JDM/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Applicant | : | Jeffrey D. Mullen |
| Application No. | : | 10/400,296 |
| Confirmation No. | : | 8666 |
| Filed | : | March 25, 2003 |
| For | : | SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME |
| Group Art Unit | : | 2642 |
| Examiner | : | Benny Quoc Tieu |

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

New York, NY 10036
January 22, 2007

EIGHTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

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

U.S. Patent Documents

| | | | |
|---|---|---|---|
| 6,144,336 | Preston et al. | 11-07-2000 | |
| 6,603,977 | Walsh et al. | 08-05-2003 | 102(e), 02/04/2000 |
| 6,662,014 | Walsh et al. | 12-09-2003 | 102(e), 02/04/2000 |

Non-Patent Literature Documents

WROLSTAD, JAY, "Sprint Claims First With E911-Capable Phone," newsfactor.com (as viewed at http://www.newsfactor.com/perl/story/13952.html on January 22, 2007), October 4, 2001.

WROLSTAD, JAY, "Sprint Rolls Out E911 Services," newsfactor.com (as viewed at http://www.newsfactor.com/perl/story/15506.html on January 22, 2007), December 26, 2001.

"Sprint PCS First Quarterly E911 Implementation Report," Before the Federal Communications Commission, In the Matter of Revision of the Commission's Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, February 1, 2002.

"Who is Integrated Data Communications?," presented at the FCC E-911 Automatic Location Identification Round Table, June 28, 1999.

"Wireless Telecommunications Bureau Seeks Comment On Request To Commence Rulemaking To Establish Fair Location Information Practices," WT Docket No. 01-72, DA 01-696, (as viewed at http://www.fcc.gov/Bureaus/Wireless/Public_Notices/2001/da010696.html on January 22, 2007), March 16, 2001.

"Go2 Systems & Integrated Data Communications to Deliver Location Services Automatically to Wireless Phones; Alliance Enables Automatic Recognition of Wireless Caller's Location," Business Wire (as viewed at http://www.findarticles.com/p/articles/mi_m0EIN/is_2000_Feb_28/ai_59621222 on January 22, 2007), February 28, 2000.

"Before the Federal Communications Commission: In the Matter of: E-911 Automatic Location Identification Round Table," Transcript, June 28, 1999.

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"Pulver.com's Location Based Services Report," pulver.com (as visited at http://pulver.com/lbsreport/lastlbsreport.05jul01.txt on January 22, 2007), July, 2001.

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"Pulver.com's Location Based Services Report," pulver.com (as visited at http://pulver.com/lbsreport/lastlbsreport.04sep01.txt on January 22, 2007), September, 2001.

"Pulver.com's Location Based Services Report," pulver.com (as visited at http://pulver.com/lbsreport/lastlbsreport.02oct01.txt on January 22, 2007), October 2001.

"Pulver.com's Location Based Services Report," pulver.com (as visited at http://pulver.com/lbsreport/lastlbsreport.02nov01.txt on January 22, 2007), November, 2001.

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"Pulver.com's Location Based Services Report," pulver.com (as visited at http://pulver.com/lbsreport/lastlbsreport.04mar02.txt on January 22, 2007), March, 2002.

A copy of the non-U.S. patent documents are being submitted herewith. It is respectfully requested that the above-identified documents be (1) fully considered by the Patent and Trademark Office during examination of this application; and (2) printed on any patent which may issue on this application. Applicant requests that a copy of

accompanying Form PTO/SB/08A, as considered and initialed by the Examiner, be returned with the next communication.

This Statement is being after a Request for Continued Examination, but before a subsequent Office Action on the merits. Accordingly, no fee is due. However, the Director is hereby authorized to charge any fees required in conjunction with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855, Order No. JDM/002.

An early and favorable action is respectfully requested.

Respectfully submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen
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Mobile: (914)837-7741

PTO/SB/08A (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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| Substitute for form 1449A/PTO | | | | ***Complete if known*** | |
|---|---|---|---|---|---|
| **EIGHTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT** | | | | **Application Number** | 10/400,296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2642 |
| (use as many sheets as necessary) | | | | **Examiner Name** | Benny Quoc Tieu |
| Sheet | 1 | of | 4 | **Attorney Docket Number** | JDM/002 |

**U.S. PATENT DOCUMENTS**

| Examiner initials* | Cite No.[1] | Document Number Number – Kind Code[2] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|---|---|---|---|---|---|
| | | 6,144,336 | 11-07-2000 | Preston et al. | |
| | | 6,603,977 | 08-05-2003 | Walsh et al. | 102(e), 02/04/2000 |
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**FOREIGN PATENT DOCUMENTS**

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|---|---|---|---|---|---|---|
| | | | | | | |

**NON PATENT LITERATURE DOCUMENTS**

| Examiner initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T[2] |
|---|---|---|---|
| | | WROLSTAD, JAY, "Sprint Claims First With E911-Capable Phone," newsfactor.com (as viewed at http://www.newsfactor.com/perl/story/13952.html on January 22, 2007), October 4, 2001. | |
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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| (use as many sheets as necessary) | | | | **Examiner Name** | Benny Quoc Tieu |
| Sheet | 2 | of | 4 | **Attorney Docket Number** | JDM/002 |

| **NON PATENT LITERATURE DOCUMENTS** | | | |
|---|---|---|---|
| Examiner initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T[2] |
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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| | |
|---|---|
| **EFS ID:** | 1457045 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 22-JAN-2007 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 23:16:36 |
| **Application Type:** | Utility |

## Payment information:

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| Submitted with Payment | no |

## File Listing:

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| **Warnings:** | | | | | |

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| 2 | NPL Documents | 15506.pdf | 337471 | no | 5 |
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| **Information:** | | | | | |
| 3 | NPL Documents | da01069.pdf | 81540 | no | 2 |
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| 4 | NPL Documents | FCC--RoundTable.pdf | 3548736 | no | 151 |
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| 5 | NPL Documents | Go2.pdf | 269292 | no | 4 |
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| 6 | NPL Documents | ImplementationReport.pdf | 4097731 | no | 74 |
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| **Warnings:** | | | | | |
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| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 16 | NPL Documents | pulver0701.pdf | 76209 | no | 16 |
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| 17 | NPL Documents | pulver0801.pdf | 74363 | no | 16 |
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| 18 | NPL Documents | pulver0901.pdf | 77159 | no | 15 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 19 | NPL Documents | pulver1001.pdf | 81645 | no | 17 |
| **Warnings:** | | | | | |

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| **Information:** | | | | | |
| 20 | NPL Documents | pulver1101.pdf | 96552 | no | 21 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 21 | NPL Documents | pulver1201.pdf | 79313 | no | 16 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 22 | NPL Documents | pulver0101.pdf | 470836 | no | 9 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 23 | Information Disclosure Statement (IDS) Filed | JDM-002-EighthSuppIDS.pdf | 20099 | no | 5 |
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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**
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JDM/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant | : | Jeffrey D. Mullen |
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Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

New York, NY 10036
February 4, 2007

NINTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

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

U.S. Patent Documents

| | | |
|---|---|---|
| 6,057,759 | Marsh | 05/02/2000 |
| 6,080,063 | Khosla | 01/06/1997 |
| 6,287,200 | Sharma | 12/15/1999 |
| 2002/0090985 | Tochner et al. | 07/11/2002 |
| 2005/0009608 | Robarts et al. | 01/13/2005 |

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

This Statement is being after a Request for Continued Examination, but before a subsequent Office Action on the merits. Accordingly, no fee is due. However, the Director is hereby authorized to charge any fees required in conjunction with this filing, or credit any overpayment of the same, to Deposit Account No. 50-3855, Order No. JDM/002.

An early and favorable action is respectfully requested.

Respectfully submitted,

/Jeffrey D. Mullen/

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

PTO/SB/08A (10-01)
Approved for use through 10/31/2002. 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.

| Substitute for form 1449A/PTO | | | | ***Complete if known*** | |
|---|---|---|---|---|---|
| **NINTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT** | | | | **Application Number** | 10/400,296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2642 |
| (use as many sheets as necessary) | | | | **Examiner Name** | Benny Quoc Tieu |
| Sheet | 1 | of | 1 | **Attorney Docket Number** | JDM/002 |

**U.S. PATENT DOCUMENTS**

| Examiner initials* | Cite No.[1] | Document Number Number – Kind Code[2] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|---|---|---|---|---|---|
| | | 6,057,759 | 05/02/2000 | Marsh | |
| | | 6,080,063 | 01/06/1997 | Khosla | |
| | | 6,287,200 | 12/15/1999 | Sharma | |
| | | 2002/0090985 | 07/11/2002 | Tochner et al. | |
| | | 2005/0009608 | 01/13/2005 | Robarts et al. | |
| | | | | | |

**FOREIGN PATENT DOCUMENTS**

| Examiner initials* | Cite No.[1] | Foreign Patent Document Country Code[3] - Number[4] - Kind Code[5] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T[6] |
|---|---|---|---|---|---|---|
| | | | | | | |

**NON PATENT LITERATURE DOCUMENTS**

| Examiner initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T[2] |
|---|---|---|---|
| | | | |

| Examiner Signature | | Date Considered | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

# Electronic Acknowledgement Receipt

| | |
|---|---|
| **EFS ID:** | 1489335 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 04-FEB-2007 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 17:04:05 |
| **Application Type:** | Utility |

## Payment information:

| | |
|---|---|
| Submitted with Payment | no |

## File Listing:

| Document Number | Document Description | File Name | File Size(Bytes) | Multi Part /.zip | Pages (if appl.) |
|---|---|---|---|---|---|
| 1 | Information Disclosure Statement (IDS) Filed | JDM-002-NinthSuppIDS.pdf | 16768 | no | 2 |
| **Warnings:** | | | | | |

| Information: | | | | | |
|---|---|---|---|---|---|
| This is not an USPTO supplied IDS fillable form | | | | | |
| 2 | Information Disclosure Statement (IDS) Filed | JDM-002-NinthSuppIDSSB08A.pdf | 93771 | no | 1 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| This is not an USPTO supplied IDS fillable form | | | | | |
| | | | **Total Files Size (in bytes):** | 110539 | |

**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. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

32733 7590 03/08/2007

JEFFREY D. MULLEN
350 WEST 43RD ST., APT. 5H
NEW YORK, NY 10036

| EXAMINER | |
|---|---|
| TIEU, BENNY QUOC | |
| ART UNIT | PAPER NUMBER |
| 2614 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 03/08/2007 | PAPER |

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

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/400,296 | MULLEN, JEFFREY D. | |
| | Examiner | Art Unit | |
| | Benny Q. Tieu | 2614 | |

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

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

**Status**

1)☒ Responsive to communication(s) filed on *12 September 2006*.

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

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

**Disposition of Claims**

4)☒ Claim(s) *1-35 and 37-79* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35 and 37-79* 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 *1/22/07 & 2/4/07*.
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*

1. 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.

2. Claims 1-35 and 37-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (U.S. Patent No. 6,662,014) submitted by Applicant.

Regarding claims 1-35 and 37-79, Walsh teaches that a wireless communication device receives a request for location information associated with the wireless communication device. The wireless communication device determines whether the request is received from a location privacy manager or a location-enabled service. The wireless communication device determines whether or not the wireless communication device is registered to operate with the location privacy manager responsive to the step of determining that the request is received from the location privacy manager. The wireless communication device determines whether or not an identity of the location-enabled service is acceptable to the wireless communication device responsive to the step of determining that the request is received from the location-enabled service. The wireless communication device sends the location information to the location-enabled service responsive to the step of determining that the identity of the location-enabled service is acceptable to the wireless communication device. The wireless communication device rejects the request from the location-enabled service responsive to the step of determining that

that the identity of the location-enabled service is not acceptable to the wireless communication device (Fig. 6). Walsh differs from the claimed invention in that the location-enabled service is not a second wireless device. However, Official Notice is taken that both the concept and the advantages of using a wireless device to request for location information via Web page over Internet are well known and expected in the art. It would have been obvious to have included the wireless device with Internet feature in place of location-enable service in Walsh as the Internet service for a wireless device are known to enable a user of wireless device to access to any Web page on the Internet at any location thereby being flexible and convenience to the user with the Internet service.

***Conclusion***

3. Any response to this action should be mailed to:

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

Or faxed to:
(571) 273-8300, (for formal communications intended for entry)
Or:
(571) 273-7490, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is 571-272-7490. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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



Benny Q. Tieu
Primary Examiner
Art Unit 2614

PTO/SB/08A (10-01)
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Substitute for form 1449A/PTO

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(use as many sheets as necessary)

Sheet 1 of 1

| ***Complete if known*** | |
|---|---|
| **Application Number** | 10/400,296 |
| **Filing Date** | March 25, 2003 |
| **First Named Inventor** | Jeffrey D. Mullen |
| **Art Unit** | 2642 |
| **Examiner Name** | Benny Quoc Tieu |
| **Attorney Docket Number** | JDM/002 |

**U.S. PATENT DOCUMENTS**

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| BQT | | 6,057,759 | 05/02/2000 | Marsh | |
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| BQT | | 2005/0009608 | 01/13/2005 | Robarts et al. | |
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**NON PATENT LITERATURE DOCUMENTS**

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|---|---|---|---|
| | | | |

| Examiner Signature | /Benny Q. Tieu/ | Date Considered | 02/20/2007 |
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(use as many sheets as necessary)

Sheet 1 of 4

| *Complete if known* | |
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| **Art Unit** | 2642 |
| **Examiner Name** | Benny Quoc Tieu |
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|---|---|---|---|---|---|
| BQT | | 6,144,336 | 11-07-2000 | Preston et al. | |
| BQT | | 6,603,977 | 08-05-2003 | Walsh et al. | 102(e), 02/04/2000 |
| BQT | | 6,662,014 | 12-09-2003 | Walsh et al. | 102(e), 02/04/2000 |
| | | | | | |

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| BQT | | WROLSTAD, JAY, "Sprint Claims First With E911-Capable Phone," newsfactor.com (as viewed at http://www.newsfactor.com/perl/story/13952.html on January 22, 2007), October 4, 2001. | |
| BQT | | WROLSTAD, JAY, "Sprint Rolls Out E911 Services," newsfactor.com (as viewed at http://www.newsfactor.com/perl/story/15506.html on January 22, 2007), December 26, 2001. | |
| BQT | | "Sprint PCS First Quarterly E911 Implementation Report," Before the Federal Communications Commission, In the Matter of Revision of the Commission's Rules To Ensure Compatibility With Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, February 1, 2002. | |

| Examiner Signature | /Benny Q. Tieu/ | Date Considered | 02/20/2007 |
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|---|---|---|---|
| BQT | | "Who is Integrated Data Communications?," presented at the FCC E-911 Automatic Location Identification Round Table, June 28, 1999. | |
| | | "Wireless Telecommunications Bureau Seeks Comment On Request To Commence Rulemaking To Establish Fair Location Information Practices," WT Docket No. 01-72, DA 01-696, (as viewed at http://www.fcc.gov/Bureaus/Wireless/Public_Notices/2001/da010696.html on January 22, 2007), March 16, 2001. | |
| | | "Go2 Systems & Integrated Data Communications to Deliver Location Services Automatically to Wireless Phones; Alliance Enables Automatic Recognition of Wireless Caller's Location," Business Wire (as viewed at http://www.findarticles.com/p/articles/mi_m0EIN/is_2000_Feb_28/ai_59621222 on January 22, 2007), February 28, 2000. | |
| | | "Before the Federal Communications Commission: In the Matter of: E-911 Automatic Location Identification Round Table," Transcript, June 28, 1999. | |
| | | "Pulver.com's Location Based Services Report," pulver.com (as visited at http://pulver.com/lbsreport/lastlbsreport.16jan01.txt on January 22, 2007), January, 2001. | |
| | | "Pulver.com's Location Based Services Report," pulver.com (as visited at http://pulver.com/lbsreport/lastlbsreport.26feb01.txt on January 22, 2007), February, 2001. | |
| | | "Pulver.com's Location Based Services Report," pulver.com (as visited at http://pulver.com/lbsreport/lastlbsreport.26mar01.txt on January 22, 2007), March, 2001. | |
| | | "Pulver.com's Location Based Services Report," pulver.com (as visited at http://pulver.com/lbsreport/lastlbsreport.05apr01.txt on January 22, 2007), April, 2001. | |
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PTO/SB/08A (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Substitute for form 1449A/PTO

**EIGHTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 3 of 4

| *Complete if known* | |
|---|---|
| **Application Number** | 10/400,296 |
| **Filing Date** | March 25, 2003 |
| **First Named Inventor** | Jeffrey D. Mullen |
| **Art Unit** | 2642 |
| **Examiner Name** | Benny Quoc Tieu |
| **Attorney Docket Number** | JDM/002 |

**NON PATENT LITERATURE DOCUMENTS**

| Examiner initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T[2] |
|---|---|---|---|
| BQT | | "Pulver.com's Location Based Services Report," pulver.com (as visited at http://pulver.com/lbsreport/lastlbsreport.10jun01.txt on January 22, 2007), June, 2001. | |
| | | "Pulver.com's Location Based Services Report," pulver.com (as visited at http://pulver.com/lbsreport/lastlbsreport.05jul01.txt on January 22, 2007), July, 2001. | |
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| | | "Pulver.com's Location Based Services Report," pulver.com (as visited at http://pulver.com/lbsreport/lastlbsreport.04feb02.txt on January 22, 2007), February, 2002. | |
| BQT | | "Pulver.com's Location Based Services Report," pulver.com (as visited at http://pulver.com/lbsreport/lastlbsreport.04mar02.txt on January 22, 2007), March, 2002. | |

| Examiner Signature | /Benny Q. Tieu/ | Date Considered | 02/20/2007 |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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| Substitute for form 1449A/PTO<br>**EIGHTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT**<br>(use as many sheets as necessary) | | | | ***Complete if known*** | |
|---|---|---|---|---|---|
| | | | | **Application Number** | 10/400,296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2642 |
| | | | | **Examiner Name** | Benny Quoc Tieu |
| Sheet | 4 | of | 4 | **Attorney Docket Number** | JDM/002 |

| Examiner Signature | /Benny Q. Tieu/ | Date Considered | 02/20/2007 |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
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## Index of Claims

| Application/Control No. | Applicant(s)/Patent under Reexamination |
|---|---|
| 10/400,296 | MULLEN, JEFFREY D. |
| **Examiner** | **Art Unit** |
| Benny Q. Tieu | 2614 |

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|---|---|---|---|---|---|---|---|
| √ | Rejected | – | (Through numeral) Cancelled | N | Non-Elected | A | Appeal |
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| Claim | | Date |
|---|---|---|
| Final | Original | 3/3/07 |
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# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 10400296 |
| **Filing Date:** | 25-Mar-2003 |
| **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 |
| Filed as Small Entity | |

**Utility 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 | 510 | 510 |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Miscellaneous:** | | | | |
| | | | **Total in USD ($)** | **510** |

| Electronic Acknowledgement Receipt | |
|---|---|
| **EFS ID:** | 2103495 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 20-AUG-2007 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 21:14:37 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | yes |
| Payment was successfully received in RAM | $510 |
| RAM confirmation Number | 3847 |
| Deposit Account | 503855 |
| The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:<br>Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17 | |

## File Listing:

| Document Number | Document Description | File Name | File Size(Bytes) /Message Digest | Multi Part /.zip | Pages (if appl.) |
|---|---|---|---|---|---|
| 1 | Fee Worksheet (PTO-06) | fee-info.pdf | 8176<br>c0f922871ffac59fa3140aef0aa4d32a03828937 | no | 2 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| | | **Total Files Size (in bytes):** | 8176 | | |

**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.**

SMALL ENTITY
JDM/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Applicant | : | Jeffrey D. Mullen |
| Application No. | : | 10/400,296 |
| Confirmation No. | : | 8666 |
| Filed | : | March 25, 2003 |
| For | : | SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME |
| Group Art Unit | : | 2614 |
| Examiner | : | Benny Quoc Tieu |

**Mail Stop: Amendment**
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pittsburgh, PA 15232
September 10, 2007

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated March 8, 2007. A three-month extension of time is applicable hereto and was paid on August 20, 2007. In Reply to the Office Action, applicant amends the application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 20 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. (previously presented) A method of mobile-to-mobile locating, said method comprising:

requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices;

requesting that location access rights be assigned for said second wireless device by said first wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device;

assigning said location access rights on said server to said second wireless device by said first wireless device;

storing said location access rights on said server;

determining said access rights assigned by said first wireless device to said second wireless device on said server; and

providing said location from said server to said second wireless device dependent upon said access rights.

2. (previously presented) The method of claim 1, wherein said first and second wireless devices are cellular phones.

3. (previously amended) The method of claim 1, wherein said location access rights include the ability to obtain said location, wherein said location is provided to said second wireless device from said server even when said first wireless device is OFF.

4. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of access levels.

5. (previously presented) The method of claim 1, wherein said location is used to provide a location marker on a map on said second wireless device.

6. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location on said second wireless device.

7. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location and a travel time on said second wireless device.

8. (previously presented) The method of claim 1, further comprising requesting a second location of said first wireless device and using said location and said second location to determine how fast said first wireless device is traveling.

9. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of

levels of access rights, at least one of said plurality of levels of access rights comprise the exact location of said first wireless device, and another one of said plurality of levels of access rights comprise an approximate location of said first wireless device.

10. (previously presented) The method of claim 1, wherein said access rights comprise a plurality of levels of access rights, at least one of said plurality of levels of access rights comprise an approximate location of said first wireless device, and said approximate location comprises a city or state.

11. (previously presented) The method of claim 1, further comprising requesting said location of said first wireless device by a non-wireless device.

12. (previously presented) The method of claim 1, further comprising obtaining a second location from a non-wireless device.

13. (previously presented) The method of claim 1, further comprising receiving a login and password from said second wireless device to identify said second wireless device.

14. (previously presented) The method of claim 1, wherein said location of said first wireless device is requested by receiving input, in the form of a telephone number of said first wireless device, on said second wireless device.

15. (previously presented) The method of claim 1, further comprising using said first wireless device to modify said location access rights for said second wireless device.

16. (previously presented) The method of claim 1, further comprising the ability to use said first wireless device to delete said location access rights for said second wireless device.

17. (previously presented) The method of claim 1, further comprising filtering information about said location such that only a portion of the information is passed to said second wireless device.

18. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device is within a distance of second wireless device.

19. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list.

20. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list wherein said identifier list comprises a list of telephone numbers.

21. (previously presented) The method of claim 1, further comprising selecting said first wireless device

from an identifier list wherein said identifier list comprises a list of user profiles.

22. (previously presented) The method of claim 1, further comprising requesting a second location from said first wireless device from a non-wireless device, wherein said non-wireless device does not comprise a positioning system.

23. (previously presented) The method of claim 1, wherein said location is provided by a positioning system.

24. (previously presented) The method of claim 1, further comprising:

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

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

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

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

25. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device.

26. (previously presented) The method of claim 1, wherein a directional arrow is utilized to display the location of said first wireless device relative to said

location of said second wireless device on said second wireless device.

27. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device, wherein said compass is utilized to display the direction that said second wireless device is traveling in.

28. (previously presented) The method of claim 1, further comprising setting location alerts associated with said first wireless device on said second wireless device.

29. (previously presented) The method of claim 1, wherein said location access rights are only assigned for a period of time.

30. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device enters a geographic area.

31. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device.

32. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device when said first wireless device is turned OFF.

33. (previously presented) The method of claim 1, further comprising displaying on said second wireless device the opportunity to request said location access rights from said first wireless device.

34. (previously presented) The method of claim 1, further comprising displaying to said second wireless device the opportunity to request said location access rights from said first wireless device after a determination has been made that said second wireless device does not have access to said location.

35. (previously presented) The method of claim 1, wherein said first wireless device is requested to manually allow said location access rights for said second wireless device every time said second wireless device requests said location.

36. (cancelled).

37. (previously presented) The method of claim 1, wherein one of said location access rights is the ability to not allow said second wireless device to access said location.

38. (previously presented) A method comprising:

requesting a first location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

requesting a second location of said second wireless telephone by said first wireless telephone from said server;

assigning first location access rights on said server to said second wireless telephone by said first wireless telephone;

assigning second location access rights on said server to said first wireless telephone by said second wireless telephone;

storing said first location access rights and said second location access rights on said server;

providing said first location from said server to said second wireless telephone dependent upon said first access rights; and

providing said second location from said server to said first wireless telephone dependent upon said second access rights.

39. (previously presented) The method of claim 38, further comprising alerting said first wireless telephone when said second wireless telephone is within a distance of said first wireless telephone.

40. (previously presented) The method of claim 38, wherein one of said first location access rights is the ability to not allow said second wireless telephone to access said first location.

41. (previously presented) The method of claim 38, wherein said first location is used to provide a location marker on a map on said second wireless telephone.

42. (previously presented) The method of claim 38, further comprising receiving a login and password from said second wireless telephone to identify said second wireless telephone.

43. (previously presented) The method of claim 38, further comprising setting location alerts associated with said first wireless telephone on said second wireless telephone.

44. (previously presented) The method of claim 38, further comprising setting up an alert for said first wireless telephone dependent on said second location of said second wireless telephone.

45. (previously presented) A method comprising:

requesting a location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

assigning location access rights on said server to said second wireless telephone by said first wireless telephone;

storing said location access rights on said server;

determining said access rights assigned by said first wireless telephone to said second wireless telephone on said server; and

providing said location from said server to said second wireless telephone dependent upon said access rights even when said first wireless telephone is OFF.

46. (previously presented) The method of claim 45, further comprising alerting said second wireless telephone when said first wireless telephone is within a distance of said second wireless telephone.

47. (previously presented) The method of claim 45, wherein one of said location access rights is the ability to not allow said second wireless telephone to access said location.

48. (previously presented) The method of claim 45, wherein said location is used to provide a location marker on a map on said second wireless telephone.

49. (previously presented) The method of claim 45, further comprising setting up an alert for said second wireless telephone dependent on said location of said first wireless telephone.

50. (previously presented) The method of claim 3, wherein said location access rights include the ability to not obtain said location.

51. (previously presented) The method of claim 37, wherein another one of said location access rights is the ability to allow said second wireless device to access said location.

52. (previously presented) The method of claim 40, wherein another one of said first location access rights is the ability to allow said second wireless telephone to access said first location.

53. (previously presented) The method of claim 47, wherein another one of said location access rights is the ability to allow said second wireless telephone to access said location.

54. (previously presented) The method of claim 38, further comprising:

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

providing a second dating matching profile by said second wireless telephone; and

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

55. (previously presented) The method of claim 45, further comprising:

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

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

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

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

56. (previously presented) The method of claim 38, further comprising providing a directional arrow to

display said first location relative to said second location on said second wireless telephone.

57. (previously presented) The method of claim 38, further comprising providing a compass in said second wireless telephone, wherein said compass is utilized to display the direction that said second wireless telephone is traveling in.

58. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location on said second wireless telephone.

59. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location and a travel time on said second wireless telephone.

60. (previously presented) The method of claim 38, further comprising determining how fast said first wireless telephone is traveling.

61. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable to request a first location of said first wireless device from a server located remotely from said first and second wireless devices, said first wireless device is operable to request a second location of said second wireless device from said server, said first

wireless device is operable to assign first location access rights on said server to said second wireless device, said second wireless device is operable to assign second location access rights on said server to said first wireless device, said server storing said first and second location access rights, said first location is provided from said server to said second wireless device dependent upon said first access rights, and said second location is provided from said server to said first wireless device dependent upon said second access rights.

62. (previously presented) The system of claim 61, wherein said first and second wireless devices are wireless telephones.

63. (previously presented) The system of claim 61, wherein said first location is used to provide directions from said second wireless device to said first location on said second wireless device.

64. (previously presented) The system of claim 61, wherein one of said first location access rights is the ability to not allow said second wireless device to access said first location.

65. (previously presented) The system of claim 64, wherein another one of said first location access rights is the ability to allow said second wireless device to access said first location.

66. (previously presented) The system of claim 61, wherein a directional arrow is displayed on said second

wireless device representative of said first location relative to said second location.

67. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein a location of said first wireless device is requested by said second wireless device from a server located remotely from said first and second wireless devices, location access rights are assigned on said server to said second wireless device by said first wireless device, said assignment by said first wireless device is requested for said second wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device, said location access rights are stored on said server, said server determines said access rights assigned by said first wireless device to said second wireless device, and said server provides said location from said server to said second wireless device dependent upon said access rights.

68. (previously presented) The system of claim 67, wherein said first and second wireless devices are wireless telephones.

69. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable of requesting a location of a first wireless device from a server located remotely from said first and second wireless devices, said first wireless device is operable to assign location access rights on said

server for said second wireless device, said location access rights are stored on said server, said server is operable to determine said access rights assigned by said first wireless device to said second wireless device on said server, and said server provides said location from said server to said second wireless device dependent upon said access rights even when said first wireless device is OFF.

70. (previously presented) The system of claim 69, wherein said first and second wireless devices are wireless telephones.

71. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of said first wireless device from said second wireless device;

receiving a request for an assignment of said location access rights by said first wireless device for said second wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device;

receiving location access rights to said second wireless device by said first wireless device;

storing said location access rights, wherein said location access rights are stored remotely from said first and second wireless devices;

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 location access rights.

72. (previously presented) The computer-readable medium of claim 71, wherein said first and second wireless devices are wireless telephones.

73. (previously presented) The computer-readable medium of claim 71, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

74. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a first location of said first wireless device;

receiving a request for a second location of said second wireless device;

receiving an assignment of first location access rights from said first wireless device for said second wireless device;

receiving an assignment of second location access rights from said second wireless device for said first wireless device;

storing said first and second location access rights;

providing said first location to said second wireless device dependent upon said first access rights; and

providing said second location to said first wireless device dependent upon said second access rights.

75. (previously presented) The computer-readable medium of claim 74, wherein said first and second wireless devices are wireless telephones.

76. (previously presented) The computer-readable medium of claim 74, further comprising receiving said first location from said first wireless device, wherein said first location is determined on a positioning system located on said first wireless device.

77. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of a first wireless device by a second wireless device;

receiving an assignment of location access rights by said first wireless device for said second wireless device;

storing said location access rights;

determining said location 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 even when said first wireless device is OFF.

78. (previously presented) The computer-readable medium of claim 77, wherein said first and second wireless devices are wireless telephones.

79. (previously presented) The computer-readable medium of claim 77, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 1-35 and 37-79 are pending.

Claims 1-35 and 37-70 were rejected under 35 U.S.C. 103(a) in view of Walsh U.S. Patent No. 6,662,014 (hereinafter "Walsh").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any amendments or cancellations during the prosecution of this application, or to claim any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the 35 U.S.C. 103(a) Rejection

Claims 1-35 and 37-70 were rejected under 35 U.S.C. 103(a) in view of Walsh.

Walsh alleges a service, such as a map service, that provides a password in order to obtain information from a device. At least the identity or location of the device is prohibited from being known to the service.

The Examiner stated that:

> "Walsh differs from the claimed invention the location-enabled service is not a second wireless device. However, Official Notice is taken that both the concept and the advantages of using a wireless device to request for location information via Web page over Internet are well known and expected in the art. It would have been obvious to have included the wireless device with an internet feature in place of location-enable service in Walsh as the Internet service for a wireless device are known to enable a user of wireless device to access any Web page on the Internet at any location thereby being flexible

> and convenience to the user with the Internet service." (Office Action, page 3)

The Examiner's logic is absurd. The Examiner cannot mutilate Walsh by replacing Walsh's service with a second wireless device - let alone eviscerate the spirit of the Walsh service by changing all of the features associated therewith – in order to form a new, unrelated system.

As shown above, the Examiner stated that:

> "using a wireless device to request for location information via a Web page over Internet are well known" (Office Action, page 3)

The Examiner's statement is irrelevant. Simply requesting information is not, for example, requesting location information of one wireless device from another wireless device. Accordingly, the Examiner's improper combination does not even make any sort of connection between two wireless devices. At best, the Examiner's improper combination only provides a structure with the ability to access the Internet. Such a combination does not show or suggest applicant's various inventions in any way, shape, or form.

The Walsh topology is a precision topology. In removing Walsh's service or mutilating Walsh's topology, for example, the Walsh system is rendered inoperable. The Examiner has eviscerated the spirit of the Walsh system, in hindsight, only lead to an inoperable device that directly teaches away from the operation of the Walsh system.

Furthermore, as is at least discussed below, Walsh does not show or suggest numerous additional features included in applicant's various inventions.

In light of the foregoing, applicant respectfully requests that the Examiner's rejections under 35 U.S.C. 103(a) in view of Walsh be withdrawn.

The Official Notice Rejection

The Examiner rejected all 79 of the pending claims in view of a single Official Notice – the substance of which was roughly a page in length.

Such a rejection is counterproductive and merely undermines prosecution on the merits – especially in view of applicant's Reply dated February 13, 2006 that highlighted the patentability of numerous dependent claims (and from which a Notice of Allowance was issued). Accordingly, applicant reserves the right to at least file any number Requests for Continued Examinations or any number of continuations based on any of the subject matter included in the present case.

Walsh does not show or suggest numerous features in applicant's independent claims – let alone applicant's various dependent claims.

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.

Applicant contends that should the Examiner locate a sufficient reference that the reference could not be combined with Walsh due the precision nature of Walsh. Furthermore, as shown above, the Examiner's combination – even if appropriate – falls short of showing or suggesting any of applicant's various inventions.

For at least the above reasons, applicant respectfully requests that the Examiner's rejections in view of Official Notice be withdrawn.

Claim 1

As shown above, applicant's invention of claim 1, and any dependent claims therefrom, is in condition for allowance.

Regardless, none of the prior art, used either alone or in combination, show or suggest applicant's

invention of claim 1 of at least requesting that location access rights be assigned for a second wireless device by a first wireless device if the location access rights have not yet been assigned by the first wireless device for the second wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 1, and any claims dependent therefrom be withdrawn.

Claim 38

As shown above, applicant's invention of claim 38, and any dependent claims therefrom, is in condition for allowance.

Regardless, none of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 38 of at least providing a first location from a server to a second wireless telephone dependent upon first access rights and providing a second location from said server to a first wireless telephone dependent upon second access rights.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 38, and any claims dependent therefrom be withdrawn.

Claim 45

As shown above, applicant's invention of claim 45, and any dependent claims therefrom, is in condition for allowance.

Regardless, none of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 45 of at least providing a location from a server to a second wireless telephone dependent upon said

access rights even when the first wireless telephone is OFF.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 45, and any claims dependent therefrom be withdrawn.

Claim 61

As shown above, applicant's invention of claim 61, and any dependent claims therefrom, is in condition for allowance.

Regardless, none of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 61 that includes a first wireless device operable to request a location of a second wireless device, a first wireless device operable to assign first location access rights to a second wireless device, and a second wireless device operable to assign location access rights to the first wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 61, and any claims dependent therefrom be withdrawn.

Claim 67

As shown above, applicant's invention of claim 67, and any dependent claims therefrom, is in condition for allowance.

Regardless, none of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 67 that includes location access rights that are assigned to a second wireless device by a first wireless device where the assignment is requested for the second wireless device if the location access rights have

not yet been assigned by the first wireless device for the second wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 67, and any claims dependent therefrom be withdrawn.

Claim 69

As shown above, applicant's invention of claim 69, and any dependent claims therefrom, is in condition for allowance.

Regardless, none of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 69 that includes a server that provides information to a second wireless device dependent upon access rights even when the first wireless device is OFF.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 69, and any claims dependent therefrom be withdrawn.

Claim 71

As shown above, applicant's invention of claim 71, and any dependent claims therefrom, is in condition for allowance.

Regardless, none of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 71 that includes receiving a request for an assignment of location access rights by a first wireless device for a second wireless device if the location access rights have not yet been assigned by the first wireless device for the second wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 71, and any claims dependent therefrom be withdrawn.

Claim 74

As shown above, applicant's invention of claim 74, and any dependent claims therefrom, is in condition for allowance.

Regardless, none of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 74 that includes providing a first location to a second wireless device dependent upon first access rights and providing a second location to a first wireless device dependent upon second access rights. An assignment of first location rights is received form the first wireless device for the second wireless device. An assignment of second location access rights is received from the second wireless device for the first wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 74, and any claims dependent therefrom be withdrawn.

Claim 77

As shown above, applicant's invention of claim 77, and any dependent claims therefrom, is in condition for allowance.

Regardless, none of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 77 that includes providing a location to a second wireless device dependent upon access rights even when a first wireless device is OFF.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 77, and any claims dependent therefrom be withdrawn.

The Dependent Claims

As shown above, neither Walsh nor any prior art reference, used either alone or in combination, show or suggest any of applicant's independent claims. Similarly, neither Walsh nor any prior art reference, used either alone or in combination, shows or suggests applicant's dependent claims. Included below are a few examples of some of the dependent claims with features not shown or suggested by Walsh. Examples are provided, for example, in order to highlight the patentability of particular claims as well as to mature additional arguments for appeal.

Claim 2

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 2 of first and second wireless devices that are cellular telephones.

Claim 4

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 4 that includes location access rights having a plurality of access levels.

Claim 5

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's

invention of claim 5 that includes a location marker on a map on a second wireless device.

Claim 6

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 6 that includes a location used to provide directions.

Claim 7

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 7 that includes a location used to provide directions and a travel time.

Claim 8

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 8 that includes the ability to determine how fast a wireless device is traveling.

Claim 11

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 11 that includes also requesting the location of a first wireless device by a non-wireless device.

Claim 12

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's

invention of claim 13 that includes obtaining a second location from a non-wireless device.

Claim 13

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 13 that includes receiving a login and password from a second wireless device to identify the second wireless device.

Claim 14

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 14 that includes receiving input, in the form of a telephone number of a first wireless device, on a second wireless device.

Claim 15

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 15 that includes using a first wireless device to modify the location access for a second wireless device.

Claim 16

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 16 that includes the ability to use a first wireless device to delete location access rights for a second wireless device.

Claim 17

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 17 that includes filtering information about a location such that only a portion of the information is passed to a second wireless device.

Claim 18

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 18 that includes alerting a second wireless device when a first wireless device is within a distance of a second wireless device.

Claim 19

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 19 that includes selecting a first wireless device from an identifier list.

Claim 24

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 24 that includes utilizing a location and a dating matching profile to provide an alert.

Claim 25

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 25 that includes providing a compass in a second wireless device.

Claim 26

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 26 that includes a directional arrow.

Claim 28

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 28 that includes setting location alerts.

Claim 29

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 29 that includes location access rights assigned for a period of time.

Claim 30

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 30 that includes alerting a second wireless device when a first wireless device enters a geographic area.

Claim 31

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 31 that includes a server that stores a history of locations of a first wireless device.

Claim 33

Neither Walsh nor any prior art reference, used either alone or in combination, show or suggest applicant's invention of claim 33 that includes on a second wireless device the opportunity to request location access rights from a first wireless device.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. Accordingly, applicant respectfully requests that a favorable action be issued.

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

Respectfully Submitted,

/Jeffrey D. Mullen/
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| Electronic Acknowledgement Receipt | |
|---|---|
| **EFS ID:** | 2174094 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 10-SEP-2007 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 02:39:55 |
| **Application Type:** | Utility under 35 USC 111(a) |

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|---|---|
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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-Reply.pdf | 109328<br>df1ed3dda06f6c8fbe3982329b76db057ff8b62c | yes | 33 |

| | Multipart Description/PDF files in .zip description | | |
|---|---|---|---|
| | **Document Description** | **Start** | **End** |
| | Amendment - After Non-Final Rejection | 1 | 1 |
| | Claims | 2 | 19 |
| | Applicant Arguments/Remarks Made in an Amendment | 20 | 33 |
| **Warnings:** | | | |
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**New Applications Under 35 U.S.C. 111**
**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

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

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PTO/SB/06 (12-04)
Approved for use through 7/31/2006. OMB 0651-0032
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# PATENT APPLICATION FEE DETERMINATION RECORD

Substitut for Form PTO-875 Effective December 8, 2004

Application or Docket Number: 10/400,896

## APPLICATION AS FILED – PART I

| FOR | (Column 1) NUMBER FILED | (Column 2) NUMBER EXTRA | SMALL ENTITY RATE ($) | SMALL ENTITY FEE ($) | OR | OTHER THAN SMALL ENTITY RATE ($) | OTHER THAN SMALL ENTITY FEE ($) |
|---|---|---|---|---|---|---|---|
| BASIC FEE (37 CFR 1.16(a), (b), or (c)) | N/A | N/A | N/A | 150.00 | | N/A | 300.00 |
| SEARCH FEE (37 CFR 1.16(k), (l), or (m)) | N/A | N/A | N/A | $250 | | N/A | $500 |
| EXAMINATION FEE (37 CFR 1.16(o), (p), or (q)) | N/A | N/A | N/A | $100 | | N/A | $200 |
| TOTAL CLAIMS (37 CFR 1.16(i)) | minus 20 = * | — | X$ 25 = | | OR | X$50 = | |
| INDEPENDENT CLAIMS (37 CFR 1.16(h)) | minus 3 = * | | X100 = | | | X200 = | |
| 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)) | | | +180= | | | +360= | |
| | | | TOTAL | | | TOTAL | |

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

## APPLICATION AS AMENDED – PART II

9-12-06

| AMENDMENT A | (Column 1) CLAIMS REMAINING AFTER AMENDMENT | | (Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3) PRESENT EXTRA | SMALL ENTITY RATE ($) | SMALL ENTITY ADDITIONAL FEE ($) | OR | OTHER THAN SMALL ENTITY RATE ($) | OTHER THAN SMALL ENTITY ADDITIONAL FEE ($) |
|---|---|---|---|---|---|---|---|---|---|
| Total (37 CFR 1.16(i)) | * 28 | Minus | ** 28 | * 0 | X$ 25 = | | OR | X$50 = | |
| Independent (37 CFR 1.16(h)) | * 9 | Minus | *** 9 | | X100 = | | OR | X200 = | |
| Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | +180= | | OR | +360= | |
| | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | |

| AMENDMENT B | 9/10/07 | (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)) | | * 16 | Minus | ** 28 | * | X$ 25 = | | OR | X$50 = | |
| Independent (37 CFR 1.16(h)) | | * 9 | Minus | *** 9 | * | X100 = | | OR | X200 = | |
| Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | | |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | +180= | | OR | +360= | |
| | | | | | | 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.

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. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

32733 7590 11/28/2007

JEFFREY D. MULLEN
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PITTSBURGH, PA 15232

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

| MAIL DATE | DELIVERY MODE |
|---|---|
| 11/28/2007 | 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) | |
|---|---|---|---|
| | 10/400,296 | 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 *10 September 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) *1-35 and 37-79* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35 and 37-79* 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 § 102*

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

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

Claims 1 – 3, 11 -16, 19, 22 – 23, 25 – 27, 31, 35 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,177,651 (Almassy).

With respect to claim 1 - 2, 11 – 16, 22 – 23, 35, 37 note Fig 1 and Col. 3, line 4 – Col. 4, line 54. In addition, the examiner is equating applicants server to trust module 44 of Almassy.

With respect to claims 3, such is inherent.

With respect to claims 13 - 14, note Col. 4, lines 20 – 23.

With respect to claims 25 - 27, note Col. 3, line 66 -Col. 4, line 8.

With respect to claim 31, note Col. 7, lines 49 – 55.

With respect to claim 19, note Col. 4, lines 43 – 46.

### *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 4 – 7 and 9 -10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almassy in view of U.S. Patent Application No. 2002/0102989 (Calvert et al.

Almassy teaches the claimed limitations as shown above except for the plurality of access levels. First note that Almassy does mention access levels or levels of trust at Col. 4, line 17. However note that Calvert et al. teach the same access levels as described in applicant's specification (see approximate and exact locations in the Abstract of Calvert et al.).

With respect to claim 5, note Fig, 3 of Calvert et al.

Claims 8, 17, 18 and 20 – 21 and 24, 28, 30, 32 and 33 – 34 and 38 - 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almassy in view of U.S. Patent Application No. 2003/0013456 Bates et al.).

With respect to claim 8, note Fig. 5, step 518 of Bates et al. It would have been obvious to one of ordinary skill in the art to have incorporated such rate of speed as disclosed by Bates et al. into the Almassy system as an obvious need parameter. Also, note that Almassy could manually enter such information.

With respect to claim 17, filtering is notoriously old in the art and it would have been obvious to one of ordinary skill to have incorporated such filtering wherever it was deemed necessary.

With respect to claims, 18, 28 and 30, note the Abstract of Bates et al.

With respect to claims 20 – 21, note paragraphs 0021 and 0038.

With respect to claim 24, such would be obvious in light of the rejection of claims 20 – 21.

With respect to claim 32, such limitations would be obvious in light of the above.

With respect to claims 33 – 34, such limitations would be obvious to one of ordinary skill in light of the references provided.

With respect to claims 38 – 79, such claims mirror the claims above and would be rejected in a similar manner.

***Response to Arguments***

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

***Conclusion***

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

26Nov2007

WILLIAM J. DEANE, JR.
PRIMARY EXAMINER

| Notice of References Cited | Application/Control No. 10/400,296 | Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D. | |
|---|---|---|---|
| | Examiner William J. Deane | Art Unit 2614 | Page 1 of 1 |

**U.S. PATENT DOCUMENTS**

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|---|---|---|---|
| * | A | US-2003/0013456 | 01-2003 | Bates et al. | 455/456 |
| * | B | US-2002/0102989 | 08-2002 | Calvert et al. | 455/456 |
| * | C | US-2002/0086683 | 07-2002 | Kohar et al. | 455/456 |
| * | D | US-7,269,426 | 09-2007 | Kokkonen et al. | 455/456.1 |
| * | E | US-7,177,651 | 02-2007 | Almassy, Nikolaus P. W. | 455/456.1 |
| * | F | US-6,968,179 | 11-2005 | De Vries, Jean Pierre | 455/414.1 |
| * | G | US-6,466,788 | 10-2002 | Carlsson, Ove | 455/435.2 |
| * | H | US-6,377,810 | 04-2002 | Geiger et al. | 455/456.2 |
| * | I | US-6,360,102 | 03-2002 | Havinis et al. | 455/457 |
| | J | US- | | | |
| | K | US- | | | |
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**FOREIGN PATENT DOCUMENTS**

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

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

## Index of Claims

| Application/Control No. | Applicant(s)/Patent under Reexamination |
|---|---|
| 10/400,296 | MULLEN, JEFFREY D. |
| **Examiner** | **Art Unit** |
| William J. Deane | 2614 |

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|---|---|---|---|---|---|---|---|
| √ | Rejected | – | (Through numeral) Cancelled | N | Non-Elected | A | Appeal |
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| Search Notes | Application/Control No. | Applicant(s)/Patent under Reexamination |
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| | 10/400,296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | William J. Deane | 2614 |

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SMALL ENTITY
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|---|---|
| Applicant | : | Jeffrey D. Mullen |
| Application No. | : | 10/400,296 |
| Confirmation No. | : | 8666 |
| Filed | : | March 25, 2003 |
| For | : | SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME |
| Group Art Unit | : | 2614 |
| Examiner | : | William Deane Jr. |

**Mail Stop: Amendment**
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pittsburgh, PA 15232
May 27, 2008

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated November 28, 2007. A three-month extension of time is applicable hereto. In Reply to the Office Action, applicant amends the application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 20 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. (previously presented) A method of mobile-to-mobile locating, said method comprising:

requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices;

requesting that location access rights be assigned for said second wireless device by said first wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device;

assigning said location access rights on said server to said second wireless device by said first wireless device;

storing said location access rights on said server;

determining said access rights assigned by said first wireless device to said second wireless device on said server; and

providing said location from said server to said second wireless device dependent upon said access rights.

2. (previously presented) The method of claim 1, wherein said first and second wireless devices are cellular phones.

3. (previously amended) The method of claim 1, wherein said location access rights include the ability to obtain said location, wherein said location is provided to said second wireless device from said server even when said first wireless device is OFF.

4. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of access levels.

5. (previously presented) The method of claim 1, wherein said location is used to provide a location marker on a map on said second wireless device.

6. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location on said second wireless device.

7. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location and a travel time on said second wireless device.

8. (previously presented) The method of claim 1, further comprising requesting a second location of said first wireless device and using said location and said second location to determine how fast said first wireless device is traveling.

9. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of

levels of access rights, at least one of said plurality of levels of access rights comprise the exact location of said first wireless device, and another one of said plurality of levels of access rights comprise an approximate location of said first wireless device.

10. (previously presented) The method of claim 1, wherein said access rights comprise a plurality of levels of access rights, at least one of said plurality of levels of access rights comprise an approximate location of said first wireless device, and said approximate location comprises a city or state.

11. (previously presented) The method of claim 1, further comprising requesting said location of said first wireless device by a non-wireless device.

12. (previously presented) The method of claim 1, further comprising obtaining a second location from a non-wireless device.

13. (previously presented) The method of claim 1, further comprising receiving a login and password from said second wireless device to identify said second wireless device.

14. (previously presented) The method of claim 1, wherein said location of said first wireless device is requested by receiving input, in the form of a telephone number of said first wireless device, on said second wireless device.

15. (previously presented) The method of claim 1, further comprising using said first wireless device to modify said location access rights for said second wireless device.

16. (previously presented) The method of claim 1, further comprising the ability to use said first wireless device to delete said location access rights for said second wireless device.

17. (previously presented) The method of claim 1, further comprising filtering information about said location such that only a portion of the information is passed to said second wireless device.

18. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device is within a distance of second wireless device.

19. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list.

20. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list wherein said identifier list comprises a list of telephone numbers.

21. (previously presented) The method of claim 1, further comprising selecting said first wireless device

from an identifier list wherein said identifier list comprises a list of user profiles.

22. (previously presented) The method of claim 1, further comprising requesting a second location from said first wireless device from a non-wireless device, wherein said non-wireless device does not comprise a positioning system.

23. (previously presented) The method of claim 1, wherein said location is provided by a positioning system.

24. (previously presented) The method of claim 1, further comprising:

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

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

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

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

25. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device.

26. (previously presented) The method of claim 1, wherein a directional arrow is utilized to display the location of said first wireless device relative to said

location of said second wireless device on said second wireless device.

27. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device, wherein said compass is utilized to display the direction that said second wireless device is traveling in.

28. (previously presented) The method of claim 1, further comprising setting location alerts associated with said first wireless device on said second wireless device.

29. (previously presented) The method of claim 1, wherein said location access rights are only assigned for a period of time.

30. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device enters a geographic area.

31. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device.

32. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device when said first wireless device is turned OFF.

33. (previously presented) The method of claim 1, further comprising displaying on said second wireless device the opportunity to request said location access rights from said first wireless device.

34. (previously presented) The method of claim 1, further comprising displaying to said second wireless device the opportunity to request said location access rights from said first wireless device after a determination has been made that said second wireless device does not have access to said location.

35. (previously presented) The method of claim 1, wherein said first wireless device is requested to manually allow said location access rights for said second wireless device every time said second wireless device requests said location.

36. (cancelled).

37. (previously presented) The method of claim 1, wherein one of said location access rights is the ability to not allow said second wireless device to access said location.

38. (currently amended) A method comprising:

requesting a first location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

requesting a second location of said second wireless telephone by said first wireless telephone from said server;

assigning first location access rights on said server to said second wireless telephone by said first wireless telephone in response to a request that first location access rights be assigned;

assigning second location access rights on said server to said first wireless telephone by said second wireless telephone;

storing said first location access rights and said second location access rights on said server;

providing said first location from said server to said second wireless telephone dependent upon said first access rights; and

providing said second location from said server to said first wireless telephone dependent upon said second access rights.

39. (previously presented) The method of claim 38, further comprising alerting said first wireless telephone when said second wireless telephone is within a distance of said first wireless telephone.

40. (previously presented) The method of claim 38, wherein one of said first location access rights is the ability to not allow said second wireless telephone to access said first location.

41. (previously presented) The method of claim 38, wherein said first location is used to provide a location marker on a map on said second wireless telephone.

42. (previously presented) The method of claim 38, further comprising receiving a login and password from said second wireless telephone to identify said second wireless telephone.

43. (previously presented) The method of claim 38, further comprising setting location alerts associated with said first wireless telephone on said second wireless telephone.

44. (previously presented) The method of claim 38, further comprising setting up an alert for said first wireless telephone dependent on said second location of said second wireless telephone.

45. (previously presented) A method comprising:

requesting a location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

assigning location access rights on said server to said second wireless telephone by said first wireless telephone;

storing said location access rights on said server;

determining said access rights assigned by said first wireless telephone to said second wireless telephone on said server; and

providing said location from said server to said second wireless telephone dependent upon said access rights even when said first wireless telephone is OFF.

46. (previously presented) The method of claim 45, further comprising alerting said second wireless telephone when said first wireless telephone is within a distance of said second wireless telephone.

47. (previously presented) The method of claim 45, wherein one of said location access rights is the ability to not allow said second wireless telephone to access said location.

48. (previously presented) The method of claim 45, wherein said location is used to provide a location marker on a map on said second wireless telephone.

49. (previously presented) The method of claim 45, further comprising setting up an alert for said second wireless telephone dependent on said location of said first wireless telephone.

50. (previously presented) The method of claim 3, wherein said location access rights include the ability to not obtain said location.

51. (previously presented) The method of claim 37, wherein another one of said location access rights is the ability to allow said second wireless device to access said location.

52. (previously presented) The method of claim 40, wherein another one of said first location access

rights is the ability to allow said second wireless telephone to access said first location.

53. (previously presented) The method of claim 47, wherein another one of said location access rights is the ability to allow said second wireless telephone to access said location.

54. (previously presented) The method of claim 38, further comprising:

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

providing a second dating matching profile by said second wireless telephone; and

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

55. (previously presented) The method of claim 45, further comprising:

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

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

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

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

56. (previously presented) The method of claim 38, further comprising providing a directional arrow to display said first location relative to said second location on said second wireless telephone.

57. (previously presented) The method of claim 38, further comprising providing a compass in said second wireless telephone, wherein said compass is utilized to display the direction that said second wireless telephone is traveling in.

58. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location on said second wireless telephone.

59. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location and a travel time on said second wireless telephone.

60. (previously presented) The method of claim 38, further comprising determining how fast said first wireless telephone is traveling.

61. (currently amended) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable to request a first location of said first wireless device from a server located remotely from said first and second wireless devices, said first

wireless device is operable to request a second location of said second wireless device from said server, said first wireless device is operable to assign first location access rights on said server to said second wireless device in response to a request that said first location access rights be assigned, said second wireless device is operable to assign second location access rights on said server to said first wireless device, said server storing said first and second location access rights, said first location is provided from said server to said second wireless device dependent upon said first access rights, and said second location is provided from said server to said first wireless device dependent upon said second access rights.

62. (previously presented) The system of claim 61, wherein said first and second wireless devices are wireless telephones.

63. (previously presented) The system of claim 61, wherein said first location is used to provide directions from said second wireless device to said first location on said second wireless device.

64. (previously presented) The system of claim 61, wherein one of said first location access rights is the ability to not allow said second wireless device to access said first location.

65. (previously presented) The system of claim 64, wherein another one of said first location access rights is the ability to allow said second wireless device to access said first location.

66. (previously presented) The system of claim 61, wherein a directional arrow is displayed on said second wireless device representative of said first location relative to said second location.

67. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein a location of said first wireless device is requested by said second wireless device from a server located remotely from said first and second wireless devices, location access rights are assigned on said server to said second wireless device by said first wireless device, said assignment by said first wireless device is requested for said second wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device, said location access rights are stored on said server, said server determines said access rights assigned by said first wireless device to said second wireless device, and said server provides said location from said server to said second wireless device dependent upon said access rights.

68. (previously presented) The system of claim 67, wherein said first and second wireless devices are wireless telephones.

69. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable of requesting a location of a

first wireless device from a server located remotely from said first and second wireless devices, said first wireless device is operable to assign location access rights on said server for said second wireless device, said location access rights are stored on said server, said server is operable to determine said access rights assigned by said first wireless device to said second wireless device on said server, and said server provides said location from said server to said second wireless device dependent upon said access rights even when said first wireless device is OFF.

70. (previously presented) The system of claim 69, wherein said first and second wireless devices are wireless telephones.

71. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of said first wireless device from said second wireless device;

receiving a request for an assignment of said location access rights by said first wireless device for said second wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device;

receiving location access rights to said second wireless device by said first wireless device;

storing said location access rights, wherein said location access rights are stored remotely from said first and second wireless devices;

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 location access rights.

72. (previously presented) The computer-readable medium of claim 71, wherein said first and second wireless devices are wireless telephones.

73. (previously presented) The computer-readable medium of claim 71, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

74. (currently amended) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a first location of said first wireless device;

receiving a request for a second location of said second wireless device;

receiving an assignment of first location access rights from said first wireless device for said second wireless device in response to a request for said first location access rights;

receiving an assignment of second location access rights from said second wireless device for said first wireless device;

storing said first and second location access rights;

providing said first location to said second wireless device dependent upon said first access rights; and

providing said second location to said first wireless device dependent upon said second access rights.

75. (previously presented) The computer-readable medium of claim 74, wherein said first and second wireless devices are wireless telephones.

76. (previously presented) The computer-readable medium of claim 74, further comprising receiving said first location from said first wireless device, wherein said first location is determined on a positioning system located on said first wireless device.

77. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of a first wireless device by a second wireless device;

receiving an assignment of location access rights by said first wireless device for said second wireless device;

storing said location access rights;

determining said location 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 even when said first wireless device is OFF.

78. (previously presented) The computer-readable medium of claim 77, wherein said first and second wireless devices are wireless telephones.

79. (previously presented) The computer-readable medium of claim 77, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 1-35 and 37-79 are pending.

Claims 1-3, 11-16, 19, 22-23, 25-27, 31, 35, and 37 were rejected under 35 U.S.C. 102(e) in view of Almassy U.S. Patent No. 7,177,651 (hereinafter "Almassy").

Claims 4-7 and 9-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Almassy in view of Calvert U.S. Patent Application No. 2003/0013456 (hereinafter "Calvert").

Claims 8, 17, 18, and 20-21 and 24, 28, 30, 32-34, and 38-79 were rejected under 35 U.S.C. 103(a) as being unpatentable over Almassy in view of Bates U.S. Patent Application No. 2003/0013456 (hereinafter "Bates").

Summary of Applicant's Amendments

Applicant has amended claims 38, 61, and 74 without prejudice and solely in order to expedite prosecution.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any amendments or cancellations during the prosecution of this application, or to claim any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the 35 U.S.C. 102(a) Rejection

Claims 1-3, 11-16, 19, 22-23, 25-27, 31, 35 and 37 were rejected under 35 U.S.C. 102(e) in view of Almassy.

Almassy generally alleges two modes of operation. In one mode, Almassy "automatically sends its position to the first mobile station in response to the request." (col.

2, lines 40-41). In the other mode, "the second mobile station 22 must authorize the sending of position data" (col. 4, lines 48-49).

Applicant's invention of claim 1, however, includes requesting that location access rights be assigned if the location access rights have not yet been assigned by the first wireless device for the second wireless device.

Accordingly, Almassy, used either alone or in combination, does not show or suggest applicant's invention of claim 1 of at least requesting that location access rights be assigned if the location access rights have not yet been assigned by the first wireless device for the second wireless device.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 1, and any claims dependent therefrom, be withdrawn.

Furthermore, applicant's invention of claim 1 includes requesting that location access rights be assigned by a first wireless device, assigning location access rights by a first wireless device, and storing the location access rights on a server.

At best, however, Almassy allegedly allows "the second mobile station user to access or submit a list of trusted telephone numbers" (col. 4, lines 44-46). Yet, such an access or submission is not associated with applicant's invention of claim 1 that includes a request. When Almassy allegedly allows for "a manual authorization step," a position is sent (col. 5, lines 30-34). However, in such instances, only a position is allegedly sent. Almassy clearly does not request, assign, and store Almassy's "trust relationships" – Almassy only sends a position.

As shown above, Almassy does not show or suggest applicant's invention of claim 1 of requesting location access rights, assigning location access rights, and storing the location access rights. For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 1, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the 35 U.S.C. 103(a) Rejections

Claims 4-7 and 9-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Almassy in view of Calvert. As shown above, independent claim 1 is patentable. Accordingly, claims 4-7 and 9-10 are patentable for depending from a patentable independent claim.

Claims 8, 17, 18, and 20-21 and 24, 28, 30, 32-34, and 38-79 were rejected under 35 U.S.C. 103(a) as being unpatentable over Almassy in view of Bates.

Generally, Almassy cannot be combined with Bates in any way, shape, or form. Almassy is directed to utilizing "trust relationships" in providing a location. Bates simply discusses providing information to a device. Accordingly, Bates teaches directly away from Almassy as Bates provides information unimpeded. The Examiner cannot simply pick and chose unrelated elements of Almassy and Bates and them together, in hindsight, to construct an inoperable device. Accordingly, applicant respectfully submits that the Examiner's rejection under 35 U.S.C. 103(a) be withdrawn.

Claim 38

Almassy allegedly allows "the second mobile station user to access or submit a list of trusted telephone numbers" (col. 4, lines 44-46). Yet, such an access or submission is not associated with a request. When Almassy allegedly allows for "a manual authorization step," a position is sent (col. 5, lines 30-34). However, in such instances, only a position is allegedly sent.

Neither Almassy nor Bates, used with alone or in combination, however, show or suggest applicant's invention of claim 38 of assigning first location access rights on said server to said second wireless telephone by said first wireless telephone in response to a request that first location access rights be assigned and storing the first location access rights on the server.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 38, and any claims dependent therefrom, be withdrawn.

Claim 45

Neither Almassy nor Bates, used either alone or in combination, show or suggest applicant's invention of claim 45 of at least providing a location from a server to a second wireless telephone dependent upon access rights even when the first wireless telephone is OFF.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 45, and any claims dependent therefrom, be withdrawn.

Claim 61

Neither Almassy nor Bates, used either alone or in combination, show or suggest applicant's invention of claim 61 that includes a first wireless device that is operable to assign first location access rights on the server to the second wireless device in response to a request that the first location access rights be assigned and storing the first location access rights on the server.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 61, and any claims dependent therefrom, be withdrawn.

Claim 67

Neither Almassy nor Bates show or suggest applicant's invention of claim 67 of location access rights that are assigned to a second wireless device by a first wireless device where the assignment is requested for the second wireless device if the location access rights have not yet been assigned by the first wireless device for the second wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 67, and any claims dependent therefrom, be withdrawn.

Claim 69

Neither Almassy nor Bates, used either alone or in combination, show or suggest applicant's invention of claim 69 that includes a server that provides information to a second wireless device dependent upon access rights even when the first wireless device is OFF.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 69, and any claims dependent therefrom, be withdrawn.

Claim 71

Neither Almassy nor Bates, used either alone or in combination, show or suggest applicant's invention of claim 71 that includes receiving a request for an assignment of location access rights by a first wireless device for a second wireless device if the location access rights have not yet been assigned by the first wireless device for the second wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 71, and any claims dependent therefrom, be withdrawn.

Claim 74

Neither Almassy nor Bates, used either alone or in combination, show or suggest applicant's invention of claim 74 that includes receiving an assignment of first location access rights from the first wireless device for the second wireless device in response to a request for the first location access rights and storing the first location access rights.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 74, and any claims dependent therefrom, be withdrawn.

Claim 77

Niether Almassy nor Bates, used either alone or in combination, show or suggest applicant's invention of claim 77 of providing said location to said second wireless

device dependent upon said access rights even when said first wireless device is OFF.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 77, and any claims dependent therefrom, be withdrawn.

The Dependent Claims

As shown above, applicant's independent claims are patentable. Accordingly, applicant's dependent claims are patentable as each dependent claim depends from a patentable independent claim.

The Official Notice Rejection

It appears that the Examiner may have desired to reject claims in view of Official Notice.

The Examiner stated, for example, that:

> "With respect to claim 17, filtering is notoriously old in the art and it would have been obvious to one of ordinary skill to have incorporated such filtering wherever it was deemed necessary." (Office Action, page 3)

The Examiner's rejection is a gross mischaracterization made in hindsight. Particularly, applicant's invention of claim 17 includes filtering information about the location such that only a portion of the information is passed to second wireless device. None of the prior art, used either alone or in combination, shows or suggest filtering information about a location such that only a portion of the information is passed to a wireless device.

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. Accordingly, applicant respectfully requests that a favorable action be issued.

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

Respectfully Submitted,

/Jeffrey D. Mullen/
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# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 10400296 |
| **Filing Date:** | 25-Mar-2003 |
| **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 |
| Filed as Small Entity | |

**Utility 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 | 525 | 525 |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Miscellaneous:** | | | | |
| | | | **Total in USD ($)** | **525** |

| Electronic Acknowledgement Receipt | |
|---|---|
| **EFS ID:** | 3363856 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 27-MAY-2008 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 22:48:16 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | yes |
| Payment Type | Deposit Account |
| Payment was successfully received in RAM | $525 |
| RAM confirmation Number | 15146 |
| Deposit Account | 503855 |
| Authorized User | |
| The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:<br>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)<br>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-002--Reply.pdf | 113332<br>029eeff3cd284866ae9b5362f3ad05a032794c66 | yes | 28 |

| Multipart Description/PDF files in .zip description | | |
|---|---|---|
| **Document Description** | **Start** | **End** |
| Amendment - After Non-Final Rejection | 1 | 1 |
| Claims | 2 | 19 |
| Applicant Arguments/Remarks Made in an Amendment | 20 | 28 |

**Warnings:**

**Information:**

| | | | | | |
|---|---|---|---|---|---|
| 2 | Fee Worksheet (PTO-06) | fee-info.pdf | 8176<br>73250c31d002ed4eacb24378b86c1c5b4968c1a0 | no | 2 |

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**Information:**

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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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**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**
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PTO/SB/06 (09-11)
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| PATENT APPLICATION FEE DETERMINATION RECORD<br>Substitute for Form PTO-875 | Application or Docket Number<br>10/400,296 | Filing Date<br>03/25/2003 | ☐ 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 **05/27/2008**

| | (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)) | * 78 | Minus | ** 78 | = 0 | X $25 = | 0 |
| Independent (37 CFR 1.16(h)) | * 9 | Minus | ***9 | = 0 | X $105 = | 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
KIMBERLY PANNELL

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. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

32733 7590 08/11/2008

JEFFREY D. MULLEN
731 SOUTH NEGLEY
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| EXAMINER | |
|---|---|
| DEANE JR, WILLIAM J | |
| **ART UNIT** | **PAPER NUMBER** |
| 2614 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 08/11/2008 | 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) | |
|---|---|---|---|
| | 10/400,296 | 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 *27 May 2008*.

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

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

**Disposition of Claims**

4)☒ Claim(s) *1-35 and 37-79* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35 and 37-79* 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 § 102*

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

Claims 1 – 10, 15 – 17, 19, 23 and 25 – 27, 29, 35 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,885,874 (Grube et al.).

With respect to claims 1 – 2, 23 and 37 note Col. 3, lines 51 – 65, Col. 4, lines 51 – 53, Col. 5, lines 2 – 4, Col. 6, lines 14 – 26, Col. 7, lines 36 – 38, Col. 11, lines 1 – 42, Col. 13, lines 5 – 23, col. 14, lines 35 – 55 and Figs. 3, 4, 6A and 6B.

With respect to claim 3, such is inherent in Grube et al.

With respect to claims 4, 15, 16 note Col. 10, line 47 – Col. 11, line 42 and Col. 17, lines 22 – 25. If this is argued, not the rejection below.

With respect to claims 5 - 6, note at least Fig. 2 and Col. 6, lines 14 - 32. If this is argued, not the rejection below.

With respect to claim 7, note the above and Col. 3, line 49, Col. 6, line61 – 64, Col. 8, line 52 and Col. 18, line 25 – 28. If this is argued, not the rejection below.

With respect to claim 8, note Col. 3, line 47, Col. 8, line 52, Col. 18, line 40. If this is argued note the rejection below.

With respect to claims 9 - 10, note Col. 10, line 47 – Col. 11, line 42 and Col. 17, lines 22 – 25 and Fig. 2. If this is argued, not the rejection below.

With respect to claim 17, note Col. 10, lines 47 – 60.

With respect to claim 18, 28 and 30, note Col. 6, line 59 – Col. 7, line 20 and Col. 16, lines 11 – 26. If this is argued, note the rejection below.

With respect to claims 25 – 27, note compass 632 and Fig. 2. In addition, note the rejection below.

With respect to claim 29, note Col. 11, line 3.

With respect to claim 35, note Col. 9, lines 29 – 31and Col. 5, line 65 – Col. 6, line 13.

***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 11 – 16, 19, 22, 25 – 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al. in view of U.S. Patent No. 7177,651 (Almassy).

With respect to claims 11, Grube et al. teach the claimed system and method except for the non-wireless aspect. However, such would be obvious to one of ordinary skill in the art without any art, but note Col.3, line 4 – Col. 4, line 54 of Almassy. It would have been obvious to one of ordinary skill in the art to have incorporated such use of a non-wireless device into the Grube et al. system and method as such would only entail the substitution of one well know communication device for another.

With respect to claim 12, note also Col. 3, line 4 – Col. 4, line 54 of Almassy.

With respect to claims 13 – 14, note Col. 4, lines 20 – 23 of Almassy.

With respect to claims 15 – 16, 19 and 22, note Col. 3, line 4 – Col. 4, line 54

With respect to claim 19, note Col. 4, lines 43 – 46 of Almassy.

With respect to claims 25 – 27, note compass 632 of Grube et al. and Col. 3, line 66 – Col. 4, line 8 of Almassy.

With respect to claim 31, note Col. 7, lines 49 – 55 of Almassy.

Claims 4 – 7 and 9 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al. in view of U.S. Patent Application No. (Calvert et al.).

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

Claims 8, 18, 20 – 21, 24, 28, 30, 32 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al. in view of U.S. Patent Application No. 2003/0013456 (Bates et al.).

With respect to claim 8, Grube et al. teach speed as shown above and it is believed that rate of speed is also taught by Grube et al. However, Grube et al. does not specifically recite rate of speed. However, note that such is taught by Bates et al. (see Fig. 5, step 518). It would have been obvious to one of ordinary skill in the art to

have incorporated such “rate of speed” as taught by Bates et al. into the Grube et al. as an obvious needed parameter.

With respect to claims 18, 28 and 30, note the Abstract of Bates et al.

With respect to claims 20 – 21, note paragraphs 0021 and 0038 of Bates et al.

With respect to claim 24, such would have been obvious in view of the rejection of claims 20 - 21. In addition note the use of profiles in Grube et al.

With respect to claims 32 – 34, such limitations would have been obvious to one of ordinary skill in the art in light of the references cite above.

With respect to claims 38 – 79 mirror the claims above and would be rejected in a like manner.

***Response to Arguments***

Applicant's arguments with respect to claims 1 – 35 and 37 -79 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

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

09Aug2008

/William J Deane/

Primary Examiner, Art Unit 2614

| Notice of References Cited | Application/Control No. 10/400,296 | Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D. | |
|---|---|---|---|
| | Examiner William J. Deane | Art Unit 2614 | Page 1 of 1 |

**U.S. PATENT DOCUMENTS**

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|---|---|---|---|
| * | A | US-6,885,874 | 04-2005 | Grube et al. | 455/520 |
| | B | US- | | | |
| | 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 |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | | | | | | | | |
| | 1 | ✓ | | | | | | | | |
| | 2 | ✓ | | | | | | | | |
| | 3 | ✓ | | | | | | | | |
| | 4 | ✓ | | | | | | | | |
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| | 6 | ✓ | | | | | | | | |
| | 7 | ✓ | | | | | | | | |
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| | 30 | ✓ | | | | | | | | |
| | 31 | ✓ | | | | | | | | |
| | 32 | ✓ | | | | | | | | |
| | 33 | ✓ | | | | | | | | |
| | 34 | ✓ | | | | | | | | |
| | 35 | ✓ | | | | | | | | |
| | 36 | - | | | | | | | | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | | | | | | | | |
| | 37 | ✓ | | | | | | | | |
| | 38 | ✓ | | | | | | | | |
| | 39 | ✓ | | | | | | | | |
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| | 44 | ✓ | | | | | | | | |
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| | 69 | ✓ | | | | | | | | |
| | 70 | ✓ | | | | | | | | |
| | 71 | ✓ | | | | | | | | |
| | 72 | ✓ | | | | | | | | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | | | | | | | | |
| | 73 | ✓ | | | | | | | | |
| | 74 | ✓ | | | | | | | | |
| | 75 | ✓ | | | | | | | | |
| | 76 | ✓ | | | | | | | | |
| | 77 | ✓ | | | | | | | | |
| | 78 | ✓ | | | | | | | | |
| | 79 | ✓ | | | | | | | | |

| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | William J Deane | 2614 |

| SEARCHED | | | |
|---|---|---|---|
| Class | Subclass | Date | Examiner |
| | Updated the prior search | 09Aug2008 | WJD |

| SEARCH NOTES | | |
|---|---|---|
| Search Notes | Date | Examiner |
| | | |

| INTERFERENCE SEARCH | | | |
|---|---|---|---|
| Class | Subclass | Date | Examiner |
| | | | |

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| | /W. J. D./<br>Primary Examiner.Art Unit 2614 |

SMALL ENTITY
JDM/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Applicant | : | Jeffrey D. Mullen |
| Application No. | : | 10/400,296 |
| Confirmation No. | : | 8666 |
| Filed | : | March 25, 2003 |
| For | : | SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME |
| Group Art Unit | : | 2614 |
| Examiner | : | William Deane Jr. |

**Mail Stop: Amendment**
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pittsburgh, PA 15232
February 11, 2009

REPLY TO OFFICE ACTION

Sir:

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

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 20 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. (previously presented) A method of mobile-to-mobile locating, said method comprising:

requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices;

requesting that location access rights be assigned for said second wireless device by said first wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device;

assigning said location access rights on said server to said second wireless device by said first wireless device;

storing said location access rights on said server;

determining said access rights assigned by said first wireless device to said second wireless device on said server; and

providing said location from said server to said second wireless device dependent upon said access rights.

2. (previously presented) The method of claim 1, wherein said first and second wireless devices are cellular phones.

3. (previously amended) The method of claim 1, wherein said location access rights include the ability to obtain said location, wherein said location is provided to said second wireless device from said server even when said first wireless device is OFF.

4. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of access levels.

5. (previously presented) The method of claim 1, wherein said location is used to provide a location marker on a map on said second wireless device.

6. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location on said second wireless device.

7. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location and a travel time on said second wireless device.

8. (previously presented) The method of claim 1, further comprising requesting a second location of said first wireless device and using said location and said second location to determine how fast said first wireless device is traveling.

9. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of

levels of access rights, at least one of said plurality of levels of access rights comprise the exact location of said first wireless device, and another one of said plurality of levels of access rights comprise an approximate location of said first wireless device.

10. (previously presented) The method of claim 1, wherein said access rights comprise a plurality of levels of access rights, at least one of said plurality of levels of access rights comprise an approximate location of said first wireless device, and said approximate location comprises a city or state.

11. (previously presented) The method of claim 1, further comprising requesting said location of said first wireless device by a non-wireless device.

12. (previously presented) The method of claim 1, further comprising obtaining a second location from a non-wireless device.

13. (previously presented) The method of claim 1, further comprising receiving a login and password from said second wireless device to identify said second wireless device.

14. (previously presented) The method of claim 1, wherein said location of said first wireless device is requested by receiving input, in the form of a telephone number of said first wireless device, on said second wireless device.

15. (previously presented) The method of claim 1, further comprising using said first wireless device to modify said location access rights for said second wireless device.

16. (previously presented) The method of claim 1, further comprising the ability to use said first wireless device to delete said location access rights for said second wireless device.

17. (previously presented) The method of claim 1, further comprising filtering information about said location such that only a portion of the information is passed to said second wireless device.

18. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device is within a distance of second wireless device.

19. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list.

20. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list wherein said identifier list comprises a list of telephone numbers.

21. (previously presented) The method of claim 1, further comprising selecting said first wireless device

from an identifier list wherein said identifier list comprises a list of user profiles.

22. (previously presented) The method of claim 1, further comprising requesting a second location from said first wireless device from a non-wireless device, wherein said non-wireless device does not comprise a positioning system.

23. (previously presented) The method of claim 1, wherein said location is provided by a positioning system.

24. (previously presented) The method of claim 1, further comprising:

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

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

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

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

25. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device.

26. (previously presented) The method of claim 1, wherein a directional arrow is utilized to display the location of said first wireless device relative to said

location of said second wireless device on said second wireless device.

27. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device, wherein said compass is utilized to display the direction that said second wireless device is traveling in.

28. (previously presented) The method of claim 1, further comprising setting location alerts associated with said first wireless device on said second wireless device.

29. (previously presented) The method of claim 1, wherein said location access rights are only assigned for a period of time.

30. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device enters a geographic area.

31. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device.

32. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device when said first wireless device is turned OFF.

33. (previously presented) The method of claim 1, further comprising displaying on said second wireless device the opportunity to request said location access rights from said first wireless device.

34. (previously presented) The method of claim 1, further comprising displaying to said second wireless device the opportunity to request said location access rights from said first wireless device after a determination has been made that said second wireless device does not have access to said location.

35. (previously presented) The method of claim 1, wherein said first wireless device is requested to manually allow said location access rights for said second wireless device every time said second wireless device requests said location.

36. (cancelled).

37. (previously presented) The method of claim 1, wherein one of said location access rights is the ability to not allow said second wireless device to access said location.

38. (previously presented) A method comprising:

requesting a first location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

requesting a second location of said second wireless telephone by said first wireless telephone from said server;

assigning first location access rights on said server to said second wireless telephone by said first wireless telephone in response to a request that first location access rights be assigned;

assigning second location access rights on said server to said first wireless telephone by said second wireless telephone;

storing said first location access rights and said second location access rights on said server;

providing said first location from said server to said second wireless telephone dependent upon said first access rights; and

providing said second location from said server to said first wireless telephone dependent upon said second access rights.

39. (previously presented) The method of claim 38, further comprising alerting said first wireless telephone when said second wireless telephone is within a distance of said first wireless telephone.

40. (previously presented) The method of claim 38, wherein one of said first location access rights is the ability to not allow said second wireless telephone to access said first location.

41. (previously presented) The method of claim 38, wherein said first location is used to provide a location marker on a map on said second wireless telephone.

42. (previously presented) The method of claim 38, further comprising receiving a login and password from said second wireless telephone to identify said second wireless telephone.

43. (previously presented) The method of claim 38, further comprising setting location alerts associated with said first wireless telephone on said second wireless telephone.

44. (previously presented) The method of claim 38, further comprising setting up an alert for said first wireless telephone dependent on said second location of said second wireless telephone.

45. (previously presented) A method comprising:

requesting a location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

assigning location access rights on said server to said second wireless telephone by said first wireless telephone;

storing said location access rights on said server;

determining said access rights assigned by said first wireless telephone to said second wireless telephone on said server; and

providing said location from said server to said second wireless telephone dependent upon said access rights even when said first wireless telephone is OFF.

46. (previously presented) The method of claim 45, further comprising alerting said second wireless telephone when said first wireless telephone is within a distance of said second wireless telephone.

47. (previously presented) The method of claim 45, wherein one of said location access rights is the ability to not allow said second wireless telephone to access said location.

48. (previously presented) The method of claim 45, wherein said location is used to provide a location marker on a map on said second wireless telephone.

49. (previously presented) The method of claim 45, further comprising setting up an alert for said second wireless telephone dependent on said location of said first wireless telephone.

50. (previously presented) The method of claim 3, wherein said location access rights include the ability to not obtain said location.

51. (previously presented) The method of claim 37, wherein another one of said location access rights is the ability to allow said second wireless device to access said location.

52. (previously presented) The method of claim 40, wherein another one of said first location access

rights is the ability to allow said second wireless telephone to access said first location.

53. (previously presented) The method of claim 47, wherein another one of said location access rights is the ability to allow said second wireless telephone to access said location.

54. (previously presented) The method of claim 38, further comprising:

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

providing a second dating matching profile by said second wireless telephone; and

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

55. (previously presented) The method of claim 45, further comprising:

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

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

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

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

56. (previously presented) The method of claim 38, further comprising providing a directional arrow to display said first location relative to said second location on said second wireless telephone.

57. (previously presented) The method of claim 38, further comprising providing a compass in said second wireless telephone, wherein said compass is utilized to display the direction that said second wireless telephone is traveling in.

58. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location on said second wireless telephone.

59. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location and a travel time on said second wireless telephone.

60. (previously presented) The method of claim 38, further comprising determining how fast said first wireless telephone is traveling.

61. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable to request a first location of said first wireless device from a server located remotely from said first and second wireless devices, said first

wireless device is operable to request a second location of said second wireless device from said server, said first wireless device is operable to assign first location access rights on said server to said second wireless device in response to a request that said first location access rights be assigned, said second wireless device is operable to assign second location access rights on said server to said first wireless device, said server storing said first and second location access rights, said first location is provided from said server to said second wireless device dependent upon said first access rights, and said second location is provided from said server to said first wireless device dependent upon said second access rights.

62. (previously presented) The system of claim 61, wherein said first and second wireless devices are wireless telephones.

63. (previously presented) The system of claim 61, wherein said first location is used to provide directions from said second wireless device to said first location on said second wireless device.

64. (previously presented) The system of claim 61, wherein one of said first location access rights is the ability to not allow said second wireless device to access said first location.

65. (previously presented) The system of claim 64, wherein another one of said first location access rights is the ability to allow said second wireless device to access said first location.

66. (previously presented) The system of claim 61, wherein a directional arrow is displayed on said second wireless device representative of said first location relative to said second location.

67. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein a location of said first wireless device is requested by said second wireless device from a server located remotely from said first and second wireless devices, location access rights are assigned on said server to said second wireless device by said first wireless device, said assignment by said first wireless device is requested for said second wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device, said location access rights are stored on said server, said server determines said access rights assigned by said first wireless device to said second wireless device, and said server provides said location from said server to said second wireless device dependent upon said access rights.

68. (previously presented) The system of claim 67, wherein said first and second wireless devices are wireless telephones.

69. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable of requesting a location of a

first wireless device from a server located remotely from said first and second wireless devices, said first wireless device is operable to assign location access rights on said server for said second wireless device, said location access rights are stored on said server, said server is operable to determine said access rights assigned by said first wireless device to said second wireless device on said server, and said server provides said location from said server to said second wireless device dependent upon said access rights even when said first wireless device is OFF.

70. (previously presented) The system of claim 69, wherein said first and second wireless devices are wireless telephones.

71. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of said first wireless device from said second wireless device;

receiving a request for an assignment of said location access rights by said first wireless device for said second wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device;

receiving location access rights to said second wireless device by said first wireless device;

storing said location access rights, wherein said location access rights are stored remotely from said first and second wireless devices;

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 location access rights.

72. (previously presented) The computer-readable medium of claim 71, wherein said first and second wireless devices are wireless telephones.

73. (previously presented) The computer-readable medium of claim 71, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

74. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a first location of said first wireless device;

receiving a request for a second location of said second wireless device;

receiving an assignment of first location access rights from said first wireless device for said second wireless device in response to a request for said first location access rights;

receiving an assignment of second location access rights from said second wireless device for said first wireless device;

storing said first and second location access rights;

providing said first location to said second wireless device dependent upon said first access rights; and

providing said second location to said first wireless device dependent upon said second access rights.

75. (previously presented) The computer-readable medium of claim 74, wherein said first and second wireless devices are wireless telephones.

76. (previously presented) The computer-readable medium of claim 74, further comprising receiving said first location from said first wireless device, wherein said first location is determined on a positioning system located on said first wireless device.

77. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of a first wireless device by a second wireless device;

receiving an assignment of location access rights by said first wireless device for said second wireless device;

storing said location access rights;

determining said location 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 even when said first wireless device is OFF.

78. (previously presented) The computer-readable medium of claim 77, wherein said first and second wireless devices are wireless telephones.

79. (previously presented) The computer-readable medium of claim 77, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 1-35 and 37-79 are pending.

Claims 1-10, 15-17, 19, 23, 25-27, 29, 35, and 37 were rejected under 35 U.S.C. 102(e) in view of Grube U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 11-16, 19, 22, 25-27, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Almassyt U.S. Patent No. 7,177,651 (hereinafter "Almassy").

Claims 4-7 and 9-10 were rejected under 35 U.S.C. 103(a) were rejected as being unpatentable over Grube in view of Calvert.

Claims 8, 18, 20-21, 24, 28, 30, and 32-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Bates U.S. Patent Application No. 2003/0013456 (hereinafter "Bates").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any amendments or cancellations during the prosecution of this application, or to claim any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the 35 U.S.C. 102(a) Rejection

Claims 1-10, 15-17, 19, 23, 25-27, 29, 35, and 37 were rejected under 35 U.S.C. 102(e) in view of Grube.

Applicant's invention of claim 1 includes assigning location access rights to a second wireless device by a first wireless device and providing the

location from the server to the second wireless device dependent upon the access rights.

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

Accordingly, Grube does not show or suggest practically anything of interest. Grube does not even show or suggest applicant's invention of claim 1 of one wireless device assigning location access rights to a second wireless device.

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

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

> "the filtering policies may define, for example, how often and what type of location information the client should receive from the locating determination units how often and what type of location information the client should report to the GLSS controller for the purposes of

> disseminating it to the GLSS subscribers." (Grube, col. 10, lines 49-54).

The filtering is used to reduce load. For example:

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

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

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

Such service levels and pre-determined filtering policies are dictated across the talkgroup for a specific event. Accordingly, Grube does not show or suggest applicant's invention of claim 1 that includes assigning location rights on a server to a second wireless device by a first wireless device and providing a location to this second wireless device based on these location access rights.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claim 1, and any claim dependent therefrom, is patentable.

Applicant's Response to the 35 U.S.C. 103(a) Rejections

Claims 11-16, 19, 22, 25-27, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Almassy. Claims 4-7 and 9-10 were rejected under 35 U.S.C. 103(a) were rejected as being unpatentable over Grube in view of Calvert. Claims 8, 18, 20-21, 24, 28, 30, and 32-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Bates.

As shown above, applicant's claim 1 is patentable. Claims 4-16, 18-28, and 30-34 depend from patentable claim 1. Accordingly, claims 4-16, 18-28, and 30-34 are patentable for depending from a patentable independent claim. In this manner, applicant respectfully requests that the Examiner's rejection of claims 4-16, 18-28, and 30-34 be withdrawn.

Applicant's Response to the Rejections of claims 38-79

The Examiner noted that claims 38-79 mirror claims 1-37 and would be rejected in a like manner.

Claims 38-79, however, do not mirror claims 1-37. Claims 38-79 are patentably distinct from claims 1-37.

Nonetheless, claims 38-79 do include patentable features similar to the patentable features discussed above in connection with claim 1. Accordingly, applicant's inventions of claims 38-79 are patentable. In this manner, applicant respectfully requests that the Examiner's rejection of claims 38-79 be withdrawn.

Claims 45, 69, and 77

Furthermore, applicant's invention of claims 45, 69, and 77 include providing a location to a second

wireless device dependent upon access rights even when the first wireless device is OFF.

Grube, however, states:

> "and whoever de-subscribes from the GLSS service automatically terminates their participation in the talkgroup call, and visa versa." (Gube, col. 18, lines 60-65).

Accordingly, Grube explicitly alleges that a user is removed from a service when a Grube radio is turned OFF. In this manner, Grube does not show or suggest applicant's invention of claims 45, 69, and 77 of providing a location to a second wireless device dependent upon access rights even when a first wireless device is OFF.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 45, 69, and 77, and any claims dependent therefrom, be withdrawn.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. Accordingly, applicant respectfully requests that a favorable action be issued.

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

Respectfully Submitted,

/Jeffrey D. Mullen/
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# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 10400296 |
| **Filing Date:** | 25-Mar-2003 |
| **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 |

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:** | 4771241 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 11-FEB-2009 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 08:42:57 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | yes |
| Payment Type | Deposit Account |
| Payment was successfully received in RAM | $555 |
| RAM confirmation Number | 5511 |
| Deposit Account | 503855 |
| Authorized User | |
| The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:<br>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)<br>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-002--Reply.pdf | 94867<br>d44351a8bf514c4eb67a2ac7e468698be01b5f14 | yes | 24 |

| | Multipart Description/PDF files in .zip description | | |
|---|---|---|---|
| | **Document Description** | **Start** | **End** |
| | Amendment/Req. Reconsideration-After Non-Final Reject | 1 | 1 |
| | Claims | 2 | 19 |
| | Applicant Arguments/Remarks Made in an Amendment | 20 | 24 |

**Warnings:**

**Information:**

| | | | | | |
|---|---|---|---|---|---|
| 2 | Fee Worksheet (PTO-06) | fee-info.pdf | 30169<br>63987ea17bb0b007bc33bd8b4d73b3be1b81ca66 | no | 2 |

**Warnings:**

**Information:**

| **Total Files Size (in bytes):** | 125036 |
|---|---|

**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 (07-06)
Approved for use through 1/31/2007. 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 10/400,296 | Filing Date 03/25/2003 | ☐ To be Mailed |
|---|---|---|---|

## APPLICATION AS FILED – PART I

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

| | | (Column 1) | | (Column 2) | (Column 3) | SMALL ENTITY | | OR | OTHER THAN SMALL ENTITY | |
|---|---|---|---|---|---|---|---|---|---|---|
| AMENDMENT | 02/11/2009 | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE ($) | ADDITIONAL FEE ($) | | RATE ($) | ADDITIONAL FEE ($) |
| | Total (37 CFR 1.16(i)) | * 78 | Minus | ** 78 | = 0 | X $26 = | 0 | OR | X $ = | |
| | Independent (37 CFR 1.16(h)) | * 9 | Minus | ***9 | = 0 | X $110 = | 0 | OR | X $ = | |
| | ☐ Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| | ☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | OR | | |
| | | | | | | TOTAL ADD'L FEE | 0 | OR | TOTAL ADD'L FEE | |

| | | (Column 1) | | (Column 2) | (Column 3) | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| AMENDMENT | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE ($) | ADDITIONAL FEE ($) | | RATE ($) | ADDITIONAL FEE ($) |
| | Total (37 CFR 1.16(i)) | * | Minus | ** | = | X $ = | | OR | X $ = | |
| | Independent (37 CFR 1.16(h)) | * | Minus | *** | = | X $ = | | OR | X $ = | |
| | ☐ Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| | ☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | 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:
/CORALIA BETANCOURT/

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. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

32733 7590 06/10/2009

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

| MAIL DATE | DELIVERY MODE |
|---|---|
| 06/10/2009 | 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) | |
|---|---|---|---|
| | 10/400,296 | 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 *11 February 2009*.

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

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

**Disposition of Claims**

4)☒ Claim(s) *1-35 and 37-79* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35 and 37-79* is/are rejected.

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

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

**Application Papers**

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

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

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

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

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

**Priority under 35 U.S.C. § 119**

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

a)☐ All b)☐ Some * c)☐ None of:

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

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

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

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

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Double Patenting*

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

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

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

Claims 1 – 35 and 37—79 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3 - 20 and claims 3 - 32 of copending Application Nos. 11/834674 and 11/485161 respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are very similar and therefore, not patentably distinct from one another..

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

***Claim Rejections - 35 USC § 103***

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

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

Claims 1 - 4, 17, 18, 20 – 21, 23 - 24, 28, 30 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2009/0029717 (Bates et al.) or in the alternative Bates in view of U.S. Patent Application no. 2002/0115453 (Poulin et al.).

With respect to claims 1 and 37 such limitations are taught by Bates at paragraphs 0022, 0026 -0028, 0033 – 0035, 0042 – 0047, 0052 – 0054 and 0057 and the Abstract.

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

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 the any of the parts of the phone depicted in Bates et al. (position detector, memory , alert programs and data structures) and place them in a sever as such would only entail the transfer of what is used locally to a remote location.

For example, note the Location Based Service Center in at least Fig. 1 of Poulin et al. This LBSC server would read on the remote 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.

With respect to claim 2, note paragraph 0026.

With respect to claim 3, once the location information is sent to the remote server, it would be obvious to one skilled in the art that the first wireless device is on or off.

With respect to claim 4 and with respect to level of access, note that Bates et al. teach at least 2 levels of access; those being access and no access. In addition, access may be determined by distance thresholds, which may be different for each group or group member. If this is argued note the rejection below with respect to Calvert et al.).

With respect to claims 18, 28 and 30, note alerting as disclosed by Bates et al. (see Abstract and paragraphs 0027 – 0028).

With respect to claims 20 - 21, note Fig. 4 of Bates et al.

With respect to claim 23, note paragraph 0026 of Bates et al.

With respect to claim 24, note that it would be obvious to one of ordinary skill in the art to have one group called a dating or dating service.

Claims 5 – 8 and 25 - 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. and Poulin in view of U.S. Patent No. 6,885,874 (Grube et al.).

Note that Poulin et al. disclose the use of a map (see at least the Abstract). However, there is no disclosure of a location marker. Note that Grube et al. teach such (see Fig. 2). It would have been obvious to one of ordinary skill in the art to have incorporated such location markers as disclosed by Grube et al. into the Bates et al./Poulin et al. device as an obvious convenience to a user.

With respect to claims 6, Poulin discloses a map and Bates et al. disclose direction (paragraph 0045 of Bates et al.) and there for the instant limitation would have been obvious to one of ordinary skill. If this is argued, then note Fig. 2 of Grube et al.

With respect to claim 7, having the map of Poulin et al. and the speed and direction as disclosed in Bates et al., such limitations would have been obvious to one of ordinary skill in the art. If this is argued, note Col. 3, line 49, Col. 6, lines 61 – 64, Col. 8, line 52 and Col. 18, line 25 – 28 of Grube et al. Also, note the rejection below using the Calvert et al. reference.

With respect to claims 25 – 27, note compass 632 and Fig. 2 of Grube et al.

With respect to claim 8, note Col. 3, line 47, Col. 8, line 52, Col, 18, line 40 of Grube et al. Also, note the rejection below using the Calvert et al. reference

Claims 4 – 7, 9 – 10, 29 and 31 - 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al./Poulin et al./Grube et al. in view of U.S. Patent Application No. (Calvert et al.).

As shown above, Bates et al./Poulin et al./Grube et al. teach the claimed limitations as shown above. In fact, both Bates et al. and Grube et al. teach plurality of access levels. However, Calvert et al. teach the same access levels as described in applicant's specification (note approximate and exact locations in the Abstract of Calvert et al.). In addition, note Col. 9, line 3 of Grube et al. It would have been obvious to one of ordinary skill in the art to have incorporated such plurality of access levels as disclosed by Calvert et al. into the Grube et al. system and method as such would only entail the substitution of well known access levels for others.

With respect to claim 29, note Col. 11, line 3 of Grube et al.

Claims 11 – 16, 19, 22, 25 – 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. and Poulin et al. and Grube et al. in view of U.S. Patent No. 7177,651 (Almassy).

With respect to claims 11, Bates et al./Poulin et al./Grube et al. teach the claimed system and method except for the non-wireless aspect. However, such would be obvious to one of ordinary skill in the art without any art, but note Col.3, line 4 – Col. 4, line 54 of Almassy. It would have been obvious to one of ordinary skill in the art to have incorporated such use of a non-wireless device into the Grube et al. system and method as such would only entail the substitution of one well know communication device for another.

With respect to claim 12, note also Col. 3, line 4 – Col. 4, line 54 of Almassy.

With respect to claims 13 – 14, note Col. 4, lines 20 – 23 of Almassy.

With respect to claims 15 – 16, 19 and 22, note Col. 3, line 4 – Col. 4, line 54

With respect to claim 19, note Col. 4, lines 43 – 46 of Almassy.

With respect to claims 25 – 27, note compass 632 of Grube et al. and Col. 3, line 66 – Col. 4, line 8 of Almassy.

With respect to claim 31, additionally note Col. 7, lines 49 – 55 of Almassy.

With respect to claims 33 – 34, such limitations would have been obvious to one of ordinary skill in the art given the art cited above.

With respect to claims 38 – 79 such limitations mirror the above and would be rejected in a like manner.

***Response to Arguments***

Applicant's arguments with respect to claims 1-35 and 37 - 79 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

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

06Jun2009

/William J Deane/

Primary Examiner, Art Unit 2614

| Notice of References Cited | Application/Control No. 10/400,296 | Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D. | |
|---|---|---|---|
| | Examiner William J. Deane | Art Unit 2614 | Page 1 of 1 |

**U.S. PATENT DOCUMENTS**

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

**FOREIGN PATENT DOCUMENTS**

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

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

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

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | 06/06/2009 | | | | | | | |
| | 1 | ✓ | ✓ | | | | | | | |
| | 2 | ✓ | ✓ | | | | | | | |
| | 3 | ✓ | ✓ | | | | | | | |
| | 4 | ✓ | ✓ | | | | | | | |
| | 5 | ✓ | ✓ | | | | | | | |
| | 6 | ✓ | ✓ | | | | | | | |
| | 7 | ✓ | ✓ | | | | | | | |
| | 8 | ✓ | ✓ | | | | | | | |
| | 9 | ✓ | ✓ | | | | | | | |
| | 10 | ✓ | ✓ | | | | | | | |
| | 11 | ✓ | ✓ | | | | | | | |
| | 12 | ✓ | ✓ | | | | | | | |
| | 13 | ✓ | ✓ | | | | | | | |
| | 14 | ✓ | ✓ | | | | | | | |
| | 15 | ✓ | ✓ | | | | | | | |
| | 16 | ✓ | ✓ | | | | | | | |
| | 17 | ✓ | ✓ | | | | | | | |
| | 18 | ✓ | ✓ | | | | | | | |
| | 19 | ✓ | ✓ | | | | | | | |
| | 20 | ✓ | ✓ | | | | | | | |
| | 21 | ✓ | ✓ | | | | | | | |
| | 22 | ✓ | ✓ | | | | | | | |
| | 23 | ✓ | ✓ | | | | | | | |
| | 24 | ✓ | ✓ | | | | | | | |
| | 25 | ✓ | ✓ | | | | | | | |
| | 26 | ✓ | ✓ | | | | | | | |
| | 27 | ✓ | ✓ | | | | | | | |
| | 28 | ✓ | ✓ | | | | | | | |
| | 29 | ✓ | ✓ | | | | | | | |
| | 30 | ✓ | ✓ | | | | | | | |
| | 31 | ✓ | ✓ | | | | | | | |
| | 32 | ✓ | ✓ | | | | | | | |
| | 33 | ✓ | ✓ | | | | | | | |
| | 34 | ✓ | ✓ | | | | | | | |
| | 35 | ✓ | ✓ | | | | | | | |
| | 36 | - | - | | | | | | | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | William J Deane | 2614 |

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|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | | | | | | | |
| | 37 | ✓ | ✓ | | | | | | | |
| | 38 | ✓ | ✓ | | | | | | | |
| | 39 | ✓ | ✓ | | | | | | | |
| | 40 | ✓ | ✓ | | | | | | | |
| | 41 | ✓ | ✓ | | | | | | | |
| | 42 | ✓ | ✓ | | | | | | | |
| | 43 | ✓ | ✓ | | | | | | | |
| | 44 | ✓ | ✓ | | | | | | | |
| | 45 | ✓ | ✓ | | | | | | | |
| | 46 | ✓ | ✓ | | | | | | | |
| | 47 | ✓ | ✓ | | | | | | | |
| | 48 | ✓ | ✓ | | | | | | | |
| | 49 | ✓ | ✓ | | | | | | | |
| | 50 | ✓ | ✓ | | | | | | | |
| | 51 | ✓ | ✓ | | | | | | | |
| | 52 | ✓ | ✓ | | | | | | | |
| | 53 | ✓ | ✓ | | | | | | | |
| | 54 | ✓ | ✓ | | | | | | | |
| | 55 | ✓ | ✓ | | | | | | | |
| | 56 | ✓ | ✓ | | | | | | | |
| | 57 | ✓ | ✓ | | | | | | | |
| | 58 | ✓ | ✓ | | | | | | | |
| | 59 | ✓ | ✓ | | | | | | | |
| | 60 | ✓ | ✓ | | | | | | | |
| | 61 | ✓ | ✓ | | | | | | | |
| | 62 | ✓ | ✓ | | | | | | | |
| | 63 | ✓ | ✓ | | | | | | | |
| | 64 | ✓ | ✓ | | | | | | | |
| | 65 | ✓ | ✓ | | | | | | | |
| | 66 | ✓ | ✓ | | | | | | | |
| | 67 | ✓ | ✓ | | | | | | | |
| | 68 | ✓ | ✓ | | | | | | | |
| | 69 | ✓ | ✓ | | | | | | | |
| | 70 | ✓ | ✓ | | | | | | | |
| | 71 | ✓ | ✓ | | | | | | | |
| | 72 | ✓ | ✓ | | | | | | | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | William J Deane | 2614 |

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|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | | | | | | | |
| | 73 | ✓ | ✓ | | | | | | | |
| | 74 | ✓ | ✓ | | | | | | | |
| | 75 | ✓ | ✓ | | | | | | | |
| | 76 | ✓ | ✓ | | | | | | | |
| | 77 | ✓ | ✓ | | | | | | | |
| | 78 | ✓ | ✓ | | | | | | | |
| | 79 | ✓ | ✓ | | | | | | | |

| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | William J Deane | 2614 |

| SEARCHED | | | |
|---|---|---|---|
| Class | Subclass | Date | Examiner |
| | Updated the prior search | 09Aug2008 | WJD |
| | Updated the prior search. | 06Jun2009 | WJD |

| SEARCH NOTES | | |
|---|---|---|
| Search Notes | Date | Examiner |
| | | |

| INTERFERENCE SEARCH | | | |
|---|---|---|---|
| Class | Subclass | Date | Examiner |
| | | | |

| | |
|---|---|
| | /W. J. D./<br>Primary Examiner.Art Unit 2614 |

SMALL ENTITY
JDM/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Applicant | : | Jeffrey D. Mullen |
| Application No. | : | 10/400,296 |
| Confirmation No. | : | 8666 |
| Filed | : | March 25, 2003 |
| For | : | SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME |
| Group Art Unit | : | 2614 |
| Examiner | : | William Deane Jr. |

**Mail Stop: Amendment**
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pittsburgh, PA 15232
December 10, 2009

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated June 10, 2009. A three-month extension of time is applicable hereto. In Reply to the Office Action, applicant amends the application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 20 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. (previously presented) A method of mobile-to-mobile locating, said method comprising:

requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices;

requesting that location access rights be assigned for said second wireless device by said first wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device;

assigning said location access rights on said server to said second wireless device by said first wireless device;

storing said location access rights on said server;

determining said access rights assigned by said first wireless device to said second wireless device on said server; and

providing said location from said server to said second wireless device dependent upon said access rights.

2. (previously presented) The method of claim 1, wherein said first and second wireless devices are cellular phones.

3. (previously amended) The method of claim 1, wherein said location access rights include the ability to obtain said location, wherein said location is provided to said second wireless device from said server even when said first wireless device is OFF.

4. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of access levels.

5. (previously presented) The method of claim 1, wherein said location is used to provide a location marker on a map on said second wireless device.

6. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location on said second wireless device.

7. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location and a travel time on said second wireless device.

8. (previously presented) The method of claim 1, further comprising requesting a second location of said first wireless device and using said location and said second location to determine how fast said first wireless device is traveling.

9. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of

levels of access rights, at least one of said plurality of levels of access rights comprise the exact location of said first wireless device, and another one of said plurality of levels of access rights comprise an approximate location of said first wireless device.

10. (previously presented) The method of claim 1, wherein said access rights comprise a plurality of levels of access rights, at least one of said plurality of levels of access rights comprise an approximate location of said first wireless device, and said approximate location comprises a city or state.

11. (previously presented) The method of claim 1, further comprising requesting said location of said first wireless device by a non-wireless device.

12. (previously presented) The method of claim 1, further comprising obtaining a second location from a non-wireless device.

13. (previously presented) The method of claim 1, further comprising receiving a login and password from said second wireless device to identify said second wireless device.

14. (previously presented) The method of claim 1, wherein said location of said first wireless device is requested by receiving input, in the form of a telephone number of said first wireless device, on said second wireless device.

15. (previously presented) The method of claim 1, further comprising using said first wireless device to modify said location access rights for said second wireless device.

16. (previously presented) The method of claim 1, further comprising the ability to use said first wireless device to delete said location access rights for said second wireless device.

17. (previously presented) The method of claim 1, further comprising filtering information about said location such that only a portion of the information is passed to said second wireless device.

18. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device is within a distance of second wireless device.

19. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list.

20. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list wherein said identifier list comprises a list of telephone numbers.

21. (previously presented) The method of claim 1, further comprising selecting said first wireless device

from an identifier list wherein said identifier list comprises a list of user profiles.

22. (previously presented) The method of claim 1, further comprising requesting a second location from said first wireless device from a non-wireless device, wherein said non-wireless device does not comprise a positioning system.

23. (previously presented) The method of claim 1, wherein said location is provided by a positioning system.

24. (previously presented) The method of claim 1, further comprising:

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

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

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

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

25. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device.

26. (previously presented) The method of claim 1, wherein a directional arrow is utilized to display the location of said first wireless device relative to said

location of said second wireless device on said second wireless device.

27. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device, wherein said compass is utilized to display the direction that said second wireless device is traveling in.

28. (previously presented) The method of claim 1, further comprising setting location alerts associated with said first wireless device on said second wireless device.

29. (previously presented) The method of claim 1, wherein said location access rights are only assigned for a period of time.

30. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device enters a geographic area.

31. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device.

32. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device when said first wireless device is turned OFF.

33. (previously presented) The method of claim 1, further comprising displaying on said second wireless device the opportunity to request said location access rights from said first wireless device.

34. (previously presented) The method of claim 1, further comprising displaying to said second wireless device the opportunity to request said location access rights from said first wireless device after a determination has been made that said second wireless device does not have access to said location.

35. (previously presented) The method of claim 1, wherein said first wireless device is requested to manually allow said location access rights for said second wireless device every time said second wireless device requests said location.

36. (cancelled).

37. (previously presented) The method of claim 1, wherein one of said location access rights is the ability to not allow said second wireless device to access said location.

38. (previously presented) A method comprising:

requesting a first location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

requesting a second location of said second wireless telephone by said first wireless telephone from said server;

assigning first location access rights on said server to said second wireless telephone by said first wireless telephone in response to a request that first location access rights be assigned;

assigning second location access rights on said server to said first wireless telephone by said second wireless telephone;

storing said first location access rights and said second location access rights on said server;

providing said first location from said server to said second wireless telephone dependent upon said first access rights; and

providing said second location from said server to said first wireless telephone dependent upon said second access rights.

39. (previously presented) The method of claim 38, further comprising alerting said first wireless telephone when said second wireless telephone is within a distance of said first wireless telephone.

40. (previously presented) The method of claim 38, wherein one of said first location access rights is the ability to not allow said second wireless telephone to access said first location.

41. (previously presented) The method of claim 38, wherein said first location is used to provide a location marker on a map on said second wireless telephone.

42. (previously presented) The method of claim 38, further comprising receiving a login and password from said second wireless telephone to identify said second wireless telephone.

43. (previously presented) The method of claim 38, further comprising setting location alerts associated with said first wireless telephone on said second wireless telephone.

44. (previously presented) The method of claim 38, further comprising setting up an alert for said first wireless telephone dependent on said second location of said second wireless telephone.

45. (previously presented) A method comprising:

requesting a location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

assigning location access rights on said server to said second wireless telephone by said first wireless telephone;

storing said location access rights on said server;

determining said access rights assigned by said first wireless telephone to said second wireless telephone on said server; and

providing said location from said server to said second wireless telephone dependent upon said access rights even when said first wireless telephone is OFF.

46. (previously presented) The method of claim 45, further comprising alerting said second wireless telephone when said first wireless telephone is within a distance of said second wireless telephone.

47. (previously presented) The method of claim 45, wherein one of said location access rights is the ability to not allow said second wireless telephone to access said location.

48. (previously presented) The method of claim 45, wherein said location is used to provide a location marker on a map on said second wireless telephone.

49. (previously presented) The method of claim 45, further comprising setting up an alert for said second wireless telephone dependent on said location of said first wireless telephone.

50. (previously presented) The method of claim 3, wherein said location access rights include the ability to not obtain said location.

51. (previously presented) The method of claim 37, wherein another one of said location access rights is the ability to allow said second wireless device to access said location.

52. (previously presented) The method of claim 40, wherein another one of said first location access

rights is the ability to allow said second wireless telephone to access said first location.

53. (previously presented) The method of claim 47, wherein another one of said location access rights is the ability to allow said second wireless telephone to access said location.

54. (previously presented) The method of claim 38, further comprising:

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

providing a second dating matching profile by said second wireless telephone; and

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

55. (previously presented) The method of claim 45, further comprising:

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

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

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

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

56. (previously presented) The method of claim 38, further comprising providing a directional arrow to display said first location relative to said second location on said second wireless telephone.

57. (previously presented) The method of claim 38, further comprising providing a compass in said second wireless telephone, wherein said compass is utilized to display the direction that said second wireless telephone is traveling in.

58. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location on said second wireless telephone.

59. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location and a travel time on said second wireless telephone.

60. (previously presented) The method of claim 38, further comprising determining how fast said first wireless telephone is traveling.

61. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable to request a first location of said first wireless device from a server located remotely from said first and second wireless devices, said first

wireless device is operable to request a second location of said second wireless device from said server, said first wireless device is operable to assign first location access rights on said server to said second wireless device in response to a request that said first location access rights be assigned, said second wireless device is operable to assign second location access rights on said server to said first wireless device, said server storing said first and second location access rights, said first location is provided from said server to said second wireless device dependent upon said first access rights, and said second location is provided from said server to said first wireless device dependent upon said second access rights.

62. (previously presented) The system of claim 61, wherein said first and second wireless devices are wireless telephones.

63. (previously presented) The system of claim 61, wherein said first location is used to provide directions from said second wireless device to said first location on said second wireless device.

64. (previously presented) The system of claim 61, wherein one of said first location access rights is the ability to not allow said second wireless device to access said first location.

65. (previously presented) The system of claim 64, wherein another one of said first location access rights is the ability to allow said second wireless device to access said first location.

66. (previously presented) The system of claim 61, wherein a directional arrow is displayed on said second wireless device representative of said first location relative to said second location.

67. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein a location of said first wireless device is requested by said second wireless device from a server located remotely from said first and second wireless devices, location access rights are assigned on said server to said second wireless device by said first wireless device, said assignment by said first wireless device is requested for said second wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device, said location access rights are stored on said server, said server determines said access rights assigned by said first wireless device to said second wireless device, and said server provides said location from said server to said second wireless device dependent upon said access rights.

68. (previously presented) The system of claim 67, wherein said first and second wireless devices are wireless telephones.

69. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable of requesting a location of a

first wireless device from a server located remotely from said first and second wireless devices, said first wireless device is operable to assign location access rights on said server for said second wireless device, said location access rights are stored on said server, said server is operable to determine said access rights assigned by said first wireless device to said second wireless device on said server, and said server provides said location from said server to said second wireless device dependent upon said access rights even when said first wireless device is OFF.

70. (previously presented) The system of claim 69, wherein said first and second wireless devices are wireless telephones.

71. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of said first wireless device from said second wireless device;

receiving a request for an assignment of said location access rights by said first wireless device for said second wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device;

receiving location access rights to said second wireless device by said first wireless device;

storing said location access rights, wherein said location access rights are stored remotely from said first and second wireless devices;

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 location access rights.

72. (previously presented) The computer-readable medium of claim 71, wherein said first and second wireless devices are wireless telephones.

73. (previously presented) The computer-readable medium of claim 71, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

74. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a first location of said first wireless device;

receiving a request for a second location of said second wireless device;

receiving an assignment of first location access rights from said first wireless device for said second wireless device in response to a request for said first location access rights;

receiving an assignment of second location access rights from said second wireless device for said first wireless device;

storing said first and second location access rights;

providing said first location to said second wireless device dependent upon said first access rights; and

providing said second location to said first wireless device dependent upon said second access rights.

75. (previously presented) The computer-readable medium of claim 74, wherein said first and second wireless devices are wireless telephones.

76. (previously presented) The computer-readable medium of claim 74, further comprising receiving said first location from said first wireless device, wherein said first location is determined on a positioning system located on said first wireless device.

77. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of a first wireless device by a second wireless device;

receiving an assignment of location access rights by said first wireless device for said second wireless device;

storing said location access rights;

determining said location 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 even when said first wireless device is OFF.

78. (previously presented) The computer-readable medium of claim 77, wherein said first and second wireless devices are wireless telephones.

79. (previously presented) The computer-readable medium of claim 77, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 1-35 and 37-79 are pending.

Claims 1-35 and 37-79 were provisionally rejected on the ground of nonstatutory obvious-type double patenting as unpatentable over claims 3-20 and 3-32 of copending Application Nos. 11/938,674 (hereinafter "the '674 application") and 11/485,161 (hereinafter "the '161 application").

Claims 1-4, 17, 18, 20-21, 23-24, 28, 30 and 37 were rejected under 35 U.S.C. 103(a) in view of Bates U.S. Patent Application No. 2009/0029717 (hereinafter "Bates") or in the alternative Bates in view of U.S. Patent Application No. 2002/0115453 (hereinafter "Poulin").

Claims 5-8 and 25-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin in view of U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 4-7, 9-10, 29 and 31-32 were rejected under 35 U.S.C. 103(a) as being upatentable over Bates in view of Poulin in view of Grube in view of Calvert.

Claims 11-16, 19, 22, 25-27, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin and Grube in view of U.S. Patent No. 7,177,651 (hereinafter "Almassy").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any amendments or cancellations during the prosecution of this application, or to claim any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the Double Patenting Rejections

Claims 1-35 and 37-79 were provisionally rejected on the ground of nonstatutory obvious-type double patenting as unpatentable over claims 3-20 and 3-32 of the '674 application and 11/485,161 (hereinafter "the '161 application.

The claims of the present application are patentably distinct from the claims of the '674 application. For example, Claim 3 of the '674 application includes creating a list. Claim 4-5 of the '674 application includes requesting to be alerted. Claim 6 of the '674 application includes wireless telephones, a permission, and verifying the permission. Claim 7 of the '674 application includes a stationary computer. Claim 8 of the '674 application includes a first level of access. Claim 9 of the '674 application includes a plurality of times. Claim 10 of the '674 application includes a map. Claim 11 of the '674 application includes finding the closest one of a plurality of wireless devices. Claim 12 of the '674 application includes providing a display screen. Claim 13 of the '674 application includes requesting access to a form of communication. Claim 14 of the '674 application includes determining the distance. Claim 15 of the '674 application includes determining the shortest path. Claims 16 and 17 of the '674 application includes determining an arrival time. Claim 18 of the '674 application includes a list. Claim 19 of the '674 application includes a display screen. Claim 20 of the '674 application includes utilizing a password. As

shown above, each and every claim of the ‘674 application includes a patentable feature that is not included in the claims of the present application. Similarly, the claims of the present application include patentable features not included in the claims of the ‘674 application. Accordingly, applicant respectfully requests that the Examiner’s provisional double patenting rejection in view of the ‘674 application be withdrawn.

The claims of the present application are also patentably distinct from the claims of the ‘161 application. Even a cursory review of the claims reveal a number of patentably distinct features between the claims. For example, with respect to the present application, requesting location access rights be assigned (claim 1), assigning in response to a request (claim 38), providing a location when the phone is OFF (claims 45, 69, and 77), operable to assign in response to a request (claim 61), assignment is requested (claim 67), receiving a request for an assignment (claim 71), and receiving an assignment in response to a request (claim 74).

As shown above, the claims of the present application include patentable features not included in the claims of the ‘161 application. Similarly, each and every claim of the ‘161 application includes a patentable feature that is not included in the claims of the present application. Accordingly, applicant respectfully requests that the Examiner’s provisional double patenting rejection in view of the ‘161 application be withdrawn.

Regardless, a Notice of Allowance has neither issued for the ‘674 nor the ‘161 application. Accordingly, the rejection is premature. Applicant respectfully

requests that the Examiner's provisional double patenting rejection be withdrawn.

Applicant's Response to the 35 U.S.C. 103(a) Rejection

Claims 1-4, 17, 18, 20-21, 23-24, 28, 30 and 37 were rejected under 35 U.S.C. 103(a) in view of Bates or in the alternative Bates in view of Poulin.

Bates alleges notifying the presence of group members that are in the same region to the various other group members. A packet includes a group identifier and group member location. A receiving portable device allegedly receives this information and determines if it is in the same group. A user may allegedly enable or disable detection of the device for everyone in the user's group.

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

Poulin teaches directly away from Bates and is inoperable with Bates. The devices are unrelated precision devices. As per just one example, Bates discusses locating a device via a position detector on the GPS. Poulin discusses locating a device solely through a service center. As such, the architectures of both Poulin and Bates are opposite and inoperable.

The Examiner cannot pick and choose unrelated elements of unrelated devices and stitch them together, in hindsight, in order to create an entirely new, inoperable device neither shown nor suggested by the individual devices. In doing so, the Examiner merely eviscerates the spirit of both the Poulin and Bates devices.

Accordingly, applicant respectfully requests that the rejections of claim 1, and any claims dependent therefrom, be withdrawn.

Regardless, neither Bates nor Poulin, used either alone or in combination show or suggest applicant's invention of claim 1 of requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices. Bates and Poulin are silent on such requests.

Similarly, neither Bates nor Poulin, used either alone or in combination show or suggest applicant's invention of claim 1 of requesting that location access rights be assigned for said second wireless device by said first wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device.

Accordingly, applicant respectfully requests that the rejections of claim 1, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the other 103(a) Rejections

Claims 5-8 and 25-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin in view of Grube. Claims 4-7, 9-10, 29 and 31-32 were rejected under 35 U.S.C. 103(a) as being upatentable over Bates in view of Poulin in view of Grube in view of Calvert. Claims 11-16, 19, 22, 25-27, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin and Grube in view of Almassy.

As shown above, claim 1 is patentable. Claims 4-16, 19, 22, 25-27, 29, and 31-32 depend from claim 1. Accordingly, such claims are patentable for depending from

a patentable base claim. In light of the foregoing, applicant respectfully requests that the Examiner's rejections of claims 4-16, 19, 22, 25-27, 29, and 31-32 be withdrawn.

Applicant's Response to the "Mirror" Rejections

The Examiner noted that claims 38-79 mirror claims 1-37 and would be rejected in a like manner.

The Examiner's rejection is absurd.

Claims 38-79 clearly do not mirror claims 1-37. Claims 38-79 are patentably distinct from claims 1-37.

Nonetheless, claims 38-79 include patentable features similar to the patentable features discussed above in connection with claim 1. Accordingly, applicant's inventions of claims 38-79 are patentable.

In this manner, applicant respectfully requests that the Examiner's rejection of claims 38-79 be withdrawn.

Claim 38

None of the prior art, used with alone or in combination, however, show or suggest applicant's invention of claim 38 of assigning first location access rights on said server to said second wireless telephone by said first wireless telephone in response to a request that first location access rights be assigned and storing the first location access rights on the server.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 38, and any claims dependent therefrom, be withdrawn.

Claims 45, 69, and 77

Furthermore, applicant's invention of claims 45, 69, and 77 include providing a location to a second wireless device dependent upon access rights even when the first wireless device is OFF. None of the prior art, used either alone or in combination, show or suggest such a feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 45, 69, and 77, and any claims dependent therefrom, be withdrawn.

Claim 61

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 61 that includes a first wireless device that is operable to assign first location access rights on the server to the second wireless device in response to a request that the first location access rights be assigned and storing the first location access rights on the server.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 61, and any claims dependent therefrom, be withdrawn.

Claim 67

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 67 of location access rights that are assigned to a second wireless device by a first wireless device where the assignment is requested for the second wireless device if the location access rights have not yet been assigned by the first wireless device for the second wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 67, and any claims dependent therefrom, be withdrawn.

Claim 71

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 71 that includes receiving a request for an assignment of location access rights by a first wireless device for a second wireless device if the location access rights have not yet been assigned by the first wireless device for the second wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 71, and any claims dependent therefrom, be withdrawn.

Claim 74

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 74 that includes receiving an assignment of first location access rights from the first wireless device for the second wireless device in response to a request for the first location access rights and storing the first location access rights.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 74, and any claims dependent therefrom, 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. Accordingly, applicant respectfully requests that a favorable action be issued.

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

Respectfully Submitted,

/Jeffrey D. Mullen/

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# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 10400296 |
| **Filing Date:** | 25-Mar-2003 |
| **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 |

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:** | 6607331 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 10-DEC-2009 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 05:05:46 |
| **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 | 8919 |
| 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:<br>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)<br>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees) | |

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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--Reply.pdf | 115752<br>a978db86811ab14203a475fcb3145a11b9b02d70 | yes | 29 |

| | Multipart Description/PDF files in .zip description | | |
|---|---|---|---|
| | Document Description | Start | End |
| | Amendment/Req. Reconsideration-After Non-Final Reject | 1 | 1 |
| | Claims | 2 | 19 |
| | Applicant Arguments/Remarks Made in an Amendment | 20 | 29 |

**Warnings:**

**Information:**

| | | | | | |
|---|---|---|---|---|---|
| 2 | Fee Worksheet (PTO-875) | fee-info.pdf | 30170<br>26ce8d1c1decf5a2c4e26053d8875662eca4f67e | no | 2 |

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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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**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)
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| **PATENT APPLICATION FEE DETERMINATION RECORD**<br>Substitute for Form PTO-875 | Application or Docket Number<br>10/400,296 | Filing Date<br>03/25/2003 | ☒ To be Mailed |
|---|---|---|---|

## APPLICATION AS FILED – PART I

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

| | | (Column 1) | | (Column 2) | (Column 3) | SMALL ENTITY | | OR | OTHER THAN SMALL ENTITY | |
|---|---|---|---|---|---|---|---|---|---|---|
| | **12/10/2009** | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE ($) | ADDITIONAL FEE ($) | | RATE ($) | ADDITIONAL FEE ($) |
| AMENDMENT | Total (37 CFR 1.16(i)) | * 78 | Minus | ** 78 | = 0 | X $26 = | 0 | OR | X $ = | |
| | Independent (37 CFR 1.16(h)) | * 9 | Minus | ***9 | = 0 | X $110 = | 0 | OR | X $ = | |
| | ☐ Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| | ☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | OR | | |
| | | | | | | TOTAL ADD'L FEE | 0 | OR | TOTAL ADD'L FEE | |

| | | (Column 1) | | (Column 2) | (Column 3) | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE ($) | ADDITIONAL FEE ($) | | RATE ($) | ADDITIONAL FEE ($) |
| AMENDMENT | Total (37 CFR 1.16(i)) | * | Minus | ** | = | X $ = | | OR | X $ = | |
| | Independent (37 CFR 1.16(h)) | * | Minus | *** | = | X $ = | | OR | X $ = | |
| | ☐ Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| | ☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | 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:
/NICHELE PETERSON/

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. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

32733 7590 03/30/2010

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 |
| 03/30/2010 | 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) | |
|---|---|---|---|
| | 10/400,296 | 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 *10 December 2009*.

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

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

**Disposition of Claims**

4)☒ Claim(s) *1-35 and 37-79* is/are pending in the application.

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

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35 and 37-79* 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: _____.

**10400296DETAILED ACTION**

***Double Patenting***

The Double Patenting rejection noted in the Non-Final rejection dated June 10, 2009 will be held in abeyance until claims of the instant application are allowed.

***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 1 - 4, 17, 18, 20 – 21, 23 - 24, 28, 30 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2009/0029717 (Bates et al.) or in the alternative Bates in view of U.S. Patent Application no. 2002/0115453 (Poulin et al.).

With respect to claims 1 and 37 such limitations are taught by Bates at paragraphs 0022, 0026 -0028, 0033 – 0035, 0042 – 0047, 0052 – 0054 and 0057 and the Abstract.

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

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 the

any of the parts of the phone depicted in Bates et al. (position detector, memory , alert programs and data structures) and place them in a sever as such would only entail the transfer of what is used locally to a remote location.

For example, note the Location Based Service Center in at least Fig. 1 of Poulin et al. This LBSC server would read on the remote 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.

With respect to claim 2, note paragraph 0026.

With respect to claim 3, once the location information is sent to the remote server, it would be obvious to one skilled in the art that the first wireless device is on or off.

With respect to claim 4 and with respect to level of access, note that Bates et al. teach at least 2 levels of access; those being access and no access. In addition, access may be determined by distance thresholds, which may be different for each group or group member. If this is argued, note the rejection below with respect to Calvert et al.).

With respect to claims 18, 28 and 30, note alerting as disclosed by Bates et al. (see Abstract and paragraphs 0027 – 0028).

With respect to claims 20 - 21, note Fig. 4 of Bates et al.

With respect to claim 23, note paragraph 0026 of Bates et al.

With respect to claim 24, note that it would be obvious to one of ordinary skill in the art to have one group called a dating or dating service.

Claims 5 – 8 and 25 - 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. and Poulin in view of U.S. Patent No. 6,885,874 (Grube et al.).

Note that Poulin et al. disclose the use of a map (see at least the Abstract). However, there is no disclosure of a location marker. Note that Grube et al. teach such (see Fig. 2). It would have been obvious to one of ordinary skill in the art to have incorporated such location markers as disclosed by Grube et al. into the Bates et al./Poulin et al. device as an obvious convenience to a user.

With respect to claims 6, Poulin discloses a map and Bates et al. disclose direction (paragraph 0045 of Bates et al.) and there for the instant limitation would have been obvious to one of ordinary skill. If this is argued, then note Fig. 2 of Grube et al.

With respect to claim 7, having the map of Poulin et al. and the speed and direction as disclosed in Bates et al., such limitations would have been obvious to one of ordinary skill in the art. If this is argued, note Col. 3, line 49, Col. 6, lines 61 – 64, Col. 8, line 52 and Col. 18, line 25 – 28 of Grube et al. Also, note the rejection below using the Calvert et al. reference.

With respect to claims 25 – 27, note compass 632 and Fig. 2 of Grube et al.

With respect to claim 8, note Col. 3, line 47, Col. 8, line 52, Col, 18, line 40 of Grube et al. Also, note the rejection below using the Calvert et al. reference

Claims 4 – 7, 9 – 10 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al./Poulin et al./Grube et al. in view of U.S. Patent Application No. (Calvert et al.).

With respect to claims 4 – 7, 9 – 10 , as shown above, Bates et al./Poulin et al./Grube et al. teach the claimed limitations as shown above. In fact, both Bates et al. and Grube et al. teach plurality of access levels. However, Calvert et al. teach the same access levels as described in applicant's specification (note approximate and exact locations in the Abstract of Calvert et al.). In addition, note Col. 9, line 3 of Grube et al. It would have been obvious to one of ordinary skill in the art to have incorporated such plurality of access levels as disclosed by Calvert et al. into the Grube et al. system and method as such would only entail the substitution of well known access levels for others.

With respect to claim 29, note Col. 11, line 3 of Grube et al.

Claims 11 – 16, 19, 22, 25 – 27 and 31 - 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. and Poulin et al. and Grube et al. in view of U.S. Patent No. 7177,651 (Almassy).

With respect to claims 11 and 22, Bates et al./Poulin et al./Grube et al. teach the claimed system and method except for the non-wireless aspect. However, such would be obvious to one of ordinary skill in the art without any art, but note Col.3, line 4 – Col. 4, line 54 of Almassy. It would have been obvious to one of ordinary skill in the art to have incorporated such use of a non-wireless device into the Grube et al. system and

method as such would only entail the substitution of one well know communication device for another.

With respect to claim 12, note also Col. 3, line 4 – Col. 4, line 54 of Almassy.

With respect to claims 13 – 14, note Col. 4, lines 20 – 23 of Almassy.

With respect to claims 15 – 16, 19 and 22, note Col. 3, line 4 – Col. 4, line 54

With respect to claim 19, note Col. 4, lines 43 – 46 of Almassy.

With respect to claims 25 – 27, note compass 632 of Grube et al. and Col. 3, line 66 – Col. 4, line 8 of Almassy.

With respect to claims 31 - 32, additionally note Col. 7, lines 49 – 55 of Almassy.

With respect to claims 33 – 34, such limitations would have been obvious to one of ordinary skill in the art given the art cited above.

With respect to claims 38 – 79 such limitations mirror the above and would be rejected in a like manner.

***Response to Arguments***

Applicant's arguments with respect to claims 1-35 and 37 - 79 have been considered but are not deemed persuasive to any error in the rejections above.

First, applicant argues that Poulin teaches away from Bates. We are talking about a basic element, namely, a server, which is inherent in the network of Bates. Applicant did not argue this point. Nor did applicant argue that it would have been obviousness to one of ordinary skill in the art to use a server in Bates. Poulin was brought in to show the use of a remote server in a similar system. The examiner did not incorporate Poulin in its entirety and therefore applicant's hindsight argument is mute. It

is noted that the Poulin devices and elements are related. Both references are classified in 455. Bates is classified in 455/456.1 and Poulin is classified in 455/456.4, which is a subset of 455/456.1 In any case, it would have been obvious to one of ordinary skill in the art to use a server wherever it was deemed necessary. Additionally, note paragraph 0031 of Bates.

With respect to the limitation, "requesting that location access rights be assigned for said second wireless device by said first wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device" such would have been obvious in view of the references above. Of course, there would be a request for access rights if they had not already been assigned. Why ask , if the permission has already been granted? The request for location information is found throughout Poulin.

With respect to applicants argument with respect to claim 38, note paragraph 0031 of Bates.

With respect to claim 3, such a limitation is not only ambiguous , but obvious to one of ordinary skill in the art. One interpretation could be that the first device sends the location information to the server and is then turned off. The location information is collected by the server, The information could be sent to the second device by the server and therefore, it has nothing to do with whether the first device is ON or OFF.

With respect to applicants comment that the examiner's assertion that claims 38—79 is "absurd", it is noted that applicant did not point out, by way of example, a

limitation in support of his position. As such, applicant's criticism is only considered a self serving statement.

***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..

**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 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.

21Mar2010

/William J Deane/

Primary Examiner, Art Unit 2614

| Notice of References Cited | Application/Control No. 10/400,296 | Applicant(s)/Patent Under Reexamination MULLEN, JEFFREY D. | |
|---|---|---|---|
| | Examiner William J. Deane | Art Unit 2614 | Page 1 of 1 |

**U.S. PATENT DOCUMENTS**

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|---|---|---|---|
| * | A | US-7,269,428 | 09-2007 | Wallenius et al. | 455/456.2 |
| * | B | US-6,920,328 | 07-2005 | Wollrab, Lee M. | 455/456.1 |
| * | C | US-6,360,102 | 03-2002 | Havinis et al. | 455/457 |
| | 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 | | | | | |
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**NON-PATENT DOCUMENTS**

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

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

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | | | | | | |
| | 1 | ✓ | ✓ | ✓ | | | | | | |
| | 2 | ✓ | ✓ | ✓ | | | | | | |
| | 3 | ✓ | ✓ | ✓ | | | | | | |
| | 4 | ✓ | ✓ | ✓ | | | | | | |
| | 5 | ✓ | ✓ | ✓ | | | | | | |
| | 6 | ✓ | ✓ | ✓ | | | | | | |
| | 7 | ✓ | ✓ | ✓ | | | | | | |
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| | 35 | ✓ | ✓ | ✓ | | | | | | |
| | 36 | - | - | - | | | | | | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | | | | | | |
| | 37 | ✓ | ✓ | ✓ | | | | | | |
| | 38 | ✓ | ✓ | ✓ | | | | | | |
| | 39 | ✓ | ✓ | ✓ | | | | | | |
| | 40 | ✓ | ✓ | ✓ | | | | | | |
| | 41 | ✓ | ✓ | ✓ | | | | | | |
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| | 57 | ✓ | ✓ | ✓ | | | | | | |
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| | 61 | ✓ | ✓ | ✓ | | | | | | |
| | 62 | ✓ | ✓ | ✓ | | | | | | |
| | 63 | ✓ | ✓ | ✓ | | | | | | |
| | 64 | ✓ | ✓ | ✓ | | | | | | |
| | 65 | ✓ | ✓ | ✓ | | | | | | |
| | 66 | ✓ | ✓ | ✓ | | | | | | |
| | 67 | ✓ | ✓ | ✓ | | | | | | |
| | 68 | ✓ | ✓ | ✓ | | | | | | |
| | 69 | ✓ | ✓ | ✓ | | | | | | |
| | 70 | ✓ | ✓ | ✓ | | | | | | |
| | 71 | ✓ | ✓ | ✓ | | | | | | |
| | 72 | ✓ | ✓ | ✓ | | | | | | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | | | | | | |
| | 73 | ✓ | ✓ | ✓ | | | | | | |
| | 74 | ✓ | ✓ | ✓ | | | | | | |
| | 75 | ✓ | ✓ | ✓ | | | | | | |
| | 76 | ✓ | ✓ | ✓ | | | | | | |
| | 77 | ✓ | ✓ | ✓ | | | | | | |
| | 78 | ✓ | ✓ | ✓ | | | | | | |
| | 79 | ✓ | ✓ | ✓ | | | | | | |

| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | William J Deane | 2614 |

| SEARCHED | | | |
|---|---|---|---|
| Class | Subclass | Date | Examiner |
| | Updated the prior search | 09Aug2008 | WJD |
| | Updated the prior search. | 06Jun2009 | WJD |
| | Updated the prior search | 21Mar2010 | WJD |

| SEARCH NOTES | | |
|---|---|---|
| Search Notes | Date | Examiner |
| | | |

| INTERFERENCE SEARCH | | | |
|---|---|---|---|
| Class | Subclass | Date | Examiner |
| | | | |

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|---|---|
| | /W. J. D./<br>Primary Examiner.Art Unit 2614 |

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 | 10400296 | Filing Date | 2003-03-25 | Docket Number (if applicable) | JDM/002 | Art Unit | 2614 |
| First Named Inventor | Jeffrey D. Mullen | | | Examiner Name | William Dean | | |

**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) | 2010-09-30 |
| 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.

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# Privacy Act Statement

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JDM/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Applicant | : | Jeffrey D. Mullen |
| Application No. | : | 10/400,296 |
| Confirmation No. | : | 8666 |
| Filed | : | March 25, 2003 |
| For | : | SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME |
| Group Art Unit | : | 2614 |
| Examiner | : | William Deane Jr. |

**Mail Stop: Amendment**
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pittsburgh, PA 15232
September 30, 2010

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated March 30, 2010. A three-month extension of time and a Request for Continued Examination is applicable hereto and submitted herewith. In Reply to the Office Action, applicant amends the application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 20 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. (previously presented) A method of mobile-to-mobile locating, said method comprising:

requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices;

requesting that location access rights be assigned for said second wireless device by said first wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device;

assigning said location access rights on said server to said second wireless device by said first wireless device;

storing said location access rights on said server;

determining said access rights assigned by said first wireless device to said second wireless device on said server; and

providing said location from said server to said second wireless device dependent upon said access rights.

2. (previously presented) The method of claim 1, wherein said first and second wireless devices are cellular phones.

3. (previously amended) The method of claim 1, wherein said location access rights include the ability to obtain said location, wherein said location is provided to said second wireless device from said server even when said first wireless device is OFF.

4. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of access levels.

5. (previously presented) The method of claim 1, wherein said location is used to provide a location marker on a map on said second wireless device.

6. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location on said second wireless device.

7. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location and a travel time on said second wireless device.

8. (previously presented) The method of claim 1, further comprising requesting a second location of said first wireless device and using said location and said second location to determine how fast said first wireless device is traveling.

9. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of

levels of access rights, at least one of said plurality of levels of access rights comprise the exact location of said first wireless device, and another one of said plurality of levels of access rights comprise an approximate location of said first wireless device.

10. (previously presented) The method of claim 1, wherein said access rights comprise a plurality of levels of access rights, at least one of said plurality of levels of access rights comprise an approximate location of said first wireless device, and said approximate location comprises a city or state.

11. (previously presented) The method of claim 1, further comprising requesting said location of said first wireless device by a non-wireless device.

12. (previously presented) The method of claim 1, further comprising obtaining a second location from a non-wireless device.

13. (previously presented) The method of claim 1, further comprising receiving a login and password from said second wireless device to identify said second wireless device.

14. (previously presented) The method of claim 1, wherein said location of said first wireless device is requested by receiving input, in the form of a telephone number of said first wireless device, on said second wireless device.

15. (previously presented) The method of claim 1, further comprising using said first wireless device to modify said location access rights for said second wireless device.

16. (previously presented) The method of claim 1, further comprising the ability to use said first wireless device to delete said location access rights for said second wireless device.

17. (previously presented) The method of claim 1, further comprising filtering information about said location such that only a portion of the information is passed to said second wireless device.

18. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device is within a distance of second wireless device.

19. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list.

20. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list wherein said identifier list comprises a list of telephone numbers.

21. (previously presented) The method of claim 1, further comprising selecting said first wireless device

from an identifier list wherein said identifier list comprises a list of user profiles.

22. (previously presented) The method of claim 1, further comprising requesting a second location from said first wireless device from a non-wireless device, wherein said non-wireless device does not comprise a positioning system.

23. (previously presented) The method of claim 1, wherein said location is provided by a positioning system.

24. (previously presented) The method of claim 1, further comprising:

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

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

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

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

25. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device.

26. (previously presented) The method of claim 1, wherein a directional arrow is utilized to display the location of said first wireless device relative to said

location of said second wireless device on said second wireless device.

27. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device, wherein said compass is utilized to display the direction that said second wireless device is traveling in.

28. (previously presented) The method of claim 1, further comprising setting location alerts associated with said first wireless device on said second wireless device.

29. (previously presented) The method of claim 1, wherein said location access rights are only assigned for a period of time.

30. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device enters a geographic area.

31. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device.

32. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device when said first wireless device is turned OFF.

33. (previously presented) The method of claim 1, further comprising displaying on said second wireless device the opportunity to request said location access rights from said first wireless device.

34. (previously presented) The method of claim 1, further comprising displaying to said second wireless device the opportunity to request said location access rights from said first wireless device after a determination has been made that said second wireless device does not have access to said location.

35. (previously presented) The method of claim 1, wherein said first wireless device is requested to manually allow said location access rights for said second wireless device every time said second wireless device requests said location.

36. (cancelled).

37. (previously presented) The method of claim 1, wherein one of said location access rights is the ability to not allow said second wireless device to access said location.

38. (previously presented) A method comprising:

requesting a first location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

requesting a second location of said second wireless telephone by said first wireless telephone from said server;

assigning first location access rights on said server to said second wireless telephone by said first wireless telephone in response to a request that first location access rights be assigned;

assigning second location access rights on said server to said first wireless telephone by said second wireless telephone;

storing said first location access rights and said second location access rights on said server;

providing said first location from said server to said second wireless telephone dependent upon said first access rights; and

providing said second location from said server to said first wireless telephone dependent upon said second access rights.

39. (previously presented) The method of claim 38, further comprising alerting said first wireless telephone when said second wireless telephone is within a distance of said first wireless telephone.

40. (previously presented) The method of claim 38, wherein one of said first location access rights is the ability to not allow said second wireless telephone to access said first location.

41. (previously presented) The method of claim 38, wherein said first location is used to provide a location marker on a map on said second wireless telephone.

42. (previously presented) The method of claim 38, further comprising receiving a login and password from said second wireless telephone to identify said second wireless telephone.

43. (previously presented) The method of claim 38, further comprising setting location alerts associated with said first wireless telephone on said second wireless telephone.

44. (previously presented) The method of claim 38, further comprising setting up an alert for said first wireless telephone dependent on said second location of said second wireless telephone.

45. (previously presented) A method comprising:

requesting a location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

assigning location access rights on said server to said second wireless telephone by said first wireless telephone;

storing said location access rights on said server;

determining said access rights assigned by said first wireless telephone to said second wireless telephone on said server; and

providing said location from said server to said second wireless telephone dependent upon said access rights even when said first wireless telephone is OFF.

46. (previously presented) The method of claim 45, further comprising alerting said second wireless telephone when said first wireless telephone is within a distance of said second wireless telephone.

47. (previously presented) The method of claim 45, wherein one of said location access rights is the ability to not allow said second wireless telephone to access said location.

48. (previously presented) The method of claim 45, wherein said location is used to provide a location marker on a map on said second wireless telephone.

49. (previously presented) The method of claim 45, further comprising setting up an alert for said second wireless telephone dependent on said location of said first wireless telephone.

50. (previously presented) The method of claim 3, wherein said location access rights include the ability to not obtain said location.

51. (previously presented) The method of claim 37, wherein another one of said location access rights is the ability to allow said second wireless device to access said location.

52. (previously presented) The method of claim 40, wherein another one of said first location access

rights is the ability to allow said second wireless telephone to access said first location.

53. (previously presented) The method of claim 47, wherein another one of said location access rights is the ability to allow said second wireless telephone to access said location.

54. (previously presented) The method of claim 38, further comprising:

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

providing a second dating matching profile by said second wireless telephone; and

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

55. (previously presented) The method of claim 45, further comprising:

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

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

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

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

56. (previously presented) The method of claim 38, further comprising providing a directional arrow to display said first location relative to said second location on said second wireless telephone.

57. (previously presented) The method of claim 38, further comprising providing a compass in said second wireless telephone, wherein said compass is utilized to display the direction that said second wireless telephone is traveling in.

58. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location on said second wireless telephone.

59. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location and a travel time on said second wireless telephone.

60. (previously presented) The method of claim 38, further comprising determining how fast said first wireless telephone is traveling.

61. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable to request a first location of said first wireless device from a server located remotely from said first and second wireless devices, said first

wireless device is operable to request a second location of said second wireless device from said server, said first wireless device is operable to assign first location access rights on said server to said second wireless device in response to a request that said first location access rights be assigned, said second wireless device is operable to assign second location access rights on said server to said first wireless device, said server storing said first and second location access rights, said first location is provided from said server to said second wireless device dependent upon said first access rights, and said second location is provided from said server to said first wireless device dependent upon said second access rights.

62. (previously presented) The system of claim 61, wherein said first and second wireless devices are wireless telephones.

63. (previously presented) The system of claim 61, wherein said first location is used to provide directions from said second wireless device to said first location on said second wireless device.

64. (previously presented) The system of claim 61, wherein one of said first location access rights is the ability to not allow said second wireless device to access said first location.

65. (previously presented) The system of claim 64, wherein another one of said first location access rights is the ability to allow said second wireless device to access said first location.

66. (previously presented) The system of claim 61, wherein a directional arrow is displayed on said second wireless device representative of said first location relative to said second location.

67. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein a location of said first wireless device is requested by said second wireless device from a server located remotely from said first and second wireless devices, location access rights are assigned on said server to said second wireless device by said first wireless device, said assignment by said first wireless device is requested for said second wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device, said location access rights are stored on said server, said server determines said access rights assigned by said first wireless device to said second wireless device, and said server provides said location from said server to said second wireless device dependent upon said access rights.

68. (previously presented) The system of claim 67, wherein said first and second wireless devices are wireless telephones.

69. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable of requesting a location of a

first wireless device from a server located remotely from said first and second wireless devices, said first wireless device is operable to assign location access rights on said server for said second wireless device, said location access rights are stored on said server, said server is operable to determine said access rights assigned by said first wireless device to said second wireless device on said server, and said server provides said location from said server to said second wireless device dependent upon said access rights even when said first wireless device is OFF.

70. (previously presented) The system of claim 69, wherein said first and second wireless devices are wireless telephones.

71. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of said first wireless device from said second wireless device;

receiving a request for an assignment of said location access rights by said first wireless device for said second wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device;

receiving location access rights to said second wireless device by said first wireless device;

storing said location access rights, wherein said location access rights are stored remotely from said first and second wireless devices;

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 location access rights.

72. (previously presented) The computer-readable medium of claim 71, wherein said first and second wireless devices are wireless telephones.

73. (previously presented) The computer-readable medium of claim 71, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

74. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a first location of said first wireless device;

receiving a request for a second location of said second wireless device;

receiving an assignment of first location access rights from said first wireless device for said second wireless device in response to a request for said first location access rights;

receiving an assignment of second location access rights from said second wireless device for said first wireless device;

storing said first and second location access rights;

providing said first location to said second wireless device dependent upon said first access rights; and

providing said second location to said first wireless device dependent upon said second access rights.

75. (previously presented) The computer-readable medium of claim 74, wherein said first and second wireless devices are wireless telephones.

76. (previously presented) The computer-readable medium of claim 74, further comprising receiving said first location from said first wireless device, wherein said first location is determined on a positioning system located on said first wireless device.

77. (previously presented) A computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of a first wireless device by a second wireless device;

receiving an assignment of location access rights by said first wireless device for said second wireless device;

storing said location access rights;

determining said location 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 even when said first wireless device is OFF.

78. (previously presented) The computer-readable medium of claim 77, wherein said first and second wireless devices are wireless telephones.

79. (previously presented) The computer-readable medium of claim 77, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 1-35 and 37-79 are pending.

Claims 1-35 and 37-79 were provisionally rejected on the ground of nonstatutory obvious-type double patenting as unpatentable over claims 3-20 and 3-32 of copending Application Nos. 11/938,674 (hereinafter "the '674 application") and 11/485,161 (hereinafter "the '161 application").

Claims 1-4, 17, 18, 20-21, 23-24, 28, 30 and 37 were rejected under 35 U.S.C. 103(a) in view of Bates U.S. Patent Application No. 2009/0029717 (hereinafter "Bates") or in the alternative Bates in view of U.S. Patent Application No. 2002/0115453 (hereinafter "Poulin").

Claims 5-8 and 25-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin in view of U.S. Patent No. 6,885,874 (hereinafter "Grube").

Claims 4-7, 9-10, 29 and 31-32 were rejected under 35 U.S.C. 103(a) as being upatentable over Bates in view of Poulin in view of Grube in view of Calvert.

Claims 11-16, 19, 22, 25-27, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin and Grube in view of U.S. Patent No. 7,177,651 (hereinafter "Almassy").

Summary of Applicant's Amendments

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any amendments or cancellations during the prosecution of this application, or to claim any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the Double Patenting Rejections

Claims 1-35 and 37-79 were provisionally rejected on the ground of nonstatutory obvious-type double patenting as unpatentable over claims 3-20 and 3-32 of the '674 application and 11/485,161 (hereinafter "the '161 application.

The claims of the present application are patentably distinct from the claims of the '674 application. For example, Claim 3 of the '674 application includes creating a list. Claim 4-5 of the '674 application includes requesting to be alerted. Claim 6 of the '674 application includes wireless telephones, a permission, and verifying the permission. Claim 7 of the '674 application includes a stationary computer. Claim 8 of the '674 application includes a first level of access. Claim 9 of the '674 application includes a plurality of times. Claim 10 of the '674 application includes a map. Claim 11 of the '674 application includes finding the closest one of a plurality of wireless devices. Claim 12 of the '674 application includes providing a display screen. Claim 13 of the '674 application includes requesting access to a form of communication. Claim 14 of the '674 application includes determining the distance. Claim 15 of the '674 application includes determining the shortest path. Claims 16 and 17 of the '674 application includes determining an arrival time. Claim 18 of the '674 application includes a list. Claim 19 of the '674 application includes a display screen. Claim 20 of the '674 application includes utilizing a password.

As shown above, each and every claim of the ‘674 application includes a patentable feature that is not included in the claims of the present application. Similarly, the claims of the present application include patentable features not included in the claims of the ‘674 application. Accordingly, applicant respectfully requests that the Examiner’s provisional double patenting rejection in view of the ‘674 application be withdrawn.

The claims of the present application are also patentably distinct from the claims of the ‘161 application. Even a cursory review of the claims reveals a number of patentably distinct features between the claims. For example, with respect to the present application, requesting location access rights be assigned (claim 1), assigning in response to a request (claim 38), providing a location when the phone is OFF (claims 45, 69, and 77), operable to assign in response to a request (claim 61), assignment is requested (claim 67), receiving a request for an assignment (claim 71), and receiving an assignment in response to a request (claim 74).

As shown above, the claims of the present application include patentable features not included in the claims of the ‘161 application. Similarly, each and every claim of the ‘161 application includes a patentable feature that is not included in the claims of the present application. Accordingly, applicant respectfully requests that the Examiner’s provisional double patenting rejection in view of the ‘161 application be withdrawn.

Regardless, a Notice of Allowance has neither issued for the ‘674 nor the ‘161 application. Accordingly, the rejection is premature. Applicant respectfully

requests that the Examiner's provisional double patenting rejection be withdrawn.

Applicant's Response to the 35 U.S.C. 103(a) Rejection

Claims 1-4, 17, 18, 20-21, 23-24, 28, 30 and 37 were rejected under 35 U.S.C. 103(a) in view of Bates or in the alternative Bates in view of Poulin.

Neither Bates nor Poulin, used either alone or in combination show or suggest applicant's invention of claim 1 of requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices. Bates and Poulin are silent on such requests.

Similarly, neither Bates nor Poulin, used either alone or in combination show or suggest applicant's invention of claim 1 of requesting that location access rights be assigned for said second wireless device by said first wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device.

The Examiner stated:

> "With respect to … requesting the location access rights be assigned for said second wireless device by said first wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device … such would have been obvious … Of course, there would be a request for access rights if they had not already been assigned. Why ask, if the permission has already been granted?" (Office Action, page 7)

The Examiner continues to not include any references in the Examiner's rejection of patentable

features albeit applicant has invoked his right for the Examiner to do so.

The references clearly do not show applicant's invention of claim 1 of requesting the location access rights be assigned for said second wireless device by said first wireless device if not assigned. The references teach away from including any such request as users are required to proactively set provisions – not react to requests. This fundamental structural difference includes an operational advantage – devices can let other devices know they desire access rights via requests. Applicant respectfully requests the Examiner review the prosecution history of the present application to the references that applicant has overcome in view of this patentable feature (e.g., Reply dated February 16, 2006).

Accordingly, applicant respectfully requests that the rejections of claim 1, and any claims dependent therefrom, be withdrawn.

Furthermore Bates alleges notifying the presence of group members that are in the same region to the various other group members. A packet includes a group identifier and group member location. A receiving portable device allegedly receives this information and determines if it is in the same group. A user may allegedly enable or disable detection of the device for everyone in the user's group.

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

Poulin teaches directly away from Bates and is inoperable with Bates. The devices are unrelated precision devices. As per just one example, Bates discusses locating a device via a position detector on the GPS. Poulin discusses locating a device solely through a service center. As such, the architectures of both Poulin and Bates are opposite and inoperable.

The Examiner cannot pick and choose unrelated elements of unrelated devices and stitch them together, in hindsight, in order to create an entirely new, inoperable device neither shown nor suggested by the individual devices. In doing so, the Examiner merely eviscerates the spirit of both the Poulin and Bates devices.

The Examiner's remark that the devices are related because they are in the same art group is irrelevant and not based on patent law.

Accordingly, applicant respectfully requests that the rejections of claim 1, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the other 103(a) Rejections

Claims 5-8 and 25-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin in view of Grube. Claims 4-7, 9-10, 29 and 31-32 were rejected under 35 U.S.C. 103(a) as being upatentable over Bates in view of Poulin in view of Grube in view of Calvert. Claims 11-16, 19, 22, 25-27, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin and Grube in view of Almassy.

As shown above, claim 1 is patentable. Claims 4-16, 19, 22, 25-27, 29, and 31-32 depend from claim 1.

Accordingly, such claims are patentable for depending from a patentable base claim. In light of the foregoing, applicant respectfully requests that the Examiner's rejections of claims 4-16, 19, 22, 25-27, 29, and 31-32 be withdrawn.

Applicant's Response to the "Mirror" Rejections

The Examiner noted that claims 38-79 mirror claims 1-37 and would be rejected in a like manner..

The Examiner stated that:

> "applicant did not point out … a limitation" (Office Action, page 8).

Applicant, however, did point out patentable claimed features (*See* pages 25-27 of applicant's Reply dated December 10, 2009). The patentable features are repeated in this reply below for independent claims 38, 45, 61, 67, 69, 71, 74, and 77.

Accordingly, claims 38-79 clearly do not mirror claims 1-37. claims 38-79 are patentably distinct from claims 1-37. The elements of claims 38-79 are different than the elements of claims 1-37. Each and every claim of claims 38-79 includes different elements from each and every claim of claims 1-37. The Examiner has not provided any rejection for these distinct claims. Accordingly, 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.

Nonetheless, claims 38-79 include patentable features similar to the patentable features discussed above in connection with claim 1. Accordingly, applicant's inventions of claims 38-79 are patentable. In this manner, applicant respectfully requests that the Examiner's rejection of claims 38-79 be withdrawn.

Claim 38

None of the prior art, used with alone or in combination, however, show or suggest applicant's invention of claim 38 of assigning first location access rights on

said server to said second wireless telephone by said first wireless telephone in response to a request that first location access rights be assigned and storing the first location access rights on the server.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 38, and any claims dependent therefrom, be withdrawn.

Claims 45, 69, and 77

Furthermore, applicant's invention of claims 45, 69, and 77 include providing a location to a second wireless device dependent upon access rights even when the first wireless device is OFF. None of the prior art, used either alone or in combination, show or suggest such a feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 45, 69, and 77, and any claims dependent therefrom, be withdrawn.

Claim 61

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 61 that includes a first wireless device that is operable to assign first location access rights on the server to the second wireless device in response to a request that the first location access rights be assigned and storing the first location access rights on the server.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 61, and any claims dependent therefrom, be withdrawn.

Claim 67

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 67 of location access rights that are assigned to a second wireless device by a first wireless device where the assignment is requested for the second wireless device if the location access rights have not yet been assigned by the first wireless device for the second wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 67, and any claims dependent therefrom, be withdrawn.

Claim 71

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 71 that includes receiving a request for an assignment of location access rights by a first wireless device for a second wireless device if the location access rights have not yet been assigned by the first wireless device for the second wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 71, and any claims dependent therefrom, be withdrawn.

Claim 74

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 74 that includes receiving an assignment of first location access rights from the first wireless device for the second wireless device in response to a request for the first location access rights and storing the first location access rights.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 74, and any claims dependent therefrom, 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. Accordingly, applicant respectfully requests that a favorable action be issued.

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

Respectfully Submitted,

/Jeffrey D. Mullen/

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# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 10400296 |
| **Filing Date:** | 25-Mar-2003 |
| **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 |

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:** | 8529950 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 30-SEP-2010 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 04:21:27 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | yes |
| Payment Type | Credit Card |
| Payment was successfully received in RAM | $960 |
| RAM confirmation Number | 6992 |
| 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:<br>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)<br>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-002--RCE.pdf | 697264<br>75989864b6523fa9aa65db2d146e00f6ab633553 | no | 3 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 2 | Amendment Submitted/Entered with Filing of CPA/RCE | JDM-002--Reply.pdf | 52611<br>c832f0f9da443b9e00625d78c170d6f463af0020 | no | 32 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 3 | Fee Worksheet (PTO-875) | fee-info.pdf | 32360<br>d6db6558aca2e8dd5f59f43ac9601145db1d9566 | no | 2 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| | | **Total Files Size (in bytes):** | 782235 | | |

**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
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# PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

| Application or Docket Number | Filing Date | ☐ To be Mailed |
|---|---|---|
| 10/400,296 | 03/25/2003 | |

## 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

| | | (Column 1) | | (Column 2) | (Column 3) | SMALL ENTITY | | OR | OTHER THAN SMALL ENTITY | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 09/30/2010 | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE ($) | ADDITIONAL FEE ($) | | RATE ($) | ADDITIONAL FEE ($) |
| AMENDMENT | Total (37 CFR 1.16(i)) | * 78 | Minus | ** 78 | = 0 | X $26 = | 0 | OR | X $ = | |
| | Independent (37 CFR 1.16(h)) | * 9 | Minus | ***9 | = 0 | X $110 = | 0 | OR | X $ = | |
| | ☐ Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| | ☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | OR | | |
| | | | | | | TOTAL ADD'L FEE | 0 | OR | TOTAL ADD'L FEE | |

| | | (Column 1) | | (Column 2) | (Column 3) | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE ($) | ADDITIONAL FEE ($) | | RATE ($) | ADDITIONAL FEE ($) |
| AMENDMENT | Total (37 CFR 1.16(i)) | * | Minus | ** | = | X $ = | | OR | X $ = | |
| | Independent (37 CFR 1.16(h)) | * | Minus | *** | = | X $ = | | OR | X $ = | |
| | ☐ Application Size Fee (37 CFR 1.16(s)) | | | | | | | | | |
| | ☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | | 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:
/MARCIA J. GORDON/

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. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

32733 7590 09/05/2013

JEFFREY D. MULLEN
1310 Riverfront Drive
PITTSBURGH, PA 15238

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

| MAIL DATE | DELIVERY MODE |
|---|---|
| 09/05/2013 | 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. 10/400,296 | 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 *09/30/2013*.

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

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

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

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

**Disposition of Claims**

5)☒ Claim(s) *1-35 and 37-79* is/are pending in the application.

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

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-35 and 37-79* 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: _____.

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

***Claim Rejections - 35 USC § 101***

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 71 - 79 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter because Applicant's amendment did not overcome the 101 rejection described in the Non-Final office action dated February 25, 2013.

Claims 71 – 79, recite computer readable medium which appear to cover both transitory and non-transitory embodiments. The United States Patent and Trademark Office (USPTO) is required to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. See In re Zletz, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination, the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer readable medium(also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the

specification is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal per se; the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter.

**Claim Rejections - 35 USC § 112**

The following is a quotation of 35 U.S.C. 112(a):

(a) IN GENERAL.-The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), first paragraph:
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 71 - 79 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s)

contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, "computer readable medium" is not described in the Detailed Description" of the specification.

The following is a quotation of 35 U.S.C. 112(b):

(B) CONCLUSION.-The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:
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 71 - 79 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

Specifically, "computer readable medium" is not described in the Detailed Description" of the specification, leaving the examiner to guess at applicant's intent.

***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 1 - 4, 17, 18, 20 – 21, 23 - 24, 28, 30 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2009/0029717 (Bates et al.) in view of U.S. Patent Application no. 2002/0115453 (Poulin et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.).

With respect to claims 1 and 37 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 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 the any of the parts of the phone depicted in Bates et al. (position detector, memory , alert programs and data structures) and place them in a server 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.

Further with respect to a remote server, if it is not agreed that neither Bates nor Poulin et al. teach a remote server, note Fig. 1A of Krasner et al. and at least the Abstract of Krasner et al. There are multiple remote servers in Fig. 1A, but applicant is mainly directed to Location Servers 32 and 33. It would have been obvious to one of ordinary skill in the art to have incorporated such a remote servers as taught by Krasner et al. into the system of Bates et al./Poulin et al. as such would only entail the transfer of what is used locally to a remote location.

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

In addition, note the “permissions” noted throughout Krasner et al. note at least the Abstract and paragraphs 0039 – 0043, 0046, 0048 – 0051 and Figs. 2A – Fig. 4.

With respect to claim 2, note paragraph 0026 of Bates. In addition, note Fig. 1A, elements 1A - 1D and 2A - 2D and paragraph 0020 of Krasner et al.

With respect to claim 3, once the location information is sent to the remote server, it would be obvious to one skilled in the art that the first wireless device is on or off. This limitation is obvious in view of the fact that the location information is stored in multiple places, at least in Krasner et al. For example, on the location servers, base station or WWW servers (see Fig. 1A of Krasner et al.).

With respect to claim 4 and with respect to level of access, note that Bates et al. teach at least 2 levels of access; those being access and no access. In addition, access may be determined by distance thresholds, which may be different for each group or group member. If this is argued, note the rejection below with respect to Calvert et al.). In addition, note at least elements 505, 506 and 507 in Fig. 5A of Krasner et al.

With respect to claims 18, 28 and 30, note alerting as disclosed by Bates et al. (see Abstract and paragraphs 0027 – 0028).

With respect to claims 20 - 21, note Fig. 4 of Bates et al.

With respect to claim 23, note paragraph 0026 of Bates et al.

With respect to claim 24, note that it would be obvious to one of ordinary skill in the art to have one group called a dating or dating service.

Claims 5 – 8 and 25 - 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al./Poulin/Krasner et al. in view of U.S. Patent No. 6,885,874 (Grube et al.).

Note that Poulin et al. disclose the use of a map (see at least the Abstract). Krasner et al. also discloses the use of a map (see paragraph 0044 of Krasner et al.) However, there is no disclosure of a location marker. Note that Grube et al. teach such (see Fig. 2). It would have been obvious to one of ordinary skill in the art to have incorporated such location markers as disclosed by Grube et al. into the Bates et al./Poulin et al./Krasner et al. device as an obvious convenience to a user.

With respect to claims 6, Poulin discloses a map and Bates et al. disclose direction (paragraph 0045 of Bates et al.) and there for the instant limitation would have been obvious to one of ordinary skill. If this is argued, then note Fig. 2 of Grube et al.

With respect to claim 7, having the map of Poulin et al. and the speed and direction as disclosed in Bates et al., such limitations would have been obvious to one of ordinary skill in the art. If this is argued, note Col. 3, line 49, Col. 6, lines 61 – 64, Col. 8, line 52 and Col. 18, line 25 – 28 of Grube et al. Also, note the rejection below using the Calvert et al. reference.

With respect to claims 25 – 27, note compass 632 and Fig. 2 of Grube et al.

With respect to claim 8, note Col. 3, line 47, Col. 8, line 52, Col, 18, line 40 of Grube et al. Also, note the rejection below using the Calvert et al. reference

Claims 4 – 7, 9 – 10 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al./Poulin et al./Krasner et al./Grube et al. in view of U.S. Patent Application No. 2002/0102989 (Calvert et al.).

With respect to claims 4 – 7, 9 – 10, as shown above, Bates et al./Poulin et al./Krasner et al./Grube et al. teach the claimed limitations as shown above. In fact, both Bates et al. and Grube et al. teach plurality of access levels. However, Calvert et al. teach the same access levels as described in applicant's specification (note approximate and exact locations in the Abstract of Calvert et al.). In addition, note Col. 9, line 3 of Grube et al. It would have been obvious to one of ordinary skill in the art to have incorporated such plurality of access levels as disclosed by Calvert et al. into the Bates et al./Poulin et al./Krasner et al./Grube et al. system and method as such would only entail the substitution of well-known access levels for others.

With respect to claim 29, note Col. 11, line 3 of Grube et al.

Claims 11 – 16, 19, 22, 25 – 27 and 31 - 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al./Poulin et al./Krasner et al. and Grube et al. in view of U.S. Patent No. 7177,651 (Almassy).

With respect to claims 11 and 22, Bates et al./Poulin et al./Krasner et al./Grube et al. teach the claimed system and method except for the non-wireless aspect. However, such would be obvious to one of ordinary skill in the art without any art, but note Col.3, line 4 – Col. 4, line 54 of Almassy. It would have been obvious to one of ordinary skill in the art to have incorporated such use of a non-wireless device into the Bates et

al./Poulin et al./Krasner et al./Grube et al. system and method as such would only entail the substitution of one well know communication device for another.

With respect to claim 12, note also Col. 3, line 4 – Col. 4, line 54 of Almassy.

With respect to claims 13 – 14, note Col. 4, lines 20 – 23 of Almassy.

With respect to claims 15 – 16, 19 and 22, note Col. 3, line 4 – Col. 4, line 54 of Almassy.

With respect to claim 19, note Col. 4, lines 43 – 46 of Almassy.

With respect to claims 25 – 27, note compass 632 of Grube et al. and Col. 3, line 66 – Col. 4, line 8 of Almassy.

With respect to claims 31 - 32, additionally note Col. 7, lines 49 – 55 of Almassy.

With respect to claims 33 – 34, such limitations would have been obvious to one of ordinary skill in the art given the art cited above.

With respect to claims 38 – 79 such limitations mirror the above and would be rejected in a like manner. Specifically, note the rejection of claim 1 above with respect to “permissions”.

***Response to Arguments***

Applicant’s arguments with respect to claims 1 – 35 and 37 - 79 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 Abstract and Figs. of the additional reference 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).

31Aug2013

/William J Deane/

Primary Examiner, Art Unit 2652

| Notice of References Cited | Application/Control No. 10/400,296 | 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-2003/0069692 | 04-2003 | Krasner et al. | 701/213 |
| * | B | US-2003/0013461 | 01-2003 | Mizune et al. | 455/456 |
| | 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 | | | | | |
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**NON-PATENT DOCUMENTS**

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
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| | 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 |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | William J Deane | 2614 |

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|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | | | | | |
| | 1 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 2 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 3 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 4 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 5 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 6 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 7 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 8 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 9 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 10 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 11 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 12 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 13 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 14 | ✓ | ✓ | ✓ | ✓ | | | | | |
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| | 16 | ✓ | ✓ | ✓ | ✓ | | | | | |
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| | 19 | ✓ | ✓ | ✓ | ✓ | | | | | |
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| | 22 | ✓ | ✓ | ✓ | ✓ | | | | | |
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| | 24 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 25 | ✓ | ✓ | ✓ | ✓ | | | | | |
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| | 27 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 28 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 29 | ✓ | ✓ | ✓ | ✓ | | | | | |
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| | 31 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 32 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 33 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 34 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 35 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 36 | - | - | - | - | | | | | |

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| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | William J Deane | 2614 |

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| ✓ | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | | | | | |
| | 37 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 38 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 39 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 40 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 41 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 42 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 43 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 44 | ✓ | ✓ | ✓ | ✓ | | | | | |
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| | 46 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 47 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 48 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 49 | ✓ | ✓ | ✓ | ✓ | | | | | |
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| | 68 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 69 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 70 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 71 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 72 | ✓ | ✓ | ✓ | ✓ | | | | | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | William J Deane | 2614 |

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|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | | | | | |
| | 73 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 74 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 75 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 76 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 77 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 78 | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 79 | ✓ | ✓ | ✓ | ✓ | | | | | |

| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | William J Deane | 2614 |

| CPC- SEARCHED | | |
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| Symbol | Date | Examiner |
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| CPC COMBINATION SETS - SEARCHED | | |
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| Symbol | Date | Examiner |
| | | |

| US CLASSIFICATION SEARCHED | | | |
|---|---|---|---|
| Class | Subclass | Date | Examiner |
| | Updated the prior search | 09Aug2008 | WJD |
| | Updated the prior search. | 06Jun2009 | WJD |
| | Updated the prior search | 21Mar2010 | WJD |
| | Updated the search above | 31Aub2013 | WJD |

| SEARCH NOTES | | |
|---|---|---|
| Search Notes | Date | Examiner |
| | | |

| INTERFERENCE SEARCH | | | |
|---|---|---|---|
| US Class/ CPC Symbol | US Subclass / CPC Group | Date | Examiner |
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| | /W. J. D./<br>Primary Examiner.Art Unit 2614 |

SMALL ENTITY
JDM/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Applicant | : | Jeffrey D. Mullen |
| Application No. | : | 10/400,296 |
| Confirmation No. | : | 8666 |
| Filed | : | March 25, 2003 |
| For | : | SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME |
| Group Art Unit | : | 2614 |
| Examiner | : | William Deane Jr. |

**Mail Stop: Amendment**
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pittsburgh, PA 15232
March 5, 2013

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated March 5, 2014. A three-month extension of time is applicable hereto and submitted herewith. In Reply to the Office Action, applicant amends the application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 20 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. (previously presented) A method of mobile-to-mobile locating, said method comprising:

requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices;

requesting that location access rights be assigned for said second wireless device by said first wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device;

assigning said location access rights on said server to said second wireless device by said first wireless device;

storing said location access rights on said server;

determining said access rights assigned by said first wireless device to said second wireless device on said server; and

providing said location from said server to said second wireless device dependent upon said access rights.

2. (previously presented) The method of claim 1, wherein said first and second wireless devices are cellular phones.

3. (previously amended) The method of claim 1, wherein said location access rights include the ability to obtain said location, wherein said location is provided to said second wireless device from said server even when said first wireless device is OFF.

4. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of access levels.

5. (previously presented) The method of claim 1, wherein said location is used to provide a location marker on a map on said second wireless device.

6. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location on said second wireless device.

7. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location and a travel time on said second wireless device.

8. (previously presented) The method of claim 1, further comprising requesting a second location of said first wireless device and using said location and said second location to determine how fast said first wireless device is traveling.

9. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of

levels of access rights, at least one of said plurality of levels of access rights comprise the exact location of said first wireless device, and another one of said plurality of levels of access rights comprise an approximate location of said first wireless device.

10. (previously presented) The method of claim 1, wherein said access rights comprise a plurality of levels of access rights, at least one of said plurality of levels of access rights comprise an approximate location of said first wireless device, and said approximate location comprises a city or state.

11. (previously presented) The method of claim 1, further comprising requesting said location of said first wireless device by a non-wireless device.

12. (previously presented) The method of claim 1, further comprising obtaining a second location from a non-wireless device.

13. (previously presented) The method of claim 1, further comprising receiving a login and password from said second wireless device to identify said second wireless device.

14. (previously presented) The method of claim 1, wherein said location of said first wireless device is requested by receiving input, in the form of a telephone number of said first wireless device, on said second wireless device.

15. (previously presented) The method of claim 1, further comprising using said first wireless device to modify said location access rights for said second wireless device.

16. (previously presented) The method of claim 1, further comprising the ability to use said first wireless device to delete said location access rights for said second wireless device.

17. (previously presented) The method of claim 1, further comprising filtering information about said location such that only a portion of the information is passed to said second wireless device.

18. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device is within a distance of second wireless device.

19. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list.

20. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list wherein said identifier list comprises a list of telephone numbers.

21. (previously presented) The method of claim 1, further comprising selecting said first wireless device

from an identifier list wherein said identifier list comprises a list of user profiles.

22. (previously presented) The method of claim 1, further comprising requesting a second location from said first wireless device from a non-wireless device, wherein said non-wireless device does not comprise a positioning system.

23. (previously presented) The method of claim 1, wherein said location is provided by a positioning system.

24. (previously presented) The method of claim 1, further comprising:

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

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

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

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

25. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device.

26. (previously presented) The method of claim 1, wherein a directional arrow is utilized to display the location of said first wireless device relative to said

location of said second wireless device on said second wireless device.

27. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device, wherein said compass is utilized to display the direction that said second wireless device is traveling in.

28. (previously presented) The method of claim 1, further comprising setting location alerts associated with said first wireless device on said second wireless device.

29. (previously presented) The method of claim 1, wherein said location access rights are only assigned for a period of time.

30. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device enters a geographic area.

31. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device.

32. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device when said first wireless device is turned OFF.

33. (previously presented) The method of claim 1, further comprising displaying on said second wireless device the opportunity to request said location access rights from said first wireless device.

34. (previously presented) The method of claim 1, further comprising displaying to said second wireless device the opportunity to request said location access rights from said first wireless device after a determination has been made that said second wireless device does not have access to said location.

35. (previously presented) The method of claim 1, wherein said first wireless device is requested to manually allow said location access rights for said second wireless device every time said second wireless device requests said location.

36. (cancelled).

37. (previously presented) The method of claim 1, wherein one of said location access rights is the ability to not allow said second wireless device to access said location.

38. (previously presented) A method comprising:

requesting a first location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

requesting a second location of said second wireless telephone by said first wireless telephone from said server;

assigning first location access rights on said server to said second wireless telephone by said first wireless telephone in response to a request that first location access rights be assigned;

assigning second location access rights on said server to said first wireless telephone by said second wireless telephone;

storing said first location access rights and said second location access rights on said server;

providing said first location from said server to said second wireless telephone dependent upon said first access rights; and

providing said second location from said server to said first wireless telephone dependent upon said second access rights.

39. (previously presented) The method of claim 38, further comprising alerting said first wireless telephone when said second wireless telephone is within a distance of said first wireless telephone.

40. (previously presented) The method of claim 38, wherein one of said first location access rights is the ability to not allow said second wireless telephone to access said first location.

41. (previously presented) The method of claim 38, wherein said first location is used to provide a location marker on a map on said second wireless telephone.

42. (previously presented) The method of claim 38, further comprising receiving a login and password from said second wireless telephone to identify said second wireless telephone.

43. (previously presented) The method of claim 38, further comprising setting location alerts associated with said first wireless telephone on said second wireless telephone.

44. (previously presented) The method of claim 38, further comprising setting up an alert for said first wireless telephone dependent on said second location of said second wireless telephone.

45. (previously presented) A method comprising:

requesting a location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

assigning location access rights on said server to said second wireless telephone by said first wireless telephone;

storing said location access rights on said server;

determining said access rights assigned by said first wireless telephone to said second wireless telephone on said server; and

providing said location from said server to said second wireless telephone dependent upon said access rights even when said first wireless telephone is OFF.

46. (previously presented) The method of claim 45, further comprising alerting said second wireless telephone when said first wireless telephone is within a distance of said second wireless telephone.

47. (previously presented) The method of claim 45, wherein one of said location access rights is the ability to not allow said second wireless telephone to access said location.

48. (previously presented) The method of claim 45, wherein said location is used to provide a location marker on a map on said second wireless telephone.

49. (previously presented) The method of claim 45, further comprising setting up an alert for said second wireless telephone dependent on said location of said first wireless telephone.

50. (previously presented) The method of claim 3, wherein said location access rights include the ability to not obtain said location.

51. (previously presented) The method of claim 37, wherein another one of said location access rights is the ability to allow said second wireless device to access said location.

52. (previously presented) The method of claim 40, wherein another one of said first location access

rights is the ability to allow said second wireless telephone to access said first location.

53. (previously presented) The method of claim 47, wherein another one of said location access rights is the ability to allow said second wireless telephone to access said location.

54. (previously presented) The method of claim 38, further comprising:

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

providing a second dating matching profile by said second wireless telephone; and

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

55. (previously presented) The method of claim 45, further comprising:

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

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

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

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

56. (previously presented) The method of claim 38, further comprising providing a directional arrow to display said first location relative to said second location on said second wireless telephone.

57. (previously presented) The method of claim 38, further comprising providing a compass in said second wireless telephone, wherein said compass is utilized to display the direction that said second wireless telephone is traveling in.

58. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location on said second wireless telephone.

59. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location and a travel time on said second wireless telephone.

60. (previously presented) The method of claim 38, further comprising determining how fast said first wireless telephone is traveling.

61. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable to request a first location of said first wireless device from a server located remotely from said first and second wireless devices, said first

wireless device is operable to request a second location of said second wireless device from said server, said first wireless device is operable to assign first location access rights on said server to said second wireless device in response to a request that said first location access rights be assigned, said second wireless device is operable to assign second location access rights on said server to said first wireless device, said server storing said first and second location access rights, said first location is provided from said server to said second wireless device dependent upon said first access rights, and said second location is provided from said server to said first wireless device dependent upon said second access rights.

62. (previously presented) The system of claim 61, wherein said first and second wireless devices are wireless telephones.

63. (previously presented) The system of claim 61, wherein said first location is used to provide directions from said second wireless device to said first location on said second wireless device.

64. (previously presented) The system of claim 61, wherein one of said first location access rights is the ability to not allow said second wireless device to access said first location.

65. (previously presented) The system of claim 64, wherein another one of said first location access rights is the ability to allow said second wireless device to access said first location.

66. (previously presented) The system of claim 61, wherein a directional arrow is displayed on said second wireless device representative of said first location relative to said second location.

67. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein a location of said first wireless device is requested by said second wireless device from a server located remotely from said first and second wireless devices, location access rights are assigned on said server to said second wireless device by said first wireless device, said assignment by said first wireless device is requested for said second wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device, said location access rights are stored on said server, said server determines said access rights assigned by said first wireless device to said second wireless device, and said server provides said location from said server to said second wireless device dependent upon said access rights.

68. (previously presented) The system of claim 67, wherein said first and second wireless devices are wireless telephones.

69. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable of requesting a location of a

first wireless device from a server located remotely from said first and second wireless devices, said first wireless device is operable to assign location access rights on said server for said second wireless device, said location access rights are stored on said server, said server is operable to determine said access rights assigned by said first wireless device to said second wireless device on said server, and said server provides said location from said server to said second wireless device dependent upon said access rights even when said first wireless device is OFF.

70. (previously presented) The system of claim 69, wherein said first and second wireless devices are wireless telephones.

71. (currently amended) A non-transitory computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of said first wireless device from said second wireless device;

receiving a request for an assignment of said location access rights by said first wireless device for said second wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device;

receiving location access rights to said second wireless device by said first wireless device;

storing said location access rights, wherein said location access rights are stored remotely from said first and second wireless devices;

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 location access rights.

72. (currently amended) The non-transitory computer-readable medium of claim 71, wherein said first and second wireless devices are wireless telephones.

73. (currently amended) The non-transitory computer-readable medium of claim 71, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

74. (currently amended) A non-transitory computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a first location of said first wireless device;

receiving a request for a second location of said second wireless device;

receiving an assignment of first location access rights from said first wireless device for said second wireless device in response to a request for said first location access rights;

receiving an assignment of second location access rights from said second wireless device for said first wireless device;

storing said first and second location access rights;

providing said first location to said second wireless device dependent upon said first access rights; and

providing said second location to said first wireless device dependent upon said second access rights.

75. (currently amended) The non-transitory computer-readable medium of claim 74, wherein said first and second wireless devices are wireless telephones.

76. (currently amended) The non-transitory computer-readable medium of claim 74, further comprising receiving said first location from said first wireless device, wherein said first location is determined on a positioning system located on said first wireless device.

77. (currently amended) A non-transitory computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of a first wireless device by a second wireless device;

receiving an assignment of location access rights by said first wireless device for said second wireless device;

storing said location access rights;

determining said location 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 even when said first wireless device is OFF.

78. (currently amended) The non-transitory computer-readable medium of claim 77, wherein said first and second wireless devices are wireless telephones.

79. (currently amended) The non-transitory computer-readable medium of claim 77, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 1-35 and 37-79 are pending.

The Examiner rejected claims 71-79 under 35 U.S.C. 101.

The Examiner rejected claims 71-79 under 35 U.S.C. 112.

The Examiner rejected claims 1-4, 17, 18, 20-21, 23-24, 28, 30 and 37 under 35 U.S.C. 103(a) in view of Bates U.S. Patent Application No. 2009/0029717 (hereinafter "Bates") in view of U.S. Patent Application No. 2002/0115453 (hereinafter "Poulin") and further in view of U.S. Patent Application No. 2003/0069692 (hereinafter "Krasner").

Claims 5-8 and 25-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Poulin in view of Krasner and further in view of U.S. Patent No. 6,885,874 (hereinafter "Grube").

The Examiner rejected claims 4-7, 9-10, 29 under 35 U.S.C. 103(a) as being upatentable over Bates in view of Poulin in view of Krasner in view of Grube in view of Calvert.

Claims 11-16, 19, 22, 25-27, and 31-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin in view of Krasner in view of Grube in view of U.S. Patent No. 7,177,651 (hereinafter "Almassy").

Summary of Applicant's Amendments

Applicant has amended claims 71-79 without prejudice and solely in order to expedite prosecution.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to claim any

subject matter lost by any amendments or cancellations during the prosecution of this application, or to claim any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the
Rejections under 35 U.S.C. 101 and 112

The Examiner rejected claims 71-79 under 35 U.S.C. 101.

The Examiner rejected claims 71-79 under 35 U.S.C. 112.

Applicant has amended claims 71-79 without prejudice and solely in order to expedite prosecution.

Applicant has amended claims 71-79 to include a non-transitory computer-readable medium.

Applicant includes numerous examples of computer-readable mediums such as databases, computerized systems, servers, and memories. Moreover, Beauregard claims are thoroughly described in the specification through the disclosure of its described elements.

In light of the foregoing, applicant respectfully requests that the Examiner’s rejections of claims 71-79 be withdrawn.

Applicant's Response to the 35 U.S.C. 103(a) Rejection

The Examiner rejected claims 1-4, 17, 18, 20-21, 23-24, 28, 30 and 37 under 35 U.S.C. 103(a) in view of Bates in view of Poulin and further in view of Krasner.

Neither Bates nor Poulin, used either alone or in combination show or suggest applicant’s invention of claim 1 of requesting a location of a first wireless device by a second wireless device from a server located remotely from

said first and second wireless devices. Bates and Poulin are silent on such requests.

Similarly, neither Bates nor Poulin, used either alone or in combination show or suggest applicant's invention of claim 1 of requesting that location access rights be assigned for said second wireless device by said first wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device.

The Examiner stated:

> "if it is not agreed that neither Bates nor Poulin et al. teach a remote server, note Fig. 1A of Krasner and at least the abstract of Krasner….
>
> … note the 'permissions' noted throughout Krasner…." (Office Action, page 6)

Krasner, however, does not correct for the deficiencies of Poulin and Bates. Krasner merely:

> "if no permission criteria has been sent by the mobile system, the server system queries the mobile system for the permission criteria" (Krasner, abstract).

Krasner's server allegedly always queries for Krasner's permission criteria and is subject to Krasner's configuration. Accordingly, like Poulin and Bates, Krasner also does not show or suggest requesting that location access rights be assigned for said second wireless device by said first wireless device if said location access rights have not yet been assigned by said first wireless device for said second wireless device – let alone doing so and requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices.

Furthermore, Poulin teaches directly away from Bates and Krasner and is inoperable with Bates and Krasner. Particularly, Bates alleges notifying the presence of group members that are in the same region to the various other group members. A packet includes a group identifier and group member location. A receiving portable device allegedly receives this information and determines if it is in the same group. A user may allegedly enable or disable detection of the device for everyone in the user's group. Poulin, however, discusses location based wireless communication services in villages. Employers may track progress and manage workloads of employees. Krasner is unrelated. In this manner, the devices are unrelated precision devices. As per just one example, Bates discusses locating a device via a position detector on the GPS. Poulin discusses locating a device solely through a service center. As such, the architectures of both Poulin and Bates are opposite and inoperable. The Examiner cannot pick and choose unrelated elements of unrelated devices and stitch them together, in hindsight, in order to create an entirely new, inoperable device neither shown nor suggested by the individual devices. In doing so, the Examiner merely eviscerates the spirit of both the Poulin and Bates devices.

Accordingly, applicant respectfully requests that the rejections of claim 1, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the other 103(a) Rejections

Claims 5-8 and 25-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Poulin in view of Krasner and further in view of Grube. The Examiner rejected claims 4-7, 9-10, 29 under 35 U.S.C. 103(a) as being upatentable over Bates in view of Poulin in view of Krasner in view of Grube in view of Calvert. Claims 11-16, 19, 22, 25-27, and 31-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin in view of Krasner in view of Grube in view of Almassy.

As shown above, claim 1 is patentable. Claims 4-16, 19, 22, 25-27, 29, and 31-32 depend from claim 1. Accordingly, such claims are patentable for depending from a patentable base claim.

Furthermore, the Examiner is now providing rejections with up to five separate references. Applicant respectfully submits that the need for such a volume of references for a single rejection only serves to support applicant’s contention of patentability.

In light of the foregoing, applicant respectfully requests that the Examiner’s rejections of claims 4-16, 19, 22, 25-27, 29, and 31-32 be withdrawn.

Applicant's Response to the “Mirror” Rejections

The Examiner noted that claims 38-79 mirror claims 1-37 and would be rejected in a like manner.

Applicant, however, did point out patentable claimed features (*See* pages 25-27 of applicant’s Reply dated December 10, 2009). The patentable features are

repeated in this reply below for independent claims 38, 45, 61, 67, 69, 71, 74, and 77.

Accordingly, claims 38-79 clearly do not mirror claims 1-37. claims 38-79 are patentably distinct from claims 1-37. The elements of claims 38-79 are different than the elements of claims 1-37. Each and every claim of claims 38-79 includes different elements from each and every claim of claims 1-37. The Examiner has not provided any rejection for these distinct claims. Accordingly, 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.

Nonetheless, claims 38-79 include patentable features similar to the patentable features discussed above in connection with claim 1. Accordingly, applicant's inventions of claims 38-79 are patentable. In this manner, applicant respectfully requests that the Examiner's rejection of claims 38-79 be withdrawn.

Claim 38

None of the prior art, used with alone or in combination, however, show or suggest applicant's invention of claim 38 of assigning first location access rights on said server to said second wireless telephone by said first wireless telephone in response to a request that first location access rights be assigned and storing the first location access rights on the server.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 38, and any claims dependent therefrom, be withdrawn.

Claims 45, 69, and 77

Furthermore, applicant's invention of claims 45, 69, and 77 include providing a location to a second wireless device dependent upon access rights even when the first wireless device is OFF. None of the prior art, used either alone or in combination, show or suggest such a feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 45, 69, and 77, and any claims dependent therefrom, be withdrawn.

Claim 61

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 61 that includes a first wireless device that is operable to assign first location access rights on the server to the second wireless device in response to a request that the first location access rights be assigned and storing the first location access rights on the server.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 61, and any claims dependent therefrom, be withdrawn.

Claim 67

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 67 of location access rights that are assigned to a second wireless device by a first wireless device where the assignment is requested for the second wireless device if the location access rights have not yet been assigned by the first wireless device for the second wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 67, and any claims dependent therefrom, be withdrawn.

Claim 71

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 71 that includes receiving a request for an assignment of

location access rights by a first wireless device for a second wireless device if the location access rights have not yet been assigned by the first wireless device for the second wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 71, and any claims dependent therefrom, be withdrawn.

Claim 74

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 74 that includes receiving an assignment of first location access rights from the first wireless device for the second wireless device in response to a request for the first location access rights and storing the first location access rights.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 74, and any claims dependent therefrom, 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. Accordingly, applicant respectfully requests that a favorable action be issued.

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

Respectfully Submitted,

/Jeffrey D. Mullen/

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# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 10400296 |
| **Filing Date:** | 25-Mar-2003 |
| **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 |

Filed as Small Entity

## Utility under 35 USC 111(a) Filing Fees

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Basic Filing:** | | | | |
| **Pages:** | | | | |
| **Claims:** | | | | |
| **Miscellaneous-Filing:** | | | | |
| **Petition:** | | | | |
| **Patent-Appeals-and-Interference:** | | | | |
| **Post-Allowance-and-Post-Issuance:** | | | | |
| **Extension-of-Time:** | | | | |
| Extension - 3 months with $0 paid | 2253 | 1 | 700 | 700 |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Miscellaneous:** | | | | |
| | | | **Total in USD ($)** | **700** |

| Electronic Acknowledgement Receipt | |
|---|---|
| **EFS ID:** | 18370843 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 05-MAR-2014 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 03:57:26 |
| **Application Type:** | Utility under 35 USC 111(a) |

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| Submitted with Payment | yes |
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| Payment was successfully received in RAM | $700 |
| RAM confirmation Number | 8723 |
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| Authorized User | |
| The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:<br>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)<br>Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees) | |

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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--Reply.pdf | 204792<br>24ac3a5930197cb6fc741e1d84803e6abb506afb | yes | 30 |

| Multipart Description/PDF files in .zip description | | |
|---|---|---|
| **Document Description** | **Start** | **End** |
| Amendment/Req. Reconsideration-After Non-Final Reject | 1 | 1 |
| Claims | 2 | 19 |
| Applicant Arguments/Remarks Made in an Amendment | 20 | 30 |

**Warnings:**

**Information:**

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|---|---|---|---|---|---|
| 2 | Fee Worksheet (SB06) | fee-info.pdf | 30311<br>c20c2b68559652622de2c057c2fcfeb4d69fc6cf | no | 2 |

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**<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)
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| PATENT APPLICATION FEE DETERMINATION RECORD<br>Substitute for Form PTO-875 | Application or Docket Number<br>10/400,296 | Filing Date<br>03/25/2003 | ☐ 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 | 03/05/2014 | (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)) | * 78 | Minus | ** 78 | = 0 | X $40 = | 0 |
| | Independent (37 CFR 1.16(h)) | * 9 | Minus | ***9 | = 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
/DESHONNE T. MARTINO/

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. |
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| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

32733 7590 06/27/2014

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

| MAIL DATE | DELIVERY MODE |
|---|---|
| 06/27/2014 | 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. 10/400,296 | 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 *03/05/2014*.

☐ 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) *1-35 and 37-79* is/are pending in the application.

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

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-35 and 37-79* 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 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 1 - 4, 17, 18, 20 – 21, 23 - 24, 28, 30 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2009/0029717 (Bates et al.) in view of U.S. Patent Application no. 2002/0115453 (Poulin et al.) and further in view of U.S. Patent Application No. 2003/0069692 (Krasner et al.).

With respect to claims 1 and 37 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 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 the any of the parts of the phone depicted in Bates et al. (position detector, memory , alert programs and data structures) and place them in a server 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.

Further with respect to a remote server, if it is not agreed that neither Bates nor Poulin et al. teach a remote server, note Fig. 1A of Krasner et al. and at least the Abstract of Krasner et al. There are multiple remote servers in Fig. 1A, but applicant is mainly directed to Location Servers 32 and 33. It would have been obvious to one of ordinary skill in the art to have incorporated such a remote servers as taught by Krasner et al. into the system of Bates et al./Poulin et al. as such would only entail the transfer of what is used locally to a remote location.

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

In addition, note the “permissions” noted throughout Krasner et al. note at least the Abstract and paragraphs 0039 – 0043, 0046, 0048 – 0051 and Figs. 2A – Fig. 4.

With respect to claim 2, note paragraph 0026 of Bates. In addition, note Fig. 1A, elements 1A - 1D and 2A - 2D and paragraph 0020 of Krasner et al.

With respect to claim 3, once the location information is sent to the remote server, it would be obvious to one skilled in the art that the first wireless device is on or off. This limitation is obvious in view of the fact that the location information is stored in multiple places, at least in Krasner et al. For example, on the location servers, base station or WWW servers (see Fig. 1A of Krasner et al.).

With respect to claim 4 and with respect to level of access, note that Bates et al. teach at least 2 levels of access; those being access and no access. In addition, access may be determined by distance thresholds, which may be different for each group or group member. If this is argued, note the rejection below with respect to Calvert et al.). In addition, note at least elements 505, 506 and 507 in Fig. 5A of Krasner et al.

With respect to claims 18, 28 and 30, note alerting as disclosed by Bates et al. (see Abstract and paragraphs 0027 – 0028).

With respect to claims 20 - 21, note Fig. 4 of Bates et al.

With respect to claim 23, note paragraph 0026 of Bates et al.

With respect to claim 24, note that it would be obvious to one of ordinary skill in the art to have one group called a dating or dating service.

Claims 5 – 8 and 25 - 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al./Poulin/Krasner et al. in view of U.S. Patent No. 6,885,874 (Grube et al.).

Note that Poulin et al. disclose the use of a map (see at least the Abstract). Krasner et al. also discloses the use of a map (see paragraph 0044 of Krasner et al.) However, there is no disclosure of a location marker. Note that Grube et al. teach such (see Fig. 2). It would have been obvious to one of ordinary skill in the art to have incorporated such location markers as disclosed by Grube et al. into the Bates et al./Poulin et al./Krasner et al. device as an obvious convenience to a user.

With respect to claims 6, Poulin discloses a map and Bates et al. disclose direction (paragraph 0045 of Bates et al.) and there for the instant limitation would have been obvious to one of ordinary skill. If this is argued, then note Fig. 2 of Grube et al.

With respect to claim 7, having the map of Poulin et al. and the speed and direction as disclosed in Bates et al., such limitations would have been obvious to one of ordinary skill in the art. If this is argued, note Col. 3, line 49, Col. 6, lines 61 – 64, Col. 8, line 52 and Col. 18, line 25 – 28 of Grube et al. Also, note the rejection below using the Calvert et al. reference.

With respect to claims 25 – 27, note compass 632 and Fig. 2 of Grube et al.

With respect to claim 8, note Col. 3, line 47, Col. 8, line 52, Col, 18, line 40 of Grube et al. Also, note the rejection below using the Calvert et al. reference

Claims 4 – 7, 9 – 10 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al./Poulin et al./Krasner et al./Grube et al. in view of U.S. Patent Application No. 2002/0102989 (Calvert et al.).

With respect to claims 4 – 7, 9 – 10, as shown above, Bates et al./Poulin et al./Krasner et al./Grube et al. teach the claimed limitations as shown above. In fact,

both Bates et al. and Grube et al. teach plurality of access levels. However, Calvert et al. teach the same access levels as described in applicant's specification (note approximate and exact locations in the Abstract of Calvert et al.). In addition, note Col. 9, line 3 of Grube et al. It would have been obvious to one of ordinary skill in the art to have incorporated such plurality of access levels as disclosed by Calvert et al. into the Bates et al./Poulin et al./Krasner et al./Grube et al. system and method as such would only entail the substitution of well-known access levels for others.

With respect to claim 29, note Col. 11, line 3 of Grube et al.

Claims 11 – 16, 19, 22, 25 – 27 and 31 - 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al./Poulin et al./Krasner et al. and Grube et al. in view of U.S. Patent No. 7177,651 (Almassy).

With respect to claims 11 and 22, Bates et al./Poulin et al./Krasner et al./Grube et al. teach the claimed system and method except for the non-wireless aspect. However, such would be obvious to one of ordinary skill in the art without any art, but note Col.3, line 4 – Col. 4, line 54 of Almassy. It would have been obvious to one of ordinary skill in the art to have incorporated such use of a non-wireless device into the Bates et al./Poulin et al./Krasner et al./Grube et al. system and method as such would only entail the substitution of one well know communication device for another.

With respect to claim 12, note also Col. 3, line 4 – Col. 4, line 54 of Almassy.

With respect to claims 13 – 14, note Col. 4, lines 20 – 23 of Almassy.

With respect to claims 15 – 16, 19 and 22, note Col. 3, line 4 – Col. 4, line 54 of Almassy.

With respect to claim 19, note Col. 4, lines 43 – 46 of Almassy.

With respect to claims 25 – 27, note compass 632 of Grube et al. and Col. 3, line 66 – Col. 4, line 8 of Almassy.

With respect to claims 31 - 32, additionally note Col. 7, lines 49 – 55 of Almassy.

With respect to claims 33 – 34, such limitations would have been obvious to one of ordinary skill in the art given the art cited above.

With respect to claims 38 – 79 such limitations mirror the above and would be rejected in a like manner. Specifically, note the rejection of claim 1 above with respect to "permissions".

***Response to Arguments***

Applicant's arguments filed 03/05/2014 have been fully considered but they are not persuasive.

With respect to the "remote server" the examiner has stated many times that even if Applicant's comments about the references were correct with respect to a "remote server", such a "remote server" would still be obvious to one of ordinary skill in the art. Also see the rejections of claims 1 and 37 above.

In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

Applicant makes a few statements with respect to Official Notice, such as the examiner "appears to" or "may have" taken Official Notice, but Applicant does not point

with specificity as to what steps or elements the examiner is supposedly taking Official Notice.

The examiner invites Applicant to pick a time for an Interview in order that the examiner and Applicant can discuss this case and the other cases Applicant has on the examiner's docket. Applicant can call the examiner (phone number indicated below) or if Applicant would rather discuss an Interview time via e-mail, the examiners e-mail is william.deane@uspto.gov.

***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).

26Jun2014

/William J Deane/

Primary Examiner, Art Unit 2652

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | | | | |
| | 1 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 2 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 3 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 4 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 5 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 6 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 7 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 8 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 9 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 10 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 11 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 12 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 13 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 14 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 15 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 16 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 17 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 18 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 19 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 20 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
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| | 30 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 31 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 32 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 33 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
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| | 35 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 36 | - | - | - | - | - | | | | |

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| | William J Deane | 2614 |

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|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | | | | |
| | 37 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 38 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 39 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 40 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
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| | 67 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 68 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 69 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 70 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 71 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 72 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
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| | Examiner | Art Unit |
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| CLAIM | | DATE | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Final | Original | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | | | | |
| | 73 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 74 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 75 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 76 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 77 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 78 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |
| | 79 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | |

| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 |
| | Updated the prior search | 09Aug2008 | WJD |
| | Updated the prior search. | 06Jun2009 | WJD |
| | Updated the prior search | 21Mar2010 | WJD |
| | Updated the search above | 31Aub2013 | WJD |
| | Updated the above | 26Jun2014 | WJD |

| SEARCH NOTES | | |
|---|---|---|
| Search Notes | Date | Examiner |
| | | |

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

| | |
|---|---|
| | /W. J. D./<br>Primary Examiner.Art Unit 2614 |

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 | 10400296 | Filing Date | 2003-03-25 | Docket Number (if applicable) | JDM/002 | 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
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| Applicant Signature | | | |
|---|---|---|---|
| Applicant 1 | | Remove | |
| Signature | /Jeffrey D. Mullen/ | Date (YYYY-MM-DD) | 2014-12-29 |
| 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.

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

# Privacy Act Statement

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JDM/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|---|---|
| Applicant | : | Jeffrey D. Mullen |
| Application No. | : | 10/400,296 |
| Confirmation No. | : | 8666 |
| Filed | : | March 25, 2003 |
| For | : | SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME |
| Group Art Unit | : | 2614 |
| Examiner | : | William Deane Jr. |

**Mail Stop: Amendment**
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pittsburgh, PA 15232
December 29, 2014

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated March 5, 2014. A three-month extension of time and a Request for Continued Examination is applicable hereto and submitted herewith. In Reply to the Office Action, applicant amends the application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 20 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. (currently amended) A method of mobile-to-mobile locating, said method comprising:

requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices;

determining that said second wireless device does not have location access rights for said first wireless device;

asking said second wireless device if said location access rights are to be requested from said first wireless device after determining that said second wireless device does not have said location access rights for said first wireless device;

requesting that said location access rights be assigned for said second wireless device by said first wireless device ~~if said location access rights have not yet been assigned by said first wireless device for said second wireless device~~;

assigning said location access rights on said server to said second wireless device by said first wireless device;

storing said location access rights on said server;

determining said access rights assigned by said first wireless device to said second wireless device on said server; and

providing said location from said server to said second wireless device dependent upon said access rights.

2. (previously presented) The method of claim 1, wherein said first and second wireless devices are cellular phones.

3. (previously amended) The method of claim 1, wherein said location access rights include the ability to obtain said location, wherein said location is provided to said second wireless device from said server even when said first wireless device is OFF.

4. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of access levels.

5. (previously presented) The method of claim 1, wherein said location is used to provide a location marker on a map on said second wireless device.

6. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location on said second wireless device.

7. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location and a travel time on said second wireless device.

8. (previously presented) The method of claim 1, further comprising requesting a second location of said first wireless device and using said location and said second location to determine how fast said first wireless device is traveling.

9. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of levels of access rights, at least one of said plurality of levels of access rights comprise the exact location of said first wireless device, and another one of said plurality of levels of access rights comprise an approximate location of said first wireless device.

10. (previously presented) The method of claim 1, wherein said access rights comprise a plurality of levels of access rights, at least one of said plurality of levels of access rights comprise an approximate location of said first wireless device, and said approximate location comprises a city or state.

11. (previously presented) The method of claim 1, further comprising requesting said location of said first wireless device by a non-wireless device.

12. (previously presented) The method of claim 1, further comprising obtaining a second location from a non-wireless device.

13. (previously presented) The method of claim 1, further comprising receiving a login and password from said

second wireless device to identify said second wireless device.

14. (previously presented) The method of claim 1, wherein said location of said first wireless device is requested by receiving input, in the form of a telephone number of said first wireless device, on said second wireless device.

15. (previously presented) The method of claim 1, further comprising using said first wireless device to modify said location access rights for said second wireless device.

16. (previously presented) The method of claim 1, further comprising the ability to use said first wireless device to delete said location access rights for said second wireless device.

17. (previously presented) The method of claim 1, further comprising filtering information about said location such that only a portion of the information is passed to said second wireless device.

18. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device is within a distance of second wireless device.

19. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list.

20. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list wherein said identifier list comprises a list of telephone numbers.

21. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list wherein said identifier list comprises a list of user profiles.

22. (previously presented) The method of claim 1, further comprising requesting a second location from said first wireless device from a non-wireless device, wherein said non-wireless device does not comprise a positioning system.

23. (previously presented) The method of claim 1, wherein said location is provided by a positioning system.

24. (previously presented) The method of claim 1, further comprising:

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

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

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

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

25. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device.

26. (previously presented) The method of claim 1, wherein a directional arrow is utilized to display the location of said first wireless device relative to said location of said second wireless device on said second wireless device.

27. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device, wherein said compass is utilized to display the direction that said second wireless device is traveling in.

28. (previously presented) The method of claim 1, further comprising setting location alerts associated with said first wireless device on said second wireless device.

29. (previously presented) The method of claim 1, wherein said location access rights are only assigned for a period of time.

30. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device enters a geographic area.

31. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device.

32. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device when said first wireless device is turned OFF.

33. (previously presented) The method of claim 1, further comprising displaying on said second wireless device the opportunity to request said location access rights from said first wireless device.

34. (cancelled).

35. (previously presented) The method of claim 1, wherein said first wireless device is requested to manually allow said location access rights for said second wireless device every time said second wireless device requests said location.

36. (cancelled).

37. (previously presented) The method of claim 1, wherein one of said location access rights is the ability to not allow said second wireless device to access said location.

38. (currently amended) A method comprising:

requesting a first location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

requesting a second location of said second wireless telephone by said first wireless telephone from said server;

assigning first location access rights on said server to said second wireless telephone by said first wireless telephone in response to a request from said second wireless telephone that first location access rights be assigned;

assigning second location access rights on said server to said first wireless telephone by said second wireless telephone;

storing said first location access rights and said second location access rights on said server;

providing said first location from said server to said second wireless telephone dependent upon said first access rights; and

providing said second location from said server to said first wireless telephone dependent upon said second access rights.

39. (previously presented) The method of claim 38, further comprising alerting said first wireless telephone when said second wireless telephone is within a distance of said first wireless telephone.

40. (previously presented) The method of claim 38, wherein one of said first location access rights is the ability to not allow said second wireless telephone to access said first location.

41. (previously presented) The method of claim 38, wherein said first location is used to provide a location marker on a map on said second wireless telephone.

42. (previously presented) The method of claim 38, further comprising receiving a login and password from said second wireless telephone to identify said second wireless telephone.

43. (previously presented) The method of claim 38, further comprising setting location alerts associated with said first wireless telephone on said second wireless telephone.

44. (previously presented) The method of claim 38, further comprising setting up an alert for said first wireless telephone dependent on said second location of said second wireless telephone.

45. (previously presented) A method comprising:

requesting a location of a first wireless telephone by a second wireless telephone from a server located remotely from said first and second wireless telephones;

assigning location access rights on said server to said second wireless telephone by said first wireless telephone;

storing said location access rights on said server;

determining said access rights assigned by said first wireless telephone to said second wireless telephone on said server; and

providing said location from said server to said second wireless telephone dependent upon said access rights even when said first wireless telephone is OFF.

46. (previously presented) The method of claim 45, further comprising alerting said second wireless telephone when said first wireless telephone is within a distance of said second wireless telephone.

47. (previously presented) The method of claim 45, wherein one of said location access rights is the ability to not allow said second wireless telephone to access said location.

48. (previously presented) The method of claim 45, wherein said location is used to provide a location marker on a map on said second wireless telephone.

49. (previously presented) The method of claim 45, further comprising setting up an alert for said second wireless telephone dependent on said location of said first wireless telephone.

50. (previously presented) The method of claim 3, wherein said location access rights include the ability to not obtain said location.

51. (previously presented) The method of claim 37, wherein another one of said location access rights is the ability to allow said second wireless device to access said location.

52. (previously presented) The method of claim 40, wherein another one of said first location access rights is the ability to allow said second wireless telephone to access said first location.

53. (previously presented) The method of claim 47, wherein another one of said location access rights is the ability to allow said second wireless telephone to access said location.

54. (previously presented) The method of claim 38, further comprising:

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

providing a second dating matching profile by said second wireless telephone; and

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

55. (previously presented) The method of claim 45, further comprising:

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

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

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

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

56. (previously presented) The method of claim 38, further comprising providing a directional arrow to display said first location relative to said second location on said second wireless telephone.

57. (previously presented) The method of claim 38, further comprising providing a compass in said second wireless telephone, wherein said compass is utilized to display the direction that said second wireless telephone is traveling in.

58. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location on said second wireless telephone.

59. (previously presented) The method of claim 38, wherein said first location is used to provide directions from said second wireless telephone to said first location and a travel time on said second wireless telephone.

60. (previously presented) The method of claim 38, further comprising determining how fast said first wireless telephone is traveling.

61. (currently amended) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable to request a first location of said first wireless device from a server located remotely

from said first and second wireless devices, said first wireless device is operable to request a second location of said second wireless device from said server, said first wireless device is operable to assign first location access rights on said server to said second wireless device in response to a request from said second wireless device that said first location access rights be assigned, said second wireless device is operable to assign second location access rights on said server to said first wireless device, said server storing said first and second location access rights, said first location is provided from said server to said second wireless device dependent upon said first access rights, and said second location is provided from said server to said first wireless device dependent upon said second access rights.

62. (previously presented) The system of claim 61, wherein said first and second wireless devices are wireless telephones.

63. (previously presented) The system of claim 61, wherein said first location is used to provide directions from said second wireless device to said first location on said second wireless device.

64. (previously presented) The system of claim 61, wherein one of said first location access rights is the ability to not allow said second wireless device to access said first location.

65. (previously presented) The system of claim 64, wherein another one of said first location access

rights is the ability to allow said second wireless device to access said first location.

66. (previously presented) The system of claim 61, wherein a directional arrow is displayed on said second wireless device representative of said first location relative to said second location.

67. (currently amended) A system comprising:

a first wireless device; and

a second wireless device, wherein a location of said first wireless device is requested by said second wireless device from a server located remotely from said first and second wireless devices, location access rights are assigned on said server to said second wireless device by said first wireless device, said assignment by said first wireless device is requested by said second wireless device for said second wireless device if said second wireless device does not have location access rights for ~~have not yet been assigned by~~ said first wireless device for said second wireless device, said location access rights are stored on said server, said server determines said access rights assigned by said first wireless device to said second wireless device, and said server provides said location from said server to said second wireless device dependent upon said access rights.

68. (previously presented) The system of claim 67, wherein said first and second wireless devices are wireless telephones.

69. (previously presented) A system comprising:

a first wireless device; and

a second wireless device, wherein said second wireless device is operable of requesting a location of a first wireless device from a server located remotely from said first and second wireless devices, said first wireless device is operable to assign location access rights on said server for said second wireless device, said location access rights are stored on said server, said server is operable to determine said access rights assigned by said first wireless device to said second wireless device on said server, and said server provides said location from said server to said second wireless device dependent upon said access rights even when said first wireless device is OFF.

70. (previously presented) The system of claim 69, wherein said first and second wireless devices are wireless telephones.

71. (currently amended) A non-transitory computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of said first wireless device from said second wireless device;

receiving a request from said second wireless device for an assignment of ~~said~~ location access rights by said first wireless device for said second wireless device if said second wireless device does not have location access rights for ~~have not yet been assigned by~~ said first wireless device ~~for said second wireless device~~;

receiving location access rights to said second wireless device by said first wireless device;

storing said location access rights, wherein said location access rights are stored remotely from said first and second wireless devices;

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 location access rights.

72. (previously presented) The non-transitory computer-readable medium of claim 71, wherein said first and second wireless devices are wireless telephones.

73. (previously presented) The non-transitory computer-readable medium of claim 71, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

74. (currently amended) A non-transitory computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a first location of said first wireless device;

receiving a request for a second location of said second wireless device;

receiving an assignment of first location access rights from said first wireless device for said second

wireless device in response to a request from said second wireless device for said first location access rights;

receiving an assignment of second location access rights from said second wireless device for said first wireless device;

storing said first and second location access rights;

providing said first location to said second wireless device dependent upon said first access rights; and

providing said second location to said first wireless device dependent upon said second access rights.

75. (previously presented) The non-transitory computer-readable medium of claim 74, wherein said first and second wireless devices are wireless telephones.

76. (previously presented) The non-transitory computer-readable medium of claim 74, further comprising receiving said first location from said first wireless device, wherein said first location is determined on a positioning system located on said first wireless device.

77. (previously presented) A non-transitory computer-readable medium, for a server located remotely from a first wireless device and a second wireless device, having computer-executable program logic encoded thereon for performing a method comprising:

receiving a request for a location of a first wireless device by a second wireless device;

receiving an assignment of location access rights by said first wireless device for said second wireless device;

storing said location access rights;

determining said location 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 even when said first wireless device is OFF.

78. (previously presented) The non-transitory computer-readable medium of claim 77, wherein said first and second wireless devices are wireless telephones.

79. (previously presented) The non-transitory computer-readable medium of claim 77, further comprising receiving said location from said first wireless device, wherein said location is determined on a positioning system located on said first wireless device.

REMARKS/ARGUMENTS

Summary of Office Action

Claims 1-35 and 37-79 are pending.

The Examiner rejected claims 1-4, 17, 18, 20-21, 23-24, 28, 30 and 37 under 35 U.S.C. 103(a) in view of Bates U.S. Patent Application No. 2009/0029717 (hereinafter "Bates") in view of U.S. Patent Application No. 2002/0115453 (hereinafter "Poulin") and further in view of U.S. Patent Application No. 2003/0069692 (hereinafter "Krasner").

The Examiner rejected claims 5-8 and 25-27 under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Poulin in view of Krasner and further in view of U.S. Patent No. 6,885,874 (hereinafter "Grube").

The Examiner rejected claims 4-7, 9-10, 29 under 35 U.S.C. 103(a) as being upatentable over Bates in view of Poulin in view of Krasner in view of Grube in view of Calvert.

The Examiner rejected claims 11-16, 19, 22, 25-27, and 31-32 under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin in view of Krasner in view of Grube in view of U.S. Patent No. 7,177,651 (hereinafter "Almassy").

Summary of Applicant's Amendments

Without prejudice and solely to expedite prosecution, applicant has amended claims 1, 38, 61, 67, 71, and 74.

Without prejudice and solely to expedite prosecution, applicant has cancelled claim 34.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to claim any

subject matter lost by any amendments or cancellations during the prosecution of this application, or to claim any subject matter included in the present application, in one or more continuation or divisional applications.

Applicant's Response to the 35 U.S.C. 103(a) Rejection

The Examiner rejected claims 1-4, 17, 18, 20-21, 23-24, 28, 30 and 37 under 35 U.S.C. 103(a) in view of Bates in view of Poulin and further in view of Krasner.

Without prejudice and solely in order to expedite prosecution, applicant has amended claim 1 to include determining that said second wireless device does not have location access rights for said first wireless device and asking said second wireless device if said location access rights are to be requested from said first wireless device after determining that said second wireless device does not have said location access rights for said first wireless device and requesting that said location access rights be assigned for said second wireless device by said first wireless device.

None of the references show or suggest such a feature. Krasner, for example, always performs its operations. Applicant’s claim 10 includes asking if location rights are to be requested after determining that a second device does not have location access rights.

Accordingly, for at least this reason, applicant respectfully requests that the Examiner’s rejection of claim 1 be withdrawn.

Furthermore, Poulin teaches directly away from Bates and Krasner and is inoperable with Bates and Krasner. Particularly, Bates alleges notifying the presence of group members that are in the same

region to the various other group members. A packet includes a group identifier and group member location. A receiving portable device allegedly receives this information and determines if it is in the same group. A user may allegedly enable or disable detection of the device for everyone in the user's group.

Poulin, however, discusses an structure that is inoperable to be combined with this structure. Particularly, Poulin discusses a location based wireless communication services in villages. Employers may track progress and manage workloads of employees. In this manner, the devices are unrelated precision devices. As per just one example, Bates discusses locating a device via a position detector on the GPS. Poulin discusses locating a device solely through a service center. As such, the architectures of both Poulin and Bates are opposite and inoperable.

The Examiner cannot pick and choose unrelated elements of unrelated devices and stitch them together, in hindsight, in order to create an entirely new, inoperable device neither shown nor suggested by the individual devices. In doing so, the Examiner merely eviscerates the spirit of both the Poulin and Bates devices.

Krasner is as unrelated and inoperable to be combined with Bates and Poulin as Bates and Poulin are unrelated and inoperable to be combined with each other. Krasner alleges a precision flags and operational structures. *See* Krasner FIG. 5A. Poulin and Bates operate on different and opposing structures. Accordingly, Krasner, Poulin, and Bates cannot be combined.

Accordingly, applicant respectfully requests that the rejections of claim 1, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the other 103(a) Rejections

Claims 5-8 and 25-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Poulin in view of Krasner and further in view of Grube. The Examiner rejected claims 4-7, 9-10, 29 under 35 U.S.C. 103(a) as being upatentable over Bates in view of Poulin in view of Krasner in view of Grube in view of Calvert. Claims 11-16, 19, 22, 25-27, and 31-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates and Poulin in view of Krasner in view of Grube in view of Almassy.

As shown above, claim 1 is patentable. Claims 4-16, 19, 22, 25-27, 29, and 31-32 depend from claim 1. Accordingly, such claims are patentable for depending from a patentable base claim.

In light of the foregoing, applicant respectfully requests that the Examiner’s rejections of claims 4-16, 19, 22, 25-27, 29, and 31-32 be withdrawn.

Applicant's Response to the “Mirror” Rejections

The Examiner noted that claims 38-79 mirror claims 1-37 and would be rejected in a like manner.

Applicant, however, did point out patentable claimed features (*See* pages 25-27 of applicant’s Reply dated December 10, 2009). The patentable features are repeated in this reply below for independent claims 38, 45, 61, 67, 69, 71, 74, and 77.

Accordingly, claims 38-79 clearly do not mirror claims 1-37. claims 38-79 are patentably distinct from claims 1-37. The elements of claims 38-79 are different than the elements of claims 1-37. Each and every claim of claims 38-79 includes different elements from each and every claim of claims 1-37. The Examiner has not provided any rejection for these distinct claims. Accordingly, 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.

Nonetheless, claims 38-79 include patentable features similar to the patentable features discussed above in connection with claim 1. Accordingly, applicant's inventions of claims 38-79 are patentable. In this manner, applicant respectfully requests that the Examiner's rejection of claims 38-79 be withdrawn.

Claim 38

None of the prior art, used with alone or in combination, however, show or suggest applicant's invention of claim 38 of assigning first location access rights on said server to said second wireless telephone by said first wireless telephone in response to a request from said second wireless telephone that first location access rights be assigned and storing the first location access rights on the server.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 38, and any claims dependent therefrom, be withdrawn.

Claims 45, 69, and 77

Furthermore, applicant's invention of claims 45, 69, and 77 include providing a location to a second wireless device dependent upon access rights even when the first wireless device is OFF. None of the prior art, used either alone or in combination, show or suggest such a feature.

In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 45, 69, and 77, and any claims dependent therefrom, be withdrawn.

Claim 61

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 61 that includes a first wireless device that is operable to assign first location access rights on the server to the second wireless device in response to a request from the second wireless device that the first location access rights be assigned and storing the first location access rights on the server.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 61, and any claims dependent therefrom, be withdrawn.

Claim 67

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 67 of an assignment by said first wireless device is requested by said second wireless device for said second wireless device if said second wireless device does not have location access rights for said first wireless device for said second wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 67, and any claims dependent therefrom, be withdrawn.

Claim 71

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim

71 that includes receiving a request from said second wireless device for an assignment of ~~said~~ location access rights by said first wireless device for said second wireless device if said second wireless device does not have location access rights for said first wireless device.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 71, and any claims dependent therefrom, be withdrawn.

Claim 74

None of the prior art, used either alone or in combination, show or suggest applicant's invention of claim 74 that includes receiving an assignment of first location access rights from said first wireless device for said second wireless device in response to a request from said second wireless device for said first location access rights.

For at least the above reasons, applicant respectfully requests that the Examiner's rejection of claim 74, and any claims dependent therefrom, 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. Accordingly, applicant respectfully requests that a favorable action be issued.

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

Respectfully Submitted,

/Jeffrey D. Mullen/

Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 10400296 |
| **Filing Date:** | 25-Mar-2003 |
| **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 |

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:** | 21082244 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 29-DEC-2014 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 21:05:59 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | yes |
| Payment Type | Deposit Account |
| Payment was successfully received in RAM | $1550 |
| RAM confirmation Number | 10447 |
| Deposit Account | 503855 |
| Authorized User | |
| The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:<br>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)<br>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)<br>Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)<br>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-002--RCE.pdf | 697792<br>c82d07af84665f3ace744859c0cf26157281b787 | no | 3 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 2 | | JDM-002--ReplyToOA.pdf | 204301<br>a0bc25cc28cb06a3d671e6badb8ea2ea1ee1d3b7 | yes | 29 |

**Multipart Description/PDF files in .zip description**

| Document Description | Start | End |
|---|---|---|
| Amendment Submitted/Entered with Filing of CPA/RCE | 1 | 1 |
| Claims | 2 | 19 |
| Applicant Arguments/Remarks Made in an Amendment | 20 | 29 |

| | | | | | |
|---|---|---|---|---|---|
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 3 | Fee Worksheet (SB06) | fee-info.pdf | 32471<br>201591605ab717148d7974a29a402568d4638336 | no | 2 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| | | **Total Files Size (in bytes):** | 934564 | | |

**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<br>Substitute for Form PTO-875 | Application or Docket Number<br>10/400,296 | Filing Date<br>03/25/2003 | ☐ 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 **12/29/2014**

| | (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)) | * 77 | Minus | ** 78 | = 0 | X $40 = | 0 |
| Independent (37 CFR 1.16(h)) | * 9 | Minus | ***9 | = 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
/JASON EADDY/

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
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. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

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. 10/400,296 | 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 *12/29/2014*.

☐ 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) *1-33,35 and 37-79* is/are pending in the application.

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

6)☒ Claim(s) *1-33,35 and 37* is/are allowed.

7)☒ Claim(s) *38-79* 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

### *Allowable Subject Matter*

Claims 1 - 33, 35 and 37 are allowed over the prior art. However, in this matter, please point out with specificity where such limitations are shown in the specification.

### *Claim Rejections - 35 USC § 103*

The 103 rejections of claims 38 – 79 do indeed mirror the previously presented claims 1 – 37 and the slight amendments made to those independent in the set of claims 38 – 79 (not all independent claims were amended) do not overcome the rejections made in the Final Office Action dated 06/27/2014.

If applicant responds with amendments to the claims, applicant should point out where such new amended limitations can be found in the specification.

### *Response to Arguments*

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant makes a few statements with respect to Official Notice, such as the examiner "appears to" or "may have" taken Official Notice. However Applicant does not point with specificity as to what steps or elements the examiner is supposedly taking Official Notice.

***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).

11Jan2015

/WILLIAM DEANE JR/

Primary Examiner, Art Unit 2652

| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 |
| | Updated the prior search | 09Aug2008 | WJD |
| | Updated the prior search. | 06Jun2009 | WJD |
| | Updated the prior search | 21Mar2010 | WJD |
| | Updated the search above | 31Aub2013 | WJD |
| | Updated the above | 26Jun2014 | WJD |
| | Updated the above | 11Jan2015 | WJD |

| SEARCH NOTES | | |
|---|---|---|
| Search Notes | Date | Examiner |
| | | |

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

| | |
|---|---|
| | /W. J. D./<br>Primary Examiner.Art Unit 2614 |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | | | |
| | 1 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 2 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 3 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 4 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 5 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 6 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 7 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 8 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 9 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 10 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 11 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 12 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 13 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 14 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 15 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 16 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 17 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 18 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 19 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 20 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 21 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 22 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 23 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 24 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 25 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 26 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 27 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 28 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 29 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 30 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 31 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 32 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 33 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 34 | ✓ | ✓ | ✓ | ✓ | ✓ | - | | | |
| | 35 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 36 | - | - | - | - | - | - | | | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | | | |
| | 37 | ✓ | ✓ | ✓ | ✓ | ✓ | = | | | |
| | 38 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 39 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 40 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 41 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 42 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 43 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 44 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 45 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 46 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 47 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 48 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 49 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 50 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 51 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 52 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 53 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 54 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 55 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 56 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 57 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 58 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 59 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 60 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 61 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 62 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 63 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 64 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 65 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 66 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 67 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 68 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 69 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 70 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 71 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 72 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | | | |
| | 73 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 74 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 75 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 76 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 77 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 78 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |
| | 79 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | |

SMALL ENTITY
JDM/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Applicant | : | Jeffrey D. Mullen |
| Application No. | : | 10/400,296 |
| Confirmation No. | : | 8666 |
| Filed | : | March 25, 2003 |
| For | : | SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME |
| Group Art Unit | : | 2614 |
| Examiner | : | William Deane Jr. |

**Mail Stop: Amendment**
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 Reply to the Office Action dated January 14, 2015. A three-month extension of time is applicable hereto and submitted herewith. In Reply to the Office Action, applicant amends the application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

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

Amendments to the Claims:

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

Listing of Claims:

1. (previously presented) A method of mobile-to-mobile locating, said method comprising:

requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices;

determining that said second wireless device does not have location access rights for said first wireless device;

asking said second wireless device if said location access rights are to be requested from said first wireless device after determining that said second wireless device does not have said location access rights for said first wireless device;

requesting that said location access rights be assigned for said second wireless device by said first wireless device;

assigning said location access rights on said server to said second wireless device by said first wireless device;

storing said location access rights on said server;

determining said access rights assigned by said first wireless device to said second wireless device on said server; and

providing said location from said server to said second wireless device dependent upon said access rights.

2. (previously presented) The method of claim 1, wherein said first and second wireless devices are cellular phones.

3. (previously amended) The method of claim 1, wherein said location access rights include the ability to obtain said location, wherein said location is provided to said second wireless device from said server even when said first wireless device is OFF.

4. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of access levels.

5. (previously presented) The method of claim 1, wherein said location is used to provide a location marker on a map on said second wireless device.

6. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location on said second wireless device.

7. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location and a travel time on said second wireless device.

8. (previously presented) The method of claim 1, further comprising requesting a second location of said first wireless device and using said location and said

second location to determine how fast said first wireless device is traveling.

9. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of levels of access rights, at least one of said plurality of levels of access rights comprise the exact location of said first wireless device, and another one of said plurality of levels of access rights comprise an approximate location of said first wireless device.

10. (previously presented) The method of claim 1, wherein said access rights comprise a plurality of levels of access rights, at least one of said plurality of levels of access rights comprise an approximate location of said first wireless device, and said approximate location comprises a city or state.

11. (previously presented) The method of claim 1, further comprising requesting said location of said first wireless device by a non-wireless device.

12. (previously presented) The method of claim 1, further comprising obtaining a second location from a non-wireless device.

13. (previously presented) The method of claim 1, further comprising receiving a login and password from said second wireless device to identify said second wireless device.

14. (previously presented) The method of claim 1, wherein said location of said first wireless device is requested by receiving input, in the form of a telephone number of said first wireless device, on said second wireless device.

15. (previously presented) The method of claim 1, further comprising using said first wireless device to modify said location access rights for said second wireless device.

16. (previously presented) The method of claim 1, further comprising the ability to use said first wireless device to delete said location access rights for said second wireless device.

17. (previously presented) The method of claim 1, further comprising filtering information about said location such that only a portion of the information is passed to said second wireless device.

18. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device is within a distance of second wireless device.

19. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list.

20. (previously presented) The method of claim 1, further comprising selecting said first wireless device

from an identifier list wherein said identifier list comprises a list of telephone numbers.

21. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list wherein said identifier list comprises a list of user profiles.

22. (previously presented) The method of claim 1, further comprising requesting a second location from said first wireless device from a non-wireless device, wherein said non-wireless device does not comprise a positioning system.

23. (previously presented) The method of claim 1, wherein said location is provided by a positioning system.

24. (previously presented) The method of claim 1, further comprising:

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

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

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

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

25. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device.

26. (previously presented) The method of claim 1, wherein a directional arrow is utilized to display the location of said first wireless device relative to said location of said second wireless device on said second wireless device.

27. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device, wherein said compass is utilized to display the direction that said second wireless device is traveling in.

28. (previously presented) The method of claim 1, further comprising setting location alerts associated with said first wireless device on said second wireless device.

29. (previously presented) The method of claim 1, wherein said location access rights are only assigned for a period of time.

30. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device enters a geographic area.

31. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device.

32. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device when said first wireless device is turned OFF.

33. (previously presented) The method of claim 1, further comprising displaying on said second wireless device the opportunity to request said location access rights from said first wireless device.

34. (cancelled).

35. (previously presented) The method of claim 1, wherein said first wireless device is requested to manually allow said location access rights for said second wireless device every time said second wireless device requests said location.

36. (cancelled).

37. (previously presented) The method of claim 1, wherein one of said location access rights is the ability to not allow said second wireless device to access said location.

38-79. (cancelled).

REMARKS/ARGUMENTS

Summary of Office Action

Claims 1-35 and 37-79 are pending.

Claims 1-33, 35, and 37 are allowed.

The Examiner rejected claims 38-79 in light of the rejections made in the Final Office Action dated June 27, 2014.

Summary of Applicant's Amendments

Without prejudice and solely to expedite prosecution, applicant has cancelled claims 38-79.

Applicant respectfully traverses the Examiner's rejections. Applicant reserves the right to claim any subject matter lost by any amendments or cancellations during the prosecution of this application, or to claim any subject matter included in the present application, in one or more continuation or divisional applications.

Claims 1-33, 35, and 37

The Examiner allowed claims 1-33, 35, and 37.

As no further rejections/objections are associated with claims 1-33, 36, and 37, applicant respectfully submits that the present application is in condition for allowance.

Claims 38-79

The Examiner maintained the rejections of claims 38-79 as made in the Final Office Action dated June 27, 2014. Applicant maintains that claims 38-79 are patentable based on the arguments included in the reply to the Office Action dated June 27, 2014. However, without prejudice and

solely in order to expedite prosecution, applicant cancels claims 38-79.

Applicant respectfully submits that this application is in condition for allowance.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. Accordingly, applicant respectfully requests that a favorable action be issued.

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

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 10400296 |
| **Filing Date:** | 25-Mar-2003 |
| **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 |

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:** | 22918628 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 14-JUL-2015 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 20:37:02 |
| **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 | 5795 |
| 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:<br>Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)<br>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-002--Reply.pdf | 145381<br>06181e43b41d8a6c78e64bdf01ef707eb5a262bb | yes | 10 |

| Multipart Description/PDF files in .zip description | | |
|---|---|---|
| **Document Description** | **Start** | **End** |
| Amendment/Req. Reconsideration-After Non-Final Reject | 1 | 1 |
| Claims | 2 | 8 |
| Applicant Arguments/Remarks Made in an Amendment | 9 | 10 |

**Warnings:**

**Information:**

| | | | | | |
|---|---|---|---|---|---|
| 2 | Fee Worksheet (SB06) | fee-info.pdf | 30627<br>9c20c2ebefe8d94b52932c6c78fd6ee3689dbf02 | no | 2 |

**Warnings:**

**Information:**

| **Total Files Size (in bytes):** | 176008 |
|---|---|

**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<br>Substitute for Form PTO-875 | Application or Docket Number<br>10/400,296 | Filing Date<br>03/25/2003 | ☐ 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)) | * 35 | Minus | ** 78 | = 0 | X $40 = | 0 |
| Independent (37 CFR 1.16(h)) | * 1 | Minus | ***9 | = 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
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. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

32733 7590 08/14/2015

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

| EXAMINER |
|---|
| DEANE JR, WILLIAM J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2652 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 08/14/2015 | 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. 10/400,296 | 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) *1-33,35 and 37* is/are pending in the application.

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

6)☒ Claim(s) *1-33,35 and 37* 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: _____.

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

## DETAILED ACTION

### *Allowable Subject Matter*

Claims 1 - 33, 35 and 37 are allowed over the prior art. **However, in this matter, please point out with specificity where such limitations are shown in the specification.**

The above was noted in the Office Action Dated 01/14/2015 responding to Applicant's amended claims in the Response dated 12/29/2014. Please note the bolded section above.

Applicant need not respond with an RCE, but only with a response after final. Applicant must point out with specificity where the amended language for the claims is found in the specification. Regarding claims 1 - 33, 35 and 37, once Applicant points out such language for the amended claims in the 12/29/2015 Response, the examiner can pass the case to Allowance.

### *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).

10Aug2015

/WILLIAM DEANE JR/
Primary Examiner, Art Unit 2652

| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 |
| | Updated the prior search | 09Aug2008 | WJD |
| | Updated the prior search. | 06Jun2009 | WJD |
| | Updated the prior search | 21Mar2010 | WJD |
| | Updated the search above | 31Aub2013 | WJD |
| | Updated the above | 26Jun2014 | WJD |
| | Updated the above | 11Jan2015 | WJD |
| | Updated the above | 10Aug2015 | WJD |

| SEARCH NOTES | | |
|---|---|---|
| Search Notes | Date | Examiner |
| | | |

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

| | |
|---|---|
| | /W. J. D./<br>Primary Examiner.Art Unit 2614 |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | 08/10/2015 | | |
| | 1 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 2 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 3 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 4 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 5 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 6 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 7 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 8 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 9 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 10 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 11 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 12 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 13 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 14 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 15 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 16 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 17 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 18 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 19 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 20 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 21 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 22 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 23 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 24 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 25 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 26 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 27 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 28 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 29 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 30 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 31 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 32 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 33 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 34 | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | | |
| | 35 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 36 | - | - | - | - | - | - | - | | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | 08/10/2015 | | |
| | 37 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | | |
| | 38 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 39 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 40 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 41 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 42 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 43 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 44 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 45 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 46 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 47 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 48 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 49 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 50 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 51 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 52 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 53 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 54 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 55 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 56 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 57 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 58 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 59 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 60 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 61 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 62 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 63 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 64 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 65 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 66 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 67 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 68 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 69 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 70 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 71 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 72 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | 08/10/2015 | | |
| | 73 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 74 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 75 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 76 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 77 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 78 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |
| | 79 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | | |

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 | 10400296 | Filing Date | 2003-03-25 | Docket Number (if applicable) | JDM/002 | 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

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) | 2015-02-16 |
| 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.

# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 10400296 |
| **Filing Date:** | 25-Mar-2003 |
| **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 |

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:** | 24929626 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 16-FEB-2016 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 19:53:22 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | yes |
| Payment Type | Credit Card |
| Payment was successfully received in RAM | $1550 |
| RAM confirmation Number | 6833 |
| 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:<br>Charge any Additional Fees required under 37 CFR 1.16 (National application filing, search, and examination fees)<br>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-002--Reply.pdf | 159655<br>06e9f769c26230a969debd54957463e24cbc9993 | yes | 16 |

**Multipart Description/PDF files in .zip description**

| Document Description | Start | End |
|---|---|---|
| Amendment Submitted/Entered with Filing of CPA/RCE | 1 | 1 |
| Claims | 2 | 8 |
| Applicant Arguments/Remarks Made in an Amendment | 9 | 16 |

**Warnings:**

**Information:**

| | | | | | |
|---|---|---|---|---|---|
| 2 | Request for Continued Examination (RCE) | JDM-002--RCE.pdf | 697790<br>dd8077347897d1445fb0165393bfe13cf1bcab9d | no | 3 |

**Warnings:**

**Information:**

| | | | | | |
|---|---|---|---|---|---|
| 3 | Fee Worksheet (SB06) | fee-info.pdf | 32470<br>81407d503496e57e16c971b0220902e6e85e2386 | no | 2 |

**Warnings:**

**Information:**

| | |
|---|---|
| **Total Files Size (in bytes):** | 889915 |

**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.**

SMALL ENTITY
JDM/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Applicant | : | Jeffrey D. Mullen |
| Application No. | : | 10/400,296 |
| Confirmation No. | : | 8666 |
| Filed | : | March 25, 2003 |
| For | : | SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME |
| Group Art Unit | : | 2614 |
| Examiner | : | William Deane Jr. |

**Mail Stop: Amendment**
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pittsburgh, PA 15116
February 16, 2016

REPLY TO OFFICE ACTION

Sir:

This is in Reply to the Office Action dated August 14, 2015. A three-month extension of time and a Request for Continued Examiner is applicable hereto and submitted herewith. In Reply to the Office Action, applicant amends the application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

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

Amendments to the Claims:

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

Listing of Claims:

1. (previously presented) A method of mobile-to-mobile locating, said method comprising:

requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices;

determining that said second wireless device does not have location access rights for said first wireless device;

asking said second wireless device if said location access rights are to be requested from said first wireless device after determining that said second wireless device does not have said location access rights for said first wireless device;

requesting that said location access rights be assigned for said second wireless device by said first wireless device;

assigning said location access rights on said server to said second wireless device by said first wireless device;

storing said location access rights on said server;

determining said access rights assigned by said first wireless device to said second wireless device on said server; and

providing said location from said server to said second wireless device dependent upon said access rights.

2. (previously presented) The method of claim 1, wherein said first and second wireless devices are cellular phones.

3. (previously amended) The method of claim 1, wherein said location access rights include the ability to obtain said location, wherein said location is provided to said second wireless device from said server even when said first wireless device is OFF.

4. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of access levels.

5. (previously presented) The method of claim 1, wherein said location is used to provide a location marker on a map on said second wireless device.

6. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location on said second wireless device.

7. (previously presented) The method of claim 1, wherein said location is used to provide directions from said second wireless device to said location and a travel time on said second wireless device.

8. (previously presented) The method of claim 1, further comprising requesting a second location of said first wireless device and using said location and said

second location to determine how fast said first wireless device is traveling.

9. (previously presented) The method of claim 1, wherein said location access rights comprise a plurality of levels of access rights, at least one of said plurality of levels of access rights comprise the exact location of said first wireless device, and another one of said plurality of levels of access rights comprise an approximate location of said first wireless device.

10. (previously presented) The method of claim 1, wherein said access rights comprise a plurality of levels of access rights, at least one of said plurality of levels of access rights comprise an approximate location of said first wireless device, and said approximate location comprises a city or state.

11. (previously presented) The method of claim 1, further comprising requesting said location of said first wireless device by a non-wireless device.

12. (previously presented) The method of claim 1, further comprising obtaining a second location from a non-wireless device.

13. (previously presented) The method of claim 1, further comprising receiving a login and password from said second wireless device to identify said second wireless device.

14. (previously presented) The method of claim 1, wherein said location of said first wireless device is requested by receiving input, in the form of a telephone number of said first wireless device, on said second wireless device.

15. (previously presented) The method of claim 1, further comprising using said first wireless device to modify said location access rights for said second wireless device.

16. (previously presented) The method of claim 1, further comprising the ability to use said first wireless device to delete said location access rights for said second wireless device.

17. (previously presented) The method of claim 1, further comprising filtering information about said location such that only a portion of the information is passed to said second wireless device.

18. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device is within a distance of second wireless device.

19. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list.

20. (previously presented) The method of claim 1, further comprising selecting said first wireless device

from an identifier list wherein said identifier list comprises a list of telephone numbers.

21. (previously presented) The method of claim 1, further comprising selecting said first wireless device from an identifier list wherein said identifier list comprises a list of user profiles.

22. (previously presented) The method of claim 1, further comprising requesting a second location from said first wireless device from a non-wireless device, wherein said non-wireless device does not comprise a positioning system.

23. (previously presented) The method of claim 1, wherein said location is provided by a positioning system.

24. (previously presented) The method of claim 1, further comprising:

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

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

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

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

25. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device.

26. (previously presented) The method of claim 1, wherein a directional arrow is utilized to display the location of said first wireless device relative to said location of said second wireless device on said second wireless device.

27. (previously presented) The method of claim 1, further comprising providing a compass in said second wireless device, wherein said compass is utilized to display the direction that said second wireless device is traveling in.

28. (previously presented) The method of claim 1, further comprising setting location alerts associated with said first wireless device on said second wireless device.

29. (previously presented) The method of claim 1, wherein said location access rights are only assigned for a period of time.

30. (previously presented) The method of claim 1, further comprising alerting said second wireless device when said first wireless device enters a geographic area.

31. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device.

32. (previously presented) The method of claim 1, wherein said server stores a history of locations for said first wireless device and said history is utilized to provide an approximate location of said first wireless device when said first wireless device is turned OFF.

33. (previously presented) The method of claim 1, further comprising displaying on said second wireless device the opportunity to request said location access rights from said first wireless device.

34. (cancelled).

35. (previously presented) The method of claim 1, wherein said first wireless device is requested to manually allow said location access rights for said second wireless device every time said second wireless device requests said location.

36. (cancelled).

37. (previously presented) The method of claim 1, wherein one of said location access rights is the ability to not allow said second wireless device to access said location.

38-79. (cancelled).

REMARKS/ARGUMENTS

Summary of Office Action

Claims 1-35 and 37-79 are pending.

Claims 1-33, 35, and 37 are allowed.

Summary of Applicant's Amendments

Applicant reserves the right to claim any subject matter lost by any amendments or cancellations during the prosecution of this application, or to claim any subject matter included in the present application, in one or more continuation or divisional applications.

Claims 1-33, 35, and 37

The Examiner allowed claims 1-33, 35, and 37.

The Examiner requested that Applicant point out portions of the specification.

Applicant’s specification provides numerous examples of applicant’s claims. Applicant’s claims must be afforded their broadest possible scope. The below examples are just examples from the specification. Nothing in the specification and selections should be utilized to limit applicant’s claims. Applicant contends that prosecution on the merits is hereby closed and the claims have been put in condition for allowance.

Numerous examples are provided in applicant’s specification in support of the features of claim 1. As per just a few examples, see FIG. 2 and FIG. 17 and associated portions of the specification.

Numerous examples are provided in applicant’s specification in support of the features of claim 1. As

per just a few examples, see FIG. 3, 15, and 17 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 3. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraph 10 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 4. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see FIG. 10 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 5. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see FIG. 6 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 6. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraph 61 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 7. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraph 61 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 8. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraphs 11 and 61 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 9. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see FIG. 10 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 10. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see FIG. 10 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 11-12. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see FIG. 16 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 13. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see FIG. 13 and FIG. 14 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 14. As

per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraph 15 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 15. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see FIG. 9 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 16. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraph 16 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 17. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 18. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see FIG. 11 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 19. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see FIG. 4 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 20-21. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraph 49 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 22. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraph 81 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 23. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see FIG. 15 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 24. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraph 45 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 25. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see FIG. 6 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 26. As



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per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraph 59 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 27. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraph 55 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 28. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see FIG. 11 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 29. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraph 6 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 30. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see FIG. 11 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claims 31-32. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just

another few examples, see paragraph 78 associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 33. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 35. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraph 90 associated portions of the specification.

Numerous examples are provided in applicant's specification in support of the features of claim 37. As per just a few examples, see FIG. 2 and 17 and associated portions of the specification. As per just another few examples, see paragraph 40 associated portions of the specification.

The above examples of features of particular claims are merely that – examples. Applicant's specification includes numerous examples and applicant's claims must be afforded their broadest possible scope. Nothing herein is to limit the scope of any claim in any way, shape, or form. Applicant contends that prosecution on the merits is hereby closed and the claims have been put in condition for allowance.

As no further rejections/objections are associated with claims 1-33, 36, and 37, applicant respectfully submits that the present application is in condition for allowance.

Claims 38-79

The Examiner maintained the rejections of claims 38-79 as made in the Final Office Action dated June 27, 2014.

Applicant maintains that claims 38-79 are patentable based on the arguments included in the reply to the Office Action dated June 27, 2014. However, without prejudice and solely in order to expedite prosecution, applicant previously cancelled claims 38-79.

Applicant respectfully submits that this application is in condition for allowance.

Conclusion

Applicant respectfully submits that this application, including the pending claims, is in condition for allowance. Accordingly, applicant respectfully requests that a favorable action be issued.

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

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
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Tel.: (914) 837-7741

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<br>Substitute for Form PTO-875 | Application or Docket Number<br>10/400,296 | Filing Date<br>03/25/2003 | ☐ 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) | | |
|---|---|---|---|---|---|---|---|
| | 02/16/2016 | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE ($) | ADDITIONAL FEE ($) |
| AMENDMENT | Total (37 CFR 1.16(i)) | * 35 | Minus | ** 78 | = 0 | X $40 = | 0 |
| | Independent (37 CFR 1.16(h)) | * 1 | Minus | ***9 | = 0 | X $210 = | 0 |
| | ☐ Application Size Fee (37 CFR 1.16(s)) | | | | | | |
| | ☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | |
| | | | | | | TOTAL ADD'L FEE | 0 |

| | | (Column 1) | | (Column 2) | (Column 3) | | |
|---|---|---|---|---|---|---|---|
| | | 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
/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.**

*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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Alexandria, Virginia 22313-1450
www.uspto.gov

# NOTICE OF ALLOWANCE AND FEE(S) DUE

32733 7590 04/20/2016

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

| EXAMINER |
|---|
| DEANE JR, WILLIAM J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2652 | |

DATE MAILED: 04/20/2016

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

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 | $480 | $0 | $0 | $480 | 07/20/2016 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

**HOW TO REPLY TO THIS NOTICE:**

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

## 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)

32733 7590 04/20/2016
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.

| (Depositor's name) |
|---|
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

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 | $480 | $0 | $0 | $480 | 07/20/2016 |

| 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 03-02 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,
(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 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 submitted:
❑ Issue Fee
❑ Publication Fee (No small entity discount permitted)
❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): (**Please first reapply any previously paid issue fee shown above**)
❑ A check is enclosed.
❑ Payment by credit card. Form PTO-2038 is attached.
❑ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
❑ Applicant certifying micro entity status. See 37 CFR 1.29
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.
❑ Applicant asserting small entity status. See 37 CFR 1.27
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.
❑ Applicant changing to regular undiscounted fee 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. _____



PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

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| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

32733 7590 04/20/2016

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

| EXAMINER | |
|---|---|
| DEANE JR, WILLIAM J | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2652 | |

DATE MAILED: 04/20/2016

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

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

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

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

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

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

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

## Privacy Act Statement

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

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. 10/400,296 | 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--***

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 *02/16/2016*.
   ☐ 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 *1-33, 35 and 37*. 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 DEANE JR/
Primary Examiner, Art Unit 2652

| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | William J Deane | 2614 |

| CPC- SEARCHED | | |
|---|---|---|
| Symbol | Date | Examiner |
| H04W 64/006 | 18Apr2016 | WJD |

| CPC COMBINATION SETS - SEARCHED | | |
|---|---|---|
| Symbol | Date | Examiner |
| | | |

| US CLASSIFICATION SEARCHED | | | |
|---|---|---|---|
| Class | Subclass | Date | Examiner |
| | Updated the prior search | 09Aug2008 | WJD |
| | Updated the prior search. | 06Jun2009 | WJD |
| | Updated the prior search | 21Mar2010 | WJD |
| | Updated the search above | 31Aub2013 | WJD |
| | Updated the above | 26Jun2014 | WJD |
| | Updated the above | 11Jan2015 | WJD |
| | Updated the above | 10Aug2015 | WJD |
| | Updated the prior search | 18Apr2016 | WJD |

| SEARCH NOTES | | |
|---|---|---|
| Search Notes | Date | Examiner |
| USPGPUB Interference Search (see printout) | 18Apr2016 | WJD |

| INTERFERENCE SEARCH | | | |
|---|---|---|---|
| US Class/ CPC Symbol | US Subclass / CPC Group | Date | Examiner |
| 455 | 456.1 | 18Apr2016 | WJD |
| | 456.3 | 18Apr2016 | WJD |
| | 404.2 | 18Apr2016 | WJD |

| | |
|---|---|
| | /W. J. D./<br>Primary Examiner.Art Unit 2614 |

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | **Examiner** | **Art Unit** |
| | WILLIAM DEANE JR | 2652 |

| CPC | | | | | | |
|---|---|---|---|---|---|---|
| **Symbol** | | | | | **Type** | **Version** |
| H04W | | 8 | / | 14 | F | 2013-01-01 |
| H04W | | 8 | / | 16 | A | 2013-01-01 |
| H04W | | 64 | / | 00 | I | 2013-01-01 |
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| CPC Combination Sets | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Symbol** | | | | **Type** | **Set** | **Ranking** | **Version** |
| | | | / | | | | |
| | | | / | | | | |

| NONE | | Total Claims Allowed: | |
|---|---|---|---|
| (Assistant Examiner) | (Date) | 35 | |
| /WILLIAM DEANE JR/<br>Primary Examiner.Art Unit 2652 | 18Apr2016 | O.G. Print Claim(s) | O.G. Print Figure |
| (Primary Examiner) | (Date) | 1 | 2 |

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | **Examiner** | **Art Unit** |
| | WILLIAM DEANE JR | 2652 |

| US ORIGINAL CLASSIFICATION | | INTERNATIONAL CLASSIFICATION | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CLASS | SUBCLASS | CLAIMED | | | | | NON-CLAIMED | | | | | |
| 455 | 456.1 | H | 0 | 4 | M | 11 / 00 (2006.01.01) | | | | | | |
| CROSS REFERENCE(S) | | | | | | | | | | | | |
| CLASS | SUBCLASS (ONE SUBCLASS PER BLOCK) | | | | | | | | | | | |
| 455 | 456.3 | 404.2 | | | | | | | | | | |

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|---|---|---|---|
| NONE | | **Total Claims Allowed:** | |
| (Assistant Examiner) | (Date) | 35 | |
| /WILLIAM DEANE JR/<br>Primary Examiner.Art Unit 2652 | 18Apr2016 | O.G. Print Claim(s) | O.G. Print Figure |
| (Primary Examiner) | (Date) | 1 | 2 |

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | **Examiner** | **Art Unit** |
| | WILLIAM DEANE JR | 2652 |

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

| Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | | 17 | | 33 | | 49 | | 65 | | | | | | |
| | 2 | | 18 | | 34 | | 50 | | 66 | | | | | | |
| | 3 | | 19 | | 35 | | 51 | | 67 | | | | | | |
| | 4 | | 20 | | 36 | | 52 | | 68 | | | | | | |
| | 5 | | 21 | | 37 | | 53 | | 69 | | | | | | |
| | 6 | | 22 | | 38 | | 54 | | 70 | | | | | | |
| | 7 | | 23 | | 39 | | 55 | | 71 | | | | | | |
| | 8 | | 24 | | 40 | | 56 | | 72 | | | | | | |
| | 9 | | 25 | | 41 | | 57 | | 73 | | | | | | |
| | 10 | | 26 | | 42 | | 58 | | 74 | | | | | | |
| | 11 | | 27 | | 43 | | 59 | | 75 | | | | | | |
| | 12 | | 28 | | 44 | | 60 | | 76 | | | | | | |
| | 13 | | 29 | | 45 | | 61 | | 77 | | | | | | |
| | 14 | | 30 | | 46 | | 62 | | 78 | | | | | | |
| | 15 | | 31 | | 47 | | 63 | | 79 | | | | | | |
| | 16 | | 32 | | 48 | | 64 | | | | | | | | |

| | | | |
|---|---|---|---|
| NONE<br><br>(Assistant Examiner) | (Date) | **Total Claims Allowed:**<br>35 | |
| /WILLIAM DEANE JR/<br>Primary Examiner.Art Unit 2652<br><br>(Primary Examiner) | 18Apr2016<br><br>(Date) | O.G. Print Claim(s)<br>1 | O.G. Print Figure<br>2 |

**EAST Search History**

**EAST Search History (Prior Art)**

| Ref # | Hits | Search Query | DBs | Default Operator | Plurals | Time Stamp |
|---|---|---|---|---|---|---|
| L8 | 0 | (requesting adj location near5 server and determining near5 access adj rights and asking and assigning adj access adj rights near5 server and providing adj location).clm. | US-PGPUB; USPAT; EPO | OR | ON | 2016/04/18 10:29 |

**4/18/2016 10:30:58 AM**
**C:\Users\wdeane\Documents\EAST\Workspaces\new.wsp**

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | WILLIAM DEANE JR | 2652 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | 08/10/2015 | 04/18/2016 | |
| | 1 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 2 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 3 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 4 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 5 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 6 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 7 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 8 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 9 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 10 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 11 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 12 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 13 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 14 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 15 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 16 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 17 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 18 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 19 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 20 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 21 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 22 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 23 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 24 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 25 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 26 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 27 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 28 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 29 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 30 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 31 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 32 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 33 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 34 | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - | |
| | 35 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 36 | - | - | - | - | - | - | - | - | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | WILLIAM DEANE JR | 2652 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | 08/10/2015 | 04/18/2016 | |
| | 37 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | |
| | 38 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 39 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 40 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 41 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 42 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 43 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 44 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 45 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 46 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 47 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 48 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 49 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 50 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 51 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 52 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 53 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 54 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 55 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 56 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 57 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 58 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 59 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 60 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 61 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 62 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 63 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 64 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 65 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 66 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 67 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 68 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 69 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 70 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 71 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 72 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | WILLIAM DEANE JR | 2652 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | 08/10/2015 | 04/18/2016 | |
| | 73 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 74 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 75 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 76 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 77 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 78 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |
| | 79 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | |

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 | 10400296 | Filing Date | 2016-03-25 | Docket Number (if applicable) | JDM/002 | Art Unit | 2652 |
| 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

X Applicant Signature

EFS - Web 2.1.6

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) | 2016-07-19 |
| 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.

PTO/SB/08A (10-01)
Approved for use through 10/31/2002. 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.

| Substitute for form 1449A/PTO | | | | ***Complete if known*** | |
|---|---|---|---|---|---|
| **TENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT** (use as many sheets as necessary) | | | | **Application Number** | 10/400296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2652 |
| | | | | **Examiner Name** | William Deane Jr. |
| Sheet | 1 | of | 3 | **Attorney Docket Number** | JDM/002 |

| **U.S. PATENT DOCUMENTS** | | | | | |
|---|---|---|---|---|---|
| Examiner initials* | Cite No.[1] | Document Number<br>Number – Kind Code[2] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | 5,889,474 | 03/1999 | LaDue | |
| | | 5,950,137 | 09/1999 | Kim | |
| | | 5,987,019 | 11/1999 | Lipsanen et al. | |
| | | 5,999,124 | 12/1999 | Sheynblat | |
| | | 6,078,578 | 06/2000 | Matsumoto | |
| | | 6,215,863 | 04/2001 | Bennett et al. | |
| | | 6,275,544 | 08/2001 | Aiello | |
| | | 6,377,565 | 04/2002 | Puckette | |
| | | 6,275,544 | 08/2001 | Aiello | |
| | | 6,456,854 | 09/2002 | Chern | |
| | | 6,462,674 | 10/2002 | Ohmura | |
| | | 6,564,064 | 05/2003 | Ciganer et al. | |
| | | 6,587,691 | 07/2003 | Granstam | |
| | | 6,088,586 | 07/2000 | Haverty | |
| | | 6,662,614 | 12/2003 | Lim | |
| | | 6,647,257 | 11/2003 | Owensby | |
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| | | 6,665,389 | 12/2003 | Haste III | |
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| | | 6,879,836 | 04/2005 | Nakamoto | |
| | | 6,882,856 | 04/2005 | Alterman | |

| Examiner Signature | | Date Considered | |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

| Substitute for form 1449A/PTO<br><br>**TENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT**<br><br>(use as many sheets as necessary) | | | | ***Complete if known*** | |
|---|---|---|---|---|---|
| | | | | **Application Number** | 10/400296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2652 |
| | | | | **Examiner Name** | William Deane Jr. |
| Sheet | 2 | of | 3 | **Attorney Docket Number** | JDM/002 |

| | | | | | |
|---|---|---|---|---|---|
| | | 6,970,853 | 11/2005 | Schutzer | |
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| | | 7,248,872 | 07/2007 | Bassett et al. | |
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| | | 2002/0183059 | 12/2002 | Noreen et al. | |

| Examiner Signature | | Date Considered | |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

| Substitute for form 1449A/PTO | | | | ***Complete if known*** | |
|---|---|---|---|---|---|
| **TENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT** | | | | **Application Number** | 10/400296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2652 |
| (use as many sheets as necessary) | | | | **Examiner Name** | William Deane Jr. |
| Sheet | 3 | of | 3 | **Attorney Docket Number** | JDM/002 |

| | | | | | |
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| | | 2002/0086683 | 07/2002 | Kohar | |
| | | 2003/0004743 | 01/2003 | Callegari | |
| | | 2003/0060214 | 03/2003 | Hendrey | |
| | | 2003/0144009 | 07/2003 | Nowlin | |
| | | 2004/0038706 | 02/2004 | Wasser et al. | |
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| | | 2005/0222756 | 10/2005 | Davis et al. | |
| | | 2004/0033795 | 02/2004 | Walsh et al | |
| | | 2004/0054428 | 03/2004 | Sheha | |
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| | | 2008/0299355 | 11/2008 | Rosen | |
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| | | 2009/005019 | 01/2009 | Patel et al. | |
| | | 2012/0106728 | 05/2012 | Ghaffari et al. | |

| **FOREIGN PATENT DOCUMENTS** | | | | | | |
|---|---|---|---|---|---|---|
| Examiner initials* | Cite No.[1] | Foreign Patent Document<br>Country Code[3] - Number[4] - Kind Code[5] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T[6] |
| | | | | | | |

| **NON PATENT LITERATURE DOCUMENTS** | | | |
|---|---|---|---|
| Examiner initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T[2] |
| | | | |

| Examiner Signature | | Date Considered | |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

JDM/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Applicant | : | Jeffrey D. Mullen |
| Application No. | : | 10/400,296 |
| Confirmation No. | : | 8666 |
| Filed | : | March 25, 2003 |
| For | : | SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME |
| Group Art Unit | : | 2614 |
| Examiner | : | William Dean Jr. |

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

Pittsburgh, PA 15116
July 19, 2016

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

A Request for Continued Examination is applicable hereto and being submitted herewith. In accordance with 37 C.F.R. §§ 1.56 and 1.97, applicant wishes to call the attention of the Examiner to the following documents:

Patent Documents

| | | | |
|---|---|---|---|
| 5,889,474 | 03/1999 | LaDue | (8) |
| 5,950,137 | 09/1999 | Kim | (4) |
| 5,987,019 | 11/1999 | Lipsanen et al. | (8) |
| 5,999,124 | 12/1999 | Sheynblat | (7) |
| 6,078,578 | 06/2000 | Matsumoto | (8) |

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| 6,215,863 | 04/2001 | Bennett et al. | (8) |
| 6,275,544 | 08/2001 | Aiello | (8) |
| 6,377,565 | 04/2002 | Puckette | (8) |
| 6,275,544 | 08/2001 | Aiello | (8) |
| 6,456,854 | 09/2002 | Chern | (7) |
| 6,462,674 | 10/2002 | Ohmura | (7) |
| 6,564,064 | 05/2003 | Ciganer et al. | (8) |
| 6,587,691 | 07/2003 | Granstam | (5) |
| 6,088,586 | 07/2000 | Haverty | (8) |
| 6,662,614 | 12/2003 | Lim | (8) |
| 6,647,257 | 11/2003 | Owensby | (8) |
| 6,636,732 | 10/2003 | Boling | (7) |
| 6,665,389 | 12/2003 | Haste III | (5) |
| 6,725,032 | 04/2004 | Sheridan | (4) |
| 6,765,528 | 07/2004 | Tranchina | (5) |
| 6,879,836 | 04/2005 | Nakamoto | (5) |
| 6,882,856 | 04/2005 | Alterman | (4) |
| 6,970,853 | 11/2005 | Schutzer | (7) |
| 6,975,998 | 12/2005 | Jones | (5) |
| 6,999,777 | 02/2006 | Ganesh | (8) |
| 7,010,110 | 03/2006 | Jorasch et al. | (3) |
| 7,013,148 | 03/2006 | Ganesh | (7) |
| 7,072,956 | 07/2006 | Parupudi | (6) |
| 7,130,630 | 10/2006 | Enzmann | (2) |
| 7,203,674 | 04/2007 | Cohen | (5) |
| 7,215,965 | 05/2007 | Fournier et al. | (3) |
| 7,248,872 | 07/2007 | Bassett et al. | (8) |
| 7,272,220 | 09/2007 | Zhang | (7) |
| 7,324,823 | 01/2008 | Rosen | (2) |
| 7,333,776 | 02/2008 | York | (7) |
| 7,409,429 | 08/2008 | Kaufman et al. | (4) |

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|---|---|---|---|
| 7,570,958 | 08/2008 | Krasner | (3) |
| 7,983,947 | 07/2011 | Kaiwa | (7) |
| 8,073,087 | 12/2011 | Casaccia | (8) |
| 8,478,304 | 07/2013 | David et al. | (7) |
| 2001/0029186 | 10/2001 | L'Anson et al. | (4) |
| 2002/0003470 | 01/2002 | Auerbach | (7) |
| 2001/0048364 | 12/2001 | Kaithoff et al. | (7) |
| 2001/0055328 | 12/2001 | Dowling | (8) |
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| 2002/0141434 | 10/2002 | Grundvig | (2) |
| 2002/0183059 | 12/2002 | Noreen et al. | (2) |
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| 2002/0086683 | 07/2002 | Kohar | (8) |
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| 2009/0197612 | 08/2009 | Kiiskinen | (8) |
| 2009/005019 | 01/2009 | Patel et al. | (7) |
| 2012/0106728 | 05/2012 | Ghaffari et al. | (7) |

It is respectfully requested that these documents be (1) fully considered by the Patent and Trademark Office during examination of this application; and (2) printed on

any patent which may issue on this application. Applicant requests that a copy of Form PTO/SB/08A, as considered and initialed by the Examiner, be returned with the next communication.

Documents above marked with a (1) were cited in Application No. 10/400,296. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (2) were cited in Application No. 11/387,384. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (3) were cited in Application No. 11/485,161. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (4) were cited in Application No. 11/462,201. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (5) were cited in Application No. 11/834,674. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (6) were cited in Application No. 11/841,734. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (7) were cited in Application No. 11/841,750. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United

States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (8) were cited in Application No. 11/841,765. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Applicant hereby submits that not all of the patent documents and non-patent literature submitted herein may be, in fact, prior art to the present application. Applicant reserves the right to dispute whether references, or subject matter within references, are prior art to the present application (e.g., continuation-in-part subject matter filed after the filing date of the present application).

This Statement is being submitted after a first Office Action on the merits. Accordingly, pursuant to 37 CFR 1.97(c), the fee set forth in Section 1.17(p) is provided herewith.

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

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

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 10400296 |
| **Filing Date:** | 25-Mar-2003 |
| **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 |

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($) |
|---|---|---|---|---|
| **Miscellaneous:** | | | | |
| RCE- 2nd and Subsequent Request | 2820 | 1 | 850 | 850 |
| | | **Total in USD ($)** | | **850** |

| Electronic Acknowledgement Receipt | |
|---|---|
| **EFS ID:** | 26396016 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 19-JUL-2016 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 19:39:45 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | yes |
| Payment Type | Credit Card |
| Payment was successfully received in RAM | $850 |
| RAM confirmation Number | 5660 |
| 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:<br>Charge any Additional Fees required under 37 CFR 1.16 (National application filing, search, and examination fees)<br>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 | Request for Continued Examination (RCE) | JDM-002--RCE.pdf | 697791<br>66b559a22513555bad8152db0153e7a1c8b3f77c | no | 3 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 2 | Information Disclosure Statement (IDS) Form (SB08) | JDM-002--PTOSB08A.pdf | 390672<br>d753b56f1c4287d0f38daf1565908eda639ac94d | no | 3 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| This is not an USPTO supplied IDS fillable form | | | | | |
| 3 | Transmittal Letter | JDM-002--SIDS.pdf | 99019<br>9885595a836b40e8353d2a55c696d78e6c2fd95e | no | 7 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 4 | Fee Worksheet (SB06) | fee-info.pdf | 30442<br>6d35a7247c203a6f39c954f808bd226a21b21b2d | no | 2 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| | | **Total Files Size (in bytes):** | 1217924 | | |

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

**New Applications Under 35 U.S.C. 111**
**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

# NOTICE OF ALLOWANCE AND FEE(S) DUE

32733 7590 08/02/2016

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

| EXAMINER |
|---|
| DEANE JR, WILLIAM J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2652 | |

DATE MAILED: 08/02/2016

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

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 | $480 | $0 | $0 | $480 | 11/02/2016 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

**HOW TO REPLY TO THIS NOTICE:**

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

## 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)

32733 7590 08/02/2016
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.

| (Depositor's name) |
|---|
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

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 | $480 | $0 | $0 | $480 | 11/02/2016 |

| 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 03-02 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,
(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 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 submitted:
❑ Issue Fee
❑ Publication Fee (No small entity discount permitted)
❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): (**Please first reapply any previously paid issue fee shown above**)
❑ A check is enclosed.
❑ Payment by credit card. Form PTO-2038 is attached.
❑ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
❑ Applicant certifying micro entity status. See 37 CFR 1.29
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.
❑ Applicant asserting small entity status. See 37 CFR 1.27
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.
❑ Applicant changing to regular undiscounted fee 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. _____



PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

32733 7590 08/02/2016

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

| EXAMINER | |
|---|---|
| DEANE JR, WILLIAM J | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2652 | |

DATE MAILED: 08/02/2016

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

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

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

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

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

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

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

## Privacy Act Statement

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

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. 10/400,296 | 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--***

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 *07/19/2016*.
   ☐ 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 *1-33, 35 and 37*. 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 DEANE JR/
Primary Examiner, Art Unit 2652

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /W.D./

PTO/SB/08A (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
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| Substitute for form 1449A/PTO<br><br>**TENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT**<br><br>(use as many sheets as necessary) | | | | ***Complete if known*** | |
|---|---|---|---|---|---|
| | | | | **Application Number** | 10/400296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2652 |
| | | | | **Examiner Name** | William Deane Jr. |
| Sheet | 1 | of | 3 | **Attorney Docket Number** | JDM/002 |

| **U.S. PATENT DOCUMENTS** | | | | | |
|---|---|---|---|---|---|
| Examiner initials* | Cite No.[1] | Document Number<br>Number – Kind Code[2] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| Examiner Signature | /William Deane Jr/ | Date Considered | 07/25/2016 |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2652 |
| | | | | **Examiner Name** | William Deane Jr. |
| Sheet | 2 | of | 3 | **Attorney Docket Number** | JDM/002 |

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| Examiner Signature | /William Deane Jr/ | Date Considered | 07/25/2016 |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
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| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2652 |
| | | | | **Examiner Name** | William Deane Jr. |
| Sheet | 3 | of | 3 | **Attorney Docket Number** | JDM/002 |

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| FOREIGN PATENT DOCUMENTS | | | | | | |
|---|---|---|---|---|---|---|
| Examiner initials* | Cite No.[1] | Foreign Patent Document<br>Country Code[3] - Number[4] - Kind Code[5] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T[6] |
| | | | | | | |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---|---|---|---|
| Examiner initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T[2] |
| | | | |

| Examiner Signature | /William Deane Jr/ | Date Considered | 07/25/2016 |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
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| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | William J Deane | 2614 |

| CPC- SEARCHED | | |
|---|---|---|
| Symbol | Date | Examiner |
| H04W 64/006 | 18Apr2016 | WJD |

| CPC COMBINATION SETS - SEARCHED | | |
|---|---|---|
| Symbol | Date | Examiner |
| | | |

| US CLASSIFICATION SEARCHED | | | |
|---|---|---|---|
| Class | Subclass | Date | Examiner |
| | Updated the prior search | 09Aug2008 | WJD |
| | Updated the prior search. | 06Jun2009 | WJD |
| | Updated the prior search | 21Mar2010 | WJD |
| | Updated the search above | 31Aub2013 | WJD |
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| | Updated the prior search | 18Apr2016 | WJD |
| | Updated the search above | 25July2016 | WJD |

| SEARCH NOTES | | |
|---|---|---|
| Search Notes | Date | Examiner |
| USPGPUB Interference Search (see printout) | 18Apr2016 | WJD |
| | 25July2016 | WJD |

| INTERFERENCE SEARCH | | | |
|---|---|---|---|
| US Class/ CPC Symbol | US Subclass / CPC Group | Date | Examiner |
| 455 | 456.1 | 18Apr2016 | WJD |
| | 456.3 | 18Apr2016 | WJD |
| | 404.2 | 18Apr2016 | WJD |

| | |
|---|---|
| | /W. J. D./<br>Primary Examiner.Art Unit 2614 |

| INTERFERENCE SEARCH | | | |
|---|---|---|---|
| **US Class/ CPC Symbol** | **US Subclass / CPC Group** | **Date** | **Examiner** |
| | and the above again | 25July2016 | WJD |

| | |
|---|---|
| | /W. J. D./<br>Primary Examiner.Art Unit 2614 |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | WILLIAM DEANE JR | 2652 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | 08/10/2015 | 04/18/2016 | 07/25/2016 |
| | 1 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 2 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 3 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 4 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 5 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 6 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 7 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 8 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 9 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 10 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 11 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 12 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 13 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 14 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 15 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 16 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 17 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 18 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 19 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 20 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 21 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 22 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 23 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 24 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 25 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 26 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 27 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 28 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 29 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 30 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 31 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 32 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 33 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 34 | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - | - |
| | 35 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 36 | - | - | - | - | - | - | - | - | - |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | WILLIAM DEANE JR | 2652 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | 08/10/2015 | 04/18/2016 | 07/25/2016 |
| | 37 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 38 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 39 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 40 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 41 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 42 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 43 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 44 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 45 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 46 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 47 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 48 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 49 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 50 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 51 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 52 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 53 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 54 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 55 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 56 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 57 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 58 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 59 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 60 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 61 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 62 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 63 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 64 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 65 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 66 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 67 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 68 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 69 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 70 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 71 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 72 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | **Examiner** | **Art Unit** |
| | WILLIAM DEANE JR | 2652 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | 08/10/2015 | 04/18/2016 | 07/25/2016 |
| | 73 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 74 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 75 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 76 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 77 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 78 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 79 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |

**EAST Search History**

**EAST Search History (Prior Art)**

| Ref # | Hits | Search Query | DBs | Default Operator | Plurals | Time Stamp |
|---|---|---|---|---|---|---|
| L34 | 0 | (requesting adj location near5 server and determining near5 access adj rights and asking and assigning adj access adj rights near5 server and providing adj location).clm. | US-PGPUB; USPAT; EPO | OR | ON | 2016/07/25 13:57 |

**7/25/2016 1:58:15 PM**
**C:\Users\wdeane\Documents\EAST\Workspaces\hi.wsp**

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | **Examiner** | **Art Unit** |
| | WILLIAM DEANE JR | 2652 |

| CPC | | | | | | |
|---|---|---|---|---|---|---|
| **Symbol** | | | | | **Type** | **Version** |
| H04W | | 8 | / | 14 | F | 2013-01-01 |
| H04W | | 8 | / | 16 | A | 2013-01-01 |
| H04W | | 64 | / | 00 | I | 2013-01-01 |
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| CPC Combination Sets | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Symbol** | | | | | **Type** | **Set** | **Ranking** | **Version** |
| | | | / | | | | | |
| | | | / | | | | | |

| NONE<br><br>(Assistant Examiner) | (Date) | **Total Claims Allowed:**<br>35 | |
|---|---|---|---|
| /WILLIAM DEANE JR/<br>Primary Examiner.Art Unit 2652<br><br>(Primary Examiner) | 25July2016<br><br>(Date) | O.G. Print Claim(s)<br>1 | O.G. Print Figure<br>2 |

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | **Examiner** | **Art Unit** |
| | WILLIAM DEANE JR | 2652 |

| US ORIGINAL CLASSIFICATION | | INTERNATIONAL CLASSIFICATION | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CLASS | SUBCLASS | CLAIMED | | | | | NON-CLAIMED | | | | | |
| 455 | 456.1 | H | 0 | 4 | M | 11 / 00 (2006.01.01) | | | | | | |
| **CROSS REFERENCE(S)** | | | | | | | | | | | | |
| CLASS | SUBCLASS (ONE SUBCLASS PER BLOCK) | | | | | | | | | | | |
| 455 | 456.3 | 404.2 | | | | | | | | | | |

| | | | |
|---|---|---|---|
| NONE | | **Total Claims Allowed:** | |
| (Assistant Examiner) | (Date) | 35 | |
| /WILLIAM DEANE JR/<br>Primary Examiner.Art Unit 2652 | 25July2016 | O.G. Print Claim(s) | O.G. Print Figure |
| (Primary Examiner) | (Date) | 1 | 2 |

U.S. Patent and Trademark Office — Part of Paper No. 20160725

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | **Examiner** | **Art Unit** |
| | WILLIAM DEANE JR | 2652 |

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

| Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | | 17 | | 33 | | 49 | | 65 | | | | | | |
| | 2 | | 18 | | 34 | | 50 | | 66 | | | | | | |
| | 3 | | 19 | | 35 | | 51 | | 67 | | | | | | |
| | 4 | | 20 | | 36 | | 52 | | 68 | | | | | | |
| | 5 | | 21 | | 37 | | 53 | | 69 | | | | | | |
| | 6 | | 22 | | 38 | | 54 | | 70 | | | | | | |
| | 7 | | 23 | | 39 | | 55 | | 71 | | | | | | |
| | 8 | | 24 | | 40 | | 56 | | 72 | | | | | | |
| | 9 | | 25 | | 41 | | 57 | | 73 | | | | | | |
| | 10 | | 26 | | 42 | | 58 | | 74 | | | | | | |
| | 11 | | 27 | | 43 | | 59 | | 75 | | | | | | |
| | 12 | | 28 | | 44 | | 60 | | 76 | | | | | | |
| | 13 | | 29 | | 45 | | 61 | | 77 | | | | | | |
| | 14 | | 30 | | 46 | | 62 | | 78 | | | | | | |
| | 15 | | 31 | | 47 | | 63 | | 79 | | | | | | |
| | 16 | | 32 | | 48 | | 64 | | | | | | | | |

| | | | |
|---|---|---|---|
| NONE<br><br>(Assistant Examiner) | (Date) | **Total Claims Allowed:**<br>35 | |
| /WILLIAM DEANE JR/<br>Primary Examiner.Art Unit 2652<br><br>(Primary Examiner) | 25July2016<br><br>(Date) | O.G. Print Claim(s)<br>1 | O.G. Print Figure<br>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 | 10400296 | Filing Date | 2016-03-25 | Docket Number (if applicable) | JDM/002 | Art Unit | 2652 |
| 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

X Applicant Signature

EFS - Web 2.1.6

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) | 2016-11-01 |
| 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.

PTO/SB/08A (10-01)
Approved for use through 10/31/2002. 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.

| Substitute for form 1449A/PTO<br><br>**TENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT**<br><br>(use as many sheets as necessary) | | | | ***Complete if known*** | |
|---|---|---|---|---|---|
| | | | | **Application Number** | 10/400296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2652 |
| | | | | **Examiner Name** | William Deane Jr. |
| Sheet | 1 | of | 1 | **Attorney Docket Number** | JDM/002 |

| **U.S. PATENT DOCUMENTS** | | | | | |
|---|---|---|---|---|---|
| Examiner initials* | Cite No.[1] | Document Number<br>Number – Kind Code[2] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | 6,442,391 | 08-2002 | Johansson | |
| | | 7,275,258 | 09-2007 | Arbab | |
| | | 2002/0090912 | 07-2002 | Cannon | |

| **FOREIGN PATENT DOCUMENTS** | | | | | | |
|---|---|---|---|---|---|---|
| Examiner initials* | Cite No.[1] | Foreign Patent Document<br>Country Code[3] - Number[4] - Kind Code[5] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T[6] |
| | | | | | | |

| **NON PATENT LITERATURE DOCUMENTS** | | | |
|---|---|---|---|
| Examiner initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T[2] |
| | | | |

| Examiner Signature | | Date Considered | |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

JDM/002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| Applicant | : | Jeffrey D. Mullen |
| Application No. | : | 10/400,296 |
| Confirmation No. | : | 8666 |
| Filed | : | March 25, 2003 |
| For | : | SYSTEMS AND METHODS FOR LOCATING CELLULAR PHONES AND SECURITY MEASURES FOR THE SAME |
| Group Art Unit | : | 2614 |
| Examiner | : | William Dean Jr. |

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

Pittsburgh, PA 15116
November 1, 2016

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

A Request for Continued Examination is applicable hereto and being submitted herewith. In accordance with 37 C.F.R. §§ 1.56 and 1.97, applicant wishes to call the attention of the Examiner to the following documents:

Patent Documents

| | | | |
|---|---|---|---|
| 6,442,391 | 08/2002 | Johansson | (7) |
| 7,275,258 | 09/2007 | Arbab | (7) |
| 2002/0090912 | 07/2002 | Cannon | (7) |

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

Documents above marked with a (1) were cited in Application No. 10/400,296. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (2) were cited in Application No. 11/387,384. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (3) were cited in Application No. 11/485,161. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United

States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (4) were cited in Application No. 11/462,201. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (5) were cited in Application No. 11/834,674. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (6) were cited in Application No. 11/841,734. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (7) were cited in Application No. 11/841,750. Applicant respectfully requests the Examiner review the prosecution history of this

application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Documents above marked with a (8) were cited in Application No. 11/841,765. Applicant respectfully requests the Examiner review the prosecution history of this application including all communications from the United States Patent and Trademark Office contained therein (e.g., the Office Actions contained therein).

Applicant hereby submits that not all of the patent documents and non-patent literature submitted herein may be, in fact, prior art to the present application. Applicant reserves the right to dispute whether references, or subject matter within references, are prior art to the present application (e.g., continuation-in-part subject matter filed after the filing date of the present application).

This Statement is being submitted after a first Office Action on the merits. Accordingly, pursuant to 37 CFR 1.97(c), the fee set forth in Section 1.17(p) is provided herewith.

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

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

Respectfully Submitted,

/Jeffrey D. Mullen/
Jeffrey D. Mullen
Applicant (Reg. No. 52,056)
Customer No. 32733
2212 Hassinger Lane
Glenshaw, PA 15116
Tel.: (914) 837-7741

# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 10400296 |
| **Filing Date:** | 25-Mar-2003 |
| **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 |

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($) |
|---|---|---|---|---|
| **Miscellaneous:** | | | | |
| RCE- 2ND AND SUBSEQUENT REQUEST | 2820 | 1 | 850 | 850 |
| | | **Total in USD ($)** | | **850** |

| Electronic Acknowledgement Receipt | |
|---|---|
| **EFS ID:** | 27389679 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 01-NOV-2016 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 18:06:01 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

| | |
|---|---|
| Submitted with Payment | yes |
| Payment Type | CARD |
| Payment was successfully received in RAM | $850 |
| RAM confirmation Number | 110216INTEFSW18083500 |
| 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:<br>37 CFR 1.16 (National application filing, search, and examination fees)<br>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-002--RCE.pdf | 697791<br>289eedb57577ca8db9c9fc6a6f6e3e2acf508794 | no | 3 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 2 | Information Disclosure Statement (IDS) Form (SB08) | JDM-002--PTOSB08A.pdf | 261745<br>ffacf586a679ff596fd2c0321696407e7b2e3387 | no | 1 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| This is not an USPTO supplied IDS fillable form | | | | | |
| 3 | Transmittal Letter | JDM-002--SIDS.pdf | 89788<br>b573184e9780aba9e93c8ec402564d218127d934 | no | 5 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 4 | Fee Worksheet (SB06) | fee-info.pdf | 30448<br>6a716a2f38d80838ddb74491641e180eb9c031c4 | no | 2 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| | | **Total Files Size (in bytes):** | 1079772 | | |

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

**New Applications Under 35 U.S.C. 111**
**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

# NOTICE OF ALLOWANCE AND FEE(S) DUE

32733 7590 12/15/2016

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

| EXAMINER |
|---|
| DEANE JR, WILLIAM J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2652 | |

DATE MAILED: 12/15/2016

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

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 | $480 | $0 | $0 | $480 | 03/15/2017 |

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

**HOW TO REPLY TO THIS NOTICE:**

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

## 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)

32733 7590 12/15/2016

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.

| (Depositor's name) |
|---|
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

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 | $480 | $0 | $0 | $480 | 03/15/2017 |

| 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 03-02 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,

(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 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 submitted:

❑ Issue Fee

❑ Publication Fee (No small entity discount permitted)

❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): (**Please first reapply any previously paid issue fee shown above**)

❑ A check is enclosed.

❑ Payment by credit card. Form PTO-2038 is attached.

❑ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

❑ Applicant certifying micro entity status. See 37 CFR 1.29

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.

❑ Applicant asserting small entity status. See 37 CFR 1.27

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.

❑ Applicant changing to regular undiscounted fee 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. _____



PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

32733 7590 12/15/2016

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

| EXAMINER | |
|---|---|
| DEANE JR, WILLIAM J | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2652 | |

DATE MAILED: 12/15/2016

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

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

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

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

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

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

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

## Privacy Act Statement

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

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. 10/400,296 | 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--***

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 *11/01/2016*.
   ☐ 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 *1-33,35 and 37*. 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 DEANE JR/
Primary Examiner, Art Unit 2652

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /W.J.D/

PTO/SB/08A (10-01)

Approved for use through 10/31/2002. 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.

| Substitute for form 1449A/PTO<br><br>**TENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT**<br><br>(use as many sheets as necessary) | | | | ***Complete if known*** | |
|---|---|---|---|---|---|
| | | | | **Application Number** | 10/400296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2652 |
| | | | | **Examiner Name** | William Deane Jr. |
| Sheet | 1 | of | 1 | **Attorney Docket Number** | JDM/002 |

| **U.S. PATENT DOCUMENTS** | | | | | |
|---|---|---|---|---|---|
| Examiner initials* | Cite No.[1] | Document Number<br>Number – Kind Code[2] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | 6,442,391 | 08-2002 | Johansson | |
| | | 7,275,258 | 09-2007 | Arbab | |
| | | 2002/0090912 | 07-2002 | Cannon | |

| **FOREIGN PATENT DOCUMENTS** | | | | | | |
|---|---|---|---|---|---|---|
| Examiner initials* | Cite No.[1] | Foreign Patent Document<br>Country Code[3] - Number[4] - Kind Code[5] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T[6] |
| | | | | | | |

| **NON PATENT LITERATURE DOCUMENTS** | | | |
|---|---|---|---|
| Examiner initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T[2] |
| | | | |

| Examiner Signature | /WILLIAM J DEANE JR/ | Date Considered | 12/12/2016 |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

| Search Notes | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | William J Deane | 2614 |

| CPC- SEARCHED | | |
|---|---|---|
| Symbol | Date | Examiner |
| H04W 64/006 | 18Apr2016 | WJD |

| CPC COMBINATION SETS - SEARCHED | | |
|---|---|---|
| Symbol | Date | Examiner |
| | | |

| US CLASSIFICATION SEARCHED | | | |
|---|---|---|---|
| Class | Subclass | Date | Examiner |
| | Updated the prior search | 09Aug2008 | WJD |
| | Updated the prior search. | 06Jun2009 | WJD |
| | Updated the prior search | 21Mar2010 | WJD |
| | Updated the search above | 31Aub2013 | WJD |
| | Updated the above | 26Jun2014 | WJD |
| | Updated the above | 11Jan2015 | WJD |
| | Updated the above | 10Aug2015 | WJD |
| | Updated the prior search | 18Apr2016 | WJD |
| | Updated the search above | 25July2016 | WJD |
| | Updated the search above (previous search dated 03/08/2005) | 12Dec2016 | WJD |

| SEARCH NOTES | | |
|---|---|---|
| Search Notes | Date | Examiner |
| USPGPUB Interference Search (see printout) | 18Apr2016 | WJD |
| | 25July2016 | WJD |
| | 12Dec2016 | WJD |

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

| | |
|---|---|
| | /W. J. D./<br>Primary Examiner.Art Unit 2614 |

| INTERFERENCE SEARCH | | | |
|---|---|---|---|
| **US Class/ CPC Symbol** | **US Subclass / CPC Group** | **Date** | **Examiner** |
| 455 | 456.1 | 18Apr2016 | WJD |
| | 456.3 | 18Apr2016 | WJD |
| | 404.2 | 18Apr2016 | WJD |
| | and the above again | 25July2016 | WJD |
| | and again | 12Dec2016 | WJD |

| | |
|---|---|
| | /W. J. D./<br>Primary Examiner.Art Unit 2614 |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | WILLIAM DEANE JR | 2652 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | 08/10/2015 | 04/18/2016 | 12/12/2016 |
| | 1 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 2 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 3 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 4 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 5 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 6 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 7 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 8 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 9 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 10 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 11 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 12 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 13 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 14 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 15 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 16 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 17 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 18 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 19 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 20 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 21 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 22 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 23 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 24 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 25 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 26 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 27 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 28 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 29 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 30 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 31 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 32 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 33 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 34 | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - | - |
| | 35 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 36 | - | - | - | - | - | - | - | - | - |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | WILLIAM DEANE JR | 2652 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | 08/10/2015 | 04/18/2016 | 12/12/2016 |
| | 37 | ✓ | ✓ | ✓ | ✓ | ✓ | = | = | = | = |
| | 38 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 39 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 40 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 41 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 42 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 43 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 44 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 45 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 46 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 47 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 48 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 49 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 50 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 51 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 52 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 53 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 54 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 55 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 56 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 57 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 58 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 59 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 60 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 61 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 62 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 63 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 64 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 65 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 66 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 67 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 68 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 69 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 70 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 71 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 72 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |

| Index of Claims | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | Examiner | Art Unit |
| | WILLIAM DEANE JR | 2652 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ✓ | 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 | 08/09/2008 | 06/06/2009 | 03/21/2010 | 08/31/2013 | 06/26/2014 | 01/11/2015 | 08/10/2015 | 04/18/2016 | 12/12/2016 |
| | 73 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 74 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 75 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 76 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 77 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 78 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |
| | 79 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | - | - |

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | **Examiner** | **Art Unit** |
| | WILLIAM DEANE JR | 2652 |

| CPC | | | | | | |
|---|---|---|---|---|---|---|
| **Symbol** | | | | | **Type** | **Version** |
| H04W | | 8 | / | 14 | F | 2013-01-01 |
| H04W | | 8 | / | 16 | A | 2013-01-01 |
| H04W | | 64 | / | 00 | I | 2013-01-01 |
| | | | / | | | |
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| CPC Combination Sets | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Symbol** | | | | | **Type** | **Set** | **Ranking** | **Version** |
| | | | / | | | | | |
| | | | / | | | | | |

| NONE<br><br>(Assistant Examiner) | (Date) | **Total Claims Allowed:**<br>35 | |
|---|---|---|---|
| /WILLIAM DEANE JR/<br>Primary Examiner.Art Unit 2652<br><br>(Primary Examiner) | 12Dec2016<br><br>(Date) | O.G. Print Claim(s)<br>1 | O.G. Print Figure<br>2 |

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | **Examiner** | **Art Unit** |
| | WILLIAM DEANE JR | 2652 |

| US ORIGINAL CLASSIFICATION | | INTERNATIONAL CLASSIFICATION | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CLASS | SUBCLASS | CLAIMED | | | | | NON-CLAIMED | | | | | |
| 455 | 456.1 | H | 0 | 4 | M | 11 / 00 (2006.01.01) | | | | | | |
| **CROSS REFERENCE(S)** | | | | | | | | | | | | |
| CLASS | SUBCLASS (ONE SUBCLASS PER BLOCK) | | | | | | | | | | | |
| 455 | 456.3 | 404.2 | | | | | | | | | | |

| | | | |
|---|---|---|---|
| NONE | | **Total Claims Allowed:** | |
| (Assistant Examiner) | (Date) | 35 | |
| /WILLIAM DEANE JR/<br>Primary Examiner.Art Unit 2652 | 12Dec2016 | O.G. Print Claim(s) | O.G. Print Figure |
| (Primary Examiner) | (Date) | 1 | 2 |

U.S. Patent and Trademark Office — Part of Paper No. 20161212

| Issue Classification | Application/Control No. | Applicant(s)/Patent Under Reexamination |
|---|---|---|
| | 10400296 | MULLEN, JEFFREY D. |
| | **Examiner** | **Art Unit** |
| | WILLIAM DEANE JR | 2652 |

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

| Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | | 17 | | 33 | | 49 | | 65 | | | | | | |
| | 2 | | 18 | | 34 | | 50 | | 66 | | | | | | |
| | 3 | | 19 | | 35 | | 51 | | 67 | | | | | | |
| | 4 | | 20 | | 36 | | 52 | | 68 | | | | | | |
| | 5 | | 21 | | 37 | | 53 | | 69 | | | | | | |
| | 6 | | 22 | | 38 | | 54 | | 70 | | | | | | |
| | 7 | | 23 | | 39 | | 55 | | 71 | | | | | | |
| | 8 | | 24 | | 40 | | 56 | | 72 | | | | | | |
| | 9 | | 25 | | 41 | | 57 | | 73 | | | | | | |
| | 10 | | 26 | | 42 | | 58 | | 74 | | | | | | |
| | 11 | | 27 | | 43 | | 59 | | 75 | | | | | | |
| | 12 | | 28 | | 44 | | 60 | | 76 | | | | | | |
| | 13 | | 29 | | 45 | | 61 | | 77 | | | | | | |
| | 14 | | 30 | | 46 | | 62 | | 78 | | | | | | |
| | 15 | | 31 | | 47 | | 63 | | 79 | | | | | | |
| | 16 | | 32 | | 48 | | 64 | | | | | | | | |

| | | | |
|---|---|---|---|
| NONE<br><br>(Assistant Examiner) | (Date) | **Total Claims Allowed:**<br>35 | |
| /WILLIAM DEANE JR/<br>Primary Examiner.Art Unit 2652<br><br>(Primary Examiner) | 12Dec2016<br><br>(Date) | O.G. Print Claim(s)<br>1 | O.G. Print Figure<br>2 |

## 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)

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.

| (Depositor's name) |
|---|
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10400296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

TITLE OF INVENTION:

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|---|---|---|---|---|---|---|
| nonprovisional | YES | $480 | $0 | $0 | $480 | 03/15/2017 |

| 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,

(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 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 submitted:

☑ Issue Fee

☑ Publication Fee (No small entity discount permitted)

❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**

❑ A check is enclosed.

❑ Payment by credit card. Form PTO-2038 is attached.

☑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 50-3855 (enclose an extra copy of this form).

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).

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 03/15/2017

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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## Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

# Electronic Patent Application Fee Transmittal

| | |
|---|---|
| **Application Number:** | 10400296 |
| **Filing Date:** | 25-Mar-2003 |
| **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 |

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 | 480 | 480 |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD($) |
|---|---|---|---|---|
| **Extension-of-Time:** | | | | |
| **Miscellaneous:** | | | | |
| | | | **Total in USD ($)** | **480** |

| Electronic Acknowledgement Receipt | |
|---|---|
| **EFS ID:** | 28632008 |
| **Application Number:** | 10400296 |
| **International Application Number:** | |
| **Confirmation Number:** | 8666 |
| **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 |
| **Receipt Date:** | 15-MAR-2017 |
| **Filing Date:** | 25-MAR-2003 |
| **Time Stamp:** | 11:01:47 |
| **Application Type:** | Utility under 35 USC 111(a) |

## Payment information:

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| Submitted with Payment | yes |
| Payment Type | CARD |
| Payment was successfully received in RAM | $480 |
| RAM confirmation Number | 031517INTEFSW11031200 |
| 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:<br>37 CFR 1.16 (National application filing, search, and examination fees)<br>37 CFR 1.17 (Patent application and reexamination processing fees) | |

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## 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-002-ptol85b.pdf | 72071<br>74723f64f1926900b43b3437468de4d0cbc65151 | no | 2 |
| **Warnings:** | | | | | |
| **Information:** | | | | | |
| 2 | Fee Worksheet (SB06) | fee-info.pdf | 30294<br>57a9484c02c37e89fd3751566bb054463dea018f | no | 2 |
| **Warnings:** | | | | | |
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| | | **Total Files Size (in bytes):** | 102365 | | |

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**New Applications Under 35 U.S.C. 111**
**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

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

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

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/400,296 | 03/25/2003 | Jeffrey D. Mullen | JDM/002 | 8666 |

32733 7590 03/29/2017

JEFFREY D. MULLEN
2212 Hassinger Lane
Glenshaw, PA 15116

| EXAMINER |
|---|
| DEANE JR, WILLIAM J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2652 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 03/29/2017 | 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.

| ***Supplemental Notice of Allowability*** | **Application No.** 10/400,296 | **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--***

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 *11/01/2016*.
   ☐ 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 *1-33,35 and 37*. 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 DEANE JR/
Primary Examiner, Art Unit 2652

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /W.J.D/

PTO/SB/08A (10-01)
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| Substitute for form 1449A/PTO | | | | ***Complete if known*** | |
|---|---|---|---|---|---|
| **TENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT** (use as many sheets as necessary) | | | | **Application Number** | 10/400296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2652 |
| | | | | **Examiner Name** | William Deane Jr. |
| Sheet | 1 | of | 3 | **Attorney Docket Number** | JDM/002 |

| **U.S. PATENT DOCUMENTS** | | | | | |
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| Examiner initials* | Cite No.[1] | Document Number<br>Number – Kind Code[2] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| Examiner Signature | /WILLIAM J DEANE JR/ | Date Considered | 12/12/2016 |
|---|---|---|---|

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| Substitute for form 1449A/PTO<br><br>**TENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT**<br><br>(use as many sheets as necessary) | | | | ***Complete if known*** | |
|---|---|---|---|---|---|
| | | | | **Application Number** | 10/400296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2652 |
| | | | | **Examiner Name** | William Deane Jr. |
| Sheet | 2 | of | 3 | **Attorney Docket Number** | JDM/002 |

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| Examiner Signature | /WILLIAM J DEANE JR/ | Date Considered | 12/12/2016 |
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|---|---|---|---|---|---|
| **TENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT** (use as many sheets as necessary) | | | | **Application Number** | 10/400296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2652 |
| | | | | **Examiner Name** | William Deane Jr. |
| Sheet | 3 | of | 3 | **Attorney Docket Number** | JDM/002 |

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|---|---|---|---|---|---|---|
| Examiner initials* | Cite No.[1] | Foreign Patent Document<br>Country Code[3] - Number[4] - Kind Code[5] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T[6] |
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| Examiner Signature | /WILLIAM J DEANE JR/ | Date Considered | 12/12/2016 |
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|---|---|---|---|---|---|
| **SEVENTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT** (use as many sheets as necessary) | | | | **Application Number** | 10/400,296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2642 |
| | | | | **Examiner Name** | Benny Quoc Tieu |
| Sheet | 1 | of | 1 | **Attorney Docket Number** | JDM/002 |

**U.S. PATENT DOCUMENTS**

| Examiner initials* | Cite No.[1] | Document Number Number – Kind Code[2] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| Examiner initials* | Cite No.[1] | Foreign Patent Document Country Code[3] - Number[4] - Kind Code[5] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T[6] |
|---|---|---|---|---|---|---|
| /W.J.D/ | | WO 01/001718 | 01-04-2001 | Nokia Networks | | |

**NON PATENT LITERATURE DOCUMENTS**

| Examiner initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T[2] |
|---|---|---|---|
| | | | |

| Examiner Signature | /WILLIAM J DEANE JR/ | Date Considered | 03/27/2017 |
|---|---|---|---|

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|---|---|---|---|---|---|
| | | | | **Application Number** | 10/400296 |
| | | | | **Filing Date** | March 25, 2003 |
| | | | | **First Named Inventor** | Jeffrey D. Mullen |
| | | | | **Art Unit** | 2652 |
| | | | | **Examiner Name** | William Deane Jr. |
| Sheet | 3 | of | 3 | **Attorney Docket Number** | JDM/002 |

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Change(s) applied to document, /T.W./ 4/3/2017

| FOREIGN PATENT DOCUMENTS | | | | | | |
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| Examiner initials* | Cite No.[1] | Foreign Patent Document<br>Country Code[3] - Number[4] - Kind Code[5] *(if known)* | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Documents | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T[6] |
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| Examiner initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T[2] |
| | | | |

| Examiner Signature | /William Deane Jr/ | Date Considered | 07/25/2016 |
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| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTY. DOCKET NO. JDM/002 | APPLICATION NO. 10/400,296 |
|---|---|---|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | APPLICANT Jeffrey D. Mullen | CONFIRMATION NO. 8666 |
| | FILING DATE March 25, 2003 | GROUP ~~2681~~ 2642 |

OIPE JC22 OCT 24 2003 PATENT & TRADEMARK OFFICE

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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EXAMINER Benny Q. Tieu DATE CONSIDERED 8/1/5

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicant.

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| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/400,296 | 04/25/2017 | 9635540 | JDM/002 | 8666 |

32733 7590 04/05/2017

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 0 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, Scarsdale, NY;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

AO 120 (Rev. 08/10)

| TO: | REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK |
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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 | | |
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| 5 | | |

In the above—entitled case, the following decision has been rendered or judgement issued:

| DECISION/JUDGEMENT |
|---|
| |

| CLERK | (BY) DEPUTY CLERK | DATE |
|---|---|---|
| | | |

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AO 120 (Rev. 08/10)

| TO: | REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK |
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| 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 | | | |
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In the above—entitled case, the following decision has been rendered or judgement issued:

| DECISION/JUDGEMENT |
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|---|---|---|
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Trials@uspto.gov
571-272-7822

Paper 8
Date: June 7, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

MULLEN INDUSTRIES LLC,
Patent Owner.

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IPR2023-00098
Patent 9,635,540 B2

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Before JEFFREY S. SMITH, JAMES J. MAYBERRY, and NATHAN A. ENGELS, *Administrative Patent Judges*.

ENGELS, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
*35 U.S.C. § 314*

# I. INTRODUCTION

Apple Inc. ("Petitioner") filed a Petition (Paper 1, "Pet.") requesting *inter partes* review of claims 1–35 of U.S. Patent No. 9,635,540 B2 (Ex. 1003, "the '540 patent"). Patent Owner Mullen Industries LLC filed a Preliminary Response. Paper 7 ("Prelim. Resp.").

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the Petition and any response thereto shows "there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." Upon consideration of the Petition and the evidence of record, we determine Petitioner has not demonstrated a reasonable likelihood of prevailing in establishing unpatentability of at least one claim of the '540 patent. Accordingly, we do not institute *inter partes* review.

## *A. Real Parties-in-Interest*

Petitioner identifies itself, Apple Inc., as the real party-in-interest. Pet. 82. Patent Owner identifies itself, Mullen Industries LLC, as the real party-in-interest. Paper 3, 1.

## *B. Related Matters*

The parties indicate that the '540 patent is involved in the following district court case: *Mullen Industries LLC v. Apple Inc.*, Case No. 6:22-cv-00145-ADA (W.D. Tex., filed Feb. 9, 2022). Pet. 82; Paper 3, 1. Petitioner further indicates that this case was transferred and assigned as Case No. 3:23-cv-00437 (N.D. Cal., filed Jan. 31, 2023). Paper 6, 2.

Patent Owner identifies the following *inter partes* review proceedings for patents related to the '540 patent: IPR2023-00087, IPR2023-00090, IPR2023-00091, IPR2023-00096, IPR2023-00097, IPR2023-00115,

IPR2023-00116, IPR2023-00117, IPR2023-00148, IPR2023-00149. Paper 3, 1–2.

*C. The Challenged Patent*

The '540 patent "relates to systems and methods for remotely determining a device's location." Ex. 1003, 1:17–18. More specifically, the '540 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 1:38–42.

Figure 2 of the '540 patent, reproduced below, shows "a flow chart of the locating feature in accordance with the principles of the present invention." *Id.* at 3:43–44.

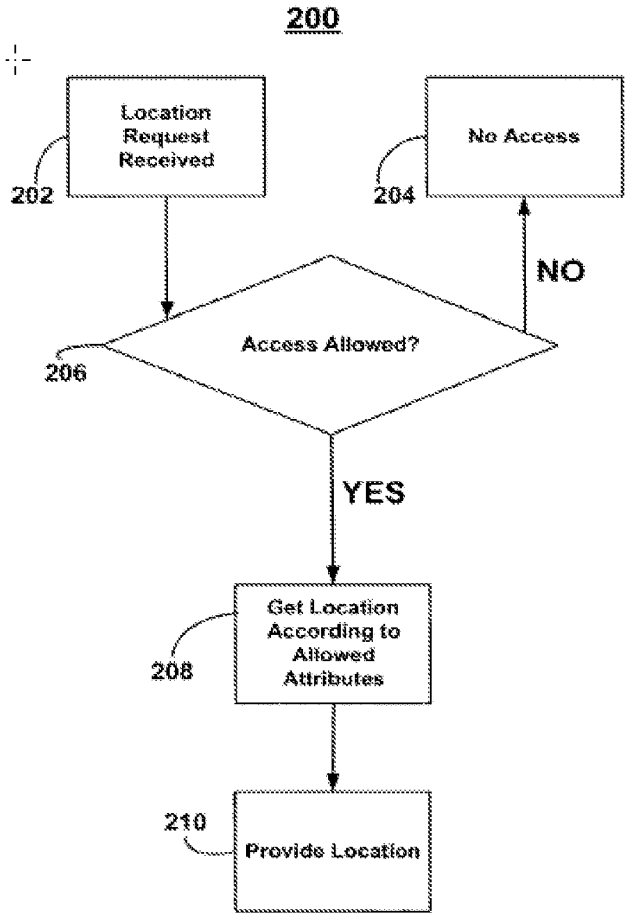
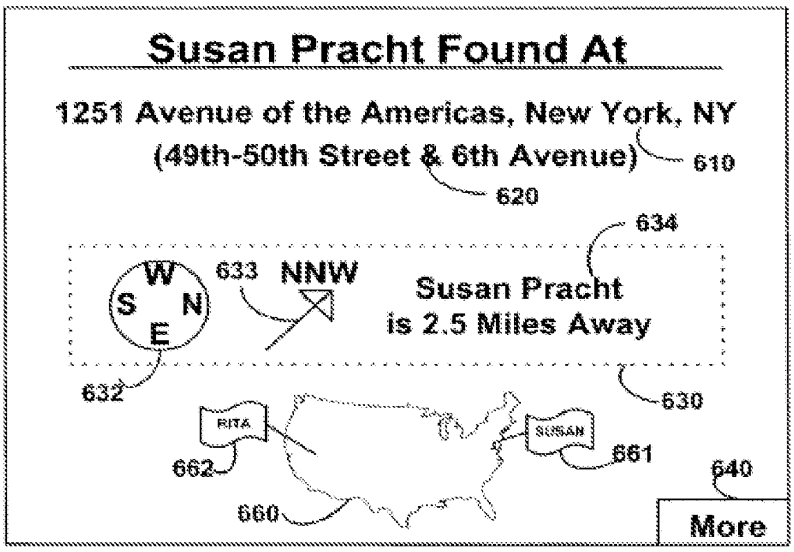



FIG. 2

Figure 2 of the '540 patent depicts a flow chart for locating another user's cell phone according to an embodiment. *See id.* at 4:52–55. As shown, a request may be received from a requesting user for the location of a requested user's cell phone (step 202). *Id.* at 4:54–55. After receiving the request, an evaluation determines whether the requesting user is allowed to access the location of the requested user (step 206). *Id.* at 4:55–57. If access is not allowed, the user will be informed to this effect (step 204). *Id.* at 4:57–60. The requested user, however, "may update, add, manipulate, or

remove access at any time." *Id.* at 5:20–21. If access is allowed, the location of the requested user's cell phone may be retrieved "from a remote database, facility, distribution center, or any other system" (step 208). *Id.* at 4:66–5:2, 5:11–14. The allowed location information of the requested user may then be provided to the requesting user (step 210). *Id.* at 4:66–5:2.

According to the '540 patent, additional information about the location of the requested user may also be provided. For example, a map with a marker identifying the requested user's location may be provided to the requesting user on their cell phone's display screen. *Id.* at 2:22–30; *see id.* at 8:11–20. Figure 6 of the '540 patent, reproduced below, shows "a display screen for a displaying location feature." *Id.* at 3:52–53.




As shown in Figure 6, a display screen may include various location information according to an embodiment. *Id.* at 7:31–33; Fig. 6. The '540 patent describes that "[w]hen a location is retrieved for the requested user, the location may be displayed on Display Screen 600 through primary location information 610," which may be, "for example, the country, state,

city, exact location, or any combination thereof." *Id.* at 7:33–39, Fig. 6. The primary location information 610 provided depends on the scope of the requesting user's access rights. *Id.* at 7:36–37. Display screen 600 may also include secondary location information 620, such as the cross street or name of a building, that supplements the requested user's exact location. *Id.* at 7:43–50; Fig. 6. In addition, display screen 600 may include directional information 630, such as digital compass 632 indicating the direction the requesting user is facing, a directional arrow 633 indicating the requested user's location relative to the requesting user's location, and distance information 634 indicating the distance between the locations of the requested and requesting users. *Id.* at 7:51–61, 8:6–9.

*D. Illustrative Claim*

Claim 1 is the only independent claim of the challenged claims, and is reproduced below.

1. A method of mobile-to-mobile locating, said method comprising:

requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices;

determining that said second wireless device does not have location access rights for said first wireless device;

asking said second wireless device if said location access rights are to be requested from said first wireless device after determining that said second wireless device does not have said location access rights for said first wireless device;

requesting that said location access rights be assigned for said second wireless device by said first wireless device;

assigning said location access rights on said server to said second wireless device by said first wireless device;

storing said location access rights on said server;

determining said access rights assigned by said first wireless device to said second wireless device on said server; and

providing said location from said server to said second wireless device dependent upon said access rights.

Ex. 1003, 17:17–17:40.

*E. Alleged Grounds of Unpatentability*

Petitioner asserts that claims 1–35 would have been unpatentable on the following grounds:

| Claims Challenged | 35 U.S.C. § | Reference(s)/Basis |
|---|---|---|
| 1–35 | 103(a)[1] | Sheha[2], Ganesh[3], Ryden[4], Obradovich[5], Smith[6], Degnbol[7] |
| 1–35 | 103(a) | Enzmann[8], Ganesh, Ryden, Obradovich, Smith, Degnbol |

Pet. 3. Petitioner also supports its challenge with a Declaration of David H. Williams. Ex. 1021.

[1] The Leahy-Smith America Invents Act ("AIA") included revisions to 35 U.S.C. § 103 that became effective on March 16, 2013. The '540 patent was filed prior to the effective date of the AIA. Therefore, we apply the pre-AIA version of § 103; however, our analysis would be the same under the current version of the statute.
[2] US 7,333,820 B2; issued Feb. 19, 2008. Ex. 1041.
[3] US 7,013,148 B1; issued Mar. 14, 2006. Ex. 1049.
[4] US 7,233,795 B1; issued June 19, 2007. Ex. 1057.
[5] US 6,133,853; issued Oct. 17, 2000. Ex. 1055.
[6] US 6,084,951; issued July 4, 2000. Ex. 1059.
[7] WO 00/22860 A1; published Apr. 20, 2000. Ex. 1047.
[8] US 7,130,630 B1; issued Oct. 31, 2006. Ex. 1040.

## II. ANALYSIS

### *A. Level of Ordinary Skill in the Art*

In determining the level of skill in the art, we consider the type of problems encountered in the art, the prior art solutions to those problems, the rapidity with which innovations are made, the sophistication of the technology, and the educational level of active workers in the field. *Custom Accessories, Inc. v. Jeffrey-Allan Indus., Inc.*, 807 F.2d 955, 962 (Fed. Cir. 1986); *Orthopedic Equip. Co. v. U.S.*, 702 F.2d 1005, 1011 (Fed. Cir. 1983).

Petitioner contends 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, as well as with GPS or location-related technology/services, as well as familiarity with devices such as cell phones and personal digital assistants ("PDAs") as well as wireless positioning technologies such as GPS, triangulation, or trilateration.

Pet. 7 (citing Ex. 1021 ¶ 43). Patent Owner does not dispute Petitioner's proposed level of ordinary skill in the art. *See* Prelim. Resp.

For the purposes of this Decision, we apply Petitioner's level of ordinary skill.

### *B. Claim Construction*

We construe claims using the principles set forth in *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–17 (Fed. Cir. 2005) (en banc) and related cases. *See* 37 C.F.R. § 42.100(b) (2021). Under that precedent, the words of a claim are generally 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.

Neither party proposes any explicit claim constructions. Pet. 8; *see generally* Prelim. Resp. At this stage, we determine it is unnecessary to construe any terms. *See Realtime Data, LLC v. Iancu*, 912 F.3d 1368 (Fed. Cir. 2019) ("The Board is required to construe 'only those 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)).

*C. Asserted References*

1. *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 relates "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.

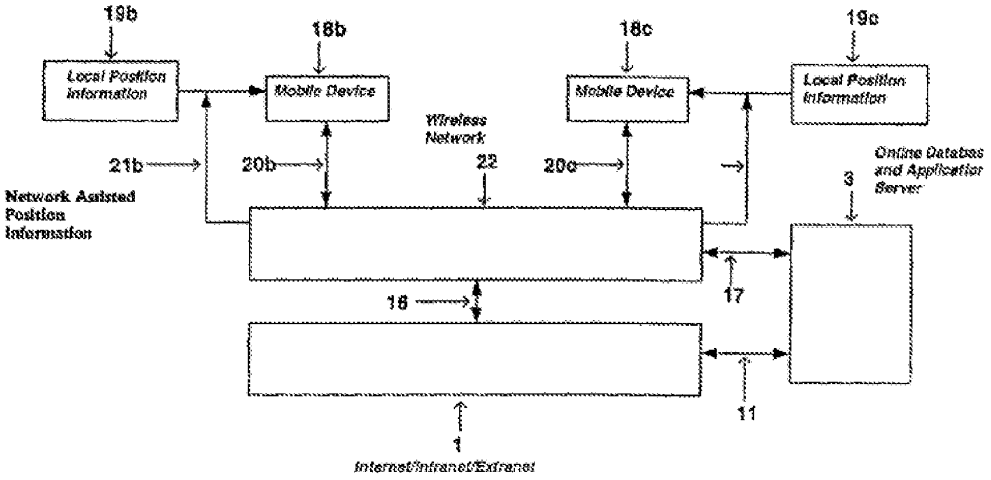



FIG. 3

Figure 3 depicts mobile devices 18b and 18c, wireless network 22, and online database and application server (ODAS) 3 for establishing mobile-to-mobile connections. *Id.* at 10:66–11:15. In an embodiment, "the position information of each device can be updated in the ODAS 3 prior to establishing [a] telephone call, depending on each mobile device's 18*b* and 18*c* privacy settings." *Id.* at 11:5–8. Then, still "prior to the destination mobile device 18*c* receiving the telephone call from the originating mobile device 18*b*, the wireless network sends the position information, obtained from the ODAS 3, in the form of a Map Caller-ID." *Id.* at 11:37–42. The mobile devices may continually send updated position information to the ODAS, and the ODAS may periodically update the mobile devices with each other's position information, "thus providing real-time driving directions and route information." *Id.* at 11:44–51.

2. *Ganesh*

Ganesh is titled "Method for Providing a Current Location of a Wireless Communication Device." Ex. 1049, code (54). Ganesh relates to using "Automatic Location Identification (ALI) technologies to determine a current location of [a] wireless device," particularly with "safeguards in place to prevent unauthorized individuals from receiving the current location information." *Id.* at 2:49–60. In an embodiment, Ganesh provides an access denial web page explaining why access to a location was denied for a requesting party. *Id.* at 6:33–39.

3. *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 schematic diagram of a system architecture that provides the location query service." *Id.* at 3:34–35.

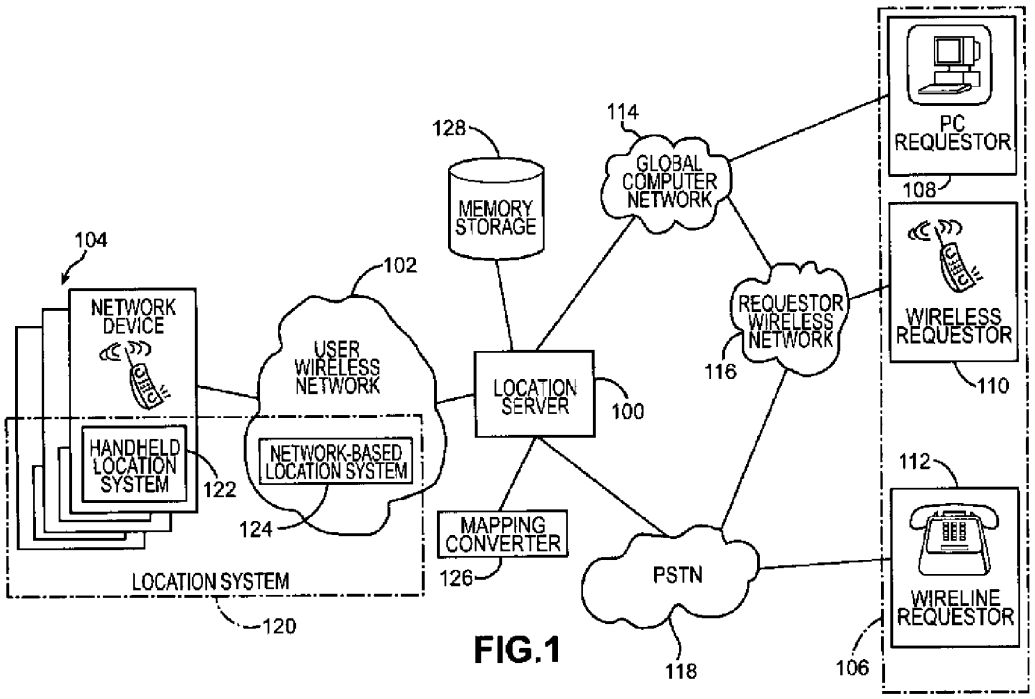



FIG.1

Figure 1 shows location server 100 in communication with multiple network devices 104 over user wireless network 102, as well as with multiple requestors 106 over a variety of other networks 114, 116, and 118. *Id.* at 3:62–4:14. In operation, Enzmann's location server 100 receives location queries from requestors 106, confirms access levels, obtains location information for wireless network devices 104, and returns this information to the requestors. *Id.* at 5:3–8.

*D. Independent Claim 1*

Petitioner contends claim 1 is obvious in view of Sheha and Ganesh (Pet. 22) or in view of Enzmann and Ganesh (Pet. 52). We limit our discussion to the following limitations, which we determine are dispositive.

> *[1a]: "requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices"*

*[1c]: "asking said second wireless device if said location access rights are to be requested from said first wireless device after determining that said second wireless device does not have said location access rights for said first wireless device"*

1. *Ground 1 – Sheha and Ganesh*

For limitation 1a of Ground 1, Petitioner cites Sheha as disclosing that a requesting wireless device can request the location of a target wireless devices from ODAS. Pet. 23–24 (citing Ex. 1041, 11:20–37). For limitation 1c, Petitioner states that "Sheha discloses that after determining that the requesting device lacks location access rights, the server can present the request for location access rights to the target device." Pet. 25 (citing Ex. 1041, 5:21–32). Petitioner also states that "Ganesh discloses the intermediary step of asking the requesting device if location access rights are to be requested for the target device as required by claim 1c." Pet. 25 (citing Ex. 1021–3 ¶¶ 19–21.

Contrary to Petitioner's arguments, though, neither Sheha nor Ganesh discloses or suggests asking the requesting device if location access rights are to be requested from the target device. Sheha teaches that "a [requesting] user can initiate a position request" and "[t]he server queries the [target user] for permission on whether the position request can be granted." Ex. 1041, 5:24–31. Sheha does not teach asking the requesting user if location access rights are to be requested.

Ganesh also does not teach asking the requesting user if location access rights are to be requested. Contrary to Petitioner's statement that "Ganesh discloses the intermediary step of asking the requesting device if location access rights are to be requested for the target device" (Pet. 25) and Mr. Williams's statement that "Figure 6 of Ganesh asks the requesting device in query 90 if location access rights are to be received from the target

device at a later time" (Ex. 1021-3 ¶ 20), Figure 6 of Ganesh discloses asking the requesting user if it "wishes to receive the *location information* at a later time" (Ex. 1049, Fig. 6 (emphasis added)). Mr. Williams further states that "[q]uery 90 to receive the location of the target device at a later time necessarily requires requesting location access rights to obtain the location of the target device" (Ex. 1021-3 ¶ 20), but it does not necessarily follow that Ganesh teaches or reasonably suggests asking the requesting user whether it would like to request location access rights at least because Ganesh discloses asking the requesting user if it wishes to receive the location information without addressing any "intermediary step" of asking the requesting user if it would like to request location access rights.

In sum, we determine Petitioner has not shown that Sheha and Ganesh teach or suggest asking a requesting user if location access rights are to be requested, as claimed. Thus, based on the evidence of record, we determine the Petitioner has not adequately shown that a person of ordinary skill would have combined Sheha and Ganesh to arrive at the claimed invention without improper hindsight.

2. *Ground 2 – Enzmann and Ganesh*

For limitation 1a, Petitioner states that Enzmann discloses that a wireless requestor can request the location of a target wireless device from a remote server. Pet. 53 (citing Ex. 1040, 3:63–4:12, 5:39–50, Fig. 1; Ex. 1021-3 ¶ 90). For limitation 1c, Petitioner states "Enzmann discloses that after determining that the requesting device does not have location access rights, the server can present the request for location access rights to the target device." Pet. 54 (citing Ex. 1040, 2:42–51, 7:39–58; Ex. 1021-3 ¶ 93). For the same reasons discussed above, Enzmann does not teach

asking the requesting device if location access rights are to be requested from the target device.

Petitioner also cites Ganesh similarly to the arguments addressed above, arguing "Ganesh teaches asking the requesting device if location access rights are to be requested from the target device if the requesting device lacks location access rights." Pet. 54–55 (citing Ex. 1049, 1:14–18, 6:33–44, 8:43–50, Fig. 6; Ex. 1021–3 ¶¶ 19–21, 94–95). For the same reasons explained above, Ganesh does not teach asking the requesting device if location access rights are to be requested from the target device.

We determine Petitioner has not shown that Enzmann and Ganesh teach or suggest asking a requesting user if location access rights are to be requested, as claimed. Thus, based on the evidence of record, we determine the Petitioner has not adequately shown that a person of ordinary skill would have combined Enzmann and Ganesh to arrive at the claimed invention without improper hindsight.

3. *Conclusion Regarding Claim 1*

We determine Petitioner has not shown a reasonable likelihood that it would prevail in its challenge to independent claim 1.

*E. Dependent Claims 2–35*

Because we determine Petitioner has not shown a reasonable likelihood that it would prevail in its challenges to independent claim 1, we determine Petitioner has not shown a reasonable likelihood that it would prevail in its challenges to claims 2–35 based on their dependency from independent claim 1.

## III. CONCLUSION

For the reasons set forth above, we determine that Petitioner has not demonstrated a reasonable likelihood that it will prevail with respect to at least one claim of the '540 patent. Accordingly, we do not institute an *inter partes* review.

## IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is denied; and

FURTHER ORDERED that no *inter partes* review is instituted.

FOR PETITIONER:

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Paper 8
Date: June 7, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

MULLEN INDUSTRIES LLC,
Patent Owner.

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IPR2023-00098
Patent 9,635,540 B2

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Before JEFFREY S. SMITH, JAMES J. MAYBERRY, and NATHAN A. ENGELS, *Administrative Patent Judges*.

ENGELS, *Administrative Patent Judge*.

# DECISION
Denying Institution of *Inter Partes* Review
*35 U.S.C. § 314*

# I. INTRODUCTION

Apple Inc. ("Petitioner") filed a Petition (Paper 1, "Pet.") requesting *inter partes* review of claims 1–35 of U.S. Patent No. 9,635,540 B2 (Ex. 1003, "the '540 patent"). Patent Owner Mullen Industries LLC filed a Preliminary Response. Paper 7 ("Prelim. Resp.").

Under 35 U.S.C. § 314(a), an *inter partes* review may not be instituted unless the information presented in the Petition and any response thereto shows "there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." Upon consideration of the Petition and the evidence of record, we determine Petitioner has not demonstrated a reasonable likelihood of prevailing in establishing unpatentability of at least one claim of the '540 patent. Accordingly, we do not institute *inter partes* review.

## *A. Real Parties-in-Interest*

Petitioner identifies itself, Apple Inc., as the real party-in-interest. Pet. 82. Patent Owner identifies itself, Mullen Industries LLC, as the real party-in-interest. Paper 3, 1.

## *B. Related Matters*

The parties indicate that the '540 patent is involved in the following district court case: *Mullen Industries LLC v. Apple Inc.*, Case No. 6:22-cv-00145-ADA (W.D. Tex., filed Feb. 9, 2022). Pet. 82; Paper 3, 1. Petitioner further indicates that this case was transferred and assigned as Case No. 3:23-cv-00437 (N.D. Cal., filed Jan. 31, 2023). Paper 6, 2.

Patent Owner identifies the following *inter partes* review proceedings for patents related to the '540 patent: IPR2023-00087, IPR2023-00090, IPR2023-00091, IPR2023-00096, IPR2023-00097, IPR2023-00115,

IPR2023-00116, IPR2023-00117, IPR2023-00148, IPR2023-00149. Paper 3, 1–2.

*C. The Challenged Patent*

The '540 patent "relates to systems and methods for remotely determining a device's location." Ex. 1003, 1:17–18. More specifically, the '540 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 1:38–42.

Figure 2 of the '540 patent, reproduced below, shows "a flow chart of the locating feature in accordance with the principles of the present invention." *Id.* at 3:43–44.

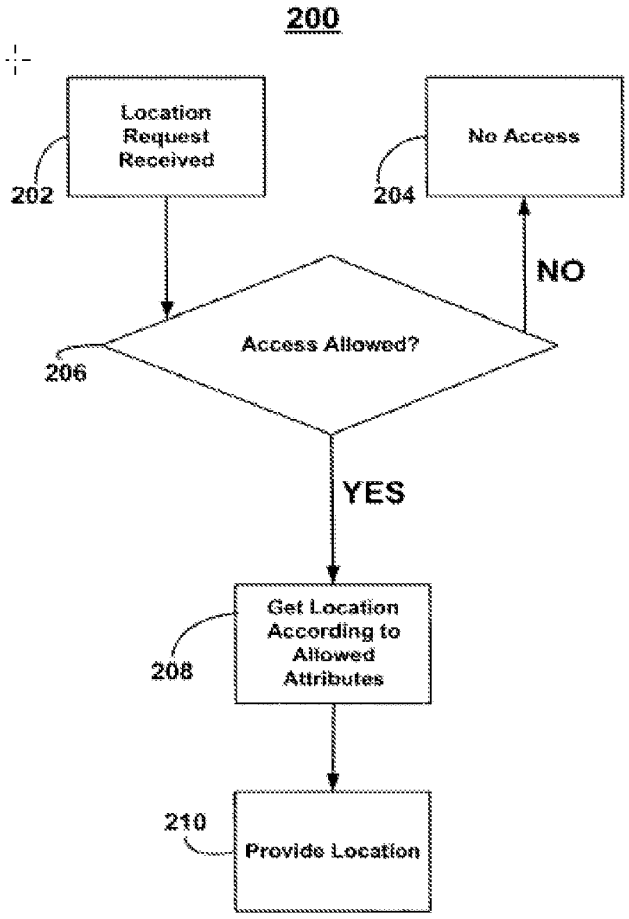
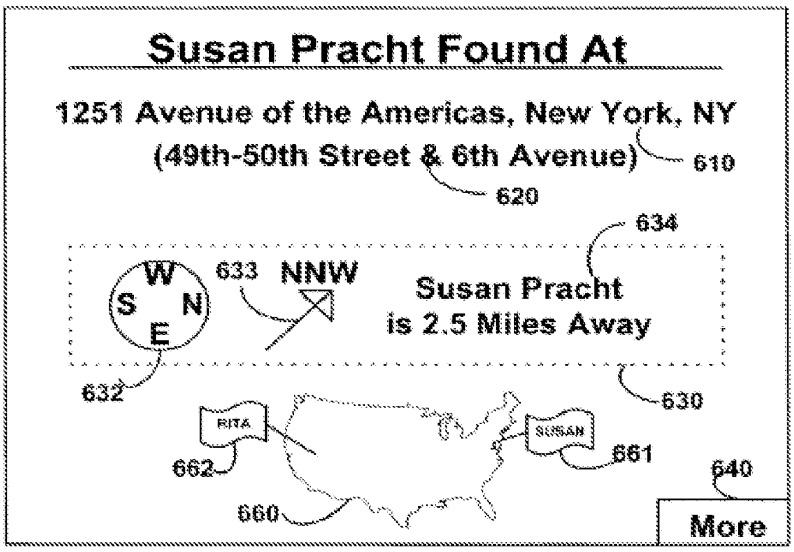



FIG. 2

Figure 2 of the '540 patent depicts a flow chart for locating another user's cell phone according to an embodiment. *See id.* at 4:52–55. As shown, a request may be received from a requesting user for the location of a requested user's cell phone (step 202). *Id.* at 4:54–55. After receiving the request, an evaluation determines whether the requesting user is allowed to access the location of the requested user (step 206). *Id.* at 4:55–57. If access is not allowed, the user will be informed to this effect (step 204). *Id.* at 4:57–60. The requested user, however, "may update, add, manipulate, or

remove access at any time." *Id.* at 5:20–21. If access is allowed, the location of the requested user's cell phone may be retrieved "from a remote database, facility, distribution center, or any other system" (step 208). *Id.* at 4:66–5:2, 5:11–14. The allowed location information of the requested user may then be provided to the requesting user (step 210). *Id.* at 4:66–5:2.

According to the '540 patent, additional information about the location of the requested user may also be provided. For example, a map with a marker identifying the requested user's location may be provided to the requesting user on their cell phone's display screen. *Id.* at 2:22–30; *see id.* at 8:11–20. Figure 6 of the '540 patent, reproduced below, shows "a display screen for a displaying location feature." *Id.* at 3:52–53.




As shown in Figure 6, a display screen may include various location information according to an embodiment. *Id.* at 7:31–33; Fig. 6. The '540 patent describes that "[w]hen a location is retrieved for the requested user, the location may be displayed on Display Screen 600 through primary location information 610," which may be, "for example, the country, state,

city, exact location, or any combination thereof." *Id.* at 7:33–39, Fig. 6. The primary location information 610 provided depends on the scope of the requesting user's access rights. *Id.* at 7:36–37. Display screen 600 may also include secondary location information 620, such as the cross street or name of a building, that supplements the requested user's exact location. *Id.* at 7:43–50; Fig. 6. In addition, display screen 600 may include directional information 630, such as digital compass 632 indicating the direction the requesting user is facing, a directional arrow 633 indicating the requested user's location relative to the requesting user's location, and distance information 634 indicating the distance between the locations of the requested and requesting users. *Id.* at 7:51–61, 8:6–9.

*D. Illustrative Claim*

Claim 1 is the only independent claim of the challenged claims, and is reproduced below.

1. A method of mobile-to-mobile locating, said method comprising:

requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices;

determining that said second wireless device does not have location access rights for said first wireless device;

asking said second wireless device if said location access rights are to be requested from said first wireless device after determining that said second wireless device does not have said location access rights for said first wireless device;

requesting that said location access rights be assigned for said second wireless device by said first wireless device;

assigning said location access rights on said server to said second wireless device by said first wireless device;

storing said location access rights on said server;

determining said access rights assigned by said first wireless device to said second wireless device on said server; and

providing said location from said server to said second wireless device dependent upon said access rights.

Ex. 1003, 17:17–17:40.

*E. Alleged Grounds of Unpatentability*

Petitioner asserts that claims 1–35 would have been unpatentable on the following grounds:

| Claims Challenged | 35 U.S.C. § | Reference(s)/Basis |
|---|---|---|
| 1–35 | 103(a)[1] | Sheha[2], Ganesh[3], Ryden[4], Obradovich[5], Smith[6], Degnbol[7] |
| 1–35 | 103(a) | Enzmann[8], Ganesh, Ryden, Obradovich, Smith, Degnbol |

Pet. 3. Petitioner also supports its challenge with a Declaration of David H. Williams. Ex. 1021.

[1] The Leahy-Smith America Invents Act ("AIA") included revisions to 35 U.S.C. § 103 that became effective on March 16, 2013. The '540 patent was filed prior to the effective date of the AIA. Therefore, we apply the pre-AIA version of § 103; however, our analysis would be the same under the current version of the statute.
[2] US 7,333,820 B2; issued Feb. 19, 2008. Ex. 1041.
[3] US 7,013,148 B1; issued Mar. 14, 2006. Ex. 1049.
[4] US 7,233,795 B1; issued June 19, 2007. Ex. 1057.
[5] US 6,133,853; issued Oct. 17, 2000. Ex. 1055.
[6] US 6,084,951; issued July 4, 2000. Ex. 1059.
[7] WO 00/22860 A1; published Apr. 20, 2000. Ex. 1047.
[8] US 7,130,630 B1; issued Oct. 31, 2006. Ex. 1040.

## II. ANALYSIS

### *A. Level of Ordinary Skill in the Art*

In determining the level of skill in the art, we consider the type of problems encountered in the art, the prior art solutions to those problems, the rapidity with which innovations are made, the sophistication of the technology, and the educational level of active workers in the field. *Custom Accessories, Inc. v. Jeffrey-Allan Indus., Inc.*, 807 F.2d 955, 962 (Fed. Cir. 1986); *Orthopedic Equip. Co. v. U.S.*, 702 F.2d 1005, 1011 (Fed. Cir. 1983).

Petitioner contends 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, as well as with GPS or location-related technology/services, as well as familiarity with devices such as cell phones and personal digital assistants ("PDAs") as well as wireless positioning technologies such as GPS, triangulation, or trilateration.

Pet. 7 (citing Ex. 1021 ¶ 43). Patent Owner does not dispute Petitioner's proposed level of ordinary skill in the art. *See* Prelim. Resp.

For the purposes of this Decision, we apply Petitioner's level of ordinary skill.

### *B. Claim Construction*

We construe claims using the principles set forth in *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–17 (Fed. Cir. 2005) (en banc) and related cases. *See* 37 C.F.R. § 42.100(b) (2021). Under that precedent, the words of a claim are generally 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.

Neither party proposes any explicit claim constructions. Pet. 8; *see generally* Prelim. Resp. At this stage, we determine it is unnecessary to construe any terms. *See Realtime Data, LLC v. Iancu*, 912 F.3d 1368 (Fed. Cir. 2019) ("The Board is required to construe 'only those 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)).

*C. Asserted References*

1. *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 relates "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.

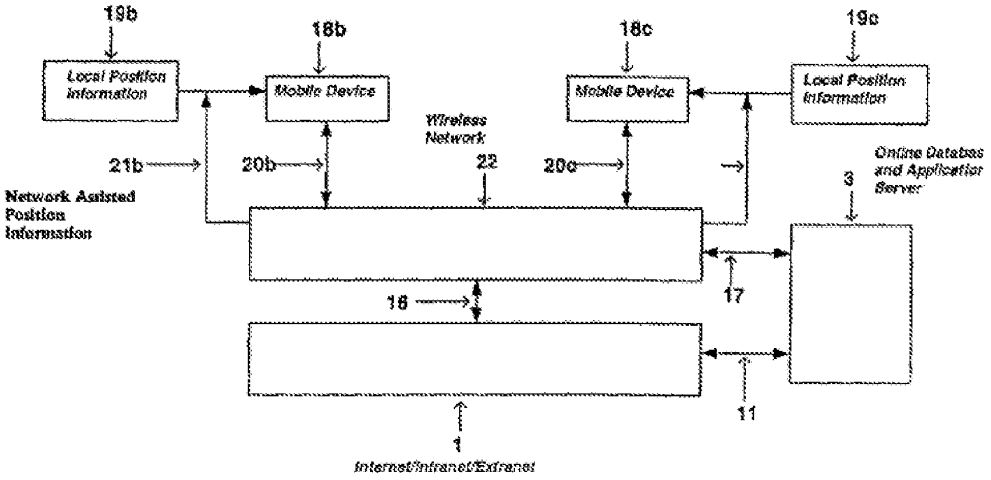



FIG. 3

Figure 3 depicts mobile devices 18b and 18c, wireless network 22, and online database and application server (ODAS) 3 for establishing mobile-to-mobile connections. *Id.* at 10:66–11:15. In an embodiment, "the position information of each device can be updated in the ODAS 3 prior to establishing [a] telephone call, depending on each mobile device's 18*b* and 18*c* privacy settings." *Id.* at 11:5–8. Then, still "prior to the destination mobile device 18*c* receiving the telephone call from the originating mobile device 18*b*, the wireless network sends the position information, obtained from the ODAS 3, in the form of a Map Caller-ID." *Id.* at 11:37–42. The mobile devices may continually send updated position information to the ODAS, and the ODAS may periodically update the mobile devices with each other's position information, "thus providing real-time driving directions and route information." *Id.* at 11:44–51.

2. *Ganesh*

Ganesh is titled "Method for Providing a Current Location of a Wireless Communication Device." Ex. 1049, code (54). Ganesh relates to using "Automatic Location Identification (ALI) technologies to determine a current location of [a] wireless device," particularly with "safeguards in place to prevent unauthorized individuals from receiving the current location information." *Id.* at 2:49–60. In an embodiment, Ganesh provides an access denial web page explaining why access to a location was denied for a requesting party. *Id.* at 6:33–39.

3. *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 schematic diagram of a system architecture that provides the location query service." *Id.* at 3:34–35.

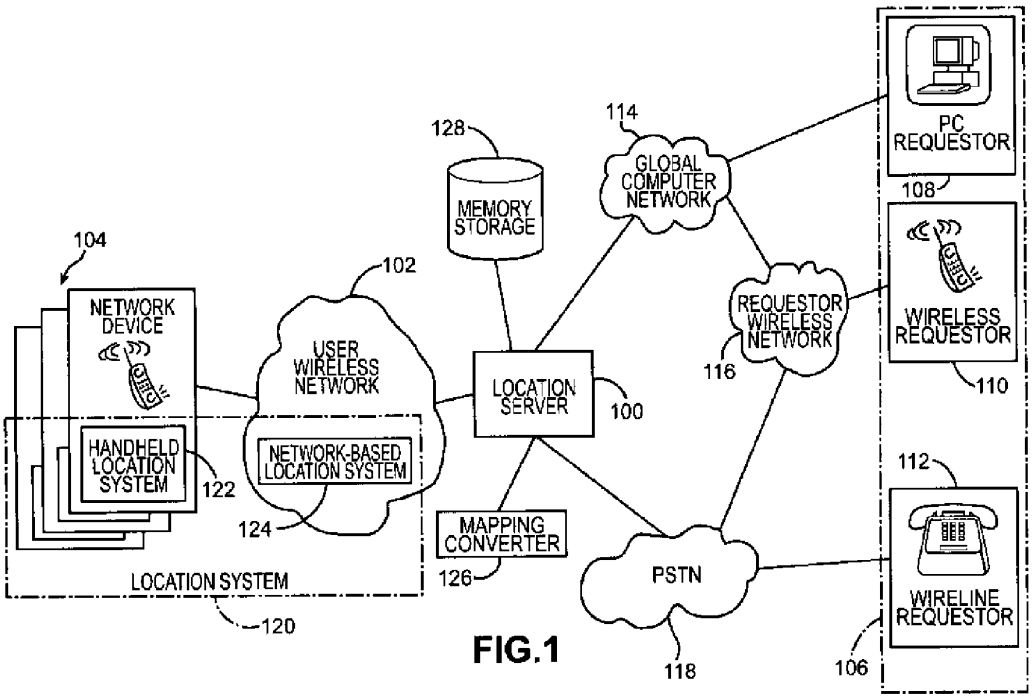



FIG.1

Figure 1 shows location server 100 in communication with multiple network devices 104 over user wireless network 102, as well as with multiple requestors 106 over a variety of other networks 114, 116, and 118. *Id.* at 3:62–4:14. In operation, Enzmann's location server 100 receives location queries from requestors 106, confirms access levels, obtains location information for wireless network devices 104, and returns this information to the requestors. *Id.* at 5:3–8.

*D. Independent Claim 1*

Petitioner contends claim 1 is obvious in view of Sheha and Ganesh (Pet. 22) or in view of Enzmann and Ganesh (Pet. 52). We limit our discussion to the following limitations, which we determine are dispositive.

> *[1a]: "requesting a location of a first wireless device by a second wireless device from a server located remotely from said first and second wireless devices"*

*[1c]: "asking said second wireless device if said location access rights are to be requested from said first wireless device after determining that said second wireless device does not have said location access rights for said first wireless device"*

1. *Ground 1 – Sheha and Ganesh*

For limitation 1a of Ground 1, Petitioner cites Sheha as disclosing that a requesting wireless device can request the location of a target wireless devices from ODAS. Pet. 23–24 (citing Ex. 1041, 11:20–37). For limitation 1c, Petitioner states that "Sheha discloses that after determining that the requesting device lacks location access rights, the server can present the request for location access rights to the target device." Pet. 25 (citing Ex. 1041, 5:21–32). Petitioner also states that "Ganesh discloses the intermediary step of asking the requesting device if location access rights are to be requested for the target device as required by claim 1c." Pet. 25 (citing Ex. 1021–3 ¶¶ 19–21.

Contrary to Petitioner's arguments, though, neither Sheha nor Ganesh discloses or suggests asking the requesting device if location access rights are to be requested from the target device. Sheha teaches that "a [requesting] user can initiate a position request" and "[t]he server queries the [target user] for permission on whether the position request can be granted." Ex. 1041, 5:24–31. Sheha does not teach asking the requesting user if location access rights are to be requested.

Ganesh also does not teach asking the requesting user if location access rights are to be requested. Contrary to Petitioner's statement that "Ganesh discloses the intermediary step of asking the requesting device if location access rights are to be requested for the target device" (Pet. 25) and Mr. Williams's statement that "Figure 6 of Ganesh asks the requesting device in query 90 if location access rights are to be received from the target

device at a later time" (Ex. 1021-3 ¶ 20), Figure 6 of Ganesh discloses asking the requesting user if it "wishes to receive the *location information* at a later time" (Ex. 1049, Fig. 6 (emphasis added)). Mr. Williams further states that "[q]uery 90 to receive the location of the target device at a later time necessarily requires requesting location access rights to obtain the location of the target device" (Ex. 1021-3 ¶ 20), but it does not necessarily follow that Ganesh teaches or reasonably suggests asking the requesting user whether it would like to request location access rights at least because Ganesh discloses asking the requesting user if it wishes to receive the location information without addressing any "intermediary step" of asking the requesting user if it would like to request location access rights.

In sum, we determine Petitioner has not shown that Sheha and Ganesh teach or suggest asking a requesting user if location access rights are to be requested, as claimed. Thus, based on the evidence of record, we determine the Petitioner has not adequately shown that a person of ordinary skill would have combined Sheha and Ganesh to arrive at the claimed invention without improper hindsight.

2. *Ground 2 – Enzmann and Ganesh*

For limitation 1a, Petitioner states that Enzmann discloses that a wireless requestor can request the location of a target wireless device from a remote server. Pet. 53 (citing Ex. 1040, 3:63–4:12, 5:39–50, Fig. 1; Ex. 1021-3 ¶ 90). For limitation 1c, Petitioner states "Enzmann discloses that after determining that the requesting device does not have location access rights, the server can present the request for location access rights to the target device." Pet. 54 (citing Ex. 1040, 2:42–51, 7:39–58; Ex. 1021-3 ¶ 93). For the same reasons discussed above, Enzmann does not teach

asking the requesting device if location access rights are to be requested from the target device.

Petitioner also cites Ganesh similarly to the arguments addressed above, arguing "Ganesh teaches asking the requesting device if location access rights are to be requested from the target device if the requesting device lacks location access rights." Pet. 54–55 (citing Ex. 1049, 1:14–18, 6:33–44, 8:43–50, Fig. 6; Ex. 1021–3 ¶¶ 19–21, 94–95). For the same reasons explained above, Ganesh does not teach asking the requesting device if location access rights are to be requested from the target device.

We determine Petitioner has not shown that Enzmann and Ganesh teach or suggest asking a requesting user if location access rights are to be requested, as claimed. Thus, based on the evidence of record, we determine the Petitioner has not adequately shown that a person of ordinary skill would have combined Enzmann and Ganesh to arrive at the claimed invention without improper hindsight.

3. *Conclusion Regarding Claim 1*

We determine Petitioner has not shown a reasonable likelihood that it would prevail in its challenge to independent claim 1.

*E. Dependent Claims 2–35*

Because we determine Petitioner has not shown a reasonable likelihood that it would prevail in its challenges to independent claim 1, we determine Petitioner has not shown a reasonable likelihood that it would prevail in its challenges to claims 2–35 based on their dependency from independent claim 1.

## III. CONCLUSION

For the reasons set forth above, we determine that Petitioner has not demonstrated a reasonable likelihood that it will prevail with respect to at least one claim of the '540 patent. Accordingly, we do not institute an *inter partes* review.

## IV. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition is denied; and

FURTHER ORDERED that no *inter partes* review is instituted.

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