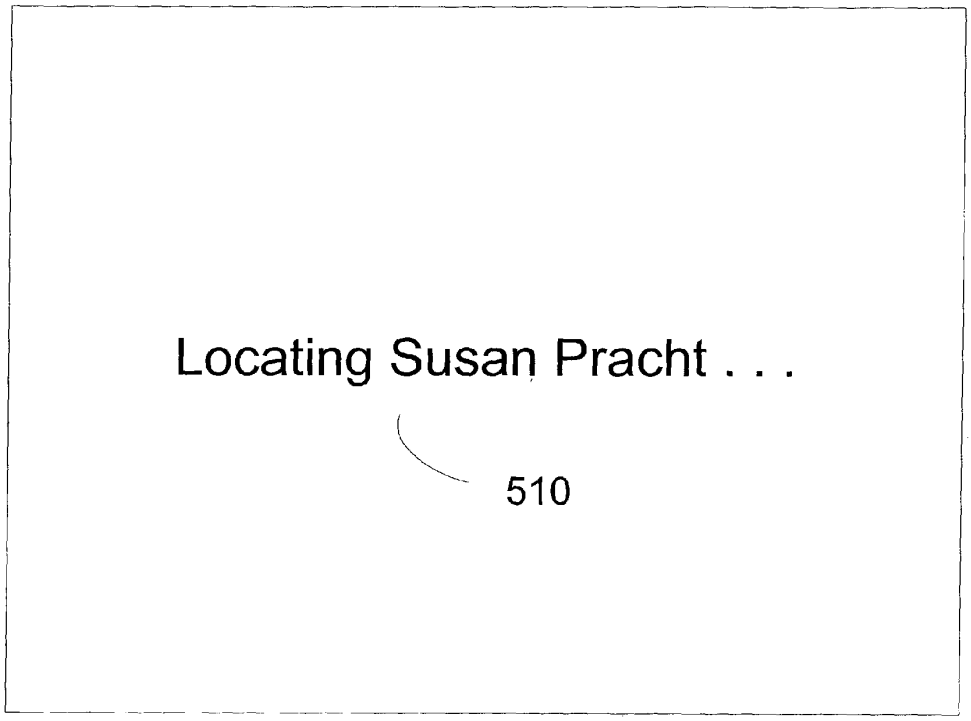


FIG. 5

500

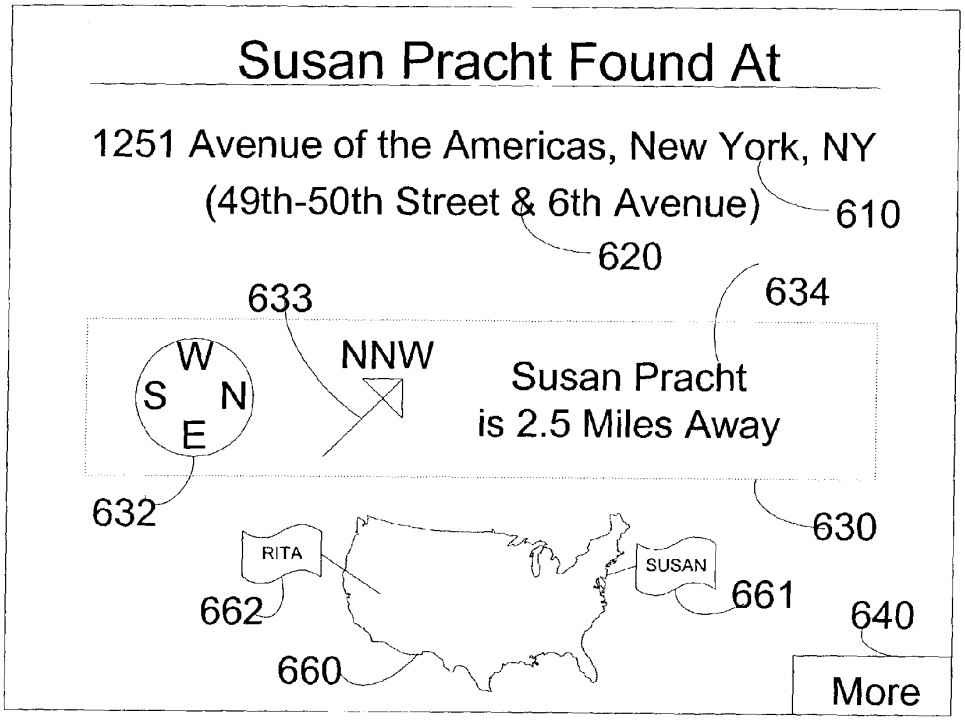

Susan Pracht Found At
1251 Avenue of the Americas, New York, NY
(49th-50th Street & 6th Avenue)
610
620
633
634
W
S
N
E
NNW
Susan Pracht
is 2.5 Miles Away
632
630
RITA
SUSAN
662
661
640
660
More
600

FIG. 6

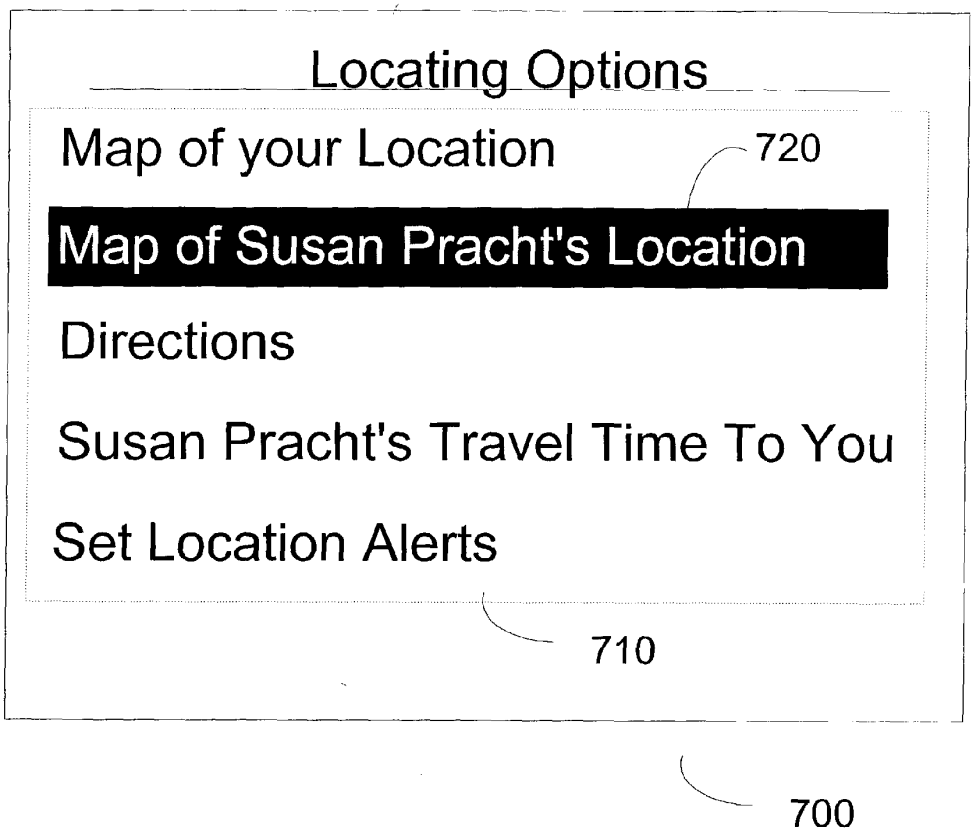

Locating Options
Map of your Location
720
Map of Susan Pracht's Location
Directions
Susan Pracht's Travel Time To You
Set Location Alerts
710
700

FIG. 7

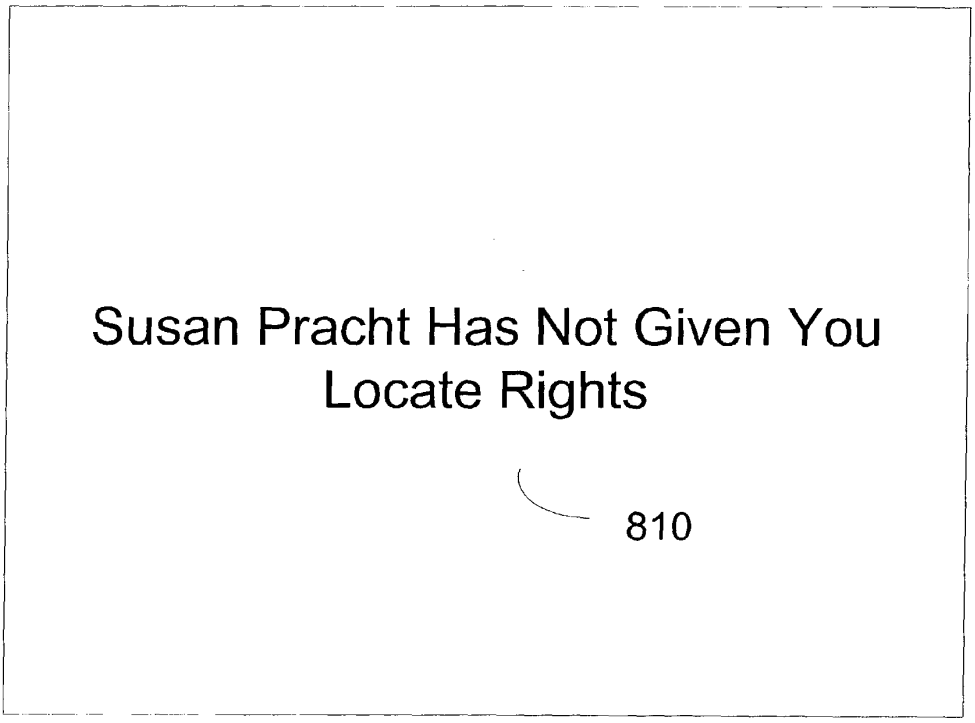


FIG. 8

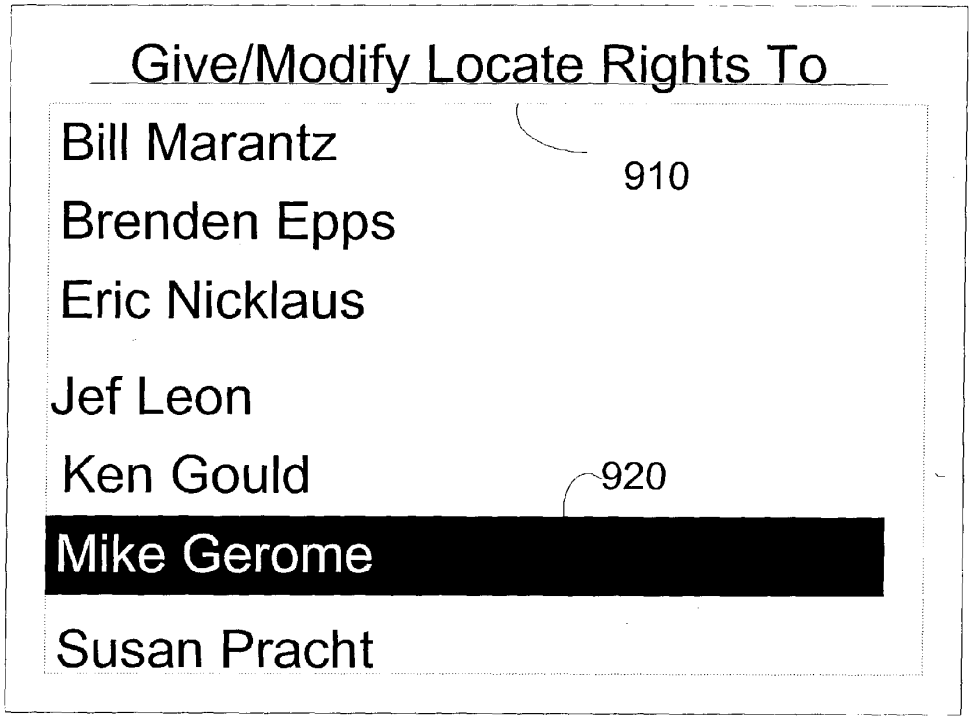

Give/Modify Locate Rights To
Bill Marantz
910
Brenden Epps
Eric Nicklaus
Jef Leon
Ken Gould
920
Mike Gerome
Susan Pracht
900

FIG. 9

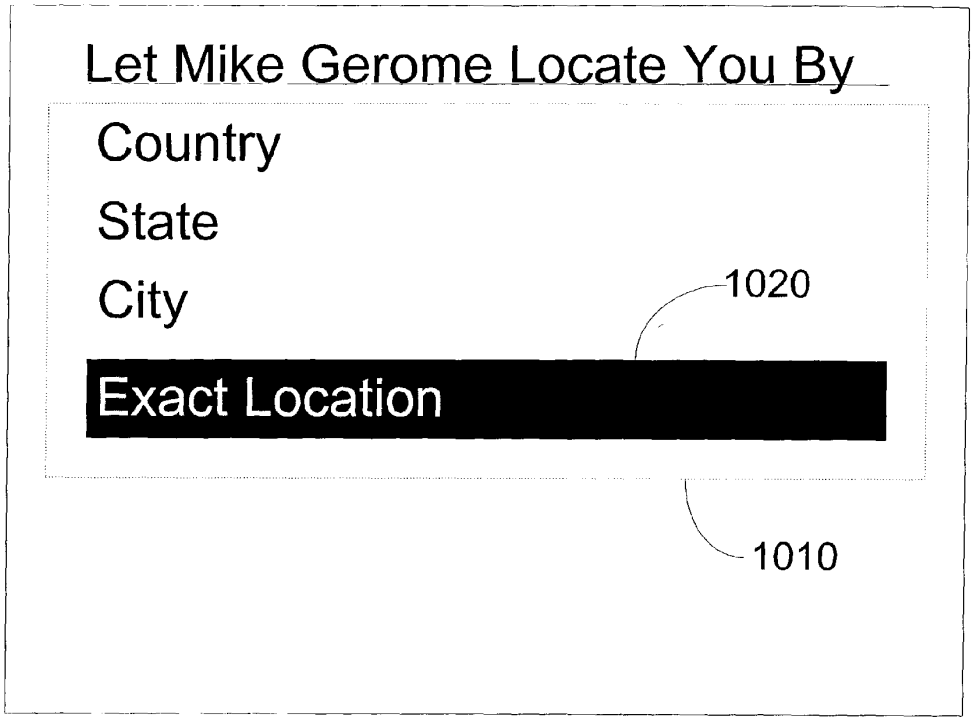

Let Mike Gerome Locate You By
Country
State
City
Exact Location
1020
1010
1000

FIG. 10

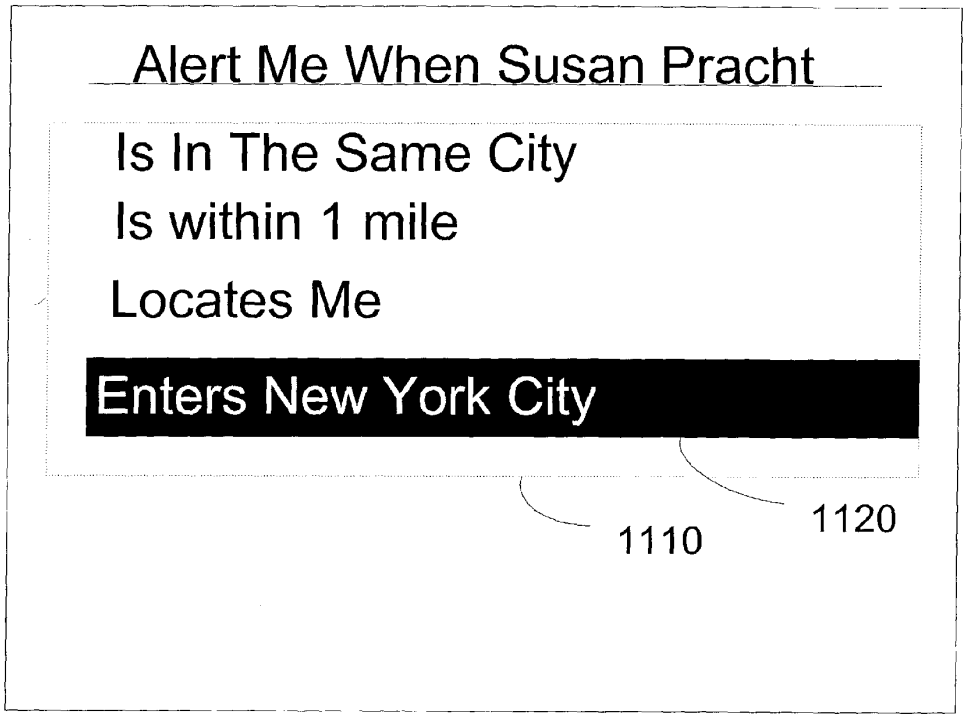

Alert Me When Susan Pracht
Is In The Same City
Is within 1 mile
Locates Me
Enters New York City
1110
1120
1100

FIG. 11

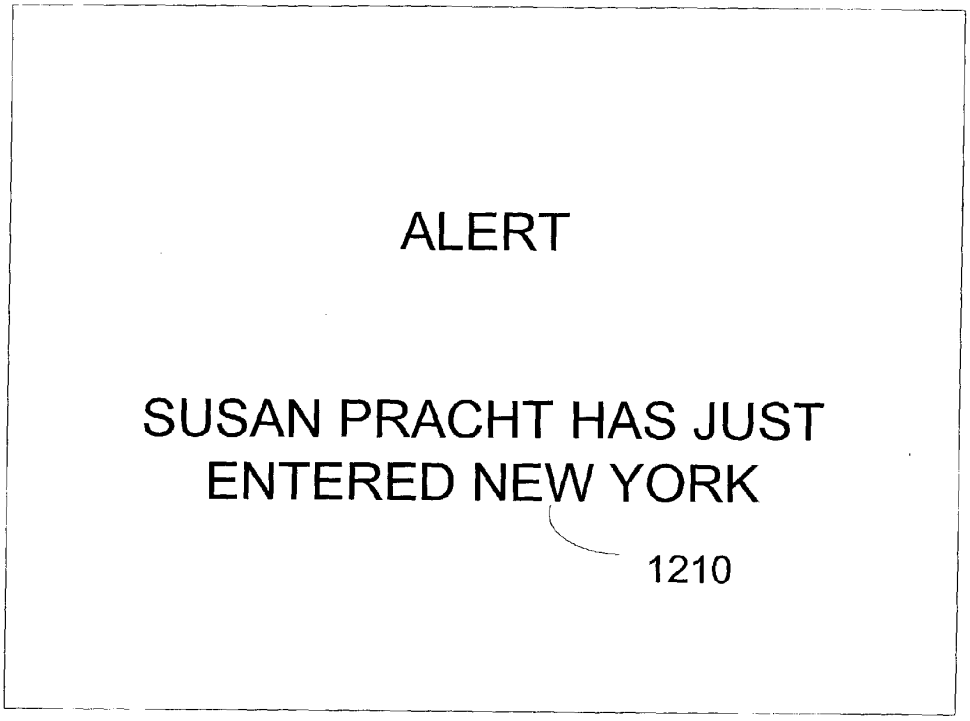


FIG. 12

1200

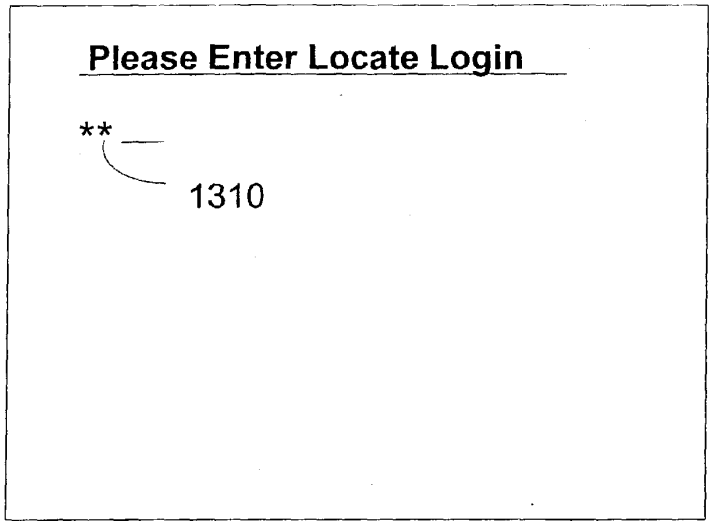

Please Enter Locate Login
**
1310
1300

FIG. 13

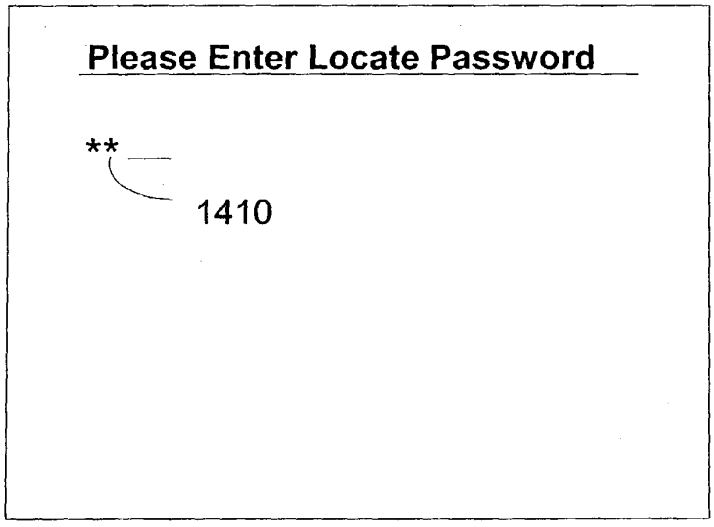

Please Enter Locate Password
**
1410
1400

FIG. 14

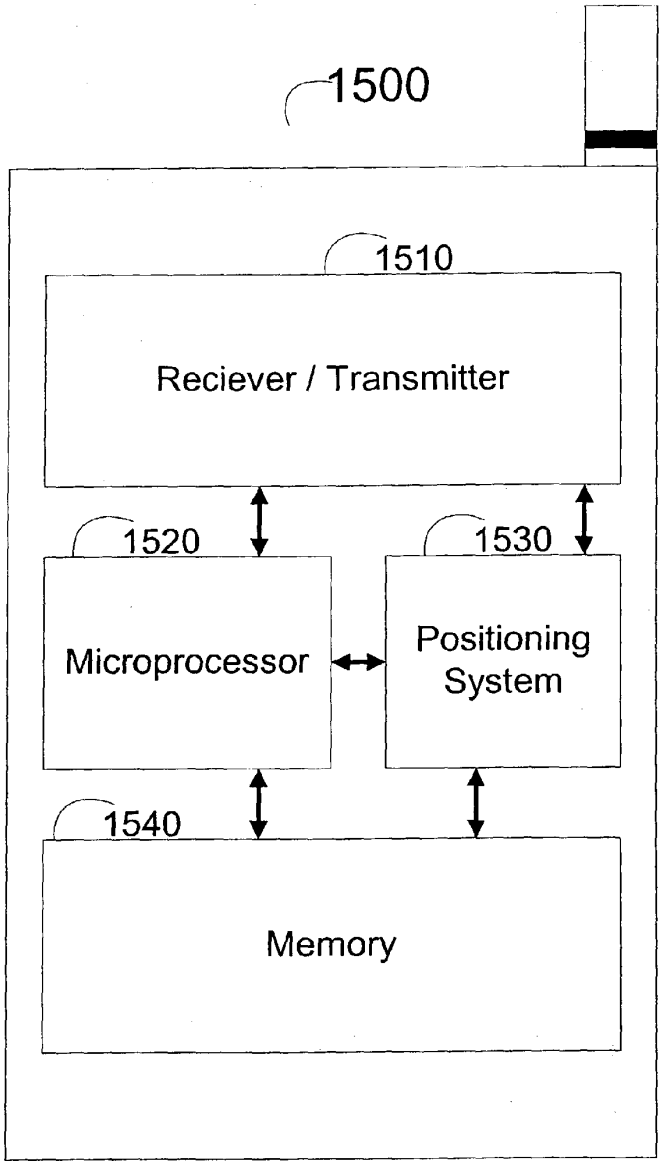

1500
1510
Reciever / Transmitter
1520
1530
Microprocessor
Positioning System
1540
Memory

FIG. 15

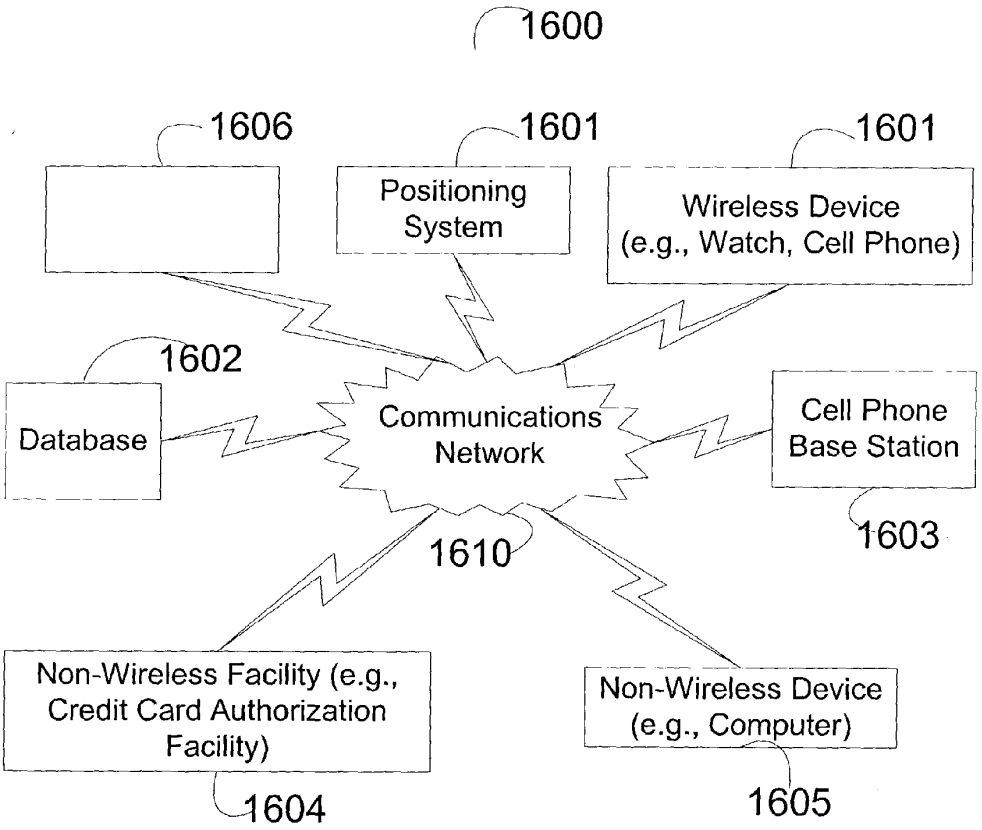

1600
1606
1601
1601
Positioning System
Wireless Device (e.g., Watch, Cell Phone)
1602
Database
Communications Network
Cell Phone Base Station
1603
1610
Non-Wireless Facility (e.g., Credit Card Authorization Facility)
Non-Wireless Device (e.g., Computer)
1604
1605

FIG. 16

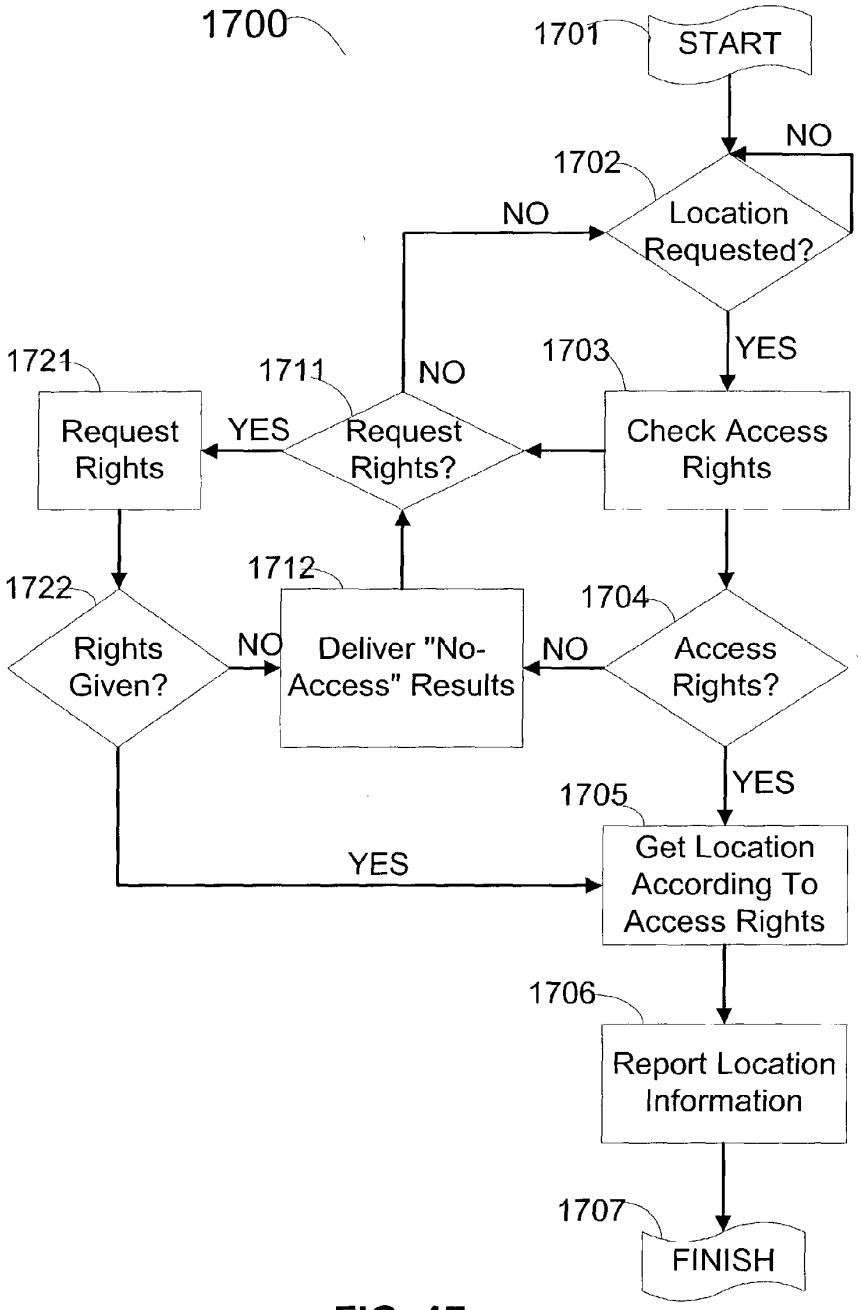

1700
1701
START
NO
1702
Location Requested?
NO
YES
1703
Check Access Rights
1721
Request Rights
YES
1711
Request Rights?
NO
1712
1722
Rights Given?
NO
Deliver "No-Access" Results
NO
1704
Access Rights?
YES
1705
YES
Get Location According To Access Rights
1706
Report Location Information
1707
FINISH

FIG. 17

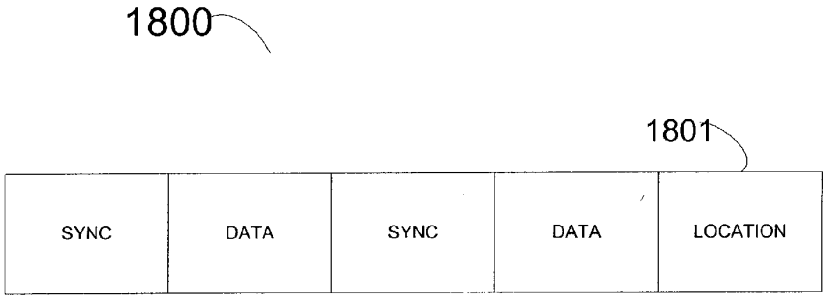


FIG. 18

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

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	March 25, 2002
(Application Serial No.)	(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

PTO/SB/14(08-05)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	JDM/002 CON6
	Application Number	Not yet assigned
Title of Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME	

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.
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.

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

If applicant is not an inventor, indicate the authority to file for the patent on behalf of the inventor, the inventor is:

Prefix	Given Name	Middle Name	Family Name	Suffix
	Jeffrey	David	Mullen	

Residence Information (Select One) ☒ US Residency ☐ Non US Residency ☐ Active US Military Service

City	Pittsburgh	State/Province	pA	Country of Residence [i]	USA

Citizenship under 37 CFR 1.41 (b) [i] USA

Mailing Address of Applicant:

Address 1	731 South Negley Ave., Apt. 2
Address 2	

City	Pittsburgh	State/Province	PA
Postal Code	15232	Country [i]	USA

If the representative for the inventor is an Organization check here. ☐

Prefix	Given Name	Middle Name	Family Name	Suffix

Residence Information of the Inventor's Representative:

Residence Information (Select One) ☐ US Residency ☐ Non US Residency ☐ Active US Military Service

City		State/Province		Country of Residence	

Citizenship under 37 CFR 1.41 (b) i

Mailing Address of the Inventor's Representative:

Address 1			
Address 2			
City		State/Province	
Postal Code		Country [i]	

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PTO/SB/14(08-05)
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	JDM/002 CON6
		Application Number	Not yet assigned
Title of Invention	SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME		

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 CON6	**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)		**Suggested Figure for Publication (if any)**	

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	JDM/002 CON6
	Application Number	Not yet assigned
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			
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
This application	Continuation of	10/496,200	2003-03-25
10/496,200	Non Provisional of	60/367,967	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).

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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PTO/SB/14(08-05)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	JDM/002 CON6
	Application Number	Not yet assigned
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	/Jeffrey D. Mullen/			Date (YYYY-MM-DD)	2007-08-20
First Name	Jeffrey	Last Name	Mullen	Registration Number	52,056

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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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 USP TO becomes aware of a violation or potential violation of law or regulation.

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PTO/SB/06 (12-04)
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PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

11/841,750

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY FEE ($)		OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))				75			
SEARCH FEE (37 CFR 1.16(k), (i), or (m))				250			
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))				100			
TOTAL CLAIMS (37 CFR 1.16(i))	3 minus 20 =		X 25=		OR	X 50=	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	3 minus 3 =		X 100=			X 200=	
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))			N/A			N/A	
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	425		TOTAL	

APPLICATION AS AMENDED – PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDI-TIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDI-TIONAL FEE ($)
AMENDMENT A	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))					N/A		OR	N/A	
						TOTAL ADD'T FEE		OR	TOTAL ADD'T FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDI-TIONAL FEE ($)	OR	RATE ($)	ADDI-TIONAL FEE ($)
AMENDMENT B	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))					N/A		OR	N/A	
						TOTAL ADD'T FEE		OR	TOTAL ADD'T 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 NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/841,750	08/20/2007	2614	425	JDM/002 CON6	3	3

CONFIRMATION NO. 2458

32733
JEFFREY D. MULLEN
731 SOUTH NEGLEY
APT. 2
PITTSBURGH, PA15232

FILING RECEIPT

Date Mailed: 08/30/2007

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Jeffrey D. Mullen, Pittsburgh, PA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/400,296 03/25/2003
which claims benefit of 60/367,967 03/25/2002

Foreign Applications

If Required, Foreign Filing License Granted: 08/29/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/841,750**

Projected Publication Date: 12/06/2007

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

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

Preliminary Class

379

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the

subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6

CONFIRMATION NO. 2458

32733
JEFFREY D. MULLEN
731 SOUTH NEGLEY
APT. 2
PITTSBURGH, PA15232

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

Publication No. US-2007-0281713-A1
Publication Date: 12/06/2007

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 1-866-217-9197.

Pre-Grant Publication Division, 703-605-4283

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 06/08/2010

JEFFREY D. MULLEN
731 SOUTH NEGLEY
APT. 2
PITTSBURGH, PA 15232

EXAMINER	
DEANE JR, WILLIAM J	
ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
06/08/2010	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)	
	11/841,750	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 *20 August 2007*.

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) *3-5* 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) *3-5* 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 § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, Claims 3 and 4 have antecedent problems. For example, in claim 3, there is no antecedent basis for "the location". In clam 4, there is no antecedent basis for "the request" or "the occurrence".

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 and 5 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 claim 3 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 “recording”, Bates et al. does not explicitly recite “recording” however, note from the above paragraphs that the location is stored. It would have

been obvious to one of ordinary skill in the art that one must record the location data before one can store it.

With respect to login, logins are notoriously old in the art and are used to identify a user.

With respect to claim 5, note that it is inherent in Bates that the wireless telephone has a display screen, a speaker, a microphone and a plurality of keys.

Bates et al. do not teach a location button. However, Bates et al. teach obtaining location information, albeit automatically, (note position detector and the paragraphs noted above). It would have been obvious to one of ordinary skill in the art to have taken what is done automatically and make it manual and vice-a-versa.

Claim 4 is 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 a remote sever; 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 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 server of the instant application. It would have been obvious to one of ordinary skill in the art to have incorporated such a

remote server (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.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the Abstract and Figs. of the 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.

06Jun2010

/William J Deane/

Primary Examiner, Art Unit 2614

Notice of References Cited	Application/Control No. 11/841,750	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-6,885,874	04-2005	Grube et al.	455/520
*	D	US-7,177,651	02-2007	Almassy, Nikolaus P. W.	455/456.1
	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.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	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	06/06/2010								
	1	-								
	2	-								
	3	✓								
	4	✓								
	5	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06Jun2010	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/841,750
Confirmation No.	:	2458
Filed	:	August 20, 2007
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
December 5, 2010

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated May 8, 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 4 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:

identifying a user by receiving at least a login from a first wireless device;

recording ~~the location of said user based on the~~ a location of said first wireless device after said user has been identified on said first wireless device and associating said location with said user;

identifying said user by receiving at least said login from a second device; and

recording ~~the location of said user based on the~~ a second location of said second device after said user has been identified on said second device and associating said second location with said user.

4. (currently amended) A method comprising:

triggering a ~~the~~ request ~~by a device~~ of location information of a wireless telephonic device for a device at ~~the~~ an occurrence of an event, wherein said event is user-determined on a first screen;

obtaining access rights associated with accessing said location information, wherein said access rights are ~~determined~~ user-determined on a second screen by said wireless telephonic device; and

determining whether to provide and filter said location information to said device based on said access

rights, wherein said location and said access rights are stored on a remote server.

5. (previously presented) A wireless telephonic device comprising:

a display screen;

a speaker;

a microphone;

a plurality of keys for providing alpha-numeric inputs; and

a locate button, wherein said locate button is pressed and location information of said wireless telephonic device is provided to a remote storage device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-22 are pending.

The Examiner rejected claims 3 and 4 under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 3 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates U.S. Patent Application No. 2009/0029717 (hereinafter "Bates") or in the alternative Bates in view of Poulin U.S. Patent Application No. 2002/0015453 (hereinafter "Poulin").

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Poulin.

Summary of Applicant's Amendments

Applicant has amended claims 3 and 4 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 112 Rejections

Claims 3 and 4 were rejected under 35 U.S.C. 112, second paragraph. The Examiner rejected claim 3 for having no antecedent basis for "the location." The Examiner rejected claim 4 for having no antecedent basis for "the request" or "the occurrence." Applicant has amended claims 3 and 4 solely in order to expedite prosecution. Applicant

respectfully requests that the Examiner's rejection of claims 3 and 4 be withdrawn.

Applicant's Reply to the 103(a) Rejections

Claims 3, 4, and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Poulin.

Claim 3

Applicant's invention of claim 3 includes identifying a user by receiving at least a login from a first wireless device, recording a location of said first wireless device after said user has been identified, identifying said user by receiving at least said login from a second device, and recording a second location of a second device after the user has been identified.

The Examiner stated:

> "logins are notoriously old in the art and are used to identify a user"
> (Office Action, page 3)

The Examiner's argument is irrelevant. Applicant's invention of claim 3 does not merely include a login. Applicant's invention of claim 3 includes a login on a first wireless device and a second device. By including a login on a wireless device, a user may be identified regardless of the wireless device utilized by the user and an associated location may be recorded.

Neither Bates nor Poulin, used either alone or in combination, show or suggest such a feature. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Additionally, the Examiner appears to make the rejection in view of Official Notice. 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 to 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 provided a rejection without showing each and every element of a claim in a reference 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.

Moreover, Bates and Poulin are precision devices. The Examiner cannot hack apart random elements from different precision devices and stitch them together, in hindsight, with the addition of new elements neither shown nor suggested by the individual precision devices. In doing so, the Examiner merely creates an inoperable device that eviscerates the spirit of the individual devices and includes features neither shown or suggested by the individual devices.

Accordingly, applicant respectfully requests that the Examiner’s rejection of claim 3 be withdrawn.

Claim 4

Applicant’s invention of claim 4 includes triggering a request by a device of location information of a wireless telephonic device at an occurrence of an

event, obtaining access rights associated with accessing said location information, wherein said access rights are determined by said wireless telephonic device, determining whether to provide and filter said location information to said device based on said access rights, wherein said location and said access rights are stored on a remote server.

The Examiner stated:

> "With respect to a remote server; it is believed that such is inherent in the network in Bates"
> (Office Action, page 3)

The Examiner's argument is irrelevant and does not touch upon the information on the remote server. Neither Bates nor Poulin, however, used either alone or in combination, show or suggest applicant's invention of claim 4 of determining whether to provide and filter said location information to the device based on said access rights, where the location and said access rights are stored on a remote server. Both location and access rights are stored on the remote server.

Additionally, neither Bates nor Poulin, used either alone or in combination, show or suggest applicant's invention of amended claim 4 that includes an event that is user-determined on a first screen and access rights are user-determined on a second screen by the wireless telephonic device.

Additionally, the Examiner appears to make the rejection in view of Official Notice. 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 to 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 provided a rejection without showing each and every element of a claim in a reference 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.

Moreover, Bates and Poulin are precision devices. The Examiner cannot hack apart random elements from different precision devices and stitch them together, in hindsight, with the addition of new elements neither shown nor suggested by the individual precision devices. In doing so, the Examiner merely creates an inoperable device that eviscerates the spirit of the individual devices and includes features neither shown or suggested by the individual devices.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

Claim 5

Applicant's invention of claim 5 includes a wireless telephonic device that includes a plurality of keys for providing alpha-numeric inputs and a locate button, where the locate button is pressed and location information of said wireless telephonic device is provided to a remote storage device.

The Examiner stated:

> "Bates et al. do not teach a button. However, Bates et al. teach obtaining location information, albeit automatically"
> (Office Action, page 3)

The Examiner's argument is irrelevant. An automatic feature directly teaches away from applicant's invention of a manual locate button. Neither Bates nor Poulin, used either alone or in combination, show or suggest applicant's invention of claim 5 that includes a plurality of keys for providing alpha-numeric inputs and a separate locate button that, when pressed, provides location information of a wireless device to a remote storage device.

Additionally, the Examiner appears to make the rejection in view of Official Notice. 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 to 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 provided a rejection without showing each and every element of a claim in a reference 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.

Moreover, Bates and Poulin are precision devices. The Examiner cannot hack apart random elements from different precision devices and stitch them together, in hindsight, with the addition of new elements neither shown nor suggested by the individual precision devices. In doing so, the Examiner merely creates an inoperable device that eviscerates the spirit of the individual devices and

includes features neither shown or suggested by the individual devices.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 5 be withdrawn.

The Official Notice Rejection

It appears that the Examiner may have made rejections in view of Official Notice.

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.

For at least the above reasons, applicant respectfully requests that the any Examiner rejection in view of Official Notice 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 any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON6.

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:	11841750
Filing Date:	20-Aug-2007
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 CON6

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:	8968414
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	05-DEC-2010
Filing Date:	20-AUG-2007
Time Stamp:	17:09:24
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	8662
Deposit Account	503855
Authorized User	MULLEN,JEFFREY D.
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-002CON6--Reply.pdf	30073 ca8e325c656008435161cefd4156984 55cbb2410	yes	11

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	3
Applicant Arguments/Remarks Made in an Amendment	4	11

Warnings:

Information:

2	Fee Worksheet (PTO-875)	fee-info.pdf	30351 9e2f6473bedf86fdf4880fc5c04b36ae2f9191 2c	no	2

Warnings:

Information:

Total Files Size (in bytes):	60424

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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
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 displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
11/841,750	08/20/2007	

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		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(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

AMENDMENT 12/05/2010	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 3	Minus	** 20	= 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	

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) 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 $ =		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		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:
/CAROLYN COFER/

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.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 03/02/2011

JEFFREY D. MULLEN
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PITTSBURGH, PA 15232

EXAMINER	
DEANE JR, WILLIAM J	
ART UNIT	**PAPER NUMBER**
2614	

MAIL DATE	DELIVERY MODE
03/02/2011	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)	
	11/841,750	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 *05 December 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) *3-5* 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) *3-5* 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 negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,072,956 (Parupudi et al.).

With respect to claim 3, note example 10.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,103,148 (Ganesh).

With respect to claim 4, note Figs. 5 – 7.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,456,854 (Chern et al.).

With respect to claim 5, note at least Col. 6, lines 10 – 54 and the Figs.

Response to Arguments

Applicant's arguments with respect to claims 3 - 5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). 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 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.

28Feb20011

/William J Deane/

Primary Examiner, Art Unit 2614

Notice of References Cited	Application/Control No. 11/841,750	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-6,456,854	09-2002	Chern et al.	455/457
*	B	US-7,013,148	03-2006	Ganesh, Rajamani	455/456.1
*	C	US-7,072,956	07-2006	Parupudi et al.	709/223
*	D	US-7,272,220	09-2007	Zhang et al.	379/221.08
	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.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	**Art Unit**
	William J Deane	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	06/06/2010	02/28/2011							
	1	-	-							
	2	-	-							
	3	✓	✓							
	4	✓	✓							
	5	✓	✓							

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06Jun2010	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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	11841750	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/002 CON6	Art Unit	2614
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

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)	2011-09-02
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 record s.

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.	:	11/841,750
Confirmation No.	:	2458
Filed	:	August 20, 2007
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
September 2, 2011

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated March 2, 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 4 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:

identifying a user by receiving at least a login from a first wireless device;

recording a location of said first wireless device after said user has been identified on said first wireless device and associating said location with said user;

identifying said user by receiving at least said login from a second device; and

recording a second location of said second device after said user has been identified on said second device and associating said second location with said user.

4. (previously presented) A method comprising:

triggering a request of location information of a wireless telephonic device for a device at an occurrence of an event, wherein said event is user-determined on a first screen;

obtaining access rights associated with accessing said location information, wherein said access rights are user-determined on a second screen by said wireless telephonic device; and

determining whether to provide and filter said location information to said device based on said access

rights, wherein said location and said access rights are stored on a remote server.

5. (previously presented) A wireless telephonic device comprising:

a display screen;

a speaker;

a microphone;

a plurality of keys for providing alpha-numeric inputs; and

a locate button, wherein said locate button is pressed and location information of said wireless telephonic device is provided to a remote storage device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-5 are pending.

Claims 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Parupudi U.S. Patent No. 7,072,956 (hereinafter "Parupudi").

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ganesh U.S. Patent No. 7,013,148 (hereinafter "Ganesh").

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Chern U.S. Patent No. 6,456,854 (hereinafter "Chern").

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 was rejected under 35 U.S.C. 103(a) as being unpatentable over Parupudi.

Applicant's invention of claim 3 includes identifying a user by receiving at least a login from a first wireless device, recording a location of said first wireless device after said user has been identified, identifying said user by receiving at least said login from a second device, and recording a second location of a second device after the user has been identified.

The Examiner stated:

"with respect to claim 3, note example 10"

(Office Action, page 2)

Example 10 of Parupudi, however, merely alleges determining when an employee's phone and computer are in different locations. The login for the employee's computer is only enabled when in the same physical location as the employee's phone.

Applicant's invention of claim 3 includes a login on a first wireless device and a second device. By including a login on a wireless device, a user may be identified regardless of the wireless device utilized by the user and an associated location may be recorded. In Parupudi, for example, only the device includes a login. Parupudi's login on a device alleges little, if anything, of relevance.

Furthermore, applicant's invention of claim 3 includes recording a location of a first wireless device after the user has been identified on the first wireless device and associating the location with the user, identifying the user by receiving at least the login from a second device, and recording a second location of the second device after the user has been identified on the second device and associating the second location with said user. Parupudi does not discuss such a feature.

Additionally, the Examiner appears to make the rejection in view of Official Notice. 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 to 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 provided a rejection without showing each and every element of a claim in a reference 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.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Claim 4

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Ganesh.

Applicant's invention of claim 4 includes triggering a request of location information of a wireless telephonic device for a device at an occurrence of an event, wherein the event is user-determined on a first screen and obtaining access rights associated with accessing the location information, wherein the access rights are user-determined on a second screen by said wireless telephonic device.

The Examiner stated:

> "With respect to claim 4, note Figs. 5-7" (Office Action, page 3)

Ganesh, however, does not show or suggest applicant's invention of claim 4 of triggering a request of location information of a wireless telephonic device for a device at an occurrence of an event, wherein the event is user-determined on a first screen and obtaining access rights associated with accessing said location information, wherein the access rights are user-determined on a second

screen by said wireless telephonic device. Ganesh merely alleges a webpage for a determination result.

Additionally, the Examiner appears to make the rejection in view of Official Notice. 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 to 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 provided a rejection without showing each and every element of a claim in a reference 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.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

Claim 5

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Chern.

Applicant's invention of claim 5 includes a wireless telephonic device that includes a plurality of keys for providing alpha-numeric inputs and a locate button, where the locate button is pressed and location information of said wireless telephonic device is provided to a remote storage device.

The Examiner stated:

> "With respect to claim 5, note at least Col. 6, lines 10-54 and the FIGS."
> (Office Action, page 2)

The Examiner's argument is irrelevant. Chern does not show or suggest a locate button. Chern merely alleges a user may navigate to an option. Navigating does not show or suggest applicant's invention of claim 5 of a locate button.

Additionally, the Examiner appears to make the rejection in view of Official Notice. 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 to 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 provided a rejection without showing each and every element of a claim in a reference 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.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 5 be withdrawn.

The Official Notice Rejection

It appears that the Examiner may have made rejections in view of Official Notice.

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.

For at least the above reasons, applicant respectfully requests that the any Examiner rejection in view of Official Notice 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 any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON6.

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:	11841750
Filing Date:	20-Aug-2007
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 CON6

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($)
Miscellaneous:				
Request for continued examination	2801	1	405	405
		Total in USD ($)		**960**

Electronic Acknowledgement Receipt	
EFS ID:	10875185
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	02-SEP-2011
Filing Date:	20-AUG-2007
Time Stamp:	17:12:37
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$960
RAM confirmation Number	3681
Deposit Account	503855
Authorized User	MULLEN,JEFFREY D.
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	Request for Continued Examination (RCE)	JDM-002CON6--RCE.pdf	697284 ed238ec6e21310a252eb11e97ecbfa5101755509	no	3
Warnings:					
Information:					
2		JDM-002CON6--Reply.pdf	25980 aca17104f0bef375d442469a2f9f723201e84e4c	yes	10

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment Submitted/Entered with Filing of CPA/RCE	1	1
Claims	2	3
Applicant Arguments/Remarks Made in an Amendment	4	10

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32409 eb4ee79386bbe1d46a0ef151143b015fd79bbd01	no	2
Warnings:					
Information:					
			Total Files Size (in bytes):	755673	

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.

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
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 displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☒ To be Mailed
11/841,750	08/20/2007	

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY ☒		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		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(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

AMENDMENT	09/02/2011	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 3	Minus	** 20	= 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	

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) 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))							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:
/KATRINA HARLING/

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.

PTO/SB/06 (09-11)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,750	Filing Date 08/20/2007	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) 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

AMENDMENT	04/20/2013	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 3	Minus	** 20	= 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

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) 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
/SONYA HILLIARD/

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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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 07/16/2013

JEFFREY D. MULLEN
1310 Riverfront Drive
PITTSBURGH, PA 15238

EXAMINER	
DEANE JR, WILLIAM J	
ART UNIT	**PAPER NUMBER**
2652	
MAIL DATE	**DELIVERY MODE**
07/16/2013	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. 11/841,750	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 ____ 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 _____.

☐ 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) _____ 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) _____ 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: _____.

Notice of References Cited	Application/Control No. 11/841,750	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.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	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	06/06/2010	02/28/2011							
	1	-	-							
	2	-	-							
	3	✓	✓							
	4	✓	✓							
	5	✓	✓							

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06Jun2010	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 01/17/2014

JEFFREY D. MULLEN
1310 Riverfront Drive
PITTSBURGH, PA 15238

EXAMINER	
DEANE JR, WILLIAM J	
ART UNIT	**PAPER NUMBER**
2652	

MAIL DATE	DELIVERY MODE
01/17/2014	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. 11/841,750	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 *2 September 2011*.

☐ 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) *3-5* 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) *3-5* 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.

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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: _____.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11/841,750	20 August, 2007	MULLEN, JEFFREY D.	JDM/002 CON6

		EXAMINER	
JEFFREY D. MULLEN 1310 Riverfront Drive PITTSBURGH, PA 15238		WILLIAM DEANE JR	
		ART UNIT	PAPER
		2652	20130714

DATE MAILED:

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

Commissioner for Patents

PTO-90C (Rev.04-03)

DETAILED ACTION

Previous Office Action Vacated

The previous Office Action dated 07/16/2013 has been vacated and the instant Office Action substituted therefor.

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 negatived by the manner in which the invention was made.

Claims 3 – 4 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. In addition, note the multiple displays in the Figs. in Meadows et al.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of pre-AIA 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.

Claim 5 is rejected under pre-AIA 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2001/0048364 (Kalthoff et al.).

With respect to claim 5, note Fig. 3 and also note element 120a in Fig. 3.

Response to Arguments

Applicant's arguments with respect to claims 3 - 5 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).

14Jan2014

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/841,750	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-6,716,101	04-2004	Meadows et al.	455/456.1
*	B	US-2012/0106728	05-2012	Ghaffari et al.	379/211.02
*	C	US-7,215,965	05-2007	Fournier et al.	455/456.1
*	D	US-2001/0048364	12-2001	Kalthoff et al.	340/573.1
*	E	US-7,333,776	02-2008	York, Joseph	455/90.1
*	F	US-7,215,965	05-2007	Fournier et al.	455/456.1
*	G	US-5,999,124	12-1999	Sheynblat, Leonid	342/357.29
	H	US-			
*	I	US-6,999,777	02-2006	Ganesh, Rajamani	455/456.1
*	J	US-2003/0119522	06-2003	Barclay et al.	455/456
	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.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	**Art Unit**
	William J Deane	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	06/06/2010	02/28/2011	07/14/2013	01/14/2014					
	1	-	-	-	-					
	2	-	-	-	-					
	3	✓	✓	✓	✓					
	4	✓	✓	✓	✓					
	5	✓	✓	✓	✓					

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06Jun2010	WJD
	Updated the above; and	14July2013	WJD
455	404.1		
	404.2		
	410		
	456.2		
	456.3		
	457		
	Updated the above	14Jan2014	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/841,750
Confirmation No.	:	2458
Filed	:	August 20, 2007
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 17, 2014

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated January 17, 2014. A two-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 4 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:

identifying a user from a plurality of users by receiving at least a login from a first wireless device and a password associated with said login;

recording a location of said first wireless device after said user has been identified on said first wireless device and associating said location with said user;

identifying said user by receiving at least said login and said password from a second device; and

recording a second location of said second device after said user has been identified on said second device and associating said second location with said user.

4. (previously presented) A method comprising:

triggering a request of location information of a wireless telephonic device for a device at an occurrence of an event, wherein said event is user-determined on a first screen;

obtaining access rights associated with accessing said location information, wherein said access rights are user-determined on a second screen by said wireless telephonic device; and

determining whether to provide and filter said location information to said device based on said access

rights, wherein said location and said access rights are stored on a remote server.

5. (currently amended) A wireless telephonic device comprising:

a display screen;

a speaker;

a microphone;

~~a plurality of keys~~ at least one key for providing an input ~~alpha-numeric inputs~~; and

a locate button, wherein said locate button is pressed and location information of said wireless telephonic device is provided to a remote storage device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-5 are pending.

Claims 3-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.").

Claim 5 was rejected under 35 U.S.C. 102(e) as being unpatentable over Ganesh U.S. Patent Application No. 2001/0048364 (hereinafter "Kalthoff").

Summary of Applicant's Amendments

Applicant has amended claims 3 and 5 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

Claim 3

Claims 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows et al.

The Examiner stated:

> "What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 5a, which displays a list of individuals, note use of access code or password (loggin in)."
> (Office Action, page 3)

Applicant has amended claim 3 to include a login to identify one of a plurality of users on a device and a password associated with that login. Meadows merely alleges by the Examiner an access code or an access password. Meadows is not directed to a secure, open platform with two identification features and no limitations on access availability.

None of the references, used either alone or in combination, show or suggest such features. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Claim 4

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows et al.

The Examiner stated:

> ""What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 5a, which displays a list of individuals, note use of access code or password (loggin in)."
> (Office Action, page 3)

Claim 4, however, includes triggering a request of location information at an occurrence of a user-determined event (on a first screen), obtaining user-determined access rights (on a second screen), and determining whether to provide and filter said location information to said device based on said access rights.

Meadows is silent such features. Similarly, Barclay is silent to such features that include triggering a request of location information and the first and second display screens, etc.

None of the references, used either alone or in combination, show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

Claim 5

Claim 5 was rejected under 35 U.S.C. 102(e) as being unpatentable Kalthoff.

The Examiner directed applicant's attention to the figures of Kalthoff.

Applicant's claim 5, however, includes not just a locate button but providing location information of said wireless telephonic device to a remote storage device when the locate button is pressed.

Kaltoff merely uses Kaltoff's structure to select third parties from a list. *See* Kaltoff, paragraph 53. Applicant's location button sends the location information of the device with the locate button - not a third party device (which Kaltoff also doesn't discuss) - to a remote storage device.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 5 be withdrawn.

The Official Notice Rejection

It appears that the Examiner may have made rejections in view of Official Notice.

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.

For at least the above reasons, applicant respectfully requests that the any Examiner rejection in view of Official Notice 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 any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON6.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
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Pittsburgh, PA 15232
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841750
Filing Date:	20-Aug-2007
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 CON6

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 - 2 months with $0 paid	2252	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
			Total in USD ($)	**300**

Electronic Acknowledgement Receipt	
EFS ID:	19333462
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	17-JUN-2014
Filing Date:	20-AUG-2007
Time Stamp:	19:03:48
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	$300
RAM confirmation Number	5469
Deposit Account	503855
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-002CON6--Reply.pdf	131668 f06498eafc5beff46bc7fc662616a6eb40d5db4a	yes	8

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	3
Applicant Arguments/Remarks Made in an Amendment	4	8

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30416 916598e80fffa9bdb853ff246d7d401f5b77748a	no	2

Warnings:

Information:

Total Files Size (in bytes):	162084

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.

<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.

<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.

<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.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
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 displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,750	Filing Date 08/20/2007	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) 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

AMENDMENT	06/17/2014	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 3	Minus	** 20	= 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

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) 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
/Tina J. Barden/

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 07/01/2014

JEFFREY D. MULLEN
1310 Riverfront Drive
PITTSBURGH, PA 15238

EXAMINER	
DEANE JR, WILLIAM J	
ART UNIT	**PAPER NUMBER**
2652	

MAIL DATE	DELIVERY MODE
07/01/2014	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. 11/841,750	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 *06/17/2014*.

☐ 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) *3-5* 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) *3-5* 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 negatived by the manner in which the invention was made.

Claim 3 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 6,725,032 (Sheridan 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. In addition, note the multiple displays in the Figs. in Meadows et al. If this is argued, note that Sheridan et al. teach a web login page where user can input both login information and a password (see Sheridan, Fig. 15).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Sheridan into the Barclay et al./Meadows et al., to ask the user to initiate a session by entering a login name and a password, both of which are submitted in HTML form to the configuration management system to determine if a login and password combination matches the information provided in the security database to determine if the user has access to the system, as taught by Sheridan, thus allowing a more secure way of accessing a web-based service by matching both login information and password (see Sheridan, col. 18, lines 20-34).

Claim 4 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.).

With respect to claim 4, 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. In addition, note the multiple displays in the Figs. in Meadows et al.

With respect to "in an occurrence of an event ", as broadly claimed, would read on a person just deciding that they would like to know the location information. With respect to triggering aspects, note as broadly claimed, this reads on the user deciding to request location information.

Claim 5 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over by U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) in view of U.S. Patent Application No. 2003/0004743 (Callegari).

With respect to claim 5, note Fig. 3 and also note element 120a in Fig. 3 of Kalthoff et al. In addition, note paragraph 0044 of Callegari. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Callegari et al. into the Kalthoff et al. system in order to have a more flexible system. With respect to the new limitation of, at least a key for providing an input, note the hot key option 75 (see paragraph 0090 of Callegari).

Response to Arguments

Applicant's arguments with respect to claims 3 - 5 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection except claim 4, which is further explained above.

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.

In addition, Applicant is reminded that the examiner is willing to discuss all of applicant's case in an elongated interview at Applicant's request. Applicant can call (number below) or e-mail at william.deane@uspto.gov to set up a day and time.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). 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 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).

29Jun2014

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/841,750	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-2003/0004743	01-2003	Callegari, Jeff	705/1
*	B	US-2002/0003470	01-2002	Auerbach, Mitchell	340/425.5
*	C	US-7,983,947	07-2011	Kaiwa et al.	705/14.58
*	D	US-6,725,032	04-2004	Sheridan et al.	455/419
	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.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	**Art Unit**
	William J Deane	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	06/06/2010	02/28/2011	07/14/2013	01/14/2014	06/29/2014				
	1	-	-	-	-	-				
	2	-	-	-	-	-				
	3	✓	✓	✓	✓	✓				
	4	✓	✓	✓	✓	✓				
	5	✓	✓	✓	✓	✓				

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06Jun2010	WJD
	Updated the above; and	14July2013	WJD
455	404.1		
	404.2		
	410		
	456.2		
	456.3		
	457		
	Updated the above	14Jan2014	WJD
	Updated the above	29Jun2014	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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	11841750	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/002CON6	Art Unit	2652
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William Deane		

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

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)	2015-01-01
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 record s.

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.	:	11/841,750
Confirmation No.	:	2458
Filed	:	August 20, 2007
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 15116
January 2, 2015

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated January 17, 2014. 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 4 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:

identifying a user from a plurality of users by receiving at least a login from a first wireless device and a password associated with said login;

recording a location of said first wireless device after said user has been identified on said first wireless device and associating said location with said user;

identifying said user by receiving at least said login and said password from a second device; and

recording a second location of said second device after said user has been identified on said second device and associating said second location with said user.

4. (currently amended) A method comprising:

triggering a request of location information of a wireless telephonic device for a device at an occurrence of an event, wherein said event is pre-selected from a plurality of events ~~user-determined~~ on a first screen;

obtaining access rights associated with accessing said location information, wherein said access rights are user-determined on a second screen by said wireless telephonic device; and

determining whether to provide and filter said location information to said device based on said access rights, wherein said location and said access rights are stored on a remote server.

5. (currently amended) A wireless telephonic device comprising:

a display screen;

a speaker;

a microphone;

at least one key for providing an input; and

a physical locate button, wherein said locate button is operable to be pressed to provide ~~and~~ location information of said wireless telephonic device ~~is provided~~ to a remote storage device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-5 are pending.

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.") and further in view of U.S. Patent Application No. 6,725,032 (hereinafter "Sheridan").

The Examiner rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Meadows.

The Examiner rejected claim 5 under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent Application No. 2001/0048364 (hereinafter "Kalthoff") in view of U.S. Patent Application No. 2003/0004743 (hereinafter "Callegari").

Summary of Applicant's Amendments

Applicant has amended claims 4 and 5 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

Claim 3

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay and U.S. and further in view of Sheridan.

The Examiner stated:

> "It would have been obvious … to incorporate the teachings of Sheridan into the Barclay et al. / Meadows et al., to ask the user to initiate a session by entering a login name and a password … thus allowing a more secure way of accessing a web-based service."
> (Office Action, page 4)

Any reference that shows a login and password – even one that can be utilized on multiple devices – is irrelevant.

Applicant's previously amended claim 3 includes identifying a user through a login and password on two separate devices and recording and associating the location of the device to the user.

In doing so, applicant's claim 3 includes a login and password not to merely access data – but to utilize the location of the different devices themselves. Sheridan provides an irrelevant network management system and alleges providing Sheridan's database through a web login. A web login to provide a database is not utilizing a login and password on different devices to record the locations of those devices to the same user.

None of the references, used either alone or in combination, show or suggest such features. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Claim 4

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows et al.

The Examiner stated:

> ""What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 5a, which

> displays a list of individuals, note use of access code or password (loggin in)." (Office Action, page 3)

Claim 4, however, includes triggering a request of location information at an occurrence of a user-determined event (on a first screen), obtaining user-determined access rights (on a second screen), and determining whether to provide and filter said location information to said device based on said access rights.

Meadows is silent such features. Similarly, Barclay is silent to such features that include triggering a request of location information and the first and second display screens, etc. The Examiner's discussion on Meadow's access code is moot as claim 4 does not include a feature of a login and password.

The Examiner also stated that:

> "With respect to 'in an occurance of an event,' as broadly claimed, would read on a person just deciding that they would like to know the location information." (Office Action, page 5)

Without prejudice and solely to expedite prosecution, applicant has amended claim 4. Particularly, applicant has amended claim 4 to include an event that is pre-selected from a plurality of events. In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

None of the references, used either alone or in combination, show or suggest such features. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

Claim 5

The Examiner rejected claim 5 under 35 U.S.C. 102(e) as being unpatentable over Kalthoff in view of Callegari.

The Examiner directed applicant's attention to the figures of Kalthoff.

Applicant's previously amended claim 5, however, includes not just a locate button but providing location information of said wireless telephonic device to a remote storage device when the locate button is pressed.

Kaltoff merely uses Kaltoff's structure to select third parties from a list. *See* Kaltoff, paragraph 53. Applicant's location button sends the location information of the device with the locate button - not a third party device (which Kaltoff also doesn't discuss) - to a remote storage device.

The Examiner also stated "note paragraph 0044 of Callegari." Office Action, page 6.

Callegeri is irrelevant both to Kaltoff and applicant's claim 4. Callegari's alleged "locate me" feature is provided on Callegari's alleged web browser. *See Callegari* FIG. 5.

Without prejudice and solely in order to expedite prosecution, applicant has amended claim 5 to include a physical locate button. None of the references, used either alone or in combination, show or suggest a physical locate button – let alone a location button that sends information of the device with the locate button to a remote storage device.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 5 be withdrawn.

<u>The Official Notice Rejection</u>

It appears that the Examiner may have made rejections in view of Official Notice.

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.

For at least the above reasons, applicant respectfully requests that the any Examiner rejection in view of Official Notice 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 any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON6.

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:	11841750
Filing Date:	20-Aug-2007
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 CON6

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:	21110315
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	02-JAN-2015
Filing Date:	20-AUG-2007
Time Stamp:	18:09:50
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	2172
Deposit Account	503855
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	Request for Continued Examination (RCE)	JDM-002CON6--RCE.pdf	697795 5c27c5b84b6ac35eb9d3351344d29b96fca960f8	no	3
Warnings:					
Information:					
2		JDM-002CON6--Reply.pdf	136421 ed53ec4748bb31196ee7d672347d9b61bcfd4127	yes	9

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1
	Claims	2	3
	Applicant Arguments/Remarks Made in an Amendment	4	9

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32486 e306eb9ace444681a0054b801c422f0a621fd229	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	866702		

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.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
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 displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,750	Filing Date 08/20/2007	☐ 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))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	01/02/2015	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 3	Minus	** 20	= 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

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) 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
/WANDA 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.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 01/14/2015

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2652	

MAIL DATE	DELIVERY MODE
01/14/2015	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. 11/841,750	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 *01/02/2015*.

☐ 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) *3-5* 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) *3-5* 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 negatived by the manner in which the invention was made.

Claim 3 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 6,725,032 (Sheridan 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. In addition, note the multiple displays in the Figs. in Meadows et al. If this is argued, note that Sheridan et al. teach a web login page where user can input both login information and a password (see Sheridan, Fig. 15).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Sheridan into the Barclay et al./Meadows et al., to ask the user to initiate a session by entering a login name and a password, both of which are submitted in HTML form to the configuration management system to determine if a login and password combination matches the information provided in the security database to determine if the user has access to the system, as taught by Sheridan, thus allowing a more secure way of accessing a web-based service by matching both login information and password (see Sheridan, col. 18, lines 20-34).

Claim 4 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.).

With respect to claim 4, 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. In addition, note the multiple displays in the Figs. in Meadows et al.

With respect to "in an occurrence of an event ", as broadly claimed previously, would read on a person just deciding that they would like to know the location

information. With respect to triggering aspects, note as broadly claimed, this reads on the user deciding to request location information.

With respect to pre-selected from a plurality of events, note paragraph 0050 and Figs. 3 and 16B (note the difference in the pre-selected distance 1.54 miles and 500ft respectively) of Kalthoff et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Kalthoff et al. into the Barclay et al./Meadows et al. in order to have a more flexible system.

Claim 5 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over by U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) in view of U.S. Patent Application No. 2003/0004743 (Callegari).

With respect to claim 5, note Fig. 3 and also note at least elements 120a – 120d in Fig. 3 of Kalthoff et al. Note that this is a physical button and the examiner sees no reason that if the information of the user was in the account then the user could select himself and get the location information of his own device. In addition, note paragraph 0044 of Callegari. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Callegari et al. into the Kalthoff et al. system in order to have a more flexible system. With respect to the new limitation of, at least a key for providing an input, note the hot key option 75 (see paragraph 0090 of Callegari).

Response to Arguments

Applicant's arguments with respect to claims 3 - 5 have been considered but are moot because the arguments are further explained above (note the underlined parts in each claim above).

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 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).

11Jan2015

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/841,750	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-2009/0005019	01-2009	Patel et al.	455/414.2
*	B	US-2005/0222756	10-2005	Davis et al.	701/205
*	C	US-8,478,304	07-2013	David et al.	455/456.5
*	D	US-5,999,124	12-1999	Sheynblat, Leonid	342/357.29
*	E	US-2001/0048364	12-2001	Kalthoff et al.	340/573.1
	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.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06Jun2010	WJD
	Updated the above; and	14July2013	WJD
455	404.1		
	404.2		
	410		
	456.2		
	456.3		
	457		
	Updated the above	14Jan2014	WJD
	Updated the above	29Jun2014	WJD
	Updated the above	12Jan2015	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	**Art Unit**
	William J Deane	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	06/06/2010	02/28/2011	07/14/2013	01/14/2014	06/29/2014	01/12/2015			
	1	-	-	-	-	-	-			
	2	-	-	-	-	-	-			
	3	✓	✓	✓	✓	✓	✓			
	4	✓	✓	✓	✓	✓	✓			
	5	✓	✓	✓	✓	✓	✓			

JDM/002 CON6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/841,750
Confirmation No.	:	2458
Filed	:	August 20, 2007
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 15116
July 14, 2015

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated January 14, 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 4 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:

identifying a user from a plurality of users by receiving at least a login from a first wireless device and a password associated with said login;

recording a location of said first wireless device after said user has been identified on said first wireless device and associating said location with said user;

identifying said user by receiving at least said login and said password from a second device; and

recording a second location of said second device after said user has been identified on said second device and associating said second location with said user.

4. (currently amended) A method comprising:

triggering a request of location information of a wireless telephonic device for a device at an occurrence of ~~an~~ location-based event, wherein said located-based event is pre-selected from a plurality of located-based events on a first screen;

obtaining access rights associated with accessing said location information, wherein said access rights are user-determined on a second screen by said wireless telephonic device; and

determining whether to provide and filter said location information to said device based on said access rights, wherein said location and said access rights are stored on a remote server.

5. (previously presented) A wireless telephonic device comprising:

a display screen;

a speaker;

a microphone;

at least one key for providing an input; and

a physical locate button, wherein said locate button is operable to be pressed to provide location information of said wireless telephonic device to a remote storage device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-5 are pending.

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.") and further in view of U.S. Patent Application No. 6,725,032 (hereinafter "Sheridan").

The Examiner rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Meadows and further in view of Kalthoff et al. U.S. Patent Application Publication No. 2001/0048364 (hereinafter "Kalthoff").

The Examiner rejected claim 5 under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent Application No. 2001/0048364 (hereinafter "Kalthoff") in view of U.S. Patent Application No. 2003/0004743 (hereinafter "Callegari").

Summary of Applicant's Amendments

Applicant has amended claim 4 without prejudice and solely in order to expedite prosecutoin.

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

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows. and further in view of Sheridan.

The Examiner stated:

> "It is noted that the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order to not have to remember multiple locations."
> (Office Action, page 3)

The Examiner's argument is actually for the patentability of applicant's claim 3 - not against it. In Meadows, if a user has more than one device then the user will not be able to use those devices with the same login because the users of Meadows - as noted by the Examiner - are different. Accordingly, claim 3 is patentable because if a user has more than one device the user can obtain additional functionality from those devices. Meadows does not provide a solution to this problem. Applicant does.

Accordingly, none of the references, used either alone or in combination, show or suggest such features. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Claim 4

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows and Kalthoff.

As shown above, applicant noted that the users of Meadows are different.

The Examiner stated:

> "With respect to 'in an occurance of an event', as broadly claimed previously, would read on a person just deciding that they would like eto know the location."
> (Office Action, page 5)

Claim 4 has been amended without prejudice and solely in order to expedite prosecution to include a location-based event.

Amended claim 4 includes triggering a request of location information at an occurrence of a user-determined location-based event (on a first screen), obtaining user-determined access rights (on a second screen), and determining whether to provide and filter said location information to said device based on said access rights.

Meadows is silent such features. Similarly, Barclay is silent to such features that include triggering a request of location information and the first and second display screens, etc.

Kalthoff also is silent to such features such as first and second display screens. Kalthoff does not show or suggest features that include pre-selected from a plurality of located-based events on a first screen and access rights are user-determined on a second screen.

None of the references, used either alone or in combination, show or suggest such features. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

Claim 5

The Examiner rejected claim 5 under 35 U.S.C. 102(e) as being unpatentable over Kalthoff in view of Callegari.

The Examiner directed applicant's attention to the figures of Kalthoff.

Applicant's previously amended claim 5, however, includes not just a locate button but providing location information of said wireless telephonic device to a remote storage device when the locate button is pressed.

The Examiner stated:

> "Note that this is a physical button and the examiner sees no reason that if the information of the user was in the account then the user could select himself and get the location information of his own device."
> (Office Action, page 6).

The Examiner's statement is irrelevant. A physical locate button is not a user going into a phone and getting the location information. A physical locate button has the advantage of being easier and more convenient for a user to utilize. Accordingly, a device with a physical locate button may be more accessible and faster than a device without a physical locate button.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection be withdrawn.

Furthermore, Kaltoff merely uses Kaltoff's structure to select third parties from a list. *See* Kaltoff, paragraph 53. Applicant's location button sends the location information of the device with the locate button - not a third party device (which Kaltoff also doesn't discuss) - to a remote storage device.

The Examiner also stated "note paragraph 0044 of Callegari." Office Action, page 6.

Callegeri is irrelevant both to Kaltoff and applicant's claim 4. Callegari's alleged "locate me" feature is provided on Callegari's alleged web browser. *See Callegari* FIG. 5.

Without prejudice and solely in order to expedite prosecution, applicant has amended claim 5 to include a physical locate button. None of the references, used either alone or in combination, show or suggest a physical locate button – let alone a location button that sends information of the device with the locate button to a remote storage device.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 5 be withdrawn.

The Official Notice Rejection

It appears that the Examiner may have made rejections in view of Official Notice.

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.

For at least the above reasons, applicant respectfully requests that the any Examiner rejection in view of Official Notice 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 any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON6.

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:	11841750
Filing Date:	20-Aug-2007
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 CON6

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:	22917932
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	14-JUL-2015
Filing Date:	20-AUG-2007
Time Stamp:	18:58:17
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	5156
Deposit Account	503855
Authorized User	MULLEN, JEFFREY D.
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-002CON6--Reply.pdf	137386 7221aac9fa7760575358fbc2018cecec63d20096	yes	10

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	3
Applicant Arguments/Remarks Made in an Amendment	4	10

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30772 4a608f02dcaac01eff76663b5f134d815f7e5dd8	no	2

Warnings:

Information:

Total Files Size (in bytes):	168158

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.

<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.

<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.

<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.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
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 displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,750	Filing Date 08/20/2007	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) 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

AMENDMENT	07/14/2015	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 3	Minus	** 20	= 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

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) 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
/DORRETTA BROOKS/

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 10/20/2015

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2652	

MAIL DATE	DELIVERY MODE
10/20/2015	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. 11/841,750	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 *07/14/2015*.

☐ 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) *3-5* 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) *3-5* 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 negatived by the manner in which the invention was made.

Claim 3 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 6,725,032 (Sheridan et al.) and U.S. Patent No. 6,970.853 (Schutzer).

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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins.

If this is argued, note at least Col. 2, lines 65 – 67 - Col. 3, lines 1 - 8 of Schutzer. Here a user can list multiple devices that are associated with one login and password. It would have been obvious to one of ordinary skill in the art to use the same login

information in order not to have to remember multiple logins. That is, such would have been an obvious convenience to the user.

In addition, note the multiple displays in the Figs. in Meadows et al. If this is argued, note that Sheridan et al. teach a web login page where user can input both login information and a password (see Sheridan, Fig. 15).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Sheridan into the Barclay et al./Meadows et al., to ask the user to initiate a session by entering a login name and a password, both of which are submitted in HTML form to the configuration management system to determine if a login and password combination matches the information provided in the security database to determine if the user has access to the system, as taught by Sheridan, thus allowing a more secure way of accessing a web-based service by matching both login information and password (see Sheridan, col. 18, lines 20-34).

Claim 4 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and U.S. 2003/0060214 (Hendrey et al.).

With respect to claim 4, 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art

to use the same login information in order not to have to remember multiple logins. In addition, note the multiple displays in the Figs. in Meadows et al.

With respect to "in an occurrence of an event ", as broadly claimed previously, would read on a person just deciding that they would like to know the location information. With respect to triggering aspects, note as broadly claimed, this reads on the user deciding to request location information.

With respect to pre-selected from a plurality of events, note paragraph 0050 and Figs. 3 and 16B (note the difference in the pre-selected distance 1.54 miles and 500ft respectively) of Kalthoff et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Kalthoff et al. into the Barclay et al./Meadows et al. in order to have a more flexible system.

With respect to the new limitation of a location-based event and other teachings, note the Abstract, paragraphs 0011, 0013, 0014, 0017, 0036 (rules = filter), 0040, 0047, 0048, 0049, 0059, 0061, 0068 and note the claims of Hendrey et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Hendrey et al. into the Barclay et al./Meadows et al./Kalthoff et al. system more flexible for a user by including location-based events as a trigger.

Claim 5 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,999,124 (Sheynblat).

Note at least Col. 8, lines 18 – 40 of Sheynblat and Figs. 2 and 4. Sheynblat teaches a display, but does not specifically recite a microphone or speaker. However, a cell or cellular telephone and communication devices are repeated throughout the specification. For example note Col. 6, lines 21 – 67.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of a microphone and speaker into Sheynblat, if not already inherent, as that is what communication devices must have to communicate.

Response to Arguments

Applicant's arguments with respect to claims 3 - 5 have been considered but are moot because the arguments do not apply to any of the references being used in the current 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 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).

17Oct2015

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/841,750	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-6,970,853 B2	11-2005	Schutzer; Daniel	G06F21/32	705/67
*	B	US-2003/0060214 A1	03-2003	Hendrey, Geoffrey	H04W4/02	455/456.3
*	C	US-5,999,124 A	12-1999	Sheynblat; Leonid	G01S19/46	342/357.29
*	D	US-6,636,732 B1	10-2003	Boling; Brian M.	H04B1/38	455/404.1
	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.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	**Art Unit**
	William J Deane	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	06/06/2010	02/28/2011	07/14/2013	01/14/2014	06/29/2014	01/12/2015	10/17/2015		
	1	-	-	-	-	-	-	-		
	2	-	-	-	-	-	-	-		
	3	✓	✓	✓	✓	✓	✓	✓		
	4	✓	✓	✓	✓	✓	✓	✓		
	5	✓	✓	✓	✓	✓	✓	✓		

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06Jun2010	WJD
	Updated the above; and	14July2013	WJD
455	404.1		
	404.2		
	410		
	456.2		
	456.3		
	457		
	Updated the above	14Jan2014	WJD
	Updated the above	29Jun2014	WJD
	Updated the above	12Jan2015	WJD
	Updated the above; and	17Oct2015	WJD
455	405-408		

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

JDM/002 CON6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/841,750
Confirmation No.	:	2458
Filed	:	August 20, 2007
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 15116
April 20, 2016

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated October 20, 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 4 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:

identifying a user from a plurality of users by receiving at least a login from a first wireless device and a password associated with said login;

recording a location of said first wireless device after said user has been identified on said first wireless device and associating said location with said user;

identifying said user by receiving at least said login and said password from a second device; and

recording a second location of said second device after said user has been identified on said second device and associating said second location with said user.

4. (previously amended) A method comprising:

triggering a request of location information of a wireless telephonic device for a device at an occurrence of location-based event, wherein said located-based event is pre-selected from a plurality of located-based events on a first screen;

obtaining access rights associated with accessing said location information, wherein said access rights are user-determined on a second screen by said wireless telephonic device; and

determining whether to provide and filter said location information to said device based on said access rights, wherein said location and said access rights are stored on a remote server.

5. (previously presented) A wireless telephonic device comprising:

a display screen;

a speaker;

a microphone;

at least one key for providing an input; and

a physical locate button, wherein said locate button is operable to be pressed to provide location information of said wireless telephonic device to a remote storage device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-5 are pending.

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.") and further in view of U.S. Patent Application No. 6,725,032 (hereinafter "Sheridan") and further in view of Schulzer U.S. Patent No. 6,970,853 (hereinafter "Schulzer").

The Examiner rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Meadows and further in view of Kalthoff et al. U.S. Patent Application Publication No. 2001/0048364 (hereinafter "Kalthoff") and further in view of Hendrey et al. U.S. Patent Application No. 2003/0060214 (hereinafter "Hendrey").

The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sheynblat U.S. Patent No. 5,999,124 (hereinafter "Sheynblat").

Summary of Applicant's Amendments

Applicant has amended claim 4 without prejudice and solely in order to expedite prosecutoin.

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

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.") and further in view of U.S. Patent Application No. 6,725,032 (hereinafter "Sheridan") and further in view of Schulzer U.S. Patent No. 6,970,853 (hereinafter "Schulzer").

The Examiner stated:

> "It is noted that the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order to not have to remember multiple locations."
> (Office Action, page 3)

The Examiner's argument is actually for the patentability of applicant's claim 3 - not against it. In Meadows, if a user has more than one device then the user will not be able to use those devices with the same login because the users of Meadows - as noted by the Examiner - are different. Accordingly, claim 3 is patentable because if a user has more than one device the user can obtain additional functionality from those devices. Meadows does not provide a solution to this problem. Applicant does.

The Examiner stated:

> "Schulzer … a user can list multiple devices that are associated with one login and password. It would have been obvious … to use the same information in order not to have to remember multiple logins. That is, such would have been obvious convenience to the user."
> (Office Action, page 4)

Barclay, Meadows, and Sheridan are precision devices and teach away from one another and, therefore, are not combinable. An additional reference – such as Shulzer – does not improve an impermissible combination, but makes the impermissible combination more impermissible.

Regardless, Shulzer is irrelevant. Shulzer does not show or suggest applicant's feature. Shuler merely provides strong authentication techniques for enrolled devices. An enrolled device does not show or suggest applicant's features such as, for example, recording a location of said first wireless device after said user has been identified on said first wireless device and associating said location with said user and identifying said user by receiving at least said login and said password from a second device and recording a second location of said second device after said user has been identified on said second device and associating said second location with said user.

Accordingly, none of the references, used either alone or in combination, show or suggest such features. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Claim 4

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows and Kalthoff and Hendrey.

Claim 4 includes triggering a request of location information at an occurrence of a user-determined location-based event (on a first screen), obtaining user-determined access rights (on a second screen), and determining whether to provide and

filter said location information to said device based on said access rights.

Meadows is silent such features. Similarly, Barclay is silent to such features that include triggering a request of location information and the first and second display screens, etc. Kalthoff also is silent to such features such as first and second display screens. Kalthoff does not show or suggest features that include pre-selected from a plurality of located-based events on a first screen and access rights are user-determined on a second screen.

Meadows, Kalthoof, and Barclay are precision devices and, as such, directly teach away from one another and merely create an impermissible combination.

The Examiner stated "with respect to the new limitation of a location-based event and other teachings … note the claims of Hendrey." (Office Action page 6).

Adding a reference to an impermissible combination does not make the combination more permissible, but makes the combination even less permissible.

Furthermore, Hendrey is irrelevant. Hendrey merely alleges location-based services. Applicant's features, however, include triggering a request of location information at an occurrence of a user-determined location-based event (on a first screen), obtaining user-determined access rights (on a second screen), and determining whether to provide and filter said location information to said device based on said access rights. Hendrey does not provide such features and, as the other references also do not provide such features, none of the references, used either alone or in combination, show or suggest such features. Accordingly,

applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

Claim 5

The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sheynblat U.S. Patent No. 5,999,124 (hereinafter "Sheynblat").

The Examiner stated:

> "Sheynblat teaches a display, but does not specifically recite a microphone or speaker. However, a cell or cellular telephone and communication devices are related throughout the specification." (Office Action, page 7)

Sheynblat, however, also does not show applicant's claim 5 of a telephonic device having physical locate button, wherein said locate button is operable to be pressed to provide location information of said wireless telephonic device to a remote storage device.

The Examiner directed applicant's attention to Sheynblat FIGS. 2 and 4 and col. 8. *See* Office Action, page 7. Shynblat, however, merely alleges servers and GPS. Such features do not have any relevancy to applicant's feature of a telephonic device having a physical locate button, wherein said locate button is operable to be pressed to provide location information of said wireless telephonic device to a remote storage device

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 5 be withdrawn.

The Official Notice Rejection

It appears that the Examiner may have made rejections in view of Official Notice.

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.

For at least the above reasons, applicant respectfully requests that the any Examiner rejection in view of Official Notice 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 any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON6.

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen
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Electronic Patent Application Fee Transmittal

Application Number:	11841750
Filing Date:	20-Aug-2007
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 CON6

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:	25552571
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	20-APR-2016
Filing Date:	20-AUG-2007
Time Stamp:	21:42:35
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	9509
Deposit Account	503855
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 CFR 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 CFR 1.17 (Patent application and reexamination processing fees)	

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		JDM-002CON6--Reply.pdf	137178 cf65c86d799dbe6510eeba5effc5db6000543879	yes	10

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Claims	2	3
Applicant Arguments/Remarks Made in an Amendment	4	10

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30773 e403ece4fbade57a16a2576c9ef5906ea123b1d6	no	2

Warnings:

Information:

Total Files Size (in bytes):	167951

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 07/27/2016

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2652	

MAIL DATE	DELIVERY MODE
07/27/2016	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. 11/841,750	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 *04/20/2016*.

☐ 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) *3-5* 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) *3-5* 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 negatived by the manner in which the invention was made.

Claim 3 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 6,725,032 (Sheridan et al.) and U.S. Patent No. 6,970.853 (Schutzer).

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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins.

If this is argued, note at least Col. 2, lines 65 – 67 - Col. 3, lines 1 - 8 of Schutzer. Here a user can list multiple devices that are associated with one login and password. It would have been obvious to one of ordinary skill in the art to use the same login

information in order not to have to remember multiple logins. That is, such would have been an obvious convenience to the user.

In addition, note the multiple displays in the Figs. in Meadows et al. If this is argued, note that Sheridan et al. teach a web login page where user can input both login information and a password (see Sheridan, Fig. 15).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Sheridan into the Barclay et al./Meadows et al., to ask the user to initiate a session by entering a login name and a password, both of which are submitted in HTML form to the configuration management system to determine if a login and password combination matches the information provided in the security database to determine if the user has access to the system, as taught by Sheridan, thus allowing a more secure way of accessing a web-based service by matching both login information and password (see Sheridan, col. 18, lines 20-34).

Claim 4 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and U.S. 2003/0060214 (Hendrey et al.).

With respect to claim 4, 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art

to use the same login information in order not to have to remember multiple logins. In addition, note the multiple displays in the Figs. in Meadows et al.

With respect to "in an occurrence of an event ", as broadly claimed previously, would read on a person just deciding that they would like to know the location information. With respect to triggering aspects, note as broadly claimed, this reads on the user deciding to request location information.

With respect to pre-selected from a plurality of events, note paragraph 0050 and Figs. 3 and 16B (note the difference in the pre-selected distance 1.54 miles and 500ft respectively) of Kalthoff et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Kalthoff et al. into the Barclay et al./Meadows et al. in order to have a more flexible system.

With respect to the new limitation of a location-based event and other teachings, note the Abstract, paragraphs 0011, 0013, 0014, 0017, 0036 (rules = filter), 0040, 0047, 0048, 0049, 0059, 0061, 0068 and note the claims of Hendrey et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Hendrey et al. into the Barclay et al./Meadows et al./Kalthoff et al. system more flexible for a user by including location-based events as a trigger.

Claim 5 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,999,124 (Sheynblat).

Note at least Col. 8, lines 18 – 40 of Sheynblat and Figs. 2 and 4. Sheynblat teaches a display, but does not specifically recite a microphone or speaker. However, a cell or cellular telephone and communication devices are repeated throughout the specification. For example note Col. 6, lines 21 – 67.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of a microphone and speaker into Sheynblat, if not already inherent, as that is what communication devices must have to communicate.

Response to Arguments

Applicant's arguments filed 04/20/2016 have been fully considered but are not deemed persuasive to any error in the rejections above With respect to Applicant's arguments dealing with claims 3 and 4, it appears that Applicant wants to argue the claims as though the rejection is a 102 rejection when the rejections are 103 rejections. It appears that applicant tries to avoid, in some way, of quickly knocking out other references and then claim the last reference does not have all the limitations of the instant claim and therefore, the claim should be allowed. For example, on page 6, Applicant says that Barclay, Meadows and Sheridan are precision devices… and therefore, are not combinable. Then Applicant argues that Schutzer does not show all the other limitations and should be allowed. The other references do show the other limitations and Schutzer was introduced because it disclosed multiple devices that are associated with one login and one password, which would have been obvious to one of ordinary skill in the art as a convenience to a user. It is noted that Applicant does not

argue that Schutzer discloses multiple devices that are associated with one login and one password

With respect to claim 5, Applicant argues that Sheynblat merely alleges servers and GPS and does not have any relevancy to Applcant's feature of a telephonic device having a physical locate button… However, Sheynblat clearly teaches a "locate button" on a cell phone (see Col. 8, lines 35 – 37).

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).

25July2016

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/841,750	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-2002/0090912 A1	07-2002	Cannon, Joseph M.	H04L29/12009	455/41.2
*	B	US-6,442,391 B1	08-2002	Johansson; Jorgen	H04W12/06	455/433
*	C	US-7,275,258 B2	09-2007	Arbab; Reza	H04L63/0815	713/183
	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.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06Jun2010	WJD
	Updated the above; and	14July2013	WJD
455	404.1		
	404.2		
	410		
	456.2		
	456.3		
	457		
	Updated the above	14Jan2014	WJD
	Updated the above	29Jun2014	WJD
	Updated the above	12Jan2015	WJD
	Updated the above; and	17Oct2015	WJD
455	405-408		
	Updated the above; and EAST word search	25July2016	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	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	06/06/2010	02/28/2011	07/14/2013	01/14/2014	06/29/2014	01/12/2015	10/17/2015	07/25/2016	
	1	-	-	-	-	-	-	-	-	
	2	-	-	-	-	-	-	-	-	
	3	✓	✓	✓	✓	✓	✓	✓	✓	
	4	✓	✓	✓	✓	✓	✓	✓	✓	
	5	✓	✓	✓	✓	✓	✓	✓	✓	

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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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	11841750	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/002 CON6	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J 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

X Applicant Signature

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)	2017-01-27
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 record s.

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.	:	11/841,750
Confirmation No.	:	2458
Filed	:	August 20, 2007
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 15116
April 20, 2016

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated October 20, 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 4 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:

identifying a user from a plurality of users by receiving at least a login from a first wireless device and a password associated with said login;

recording a location of said first wireless device after said user has been identified on said first wireless device and associating said location with said user;

identifying said user by receiving at least said login and said password from a second device; and

recording a second location of said second device after said user has been identified on said second device and associating said second location with said user.

4. (previously presented) A method comprising:

triggering a request of location information of a wireless telephonic device for a device at an occurrence of location-based event, wherein said located-based event is pre-selected from a plurality of located-based events on a first screen;

obtaining access rights associated with accessing said location information, wherein said access rights are user-determined on a second screen by said wireless telephonic device; and

determining whether to provide and filter said location information to said device based on said access rights, wherein said location and said access rights are stored on a remote server.

5. (previously presented) A wireless telephonic device comprising:

a display screen;

a speaker;

a microphone;

at least one key for providing an input; and

a physical locate button, wherein said locate button is operable to be pressed to provide location information of said wireless telephonic device to a remote storage device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-5 are pending.

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.") and further in view of U.S. Patent Application No. 6,725,032 (hereinafter "Sheridan") and further in view of Schulzer U.S. Patent No. 6,970,853 (hereinafter "Schulzer").

The Examiner rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Meadows and further in view of Kalthoff et al. U.S. Patent Application Publication No. 2001/0048364 (hereinafter "Kalthoff") and further in view of Hendrey et al. U.S. Patent Application No. 2003/0060214 (hereinafter "Hendrey").

The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sheynblat U.S. Patent No. 5,999,124 (hereinafter "Sheynblat").

Summary of Applicant's Amendments

Applicant has amended claim 4 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

Claim 3

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.") and further in view of U.S. Patent Application No. 6,725,032 (hereinafter "Sheridan") and further in view of Schulzer U.S. Patent No. 6,970,853 (hereinafter "Schulzer").

The Examiner states that:

> "Barclay does not disclose … the event of logging in identieis the suer and then obtains the location information."
> (Office Action, page 4).

Accordingly, Barclay does not show or suggest practically any of the elements of applicant's claim 3.

The Examiner states that Meadow's includes the features that are absent in Barclays. This, however, is not the case. Meadow's "access code" is not both a login and a password. Meadow's access code is only one structure. Furthermore, Meadow's merely alleges using a code for administratively monitoring others – not being securely identified for location.

However, the Examiner's argument for combining the two is irrelevant. The Examiner stated:

> "It is noted that the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order to not have to remember multiple locations."
> (Office Action, page 3)

The Examiner's argument is irrelevant. Users have more than one pair of shoes, more than one car, more than one device, and more than one parent. It does not mean that there exists a single shoelace that can lace shoes, an engine that can run both cars, or a login that can run both devices.

All the Examiner has done is state the problem. The problem is that users have more than one device. The Examiner has not shown any references, used either together or in combination that solves the Examiner's problem. In fact, the problem existing for so long without applicant's claimed invention of claim 3 is only evidence of the patentability of the features of claim 3.

The equivalent to the Examiner's argument would be that it would have been obvious to make Apollo 11 go to Mars because Apollo 11 couldn't go to Mars. No matter how many references, the Examiner utilizes, the problem will merely just be that – the problem.

Barclay's's is clear that both Barclay and Meadow's discusses tracking a specific telephone. Due to this fixed structure, any change to the structure would eviscerate the spirit of the Meadow's system and render it inoperable.

As a result, no reference of any form can be used with Barclay's to change the core structure of Barclay's of servicing a specific telephone.

As a result, no additional arguments are needed for the other references to show the patentability of applicant's claim 3.

However, applicant will provide such additional arguments.

The Examiner stated:

> "Schulzer … a user can list multiple devices that are associated with one login and password. It would have been obvious … to use the same information in order not to have to remember multiple logins. That is, such would have been obvious convenience to the user." (Office Action, page 4)

The Examiner's argument is the same argument used for Barclay's – that one would change Shculzer because Schulzer has a problem perceived by the Examiner. A problem does not solve a problem. The Examiner's argument, like the one for Barclays is irrelevant.

The Examiner also stated:

> "note that Sheridan et al. teaches a web login page." (Office Action, page 4)

A web login page is irrelevant. Certain websites have web login pages. A web login page does not correct the problems of the above-identified references. As shown above, no references can change the core structure of a reference. Doing so would merely eviscerate the spirit of the individual references and render the references inoperable.

Accordingly, none of the references, used either alone or in combination, show or suggest such features. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Claim 4

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows and Kalthoff and Hendrey.

Claim 4 includes triggering a request of location information at an occurrence of a user-

determined location-based event (on a first screen), obtaining user-determined access rights (on a second screen), and determining whether to provide and filter said location information to said device based on said access rights.

Meadows is silent such features.

Similarly, Barclay is silent to such features that include triggering a request of location information and the first and second display screens, etc.

Kalthoff also is silent to such features such as first and second display screens. Kalthoff does not show or suggest features that include pre-selected from a plurality of located-based events on a first screen and access rights are user-determined on a second screen.

The Examiner stated "with respect to the new limitation of a location-based event and other teachings … note the claims of Hendrey." (Office Action page 6).

The Examiner states to "note the claims of Hendrey." *See* Office Action, page 7.

Hendrey, however, is irrelevant. Hendrey merely alleges location-based services and a rule system. And, as shown above, a problem cannot be solved in a reference by merely stating the problem of a reference.

Applicant's features, however, include triggering a request of location information at an occurrence of a user-determined location-based event (on a first screen), obtaining user-determined access rights (on a second screen), and determining whether to provide and filter said location information to said device based on said access rights.

Hendrey's claims merely allege a rule system. Hendrey's rule system and responses does not provide such features and, as the other references also do not provide

such features. For example, Hendrey is silent on the structure of applicant's screens.

None of the references, used either alone or in combination, show or suggest such features. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

Accordingly, none of the references, used either alone or in combination, show or suggest such features. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

Claim 5

The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sheynblat U.S. Patent No. 5,999,124 (hereinafter "Sheynblat").

Sheynblat does not show applicant's claim 5 of a telephonic device having physical locate button, wherein said locate button is operable to be pressed to provide location information of said wireless telephonic device to a remote storage device.

The Examiner directed applicant's attention to Sheynblat FIGS. 2 and 4 and col. 8. *See* Office Action, page 7. Shynblat, however, merely alleges servers and GPS. Such features do not have any relevancy to applicant's feature of a telephonic device having a physical locate button, wherein said locate button is operable to be pressed to provide location information of said wireless telephonic device to a remote storage device

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 5 be withdrawn.

The Official Notice Rejection

It appears that the Examiner may have made rejections in view of Official Notice.

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.

For at least the above reasons, applicant respectfully requests that the any Examiner rejection in view of Official Notice 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 any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON6.

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:	11841750
Filing Date:	20-Aug-2007
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 CON6

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:	28196759
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	27-JAN-2017
Filing Date:	20-AUG-2007
Time Stamp:	19:54:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$1550
RAM confirmation Number	013017INTEFSW19554100
Deposit Account	503855
Authorized User	Jeffrey Mullen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

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-002CON6--RCE.pdf	697860 937aade9fee914b7601880bbb313b51ed7eb3444	no	3
Warnings:					
Information:					
2		JDM-002CON6--Reply.pdf	139344 fca0123ffc84f74c1f8513a15a35cde73930de4e	yes	11

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment Submitted/Entered with Filing of CPA/RCE	1	1
Claims	2	3
Applicant Arguments/Remarks Made in an Amendment	4	11

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32504 4ffff515cd65cc26f8966c0eb978eefca8fd34ab	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	869708		

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.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
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 displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,750	Filing Date 08/20/2007	☐ 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))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	01/27/2017	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 3	Minus	** 20	= 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**

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) 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
KAREN VESTAL

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.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 03/22/2017

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2652	

MAIL DATE	DELIVERY MODE
03/22/2017	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. 11/841,750	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 *01/27/2017*.

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

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

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

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

Disposition of Claims*

5)☒ Claim(s) *3-5* 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) *3-5* 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 negatived by the manner in which the invention was made.

Claim 3 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 6,725,032 (Sheridan et al.) and U.S. Patent No. 6,970.853 (Schutzer).

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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins.

If this is argued, note at least Col. 2, lines 65 – 67 - Col. 3, lines 1 - 8 of Schutzer. Here a user can list multiple devices that are associated with one login and password. It would have been obvious to one of ordinary skill in the art to use the same login

information in order not to have to remember multiple logins. That is, such would have been an obvious convenience to the user.

In addition, note the multiple displays in the Figs. in Meadows et al. If this is argued, note that Sheridan et al. teach a web login page where user can input both login information and a password (see Sheridan, Fig. 15).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Sheridan into the Barclay et al./Meadows et al., to ask the user to initiate a session by entering a login name and a password, both of which are submitted in HTML form to the configuration management system to determine if a login and password combination matches the information provided in the security database to determine if the user has access to the system, as taught by Sheridan, thus allowing a more secure way of accessing a web-based service by matching both login information and password (see Sheridan, col. 18, lines 20-34).

Claim 4 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and U.S. 2003/0060214 (Hendrey et al.).

With respect to claim 4, 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art

to use the same login information in order not to have to remember multiple logins. In addition, note the multiple displays in the Figs. in Meadows et al.

With respect to "in an occurrence of an event ", as broadly claimed previously, would read on a person just deciding that they would like to know the location information. With respect to triggering aspects, note as broadly claimed, this reads on the user deciding to request location information.

With respect to pre-selected from a plurality of events, note paragraph 0050 and Figs. 3 and 16B (note the difference in the pre-selected distance 1.54 miles and 500ft respectively) of Kalthoff et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Kalthoff et al. into the Barclay et al./Meadows et al. in order to have a more flexible system.

With respect to the new limitation of a location-based event and other teachings, note the Abstract, paragraphs 0011, 0013, 0014, 0017, 0036 (rules = filter), 0040, 0047, 0048, 0049, 0059, 0061, 0068 and note the claims of Hendrey et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Hendrey et al. into the Barclay et al./Meadows et al./Kalthoff et al. system more flexible for a user by including location-based events as a trigger.

Claim 5 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,999,124 (Sheynblat).

Note at least Col. 8, lines 18 – 40 of Sheynblat and Figs. 2 and 4. Sheynblat teaches a display, but does not specifically recite a microphone or speaker. However, a cell or cellular telephone and communication devices are repeated throughout the specification. For example note Col. 6, lines 21 – 67.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of a microphone and speaker into Sheynblat, if not already inherent, as that is what communication devices must have to communicate.

Response to Arguments

Applicant's arguments filed 04/20/2016 have been fully considered but are not deemed persuasive to any error in the rejections above.

Applicant states in the Remarks section, page 4, under Summary of Applicant's Amendment, that claim 4 has been amended. However, in the claims it states, "(previously presented)" and there is no indication that claim 4 has been amended.

With respect to claim 3, it is believed many of Applicant's arguments stem from not understanding what the examiner meant with regard to Meadows. Looking at Fig. 4a, there are four individuals listed. What the examiner meant, for example, is that DEBORAH logs in and her number is active as are the others listed there. Many people have multiple device or cell phones (for example, one personal, one business). It would have been obvious that when DEBORAH logins in that both her personal and business phones would be listed under DEBORAH as this would be a small and obvious program change. One monitoring her could just select which phone to monitor (active, not active, both, because both are active).

With respect to claim 5, Applicant argues that Sheynblat merely alleges servers and GPS and does not have any relevancy to Applcant's feature of a telephonic device having a physical locate button… However, Sheynblat clearly teaches a "locate button" on a cell phone (see Col. 8, lines 35 – 37).

If Applicant wishes to speak with the examiner to clear up any confusion and/or to discuss this case and references further, please call at the number provided below or email a date and time to william.deane@uspto.gov

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 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).

20Mar2017

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/841,750	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-6,826,692 B1	11-2004	White; Clive John	H04L63/0815	709/208
*	B	US-5,790,548 A	08-1998	Sistanizadeh; Kamran	H04L12/2856	370/401
*	C	US-2002/0184351 A1	12-2002	Istvan, Anthony F.	H04L41/0803	709/222
	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.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06Jun2010	WJD
	Updated the above; and	14July2013	WJD
455	404.1		
	404.2		
	410		
	456.2		
	456.3		
	457		
	Updated the above	14Jan2014	WJD
	Updated the above	29Jun2014	WJD
	Updated the above	12Jan2015	WJD
	Updated the above; and	17Oct2015	WJD
455	405-408		
	Updated the above; and EAST word search	25July2016	WJD
	Updated the search aove	20Mar2017	WJD

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH	

US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	**Art Unit**
	William J Deane	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	06/06/2010	02/28/2011	07/14/2013	01/14/2014	06/29/2014	01/12/2015	10/17/2015	07/25/2016	03/20/2017
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓

JDM/002 CON6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/841,750
Confirmation No.	:	2458
Filed	:	August 20, 2007
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 15116
September 21, 2017

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated March 22, 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 4 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:

identifying a user on a remote system from a plurality of users by receiving at least a login from a first wireless device and a password associated with said login;

recording a location of said first wireless device on said remote system after said user has been identified on said first wireless device and associating said location with said user;

identifying said user on said remote system by receiving at least said login and said password from a second device; and

recording a second location of said second device on said remote system after said user has been identified on said second device and associating said second location with said user; and

recording, on said remote system, location access rights by said user for at least a second user to access location information of said user, wherein said location information includes said location and said second location.

4. (currently amended) A method comprising:

Triggering, from a remote system, a request of location information of a wireless telephonic device for a device at an occurrence of location-based event,

wherein said located-based event is pre-selected from a plurality of located-based events on a first screen;

obtaining access rights, from said remote system, associated with accessing said location information, wherein said access rights are user-determined on a second screen by said wireless telephonic device; and

determining, on said remote system, whether to provide and filter said location information to said device based on said access rights, wherein said location and said access rights are stored on a remote server.

5. (currently amended) A wireless telephonic device comprising:

a display screen;

a speaker;

a microphone;

a locating device;

at least one key for providing an input; and

a physical locate button, wherein said locate button is operable to be pressed to manually update ~~provide~~ location information of said wireless telephonic device to a remote storage device using information from said locating device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-5 are pending.

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.") and further in view of U.S. Patent Application No. 6,725,032 (hereinafter "Sheridan") and further in view of Schulzer U.S. Patent No. 6,970,853 (hereinafter "Schulzer").

The Examiner rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Meadows and further in view of Kalthoff et al. U.S. Patent Application Publication No. 2001/0048364 (hereinafter "Kalthoff") and further in view of Hendrey et al. U.S. Patent Application No. 2003/0060214 (hereinafter "Hendrey").

The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sheynblat U.S. Patent No. 5,999,124 (hereinafter "Sheynblat").

Summary of Applicant's Amendments

Applicant has amended claim 3-5 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

Claim 3

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.") and further in view of U.S. Patent Application No. 6,725,032 (hereinafter "Sheridan") and further in view of Schulzer U.S. Patent No. 6,970,853 (hereinafter "Schulzer").

Without prejudice and solely in order to expedite prosecution, applicant has amended claim 3.

Barclay does not show or suggest practically any of the elements of applicant's claim 3. Meadows does not correct for this deficiency. Meadow's "access code" is not both a login and a password. Meadow's access code is only one structure. Furthermore, Meadow's merely alleges using a code for administratively monitoring others – not being securely identified for location.

None of the references, used either alone or in combination show identifying a user on different devices on a remote system, recording different locations on the remote system, and providing access rights to another user on that remote system for the locations obtained on the different devices.

Accordingly, none of the references, used either alone or in combination, show or suggest such features. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Claim 4

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows and Kalthoff and Hendrey.

Without prejudice and solely in order to expedite prosecution, applicant has amended claim 4.

Meadows and Barclay are silent triggering, on a remote system, a request of location information and the first and second display screens, etc.

Kalthoff also is silent to such features such as first and second display screens. Kalthoff does not show or suggest features that include pre-selected from a plurality of located-based events on a first screen and access rights are user-determined on a second screen.

Hendrey merely alleges location-based services and a rule system. Hendrey's rule system and responses does not provide such features and, as the other references also do not provide such features. For example, Hendrey is silent on the structure of applicant's screens.

Applicant's features, however, include triggering, on a remote system, a request of location information at an occurrence of a user-determined location-based event (on a first screen), obtaining user-determined access rights (on a second screen) from the remote system, and determining on the remote system whether to provide and filter said location information to said device based on said access rights.

The large number of references are so fragmented that the references not only do not show the features, but also the elements for effecting the element. As a result, none of the references, used either alone or in combination, show or suggest such

features. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

Claim 5

The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sheynblat U.S. Patent No. 5,999,124 (hereinafter "Sheynblat").

Sheynblat does not show applicant's claim 5 of a telephonic device having physical locate button, wherein said locate button is operable to be pressed to manually update location information of said wireless telephonic device to a remote storage device using information from a locating device of the wireless telephone.

The Examiner directed applicant's attention to Sheynblat FIGS. 2 and 4 and col. 8. *See* Office Action, page 7. Shynblat, however, merely alleges servers and GPS. Such features do not have any relevancy to applicant's feature of a telephonic device having a physical locate button, wherein said locate button is operable to be pressed to manually update location information of said wireless telephonic device to a remote storage device

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 5 be withdrawn.

The Official Notice Rejection

It appears that the Examiner may have made rejections in view of Official Notice.

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.

For at least the above reasons, applicant respectfully requests that the any Examiner rejection in view of Official Notice 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 any fees associated with this filing, or credit any

overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON6.

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:	11841750
Filing Date:	20-Aug-2007
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 CON6

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:	30428863
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	21-SEP-2017
Filing Date:	20-AUG-2007
Time Stamp:	02:14:48
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	092117INTEFSW02173200
Deposit Account	503855
Authorized User	Jeffrey Mullen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

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-002CON6--Reply.pdf	135130 b32eb274fd6ae2e3620e772158fb6c098b8e506a	yes	9
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	4	
	Applicant Arguments/Remarks Made in an Amendment		5	9	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30771 78964e913d36ea78c637d089d752d9458a59c6bd	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	165901		

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.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
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 displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,750	Filing Date 08/20/2007	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) 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

AMENDMENT	09/21/2017	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 3	Minus	** 20	= 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

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) 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
TONI HAKIM

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.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 11/28/2017

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2652	

MAIL DATE	DELIVERY MODE
11/28/2017	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. 11/841,750	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 *09/21/2017*.

☐ 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) *3-5* 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) *3-5* 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 negatived by the manner in which the invention was made.

Claim 3 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 6,725,032 (Sheridan et al.) and U.S. Patent No. 6,970.853 (Schutzer).

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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins.

If this is argued, note at least Col. 2, lines 65 – 67 - Col. 3, lines 1 - 8 of Schutzer. Here a user can list multiple devices that are associated with one login and password. It would have been obvious to one of ordinary skill in the art to use the same login

information in order not to have to remember multiple logins. That is, such would have been an obvious convenience to the user.

In addition, note the multiple displays in the Figs. in Meadows et al. If this is argued, note that Sheridan et al. teach a web login page where user can input both login information and a password (see Sheridan, Fig. 15).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Sheridan into the Barclay et al./Meadows et al., to ask the user to initiate a session by entering a login name and a password, both of which are submitted in HTML form to the configuration management system to determine if a login and password combination matches the information provided in the security database to determine if the user has access to the system, as taught by Sheridan, thus allowing a more secure way of accessing a web-based service by matching both login information and password (see Sheridan, col. 18, lines 20-34).

With respect to the new recording aspects the recording is done on a remote system (see the above).

Claim 4 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and U.S. 2003/0060214 (Hendrey et al.).

With respect to claim 4, 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in

order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. In addition, note the multiple displays in the Figs. in Meadows et al.

With respect to "in an occurrence of an event ", as broadly claimed previously, would read on a person just deciding that they would like to know the location information. With respect to triggering aspects, note as broadly claimed, this reads on the user deciding to request location information.

With respect to pre-selected from a plurality of events, note paragraph 0050 and Figs. 3 and 16B (note the difference in the pre-selected distance 1.54 miles and 500ft respectively) of Kalthoff et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Kalthoff et al. into the Barclay et al./Meadows et al. in order to have a more flexible system.

With respect to the new limitation of a location-based event and other teachings, note the Abstract, paragraphs 0011, 0013, 0014, 0017, 0036 (rules = filter), 0040, 0047, 0048, 0049, 0059, 0061, 0068 and note the claims of Hendrey et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Hendrey et al. into the Barclay et al./Meadows et al./Kalthoff et al. system more flexible for a user by including location-based events as a trigger.

Claim 5 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,999,124 (Sheynblat).

Note at least Col. 8, lines 18 – 40 of Sheynblat and Figs. 2 and 4. Sheynblat teaches a display, but does not specifically recite a microphone or speaker. However, a cell or cellular telephone and communication devices are repeated throughout the specification. For example note Col. 6, lines 21 – 67.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of a microphone and speaker into Sheynblat, if not already inherent, as that is what communication devices must have to communicate.

Response to Arguments

Applicant's arguments filed 04/20/2016 have been fully considered but are not deemed persuasive to any error in the rejections above.

With respect to claim 3, Applicant mainly argues on page 5 again about the passcode in Meadows is not equivalent to a login and password of the instant claim.

Applicant argues that Meadows access code is not a login/password (see page 9 of argument). The examiner respectfully disagrees. Meadows teaches that an authorized user has authority to track/monitor the location of one or more wireless communication devices/cellular telephones and the authorized user provides one or more access codes in order to reach cellular telephones that the user desires to locate (see Meadows, col. 2, lines 17-28). Meadows specifically discloses “Each wireless communications device is associated with an individual to be monitored… A database stores location information and associates

a user access code with each wireless communications device. In operation, authorized users receive location information pertaining to each wireless communications device associated with respective user access codes". (See Meadows, col. 2, lines 43-58). In addition, Meadows also discloses "As provided in FIG. 4a, upon connecting to the Internet and entering the appropriate URL to access the monitoring website, the user enters an access code. The user may then be presented with a list of names of persons who the user is authorized to monitor." (See Meadows, col. 6, lines 36-47). It is noted that the monitoring device may be of several different types of wireless communication products, such as interactive pager, PDA or cellular telephones (see Meadows, col. 6, lines 35-47). Therefore it is clear Meadows access code is equivalent of passcode/password.

Applicant also argues that adding a password to Meadows access codes does not provide any functionality and adds complexity to increase delay (see page 9 of argument) while applicant's login and password are useful without creating delay even though the prior art and the applicant teach the same concept of using login/password. The examiner respectfully disagrees. Meadows allows the authorized user to access location information of cellular telephones after the user provides the access code. Specifically, Meadows discloses "The user provides one or more access codes for each cellular telephone that the user desires to locate (see Meadows, col. 2, lines 17-28). In other words, "more access codes" could

be in a form of a login and password, even though Meadows does not explicitly state so. In order to make it more obvious, note Sheridan et al (U.S. Patent No. 6,725,032, is used to teach a user accessing a web-based program where the user inputs both login information and a password to access the web-based service (see Sheridan, Fig. 15). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Sheridan, to ask the user to initiate a session by entering a login name and a password, both of which are submitted in HTML form to the configuration management system to determine if a login and password combination matches the information provided in the security database to determine if the user has access to the system, as taught by Sheridan, thus allowing a more secure way of accessing a web-based service by matching both login information and password (see Sheridan, col. 18, lines 20-34). Thus it is clear the combination of Meadows and Sheridan teaches a user using a login and password in order to more securely access a web-based service by matching both login and password information. However, the examiner maintains that Meadows alone disclosed this limitation as argued earlier:

Looking at Fig. 4a, there are four individuals listed. What the examiner meant, for example, is that DEBORAH logs in and her number is active as are the others listed there. Many people have multiple device or cell phones (for example, one personal, one business). It would have been obvious that when DEBORAH logins in that both her personal and business phones would be listed under DEBORAH as this would be a

small and obvious program change. One monitoring her could just select which phone to monitor (active, not active, both, because both are active).

In addition, again, note at least Col. 2, lines 65 – 67 - Col. 3, lines 1 - 8 of Schutzer. Here a user can list multiple devices that are associated with one login and password. It would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. That is, such would have been an obvious convenience to the user.

With respect to claim 4, whether information is displayed on one screen or divided up onto more than one screen would carry no patentable weight.

With respect to claim 5, Sheynblat clearly teaches a “locate button” on a cell phone (see Col. 8, lines 35 – 37). The information could be stored, at least for some time, in the cell base station and/or GPS location server and the like.

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).

27Nov2017

/William J Deane/

Primary Examiner, Art Unit 2652

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	**Art Unit**
	William J Deane	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	06/06/2010	02/28/2011	07/14/2013	01/14/2014	06/29/2014	01/12/2015	10/17/2015	07/25/2016	11/27/2017
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06Jun2010	WJD
	Updated the above; and	14July2013	WJD
455	404.1		
	404.2		
	410		
	456.2		
	456.3		
	457		
	Updated the above	14Jan2014	WJD
	Updated the above	29Jun2014	WJD
	Updated the above	12Jan2015	WJD
	Updated the above; and	17Oct2015	WJD
455	405-408		
	Updated the above; and EAST word search	25July2016	WJD
	Updated the search aove	20Mar2017	WJD
	Updated the above searches	27Nov2017	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

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	11841750	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/002 CON6	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J 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

X Applicant Signature

PTO/SB/30EFS (10-08)
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Applicant Signature			
Applicant 1		Remove	
Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2018-05-29
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.

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The information provided by you in this form will be subject to the following routine uses:

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

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.	:	11/841,750
Confirmation No.	:	2458
Filed	:	August 20, 2007
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 15116
May 29, 2018

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated November 28, 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 4 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:

identifying a user on a remote system from a plurality of users by receiving at least a login from a first wireless device and a password associated with said login;

recording a location of said first wireless device on said remote system after said user has been identified on said first wireless device and associating said location with said user;

identifying said user on said remote system by receiving at least said login and said password from a second device; and

recording a second location of said second device on said remote system after said user has been identified on said second device and associating said second location with said user; and

recording, on said remote system, location access rights by said user for at least a second user to access location information of said user, wherein said location information includes said location and said second location.

4. (previously presented) A method comprising:

Triggering, from a remote system, a request of location information of a wireless telephonic device for a device at an occurrence of location-based event,

wherein said located-based event is pre-selected from a plurality of located-based events on a first screen;

obtaining access rights, from said remote system, associated with accessing said location information, wherein said access rights are user-determined on a second screen by said wireless telephonic device; and

determining, on said remote system, whether to provide and filter said location information to said device based on said access rights, wherein said location and said access rights are stored on a remote server.

5. (previously provided) A wireless telephonic device comprising:

a display screen;

a speaker;

a microphone;

a locating device;

at least one key for providing an input; and

a physical locate button, wherein said locate button is operable to be pressed to manually update location information of said wireless telephonic device to a remote storage device using information from said locating device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-5 are pending.

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.") and further in view of U.S. Patent Application No. 6,725,032 (hereinafter "Sheridan") and further in view of Schulzer U.S. Patent No. 6,970,853 (hereinafter "Schulzer").

The Examiner rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Meadows and further in view of Kalthoff et al. U.S. Patent Application Publication No. 2001/0048364 (hereinafter "Kalthoff") and further in view of Hendrey et al. U.S. Patent Application No. 2003/0060214 (hereinafter "Hendrey").

The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sheynblat U.S. Patent No. 5,999,124 (hereinafter "Sheynblat").

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

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows and Sheridan and Schulzer.

The Examiner stated:

> "Meadows teaches that an authorized user has authority to track/monitor the location of one or more wireless communication devices/cellular telephones and the authorized user provides one or more access codes…" (Office Action, page 7).

Meadow's "access code" is not both a login and a password. Meadow's access code is a single access code.

One function of a login and password is that multiple people can identify themselves on a device with increased security. With an access code, codes cannot be repeated, etc.

A login and password has a different structure and a different function than an access code. Meadows does not show or suggest applicant's invention of claim 3 of a login and password and any associated features. As such, Meadow's does not show or suggest any of the features of claim 3 associated with applicant's login and password.

Additionally, Meadow's access code does not show or suggest applicant's claim 3 of utilizing a login and password for identifying and recording location of an identified user.

The Examiner appears to be arguing that an access code is similar to a login and password that an access code should be considered a login and password. *See Office Action, page 8*. The Examiner is only afforded the discussions of the references utilizes. An access code is not a login and a

password. An access code has a different structure and a different function. An access code is not similar to a login and password and, even if it was, does not meet the burden of showing or suggesting applicant's login and password.

None of the references, used either alone or in combination show identifying a user on different devices on a remote system, recording different locations on the remote system, and providing access rights to another user on that remote system for the locations obtained on the different devices.

Neither Barclay, Sheridan, nor Shulzer correct the deficiencies of Meadows.

Accordingly, none of the references, used either alone or in combination, show or suggest such features. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Claim 4

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows and Kalthoff and Hendrey.

Applciant's claim 4 includes triggering, on a remote system, a request of location information at an occurrence of a user-determined location-based event (on a first screen), obtaining user-determined access rights (on a second screen) from the remote system, and determining on the remote system whether to provide and filter said location information to said device based on said access rights.

Meadows and Barclay are silent triggering, on a remote system, a request of location information and the first and second display screens, etc.

Kalthoff does not correct the deficiencies in Meadows and s silent to such features such as first and second display screen and pre-selected from a plurality of located-based events on a first screen and access rights are user-determined on a second screen.

Hendrey also does not correct for the deficiencies of Meadows and merely alleges location-based services and a rule system. Hendrey's rule system and responses does not provide such features and, as the other references also do not provide such features. For example, Hendrey is silent on the structure of applicant's screens.

None of the references, used either alone or in combination, show or suggest applicant's feature of claim 4 of triggering, on a remote system, a request of location information at an occurrence of a user-determined location-based event (on a first screen), obtaining user-determined access rights (on a second screen) from the remote system, and determining on the remote system whether to provide and filter said location information to said device based on said access rights. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

Claim 5

The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sheynblat.

The Examiner stated that Sheynblat discusses:

> "a 'locate button' on a cell phone (*See* Col. 8, lines 35-37)"

Without prejudice and solely in order to expedite prosecution, Applicant previously amended claim 5 to include a locating device and the locate button is operable to be pressed to manually update location information of the wireless device to a remote storage device.

Sheynblat does not show applicant's claim 5 of a telephonic device having physical locate button, wherein said locate button is operable to be pressed to manually update location information of said wireless telephonic device to a remote storage device using information from a locating device of the wireless telephone. Sheynblat merely discusses initiating a process to indicate an emergency at the location of the GPS feature. Indicating an emergency at a location is not applicant's invention of claim 5 that includes manually updating locating information to a remote storage device.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 5 be withdrawn.

The Official Notice Rejection

It appears that the Examiner may have made rejections in view of Official Notice.

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.

For at least the above reasons, applicant respectfully requests that the any Examiner rejection in view of Official Notice 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 any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON6.

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:	11841750
Filing Date:	20-Aug-2007
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 CON6

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:	32751080
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	29-MAY-2018
Filing Date:	20-AUG-2007
Time Stamp:	21:02:04
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	053018INTEFSW00008137503855
Deposit Account	503855
Authorized User	Jeffrey Mullen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

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-002CON6--RCE.pdf	697800 9aad044f1edabf040240b5e99ecaec9abc7ac29e	no	3
Warnings:					
Information:					
2		JDM-002CON6--Reply.pdf	140090 e9322cf5666582e3c2c07b8bb554d8c10b91a525	yes	10

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1
	Claims	2	3
	Claims	4	10

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32742 c1ece9ed7a1eb21ca19869a32830808b88c925ca	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	870632		

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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.

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PTO/SB/06 (09-11)
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,750	Filing Date 08/20/2007	☐ 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))				
* 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)		
	05/29/2018	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
AMENDMENT	Total (37 CFR 1.16(i))	* 3	Minus	** 20	= 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**

		(Column 1)		(Column 2)	(Column 3)		
		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
AMENDMENT	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
MINNIE JACKSON

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 07/05/2018

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2652	

MAIL DATE	DELIVERY MODE
07/05/2018	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. 11/841,750	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 *05/29/2018*.

☐ 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) *3-5* 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) *3-5* 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 negatived by the manner in which the invention was made.

Claim 3 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 6,725,032 (Sheridan et al.) and U.S. Patent No. 6,970.853 (Schutzer).

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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins.

If this is argued, note at least Col. 2, lines 65 – 67 - Col. 3, lines 1 - 8 of Schutzer. Here a user can list multiple devices that are associated with one login and password. It would have been obvious to one of ordinary skill in the art to use the same login

information in order not to have to remember multiple logins. That is, such would have been an obvious convenience to the user.

In addition, note the multiple displays in the Figs. in Meadows et al. If this is argued, note that Sheridan et al. teach a web login page where user can input both login information and a password (see Sheridan, Fig. 15).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Sheridan into the Barclay et al./Meadows et al., to ask the user to initiate a session by entering a login name and a password, both of which are submitted in HTML form to the configuration management system to determine if a login and password combination matches the information provided in the security database to determine if the user has access to the system, as taught by Sheridan, thus allowing a more secure way of accessing a web-based service by matching both login information and password (see Sheridan, col. 18, lines 20-34).

With respect to the new recording aspects the recording is done on a remote system (see the above).

Claim 4 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and U.S. 2003/0060214 (Hendrey et al.) and even further in view of U.S. Patent Application No. 2003/0101225 (Han et al.).

With respect to claim 4, 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19 – 21. See also Col. 2, lines 17 – 42, Col. 5, lines 30 – 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in

order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. In addition, note the multiple displays in the Figs. in Meadows et al.

With respect to "in an occurrence of an event ", as broadly claimed previously, would read on a person just deciding that they would like to know the location information. With respect to triggering aspects, note as broadly claimed, this reads on the user deciding to request location information.

With respect to pre-selected from a plurality of events, note paragraph 0050 and Figs. 3 and 16B (note the difference in the pre-selected distance 1.54 miles and 500ft respectively) of Kalthoff et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Kalthoff et al. into the Barclay et al./Meadows et al. in order to have a more flexible system.

With respect to the new limitation of a location-based event and other teachings, note the Abstract, paragraphs 0011, 0013, 0014, 0017, 0036 (rules = filter), 0040, 0047, 0048, 0049, 0059, 0061, 0068 and note the claims of Hendrey et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Hendrey et al. into the Barclay et al./Meadows et al./Kalthoff et al. system more flexible for a user by including location-based events as a trigger.

If it is argued that the above does not disclose a triggering, request for location information at a user determined location event, then please not the Abstract and paragraphs 0004, 0032 and 0036 of Han et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Han et al. into the Barclay et al./Meadows et al./Kalthoff et al./Hendrey et al. system and method as another known means for obtaining location information.

Claim 5 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,999,124 (Sheynblat).

Note at least Col. 8, lines 18 – 40 of Sheynblat and Figs. 2 and 4. Sheynblat teaches a display, but does not specifically recite a microphone or speaker. However, a cell or cellular telephone and communication devices are repeated throughout the specification. For example note Col. 6, lines 21 – 67.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of a microphone and speaker into Sheynblat, if not already inherent, as that is what communication devices must have to communicate.

Response to Arguments

Applicant's arguments filed 05/29/2018 have been fully considered but are not deemed persuasive to any error in the rejections above.

With respect to claim 3, Applicant mainly argues on page 5 again about the passcode in Meadows is not equivalent to a login and password of the instant claim.

Applicant argues that Meadows access code is not a login/password (see page 9 of argument). The examiner respectfully disagrees. Meadows teaches that an authorized user has authority to track/monitor the location of one or more wireless communication devices/cellular telephones and the authorized user provides one or more access codes in order to reach cellular telephones that the user desires to locate (see Meadows, col. 2, lines 17-28). Meadows specifically discloses "Each wireless communications device is associated with an individual to be monitored… A database stores location information and associates a user access code with each wireless communications device. In operation, authorized users receive location information pertaining to each wireless communications device associated with respective user access codes". (See Meadows, col. 2, lines 43-58). In addition, Meadows also discloses "As provided in FIG. 4a, upon connecting to the Internet and entering the appropriate URL to access the monitoring website, the user enters an access code. The user may then be presented with a list of names of persons who the user is authorized to monitor." (See Meadows, col. 6, lines 36-47). It is noted that the monitoring device may be of several different types of wireless communication products, such as interactive pager, PDA or cellular telephones (see Meadows, col. 6, lines 35-47). Therefore it is clear Meadows access code is equivalent of passcode/password.

Whatever Applicant's argument, an access code or PIN or password or login or password and login or encrypted code are obvious equivalents all used to control access.

Applicant also argues that adding a password to Meadows access codes does not provide any functionality and adds complexity to increase delay (see page 9 of argument) while applicant's login and password are useful without creating delay even though the prior art and the applicant teach the same concept of using login/password. The examiner respectfully disagrees. Meadows allows the authorized user to access location information of cellular telephones after the user provides the access code. Specifically, Meadows discloses "The user provides one or more access codes for each cellular telephone that the user desires to locate (see Meadows, col. 2, lines 17-28). In other words, "more access codes" could be in a form of a login and password, even though Meadows does not explicitly state so. In order to make it more obvious, note Sheridan et al (U.S. Patent No. 6,725,032, is used to teach a user accessing a web-based program where the user inputs both login information and a password to access the web-based service (see Sheridan, Fig. 15). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Sheridan, to ask the user to initiate a session by entering a login name and a password, both of which are submitted in HTML form to the configuration management system to determine if a login and password combination matches the information provided in the security database to

determine if the user has access to the system, as taught by Sheridan, thus allowing a more secure way of accessing a web-based service by matching both login information and password (see Sheridan, col. 18, lines 20-34). Thus it is clear the combination of Meadows and Sheridan teaches a user using a login and password in order to more securely access a web-based service by matching both login and password information. However, the examiner maintains that Meadows alone disclosed this limitation as argued earlier:

Looking at Fig. 4a, there are four individuals listed. What the examiner meant, for example, is that DEBORAH logs in and her number is active as are the others listed there. Many people have multiple device or cell phones (for example, one personal, one business). It would have been obvious that when DEBORAH logins in that both her personal and business phones would be listed under DEBORAH as this would be a small and obvious program change. One monitoring her could just select which phone to monitor (active, not active, both, because both are active).

In addition, again, note at least Col. 2, lines 65 – 67 - Col. 3, lines 1 - 8 of Schutzer. Here a user can list multiple devices that are associated with one login and password. It would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. That is, such would have been an obvious convenience to the user.

Again, whatever Applicant's argument has, an access code or PIN or password or login or password and login or encrypted code are obvious equivalents all used to control access.

With respect to claim 4, whether information is displayed on one screen or divided up onto more than one screen would carry no patentable weight. In addition, note the new reference (Han et al.) included in the new rejection of claim 4 above.

With respect to claim 5, Sheynblat clearly teaches a “locate button” on a cell phone (see Col. 8, lines 35 – 37). The information could be stored, at least for some time, in the cell base station and/or GPS location server and the like.

Obviously, each time the locate button is used it updates the location. This is not a throwaway phone or a one and done device.

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).

24Jun2018

/William J Deane/

Primary Examiner, Art Unit 2652

Notice of References Cited	Application/Control No. 11/841,750	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-2003/0101225 A1	05-2003	Han, Song	H04W4/02	709/206
	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.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	Art Unit
	William J Deane	2614

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
455	456.1	06Jun2010	WJD
	Updated the above; and	14July2013	WJD
455	404.1		
	404.2		
	410		
	456.2		
	456.3		
	457		
	Updated the above	14Jan2014	WJD
	Updated the above	29Jun2014	WJD
	Updated the above	12Jan2015	WJD
	Updated the above; and	17Oct2015	WJD
455	405-408		
	Updated the above; and EAST word search	25July2016	WJD
	Updated the search aove	20Mar2017	WJD
	Updated the above searches	27Nov2017	WJD
	Updated the above searches and inventor name search conducted	24Jun2018	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

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11841750	MULLEN, JEFFREY D.
	Examiner	**Art Unit**
	William J Deane	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	06/06/2010	02/28/2011	07/14/2013	01/14/2014	06/29/2014	01/12/2015	10/17/2015	07/25/2016	06/24/2018
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/841,750
Confirmation No.	:	2458
Filed	:	August 20, 2007
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 15116
January 7, 2019

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated July 5, 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 4 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:

identifying a user on a remote system from a plurality of users by receiving at least a login from a first wireless device and a password associated with said login;

recording a location of said first wireless device on said remote system after said user has been identified on said first wireless device and associating said location with said user;

identifying said user on said remote system by receiving at least said login and said password from a second device; and

recording a second location of said second device on said remote system after said user has been identified on said second device and associating said second location with said user; and

recording, on said remote system, location access rights by said user for at least a second user to access location information of said user, wherein said location information includes said location and said second location.

4. (currently amended) A method comprising:

~~Triggering,~~ triggering, from a remote system, a request of location information of a wireless telephonic device for a device at an occurrence of a location-based

event, wherein said located-based event is pre-selected from a plurality of located-based events on a first screen;

obtaining access rights, from said remote system, associated with accessing said location information, wherein said access rights are user-determined on a second screen by said wireless telephonic device; and

determining, on said remote system, whether to provide and filter said location information to said device based on said access rights, wherein said location and said access rights are stored on a remote server.

5. (previously provided) A wireless telephonic device comprising:

a display screen;

a speaker;

a microphone;

a locating device;

at least one key for providing an input; and

a physical locate button, wherein said locate button is operable to be pressed to manually update location information of said wireless telephonic device to a remote storage device using information from said locating device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-5 are pending.

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.") and further in view of U.S. Patent Application No. 6,725,032 (hereinafter "Sheridan") and further in view of Schulzer U.S. Patent No. 6,970,853 (hereinafter "Schulzer").

The Examiner rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Meadows and further in view of Kalthoff et al. U.S. Patent Application Publication No. 2001/0048364 (hereinafter "Kalthoff") and further in view of Hendrey et al. U.S. Patent Application No. 2003/0060214 (hereinafter "Hendrey") and further in view of Han U.S. Patent Application No. 2003/0101225 (hereinafter "Han"0.

The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sheynblat U.S. Patent No. 5,999,124 (hereinafter "Sheynblat").

Summary of Applicant's Amendments

Without prejudice and solely in order to expedite prosecution, applicant has amended claim 4.

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

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows and Sheridan and Schulzer.

The Examiner stated:

> "Meadows teaches that an authorized user has authority to track/monitor the location of one or more wireless communication devices/cellular telephones and the authorized user provides one or more access codes in order to reach cellular telephones that the user desires to locate…" (Office Action, page 8).

The Examiner also stated:

> "It is clear Meadow's access code is equivalent of passcode/password" (Office Action, page 8).

Meadow's does not show, however, both a login and password. The Examiner states the "access" code is a password. Even if the Examiner's argument is correct, the Examiner's argument would not show or suggest a login and password.

Meadow's "access code" does not show applicant's two features of (1) a login; and (2) a password. In fact, Meadow's access code is merely a single access code.

One function of a login and password is that multiple people can identify themselves on a device with increased security. With an access code, codes cannot be repeated, etc.

The Examiner stated that a user may have two phones and "it would be a small and obvious program charge" (office action, page 10). The Examiner cannot use hindsight reconstruction to make this conclusion. If the consumer had two phones, the consumer would have two separate systems. Even if the consumer had one system, it would not show or

suggest applicant's features of (1) a login; and (2) a password. Meadows would just be the same system with a single use access code.

The structure applicant's feature of (1) a login; and (2) a password is different than Meadows. The function of applicant's feature of (1) a login; and (2) a password is different than meadows. Accordingly, applicant's claim is patentable over

However, to generalize applicant's feature of claim 3 of having (1) a login; and (2) a password is incorrect. Applicant's feature must be viewed in conjunction with all of its elements.

Applicant's claim 3 utilizes a login and password for identifying and recording location of an identified user. Accordingly, the login and password is utilized for two features (1) identifying the user; and (2) recording the location of the identified user. Accordingly, a reference that just shows a "login" and "password" to access a device is not relevant.

None of the references, used either alone or in combination show identifying a user on different devices on a remote system, recording different locations on the remote system, and providing access rights to another user on that remote system for the locations obtained on the different devices.

Neither Barclay, Sheridan, nor Shulzer correct the deficiencies of Meadows. "Accessing web-based services" or listing "multiple devices" for general web services (*See* Office Action, page 10) does not show or suggest anything other than general web services and does not show or suggest applicant's feature of claim 3 of login and password

is utilized for two features (1) identifying the user; and (2) recording the location of the identified user.

Applicant's features of claim 3 are different in structure, function, and utility than the Examiner's references even when combined as the Examiner suggests.

Accordingly, none of the references, used either alone or in combination, show or suggest such features.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Claim 4

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows and Kalthoff and Hendrey and Han.

Applciant's claim 4 includes triggering, on a remote system, a request of location information at an occurrence of a user-determined location-based event (on a first screen), obtaining user-determined access rights (on a second screen) from the remote system, and determining on the remote system whether to provide and filter said location information to said device based on said access rights.

Meadows and Barclay are silent on triggering, on a remote system, a request of location information and the first and second display screens, etc.

Kalthoff does not correct the deficiencies in Meadows and s silent to such features such as first and second display screen and pre-selected from a plurality of located-based events on a first screen and access rights are user-determined on a second screen.

Hendrey also does not correct for the deficiencies of Meadows and merely alleges location-based services and a rule system. Hendrey's rule system and responses does not provide such features and, as the other references also do not provide such features. For example, Hendrey is silent on the structure of applicant's screens.

The Examiner also stated:

> "whether information is displayed on one screen or divided up onto more than one screen would carry no patentable weight. In addition, note the new reference (Han et al)." (Office Action, page 11)"

First, the statement is not true. A difference in structure that results in a difference in function is patentable – from different printed writing on objects to different interface configurations. A interface configuration may have material utility such as the difference in life or death from an airplane pilot trying to quickly maneuver or a person trying to locate someone in distress.

Han does not show or suggest applicant's feature of (i) said located-based event is pre-selected from a plurality of located-based events on a first screen; and (ii) said access rights are user-determined on a second screen. Han does not show or suggest these features as well as other features of claim 5. As per just one example, Han's event of transmitting a message (See Han, paragraph 9) does not show or suggest a located-based event is pre-selected from a plurality of located-based events on a first screen. Han does not show or suggest the features of applicant's claim 4.

The Examiner also stated with respect to:

> "in an occurrence of an event … would read on a person just deciding that they would like to

know the location information" (Office Action, page 6)

The claimed feature is not "an event" but a "location-based event." A user making a decision would not read on any claimed feature – but would also not read on a location-based event. Furthermore, the location-based event of claim 4 includes a location-based event, wherein said located-based event is pre-selected from a plurality of located-based events on a first screen. Accordingly, the Examiner's argument that a person's decision can read on this feature is not applicable.

Furthermore, as discussed above, applicant's features of claim 5 have additional elements associated with the display screens. None of the references, used either alone or in combination, show or suggest applicant's feature of claim 4 of triggering, on a remote system, a request of location information at an occurrence of a user-determined location-based event (on a first screen), obtaining user-determined access rights (on a second screen) from the remote system, and determining on the remote system whether to provide and filter said location information to said device based on said access rights. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

Claim 5

The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sheynblat.

Without prejudice and solely in order to expedite prosecution, Applicant previously amended claim 5 to include a locating device and the locate button is operable to be pressed to manually update

location information of the wireless device to a remote storage device.

The Examiner stated that Sheynblat discusses:

> "a 'locate button' on a cell phone (*See* Col. 8, lines 35-37). This information could be stored, at least for some time, in the cell base station and/or GPS location server and the like." (Office Action, page 11)

What Sheynblat "could" do is only what Sheynblat was designed to do. Different precision structures and precision functionalities require different precision architectures. Shenyblat only discusses Sheynblat.

Sheynblat does not show applicant's claim 5 of a telephonic device having physical locate button, wherein said locate button is operable to be pressed to manually update location information of said wireless telephonic device to a remote storage device using information from a locating device of the wireless telephone.

Sheynblat merely discusses initiating a process to indicate an emergency at the location of the GPS feature. Indicating an emergency at a location is not applicant's invention of claim 5 that includes manually updating locating information to a remote storage device.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 5 be withdrawn.

<u>The Official Notice Rejection</u>

It appears that the Examiner may have made rejections in view of Official Notice.

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.

For at least the above reasons, applicant respectfully requests that the any Examiner rejection in view of Official Notice 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 any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON6.

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
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Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841750
Filing Date:	20-Aug-2007
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 CON6

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:	34779666
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	07-JAN-2019
Filing Date:	20-AUG-2007
Time Stamp:	15:08:03
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	010819INTEFSW00001580503855
Deposit Account	503855
Authorized User	Jeffrey Mullen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

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-002CON6--Reply.pdf	142717 f437480512190930161899c804bbc519712 3914b	yes	12
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	3	
	Applicant Arguments/Remarks Made in an Amendment		4	12	
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30772 b5a0b036556f6b349933cfad44458e93d1b cfc37	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	173489		

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.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
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 displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,750	Filing Date 08/20/2007	☐ To be Mailed

ENTITY: ☐ LARGE ☑ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) 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 $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	01/07/2019	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 3	Minus	** 20	= 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

		(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 $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".	/MARQUITA D JONES/
*** 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.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 04/30/2019

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2652	

MAIL DATE	DELIVERY MODE
04/30/2019	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.

Office Action Summary	Application No. 11/841,750	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 --

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 01/07/2019.

☐ 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) 3-5 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) 3-5 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: _____.

DETAILED ACTION

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 negatived by the manner in which the invention was made.

Claim 3 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 6,725,032 (Sheridan et al.) and U.S. Patent No. 6,970.853 (Schutzer).

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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19-21. See also Col. 2, lines 17-42, Col. 5, lines 30 - 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins.

If this is argued, note at least Col. 2, lines 65 - 67 - Col. 3, lines 1 - 8 of Schutzer. Here a user can list multiple devices that are associated with one login and password.

It would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. That is, such would have been an obvious convenience to the user.

In addition, note the multiple displays in the Figs, in Meadows et al. If this is argued, note that Sheridan et al. teach a web login page where user can input both login information and a password (see Sheridan, Fig. 15).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Sheridan into the Barclay et al./Meadows et al., to ask the user to initiate a session by entering a login name and a password, both of which are submitted in HTML form to the configuration management system to determine if a login and password combination matches the information provided in the security database to determine if the user has access to the system, as taught by Sheridan, thus allowing a more secure way of accessing a web-based service by matching both login information and password (see Sheridan, col. 18, lines 20-34).

With respect to the new recording aspects the recording is done on a remote system (see the above).

Claim 4 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No.

2001/0048364 (Kalthoff et al.) and U.S. 2003/0060214 (Hendrey et al.) and even further in view of U.S. Patent Application No. 2003/0101225 (Han et al.).

With respect to claim 4, 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19-21. See also Col. 2, lines 17-42, Col. 5, lines 30 - 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done

in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. In addition, note the multiple displays in the Figs, in Meadows et al.

With respect to "in an occurrence of an event", as broadly claimed previously, would read on a person just deciding that they would like to know the location information. With respect to triggering aspects, note as broadly claimed, this reads on the user deciding to request location information.

With respect to pre-selected from a plurality of events, note paragraph 0050 and Figs. 3 and 16B (note the difference in the pre-selected distance 1.54 miles and 500ft respectively) of Kalthoff et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Kalthoff et al. into the Barclay et al./Meadows et al. in order to have a more flexible system.

With respect to the limitation of a location-based event and other teachings, note the Abstract, paragraphs 0011,0013, 0014, 0017, 0036 (rules = filter), 0040, 0047, 0048, 0049, 0059, 0061,0068 and note the claims of Flendrey et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Flendrey et al. into the Barclay et al./Meadows et al./Kalthoff et al. system more flexible for a user by including location-based events as a trigger.

If it is argued that the above does not disclose a triggering, request for location information at a user determined location event, then please not the Abstract

and paragraphs 0004, 0032 and 0036 of Han et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Han et al. into the Barclay et al./Meadows et al./Kalthoff et al./Hendrey et al. system and method as another known means for obtaining location information.

Claim 5 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,999,124 (Sheynblat).

Note at least Col. 8, lines 18 - 40 of Sheynblat and Figs. 2 and 4. Sheynblat teaches a display, but does not specifically recite a microphone or speaker. However, a cell or cellular telephone and communication devices are repeated throughout the specification. For example note Col. 6, lines 21 - 67.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of a microphone and speaker into Sheynblat, if not already inherent, as that is what communication devices must have to communicate.

Response to Arguments

Applicant's arguments filed 01/07/2019 have been fully considered but are not deemed persuasive to any error in the rejections above.

Note arguments in the previous Office Action dated 07/05/2018.

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.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.qov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). 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.

27Apr2019

/WILLIAM J DEANE JR/
Primary Examiner, Art Unit 2652

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	Art Unit
	WILLIAM J DEANE JR	2652

CPC - Searched*		
Symbol	Date	Examiner

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner
455	456.1	06Jun2010	WJD
	Updated the above; and	14July2013	WJD
455	404.1		
	404.2		
	410		
	456.2		
	456.3		
	457		
	Updated the above	14Jan2014	WJD
	Updated the above	29Jun2014	WJD
	Updated the above	12Jan2015	WJD
	Updated the above; and	17Oct2015	WJD
455	405-408		
	Updated the above; and EAST word search	25July2016	WJD
	Updated the search aove	20Mar2017	WJD
	Updated the above searches	27Nov2017	WJD
	Updated the above searches and inventor name search conducted	24Jun2018	WJD
		04/27/2019	WJD

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	Art Unit
	WILLIAM J DEANE JR	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

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	**Art Unit**
	WILLIAM J DEANE JR	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	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	✓

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,750	Filing Date 08/20/2007	☐ To be Mailed

ENTITY: ☐ LARGE ☑ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) 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 $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	10/30/2019	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0		x $ 50 =	0
	Independent (37 CFR 1.16(h))	* 2	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

		(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 $ 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
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	11841750	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/002 CON6	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J 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

X Applicant Signature

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)	2019-10-30
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 record s.

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.	:	11/841,750
Confirmation No.	:	2458
Filed	:	August 20, 2007
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 15116
October 30, 2019

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated October 30, 2019. 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 4 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~~ system comprising:

~~identifying a user on~~ a remote system, wherein user information is operable to be identified from a plurality of different user information ~~users~~ by receiving at least a manually entered login from a first wireless device associated with said user information and a manually entered password associated with said login, ~~login;~~

~~recording~~ a location of said first wireless device is operable to be recorded on said remote system after said user information has been identified on said first wireless device and ~~associating~~ said location is associated with said user information and provided by said first wireless device to said remove server, ~~;~~

~~identifying~~ said user information is operable to be identified from said plurality of different user information on said remote system by receiving at least said login and said password from a second device, ~~device;~~ and

~~recording~~ a second location is operable to be recorded of said second device on said remote system after said user information has been identified on said second device and ~~associating~~ said second location is associated with said user information and provided from said second device to said remote server, and ~~user; and~~

~~recording, on said remote system,~~ location access rights associated with said location information after said user information has been identified on said first wireless device or said second user device are operable to be recorded on a remote system ~~by said user~~ for at least a second user information of said plurality of different user information to access location information of said user information, ~~wherein~~ said location information includes said location and said second location, and said location information is operable to be provided to said second user information based on said access rights.

4. (currently amended) A system ~~method~~ comprising:

~~triggering, from~~ a remote system operable to trigger~~,~~ a request of location information of a wireless telephonic device for a device at an occurrence of a location-based event, wherein said located-based event is operable to be manually pre-selected from a plurality of located-based events on a first screen from a list of at least three types of location-based events, ~~screen;~~

~~obtaining~~ access rights are operable to be obtained~~, from said remote system,~~ associated with accessing said location information from said remote system~~, wherein~~ and said access rights are operable to be user-determined on a second screen by said wireless telephonic device, ~~device;~~ and

~~determining, on said remote system, whether to provide and filter said~~ location information is operable to be determined that said location information is to be provided and filtered on said remote system to said device based on said access rights ~~rights, wherein~~ and

said location and said access rights are stored on a remote server.

5. (cancelled).

6. (new) The system of claim 3, wherein said second device is a second wireless device, said second device includes a global positioning system and said second location is provided by said global positioning system.

7. (new) The system of claim 3, wherein said first wireless device includes a first global positioning system that is operable to provide said location and said second device includes a second global positioning system that is operable to provide said second location.

8. (new) The system of claim 3, wherein said access rights for said second user information were manually selected on a display screen from a list of at least four different user information.

9. (new) The system of claim 3, wherein said access rights for said second user information were manually selected on a display screen from a list of at least four different user information and a user name associated of said user information is displayed on and selectable from said display screen.

10. (new) The system of claim 3, wherein a display screen is provided on said first wireless device after said identifying of said user information on said first wireless device that includes a first selectable option for providing a first map associated with said

location and a second selectable option for providing a second map associated with a third location of a third user information.

11. (new) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide a first map associated with said location and a second map associated with a third location of a third user information.

12. (new) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide a travel time between said location associated with said first user information and a third location associated with a third user information.

13. (new) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide said location to a third user information filtered by a first type of geographic region or a second type of geographic region.

14. (new) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide said location to a third user information filtered to by a first type of geographic region or a second type of geographic region, said first geographic region is a state and said second geographic region is a city.

15. (new) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide said location to a third user information filtered by a first type of geographic region or an exact location.

16. (new) The system of claim 4, wherein said access rights on said second display screen include a list of selectable options including access to a type of geographic region or an exact location.

17. (new) The system of claim 4, wherein said access rights on said second display screen include a list of selectable options including access to a first type of geographic region or a second type of geographic region.

18. (new) The system of claim 4, wherein said access rights on said second display screen include a list of selectable options including at least two access options.

19. (new) The system of claim 4, wherein said access rights on said second display screen include a list of selectable options including at least three access options.

20. (new) The system of claim 4, wherein said access rights on said second display screen include a list of selectable options including at least four access options.

21. (new) The system of claim 4, wherein a third display screen is operable to be provided on said device with a selectable option for providing a first map associated with said location information based on said access rights or a second map associated with second location information associated with said device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-5 are pending.

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.") and further in view of U.S. Patent Application No. 6,725,032 (hereinafter "Sheridan") and further in view of Schulzer U.S. Patent No. 6,970,853 (hereinafter "Schulzer").

The Examiner rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Meadows and further in view of Kalthoff et al. U.S. Patent Application Publication No. 2001/0048364 (hereinafter "Kalthoff") and further in view of Hendrey et al. U.S. Patent Application No. 2003/0060214 (hereinafter "Hendrey") and further in view of Han U.S. Patent Application No. 2003/0101225 (hereinafter "Han").

The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sheynblat U.S. Patent No. 5,999,124 (hereinafter "Sheynblat").

Summary of Applicant's Amendments

Without prejudice and solely in order to expedite prosecution, applicant has amended claims 3-4.

Without prejudice and solely in order to expedite prosecution, applicant has cancelled claim 5.

Applicant has added new claims 6-21 in order to more particularly point out and distinctly claim the subject matter that applicant regards as the invention.

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

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows and Sheridan and Schulzer.

Applicant has amended claim 3 without prejudice and solely in order to expedite prosecution.

Applicant's amended claim 3 includes location access rights associated with said location information after said user information has been identified on said first wireless device or said second user device are operable to be recorded on a remote system for at least a second user information of said plurality of different user information to access location information of said user information, said location information includes said location and said second location, and said location information is operable to be provided to said second user information based on said access rights.

The Examiner stated with respect to Meadows:

> "note the user of an access code" (Office Action, page 3).

First, Meadow's access code is not associated with applicant's amended claim 3 that includes location access rights. Location is not location access rights.

Second, by providing just an access code Meadow firmly associates a user with a specific device and process. This is diametrically opposed to applicant's feature of claim 3 that provides for additional device portability with a manually entered login and a manually entered password. Accordingly, not only does Meadow's not sow or suggest applicant's features of claim 3 – but it directly teaches away from it by only providing an access code.

Third, Meadow's access code can only be a login or a password – it cannot be both. Meadow's access code, however, cannot be both a manually entered login and a manually entered password.

Regardless, Meadow's access code is not associated with applicant's amended claim 3 that includes location access rights. A location is not location access rights.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Claim 4

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows and Kalthoff and Hendrey and Han.

Without prejudice and solely in order to expedite prosecution, applicant has amended claim 4.

Applciant's amended claim 4 includes said located-based event is operable to be manually pre-selected from a plurality of located-based events on a first screen from a list of at least three types of location-based events.

Meadows and Barclay are silent on triggering, on a remote system, a request of location information and the first and second display screens and said located-based event is operable to be manually pre-selected from a plurality of located-based events on a first screen from a list of at least three types of location-based events.

Kalthoff does not correct the deficiencies in Meadows and is silent to such features such as first and second display screen and said located-based event is operable to be manually pre-selected from a plurality of located-based events on a first screen from a list of at least three types of location-based events.

Hendrey also does not correct for the deficiencies of Meadows and merely alleges location-based services and a rule system. Hendrey's rule system and responses does not provide such features and, as the other references also do not provide such features such ad said located-based event is operable to be manually pre-selected from a plurality of located-based events on a first screen from a list of at least three types of location based events. For example, Hendrey is silent on the structure of applicant's screens and said located-based event is operable to be manually pre-selected from a plurality of located-based events on a first screen from a list of at least three types of location-based events.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

Claim 5

The Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Sheynblat.

Without prejudice and solely in order to expedite prosecution, applicant has cancelled claim 5.

Applicant previously amended claim 5 included a locating device and the locate button is operable to be pressed to manually update location information of the wireless device to a remote storage device.

The Examiner stated that Sheynblat discusses:

> "a 'locate button' on a cell phone (*See* Col. 8, lines 35-37). This information could be stored, at least for some time, in the cell base station and/or GPS location server and the like." (Office Action, page 11)

What Sheynblat "could" do is only what Sheynblat was designed to do. Different precision structures and precision functionalities require different precision architectures. Shenyblat only discusses Sheynblat.

Sheynblat does not show applicant's claim 5 of a telephonic device having physical locate button, wherein said locate button is operable to be pressed to manually update location information of said wireless telephonic device to a remote storage device using information from a locating device of the wireless telephone.

Sheynblat merely discusses initiating a process to indicate an emergency at the location of the GPS feature. Indicating an emergency at a location is not applicant's invention of claim 5 that includes manually updating locating information to a remote storage device.

Accordingly, applicant respectfully requests that claim 5 is patentable.

The Official Notice Rejection

It appears that the Examiner may have made rejections in view of Official Notice.

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.

For at least the above reasons, applicant respectfully requests that the any Examiner rejection in view of Official Notice be withdrawn.

New Claims 6-21

Applicant has added new claims 6-21 in order to more particularly point out and distinctly claim the subject matter that applicant regards as the invention. As shown above, claims 3 and 4 are patentable. Claims 6-21 depend from patentable claims 3 and 4. Accordingly, claims 6-21 are patentable for depending from a patentable base claim.

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 any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON6.

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:	11841750
Filing Date:	20-Aug-2007
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 CON6

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:	37609317
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	30-OCT-2019
Filing Date:	20-AUG-2007
Time Stamp:	16:03:53
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	E20190TG04241469
Deposit Account	503855
Authorized User	Jeffrey Mullen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

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-002CON6--RCE.pdf	697794 d5b5dfbbf716598234cd2b553453588ede7a1988	no	3
Warnings:					
Information:					
2		JDM-002CON6--Reply.pdf	123957 9a5ea44db2500f1da490c02a692f6d49e72ec2c2	yes	14

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1
	Claims	2	7
	Applicant Arguments/Remarks Made in an Amendment	8	14

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32743 ccbe3768e4584f5cbba6d58c336c2cc5a2dca347	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	854494		

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 01/23/2020

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	

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.

Office Action Summary	**Application No.** 11/841,750	**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 --

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 10/30/2019.

☐ 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) 3-4 and 6-21 is/are pending in the application.

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

6) ☑ Claim(s) 3-4 and 6-21 is/are allowed.

7) ☐ Claim(s) _____ 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: _____.

Notice of Pre-AIA or AIA Status

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

Response to Arguments

Applicant's arguments filed 10/30/2019 have been fully considered but are not deemed persuasive to any error in the rejections above.

The add verbiage in claims 3 and 4 do not overcome the references cited below. For example, whether the login is inputted via voice or manually or some other means would not allow Applicant to prevail over the cited references. In addition, expending user ...identified to user information …identified does nothing to overcome the references cited below. User information is user information, whether there is one piece of information or 4 pieces.

Additionally, there is nothing in the added new claims that are non-obvious or not taught in the references cited below. For example, claims 6 - 7 speaks to a GPS system, note that Barclay et al., Hendrey et al., Kalthoff et al., Meadows et al., all discuss GPS systems. Claim 10, claims a map, note that Barclay et al., Hendrey et al., Kalthoff et al., Meadows et al., all discuss maps. With respect to a first map, second map or third map reads on one map, it just depends how one wants to cut up the map, at least as presently claimed. With respect to claim 12, at least Hendry et al., Han et al.. Kalthoff et al. and Meadows et al. speak to travel time or the like.

In the Interview with Applicant, Jeffrey Mullen, on Jan 15, 2020 with regard to co-pending application 11/841734, examiner agreed to search 4 different limitations suggested by Applicant. The claims of the instant application are similar but narrower

than the 11/841734 co-pending application. Therefore, if agreement is reach regarding the 11/841 application, then the instant application will follow the fate of 11/841734 application, whether it be allowance or rejection.

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 negatived by the manner in which the invention was made.

Claim 3 -4 and 6-21 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 6,725,032 (Sheridan et al.) and U.S. Patent No. 6,970.853 (Schutzer).

With respect to claim 3, note that Barclay et al. 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay et al. do not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows et al. teach such in Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19-21. See also Col. 2, lines 17-42, Col. 5, lines 30 - 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins.

If this is argued, note at least Col. 2, lines 65 - 67 - Col. 3, lines 1 - 8 of Schutzer. Here a user can list multiple devices that are associated with one login and password.

It would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. That is, such would have been an obvious convenience to the user.

In addition, note the multiple displays in the Figs, in Meadows et al. If this is argued, note that Sheridan et al. teach a web login page where user can input both login information and a password (see Sheridan, Fig. 15).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Sheridan into the Barclay et al./Meadows et al., to ask the user to initiate a session by entering a login name and a password, both of which are submitted in HTML form to the configuration management system to determine if a login and password combination matches the information provided in the security database to determine if the user has access to the system, as taught by Sheridan, thus allowing a more secure way of accessing a web-based service by matching both login information and password (see Sheridan, col. 18, lines 20-34).

With respect to the new recording aspects the recording is done on a remote system (see the above).

With respect to claims 6 – 21, note the remarks in the Response to Arguments section above.

Claim 4 and 6 - 21 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No.
6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 2001/0048364 (Kalthoff et al.) and U.S. 2003/0060214 (Hendrey et al.) and even further in view of U.S. Patent Application No. 2003/0101225 (Han et al.).

With respect to claim 4, 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay does not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows teaches such Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19-21. See also Col. 2, lines 17-42, Col. 5, lines 30 - 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. In addition, note the multiple displays in the Figs, in Meadows et al.

With respect to "in an occurrence of an event", as broadly claimed previously, would read on a person just deciding that they would like to know the location information. With respect to triggering aspects, note as broadly claimed, this reads on the user deciding to request location information.

With respect to pre-selected from a plurality of events, note paragraph 0050 and Figs. 3 and 16B (note the difference in the pre-selected distance 1.54 miles and 500ft respectively) of Kalthoff et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Kalthoff et al. into the Barclay et al./Meadows et al. in order to have a more flexible system.

With respect to the limitation of a location-based event and other teachings, note the Abstract, paragraphs 0011,0013, 0014, 0017, 0036 (rules = filter), 0040, 0047, 0048, 0049, 0059, 0061,0068 and note the claims of Flendrey et al.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Hendrey et al. into the Barclay et al./Meadows et al./Kalthoff et al. system more flexible for a user by including location-based events as a trigger.

If it is argued that the above does not disclose a triggering, request for location information at a user determined location event, then please not the Abstract and paragraphs 0004, 0032 and 0036 of Han et al. It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Han et al. into the Barclay et al./Meadows et al./Kalthoff et al./Hendrey et al. system and method as another known means for obtaining location information.

With respect to claims 6 – 21, note the remarks in Response to Arguments section above.

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.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.qov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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.

20Jan2020

/WILLIAM J DEANE JR/
Primary Examiner, Art Unit 2652

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	Art Unit
	WILLIAM J DEANE JR	2652

CPC - Searched*		
Symbol	Date	Examiner

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	Art Unit
	WILLIAM J DEANE JR	2652

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**
455	456.1	06Jun2010	WJD
	Updated the above; and	14July2013	WJD
455	404.1		
	404.2		
	410		
	456.2		
	456.3		
	457		
	Updated the above	14Jan2014	WJD
	Updated the above	29Jun2014	WJD
	Updated the above	12Jan2015	WJD
	Updated the above; and	17Oct2015	WJD
455	405-408		
	Updated the above; and EAST word search	25July2016	WJD
	Updated the search aove	20Mar2017	WJD
	Updated the above searches	27Nov2017	WJD
	Updated the above searches and inventor name search conducted	24Jun2018	WJD
	Updated the searches above	04/27/2019	WJD
	Updated the searches above	01/20/2020	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**

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	Art Unit
	WILLIAM J DEANE JR	2652

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	**Art Unit**
	WILLIAM J DEANE JR	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	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	01/20/2020
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	✓
	5	✓	✓	✓	✓	✓	✓	✓	✓	-
	6									✓
	7									✓
	8									✓
	9									✓
	10									✓
	11									✓
	12									✓
	13									✓
	14									✓
	15									✓
	16									✓
	17									✓
	18									✓
	19									✓
	20									✓
	21									✓

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/841,750
Confirmation No.	:	2458
Filed	:	August 20, 2007
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 15116
July 23, 2020

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated October 30, 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 4 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 remote system, wherein user information is operable to be identified from a plurality of different user information by receiving at least a manually entered login from a first wireless device associated with said user information and a manually entered password associated with said login, a location of said first wireless device is operable to be recorded on said remote system after said user information has been identified on said first wireless device and said location is associated with said user information and provided by said first wireless device to said remove server, said user information is operable to be identified from said plurality of different user information on said remote system by receiving at least said login and said password from a second device, and a second location is operable to be recorded of said second device on said remote system after said user information has been identified on said second device and said second location is associated with said user information and provided from said second device to said remote server, and first location access rights associated with said location information after said user information has been identified on said first wireless device ~~or said second user device~~ are operable to be recorded on a remote system for at least a second user information of said plurality of different user

information to access location information of said user information, said first location access rights are operable to be removed by said second user device after said user information has been identified on said second user device, said location information includes said location and said second location, and said location information is operable to be provided to said second user information based on said access rights.

4. (currently amended) A system comprising:

a remote system operable to perform a trigger of a request of location information of a wireless telephonic device for a device at an occurrence of a location-based event based, at least in part, on a location of said wireless telephonic device, wherein said located-based event is operable to be manually pre-selected from a plurality of located-based events on a first screen of said device from a list of at least three types of location-based events, access rights are operable to be obtained for said device that are associated with accessing said location information of said first wireless device as a result of said trigger of said trigger ~~from said remote system and said access rights are operable to be user-determined on a second screen by said wireless telephonic device, and~~ a location-based event notification is operable to be provided on said device on a second display screen as a result of, at least in part, said trigger and said access rights, and a first one of said at least three types of location-based events is, at least in part, region-based, and a second one of said at least three types of location-based events is, at least in part, distance-based. ~~location information is operable to be determined that said location information is to be provided and~~

~~filtered on said remote system to said device based on said access rights and said location and said access rights are stored on a remote server~~.

5. (cancelled).

6. (previously presented) The system of claim 3, wherein said second device is a second wireless device, said second device includes a global positioning system and said second location is provided by said global positioning system.

7. (previously presented) The system of claim 3, wherein said first wireless device includes a first global positioning system that is operable to provide said location and said second device includes a second global positioning system that is operable to provide said second location.

8. (previously presented) The system of claim 3, wherein said access rights for said second user information were manually selected on a display screen from a list of at least four different user information.

9. (previously presented) The system of claim 3, wherein said access rights for said second user information were manually selected on a display screen from a list of at least four different user information and a user name associated of said user information is displayed on and selectable from said display screen.

10. (previously presented) The system of claim 3, wherein a display screen is provided on said first wireless device after said identifying of said user

information on said first wireless device that includes a first selectable option for providing a first map associated with said location and a second selectable option for providing a second map associated with a third location of a third user information.

11. (currently amended) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide ~~provide~~ a first map associated with said location and a second map associated with a third location of a third user information.

12. (currently amended) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide ~~provide~~ a travel time between said location associated with said first user information and a third location associated with a third user information.

13. (currently maneded) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide ~~provide~~ said location to a third user information filtered by a first type of geographic region or a second type of geographic region.

14. (currently amended) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide ~~provide~~ said location to a third user information filtered to by a first type of geographic region or a second type of geographic region,

said first geographic region is a state and said second geographic region is a city.

15. (currently amended) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide ~~provide~~ said location to a third user information filtered by a first type of geographic region or an exact location.

16. (currently amended) The system of claim 4, wherein said access rights ~~on said second display screen~~ are operable to be selected from ~~include~~ a list of selectable options including access to a type of geographic region or an exact location.

17. (currently amended) The system of claim 4, wherein said access rights ~~on said second display screen~~ are operable to be selected from ~~include~~ a list of selectable options including access to a first type of geographic region or a second type of geographic region.

18. (currently amended) The system of claim 4, wherein said access rights ~~on said second display screen~~ are operable to be selected from ~~include~~ a list of selectable options including at least two access options.

19. (currently amended) The system of claim 4, wherein said access rights ~~on said second display screen~~ are operable to be selected from ~~include~~ a list of selectable options including at least three access options.

20. (currently amended) The system of claim 4, wherein said access rights ~~on said second display screen~~ are operable to be selected from ~~include~~ include a list of selectable options including at least four access options.

21. (previously presented) The system of claim 4, wherein a third display screen is operable to be provided on said device with a selectable option for providing a first map associated with said location information based on said access rights or a second map associated with second location information associated with said device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-5 are pending.

The Examiner rejected claim 3-4 and 6-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.") and further in view of U.S. Patent Application No. 6,725,032 (hereinafter "Sheridan") and further in view of Schulzer U.S. Patent No. 6,970,853 (hereinafter "Schulzer").

The Examiner rejected claims 4 and 6-21 under 35 U.S.C. 103(a) as being unpatentable over Barclay in view of Meadows and further in view of Kalthoff et al. U.S. Patent Application Publication No. 2001/0048364 (hereinafter "Kalthoff") and further in view of Hendrey et al. U.S. Patent Application No. 2003/0060214 (hereinafter "Hendrey") and further in view of Han U.S. Patent Application No. 2003/0101225 (hereinafter "Han").

Summary of Applicant's Amendments

Without prejudice and solely in order to expedite prosecution, applicant has amended claims 3, 4, and 11-20.

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

Claim 3

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows and Sheridan and Schulzer.

Applicant has amended claim 1 without prejudice and solely in order to expedite prosecution to such that first location access rights are recorded from a first wireless device after user information has been identified and first location assess rights are operable to be removed by a second user device after the user information is identified on the second user device.

The Examiner stated with respect to Meadows:

> "note the user of an access code or password (logging in)" (Office Action, page 3).

Meadow's access code can only be a login or a password – it cannot be both. Meadow's access code, however, cannot be both a manually entered login and a manually entered password.

Second, by providing just an access code Meadow firmly associates a user with a specific device and process.

This is diametrically opposed to applicant's feature of claim 3 that provides for additional device portability with a manually entered login and a manually entered password. Accordingly, not only does Meadow's not sow or suggest applicant's features of claim 3 – but it directly teaches away from it by only providing an access code.

The Examiner stated with respect to Meadows:

> "Obviously, after one logs in the location information is sent" (Office Action, page 4).

Such an assumption would directly teach away from many features and, as a result, cannot be an assumption. A reference only discusses what a reference discusses. Here, meadow's access code is not associated with applicant's amended claim 3 that includes location access rights. Location is not location access rights.

Applicant's amended claim 3 includes recording access rights on a first wireless device and removing access rights on a second user device.

Meadows does not provide for a way to securely permit use of multiple devices let alone use of multiple devices for location access rights. None of the references, used either alone or in combination, correct for such deficiencies or can correct for such deficiencies without rendering Meadows inoperable. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 be withdrawn.

Claim 4

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows and Kalthoff and Hendrey and Han.

Without prejudice, and solely in order to expedite prosecution, applicant has amended claim 4. Applicant's amended claim 4 includes said located-based event is operable to be manually pre-selected from a plurality of located-based events on a first screen from a list of at least three types of location-based events and a first one is distance-based and a second one is region-based.

Meadows and Barclay are silent on triggering, on a remote system, a request of location information and said located-based event is operable to be manually pre-selected from a plurality of located-based events on a first screen from a list of at least three types of location-based events.

Kalthoff does not correct the deficiencies in Meadows and is silent to such features such as first and second display screen and said located-based event is operable to be manually pre-selected from a plurality of located-based events on a first screen from a list of at least three types of location-based events.

Hendrey also does not correct for the deficiencies of Meadows and merely alleges location-based services and a rule system. Hendrey's rule system and responses does not provide such features and, as the other references also do not provide such features such ad said located-based event is operable to be manually pre-selected from a plurality of located-based events on a first screen from a list of at least three types of location based events. For example, Hendrey is silent on

the structure of applicant's screens and said located-based event is operable to be manually pre-selected from a plurality of located-based events on a first screen from a list of at least three types of location-based events.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 4 be withdrawn.

The Official Notice Rejection

It appears that the Examiner may have made rejections in view of Official Notice.

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.

For at least the above reasons, applicant respectfully requests that the any Examiner rejection in view of Official Notice 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 any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON6.

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
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Glenshaw, PA 15116
Tel.: (914) 837-7741

Electronic Patent Application Fee Transmittal

Application Number:	11841750
Filing Date:	20-Aug-2007
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 CON6

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:	40089510
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	23-JUL-2020
Filing Date:	20-AUG-2007
Time Stamp:	16:22:21
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	E20207MG22539790
Deposit Account	503855
Authorized User	Jeffrey Mullen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.21 (Miscellaneous fees and charges) 37 CFR 1.20 (Post Issuance fees)	

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-002CON6--Reply.pdf	126240 0f96533b427cd1de3a67157a8aa63da59206db62	yes	13

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	7
	Applicant Arguments/Remarks Made in an Amendment	8	13

Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30772 691c1ba30b915cec17d3c019fc1b9f23402da429	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	157012		

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.

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
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 displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,750	Filing Date 08/20/2007	☐ To be Mailed

ENTITY: ☐ LARGE ☑ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) 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 $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))	* 18	Minus	** 20	= 0		x $50 =	0
	Independent (37 CFR 1.16(h))	* 2	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

		(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 $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.**

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.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 10/27/2020

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	

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.

Office Action Summary	**Application No.** 11/841,750	**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 --

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 07/23/2020.

☐ 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) 3-21 is/are pending in the application.

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

6) ☑ Claim(s) 4 and 16-21 is/are allowed.

7) ☑ Claim(s) 3 and 6-15 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: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Claims 4 and 16 - 21 allowed over the prior art.

Response to Arguments

Applicant's arguments filed 10/30/2019 have been fully considered but are not deemed persuasive to any error in the rejections above.

Claim 3 does not overcome the references cited below. For example, whether the login is inputted via voice or manually or some other means would not allow Applicant to prevail over the cited references. In addition, expending user ...identified to user information ...identified does nothing to overcome the references cited below. User information is user information, whether there is one piece of information or 4 pieces.

Additionally, there is nothing in the claims that are non-obvious or not taught in the references cited below. For example, claims 6 - 7 speaks to a GPS system, note that Barclay et al., Flendrey et al., Kalthoff et al., Meadows et al., all discuss GPS systems. Claim 10, claims a map, note that Barclay et al., Flendrey et al., Kalthoff et al., Meadows et al., all discuss maps. With respect to a first map, second map or third map reads on one map, it just depends how one wants to cut up the map, at least as presently claimed. With respect to claim 12, at least Flendry et al., Flan et al.. Kalthoff et al. and Meadows et al. speak to travel time or the like.

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 negatived by the manner in which the invention was made.

Claim 3 and 6 -15 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0119522 (Barclay et al.) and U.S Patent No. 6,716,101 (Meadows et al.) and further in view of U.S. Patent Application No. 6,725,032 (Sheridan et al.) and U.S. Patent No. 6,970.853 (Schutzer).

With respect to claim 3, note that Barclay et al. 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).

Wherein said first and second wireless devices are wireless telephones, note paragraph 0012.

What Barclay et al. do not disclose is the event of logging in identifies the user and then obtains the location information. However, note Meadows et al. teach such in Fig. 4a, which displays a list of individuals, note use of an access code or password (logging in), Col. 2, lines 19-21. See also Col. 2, lines 17-42, Col. 5, lines 30 - 57. It would have been obvious to one of ordinary skill in the art to have a person login before one can access a system as disclosed by Meadows et al. as this is the way things are done in order not to have an open system. Obviously, after one logs in the location information is sent. It is noted that all the users in Meadows et al. are different, but one may have more than one device and it would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins.

If this is argued, note at least Col. 2, lines 65 - 67 - Col. 3, lines 1 - 8 of Schutzer. Here a user can list multiple devices that are associated with one login and password.

It would have been obvious to one of ordinary skill in the art to use the same login information in order not to have to remember multiple logins. That is, such would have been an obvious convenience to the user.

In addition, note the multiple displays in the Figs, in Meadows et al. If this is argued, note that Sheridan et al. teach a web login page where user can input both login information and a password (see Sheridan, Fig. 15).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Sheridan into the Barclay et al./Meadows et al., to ask the user to initiate a session by entering a login name and a password, both of which are submitted in HTML form to the configuration management system to determine if a login and password combination matches the information provided in the security database to determine if the user has access to the system, as taught by Sheridan, thus allowing a more secure way of accessing a web-based service by matching both login information and password (see Sheridan, col. 18, lines 20-34).

With respect to the recording aspects the recording is done on a remote system (see the above).

With respect to the new claim language:

…said first location access rights are operable to be removed by said second user device after said user information has been identified on said second user device, … Whether one removes the access rights from the device itself or whether one sends a signal to a remote facility or system to have the remote system or facility remove the access rights, the second device is operable to do so and either means of removable would have been obvious to one of ordinary skill art in light of the references cited above.

With respect to claims 6 - 15, note the remarks in the Response to Arguments section above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). 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 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.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.qov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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.

24Oct2020

/WILLIAM J DEANE JR/
Primary Examiner, Art Unit 2652

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	Art Unit
	WILLIAM J DEANE JR	2652

CPC - Searched*		
Symbol	Date	Examiner

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	Art Unit
	WILLIAM J DEANE JR	2652

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**
455	456.1	06Jun2010	WJD
	Updated the above; and	14July2013	WJD
455	404.1		
	404.2		
	410		
	456.2		
	456.3		
	457		
	Updated the above	14Jan2014	WJD
	Updated the above	29Jun2014	WJD
	Updated the above	12Jan2015	WJD
	Updated the above; and	17Oct2015	WJD
455	405-408		
	Updated the above; and EAST word search	25July2016	WJD
	Updated the search aove	20Mar2017	WJD
	Updated the above searches	27Nov2017	WJD
	Updated the above searches and inventor name search conducted	24Jun2018	WJD
	Updated the searches above	04/27/2019	WJD
	Updated the searches above	01/20/2020	WJD
	Updated the searches above	10/24/2020	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**

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	Art Unit
	WILLIAM J DEANE JR	2652

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	**Art Unit**
	WILLIAM J DEANE JR	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	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	10/24/2020
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
	3	✓	✓	✓	✓	✓	✓	✓	✓	✓
	4	✓	✓	✓	✓	✓	✓	✓	✓	=
	5	✓	✓	✓	✓	✓	✓	✓	✓	-
	6									✓
	7									✓
	8									✓
	9									✓
	10									✓
	11									✓
	12									✓
	13									✓
	14									✓
	15									✓
	16									=
	17									=
	18									=
	19									=
	20									=
	21									=

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	11841750	Filing Date	2007-08-20	Docket Number (if applicable)	JDM/002 CON6	Art Unit	2614
First Named Inventor	Jeffrey D. Mullen			Examiner Name	William J 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

X Applicant Signature

PTO/SB/30EFS (10-08)
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Applicant Signature			
Applicant 1		Remove	
Signature	/Jeffrey D. Mullen/	Date (YYYY-MM-DD)	2021-03-29
Name	Jeffrey D. Mullen		
Click ADD for additional Applicant Signature		Add	

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

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JDM/002 CON6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Jeffrey D. Mullen
Application No.	:	11/841,750
Confirmation No.	:	2458
Filed	:	August 20, 2007
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 15116
March 29, 2021

REPLY TO OFFICE ACTION

Sir:

This is in response to the Office Action dated October 27, 2020. 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 4 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 remote system, wherein user information is operable to be identified from a plurality of different user information by receiving at least a manually entered login from a first wireless device associated with said user information and a manually entered password associated with said login, a location of said first wireless device is operable to be recorded on said remote system after said user information has been identified on said first wireless device and said location is associated with said user information and provided by said first wireless device to said remove server, a location-based event is operable to be provided based, at least in part, on said location of said first wireless device, wherein said located-based event is operable to be manually pre-selected from a list of at least three types of location-based events on a device, a location-based event notification is operable to be provided on said device as a result of, at least in part, location access rights of said device from said first wireless device, wherein a first one of said at least three types of location-based events is, at least in part, region-based, and a second one of said at least three types of location-based events is, at least in part, distance-based. ~~said user information is operable to be identified from said plurality of different user information on said~~

~~remote system by receiving at least said login and said password from a second device, and a second location is operable to be recorded of said second device on said remote system after said user information has been identified on said second device and said second location is associated with said user information and provided from said second device to said remote server, and first location access rights associated with said location information after said user information has been identified on said first wireless device are operable to be recorded on a remote system for at least a second user information of said plurality of different user information to access location information of said user information, said first location access rights are operable to be removed by said second user device after said user information has been identified on said second user device, said location information includes said location and said second location, and said location information is operable to be provided to said second user information based on said access rights.~~

4. (previously presented) A system comprising:

a remote system operable to perform a trigger of a request of location information of a wireless telephonic device for a device at an occurrence of a location-based event based, at least in part, on a location of said wireless telephonic device, wherein said located-based event is operable to be manually pre-selected from a plurality of located-based events on a first screen of said device from a list of at least three types of location-based events, access rights are operable to be obtained for said device that are associated with accessing said location information of said first wireless device as a result of said trigger of

said trigger a location-based event notification is operable to be provided on said device on a second display screen as a result of, at least in part, said trigger and said access rights, and a first one of said at least three types of location-based events is, at least in part, region-based, and a second one of said at least three types of location-based events is, at least in part, distance-based.

5. (cancelled).

6. (currently amended) The system of claim 3, ~~wherein said~~ further comprising a second device, wherein said second device is a second wireless device, said second device includes a global positioning system and a ~~said~~ second location is provided by said global positioning system and said second location is stored on said remote system.

7. (currently amended) The system of claim 3, wherein said first wireless device includes a first global positioning system that is operable to provide said location and a ~~said~~ second device is provided that includes a second global positioning system that is operable to provide a ~~said~~ second location, wherein said second location is stored on said remote system.

8. (currently amended) The system of claim 3, wherein said access rights are associated with a second user information, and said access rights for said second user information are operable to be ~~were~~ manually selected on a display screen from a list of at least four different user information.

9. (currently amended) The system of claim 3, wherein said access rights are associated with a second user information, and said access rights for said second user information are operable to be ~~were~~ manually selected on a display screen from a list of at least four different user information and a user name associated of said user information is displayed on and selectable from said display screen.

10. (previously presented) The system of claim 3, wherein a display screen is provided on said first wireless device after said identifying of said user information on said first wireless device that includes a first selectable option for providing a first map associated with said location and a second selectable option for providing a second map associated with a third location of a third user information.

11. (previously presented) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide a first map associated with said location and a second map associated with a third location of a third user information.

12. (previously presented) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide a travel time between said location associated with said first user information and a third location associated with a third user information.

13. (previously presented) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide said location to a third user information filtered by a first type of geographic region or a second type of geographic region.

14. (previously presented) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide said location to a third user information filtered to by a first type of geographic region or a second type of geographic region, said first geographic region is a state and said second geographic region is a city.

15. (previously presented) The system of claim 3, wherein said first wireless device is operable after said identifying of said user information on said first wireless device to provide said location to a third user information filtered by a first type of geographic region or an exact location.

16. (previously presented) The system of claim 4, wherein said access rights are operable to be selected from a list of selectable options including access to a type of geographic region or an exact location.

17. (previously presented) The system of claim 4, wherein said access rights are operable to be selected from a list of selectable options including access to a first type of geographic region or a second type of geographic region.

18. (previously presented) The system of claim 4, wherein said access rights are operable to be selected from a list of selectable options including at least two access options.

19. (previously presented) The system of claim 4, wherein said access rights are operable to be selected from a list of selectable options including at least three access options.

20. (previously presented) The system of claim 4, wherein said access rights are operable to be selected from include a list of selectable options including at least four access options.

21. (previously presented) The system of claim 4, wherein a third display screen is operable to be provided on said device with a selectable option for providing a first map associated with said location information based on said access rights or a second map associated with second location information associated with said device.

22. (new) The system of claim 3, wherein said first wireless device is a first wireless telephonic device and said device is a telephonic device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 3-21 are pending.

Claims 3, 5-15 were rejected.

Claims 4 and 6-21 were allowed.

The Examiner rejected claim 3 and 6-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay U.S. Patent Application Publication No. 2003/0119522 (hereinafter "Barclay") and U.S. Patent No. 6,716,101 (hereinafter "Meadows et al.") and further in view of U.S. Patent Application No. 6,725,032 (hereinafter "Sheridan") and further in view of Schulzer U.S. Patent No. 6,970,853 (hereinafter "Schulzer").

Summary of Applicant's Amendments

Without prejudice and solely in order to expedite prosecution, applicant has amended claim 3.

Without prejudice and solely in order to expedite prosecution, applicant has added claim 22.

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

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Barclay and Meadows and Sheridan and Schulzer.

Applicant has amended claim 3 without prejudice and solely in order to expedite

prosecution to include patentable features similar to patentable features from patentable claim 4.

None of the references, used either alone or in combination, correct for such deficiencies or can correct for such deficiencies without rendering Meadows inoperable. Accordingly, applicant respectfully requests that the Examiner's rejection of claim 3 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 any fees associated with this filing, or credit any overpayments thereon, to Deposit Account No. 50-3855, Order No. JDM/002 CON6.

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:	11841750
Filing Date:	20-Aug-2007
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 CON6

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:	42302989
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	29-MAR-2021
Filing Date:	20-AUG-2007
Time Stamp:	10:18:55
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	E20213SA19234956
Deposit Account	503855
Authorized User	Jeffrey Mullen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

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-002CON6--RCE.pdf	697789 4defba6af552679161c4ed3bfb1ef123f087be88	no	3
Warnings:					
Information:					
2		JDM-002CON6--Reply.pdf	94784 a72254997ce93fa9ae2d8955192037ae13e5af71	yes	9

	Multipart Description/PDF files in .zip description		
	Document Description	**Start**	**End**
	Amendment Submitted/Entered with Filing of CPA/RCE	1	1
	Claims	2	7
	Applicant Arguments/Remarks Made in an Amendment	8	9

Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32575 d4fbf0135334a1bff9ac2bdbbf8b141ab5847ab8	no	2
Warnings:					
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		Total Files Size (in bytes):	825148		

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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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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 11/841,750	Filing Date 08/20/2007	☐ To be Mailed

ENTITY: ☐ LARGE ☑ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) 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 $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))	* 19	Minus	** 20	= 0		x $50 =	0
	Independent (37 CFR 1.16(h))	* 2	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

		(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 $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".	/TRINA RIDDICK/
*** 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.	

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NOTICE OF ALLOWANCE AND FEE(S) DUE

32733 7590 04/14/2021

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER
DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
2652	

DATE MAILED: 04/14/2021

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

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	07/14/2021

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.

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

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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 04/14/2021

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.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

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	07/14/2021

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,
(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.

1_____
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. _____

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.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

32733 7590 04/14/2021

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

EXAMINER	
DEANE JR, WILLIAM J	
ART UNIT	**PAPER NUMBER**
2652	

DATE MAILED: 04/14/2021

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. 11/841,750	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 3-4 and 6-22 . 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)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.
5. ☐ Examiner's Amendment/Comment
6. ☐ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/WILLIAM J DEANE JR/
Primary Examiner, Art Unit 2652

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	**Art Unit**
	WILLIAM J DEANE JR	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)	19	
/WILLIAM J DEANE JR/ Primary Examiner, Art Unit 2652	10 April 2021	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	2

U.S. Patent and Trademark Office — Part of Paper No.: 20210410

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	Art Unit
	WILLIAM J DEANE JR	2652

INTERNATIONAL CLASSIFICATION					
CLAIMED					
H04W	/	24	/	00	
NON-CLAIMED					
	/		/		

US ORIGINAL CLASSIFICATION	
CLASS	SUBCLASS
455	456.1

CROSS REFERENCES(S)						
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					
455	456.2	456.3	457			

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	19	
/WILLIAM J DEANE JR/ Primary Examiner, Art Unit 2652	10 April 2021	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	2

U.S. Patent and Trademark Office — Part of Paper No.: 20210410

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	Art Unit
	WILLIAM J DEANE JR	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	7	10	17	19										
	2	8	11	18	20										
1	3	9	12	19	21										
2	4	10	13	13	22										
	5	11	14												
3	6	12	15												
4	7	14	16												
5	8	15	17												
6	9	16	18												

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	19	
/WILLIAM J DEANE JR/ Primary Examiner, Art Unit 2652	10 April 2021	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	2

U.S. Patent and Trademark Office — Part of Paper No.: 20210410

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	**Art Unit**
	WILLIAM J DEANE JR	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	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/27/2019	04/10/2021
	1	-	-	-	-	-	-	-	-	-
	2	-	-	-	-	-	-	-	-	-
1	3	✓	✓	✓	✓	✓	✓	✓	✓	=
2	4	✓	✓	✓	✓	✓	✓	✓	✓	=
	5	✓	✓	✓	✓	✓	✓	✓	✓	-
3	6									=
4	7									=
5	8									=
6	9									=
7	10									=
8	11									=
9	12									=
10	13									=
11	14									=
12	15									=
14	16									=
15	17									=
16	18									=
17	19									=
18	20									=
19	21									=
13	22									=

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	Art Unit
	WILLIAM J DEANE JR	2652

CPC - Searched*		
Symbol	**Date**	**Examiner**
H04W 8/14	04/10/2021	WJD
H04W 64/00	04/10/2021	WJD
H04W8/16	04/10/2021	WJD

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	Art Unit
	WILLIAM J DEANE JR	2652

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**
455	456.1	06Jun2010	WJD
	Updated the above; and	14July2013	WJD
455	404.1		
	404.2		
	410		
	456.2		
	456.3		
	457		
	Updated the above	14Jan2014	WJD
	Updated the above	29Jun2014	WJD
	Updated the above	12Jan2015	WJD
	Updated the above; and	17Oct2015	WJD
455	405-408		
	Updated the above; and EAST word search	25July2016	WJD
	Updated the search aove	20Mar2017	WJD
	Updated the above searches	27Nov2017	WJD
	Updated the above searches and inventor name search conducted	24Jun2018	WJD
	Updated the searches above	04/27/2019	WJD
	Updated the searches above	01/20/2020	WJD
	Updated the searches above	10/24/2020	WJD
	Updated the searches above		WJD

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	11/841,750	Mullen, Jeffrey D.
	Examiner	Art Unit
	WILLIAM J DEANE JR	2652

Search Notes		
Search Notes	**Date**	**Examiner**
USPGPUB Interference Search (see printout)	04/10/2021	WJD

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**
455	456.1	04/10/2021	WJD
455	456.2	04/10/2021	WJD
455	456.3	04/10/2021	WJD
455	457	04/10/2021	WJD

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	0	(remote and login and first adj wireless adj device and location and user adj information and location-based adj event and manually adj pre-selected and three adj location-based adj events and location access adj rights and region-based).ccls.	US-PGPUB; USPAT; EPO	OR	ON	2021/04/10 14:08

4/10/2021 2:09:28 PM
C:\Users\wdeane\Documents\EAST\Workspaces\new test.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)
07/14/2021	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6	2458

TITLE OF INVENTION:

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$600	$0	$600	07/14/2021

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 .

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 07/14/2021

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.

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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:	11841750
Filing Date:	20-Aug-2007
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 CON6

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:	43251762
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	14-JUL-2021
Filing Date:	20-AUG-2007
Time Stamp:	17:05:15
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	E20217DH05442102
Deposit Account	503855
Authorized User	Jeffrey Mullen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

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-002CON6--IF.pdf	232029 79aa958ecfab6e87c6a54c39022825229dc4 4151	no	2
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30154 2a8fd3e127eb1dd459a23037fb84ce23e37 47813	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	262183		

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.
11/841,750	08/17/2021	11096039	JDM/002 CON6	2458

32733 7590 07/28/2021

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 532 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, Pittsburgh, PA;

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.

IR103 (Rev. 10/09)

PTO/SB/44 (09-07)
Approved for use through 01/31/2020. OMB 0651-0033
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 displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	11,096,039 B2
APPLICATION NO.	:	11/841,750
ISSUE DATE	:	Aug. 17, 2021
INVENTOR(S)	:	Jeffrey David 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 1, Column 13, Line 27: "said remove server" should read --said remote system--.

Claim 1, Column 13, Line 30: "located-based event" should read --location-based event--.

MAILING ADDRESS OF SENDER (Please do not use Customer Number below):
Jeffrey D. Mullen
APPLICANT
2212 Hassinger Lane
GLENSHAW, PA 15116

Docket No.: JDM/002 CON6
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
MULLEN

Examiner: Deane Jr, William J

Inventor: Jeffrey David Mullen

Patent No.: 11,096,039

Art Unit: 2652

Issue Date: Aug. 17, 2021

Conf. No. 2458

Serial No.: 11/841,750

Filed: August 20, 2007

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:	11841750
Filing Date:	20-Aug-2007
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 CON6

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:	44036704
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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 CON6
Receipt Date:	14-OCT-2021
Filing Date:	20-AUG-2007
Time Stamp:	23:07:22
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	E20210DN07502161
Deposit Account	503855
Authorized User	Jeffrey Mullen
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: 37 CFR 1.16 (National application filing, search, and examination fees) 37 CFR 1.17 (Patent application and reexamination processing fees)	

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-002CON6--CertificateOfCorrection.pdf	209974 3e1fe7af12d53350ea85082cefdb73b3da6f8d43	no	1
Warnings:					
Information:					
2	Request for Certificate of Correction	JDM-002CON6--RequestForCertificateOfCorrection.pdf	147743 55611d924a4541e5c1e207abed8b99b34c081185	no	1
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	37698 5d07972e4ce5c7972e006e6187220e6dffc848ab	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	395415		

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. : 11,096,039 B2
APPLICATION NO. : 11/841750
DATED : August 17, 2021
INVENTOR(S) : Jeffrey David Mullen

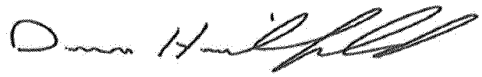
It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims

Claim 1, Column 13, Line 27: “said remove server” should read --said remote system--.

Claim 1, Column 13, Line 30: “located-based event” should read --location-based event--.

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:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

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.	DATE FILED	U.S. DISTRICT COURT
6:22-cv-00145	2/9/2022	Western District of Texas - Waco Division

PLAINTIFF	DEFENDANT
Mullen Industries LLC	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:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

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.	DATE FILED	U.S. DISTRICT COURT
6:22-cv-00145	2/9/2022	Western District of Texas - Waco Division

PLAINTIFF	DEFENDANT
Mullen Industries LLC	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

Electronic Acknowledgement Receipt

EFS ID:	45161428
Application Number:	11841750
International Application Number:	
Confirmation Number:	2458
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:	Boris A. Matvenko/Taricha Edis
Filer Authorized By:	Boris A. Matvenko
Attorney Docket Number:	JDM/002 CON6
Receipt Date:	07-MAR-2022
Filing Date:	20-AUG-2007
Time Stamp:	14:49:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	GeneralTransmittal.pdf	157100 4542f3b217b941d00e6e9fe9b4078cd0cf5dc348	no	1

Warnings:

Information:					
2		POA_Statement373b.pdf	19721299 95a9e1a45a6f8c43fbb67059738c703bedb941a8	yes	3
	Multipart Description/PDF files in .zip description				
	Document Description		**Start**	**End**	
	Power of Attorney		1	2	
	Assignee showing of ownership per 37 CFR 3.73		3	3	
Warnings:					
Information:					
3	Request for Certificate of Correction	RequestforCertificateCorrection.pdf	106495 abaec5707ffe38243bab947b476c08739668c1f6	no	2
Warnings:					
Information:					
4	Request for Certificate of Correction	Certificate_of_Correction.pdf	135649 654cc23bb4ab841546d8191c16ca32c0ce6f59f9	no	1
Warnings:					
Information:					
		Total Files Size (in bytes):	20120543		

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.

Doc Code: TRAN.LET
Document Description: Transmittal Letter

PTO/SB/21 (07-09)
Approved for use through 12/31/2020. 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 displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Patent No.	11,096,039
Issue Date	August 17, 2021
First Named Inventor	Jeffrey David Mullen
Art Unit / Conf. No.	2652 / 2458
Examiner Name	Deane Jr., William J.
Total Number of Pages in This Submission	
Attorney Docket Number	JDM/002 CON 6

ENCLOSURES (***Check all that apply***)

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [x] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [x] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):

Statement Under 37 CFR 3.73(b)
Request for Certificate of Correction Pursuant to 37 C.F.R. § 1.322
Certificate of Correction PTO/SB/44

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.		
Signature	/Boris A. Matvenko/		
Printed name	Boris A. Matvenko, Esq.		
Date	March 7, 2022	Reg. No.	48,165

122489411v.1

PTO/SB/81A (12-08)
Approved for use through 03/31/2021. OMB 0651-0035
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 displays a valid OMB control number

PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Patent Number	11,086,639
Issue Date	August 17, 2021
First Named Inventor	Jeffrey David Mullen
Title	Systems and Methods for Updating Cellular Phones and Security Measures For The Same
Attorney Docket No.	20840002.CON8

I hereby revoke all previous powers of attorney given in the above identified patent.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the Customer Number identified in the box at right as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith. 35437

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above identified patent to:

☒ The address associated with the above-identified Customer Number.

OR

☐ The address associated with the Customer Number identified in the box at right:

OR

☐ Firm or Individual Name

Address

City | State | Zip

Country

Telephone | Email

I am the:

☐ inventor, having ownership of the patent.

OR

☐ Patent owner.

Statement under 37 CFR 3.73(b) (Form PTO/SB/96) submitted herewith or filed on

SIGNATURE of Inventor or Patent Owner

Signature		Date	3/1/22
Name	Jeffrey David Mullen	Telephone	
Title and Company	Sole Member		

NOTE: Signatures of all the inventors or patent owners of the entire interest or their representative(s) are required. If more than one signature is required, submit multiple forms, check the box below, and identify the total number of forms submitted in the blank below.

☐ A total of ____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 3.73. The information is required to obtain or retain a benefit by the public which is to be filed by the USPTO to process ("prosecute") the application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 15 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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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.
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Mullen Industries LLC

Application No./Patent No.: 11,096,039 Filed/Issue Date: August 17, 2021

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

Mullen Industries LLC, a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. [X] the assignee of the entire right, title, and interest in;

2. [ ] an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or

3. [ ] an assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above by virtue of either:

A. [X] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 058562, Frame 0357, or for which a copy thereof is attached.

OR

B. [ ] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From _____ To _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From _____ To _____
The document was recorded in the United States Patent and Trademark Office at
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3. From _____ To _____
The document was recorded in the United States Patent and Trademark Office at
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[ ] Additional documents in the chain of title are listed on a supplemental sheet(s).

[X] As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/MD/ 3/1/23
Signature Date

Jeffrey David Mullen Sole Member
Printed or Typed Name Title

122306202v.1

Docket No.: JDM/002 CON6
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
MULLEN

Examiner: Deane Jr, William J

Inventor: Jeffrey David Mullen

Patent No.: 11,096,039

Art Unit: 2652

Issue Date: Aug. 17, 2021

Conf. No. 2458

Serial No.: 11/841,750

Filed: August 20, 2007

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.

The error is believed to have been made by the Office. In particular, the priority data of "10/400,296" was correctly identified on the Filing Receipt mailed August, 30, 2007, but was incorrectly transcribed on the cover page of the issued patent as "10/496,200." Accordingly, no fee is believed to be due.

Please apply any other necessary charges or credits to Deposit Account 50-0311, referencing the above attorney docket number.

Dated: March 7, 2022

Respectfully submitted,

/Boris A. Matvenko/

Boris A. Matvenko, Reg. No. 48,165
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	11,096,039 B2
APPLICATION NO.	:	11/841,750
ISSUE DATE	:	Aug. 17, 2021
INVENTOR(S)	:	Jeffrey David 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 Related U.S. Application Data

Cover page: "10/496,200" should read --10/400,296--.

MAILING ADDRESS OF SENDER (Please do not use Customer Number below):
Boris A. Matvenko, Esq.
MINTZ LEVIN COHEN FERRIS GLOVSKY AND POPEO, P.C.
666 Third Avenue, 24th Fl.
New York, NY 10017

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/841,750	08/20/2007	Jeffrey D. Mullen	JDM/002 CON6

CONFIRMATION NO. 2458

35437
Mintz Levin/New York Office
One Financial Center
Boston, MA 02111

POA ACCEPTANCE LETTER

OC000000132417316

Date Mailed: 03/15/2022

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/07/2022.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/zmoguss/

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	: 11,096,039 B2
APPLICATION NO.	: 11/841750
DATED	: August 17, 2021
INVENTOR(S)	: Jeffrey David Mullen

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page

Item (63) In the Related U.S. Application Data:
"10/496,200" should read --10/400,296--.

Signed and Sealed this
Nineteenth Day of April, 2022

Katherine Kelly Vidal

Katherine Kelly Vidal
Director of the United States Patent and Trademark Office

Trials@uspto.gov
571-272-7822

Paper 9
Date: May 9, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

MULLEN INDUSTRIES LLC,
Patent Owner.

IPR2023-00096
Patent 11,096,039 B2

Before BARBARA A. PARVIS, JAMES J. MAYBERRY, and NATHAN A. ENGELS, *Administrative Patent Judges.*

PARVIS, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Apple, Inc.("Petitioner") filed a Petition (Paper 1 ("Pet.")) requesting an *inter partes* review of claims 1–19 ("challenged claims") of U.S. Patent No. 11,096,039 B2 (Ex. 1004, "the '039 patent") pursuant to 35 U.S.C. §§ 311–319, along with the supporting Declaration of Mr. David H. Williams. (Ex. 1021). Mullen Industries LLC ("Patent Owner") filed a Preliminary Response. Paper 7 ("Prelim. Resp.").

We have authority to determine whether to institute review under 35 U.S.C. § 314 and 37 C.F.R. § 42.4.

Upon consideration of the contentions and the evidence of record at this juncture, we conclude Petitioner establishes a reasonable likelihood of prevailing in demonstrating the unpatentability of the challenged claims of the '039 patent. Accordingly, we grant Petitioner's request and institute an *inter partes* review of all challenged claims of the '039 patent and with respect to all grounds set forth in the Petition.

II. BACKGROUND

A. Real Parties-in-Interest

Petitioner identifies itself, Apple, Inc., as the real party-in-interest. Pet. 69. Patent Owner names itself, Mullen Industries LLC, as the real party-in-interest. Paper 3, 1.

B. Related Matters

Pursuant to 37 C.F.R. § 42.8(b)(2), the parties inform us that the '039 patent was asserted against Petitioner in the following district court case: *Mullen Industries LLC v. Apple Inc.*, No. 6:22-cv-00145 (W.D. Tex., filed Feb. 9, 2022). Pet. 69; Paper 3, 1. Petitioner indicates this case was transferred and assigned Case No. 3:23-cv-00437 (N.D. Cal., filed Jan. 31,

2023). Paper 6, 1. Patent Owner identifies several other Petitions of related patents: IPR2023-00087, IPR2023-00090, IPR2023-00091, IPR2023-00097, IPR2023-00098, IPR2023-00115, IPR2023-00116, IPR2023-00117, IPR2023-00148, and IPR2023-00149. Paper 3, 1–2; Prelim. Resp. 1–2.

C. The '039 Patent

The '039 patent is titled "Systems and Methods for Locating Cellular Phones and Security Measures for the Same." Ex. 1004, code (54). The '039 patent relates to systems and methods for remotely determining a device's location. *Id.* at 1:17–20.

The '039 patent describes that a deficiency in current systems is that the location of a device that is determined by Global Positioning System ("GPS") signals is only minimally utilized. *Id.* at 1:29–31. The patent seeks "to provide systems and methods which better utilize the information about a device's location." *Id.* at 1:31–33. More specifically, the patent describes "systems and methods for allowing a user of a cellular phone (e.g., a requesting user or a requester) to locate the position of a different user's cellular phone (e.g., a requested user) based upon requestor-assigned access rights." *Id.* at 1:38–43.

According to the '039 patent, the process initiates when a user requests the location of another user's cell phone, and then the process evaluates if the user initiating the location request has the rights to access the location of the desired user. *Id.* at 4:54–57. If no access rights for the requesting user have been granted, the process informs the requesting user that he/she has not been given access to the requested location. *Id.* at 4:57–60. But, if access has been given by a particular user that allows for the requesting user to locate that particular user, the allowed location

information is provided, though the process may filter the information and only provide a portion of the available information. *Id.* at 4:66–5:4.

An example of a screen displaying location information is shown in Figure 6, reproduced below.

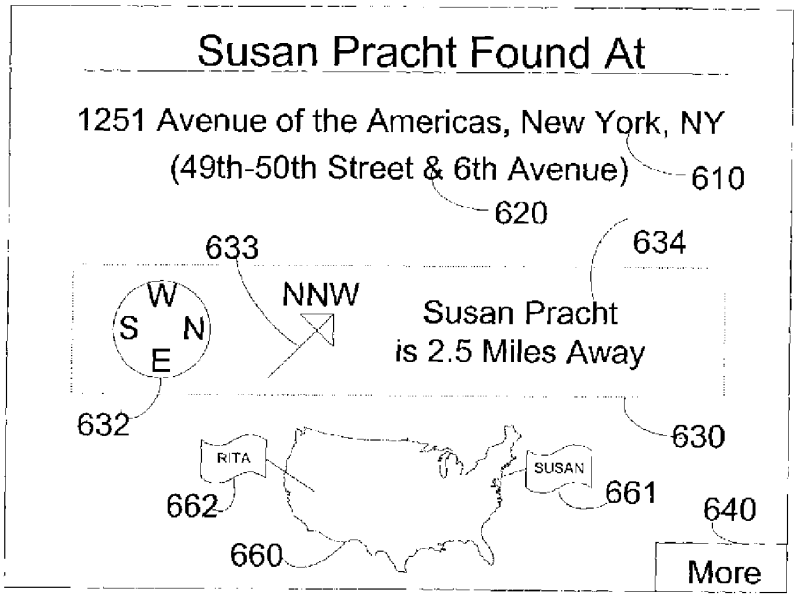


Figure 6, above, shows primary location information 610, as well as secondary location information 620 to supplement the requested user's exact location, directional information 630, distance information 634, map 660, and the location of other users Rita and Susan, at 661 and 662. *Id.* at 7:31–8:12, Fig. 6.

The '039 patent also describes a login feature in which a user profile is stored remotely. *Id.* at 9:53–57. In accordance with the '039 patent, a display screen is provided for a user to log into a device. *Id.* at 9:60–62. The '039 patent states that logging into a device also adds a level of security, especially when combined with a password. *Id.* at 9:62–64.

D. Illustrative Claim

Petitioner challenges claims 1–19 of the '039 patent. Pet. 1. Claims 1 and 2 are the only independent claims. Independent claim 1, reproduced below, is illustrative of the claimed subject matter.

1. A system comprising:

1[a][1] a remote system, wherein user information is operable to be identified from a plurality of different user information by receiving at least a manually entered login from a first wireless device associated with said user information and a manually entered password associated with said login, 1[b] a location of said first wireless device is operable to be recorded on said remote system after said user information has been identified on said first wireless device and said location is associated with said user information and provided by said first wireless device to said remove server, 1[c] a location-based event is operable to be provided based, at least in part, on said location of said first wireless device, wherein said located-based event is operable to be manually pre-selected from a list of at least three types of location-based events on a device, 1[d] a location-based event notification is operable to be provided on said device as a result of, at least in part, location access rights of said device from said first wireless device, 1[e] wherein a first one of said at least three types of location-based events is, at least in part, region-based, and a second one of said at least three types of location-based events is, at least in part, distance-based.

Ex. 1004, 13:16–39.

[1] Petitioner's designations to reference the elements of claim 1 are set forth in brackets. Pet. 24–31. Herein we refer to the elements of claim 1 using Petitioner's designations.

E. Evidence

Petitioner relies on the patent document references summarized in the table below.

Name	Patent Document	Exhibit
Enzmann	US 7,130,630 B1, issued Oct. 31, 2006	1040
Sheha	US 7,333,820 B2, issued Feb. 19, 2008	1041
Degnbol	WO 00/22860, published Apr. 20, 2000	1047
Lee	US 7,681,034 B1, issued Mar. 16, 2010	1050
McDonnell	US 6,813,499 B2, issued Nov. 2, 2004	1053
McNulty	US 7,146,407 B2, issued Dec. 5, 2006	1054
Obradovich	US 6,133,853, issued Oct. 17, 2000	1055
Tobin	US 2003/0074209 A1, published Apr. 17, 2003	1061

F. Asserted Grounds

Petitioner provides a summary table with the asserted statutory grounds of unpatentability for each of the challenged claims of the '039 patent (Pet. 2), which are set forth below:

Ground	Claims Challenged	35 U.S.C. §	Reference(s)/Basis
1	1–19	103(a)[2]	Enzmann, McNulty, Degnbol, Obradovich, McDonnell, Tobin, Lee[3]
2	1–19	103(a)	Sheha, Degnbol, McNulty, Obradovich, McDonnell, Tobin, Lee[4]

[2] The '039 patent was filed August 20, 2007. Ex. 1004, code (22). The AIA versions of 35 U.S.C. §§ 102 and 103 do not apply. Our analysis would not change under the AIA versions of §§ 102, 103.

[3] In its element-by-element analysis, Petitioner asserts unpatentability based on subsets of the prior art listed here. We refer to these grounds as the "Enzmann grounds" herein.

[4] In its element-by-element analysis, Petitioner asserts unpatentability based on subsets of the prior art listed here. We refer to these grounds as the "Sheha grounds" herein.

III. ANALYSIS

A. Legal Standards

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter 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. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) when in evidence, objective evidence of nonobviousness, i.e., secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

B. Level of Ordinary Skill in the Art

Petitioner asserts that a person of ordinary skill in the art at the time of the invention

> would have had at least a bachelor of science degree in computer science, computer engineering, electrical engineering, or a similar degree with one or two years of experience with wireless networks and devices, such as cell phones and personal digital assistants ('PDAs') as well as wireless positioning technologies such as GPS.

Pet. 7 (citing Ex. 1021 ¶¶ 42–43).[5] Petitioner also asserts "[a]dditional practical experience would substitute for lack of a formal degree." *Id.* (citing Ex. 1021 ¶ 44).

[5] In the related cases, Petitioner offers the same level of skill, with a slight exception that in certain cases Petitioner identifies two exemplary wireless positioning technologies, i.e., GPS or triangulation. *See, e.g.*, IPR2023-

At this time, Patent Owner does not address the level of skill of the ordinary artisan. *See generally* Prelim. Resp.

We find that the phrase "at least" in Petitioner's proposed definition creates a vague, open-ended upper bound for the level of ordinary skill, and we therefore do not adopt that aspect of the proposal. With that exception, on the current record, we find Petitioner's proposal is consistent with the level of skill reflected in the '039 patent Specification and the prior art of record. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001). We, therefore, adopt Petitioner's proposal, with the "at least" phrase omitted.

C. Claim Construction

We construe the challenged claims by applying the standard used in federal courts, in other words, "the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. [§] 282(b)," which is articulated in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). 37 C.F.R. § 42.100(b) (2020). Under this standard, the words of a claim generally are given their "ordinary and customary meaning," which is the meaning the term would have to a person of ordinary skill at the time of the invention, in the context of the entire patent including the specification. *Phillips*, 415 F.3d at 1312–13.

Petitioner asserts that, in claims 10–12, "third user information" is construed to mean a "third user device." Pet. 8. Patent Owner does not address claim construction. *See generally* Prelim. Resp.

00097, Paper 1, 7–8. Based on the record before us at this juncture, we do not discern a substantive difference between Petitioner's proposals. Nonetheless, our analysis would not change using the slightly different proposal set forth by Petitioner in certain of the related proceedings.

Based on the record before us, we do not discern a need to construe explicitly any claim terms because doing so would not change the outcome of the analysis below. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (stating that "we need only construe terms 'that are in controversy, and only to the extent necessary to resolve the controversy'" (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))).

D. Overview of the Asserted Art

1. Enzmann

Enzmann is titled "Location Query Service for Wireless Networks." Ex. 1040, code (54). Enzmann relates to wireless networks that track the location of wireless network devices. *Id.* at 1:7–9.

Figure 1, reproduced below, shows a diagram of a system for tracking locations of network users. *Id.* at 3:34–35, 3:53–55.

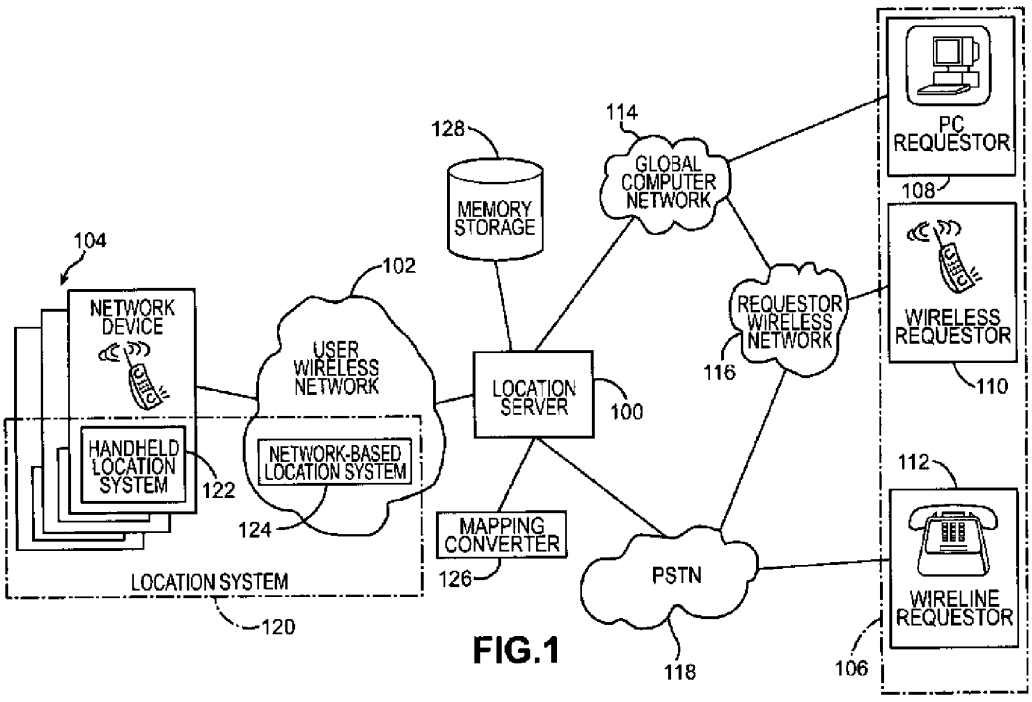


FIG.1

Figure 1 shows a schematic diagram of a system architecture including, among other things, location server 100, location system 120, user network devices 104, and requestors 108 and 110. *Id.* at 3:34–36, 3:62–4:4, 4:16–18.

Enzmann describes that location system 120 provides location information, such as position coordinates, of network device 104. *Id.* at 4:16–18, 4:24–26. Location server 100 executes service logic including receiving location queries from requestors 106, confirming the access levels of requestors 106, obtaining the location information of wireless network devices 104, and returning the location information to requestors 106. *Id.* at 5:3–8. Location server 100 is in communication with memory storage 128, which is a database that can record relationships between device identifications and network user identifications. *Id.* at 5:28–33. Memory storage 128 also contains authorized requestor lists for each device identification. *Id.* at 5:33–34.

A user submits a location query to location server 100 server, which includes an identification of the requestor and an identification of the network user about whom the requestor desires location information. *Id.* at 6:41–46. The query also may include a password. *Id.* at 6:41–48. The location server 100 determines if the requestor is authorized, and if so, user network 102 uses location system 120 to determine the location of the specified network device. *Id.* at 7:12–14, 7:51–65.

2. Sheha

Sheha is titled "System and Method for Providing Routing, Mapping, and Relative Position Information to Users of a Communication Network." Ex. 1041, code (54). Sheha states that it is directed to a system and method for providing real-time position information of one party to another party. *Id.*

at code (57). Figure 3, reproduced below, illustrates telephone and computing devices for establishing a mobile-to-mobile connection. *Id.* at 6:45–47.

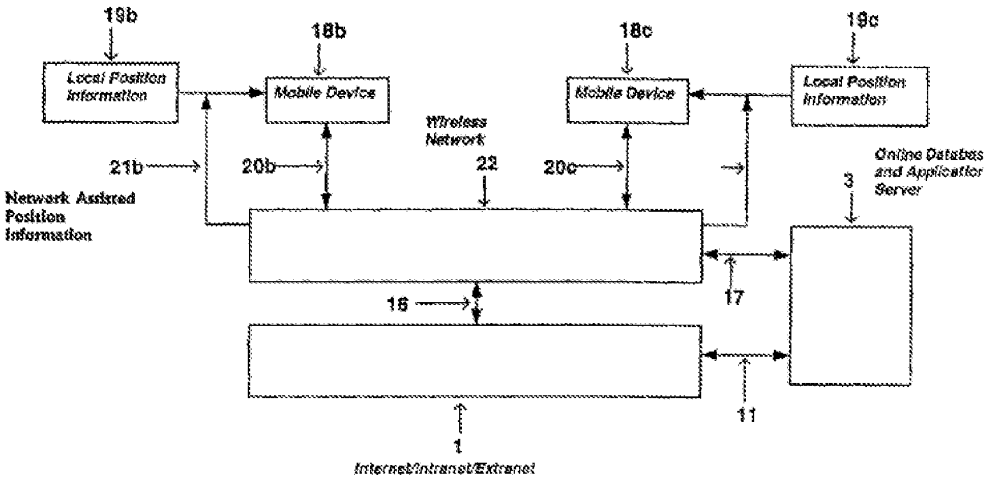


FIG. 3

Figure 3, above, illustrates mobile devices 18b, 18c, wireless network 22, and online database and application server ("ODAS") 3 for establishing mobile-to-mobile connections. *Id.* at 10:66–11:15.

Mobile devices 18b, 18c include onboard position information devices 19b, 19c, respectively. *Id.* at 11:15–17. Information is transferred to wireless network 22 via wireless connections 20b, 20, respectively. *Id.* 11:10–15. ODAS 3 stores telephone and address information. *Id.* at 7:51–55. Telephone account users have a username and password for ODAS 3. *Id.* at 8:40–46. Prior to the destination mobile device 18c receiving the telephone call from the originating mobile device 18b, wireless network 22 sends the

position information, obtained from the ODAS 3, in the form of a Map Caller-ID. *Id.* at 11:38–42.

3. McNulty

McNulty is titled "Data Synchronization Mechanism for Information Browsing Systems." Ex. 1054, code (54). McNulty relates to organizing information for access by two or more information browsing devices. *Id.* at 1:6–9.

In McNulty, "a user of a base system such as a desktop computer system, organizes information stored on a server system for subsequent access by the user through a mobile device such as a wireless telephone." *Id.* at 2:19–23. When accessing the information through the mobile device, the server system provides a list of one or more data objects representing information previously gathered by the user, which can be accessed on the mobile device with a single user-interface gesture, for example, by pressing a single key of a numeric keypad on the mobile device. *Id.* at 2:39–44.

McNulty describes that upon initial contact with mobile system interface 210, the user is authenticated through wireless telephone 110. *Id.* at 3:46–47; 11:14–15. In accordance with McNulty's authentication transaction, the user enters the telephone number of wireless telephone 110 using keypad 1002 and conventional user interface techniques. *Id.* at 11:19, 11:34–44. McNulty describes that the information is "manually entered." *Id.* at 11:54–59. McNulty also describes that the user completes authentication by supplying an associated password. *Id.* at 11:60–62.

McNulty describes allowing a user to invoke an action, such as locating nearby places. *Id.* at 13:34–42. Examples of displays resulting from invoking an action are shown in Figures 24 and 25, reproduced below.

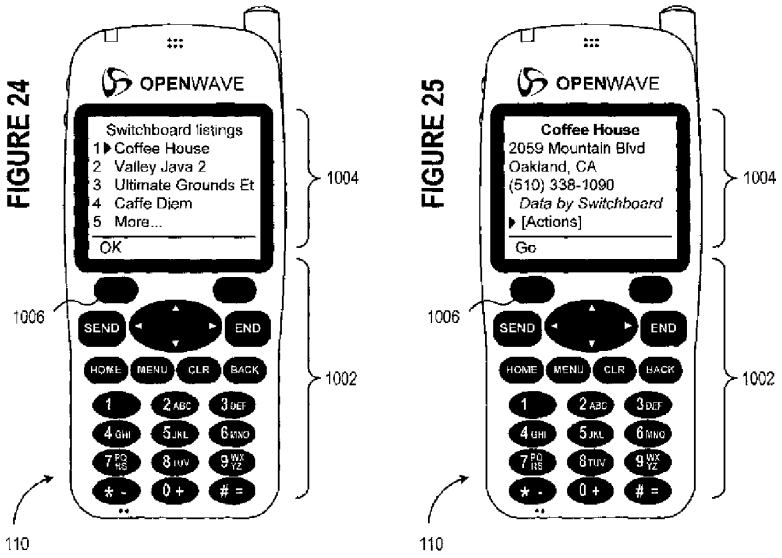


Figure 24 illustrates that a user is presented with the first four nearby coffee shops, which are sorted by proximity to the user, and an option to see more nearby coffee shops. *Id.* at 16:44–48. Upon selecting the first coffee shop, information describing that coffee shop is displayed, as shown in Figure 25. *Id.* at 16:48–51.

4. Degnbol

Degnbol is titled "A Method and a System for Transmitting Data Between Units." Ex. 1047, code (54). Degnbol relates to a method and a system for automatic notification of a user A of the entry of pre-selected user B into a pre-determined area (or proximity to a particular location). Ex. 1047, 9. Each of user A and user B carries a communications device such as a data-enabled cellular phone or a pager, the position of which is known to a wireless network. *Id.* at 9, 20. The location of user B is determined by reference to the position of the communications device. *Id.* at 9.

Degnbol describes a "Buddy List," which is a list of other users whose location and/or movements the user wishes to be notified of. *Id.* Preferences

for each user "can be configured on an individual Buddy basis or as overall preferences comprising all Buddies on the personal Buddy List." *Id.* at 10. Degnbol describes that preferences can be configured directly from the handset of the user's cellular phone. *Id.* at 11.

5. Obradovich

Obradovich is titled "Personal Communication and Positioning System." Ex. 1055, code (54). Obradovich relates to a device and system for communicating and retrieving position and position related data. *Id.* at 1:13–17. Obradovich "utilizes Personal Communications Devices (PCDs), and traditional computer systems with GPS engines, routers, and other application programs to request, process, and transmit tagged GPS encoded information." *Id.* at 2:18–23.

Obradovich describes a home site computer system that maintains the geographic location of the user. *Id.* at 26:21–23. The stored geographic location information is linked to a security level index, such as a number between one and ten. *Id.* at 26:28–31. The user also assigns security levels to other users. *Id.* at 26:32–36. When another user contacts the home site computer system, the other user provides an identifier and a password. *Id.* at 26:38–43. Based on the identity of the other user, the home site determines the other user's security level index. *Id.* at 26:43–45. The system uses the other user's security level index and the security level index of the stored information to determine if the other user is able to obtain the stored information. *Id.* at 26:46–49.

6. McDonnell

McDonnell is titled "Providing Location Data About a Mobile Entity." Ex. 1053, code (54). McDonnell relates to "obscuring the location of a mobile entity to a specified accuracy level." *Id.* at code (57).

McDonnell describes mobile entity 20 supplying encrypted location data to first service system 40A with a request for a first location-aware service. *Id.* at 8:30–32. The user specifies an accuracy limit as a quality service parameter so that the service system does not obtain the user's location with a high degree of accuracy. *Id.* at 8:30–36. The system modifies location data to make it less reliable "by combining with its components, additional components randomized over a range set by the difference between the known accuracy of the available location data and the specified accuracy level." *Id.* at 9:25–33.

7. Tobin

Tobin is titled "User Device with Service Finding and Purchasing Functionality." Ex. 1061, code (54). Tobin relates "to a user device that finds services and allows purchases by the user of the device." *Id.* ¶ 2. Tobin seeks to "provide a mechanism for finding a lowest price service vendor, or a closest service vendor, in a region radially near a mobile consumer's dynamically changing geographical position." *Id.* ¶ 5.

Tobin provides a "service vendor locator program, which determines and displays a plurality of service vendor locations on a map, together with information specific to each service vendor, such as pricing and coupon information." *Id.* ¶ 18. The program displays on a user device a series of buttons and links, as is shown in Figure 1B, reproduced below.

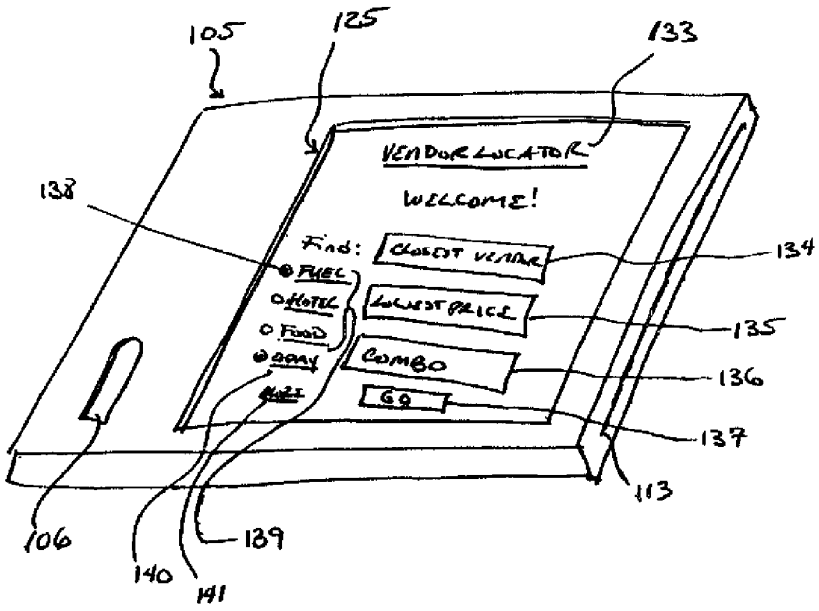


Figure 1B of Tobin, above, shows user device 105 having display screen 125, buttons 134–138, and hyperlinks 139. *Id.* ¶ 23.

The "user may search for available service vendors by activating various combinations of buttons and hyperlinks." *Id.* ¶ 26. "For example, selecting Fuel button 138, activating the Closest Service vendor button 134, and activating the Go button 137, displays a list of the service vendors closest to the spatial location of the user device, for example, out to approximately a five (5) mile radial limit as measured from the user device." *Id.* The locations are displayed on a local area map. *Id.*

8. Lee

Lee is titled "Method and Apparatus for Securing Electronic Data." Ex. 1050, code (54). Lee relates to providing pervasive security to digital assets at all times. *Id.* at 1:15–18.

Figure 2D, reproduced below, shows a graphical user interface (GUI) for a user device.

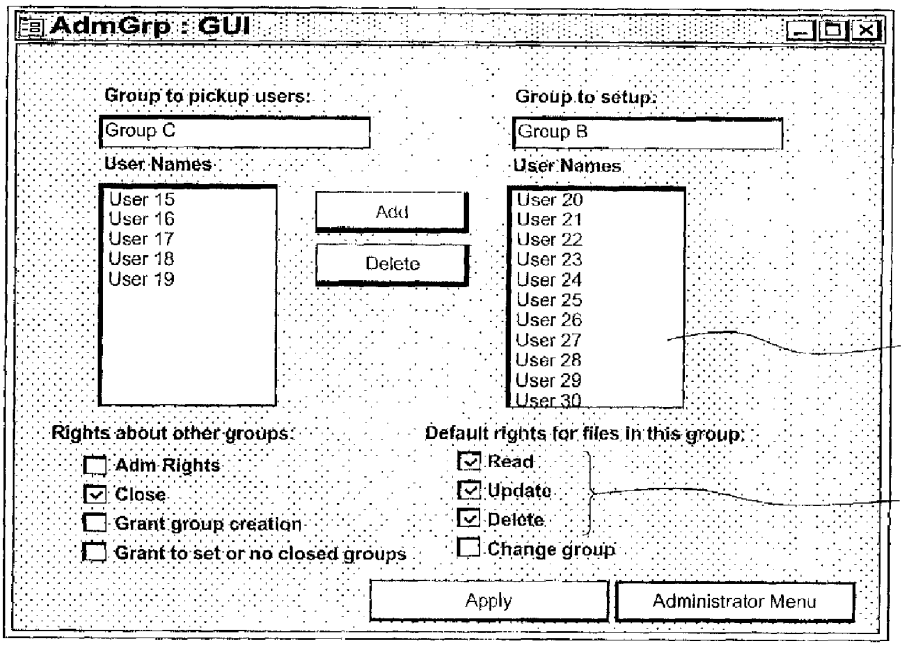


Figure 2D, above, shows GUI 275 that is used to create access rules. *Id.* at 16:1–2. As shown in Figure 2D, a group of users can be selected to add into access list 276. *Id.* at 16:13–15. Actions 277 set using GUI 275 determine how the data in a designated place can be accessed. *Id.* at 16:15–17.

E. Motivation to Combine

1. The Petition

Petitioner presents its reasoning to make proposed combinations and modification to the asserted art in a sub-section titled "Motivation to Combine Enzmann and Sheha with McNulty, Degnbol, Obradovich, McDonnell, Tobin, and Lee." Pet. 20–24. In that sub-section, Petitioner presents motivations for combining each of Enzmann and Sheha with the other art cited. *Id.* Petitioner also presents motivation to combine arguments in its element-by-element analyses for each of the Enzmann and Sheha grounds. We address the parties' arguments relating to motivation to

combine here, as well as further below in our discussion of the element-by-element analyses in the Petition.

a) Mobile Location and Authentication

Relying on the testimony of Mr. Williams, Petitioner argues the following:

> As discussed above, Enzmann, Sheha, McNulty, Degnbol, Obradovich, Tobin, and Lee are also related to mobile devices and/or positioning. (Section V, *supra*). A POSITA would have understood that Enzmann's and Sheha's systems provided location sharing between wireless devices, including configuring location access and providing displayable location information. (Ex. 1021, ¶¶ 153–156). To the extent certain features may not be explicitly disclosed in Enzmann or Sheha, such features are conventional and well-known features that would have been obvious additions to the system. (*Id.*).

Pet. 20.

The supporting testimony of Mr. Williams relied on by Petitioner includes the following testimony "[a]s detailed above, it is my opinion that by 2002 it was well-known for a POSITA to augment a mobile device's location-based functionality with other well-known functionality." Ex. 1021 ¶ 154.[6] Mr. Williams testifies that "federal mandates" and the possibility "to potentially monetize their heavy investments" would have been motivations.

[6] The Petition cites paragraphs 153 through 156 of Mr. Williams's Declaration as support for its arguments. Mr. Williams's testimony in paragraph 154 of his Declaration refers to his testimony above, which we understand to mean paragraphs 144 through 152. Paragraphs 144 through 152 are in a sub-section of his Declaration entitled "Background," within the sub-section entitled "Motivation to Combine." At this preliminary stage, we, therefore, consider paragraphs 144 through 156 in connection with Petitioner's arguments regarding motivation to combine.

Id. In the detailed testimony referenced in the aforementioned quote, Mr. Williams testifies as follows:

> These new applications and enhancement of existing applications looked to capitalize on the additional capabilities and associated benefits that having location as part of the data set/app functionality would provide. These include improving efficiencies and costs of mobile resources deployment and utilization, new revenue potential from new and more tailored apps, personalizing/customizing functionality based on location, improved convenience, improved privacy and security, providing real-time status based on/including current location, collecting historical location for after-the-fact analysis and forward-looking projections of location-related resources, in enabling more custom data presentation based on/utilizing a user's (device) location, enabling new use cases, and enhancing particular use case(s) and overall application customer experience.

Ex. 1021 ¶ 150.

The supporting testimony of Mr. Williams relied on by Petitioner also includes the following testimony:

> 155. As demonstrated above, determining the location of wireless devices had been well known to a POSITA prior to 2002. Sheha and Enzmann and as well as the other references—Bectolsheim, Bedingfield, Degnbol, Ganesh, Lee, Lelievre, McDonnell, Obradovich, Preston, Ryden, Tanaka, Tobin, and Wako—discussed in this section relate to location-based functionality. Such location-based services include locating a mobile device's own location, establishing access controls to restrict access to a mobile device's own location, requesting the location of other devices, or providing navigational functionality from an initial location to a destination, as well as related navigational information. *See, e.g.*, Ex. 1040, Abstract, 3:53-61; Ex. 1041, Abstract, 2:60-64; Ex. 1043, 6:1-3, 8:12-19, claim 15; Ex. 1044, Abstract, Fig. 2, ¶ 53; Ex. 1046, Abstract, 4:35-41; Ex. 1047, 10:5-15; Ex. 1049, 1:14-18, 1:56-2:12; Ex. 1050, 27:16-52; Ex. 1051, ¶¶ 33, 47; Ex. 1053, 6:47-55, 8:30-45; Ex. 1055, Abstract, 1:16-17, 4:1-5; Ex. 1056, 1:7-14, 5:60-6:4; Ex. 1057,

> 3:61-4:39, 18:41-50, 19:34-47, 19:49-20:14; Ex. 1060, Abstract, 2:15-18; Ex. 1061, Abstract; Ex. 1062, Abstract. It would have been obvious to combine Sheha or Enzmann with any of these references as discussed in more detail below, either individually or in combination with any other of the references discussed herein.
>
> 156. In addition, some references describe user interface functionality that was generally routine and conventional prior to 2002, such as prompts to enter usernames and passwords, contact lists, and display screens indicating progress or completion of a requested task. Sheha provides significant details about its location sharing and navigational functionality, while Enzmann provides detailed discussion about its location sharing functionality. However, these two references devote less discussion to other functionality, such as the manner in which a user might interact with their mobile device. However, a POSITA would have been motivated to use the well-known or routine and conventional functionality described in these additional references, which were claimed in the Challenged Patents, to enhance the Sheha and Enzmann systems. These additional references provide examples that would have immediately commended themselves to a POSITA before 2002 as way to enable users to interact with mobile devices within the Sheha and Enzmann systems. Ex. 1045, 3:18-34, 4:6-33; 5:5-28, 7:65-8:16, Figs. 8-14; Ex. 1048, Abstract, Figs. 2A-2D; Ex. 1054, 16:44-56, Fig. 26; Ex. 1050, 7:41-49, 9:42-61, 10:7-16, Figs. 14, 15A; Ex. 1061, Figs. 1B, 1C, ¶¶ 23-28; Ex. 1062, Figs. 12b-c. It would have been obvious to combine Sheha or Enzmann with any of these references as discussed in more detail below, either individually or in combination with any other of the references discussed herein.

Ex. 1021 ¶¶ 155–156.[7]

[7] Mr. Williams's testimony in paragraphs 155 and 156 of his Declaration refers to his testimony below. Because Petitioner explicitly relies on McNulty and Degnbol in its element-by-element analysis, we consider paragraphs 168, 169, 189, and 190 of Mr. Williams Declaration in connection with Petitioner's arguments regarding mobile location and configuring location access.

b) McNulty

Petitioner relies on McNulty for describing user-selectable options. *See, e.g.*, Pet. 20–21, 25, 29, 30, 49, 50. We discuss the sufficiency of McNulty's disclosures relied on by Petitioner in the element-by-element analysis below.

Regarding motivation to combine, Petitioner argues a person having ordinary skill in the art would have understood that incorporating McNulty's user-selectable options in Enzmann's or Sheha's system would have been an enhancement. Pet. 20–21 (citing Ex. 1021 ¶¶ 189–190). Petitioner argues that displaying user-selectable options on an interface was well-known and would have been an obvious choice for accepting user input to configure the alert rules. *Id.* Mr. Williams testifies that McNulty's user-selectable options "facilitate" user interactions on mobile devices. Ex. 1021 ¶¶ 189–190.

Regarding whether a person having ordinary skill in the art would have had a reasonable expectation of success, Petitioner argues because display of user-selectable options was well-known, a person having ordinary skill in the art would have had a reasonable expectation of success in making the proposed combination. Pet. 20–21 (citing Ex. 1021 ¶¶ 189–190). Mr. Williams testifies that McNulty describes "user interfaces" for user interactions on a mobile device. Ex. 1021 ¶ 190 (citing Ex. 1054, 16:26–56; Figs. 24–25). Mr. Williams also testifies that "such user interface functionalities were routine and conventional" and, thus, a person having ordinary skill in the art would have had a reasonable expectation of success in making the proposed combination. *Id.*

c) Degnbol

Petitioner relies on Degnbol for describing location-based alerts. *See, e.g.*, Pet. 20–21, 27, 28, 30, 31, 50–52. We discuss the sufficiency of Degnbol's disclosures relied on by Petitioner in the element-by-element analysis below.

Regarding motivation to combine and the Enzmann grounds, Petitioner argues that Enzmann describes one example of a location-based alert, i.e., "displaying only the friends of that user who are in the same city as the user." *Id.* at 21 (citing Ex. 1040, 9:4–24). Petitioner argues "it would have been obvious to a POSITA[8] to implement various other types of location-based alerts, such as based on other geographic areas, radius, and so forth, as described in Degnbol." *Id.* (citing Ex. 1021 ¶¶ 168–169).

Regarding motivation to combine and the Sheha grounds Petitioner argues "[s]imilarly, Sheha's system can provide user location information, as well as related notifications." *Id.* (citing Ex. 1041, 11:40–51, Fig. 4). Petitioner argues a person having ordinary skill in the art "when considering when to send a location-related notification, would have looked to references such as Degnbol to identify such triggers." *Id.* (citing Ex. 1021 ¶¶ 168–169).

Mr. Williams testifies a person having ordinary skill in the art would have been motivated to combine Enzmann with Degnbol because users "would have wanted a way to keep tabs on friends, family members, employees, or others without needing to constantly and manually request location information from each person of interest." Ex. 1021 ¶ 168. Mr. Williams testifies as to another motivation, specifically that a person having ordinary skill in the art "would have wanted to modify Enzmann to support

[8] POSITA is person of ordinary skill in the art.

as many different types of mobile devices as possible." *Id.* Mr. Williams testifies as to a further motivation, specifically that a person having ordinary skill in the art "would have been motivated to incorporate Degnbol's alert functionality to enhance Sheha's and Enzmann's location services to enable a user to find and meet new people that may be of interest, such as based on buddy information as described in Degnbol." *Id.* ¶ 169 (citing Ex. 1047, 12:25–29, 13:10–30).

Regarding whether a person having ordinary skill in the art would have had a reasonable expectation of success, Petitioner contends that a person having ordinary skill in the art would have had a reasonable expectation of success applying Degnbol's teachings to Enzmann or Sheha because "Enzmann's and Sheha's systems already identify and share location information" and Degnbol's teachings are additional examples that would have been "easily" applied using the hardware of Enzmann "with at most minor software modifications. Pet. 21–22 (citing Ex. 1021 ¶¶ 168–169). Mr. Williams testifies a person having ordinary skill in the art "would have had a reasonable expectation of success because Degnbol is related to shared location services, like both Sheha and Enzmann, and incorporating functionality from one such system into another similar system would have involved only ordinary software development efforts, which would have been within the capabilities of the POSITA." Ex. 1021 ¶ 169.

2. The Preliminary Response

Patent Owner argues that Petitioner's arguments regarding motivation and reasonable expectation of success are conclusory and unsupported. *See, e.g.*, Prelim. Resp. 27 (describing Petitioner's analysis as conclusory and deficient in not addressing reasonable expectation of success), 35

(describing Petitioner's assertions as "conclusory"), 40 (describing Petitioner's assertion as "conclusory," arguing the Petition "falls short of supporting" that the proposed combination would improve user ease, and arguing "there is no allegation of reasonable expectation of success"), 41 (describing Mr. Williams's testimony as "conclusory and unsupported"), 53 (arguing Petitioner's statement is "conclusory"), 54 (arguing Petitioner's motivation "is conclusory"), 57 (arguing Petitioner's motivation and Mr. Williams's testimony are "conclusory and not sufficiently supported by evidence"). Patent Owner also argues that Petitioner relies on impermissible hindsight. *Id.* at 33–35, 40, 44.

3. Analysis

a) Mobile Location and Authentication

As set forth above, relying on the testimony of Mr. Williams, Petitioner argues that Enzmann and Sheha each teach "location sharing between wireless devices, including configuring location access and providing displayable location information" and, to the extent, not explicitly taught, such features were well-known and would have been obvious additions to the systems of Enzmann or Sheha. Pet. 20 (citing Ex. 1021 ¶¶ 153–156). We reproduce above certain of Mr. Williams's testimony cited in the Petition in that regard. At this stage of the proceeding, we preliminarily find persuasive Petitioner's arguments and Mr. Williams's testimony (Pet. 20–22; Ex. 1021 ¶¶ 144–156, 168–169, 189–190) because Petitioner's arguments and Mr. Williams's testimony (*id.*) are consistent with the evidence of record, including the evidence cited therein.

We set forth our analysis with respect to the Enzmann grounds and Mr. Williams's testimony regarding "locating a mobile device's own

location" (Ex. 1021 ¶ 155) and "prompts to enter usernames and passwords" (Ex. 1056 ¶ 156) and the Enzmann grounds, as we refer back to that analysis in our element-by-element discussion. We preliminarily find that consistent with Mr. Williams's testimony regarding "locating a mobile device's own location" (Ex. 1021 ¶ 155), Enzmann describes "future enhanced digital cellular networks," in which "digital cellular network providers will track the location of *each network user*." Ex. 1040, 3:56–61 (emphasis added). We preliminarily find that consistent with Mr. Williams's testimony that Enzmann describes "suitable methods of determining location as a part of the wireless networks include Wireless Access Protocol (WAP) location services, Time Difference of Arrival (TDOA) location systems, Angle of Arrival (AOA) locations and other systems using triangulation across cell sites or cell sectors" and an "example of a suitable location system in the handheld devices is a GPS." Ex. 1040, 4:24–37 (cited in Pet. 9).

Also, Degnbol, relied on by Petitioner for claims 1 and 2 (Pet. 27–29), describes displaying a list "giving the user and at-a-glance overview of who is in the proximity" (Ex. 1047, 10), which we preliminarily find requires the system determining the location of user A and user B. In other words, we preliminarily find Degnbol describes determining a mobile device's own location. Furthermore, Degnbol describes position reports being sent from user A and user B so, for example, that user A may be alerted when user B is in his vicinity. *Id.* at 20, Fig. 1; *see also* Pet. 16–17 (discussing Figure 1 of Degnbol); Ex. 1021 ¶¶ 96–97 (discussing Figure 1 of Degnbol and Degnbol's description of a user profile including a user's desire to be alerted).

We discuss the parties' arguments regarding motivation to combine the teachings of Enzmann and Sheha with Degnbol below and in the element-by-element analyses. *See infra* §§ III.E.3.c, III.F, III.G. We note that Mr. Williams testifies alerting a user when another user "comes into proximity of *them*" would have added "convenience" (*id.* ¶ 169) and we preliminarily find such alert would have required locating a mobile device's own location.

We turn to Mr. Williams's testimony that "prompts to enter usernames and passwords" were generally routine and conventional. Ex. 1021 ¶ 156. We preliminarily find, consistent with Petitioner's contention, that McNulty describes identifying a user "according to the address of wireless telephone 110" and indicates that such information may be "manually entered." Ex. 1054, 11:54–59. Additionally, Enzmann's query includes "an identification" and "[o]ptionally" "a password" to obtain authorization. Ex. 1040, 6:42–45. Enzmann describes a requestor submitting a query (Ex. 1040, 41–42) and that "the user may want the option to query for the location of the friend" (*id.* at 9:20–21).

We discuss the parties' arguments regarding motivation to combine the teachings of Enzmann and Sheha with McNulty below and in the element-by-element analyses. *See infra* §§ III.E.3.b, III.F, III.G. We also note that Mr. Williams testifies that a person having ordinary skill in the art would have been motivated to enhance applications to "monetize" investments and for "new revenue." Ex. 1021 ¶¶ 150, 154. Consistent with Mr. Williams's testimony, Enzmann describes including a password, "which enables a location query service provider to allow access to the service only by requestors who pay for the service." Ex. 1040, 6:45–48. Enzmann

describes "[a]lternatively, only the network user pays for the service and gives her authorized requestors a password to gain access to the service." *Id.* at 6:48–50.

b) McNulty

With respect to Patent Owner's arguments that the Petition is "conclusory" or "generic" (*see, e.g.*, Prelim. Resp. 27, 54), as set forth above (*see supra* § III.E.1.b), the Petition and Mr. Williams's testimony include detailed explanations and cite supporting evidence. We preliminarily find that the Petition and Mr. Williams's testimony are not conclusory or generic.

With respect to Patent Owner's argument that Petitioner and Mr. Williams "fail to allege that skilled artisans would have had reasonable expectations of successfully modifying" Enzmann or Sheha "to include the McNulty disclosures" (Prelim. Resp. 27, 51), as set forth above *(see supra* § III.E.1.b), the Petition and Mr. Williams's testimony assert that a person having ordinary skill in the art would have had a reasonable expectation of success. The Petition and Mr. Williams's testimony argue that Petitioner's position is supported by the evidence of record indicating that McNulty's features would have been well-known. *Id.*

With respect to Patent Owner's arguments that the Petition does not "explain with specificity what embodiments" from McNulty would be used (*see, e.g.*, Prelim. Resp. 54), we preliminarily find that the Petition and Mr. Williams's testimony does identify specific disclosures of each prior art reference by column and line number, page and line number, or paragraph in both its initial sub-section and in its element-by-element analysis. *See, e.g.*, Pet. 20–34, 48–55; Ex. 1021 ¶¶ 144–156, 168–169, 189–190; Ex. 1021-4 ¶¶ 12–31, 58–73.

At this stage of the proceeding, we preliminarily find persuasive Petitioner's arguments and Mr. Williams's testimony because Petitioner's arguments and Mr. Williams's testimony are consistent with the evidence of record, including the evidence cited therein. For the reasons given, we preliminarily determine Patent Owner's argument does not undermine Petitioner's position based on the record at this early juncture.

c) Degnbol

Regarding the Enzmann grounds, with respect to Patent Owner's argument that Petitioner's asserted motivation of "improv[ing] user ease" is unsupported (*see, e.g.*, Prelim. Resp. 40), we preliminarily find that Petitioner has the better position. Mr. Williams testifies the proposed modification would have eliminated the need to "constantly and manually request location information from each person of interest." Ex. 1021 ¶ 168. Mr. Williams's testimony provides an explanation as to how user ease would have been improved and, based on the preliminarily record at this early juncture, is consistent with the asserted art.

Regarding the Sheha grounds, with respect to Patent Owner's argument that Petitioner's asserted motivation of incorporating Degnbol's alerts "in order to more effectively provide location data" and "to provide the location in a user-friendly manner" are "conclusory," "generic," "not sufficiently supported," and not sufficient (Prelim. Resp. 53, 54, 57), we preliminarily find that Petitioner has supported its position sufficiently for purposes of institution. We find the Petition and Mr. Williams's testimony provides explanations and cites to supporting evidence.

With respect to Patent Owner's argument that the Petition has "no allegation of reasonable expectation of success" (*see, e.g.*, Prelim. Resp. 40),

as set forth above (*see supra* § III.E.1.c), the Petition and Mr. Williams's testimony assert that a person having ordinary skill in the art would have had a reasonable expectation of success. Regarding Patent Owner's argument that the Petition's arguments regarding reasonable expectation of success are "high-level" and do not adequately support Petitioner's position (Prelim. Resp. 55), the Petition and Mr. Williams's testimony are supported by the evidence of record indicating, for example, that Degnbol's features would have been well-known. *Id.*

With respect to Patent Owner's arguments that Petitioner does not identify supporting evidence (*see, e.g.*, Prelim. Resp. 57), we preliminarily find that the Petition and Mr. Williams's testimony do identify supporting evidence including specific disclosures of each prior art reference by column and line number, page and line number, or paragraph in both its initial sub-section and in its element-by-element analysis. *See, e.g.*, Pet. 20–34, 48–55; Ex. 1021 ¶¶ 144–156, 168–169, 189–190; Ex. 1021-4 ¶¶ 12–31, 58–73.

At this stage of the proceeding, we preliminarily find persuasive Petitioner's arguments and Mr. Williams's testimony because Petitioner's arguments and Mr. Williams's testimony are consistent with the evidence of record, including the evidence cited therein. For the reasons given, we preliminarily determine Patent Owner's argument does not undermine Petitioner's position based on the record at this early juncture.

d) Conclusion

For the aforementioned reasons, at this juncture, we are persuaded that Petitioner has articulated sufficiently persuasive reasoning, based on the evidence of record, as to why one of ordinary skill in the art would have made Petitioner's proposed modifications. We find that Petitioner's

reasoning is not undermined by Patent Owner's arguments based on the preliminary record before us at this early stage in the proceeding.

F. Enzmann Grounds

Petitioner argues that claims 1–19 are unpatentable as obvious over Enzmann, McNulty, Degnbol, Obradovich, McDonnell, Tobin, and Lee. Pet. 2. Patent Owner disputes Petitioner's showing for independent claims 1 and 2. *See generally* Prelim. Resp.

For the reasons given below, we are persuaded by Petitioner's contentions and evidence discussed in its element-by-element analysis. Pet. 24–48. To the extent the challenge set forth on page 2 of the Petition includes the identification of art in addition to that discussed in Petitioner's element-by-element analysis, we need not make determinations regarding that additional art.

1. Independent claim 1

a) Preamble and Element 1[a]

The preamble and element 1[a] in claim 1 are reproduced below:

> 1. A system comprising:
>
> 1[a] a remote system, wherein user information is operable to be identified from a plurality of different user information by receiving at least a manually entered login from a first wireless device associated with said user information and a manually entered password associated with said login,

Ex. 1004, 13:16–22.

Petitioner relies on Enzmann's description of location server 100 that is remote from wireless devices 104. Pet. 24–25 (citing, e.g., Ex. 1040, 2:52–56, Fig. 1). Petitioner also relies on Enzmann's description of a query that "includes at least an identification of the requestor and an identification of the network user about whom the requestor desires location information"

and, optionally "also includes a password." *Id.* (quoting Ex. 1040, 6:41–45). Petitioner submits the testimony of Mr. Williams as supporting evidence. *Id.* (citing Ex. 1021-4 ¶¶ 12–14). Petitioner relies on McNulty's description that "the user is identified according to the address of wireless telephone 110, whether manually entered . . . or automatically determined." *Id.* at 25 (quoting Ex. 1054, 11:54–59).

We preliminarily find that Patent Owner's characterizations of Enzmann are not persuasive. For instance, Patent Owner argues that "Enzmann does not disclose a 'login.'" Prelim. Resp. 26. Patent Owner argues "to the extent Petitioner argues that the recited 'login' is the 'identification of the requestor,' Enzmann does not teach the recited 'user information' element." *Id.*

Enzmann describes that the "query includes at least an identification of the requestor and an identification of the network user about whom the requestor desires location information." Ex. 1040, 6:41–45. Enzmann also describes "[o]ptionally, the query also includes a password." *Id.* at 6:45. With respect to identifying user information from a plurality of different user information, Enzmann describes "a database or other memory storage device" that stores "relationships between device identifications (e.g., MINs) and network user identifications," as well as "authorized requestor lists for each device identification." *Id.* at 5:28–38. The specification of the challenged patent describes the "login feature" as a user entering "a password associated to his profile, identity, or cell phone functionality access." Ex. 1004, 10:10–15. Enzmann need not use the exact terminology, i.e., "login" to teach the disputed recitation. *See In re Gleave*, 560 F.3d 1331, 1334 (Fed. Cir. 2009) (a reference does not have to satisfy an

ipsissimis verbis test to disclose a claimed element); *In re May*, 574 F.2d 1082, 1090 (CCPA 1978) (finding there is no requirement for the prior art to "contain a description of the subject matter of the appealed claim in *ipsissimis verbis*").

Patent Owner also argues that each individual reference does not teach the preamble and element 1[a]. *Id.* For instance, Patent Owner argues Enzmann "does not disclose *manually-entering* a login." Prelim. Resp. 26. Petitioner, however, asserts as an alternative "McNulty explicitly describes manual selection of user information." Pet. 25 (citing Ex. 1054, 11:54–59). Attacking references individually does not undermine Petitioner's showing of obviousness. *See In re Keller*, 642 F.2d 413, 426 (CCPA 1981) (nonobviousness cannot be established by attacking prior art teachings individually where the ground of unpatentability is based upon a combination of the prior art teachings).

Claim element 1[a] recites "receiving at least a manually entered login from *a first wireless device* associated with said user information and a manually entered password associated with said login" (emphasis added). We preliminarily find that the asserted prior art combination teaches this recitation regardless of whether the "first wireless device" corresponds to wireless requestor 110 or network device 104. As discussed (*see supra* § III.E.3.a), we preliminarily find that user interface functionality, including prompts to enter usernames and passwords would have been known.

We preliminarily find that Petitioner's contentions are supported sufficiently by the cited portions of the asserted art. We further preliminarily find that Patent Owner's contentions do not undermine Petitioner's showing based on the preliminary record at this juncture of the proceeding. After

consideration of the contentions and the evidence of record at this early stage, we determine that Petitioner has shown sufficiently that the combination of Enzmann, McNulty, and Degnbol teaches the preamble and element 1[a] for purposes of institution.

b) Element 1[b]

Element 1[b] recites "a location of said first wireless device is operable to be recorded on said remote system after said user information has been identified on said first wireless device and said location is associated with said user information and provided by said first wireless device to said remove server."

Petitioner relies on Enzmann's description of recording a device location to a database. Pet. 26 (citing, e.g., Ex. 1040, 4:29–31, 8:17–36). Petitioner submits the testimony of Mr. Williams as supporting evidence. *Id.* (citing Ex. 1021-4 ¶¶ 14, 16).

Patent Owner argues "Petitioner posits conflicting positions" by arguing that location database 300 is where location data is recorded. Prelim. Resp. 29. Patent Owner argues that Petitioner points to location server 100 for teaching "said remote system." *Id.* at 30. Patent Owner argues "Petitioner is reading two different components of Enzmann with different functionalities onto the same element of Claim 1." *Id.*

Enzmann describes a system that includes location server 100, as well as memory storage 128 and location database 300. Ex. 1040, 5:28–39, 8:17–36, Fig. 3. In particular, Enzmann describes that "location server 100 is in communication with a memory storage 128" and that memory storage "record[s] relationships between device identifications (e.g., MINs) and network user identifications." Ex. 1040, 5:28–33. Enzmann describes that

the relationships are recorded in "a database or other memory storage device" and that memory storage 128 is shown in Figure 1 as "a separate component of the system." *Id.* at 5:30–36. Enzmann also describes recording "a device's location in a location database 300." *Id.* at 8:22–24. Figure 3 illustrates location server 100 in communication with the database in memory storage 128 and location database 300. *Id.* at Fig. 3. The '039 patent describes "a remote system" as, for example, a "remote database, computer, or server." Ex. 1004, 2:17–19. Thus, we preliminarily find that Enzmann's description of location server 100 storing or performing processing to write data to memory storage 128 and location database 300 meets "a location of said first wireless device is operable to be recorded on said remote system" in element 1[b].

Patent Owner also argues Enzmann does not teach recording location "*after* said user information has been identified on said first wireless device and said location is associated with said user information and provided by said first wireless device to said remove server" (emphasis added). Prelim. Resp. 30. Enzmann describes that the query is sent "in step 200" (Ex. 1040, 6:41–42) and later in step 206a "user wireless network 102 uses location system 120 to determine the location of the specified network device" (*id.* at 7:63–65). Enzmann describes that the device's location is recorded in location database 300 after the location system 120 determines the location. *Id.* at 8:15–30.

We recognized element 1[b] recites recording the location of "said first wireless device" and Figures 1 and 3 of Enzmann illustrate wireless requestor 110 (that submits the query in step 202, relied on for the login) and network devices 104 (one of which is located in step 206a, relied on for

recording location) as separate devices. Ex. 1040, Figs. 1, 3. As discussed above (*see supra* § III.F.1.a), we preliminarily find that the asserted prior art combination teaches element 1[a], including the recitation "a first wireless device" regardless of whether the "first wireless device" corresponds to wireless requestor 110 or network device 104.

Furthermore, the Petition cites to Mr. Williams's testimony that location-based services including "locating a mobile device's own location" was well-known. Ex. 1021 ¶ 155 (cited in Pet. 20). As discussed (*see supra* § III.E.3.a), we preliminarily find that Mr. Williams's testimony is consistent with the Enzmann's and Degnbol's disclosures. As we explained (*id.*) we also preliminarily find Petitioner's motivation is sufficient for purposes of institution. Mr. Williams testifies alerting a user when another user "comes into proximity of *them*" would have added "convenience" (Ex. 1021 ¶ 169) and we preliminarily find such alert would have required locating a mobile device's own location.

We preliminarily find that Petitioner's contentions are supported sufficiently by the cited portions of the asserted art. We further preliminarily find that Patent Owner's contentions do not undermine Petitioner's showing based on the preliminary record at this juncture of the proceeding. After consideration of the contentions and the evidence of record at this early stage, we determine that Petitioner has shown sufficiently that the combination of Enzmann, McNulty, and Degnbol teaches the element 1[b] for purposes of institution.

c) Elements 1[c]–1[e]

Elements 1[c]–1[e] are reproduced below:

1[c] a location-based event is operable to be provided based, at least in part, on said location of said first wireless device,

> wherein said located-based event is operable to be manually pre-selected from a list of at least three types of location-based events on a device, 1[d] a location-based event notification is operable to be provided on said device as a result of, at least in part, location access rights of said device from said first wireless device, 1[e] wherein a first one of said at least three types of location-based events is, at least in part, region-based, and a second one of said at least three types of location-based events is, at least in part, distance-based.

Ex. 1004, 13:27–39.

Petitioner relies on Enzmann's description of displaying friends of a user who are in the same city as the user. Pet. 26–27, 30–31 (citing, e.g., Ex. 1040, 9:4–24, 9:27–30). Petitioner also relies on Enzmann's description of returning location information after access levels are confirmed. *Id.* at 30 (citing, e.g., Ex. 1040, 5:3–8, 7:12–14, 8:65–67, 9:17–20, Fig. 2). Petitioner relies on Degnbol's description of configuring preferences for alerts when criteria relating to distance or location of members of a Buddy List are met. *Id.* at 27–28, 31 (citing, e.g., Ex. 1047, 6:6–8, 10:17–33, 11:1–11, 21:5–6). Petitioner relies on McNulty for describing manual selection from a list. *Id.* at 29–30 (citing, e.g., Ex. 1054, 11:54–59, 16:44–56, Figs. 24, 25). Petitioner submits the testimony of Mr. Williams as supporting evidence. *Id.* at 26–31 (citing Ex. 1021-4 ¶¶ 17–25).

Patent Owner presents a number of arguments premised on characterizations of the prior art which we find unpersuasive at this preliminary stage. *See, e.g.*, Prelim. Resp. 32–34. For instance, Patent Owner argues that Enzmann would have been understood to describe "a user creating in the instant messaging service app a customized buddy list of friends that live in his city." *Id.* at 32–33. Enzmann, however, describes "[t]he present invention is a location query service for use with a wireless

network that tracks locations of network users." Ex. 1040, 3:53–55. Enzmann, more specifically, describes that location system 120 "provides the location information, e.g., position coordinates, of a handheld device, which indicates where a network user is located." *Id.* at 4:24–26. Enzmann describes "suitable methods of determining location as a part of the wireless networks include Wireless Access Protocol (WAP) location services, Time Difference of Arrival (TDOA) location systems, Angle of Arrival (AOA) locations and other systems using triangulation across cell sites or cell sectors" and an "example of a suitable location system in the handheld devices is a GPS." *Id.* at 4:24–28 (cited in Pet. 9). Enzmann describes that its location determining applies "to numerous situations in which a requestor wants to know the location of a network user" including that it "could be implemented in the context of an instant messaging service." Ex. 1040, 9:1–17.

Patent Owner also argues Enzmann does not describe automatically and continuously tracking devices and continually calculating distances. Prelim. Resp. 34. Claim 1 does not recite the terms "automatic," "continuous," or other similar terms. Furthermore, consistent with Petitioner's contentions that a device's location is determined by location system 120, not manually entered by a user, Enzmann describes, for example, that location system 120 "could be configured to *continuously* track devices." Ex. 1040, 8:17–20 (emphasis added).

Patent Owner also argues that the Petition's argument that Degnbol describes three different types of location-based events is incorrect because triggering alerts in Degnbol is "based on one underlying event — distance." Prelim. Resp. 36. We preliminarily find Degnbol's disclosure to be

consistent with Petitioner's argument. For instance, Degnbol describes an example in which a user configures alerts when he is not within a specific geographic area. *Id.* at 10. We preliminarily do not find that this is a no-event scenario as argued by Patent Owner (Prelim. Resp. 38) because Degnbol describes the user "only *receives* alerts" when the user is not in the specific geographic area. Ex. 1047, 10 (emphasis added). As another example, Degnbol describes configuring the system to send alerts when a user is within a predetermined range. Ex. 1047, 11. Degnbol describes that a geographic area, such as a continent, country, district, city, street may be selected by the user. *Id.* at 6.

Patent Owner also argues that Petitioner's citations to Degnbol at most show configuring preferences but not manual selection, as claimed. *See, e.g.*, Prelim. Resp. 35, 39–40. Attacking references individually does not undermine Petitioner's showing of obviousness based on the references' combined teachings. *See Keller*, 642 F.2d at 426.

We preliminarily find that Petitioner's contentions are supported sufficiently by the cited portions of the asserted art. We further preliminarily find that Patent Owner's contentions do not undermine Petitioner's showing based on the preliminary record at this juncture of the proceeding. After consideration of the contentions and the evidence of record at this early stage, we determine that Petitioner has shown sufficiently that the combination of Enzmann, McNulty, and Degnbol teaches elements 1[c]–[e] for purposes of institution.

d) Conclusion

After consideration of the contentions and the evidence of record at this early stage, we determine that Petitioner has shown sufficiently, for

purposes of institution, that the combination of Enzmann, McNulty, and Degnbol teaches all recitations in claim 1. Also, at this juncture, we are persuaded that Petitioner has articulated sufficiently persuasive reasoning, based on the evidence of record, as to why one of ordinary skill in the art would have made Petitioner's proposed modifications. *See supra* §§ III.E, III.F.

Accordingly, we conclude that Petitioner has demonstrated a reasonable likelihood that it would prevail in showing that claim 1 is unpatentable under 35 U.S.C. § 103(a) as obvious over Enzmann, McNulty, and Degnbol.

2. Independent Claim 2

Claim 2 is similar to claim 1 except claim 2 recites "a remote system operable to perform a trigger of a request of location information of a wireless telephonic device for a device at an occurrence of a location-based event based, at least in part, on a location of said wireless telephonic device." Patent Owner relies on the same argument it presented for element 1[c]. We preliminarily determine that Petitioner accounts for all differences between claims 1 and 2 and find that Patent Owner's argument does not undermine Petitioner's showing for the same reasons given for claim 1.

After consideration of the contentions and the evidence of record at this early stage, we determine that Petitioner has shown sufficiently, for purposes of institution, that the combination of Enzmann, McNulty, and Degnbol teaches all recitations in claim 2. Also, at this juncture, we are persuaded that Petitioner has articulated sufficiently persuasive reasoning, based on the evidence of record, as to why one of ordinary skill in the art

would have made Petitioner's proposed modifications. *See supra* §§ III.E, III.F.

Accordingly, we conclude that Petitioner has demonstrated a reasonable likelihood that it would prevail in showing that claim 2 is unpatentable under 35 U.S.C. § 103(a) as obvious over Enzmann, McNulty, and Degnbol.

3. Dependent Claims 3–19

We have considered Petitioner's arguments and evidence for dependent claims 3–19 (Pet. 20–48) and preliminarily find that Petitioner has shown sufficiently that the asserted prior art combinations it relies on teach the further recitations in each of those dependent claims. After consideration of the contentions and the evidence of record at this juncture, we conclude that Petitioner has demonstrated a reasonable likelihood that it would prevail in showing that claims 3–19 are unpatentable under 35 U.S.C. § 103(a) as obvious over the combination of Enzmann with other asserted art identified in Petitioner's element-by-element analysis.

G. Sheha Grounds

Petitioner argues that claims 1–19 are unpatentable as obvious over Sheha, Degnbol, McNulty, Obradovich, McDonnell, Tobin, and Lee. Pet. 2. Patent Owner disputes Petitioner's showing for independent claims 1 and 2. *See generally* Prelim. Resp.

For the reasons given below, we are persuaded by Petitioner's contentions and evidence discussed in its element-by-element analysis. Pet. 55–62. To the extent the challenge set forth on page 2 of the Petition includes the identification of art in addition to that discussed in Petitioner's

element-by-element analysis, we need not make determinations regarding that additional art.

1. Independent claim 1

a) Preamble and Element 1[a]

The preamble and element 1[a] in claim 1 are reproduced below:

1. A system comprising:

1[a] a remote system, wherein user information is operable to be identified from a plurality of different user information by receiving at least a manually entered login from a first wireless device associated with said user information and a manually entered password associated with said login.

Ex. 1004, 13:16–22.

Petitioner argues that Sheha describes identification of user information via login. Pet. 49 (citing Ex. 1041, 8:40–50, Fig. 3). Petitioner also argues that a person having ordinary skill in the art would have understood that this information would generally be manually entered and that McNulty explicitly discloses manual entry of user information. *Id.* (citing, e.g., Ex. 1054, 11:54–59). Petitioner submits the testimony of Mr. Williams as supporting evidence. *Id.* (citing Ex. 1021-4 ¶ 59).

Patent Owner argues that Sheha does not teach differentiating among different user information. Prelim. Resp. 50. Sheha describes "*every telephone account number* has a username and password for the ODAS 3" and "[w]hen the ODAS 3 is notified from the telephone network 2 that a telephone call is being established, the ODAS 3 *correlates* both the origin and destination telephone users' identifications to verify if the user is signed-on to the ODAS 3." Ex. 1041, 8:40–46 (emphasis added). We preliminarily find that Sheha teaches "wherein user information is operable to be

identified from a plurality of different user information" recited in element 1[a].

Patent Owner also argues that Petitioner relies on teachings in Sheha relating to a landline-to-landline embodiment and Sheha does not disclose any embodiment where the ODAS receives a "login" from a "first wireless device." Prelim. Resp. 50. Sheha describes first with respect to a landline-to-landline position request that "users can define a group of specific users that have access to" position information and that this "is also accomplished by utilizing *a group database and authorization and authentication protocols* to identify users that are permitted to access" the position information. Ex. 1041, 11:58–12:1 (emphasis added). Sheha next describes processing performed when "a mobile device's position information is requested" including an embodiment in which "using *the authorization and authentication protocols* a user can request the position of a mobile device, *similarly to requesting the position of a landline device*." *Id.* at 12:1–7 (emphases added). We preliminarily find that the teachings in Sheha relied on by Petitioner are not limited in applicability to the landline-to-landline embodiment, but instead Sheha expressly describes that those teachings apply when "a mobile device's position . . . is requested." *Id.*

We preliminarily find that Petitioner's contentions are supported sufficiently by the cited portions of the asserted art. We further preliminarily find that Patent Owner's contentions do not undermine Petitioner's showing based on the preliminary record at this juncture of the proceeding. After consideration of the contentions and the evidence of record at this early stage, we determine that Petitioner has shown sufficiently that the

combination of Sheha, McNulty, and Degnbol teaches the preamble and element 1[a] for purposes of institution.

b) Element 1[b]

Element 1[b] recites "a location of said first wireless device is operable to be recorded on said remote system after said user information has been identified on said first wireless device and said location is associated with said user information and provided by said first wireless device to said remove server."

Petitioner argues that Sheha discloses identifying a location of a wireless device and Sheha's ODAS records the location. Pet. 49–50 (citing, e.g., Ex. 1041, 7:51–52, 11:5–6, 11:23–26, 11:36–37, Fig. 3). Petitioner also argues that Sheha describes transfer of position information using authentication and authorization procedures based on user information. *Id.* at 50 (citing, e.g., Ex. 1041, 3:22–25, 8:40–50, 12:1–7). Petitioner submits the testimony of Mr. Williams as supporting evidence. *Id.* (citing Ex. 1021-4 ¶ 60).

Patent Owner argues that Petitioner relies on Sheha's teachings relating to transferring position information, but element 1[b] recording the information. Prelim. Resp. 51–52. The disclosures relied on by Petitioner teach both transferring position information and recording the position information. For instance, Sheha describes that position information "from the mobile device 18b is relayed to the ODAS 3, through the wireless connection 20b into the wireless network 22" and the "mobile device 18c then preferably forwards its current position information back to the ODAS 3." Ex. 1041, 11:23–26, 11:36–37. Sheha also describes that "the position information of each device can be updated in the ODAS 3." *Id.* at 11:5–6.

We preliminarily find that updating position information in ODAS 3 teaches recording that position information. *Gleave*, 560 F.3d at 1334 (a reference does not have to satisfy an *ipsissimis verbis* test to disclose a claimed element); *May*, 574 F.2d at 1090 (finding there is no requirement for the prior art to "contain a description of the subject matter of the appealed claim in *ipsissimis verbis*").

We preliminarily find that Petitioner's contentions are supported sufficiently by the cited portions of the asserted art. We further preliminarily find that Patent Owner's contentions do not undermine Petitioner's showing based on the preliminary record at this juncture of the proceeding. After consideration of the contentions and the evidence of record at this early stage, we determine that Petitioner has shown sufficiently that the combination of Sheha, McNulty, and Degnbol teaches the element 1[b] for purposes of institution.

c) Elements 1[c]–1[e]

Elements 1[c]–1[e] are reproduced below:

> 1[c] a location-based event is operable to be provided based, at least in part, on said location of said first wireless device, wherein said located-based event is operable to be manually pre-selected from a list of at least three types of location-based events on a device, 1[d] a location-based event notification is operable to be provided on said device as a result of, at least in part, location access rights of said device from said first wireless device, 1[e] wherein a first one of said at least three types of location-based events is, at least in part, region-based, and a second one of said at least three types of location-based events is, at least in part, distance-based.

Ex. 1004, 13:27–39.

Petitioner relies on the same arguments and evidence discussed with respect to the Enzmann grounds. Pet. 50–52. We preliminarily find

Petitioner's arguments and evidence persuasive and find Patent Owner's arguments do not undermine Petitioner's position for the same reasons given with respect to the Enzmann grounds.

Petitioner additionally argues that Sheha describes providing a location notification based on location access rights. *Id.* at 51 (citing, e.g., Ex. 1041, 9:4–5, 11:64–65). Petitioner submits the testimony of Mr. Williams as supporting evidence. *Id.* at 50–52 (citing Ex. 1021-4 ¶¶ 18–20, 24, 61–64).

Patent Owner argues that Sheha does not describe providing location. Prelim. Resp. 56. Sheha, for example, describes displaying a Map Caller-ID notification. Ex. 1041, 9:4–10. Sheha describes window 30 as "a detailed Map Caller-ID information window of varying resolution displaying the originating *position* information, such as *map location* 33 of the caller, and the user's *location position* information, such as *map location* 34 of the destination telephone number." *Id.* at 9:23–28 (emphases added).

Patent Owner also argues that Sheha's description of defining a specific group of users that have access to position information is limited to a landline-to-landline embodiment. Prelim. Resp. 56 (citing Ex. 1041, 11:55–12:1). We preliminarily find that Patent Owner's argument does not undermine Petitioner's position for the same reasons given with respect to element 1[a]. *See supra* § III.G.1.b.

We preliminarily find that Petitioner's contentions are supported sufficiently by the cited portions of the asserted art. We further preliminarily find that Patent Owner's contentions do not undermine Petitioner's showing based on the preliminary record at this juncture of the proceeding. After consideration of the contentions and the evidence of record at this early

stage, we determine that Petitioner has shown sufficiently that the combination of Sheha, McNulty, and Degnbol teaches elements 1[c]–[e] for purposes of institution.

d) Conclusion

After consideration of the contentions and the evidence of record at this early stage, we determine that Petitioner has shown sufficiently, for purposes of institution, that the combination of Sheha, McNulty, and Degnbol teaches all recitations in claim 1. Also, at this juncture, we are persuaded that Petitioner has articulated sufficiently persuasive reasoning, based on the evidence of record, as to why one of ordinary skill in the art would have made Petitioner's proposed modifications. *See supra* §§ III.E, III.G.

Accordingly, we conclude that Petitioner has demonstrated a reasonable likelihood that it would prevail in showing that claim 1 is unpatentable under 35 U.S.C. § 103(a) as obvious over Sheha, Degnbol, and McNulty.

2. Independent Claim 2

Claim 2 is similar to claim 1 except claim 2 recites "a remote system operable to perform a trigger of a request of location information of a wireless telephonic device for a device at an occurrence of a location-based event based, at least in part, on a location of said wireless telephonic device." Patent Owner relies on the same argument it presented for element 1[c]. We preliminarily determine that Petitioner accounts for all differences between claims 1 and 2 and find that Patent Owner's argument does not undermine Petitioner's showing for the same reasons given for claim 1.

After consideration of the contentions and the evidence of record at this early stage, we determine that Petitioner has shown sufficiently, for purposes of institution, that the combination of Sheha, McNulty, and Degnbol teaches all recitations in claim 2. Also, at this juncture, we are persuaded that Petitioner has articulated sufficiently persuasive reasoning, based on the evidence of record, as to why one of ordinary skill in the art would have made Petitioner's proposed modifications. *See supra* §§ III.E, III.G.

Accordingly, we conclude that Petitioner has demonstrated a reasonable likelihood that it would prevail in showing that claim 2 is unpatentable under 35 U.S.C. § 103(a) as obvious over Sheha, McNulty, and Degnbol.

3. Dependent Claims 3–19

We have considered Petitioner's arguments and evidence for dependent claims 3–19 (Pet. 20–24, 48–62) and preliminarily find that Petitioner has shown sufficiently that the asserted prior art combinations it relies on teach the further recitations in each of those dependent claims. After consideration of the contentions and the evidence of record at this juncture, we conclude that Petitioner has demonstrated a reasonable likelihood that it would prevail in showing that claims 3–19 are unpatentable under 35 U.S.C. § 103(a) as obvious over the combination of Enzmann with other asserted art identified in Petitioner's element-by-element analysis.

IV. CONCLUSION

For the foregoing reasons, we conclude that the information presented in the Petition establishes a reasonable likelihood that Petitioner would prevail in showing that claims 1–19 of the '039 patent are unpatentable.

V. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that *inter partes* review of claims 1–19 of the '039 patent is hereby instituted on all grounds stated in the Petition; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial; the trial will commence on the entry date of this decision.

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Paper No. 17
Entered: November 7, 2023

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.

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[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.

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.

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).

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[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.

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).

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