

|                                   |                                       |  |                                                            |             |
|-----------------------------------|---------------------------------------|--|------------------------------------------------------------|-------------|
| <b>Notice of References Cited</b> | Application/Control No.<br>11/620,577 |  | Applicant(s)/Patent Under<br>Reexamination<br>BROWN ET AL. |             |
|                                   | Examiner<br>LAURI HARRIS              |  | Art Unit<br>2618                                           | Page 1 of 1 |

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| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Name           | Classification |
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| * | B | US-5,517,502                                     | 05-1996         | Bestler et al. | 370/449        |
| * | C | US-2002/0177460                                  | 11-2002         | Beasley et al. | 455/502        |
| * | D | US-7,068,623                                     | 06-2006         | Barany et al.  | 370/329        |
| * | E | US-6,138,010                                     | 10-2000         | Rabe et al.    | 455/426.1      |
|   | F | US-                                              |                 |                |                |
|   | G | US-                                              |                 |                |                |
|   | H | US-                                              |                 |                |                |
|   | I | US-                                              |                 |                |                |
|   | J | US-                                              |                 |                |                |
|   | K | US-                                              |                 |                |                |
|   | L | US-                                              |                 |                |                |
|   | M | US-                                              |                 |                |                |

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| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Country | Name | Classification |
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|   | O |                                                  |                 |         |      |                |
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|   | 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.

|                                                                                                                    |                                            |                                                                |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------|
| <b><i>Index of Claims</i></b><br> | <b>Application/Control No.</b><br>11620577 | <b>Applicant(s)/Patent Under Reexamination</b><br>BROWN ET AL. |
|                                                                                                                    | <b>Examiner</b><br>LAURI HARRIS            | <b>Art Unit</b><br>2618                                        |

|   |                 |   |                   |   |                     |   |                 |
|---|-----------------|---|-------------------|---|---------------------|---|-----------------|
| ✓ | <b>Rejected</b> | - | <b>Cancelled</b>  | N | <b>Non-Elected</b>  | A | <b>Appeal</b>   |
| = | <b>Allowed</b>  | ÷ | <b>Restricted</b> | I | <b>Interference</b> | O | <b>Objected</b> |

| <input type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47 |          |            |  |  |  |  |  |  |  |  |
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| CLAIM                                                                                                                                                                             |          | DATE       |  |  |  |  |  |  |  |  |
| Final                                                                                                                                                                             | Original | 11/17/2009 |  |  |  |  |  |  |  |  |
|                                                                                                                                                                                   | 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       | ✓          |  |  |  |  |  |  |  |  |

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|--------------------------------------------------------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------------|
| <b>Search Notes</b><br><br> | <b>Application/Control No.</b><br><br>11620577 | <b>Applicant(s)/Patent Under Reexamination</b><br><br>BROWN ET AL. |
|                                                                                                              | <b>Examiner</b><br><br>LAURI HARRIS            | <b>Art Unit</b><br><br>2618                                        |

| SEARCHED |          |            |          |
|----------|----------|------------|----------|
| Class    | Subclass | Date       | Examiner |
| 455      | 41.2     | 11/17/2009 | LH       |

| SEARCH NOTES      |            |          |
|-------------------|------------|----------|
| Search Notes      | Date       | Examiner |
| assignee/inventor | 11/17/2009 | LH       |
| EAST              | 11/17/2009 | LH       |
| PLUS              | 11/17/2009 | LH       |
| IEEE/Google       |            | LH       |

| INTERFERENCE SEARCH |          |      |          |
|---------------------|----------|------|----------|
| Class               | Subclass | Date | Examiner |
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| /LAURI HARRIS/<br>Examiner.Art Unit 2618 |  |
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|-----------------------------------------------------------------------------------------------|---|----|---|--------------------------|---------------------|
| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   |    |   | <b>Complete if Known</b> |                     |
|                                                                                               |   |    |   | Application No.          | 11/620,577          |
|                                                                                               |   |    |   | Filing Date              | January 5, 2007     |
|                                                                                               |   |    |   | First Named Inventor     | David L. Brown      |
|                                                                                               |   |    |   | Art Unit                 | 2618                |
|                                                                                               |   |    |   | Examiner Name            | Matthew D. Anderson |
| Sheet                                                                                         | 1 | of | 1 | Attorney Docket Number   | 25000-12196         |

| U.S. PATENT DOCUMENTS |                       |                                                            |                    |                                                    |
|-----------------------|-----------------------|------------------------------------------------------------|--------------------|----------------------------------------------------|
| Examiner Initials*    | Cite No. <sup>1</sup> | Document No.<br>Number – Kind Code <sup>2</sup> (if known) | Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document |
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| FOREIGN PATENT DOCUMENTS |                       |                                                                                                                    |                                |                                                    |                |
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| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> –<br>Number <sup>4</sup><br>Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | T <sup>6</sup> |
|                          |                       |                                                                                                                    |                                |                                                    |                |
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| OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS |                       |                                                                                                                                                                                                                                                                |                |  |
|----------------------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--|
| Examiner Initials*                                 | Cite No. <sup>1</sup> | 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 <sup>6</sup> |  |
|                                                    | C1                    | PCT International Search Report and Written Opinion, PCT/US07/00349, March 19, 2008, 10 pages.                                                                                                                                                                 |                |  |
|                                                    |                       |                                                                                                                                                                                                                                                                |                |  |
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|--------------------|----------------|-----------------|------------|
| Examiner Signature | /Lauri Harris/ | Date Considered | 10/23/2009 |
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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

25000/12196/DOCS/1903547.1

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|-----------------------------------------------------------------------------------------------|-----------------|----|--------------------------|------------------------|-------------|
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|                                                                                               |                 |    | First Named Inventor     | David L. Brown         |             |
|                                                                                               |                 |    | Art Unit                 | 2618                   |             |
| Examiner Name                                                                                 | Lauri D. Harris |    |                          |                        |             |
| Sheet                                                                                         | 1               | of | 1                        | Attorney Docket Number | 25000-12196 |

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| OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS |                       |                                                                                                                                                                                                                                                                |                |
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| Examiner Initials*                                 | Cite No. <sup>1</sup> | 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 <sup>6</sup> |
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| Examiner Signature | /Lauri Harris/ | Date Considered | 11/15/2009 |
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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

25000/12196/DOCS/2144137.1

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| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   |    | <b>Complete if Known</b> |                        |             |
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|                                                                                               |   |    | Art Unit                 | 2618                   |             |
|                                                                                               |   |    | Examiner Name            | Lauri D. Harris        |             |
| Sheet                                                                                         | 1 | of | 1                        | Attorney Docket Number | 25000-12196 |

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|--------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> –<br>Number <sup>4</sup><br>Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | T <sup>6</sup> |
|                          |                       |                                                                                                                    |                                |                                                    |                |

| OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS |                       |                                                                                                                                                                                                                                                                |                |  |
|----------------------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--|
| Examiner Initials*                                 | Cite No. <sup>1</sup> | 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 <sup>6</sup> |  |
|                                                    |                       |                                                                                                                                                                                                                                                                |                |  |

|                    |                |                 |            |
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| Examiner Signature | /Lauri Harris/ | Date Considered | 10/23/2009 |
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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

25000/12196/DOCS/2130783.1

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## BIB DATA SHEET

CONFIRMATION NO. 9508

| SERIAL NUMBER                                                                                                                                                                                                                                                                                                    | FILING or 371(c)<br>DATE                                                                                          | CLASS                                                    | GROUP ART UNIT                    | ATTORNEY DOCKET<br>NO.                                                                                                                                                                                                                                                    |                               |                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------------------------------|
| 11/620,577                                                                                                                                                                                                                                                                                                       | 01/05/2007                                                                                                        | 257                                                      | 2618                              | 25000-12196                                                                                                                                                                                                                                                               |                               |                                    |
| <b>APPLICANTS</b><br>David L. Brown, Jupiter, FL;<br>Fred S. Hirt, Brookfield, IL;<br><b>** CONTINUING DATA *****</b><br>This appln claims benefit of 60/760,362 01/06/2006<br><b>** FOREIGN APPLICATIONS *****</b><br><b>** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY **</b><br>01/30/2007 |                                                                                                                   |                                                          |                                   |                                                                                                                                                                                                                                                                           |                               |                                    |
| Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>Verified and /LAURI D HARRIS/<br>Acknowledged Examiner's Signature                                         |                                                                                                                   | <input type="checkbox"/> Met after Allowance<br>Initials | <b>STATE OR<br/>COUNTRY</b><br>FL | <b>SHEETS<br/>DRAWINGS</b><br>42                                                                                                                                                                                                                                          | <b>TOTAL<br/>CLAIMS</b><br>26 | <b>INDEPENDENT<br/>CLAIMS</b><br>6 |
| <b>ADDRESS</b><br>Proxense/Fenwick<br>Silicon Valley Center<br>801 California Street<br>Mountain View, CA 94041<br>UNITED STATES                                                                                                                                                                                 |                                                                                                                   |                                                          |                                   |                                                                                                                                                                                                                                                                           |                               |                                    |
| <b>TITLE</b><br>Dynamic Real-Time Tiered Client Access                                                                                                                                                                                                                                                           |                                                                                                                   |                                                          |                                   |                                                                                                                                                                                                                                                                           |                               |                                    |
| <b>FILING FEE<br/>RECEIVED</b><br>940                                                                                                                                                                                                                                                                            | FEES: Authority has been given in Paper<br>No. _____ to charge/credit DEPOSIT ACCOUNT<br>No. _____ for following: |                                                          |                                   | <input type="checkbox"/> All Fees<br><input type="checkbox"/> 1.16 Fees (Filing)<br><input type="checkbox"/> 1.17 Fees (Processing Ext. of time)<br><input type="checkbox"/> 1.18 Fees (Issue)<br><input type="checkbox"/> Other _____<br><input type="checkbox"/> Credit |                               |                                    |

## EAST Search History

## EAST Search History (Prior Art)

| Ref # | Hits   | Search Query                       | DBs                                                            | Default Operator | Plurals | Time Stamp          |
|-------|--------|------------------------------------|----------------------------------------------------------------|------------------|---------|---------------------|
| L1    | 6      | "7068623"                          | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND              | ON      | 2009/11/23<br>10:17 |
| L2    | 109006 | unavailable                        | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND              | ON      | 2009/11/23<br>10:22 |
| L3    | 1659   | lost adj connection                | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND              | ON      | 2009/11/23<br>10:23 |
| L4    | 110203 | 2 or 3                             | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND              | ON      | 2009/11/23<br>10:23 |
| L5    | 181    | reassign\$3 near3 (time adj slot)  | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND              | ON      | 2009/11/23<br>10:23 |
| L6    | 181    | reassign\$3 near3 (time adj slots) | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND              | ON      | 2009/11/23<br>10:24 |
| L7    | 19     | 4 and 5                            | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND              | ON      | 2009/11/23<br>10:24 |

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| S1 | 50   | (US-5926586-\$ or US-5545972-\$ or US-5649360-\$ or US-5653258-\$ or US-4249687-\$ or US-4301098-\$ or US-4306841-\$ or US-4308826-\$ or US-4318338-\$ or US-4327284-\$ or US-4360958-\$ or US-4369780-\$ or US-4376991-\$ or US-4387312-\$ or US-4390036-\$ or US-4391146-\$ or US-4419395-\$ or US-4431246-\$ or US-4441160-\$ or US-4449028-\$ or US-4450502-\$ or US-4453310-\$ or US-4456270-\$ or US-4459124-\$ or US-4467672-\$ or US-4474645-\$).did. or (US-4476661-\$ or US-4485930-\$ or US-4503986-\$ or US-4503716-\$ or US-4509774-\$ or US-4511359-\$ or US-4516966-\$ or US-4521051-\$ or US-4528677-\$ or US-4547034-\$ or US-4553811-\$ or US-4569081-\$ or US-4595191-\$ or US-4610257-\$ or US-4757195-\$ or US-4765437-\$ or US-4772762-\$ or US-4778281-\$ or US-4782412-\$ or US-4790570-\$ or US-4821597-\$ or US-RE32941-\$ or US-4842904-\$ or US-4845154-\$).did. | USPAT                                                          | AND | ON  | 2009/08/27<br>13:49 |
| S2 | 24   | (PROXENSE).as.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON  | 2009/10/23<br>14:02 |
| S3 | 1737 | ((DAVID) near2 (BROWN)).<br>INV.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | US-PGPUB;<br>USPAT; USOCR                                      | AND | ON  | 2009/10/23<br>14:02 |
| S4 | 580  | ((DAVID) near2 (BROWN)).<br>INV.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EPO; JPO;<br>DERWENT                                           | AND | ON  | 2009/10/23<br>14:02 |
| S5 | 15   | ((FRED) near2 (HIRT)).<br>INV.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | US-PGPUB;<br>USPAT; USOCR                                      | AND | ON  | 2009/10/23<br>14:02 |
| S6 | 1    | ((FRED) near2 (HIRT)).<br>INV.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EPO; JPO;<br>DERWENT                                           | AND | ON  | 2009/10/23<br>14:03 |
| S7 | 2737 | (455/41.2).OCLS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR  | OFF | 2009/10/23<br>14:03 |

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| S8  | 50   | (US-5926586-\$ or US-5545972-\$ or US-5649360-\$ or US-5653258-\$ or US-4249687-\$ or US-4301098-\$ or US-4306841-\$ or US-4308826-\$ or US-4318338-\$ or US-4327284-\$ or US-4360958-\$ or US-4369780-\$ or US-4376991-\$ or US-4387312-\$ or US-4390036-\$ or US-4391146-\$ or US-4419395-\$ or US-4431246-\$ or US-4441160-\$ or US-4449028-\$ or US-4450502-\$ or US-4453310-\$ or US-4456270-\$ or US-4459124-\$ or US-4467672-\$ or US-4474645-\$).did. or (US-4476661-\$ or US-4485930-\$ or US-4503986-\$ or US-4503716-\$ or US-4509774-\$ or US-4511359-\$ or US-4516966-\$ or US-4521051-\$ or US-4528677-\$ or US-4547034-\$ or US-4553811-\$ or US-4569081-\$ or US-4595191-\$ or US-4610257-\$ or US-4757195-\$ or US-4765437-\$ or US-4772762-\$ or US-4778281-\$ or US-4782412-\$ or US-4790570-\$ or US-4821597-\$ or US-RE32941-\$ or US-4842904-\$ or US-4845154-\$).did. | USPAT                                                          | AND | ON  | 2009/10/26<br>07:55 |
| S9  | 24   | (PROXENSE).as.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON  | 2009/10/26<br>07:55 |
| S10 | 1737 | ((DAVID) near2 (BROWN)).<br>INV.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | US-PGPUB;<br>USPAT; USOCR                                      | AND | ON  | 2009/10/26<br>07:55 |
| S11 | 580  | ((DAVID) near2 (BROWN)).<br>INV.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | EPO; JPO;<br>DERWENT                                           | AND | ON  | 2009/10/26<br>07:55 |
| S12 | 15   | ((FRED) near2 (HIRT)).<br>INV.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | US-PGPUB;<br>USPAT; USOCR                                      | AND | ON  | 2009/10/26<br>07:55 |
| S13 | 1    | ((FRED) near2 (HIRT)).<br>INV.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | EPO; JPO;<br>DERWENT                                           | AND | ON  | 2009/10/26<br>07:55 |
| S14 | 2737 | (455/41.2).OCLS.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR  | OFF | 2009/10/26<br>07:55 |
| S15 | 2354 | S8 or S9 or S10 or S11 or<br>S12 or S13 or S14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | USPAT                                                          | AND | ON  | 2009/10/26<br>07:55 |

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| S16 | 568   | electronic adj wallet                                                                                                                          | USPAT                                                          | AND | ON  | 2009/10/26<br>07:56 |
| S17 | 1119  | electronic adj (wallet or purse)                                                                                                               | USPAT                                                          | AND | ON  | 2009/10/26<br>07:56 |
| S18 | 14415 | (electronic adj (wallet or purse)) or (smart adj card)                                                                                         | USPAT                                                          | AND | ON  | 2009/10/26<br>07:57 |
| S19 | 743   | (electronic adj (wallet or purse)) and (smart adj card)                                                                                        | USPAT                                                          | AND | ON  | 2009/10/26<br>07:57 |
| S20 | 3     | S19 and S15                                                                                                                                    | USPAT                                                          | AND | ON  | 2009/10/26<br>07:57 |
| S21 | 0     | (electronic adj (wallet or purse)) and (NFC or RFID) and ESR and TCF and TACK and applets                                                      | USPAT                                                          | AND | ON  | 2009/10/26<br>08:02 |
| S22 | 26    | (electronic adj (wallet or purse)) and (NFC or RFID) and applets                                                                               | USPAT                                                          | AND | ON  | 2009/10/26<br>08:02 |
| S23 | 25    | (electronic adj (wallet or purse)) and (NFC or RFID) and applets and contactless                                                               | USPAT                                                          | AND | ON  | 2009/10/26<br>08:02 |
| S24 | 30    | (electronic adj (wallet or purse)) and (NFC or RFID or FOB) and applets and contactless                                                        | USPAT                                                          | AND | ON  | 2009/10/26<br>08:03 |
| S25 | 1     | (electronic adj (wallet or purse)) and (NFC or RFID or FOB) and applets and contactless and TACK                                               | USPAT                                                          | AND | ON  | 2009/10/26<br>08:08 |
| S26 | 70    | (electronic adj (wallet or purse)) and (NFC or RFID or FOB or wireless) and applets and (contactless or proximity)                             | USPAT                                                          | AND | ON  | 2009/10/26<br>09:35 |
| S27 | 115   | ((electronic adj (wallet or purse or payment)) or smart\$card) and (NFC or RFID or FOB or wireless) and applets and (contactless or proximity) | USPAT                                                          | AND | ON  | 2009/10/26<br>09:41 |
| S28 | 3     | US-20040019564-\$.DID. OR US-20060074698-\$.DID. OR US-2367935-\$.DID. OR US-1520064-\$.DID. OR US-1331018-\$.DID.                             | USPAT                                                          | AND | ON  | 2009/10/26<br>10:10 |
| S29 | 23    | ((("20040019564") or ("20060074698") or ("2367935") or ("1520064") or ("1331018")).PN.                                                         | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR  | OFF | 2009/10/26<br>10:12 |

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| S30 | 4 | ((electronic adj (wallet or purse or payment)) or smart\$card) and (cell \$phone or mobile\$device) and applets and (contactless or proximity)             | USPAT                                                          | AND | ON  | 2009/10/26<br>10:16 |
| S31 | 2 | ((electronic adj (wallet or purse or payment)) or smart\$card) same (cell \$phone or mobile\$device) and applets and (contactless or proximity)            | USPAT                                                          | AND | ON  | 2009/10/26<br>10:18 |
| S32 | 0 | (WO00/21020).CCLS.                                                                                                                                         | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR  | OFF | 2009/10/26<br>10:20 |
| S33 | 0 | ("WO21020").PN.                                                                                                                                            | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR  | OFF | 2009/10/26<br>10:20 |
| S34 | 2 | ("0021020").PN.                                                                                                                                            | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR  | OFF | 2009/10/26<br>10:21 |
| S35 | 2 | ("20050218234").PN.                                                                                                                                        | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR  | OFF | 2009/10/26<br>10:21 |
| S36 | 0 | ("WO21020").PN.                                                                                                                                            | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR  | OFF | 2009/10/26<br>10:22 |
| S37 | 1 | "WO00/21020"                                                                                                                                               | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON  | 2009/10/26<br>10:22 |
| S38 | 8 | ((electronic adj (wallet or purse or payment)) or smart\$card) and (NFC or RFID or FOB or wireless) and applets and (contactless or proximity) and timeout | USPAT                                                          | AND | ON  | 2009/10/26<br>13:54 |

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| S39 | 7  | ((electronic adj (wallet or purse or payment)) or smart\$card) and (NFC or RFID or FOB or wireless) and applets and (contactless or proximity) and timeout and display                          | USPAT                                                          | AND | ON  | 2009/10/26<br>13:54 |
| S40 | 0  | ((electronic adj (wallet or purse or payment)) or smart\$card) same (NFC or RFID or FOB or wireless) and (contactless or proximity) and (timeout same applet) and display                       | USPAT                                                          | AND | ON  | 2009/10/26<br>14:00 |
| S41 | 2  | ((electronic adj (wallet or purse or payment)) or smart\$card) same (NFC or RFID or FOB or wireless) and applets and (contactless or proximity) and timeout and display                         | USPAT                                                          | AND | ON  | 2009/10/26<br>14:00 |
| S42 | 2  | ("6012049").PN.                                                                                                                                                                                 | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR  | OFF | 2009/10/26<br>14:02 |
| S43 | 1  | "5220501".PN.                                                                                                                                                                                   | USPAT; USOCR                                                   | AND | ON  | 2009/10/26<br>14:03 |
| S44 | 2  | ("20050017068").PN.                                                                                                                                                                             | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR  | OFF | 2009/10/27<br>07:37 |
| S45 | 0  | ((electronic adj (wallet or purse or payment)) or smart\$card) same (NFC or RFID or FOB or wireless) and applets and (contactless or proximity) and timeout and display and monitor near3 event | USPAT                                                          | AND | ON  | 2009/10/27<br>14:35 |
| S46 | 21 | ((electronic adj (wallet or purse or payment)) or smart\$card) and (NFC or RFID or FOB or wireless) and applets and (contactless or proximity) and monitor near3 event                          | USPAT                                                          | AND | ON  | 2009/10/27<br>14:36 |

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| S47 | 21 | (US-20060074698-\$ or US-20040019564-\$ or US-20050218234-\$ or US-20050017068-\$).did. or (US-7155199-\$ or US-7500616-\$ or US-7451924-\$ or US-7506818-\$ or US-7506806-\$ or US-7523860-\$ or US-7530493-\$ or US-7533827-\$ or US-7562818-\$ or US-6850252-\$ or US-6474544-\$ or US-6694387-\$ or US-6829597-\$ or US-7600673-\$ or US-7587756-\$ or US-7334735-\$ or US-6012049-\$).did. | US-PGPUB;<br>USPAT                                             | AND | ON | 2009/10/27<br>14:36 |
| S48 | 1  | S46 and S47                                                                                                                                                                                                                                                                                                                                                                                     | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/10/27<br>14:36 |
| S49 | 41 | S46 or S47                                                                                                                                                                                                                                                                                                                                                                                      | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/10/27<br>14:36 |
| S50 | 21 | ((electronic adj (wallet or purse or payment)) or smart\$card) and (NFC or RFID or FOB or wireless) and applets and (contactless or proximity) and (monitor near3 event)                                                                                                                                                                                                                        | USPAT                                                          | AND | ON | 2009/10/27<br>14:38 |
| S51 | 0  | ((electronic adj (wallet or purse or payment)) or smart\$card) and (NFC or RFID or FOB or wireless) and applets and (contactless or proximity) and (monitor near3 event) and (event adj status adj register)                                                                                                                                                                                    | USPAT                                                          | AND | ON | 2009/10/27<br>14:53 |
| S52 | 0  | ((electronic adj (wallet or purse or payment)) or smart\$card) and (NFC or RFID or FOB or wireless) and applets and (contactless or proximity) and (event adj status adj register)                                                                                                                                                                                                              | USPAT                                                          | AND | ON | 2009/10/27<br>14:54 |

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| S53 | 0  | ((electronic adj (wallet or purse or payment)) or smart\$card) and (NFC or RFID or FOB or wireless) and (contactless or proximity) and (event adj status adj register)               | USPAT                                                          | AND | ON  | 2009/10/27 14:54 |
| S54 | 0  | ((electronic adj (wallet or purse or payment)) or smart\$card) and (NFC or RFID or FOB or wireless) and (event adj status adj register)                                              | USPAT                                                          | AND | ON  | 2009/10/27 14:54 |
| S55 | 0  | ((electronic adj (wallet or purse or payment)) or smart\$card) and (event adj status adj register)                                                                                   | USPAT                                                          | AND | ON  | 2009/10/27 14:54 |
| S56 | 66 | (event adj status adj register)                                                                                                                                                      | USPAT                                                          | AND | ON  | 2009/10/27 14:54 |
| S57 | 0  | (event adj status adj register) and (wallet or purse)                                                                                                                                | USPAT                                                          | AND | ON  | 2009/10/27 14:55 |
| S58 | 20 | (event adj status adj register) and (payment)                                                                                                                                        | USPAT                                                          | AND | ON  | 2009/10/27 14:55 |
| S59 | 23 | (event near3 status near3 register) and (payment)                                                                                                                                    | USPAT                                                          | AND | ON  | 2009/10/27 14:56 |
| S60 | 23 | S58 or S59                                                                                                                                                                           | USPAT                                                          | AND | ON  | 2009/10/27 14:56 |
| S61 | 20 | S58 and S59                                                                                                                                                                          | USPAT                                                          | AND | ON  | 2009/10/27 14:56 |
| S62 | 2  | ("7128270").PN.                                                                                                                                                                      | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR  | OFF | 2009/10/28 07:30 |
| S63 | 4  | ((electronic adj (wallet or purse or payment)) or smart\$card) and (NFC or RFID or FOB or wireless) and applets and (contactless or proximity) and (monitor near3 event) and timeout | USPAT                                                          | AND | ON  | 2009/10/28 07:47 |
| S64 | 23 | (timeout or timer) near5 applet                                                                                                                                                      | USPAT                                                          | AND | ON  | 2009/10/28 07:48 |
| S65 | 0  | (timeout or timer) near5 applet and (electronic adj (purse or wallet))                                                                                                               | USPAT                                                          | AND | ON  | 2009/10/28 07:49 |
| S66 | 0  | (timeout or timer) near5 applet and (smartcard)                                                                                                                                      | USPAT                                                          | AND | ON  | 2009/10/28 07:49 |

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| S67 | 2     | (timeout or timer) near5 (applet or API) and (smartcard)                                                                                                                                                                                                                                                                                                                       | USPAT                                                          | AND | ON  | 2009/10/28 07:49 |
| S68 | 0     | (timeout or timer) near5 (applet or API) and (electronic adj (purse or wallet))                                                                                                                                                                                                                                                                                                | USPAT                                                          | AND | ON  | 2009/10/28 07:50 |
| S69 | 22874 | (NFC or RFID or FOB or wireless) and (contactless or proximity)                                                                                                                                                                                                                                                                                                                | USPAT                                                          | AND | ON  | 2009/11/15 08:58 |
| S70 | 1372  | (NFC or RFID or FOB or wireless) and (contactless or proximity) and (time adj slot)                                                                                                                                                                                                                                                                                            | USPAT                                                          | AND | ON  | 2009/11/15 08:58 |
| S71 | 0     | (smartcard adj reader) and (contactless or proximity) and blackberry and (time adj slot)                                                                                                                                                                                                                                                                                       | USPAT                                                          | AND | ON  | 2009/11/15 09:00 |
| S72 | 3     | (smartcard adj reader) and (contactless or proximity) and blackberry                                                                                                                                                                                                                                                                                                           | USPAT                                                          | AND | ON  | 2009/11/15 09:00 |
| S73 | 1     | US-7031945-\$.DID. OR US-20040082385-\$.DID. OR US-20040048570-\$.DID. OR US-20040029635-\$.DID.                                                                                                                                                                                                                                                                               | USPAT                                                          | AND | ON  | 2009/11/15 09:06 |
| S74 | 8     | ((("7031945") or ("20040082385") or ("20040048570") or ("20040029635"))).PN.                                                                                                                                                                                                                                                                                                   | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR  | OFF | 2009/11/15 09:07 |
| S75 | 29    | US-7277737-\$.DID. OR US-7130668-\$.DID. OR US-6889067-\$.DID. OR US-6788924-\$.DID. OR US-5392287-\$.DID. OR US-20070060095-\$.DID. OR US-20060194598-\$.DID. OR US-20060030353-\$.DID. OR US-20060025180-\$.DID. OR US-20050049013-\$.DID. OR US-20050047386-\$.DID. OR US-20040029620-\$.DID. OR US-20030117969-\$.DID. OR US-20030036416-\$.DID. OR US-20020022455-\$.DID. | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON  | 2009/11/15 09:09 |
| S76 | 4     | US-6879567-\$.DID. OR US-20050090200-\$.DID.                                                                                                                                                                                                                                                                                                                                   | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON  | 2009/11/15 09:11 |

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| S77 | 5    | (smartcard adj reader) and (contactless or proximity) and (time adj slot)                                                                                                                                                                                                                                                                                                       | USPAT              | AND | ON | 2009/11/15 09:21 |
| S78 | 1005 | (key) and (contactless or proximity) and (time adj slot)                                                                                                                                                                                                                                                                                                                        | USPAT              | AND | ON | 2009/11/15 09:22 |
| S79 | 356  | (key) and (contactless or proximity) and (time adj slot) and secure                                                                                                                                                                                                                                                                                                             | USPAT              | AND | ON | 2009/11/15 09:23 |
| S80 | 93   | (key) and (contactless or proximity) and (time adj slot) and (data adj exchange)                                                                                                                                                                                                                                                                                                | USPAT              | AND | ON | 2009/11/15 09:23 |
| S81 | 54   | S79 and S80                                                                                                                                                                                                                                                                                                                                                                     | USPAT              | AND | ON | 2009/11/15 09:23 |
| S82 | 0    | (data adj exchange) same (proximity near3 reader) same (time adj slot)                                                                                                                                                                                                                                                                                                          | USPAT              | AND | ON | 2009/11/15 09:26 |
| S83 | 0    | (data adj exchange) same (proximit\$3 near3 reader) same (time adj slot)                                                                                                                                                                                                                                                                                                        | USPAT              | AND | ON | 2009/11/15 09:26 |
| S84 | 0    | (data) same (proximit\$3 near3 reader) same (time adj slot)                                                                                                                                                                                                                                                                                                                     | USPAT              | AND | ON | 2009/11/15 09:27 |
| S85 | 0    | (data) with (proximit\$3 near3 reader) with (time adj slot)                                                                                                                                                                                                                                                                                                                     | USPAT              | AND | ON | 2009/11/15 09:27 |
| S86 | 0    | (data) near8 (proximit\$3 near3 reader) near8 (time adj slot)                                                                                                                                                                                                                                                                                                                   | USPAT              | AND | ON | 2009/11/15 09:27 |
| S87 | 171  | (data) near8 (wireless) near8 (time adj slot)                                                                                                                                                                                                                                                                                                                                   | USPAT              | AND | ON | 2009/11/15 09:28 |
| S88 | 0    | (data) near8 (wireless near5 reader) near8 (time adj slot)                                                                                                                                                                                                                                                                                                                      | USPAT              | AND | ON | 2009/11/15 09:28 |
| S89 | 30   | (data) near8 (reader) near8 (time adj slot)                                                                                                                                                                                                                                                                                                                                     | USPAT              | AND | ON | 2009/11/15 09:28 |
| S90 | 32   | (US-20060074698-\$ or US-20040019564-\$ or US-20050218234-\$ or US-20050017068-\$).did. or (US-7155199-\$ or US-7500616-\$ or US-7451924-\$ or US-7506818-\$ or US-7506806-\$ or US-7523860-\$ or US-7530493-\$ or US-7533827-\$ or US-7562818-\$ or US-6850252-\$ or US-6474544-\$ or US-6694387-\$ or US-6829597-\$ or US-7600673-\$ or US-7587756-\$ or US-7334735-\$ or US- | US-PGPUB;<br>USPAT | AND | ON | 2009/11/16 05:37 |

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|      |      | 6012049-\$ or US-7349871-\$ or US-7481364-\$ or US-7581678-\$ or US-5307349-\$ or US-5659761-\$ or US-6354500-\$ or US-6726099-\$ or US-6749117-\$ or US-6963270-\$).did. or (US-7243855-\$ or US-7498924-\$).did. |                                                                |     |    |                     |
| S91  | 1    | S90 and specific near3 time adj slot                                                                                                                                                                               | US-PGPUB;<br>USPAT                                             | AND | ON | 2009/11/16<br>05:38 |
| S92  | 10   | S90 and mask\$3                                                                                                                                                                                                    | US-PGPUB;<br>USPAT                                             | AND | ON | 2009/11/16<br>06:29 |
| S93  | 0    | S90 and mask\$3 near3 bit adj field                                                                                                                                                                                | US-PGPUB;<br>USPAT                                             | AND | ON | 2009/11/16<br>06:30 |
| S94  | 0    | S90 and (mask\$3 near3 bit adj field)                                                                                                                                                                              | US-PGPUB;<br>USPAT                                             | AND | ON | 2009/11/16<br>06:30 |
| S95  | 663  | (mask\$3 near3 bit adj field)                                                                                                                                                                                      | US-PGPUB;<br>USPAT                                             | AND | ON | 2009/11/16<br>06:30 |
| S96  | 2677 | specific near3 time adj slot                                                                                                                                                                                       | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/16<br>06:31 |
| S97  | 9    | S95 and S96                                                                                                                                                                                                        | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/16<br>06:31 |
| S98  | 0    | S90 and S97                                                                                                                                                                                                        | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/16<br>06:31 |
| S99  | 254  | (mask\$3 near3 bit adj field) and class                                                                                                                                                                            | US-PGPUB;<br>USPAT                                             | AND | ON | 2009/11/16<br>06:38 |
| S100 | 94   | (mask\$3 near3 bit adj field) and class and reader                                                                                                                                                                 | US-PGPUB;<br>USPAT                                             | AND | ON | 2009/11/16<br>06:41 |
| S101 | 43   | (time adj slot) near (class)                                                                                                                                                                                       | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/16<br>18:23 |
| S102 | 0    | (time adj slot) near (class near3 user near3 device)                                                                                                                                                               | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/16<br>18:24 |

|      |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                |     |    |                     |
|------|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----|----|---------------------|
| S103 | 4  | (time adj slot) near (class near3 user)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/16<br>18:24 |
| S104 | 7  | "6973576"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/17<br>05:59 |
| S105 | 30 | (electronic adj (wallet or purse)) and (NFC or RFID or FOB) and applets and contactless                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | USPAT                                                          | AND | ON | 2009/11/17<br>06:03 |
| S106 | 4  | S105 and time adj slot                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/17<br>06:03 |
| S107 | 36 | (US-20060074698-\$ or US-20040019564-\$ or US-20050218234-\$ or US-20050017068-\$ or US-20060136742-\$ or US-20060064605-\$).did. or (US-7155199-\$ or US-7500616-\$ or US-7451924-\$ or US-7506818-\$ or US-7506806-\$ or US-7523860-\$ or US-7530493-\$ or US-7533827-\$ or US-7562818-\$ or US-6850252-\$ or US-6474544-\$ or US-6694387-\$ or US-6829597-\$ or US-7600673-\$ or US-7587756-\$ or US-7334735-\$ or US-6012049-\$ or US-7349871-\$ or US-7481364-\$ or US-7581678-\$ or US-5307349-\$ or US-5659761-\$ or US-6354500-\$ or US-6726099-\$ or US-6749117-\$ or US-6963270-\$).did. or (US-7243855-\$ or US-7498924-\$ or US-6100817-\$ or US-6973576-\$).did. | US-PGPUB;<br>USPAT                                             | AND | ON | 2009/11/17<br>06:52 |
| S108 | 4  | US-6879567-\$.DID. OR US-20050090200-\$.DID.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/17<br>08:29 |

|      |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                |     |    |                     |
|------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----|----|---------------------|
| S109 | 29 | US-7277737-\$.DID. OR US-7130668-\$.DID. OR US-6889067-\$.DID. OR US-6788924-\$.DID. OR US-5392287-\$.DID. OR US-20070060095-\$.DID. OR US-20060194598-\$.DID. OR US-20060030353-\$.DID. OR US-20060025180-\$.DID. OR US-20050049013-\$.DID. OR US-20050047386-\$.DID. OR US-20040029620-\$.DID. OR US-20030117969-\$.DID. OR US-20030036416-\$.DID. OR US-20020022455-\$.DID.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/17<br>08:30 |
| S110 | 8  | US-7031945-\$.DID. OR US-20040082385-\$.DID. OR US-20040048570-\$.DID. OR US-20040029635-\$.DID.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/17<br>08:31 |
| S111 | 50 | (US-5926586-\$ or US-5545972-\$ or US-5649360-\$ or US-5653258-\$ or US-4249687-\$ or US-4301098-\$ or US-4306841-\$ or US-4308826-\$ or US-4318338-\$ or US-4327284-\$ or US-4360958-\$ or US-4369780-\$ or US-4376991-\$ or US-4387312-\$ or US-4390036-\$ or US-4391146-\$ or US-4419395-\$ or US-4431246-\$ or US-4441160-\$ or US-4449028-\$ or US-4450502-\$ or US-4453310-\$ or US-4456270-\$ or US-4459124-\$ or US-4467672-\$ or US-4474645-\$).did. or (US-4476661-\$ or US-4485930-\$ or US-4503986-\$ or US-4503716-\$ or US-4509774-\$ or US-4511359-\$ or US-4516966-\$ or US-4521051-\$ or US-4528677-\$ or US-4547034-\$ or US-4553811-\$ or US-4569081-\$ or US-4595191-\$ or US-4610257-\$ or US-4757195-\$ or US-4765437-\$ or US-4772762-\$ or US-4778281-\$ or US-4782412-\$ or US-4790570-\$ or US-4821597-\$ or US-RE32941-\$ or US-4842904-\$ or US-4845154-\$).did. | USPAT                                                          | AND | ON | 2009/11/17<br>08:31 |

|      |      |                                                                                                |                                                                |     |     |                     |
|------|------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----|-----|---------------------|
| S112 | 127  | S111 or S107 or S108 or S109 or S110                                                           | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON  | 2009/11/17<br>08:31 |
| S113 | 25   | (PROXENSE).as.                                                                                 | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON  | 2009/11/17<br>08:32 |
| S114 | 1744 | ((DAVID) near2 (BROWN)).<br>INV.                                                               | US-PGPUB;<br>USPAT; USOCR                                      | AND | ON  | 2009/11/17<br>08:32 |
| S115 | 580  | ((DAVID) near2 (BROWN)).<br>INV.                                                               | EPO; JPO;<br>DERWENT                                           | AND | ON  | 2009/11/17<br>08:32 |
| S116 | 15   | ((FRED) near2 (HIRT)).<br>INV.                                                                 | US-PGPUB;<br>USPAT; USOCR                                      | AND | ON  | 2009/11/17<br>08:32 |
| S117 | 1    | ((FRED) near2 (HIRT)).<br>INV.                                                                 | EPO; JPO;<br>DERWENT                                           | AND | ON  | 2009/11/17<br>08:32 |
| S118 | 2775 | (455/41.2).OCLS.                                                                               | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR  | OFF | 2009/11/17<br>08:32 |
| S119 | 5252 | S112 or S113 or S114 or<br>S115 or S116 or S117 or<br>S118                                     | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON  | 2009/11/17<br>08:32 |
| S120 | 305  | S119 and (time adj slot)<br>and (class\$2 or type\$1 or<br>hierarch\$3 or tier\$3)             | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON  | 2009/11/17<br>08:35 |
| S121 | 64   | S119 and (time adj slot)<br>same (class\$2 or type\$1 or<br>hierarch\$3 or tier\$3)            | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON  | 2009/11/17<br>08:36 |
| S122 | 66   | S119 and (time adj slot)<br>same (QoS or class\$2 or<br>type\$1 or hierarch\$3 or tier<br>\$3) | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON  | 2009/11/17<br>08:48 |
| S123 | 3    | S119 and (time adj slot)<br>same (QoS)                                                         | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON  | 2009/11/17<br>08:48 |
| S124 | 4    | S119 and (time adj slot)<br>same (tier\$3 near5 client)                                        | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON  | 2009/11/17<br>08:53 |

|      |     |                                                                                                                                                                                                      |                                                                |     |    |                     |
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| S125 | 22  | (tiered near5 client near3 access)                                                                                                                                                                   | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/17<br>09:01 |
| S126 | 12  | "11/292,330" or<br>"11/620,581"                                                                                                                                                                      | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/17<br>09:06 |
| S127 | 0   | ((electronic adj (wallet or<br>purse or payment)) or<br>smart\$card) and (NFC or<br>RFID or FOB or wireless)<br>and applets and<br>(contactless or proximity)<br>and (broadcast\$3 adj sync<br>\$11) | USPAT                                                          | AND | ON | 2009/11/23<br>08:28 |
| S128 | 0   | ((electronic adj (wallet or<br>purse or payment)) or<br>smart\$card) and (NFC or<br>RFID or FOB or wireless)<br>and (contactless or<br>proximity) and (broadcast<br>\$3 adj sync\$11)                | USPAT                                                          | AND | ON | 2009/11/23<br>08:28 |
| S129 | 0   | ((electronic adj (wallet or<br>purse or payment)) or<br>smart\$card) and<br>(contactless or proximity)<br>and (broadcast\$3 adj sync<br>\$11)                                                        | USPAT                                                          | AND | ON | 2009/11/23<br>08:28 |
| S130 | 0   | ((electronic adj (wallet or<br>purse or payment)) or<br>smart\$card) and (broadcast<br>\$3 adj sync\$11)                                                                                             | USPAT                                                          | AND | ON | 2009/11/23<br>08:29 |
| S131 | 375 | (broadcast\$3 adj sync\$11)                                                                                                                                                                          | USPAT                                                          | AND | ON | 2009/11/23<br>08:29 |
| S132 | 42  | (broadcast\$3 adj sync\$11)<br>and (contactless or<br>proximity)                                                                                                                                     | USPAT                                                          | AND | ON | 2009/11/23<br>08:29 |
| S133 | 185 | (broadcast\$3 adj (sync or<br>synchronize or<br>synchronizing))                                                                                                                                      | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:32 |
| S134 | 118 | ((electronic adj (wallet or<br>purse or payment)) or<br>smart\$card) and (NFC or<br>RFID or FOB or wireless)<br>and applets and<br>(contactless or proximity)                                        | USPAT                                                          | AND | ON | 2009/11/23<br>08:32 |

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| S135 | 372   | ((electronic adj (wallet or purse or payment)) or smart\$card) and (NFC or RFID or FOB or wireless) and applets and (contactless or proximity) | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:32 |
| S136 | 0     | S133 and S135                                                                                                                                  | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:33 |
| S137 | 16605 | ((electronic adj (wallet or purse or payment)) or smart\$card)\                                                                                | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:33 |
| S138 | 16605 | ((electronic adj (wallet or purse or payment)) or smart\$card)                                                                                 | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:33 |
| S139 | 0     | S138 and S133                                                                                                                                  | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:33 |
| S140 | 2180  | (broadcast\$3 near3 (sync or synchronize or synchronizing))                                                                                    | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:34 |
| S141 | 185   | S140 and S133                                                                                                                                  | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:34 |
| S142 | 76668 | time adj slot                                                                                                                                  | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:35 |
| S143 | 21    | S141 and S142                                                                                                                                  | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:35 |
| S144 | 0     | dynamically adj adjusting adj (time adj slot)                                                                                                  | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:42 |

|      |      |                                                      |                                                                |     |    |                     |
|------|------|------------------------------------------------------|----------------------------------------------------------------|-----|----|---------------------|
| S145 | 17   | (dynamically adj adjusting)<br>near5 (time adj slot) | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:42 |
| S146 | 0    | S143 and S145                                        | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:43 |
| S147 | 1118 | width near5 (time adj slot)                          | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:54 |
| S148 | 27   | width near5 (time adj slot)<br>same dynamic          | US-PGPUB;<br>USPAT; USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | AND | ON | 2009/11/23<br>08:54 |

11/ 23/ 2009 10:38:40 AM

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I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:



Practitioners associated with the Customer Number:

89194

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

| Name | Registration Number | Name | Registration Number |
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as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:



The address associated with Customer Number:

89194

OR

|                                                  |       |     |       |
|--------------------------------------------------|-------|-----|-------|
| <input type="checkbox"/> Firm or Individual Name |       |     |       |
| Address                                          |       |     |       |
| City                                             | State | Zip |       |
| Country                                          |       |     |       |
| Telephone                                        |       |     | Email |

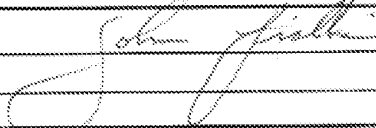
Assignee Name and Address:

Proxense, LLP  
689 NW Stonepine Drive  
Bend, OR 97710-6818

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

|           |                                                                                     |           |              |
|-----------|-------------------------------------------------------------------------------------|-----------|--------------|
| Signature |  | Date      | 2/23/10      |
| Name      | John Giobbi                                                                         | Telephone | 541-382-5745 |
| Title     | Chief Executive Officer                                                             |           |              |

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. 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 3 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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| Electronic Acknowledgement Receipt          |                                        |
|---------------------------------------------|----------------------------------------|
| <b>EFS ID:</b>                              | 7160413                                |
| <b>Application Number:</b>                  | 11620577                               |
| <b>International Application Number:</b>    |                                        |
| <b>Confirmation Number:</b>                 | 9508                                   |
| <b>Title of Invention:</b>                  | Dynamic Real-Time Tiered Client Access |
| <b>First Named Inventor/Applicant Name:</b> | David L. Brown                         |
| <b>Customer Number:</b>                     | 89194                                  |
| <b>Filer:</b>                               | Elizabeth D. Ruzich/Esther Kim         |
| <b>Filer Authorized By:</b>                 | Elizabeth D. Ruzich                    |
| <b>Attorney Docket Number:</b>              | 25000-12196                            |
| <b>Receipt Date:</b>                        | 10-MAR-2010                            |
| <b>Filing Date:</b>                         | 05-JAN-2007                            |
| <b>Time Stamp:</b>                          | 12:47:48                               |
| <b>Application Type:</b>                    | Utility under 35 USC 111(a)            |

### Payment information:

| Submitted with Payment | no                                                |                 |                                                      |                  |                  |
|------------------------|---------------------------------------------------|-----------------|------------------------------------------------------|------------------|------------------|
| <b>File Listing:</b>   |                                                   |                 |                                                      |                  |                  |
| Document Number        | Document Description                              | File Name       | File Size(Bytes)/<br>Message Digest                  | Multi Part /.zip | Pages (if appl.) |
| 1                      | Assignee showing of ownership per 37 CFR 3.73(b). | 02095US373B.pdf | 33912<br>98986331504c8fbc19f1d7d278651a3c4b9<br>aee3 | no               | 2                |
| <b>Warnings:</b>       |                                                   |                 |                                                      |                  |                  |
| <b>Information:</b>    |                                                   |                 |                                                      |                  |                  |

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| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Power of Attorney | ProxensePowerofAttorney.pdf | 1014805<br>d19ae545af83ee177fab166e3f05eaf890f8db2a | no      | 1 |
| <b>Warnings:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                   |                             |                                                     |         |   |
| <b>Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   |                             |                                                     |         |   |
| <b>Total Files Size (in bytes):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   |                             |                                                     | 1048717 |   |
| <p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b><br/> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b><br/> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b><br/> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> |                   |                             |                                                     |         |   |

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: David L. Brown, Fred S. Hirt

Application No./Patent No.: 11/620,577

Filed/Issue Date: January 5, 2007

Titled: DYNAMIC REAL-TIME TIERED CLIENT ACCESS

Proxense, LLC, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy therefore is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: D. Brown, F. Hirt To: Proxense, LLC

The document was recorded in the United States Patent and Trademark Office at

Reel 018976, Frame 0486, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

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3. From: \_\_\_\_\_ To: \_\_\_\_\_

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☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Elizabeth Ruzich/

3/5/10

Signature

Date

Elizabeth Ruzich, Reg. No. 54,416

Attorney for Applicant

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(b). 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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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## Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether 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.



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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 11/620,577         | 01/05/2007            | David L. Brown        | 25000-12196            |

89194  
Patent Law Works/Proxense  
165 South Main St  
Salt Lake City, UT 84111

**CONFIRMATION NO. 9508**  
**POA ACCEPTANCE LETTER**



Date Mailed: 03/22/2010

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/10/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/hchristian/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 11/620,577         | 01/05/2007            | David L. Brown        | 25000-12196            |

89194  
Patent Law Works/Proxense  
165 South Main St  
Salt Lake City, UT 84111

**CONFIRMATION NO. 9508**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 03/22/2010

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/10/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/hchristian/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

**IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: David L. Brown and Fred S. Hirt  
SERIAL NO.: 11/620,577  
FILING DATE: January 5, 2007  
TITLE: Dynamic Real-Time Tiered Client Access  
EXAMINER: Lauri Harris  
GROUP ART UNIT: 2618  
ATTY. DKT. NO.: 10001-02095

**CERTIFICATE OF ELECTRONIC (EFS-WEB) TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the USPTO's EFS-Web interface in accordance with 37 C.F.R. § 1.8(a)(i)(C) from the Mountain Time Zone of the United States on the local date shown below:

Dated: April 1, 2010

By: /Elizabeth D. Ruzich/  
Elizabeth D. Ruzich, Reg. No.: 54,416

COMMISSIONER FOR PATENTS  
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**AMENDMENT A**

This amendment to the patent application identified above is in response to the Office Action dated December 2, 2009, which sets a shortened statutory period for response that expires on March 2, 2010. A one-month extension is filed herewith.

Kindly amend this application as indicated below.

### REMARKS

Claims 1-26 were presented for examination. In the Office Action dated December 2, 2009, claim 13 was objected to because it does not end with a period. Claims 1-26 were rejected. Claims 1, 5, 8, 12-14, 17, 20, 24 and 26 are amended. Support for these amendments can be found throughout the specification, for example, [0007] and [00125]. Claims 1-26 are pending upon entry of this amendment.

### Objection

Claim 13 is objected to because it does not end with a period. Applicants amend claim 13 to add a period.

### Summary of Rejections

Claims 1, 3-4, 8, 11, 20 and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Shloss (USPN 5,307,349).<sup>1</sup>

Claims 2, 9-10 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shloss in view of Bestler (USPN 5,517,502).

Claims 12-16, 17-19 and 24-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shloss in view of Beasley (US Pub. No. 2002/0177460).

Claims 5-6, 17 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shloss in view of Barnay (USPN 7,068,623).

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shloss in view of Rabe (USPN 6,138,010).

These rejections are now traversed.

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<sup>1</sup> The Examiner rejects claims 1, 3-4, 8, 11, 20 and 22 "as being anticipated by Schloss US Patent No. 5,517,502." USPN 5,517,502, however, is by Bestler. Based on the citations used to compare the reference to the claims, Applicants believe that the Examiner intended to reject these claims based on Schloss and not Bestler.

## Response to Rejections under 35 U.S.C. § 102

The rejections are addressed by reference to the independent claims.

### Independent Claim 1

Applicants' amended claim 1 recites, in part:

assigning a first specific time slot for a first client device to wirelessly communicate with a fixed proximity-based reader device that is set **according to a first class**; and  
assigning a second specific time slot for a second client device to wirelessly communicate with the fixed proximity-based reader device that is set **according to a second class**,  
wherein the first and second specific time slots are determined based on **synchronization information** wirelessly received by the first and second client devices.

The cited reference does not teach or suggest, among other things, “assigning a first specific time slot...that is set according to a first class,” “assigning a second specific time slot...that is set according to a second class,” and “wherein the first and second specific time slots are determined based on synchronization information.”

Shloss discloses a TDMA network for reader-transponder communications.<sup>2</sup> Each transponder is assigned a time slot for communicating with the reader.<sup>3</sup> Shloss makes no mention of also assigning a time slot according to a class.

The Examiner concedes on page 6 of the Office Action with reference to claim 12 that Shloss does not disclose wirelessly broadcasting synchronization information to a portable client device, however, the Examiner asserts that Beasley discloses these features in paragraphs 114-116. Applicants disagree. For the Examiner's convenience, Applicants reproduce the relevant text from paragraph 115 below:

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<sup>2</sup> Shloss, Abstract.

<sup>3</sup> Shloss, column 7, lines 23-28.

[0115] Referring to **FIG. 8**, an example of a base station unit that has selected slot 2 during the initial synchronization process is shown. During synchronization, each transmit slot has been converted to a receive slot (e.g., slots **802**, **804** and **806**) where the base station unit listens for synchronization information from neighboring base stations (thereby acting as a sync client). A single unconverted slot, namely slot **808**,

Beasley at most discloses listening for sync information messages from other base stations. The sync information messages are for the purpose of synchronizing information *between base stations* and not synchronization for the purpose of determining time slots for communicating with single base station. As a result, Beasley does not disclose or suggest the above-quoted features of claim 1.

The cited references, whether taken alone or in combination, do not disclose or suggest every limitation of Applicants' claim 1. Claim 1 is therefore patentable over the cited references. Claims 2-7 incorporate the limitations of claim 1, and are therefore patentable over the cited references for at least the same reasons as claim 1.

#### Independent Claim 8

Applicants' amended claim 8 recites, in part:

wherein the key device is arranged to communicate with the fixed reader device during a **time slot** based on a bit field stored in the key device that is set according to **a class**,  
wherein the time slot is determined based on **synchronization information** wirelessly received by the key device.

The cited references do not disclose or suggest the above-quoted elements of Applicants' claim 8 for at least the same reasons as those described for claim 1. Accordingly claim 8 is patentable over the cited references. Claims 9-11 incorporate the limitations of claim 8, and are therefore patentable over the cited references for at least the same reasons as claim 8.

#### Independent Claim 12

Applicants' amended claim 12 recites, in part:

a portable client device arranged to wirelessly communicate data with the fixed

reader device when the client device is within the first wireless coverage range and during a time slot, the client device is further arranged to store a bit field that specifies the time slot, **the time slot being determined according to a class**,  
wherein the time slot during which the client device communicates data with the fixed reader device is determined based on **synchronization information** received by the client device.

The cited references do not disclose or suggest the above-quoted elements of Applicants' claim 12 for at least the same reasons as those described for claim 1. Accordingly claim 12 is patentable over the cited references. Claims 13-19 incorporate the limitations of claim 12, and are therefore patentable over the cited references for at least the same reasons as claim 12.

#### Independent Claim 20

Applicants' amended claim 20 recites, in part:

a portable client device adapted to wirelessly communicate data with a reader device when the client device is located in communication proximity of the reader device, the client device adapted to store a bit field according to which the time slot is determined, **the time slot being set according to a class**,  
wherein the client device is arranged to receive data from the network device during a time slot based on the **synchronization information**.

The cited references do not disclose or suggest the above-quoted elements of Applicants' claim 20 for at least the same reasons as those described for claim 1. Accordingly claim 20 is patentable over the cited references. Claims 21-23 incorporate the limitations of claim 20, and are therefore patentable over the cited references for at least the same reasons as claim 20.

#### Independent Claim 24

Applicants' amended claim 24 recites, in part:

a portable client device configured to **wirelessly receive the synchronization information**, the received synchronization information comprising information assigning a time slot during which the client device can receive data from the network device, **the time slot being determined according to a class**

The cited references do not disclose or suggest the above-quoted elements of Applicants' claim 24 for at least the same reasons as those described for claim 1. Accordingly claim 24 is

patentable over the cited references. Claims 25 incorporate the limitations of claim 24, and are therefore patentable over the cited references for at least the same reasons as claim 24.

Independent Claim 26

Applicants' amended claim 26 recites, in part:

wirelessly broadcasting synchronization information to a portable client device,  
the **synchronization information comprising information assigning a  
time slot** during which the client device can receive data, **the time slot  
being determined according to a class**

The cited references do not disclose or suggest the above-quoted elements of Applicants' claim 26 for at least the same reasons as those described for claim 1. Accordingly claim 26 is patentable over the cited references.

Conclusion

Allowance of all claims is requested. If the Examiner believes that direct contact with the Applicants' attorney will advance the prosecution of this case, the Examiner is encouraged to contact the undersigned as indicated below.

Respectfully Submitted,  
DAVID L. BROWN AND FRED S. HIRT

Date: April 1, 2010

By: /Elizabeth D. Ruzich/  
Elizabeth D. Ruzich, Reg. No. 54,416  
Attorney for Applicants  
Patent Law Works LLP  
165 South Main Street, 2<sup>nd</sup> Floor  
Salt Lake City, UT 84111  
Tel: (801) 258-9824  
Fax: (801) 258-0160  
Email: eruzich@patentlawworks.net

| Electronic Patent Application Fee Transmittal  |          |                                        |        |                      |
|------------------------------------------------|----------|----------------------------------------|--------|----------------------|
| <b>Application Number:</b>                     |          | 11620577                               |        |                      |
| <b>Filing Date:</b>                            |          | 05-Jan-2007                            |        |                      |
| <b>Title of Invention:</b>                     |          | Dynamic Real-Time Tiered Client Access |        |                      |
| <b>First Named Inventor/Applicant Name:</b>    |          | David L. Brown                         |        |                      |
| <b>Filer:</b>                                  |          | Elizabeth D. Ruzich/Connie Evenich     |        |                      |
| <b>Attorney Docket Number:</b>                 |          | 10001-02095                            |        |                      |
| Filed as Small Entity                          |          |                                        |        |                      |
| <b>Utility under 35 USC 111(a) Filing Fees</b> |          |                                        |        |                      |
| Description                                    | Fee Code | Quantity                               | Amount | Sub-Total in USD(\$) |
| <b>Basic Filing:</b>                           |          |                                        |        |                      |
| <b>Pages:</b>                                  |          |                                        |        |                      |
| <b>Claims:</b>                                 |          |                                        |        |                      |
| <b>Miscellaneous-Filing:</b>                   |          |                                        |        |                      |
| <b>Petition:</b>                               |          |                                        |        |                      |
| <b>Patent-Appeals-and-Interference:</b>        |          |                                        |        |                      |
| <b>Post-Allowance-and-Post-Issuance:</b>       |          |                                        |        |                      |
| <b>Extension-of-Time:</b>                      |          |                                        |        |                      |
| Extension - 1 month with \$0 paid              | 2251     | 1                                      | 65     | 65                   |

| Description              | Fee Code | Quantity | Amount | Sub-Total in<br>USD(\$) |
|--------------------------|----------|----------|--------|-------------------------|
| <b>Miscellaneous:</b>    |          |          |        |                         |
| <b>Total in USD (\$)</b> |          |          |        | <b>65</b>               |

## Electronic Acknowledgement Receipt

|                                             |                                        |
|---------------------------------------------|----------------------------------------|
| <b>EFS ID:</b>                              | 7337620                                |
| <b>Application Number:</b>                  | 11620577                               |
| <b>International Application Number:</b>    |                                        |
| <b>Confirmation Number:</b>                 | 9508                                   |
| <b>Title of Invention:</b>                  | Dynamic Real-Time Tiered Client Access |
| <b>First Named Inventor/Applicant Name:</b> | David L. Brown                         |
| <b>Customer Number:</b>                     | 89194                                  |
| <b>Filer:</b>                               | Elizabeth D. Ruzich                    |
| <b>Filer Authorized By:</b>                 |                                        |
| <b>Attorney Docket Number:</b>              | 10001-02095                            |
| <b>Receipt Date:</b>                        | 01-APR-2010                            |
| <b>Filing Date:</b>                         | 05-JAN-2007                            |
| <b>Time Stamp:</b>                          | 17:05:35                               |
| <b>Application Type:</b>                    | Utility under 35 USC 111(a)            |

### Payment information:

|                                          |             |
|------------------------------------------|-------------|
| Submitted with Payment                   | yes         |
| Payment Type                             | Credit Card |
| Payment was successfully received in RAM | \$65        |
| RAM confirmation Number                  | 3483        |
| Deposit Account                          |             |
| Authorized User                          |             |

### File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/<br>Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------|-----------|-------------------------------------|------------------|------------------|
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| <b>Warnings:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                          |                       |                                                    |        |    |
| <b>Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                          |                       |                                                    |        |    |
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| <b>Warnings:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                          |                       |                                                    |        |    |
| <b>Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                          |                       |                                                    |        |    |
| <b>Total Files Size (in bytes):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                          |                       |                                                    | 156687 |    |
| <p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b><br/> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b><br/> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b><br/> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> |                                                          |                       |                                                    |        |    |

**IN THE CLAIMS:**

All pending claims and their present status are produced below.

1. (Currently Amended) A method of facilitating data exchange, comprising:
  - assigning a first specific time slot for a first client device to wirelessly communicate with a fixed proximity-based reader device that is set according to a first class; and
  - assigning a second specific time slot for a second client device to wirelessly communicate with the fixed proximity-based reader device that is set according to a second class,
  - wherein the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices.
2. (Original) The method of claim 1, further comprising:
  - dynamically adjusting at least one of the first specific time slot and the second specific time slot.
3. (Original) The method of claim 1, wherein assigning the first specific time slot comprises:
  - masking a bit field of the first client device.
4. (Original) The method of claim 3, wherein the mask is wirelessly communicated to the first client device.
5. (Currently Amended) The method of claim 1, wherein the first class comprises assigning the first specific time slot is dependent on a class of at least one of a user associated with the first client device and a class of the first client device.
6. (Original) The method of claim 1, wherein assigning the first specific time slot is dependent on a network traffic load.

7. (Original) The method of claim 1, further comprising:  
reassigning the first specific time slot to a third client device in response to a detection that the first client device is unavailable.
8. (Currently Amended) An apparatus, comprising:  
a physical, portable key device adapted to wirelessly communicate data with a fixed reader device when located in a wireless coverage area of the fixed reader device,  
wherein the key device is arranged to communicate with the fixed reader device during a time slot ~~determined~~ based on a bit field stored in the key device that is set according to a class,  
wherein the time slot is determined based on synchronization information wirelessly received by the key device.
9. (Original) The apparatus of claim 8, wherein the time slot is adjustable dependent on a mask applied to the bit field.
10. (Original) The apparatus of claim 9, wherein the mask is determined external to the key device.
11. (Original) The apparatus of claim 8, wherein the bit field represents an identification of the key device.
12. (Currently Amended) A system, comprising:  
a fixed reader device operatively connected to a network device and having a first wireless coverage range within a second wireless coverage range; and  
a portable client device arranged to wirelessly communicate data with the fixed reader device when the client device is within the first wireless coverage range and during a time slot, the client device further arranged to store a bit field that specifies the time slot, the time slot being determined

according to a class,

wherein a the time slot during which the client device communicates data with the fixed reader device is determined based on synchronization information received by the client device.

13. (Currently Amended) The system of claim 12, further comprising:  
a network device arranged to wirelessly broadcast the synchronization information in the second wireless coverage range;
14. (Currently Amended) The system of claim 12, wherein the ~~client device is further arranged to store a bit field according to which the time slot is determined~~ bit field is dynamically altered to alter access to the network as a traffic load on the network changes.
15. (Original) The system of claim 14, wherein the synchronization information comprises a mask for application to the bit field.
16. (Original) The system of claim 12, wherein the synchronization information is dependent on a traffic load in the system.
17. (Currently Amended) The system of claim 12, wherein the ~~synchronization information is dependent on~~ class comprises at least one of a class of a user associated with the client device and a class of the client device.
18. (Original) The system of claim 12, wherein the network device is further arranged to dynamically alter the synchronization information to modify the time slot during which the client device communicates with the fixed reader device.
19. (Original) The system of claim 12, wherein the time slot is determined based on a tier status of the client device.

20. (Currently Amended) A system, comprising:
- a network device arranged to wirelessly broadcast synchronization information in a first wireless coverage range; and
  - a portable client device adapted to wirelessly communicate data with a reader device when the client device is located in communication proximity of the reader device, the client device adapted to store a bit field according to which a time slot is determined, the time slot being set according to a class,
- wherein the client device is arranged to receive data from the network device during a the time slot ~~determined~~ based on the synchronization information.
21. (Original) The system of claim 20, wherein the client device is further arranged to transmit data to the network device during the time slot.
22. (Original) The system of claim 20, wherein the time slot is determined based on a mask applied to a bit field stored in the client device, and wherein the mask is wirelessly communicated to the client device as part of the synchronization information wirelessly broadcasted by the network device.
23. (Original) The system of claim 20, wherein the synchronization information is dependent on at least one of a user associated with the client device, a class of a user associated with the client device, a class of the client device, and a network traffic load in the system.
24. (Currently Amended) A system, comprising:
- a network device configured to wirelessly broadcast synchronization information;
  - and
  - a portable client device configured to wirelessly receive the synchronization information, the received synchronization information comprising information assigning a time slot during which the client device can receive data from the network device, the time slot being determined

according to a class.

25. (Original) The system of claim 24, further comprising:  
a reader device configured to proximity sense the client device, and further configured to communicate data with the client device in accordance with the synchronization information.
26. (Currently Amended) A method of facilitating data exchange, comprising:  
wirelessly broadcasting synchronization information to a portable client device, the synchronization information comprising information assigning a time slot during which the client device can receive data, the time slot being determined according to a class; and  
wirelessly broadcasting data for reception by the client device during the time slot.

PATENT APPLICATION FEE DETERMINATION RECORD  
Substitute for Form PTO-875

Filing Date  
01/05/2007

☐ To be Mailed

(Column 1)

(Column 2)

SMALL ENTITY ☒

OR

SMALL ENTITY

| FOR                                                                        |                                                  | NUMBER FILED                                                                                                                                                                                                                  | NUMBER EXTRA | RATE (\$) |   | FEE (\$) | OR    | RATE (\$) |   | FEE (\$) |
|----------------------------------------------------------------------------|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------|---|----------|-------|-----------|---|----------|
| <input type="checkbox"/>                                                   | BASIC FEE<br>(37 CFR 1.16(a), (b), or (c))       | N/A                                                                                                                                                                                                                           | N/A          | N/A       |   |          |       | N/A       |   |          |
| <input type="checkbox"/>                                                   | SEARCH FEE<br>(37 CFR 1.16(k), (l), or (m))      | N/A                                                                                                                                                                                                                           | N/A          | N/A       |   |          |       | N/A       |   |          |
| <input type="checkbox"/>                                                   | EXAMINATION FEE<br>(37 CFR 1.16(o), (p), or (q)) | N/A                                                                                                                                                                                                                           | N/A          | N/A       |   |          |       | N/A       |   |          |
| TOTAL CLAIMS<br>(37 CFR 1.16(j))                                           |                                                  | minus 20 =                                                                                                                                                                                                                    | *            | X \$      | = |          |       | X \$      | = |          |
| INDEPENDENT CLAIMS<br>(37 CFR 1.16(h))                                     |                                                  | minus 3 =                                                                                                                                                                                                                     | *            | X \$      | = |          |       | X \$      | = |          |
| <input type="checkbox"/>                                                   | APPLICATION SIZE FEE<br>(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). |              |           |   |          |       |           |   |          |
| <input type="checkbox"/> 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 |           |   |          |

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

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

SMALL ENTITY

|           |                                                                                          |                                  |       |                                    |               |  |  |  |  |
|-----------|------------------------------------------------------------------------------------------|----------------------------------|-------|------------------------------------|---------------|--|--|--|--|
| AMENDMENT | 04/01/2010                                                                               | CLAIMS REMAINING AFTER AMENDMENT |       | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |  |  |  |  |
|           | Total (37 CFR 1.16(i))                                                                   | * 26                             | Minus | ** 26                              | = 0           |  |  |  |  |
|           | Independent (37 CFR 1.16(h))                                                             | * 6                              | Minus | ***6                               | = 0           |  |  |  |  |
|           | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))                           |                                  |       |                                    |               |  |  |  |  |
|           | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) |                                  |       |                                    |               |  |  |  |  |
|           |                                                                                          |                                  |       |                                    |               |  |  |  |  |

|                 |                     |    |                 |                     |
|-----------------|---------------------|----|-----------------|---------------------|
| RATE (\$)       | ADDITIONAL FEE (\$) |    | RATE (\$)       | ADDITIONAL FEE (\$) |
| X \$26 =        | 0                   | OR | X \$ =          |                     |
| X \$110 =       | 0                   | OR | X \$ =          |                     |
|                 |                     |    |                 |                     |
|                 |                     | OR |                 |                     |
| TOTAL ADD'L FEE | 0                   | OR | TOTAL ADD'L FEE |                     |

| (Column 1) | (Column 2) | (Column 3) |
|------------|------------|------------|
|------------|------------|------------|

| AMENDMENT |                                                                                          | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |       | HIGHEST<br>NUMBER<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA | RATE (\$)             | ADDITIONAL<br>FEE (\$) | OR | RATE (\$)             | ADDITIONAL<br>FEE (\$) |
|-----------|------------------------------------------------------------------------------------------|-------------------------------------------|-------|---------------------------------------------|------------------|-----------------------|------------------------|----|-----------------------|------------------------|
|           | Total (37 CFR 1.16(i))                                                                   | *                                         | Minus | **                                          | =                | X \$ =                |                        |    | X \$ =                |                        |
|           | Independent (37 CFR 1.16(h))                                                             | *                                         | Minus | ***                                         | =                | X \$ =                |                        |    | X \$ =                |                        |
|           | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))                           |                                           |       |                                             |                  |                       |                        |    |                       |                        |
|           | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) |                                           |       |                                             |                  |                       |                        |    |                       |                        |
|           |                                                                                          |                                           |       |                                             |                  | TOTAL<br>ADD'L<br>FEE |                        | OR | TOTAL<br>ADD'L<br>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:  
/DAWN BREWER/

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

**SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------------------|---------------------------------------------------|-----------------|----------------------------------|----|---------------------------------------|-------------------------|---------------------|
| <b>PATENT APPLICATION FEE DETERMINATION RECORD</b><br>Substitute for Form PTO-875                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |                                                                                                                                                                                                                               |              |                                    | Application or Docket Number<br><b>11/620,577</b> |                 | Filing Date<br><b>01/05/2007</b> |    | <input type="checkbox"/> To be Mailed |                         |                     |
| <b>APPLICATION AS FILED – PART I</b>                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
| (Column 1)                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                          |                                                                                                                                                                                                                               | (Column 2)   |                                    | SMALL ENTITY <input checked="" type="checkbox"/>  |                 | OR                               |    | OTHER THAN SMALL ENTITY               |                         |                     |
| FOR                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                          | NUMBER FILED                                                                                                                                                                                                                  | NUMBER EXTRA |                                    | RATE (\$)                                         | FEE (\$)        | OR                               |    | RATE (\$)                             | FEE (\$)                |                     |
| <input type="checkbox"/> BASIC FEE<br>(37 CFR 1.16(a), (b), or (c))                                                                                                                                                                                                                                                                                                                                                                  |                                                                                          | N/A                                                                                                                                                                                                                           | N/A          |                                    | N/A                                               |                 | OR                               |    | N/A                                   |                         |                     |
| <input type="checkbox"/> SEARCH FEE<br>(37 CFR 1.16(k), (l), or (m))                                                                                                                                                                                                                                                                                                                                                                 |                                                                                          | N/A                                                                                                                                                                                                                           | N/A          |                                    | N/A                                               |                 | OR                               |    | N/A                                   |                         |                     |
| <input type="checkbox"/> EXAMINATION FEE<br>(37 CFR 1.16(o), (p), or (q))                                                                                                                                                                                                                                                                                                                                                            |                                                                                          | N/A                                                                                                                                                                                                                           | N/A          |                                    | N/A                                               |                 | OR                               |    | N/A                                   |                         |                     |
| TOTAL CLAIMS<br>(37 CFR 1.16(i))                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                          | minus 20 =                                                                                                                                                                                                                    | *            |                                    | X \$ =                                            |                 | OR                               |    | X \$ =                                |                         |                     |
| INDEPENDENT CLAIMS<br>(37 CFR 1.16(h))                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                          | minus 3 =                                                                                                                                                                                                                     | *            |                                    | X \$ =                                            |                 | OR                               |    | X \$ =                                |                         |                     |
| <input type="checkbox"/> APPLICATION SIZE FEE<br>(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). |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))                                                                                                                                                                                                                                                                                                                                                           |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    | TOTAL                                             |                 | OR                               |    | TOTAL                                 |                         |                     |
| * If the difference in column 1 is less than zero, enter "0" in column 2.                                                                                                                                                                                                                                                                                                                                                            |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
| <b>APPLICATION AS AMENDED – PART II</b>                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
| (Column 1)                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                          | (Column 2)                                                                                                                                                                                                                    |              | (Column 3)                         |                                                   | SMALL ENTITY    |                                  | OR |                                       | OTHER THAN SMALL ENTITY |                     |
| <b>AMENDMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>04/01/2010</b>                                                                        | CLAIMS REMAINING AFTER AMENDMENT                                                                                                                                                                                              |              | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA                                     | RATE (\$)       | ADDITIONAL FEE (\$)              | OR |                                       | RATE (\$)               | ADDITIONAL FEE (\$) |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Total (37 CFR 1.16(j))                                                                   | * 26                                                                                                                                                                                                                          | Minus        | ** 26                              | = 0                                               | X \$26 =        | 0                                | OR |                                       | X \$ =                  |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Independent (37 CFR 1.16(h))                                                             | * 6                                                                                                                                                                                                                           | Minus        | *** 6                              | = 0                                               | X \$110 =       | 0                                | OR |                                       | X \$ =                  |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))                           |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   | TOTAL ADD'L FEE | 0                                | OR |                                       | TOTAL ADD'L FEE         |                     |
| (Column 1)                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                          | (Column 2)                                                                                                                                                                                                                    |              | (Column 3)                         |                                                   | SMALL ENTITY    |                                  | OR |                                       | OTHER THAN SMALL ENTITY |                     |
| <b>AMENDMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                          | CLAIMS REMAINING AFTER AMENDMENT                                                                                                                                                                                              |              | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA                                     | RATE (\$)       | ADDITIONAL FEE (\$)              | OR |                                       | RATE (\$)               | ADDITIONAL FEE (\$) |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Total (37 CFR 1.16(j))                                                                   | *                                                                                                                                                                                                                             | Minus        | **                                 | =                                                 | X \$ =          |                                  | OR |                                       | X \$ =                  |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Independent (37 CFR 1.16(h))                                                             | *                                                                                                                                                                                                                             | Minus        | ***                                | =                                                 | X \$ =          |                                  | OR |                                       | X \$ =                  |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))                           |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   | TOTAL ADD'L FEE |                                  | OR |                                       | TOTAL ADD'L FEE         |                     |
| <p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p> |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |

Legal Instrument Examiner:  
/DAWN BREWER/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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| APPLICATION NO.                                                            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|----------------------------------------------------------------------------|-------------|----------------------|-----------------------------|------------------|
| 11/620,577                                                                 | 01/05/2007  | David L. Brown       | 10001-02095                 | 9508             |
| 89194                                                                      | 7590        | 06/28/2010           |                             |                  |
| Patent Law Works/Proxense<br>165 South Main St<br>Salt Lake City, UT 84111 |             |                      | EXAMINER<br>REGO, DOMINIC E |                  |
|                                                                            |             |                      | ART UNIT                    | PAPER NUMBER     |
|                                                                            |             |                      | 2618                        |                  |
|                                                                            |             |                      | NOTIFICATION DATE           | DELIVERY MODE    |
|                                                                            |             |                      | 06/28/2010                  | ELECTRONIC       |

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eruzich@patentlawworks.net  
docketing@patentlawworks.net  
gsueoka@patentlawworks.net



**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-11, 20-26 drawn to assigning a first specific time slot for a first client device to wirelessly communicate with a fixed proximity-based reader device that is set according to a first class and assigning a second specific time slot for a second client device to wirelessly communicate with a fixed proximity-based reader device that is set according to a second class, classified in class 455, subclass 502.
  - II. Claims 12-19 drawn to a fixed reader device operatively connected to a network device and having a first wireless coverage range within a second wireless coverage range and a portable client device wirelessly communicate data with the fixed reader device when the client device is within the first wireless coverage range, classified in class 455, subclass 443.
2. The inventions are distinct, each from the other because of the following reasons:

***Subcombination-Usable Together***

3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope

Art Unit: 2618

and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, inventions I has separate utility such as assigning a first specific time slot for a first client device and a second specific time slot for a second client device and wirelessly communicate with a fixed proximity-based reader device that is set according to a first to first client device and a second class to second client device. Invention II has separate utility such as a fixed reader device operatively connected to a network device and having a first wireless coverage range within a second wireless coverage range and a portable client device wirelessly communicate data with the fixed reader device when the client device is within the first wireless coverage range. See MPEP § 806.05(d).

4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

6. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC E. REGO whose telephone number is (571)272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

Art Unit: 2618

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. 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.

/Dominic E Rego/  
Examiner, Art Unit 2618  
Tel 571-272-8132

|                                                                                                                    |                                            |                                                                |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------|
| <b><i>Index of Claims</i></b><br> | <b>Application/Control No.</b><br>11620577 | <b>Applicant(s)/Patent Under Reexamination</b><br>BROWN ET AL. |
|                                                                                                                    | <b>Examiner</b><br>DOMINIC E REGO          | <b>Art Unit</b><br>2618                                        |

|   |                 |   |                   |   |                     |   |                 |
|---|-----------------|---|-------------------|---|---------------------|---|-----------------|
| ✓ | <b>Rejected</b> | - | <b>Cancelled</b>  | N | <b>Non-Elected</b>  | A | <b>Appeal</b>   |
| = | <b>Allowed</b>  | ÷ | <b>Restricted</b> | I | <b>Interference</b> | O | <b>Objected</b> |

| <input type="checkbox"/> Claims renumbered in the same order as presented by applicant |          |            |            | <input type="checkbox"/> CPA |  |  |  | <input type="checkbox"/> T.D. |  |  |  | <input type="checkbox"/> R.1.47 |  |  |  |
|----------------------------------------------------------------------------------------|----------|------------|------------|------------------------------|--|--|--|-------------------------------|--|--|--|---------------------------------|--|--|--|
| CLAIM                                                                                  |          | DATE       |            |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
| Final                                                                                  | Original | 11/17/2009 | 06/19/2010 |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 1        | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 2        | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 3        | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 4        | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 5        | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 6        | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 7        | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 8        | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 9        | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 10       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 11       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 12       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 13       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 14       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 15       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 16       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 17       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 18       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 19       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 20       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 21       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 22       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 23       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 24       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 25       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |
|                                                                                        | 26       | ✓          | ÷          |                              |  |  |  |                               |  |  |  |                                 |  |  |  |

**IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: David L. Brown and Fred S. Hirt  
SERIAL NO.: 11/620,577  
FILING DATE: January 5, 2007  
TITLE: Dynamic Real-Time Tiered Client Access  
EXAMINER: Lauri Harris  
GROUP ART UNIT: 2618  
ATTY. DKT. NO.: 10001-02095

**CERTIFICATE OF ELECTRONIC (EFS-WEB) TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the USPTO's EFS-Web interface in accordance with 37 C.F.R. § 1.8(a)(i)(C) from the Mountain Time Zone of the United States on the local date shown below:

Dated: July 14, 2010

By: /Elizabeth D. Ruzich/  
Elizabeth D. Ruzich, Reg. No.: 54,416

COMMISSIONER FOR PATENTS  
P. O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

Responsive to the Office Action mailed June 28, 2010, which sets a shortened statutory period for response that expires on July 28, 2010, please enter the following restriction election and consider the following remarks.

Application No. 11/620,577

Matter No. 10001-02095

Page 1 of 6

## IN THE CLAIMS

All pending claims are reproduced below.

1. (Previously Presented) A method of facilitating data exchange, comprising:
  - assigning a first specific time slot for a first client device to wirelessly communicate with a fixed proximity-based reader device that is set according to a first class; and
  - assigning a second specific time slot for a second client device to wirelessly communicate with the fixed proximity-based reader device that is set according to a second class,wherein the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices.
2. (Original) The method of claim 1, further comprising:
  - dynamically adjusting at least one of the first specific time slot and the second specific time slot.
3. (Original) The method of claim 1, wherein assigning the first specific time slot comprises:
  - masking a bit field of the first client device.
4. (Original) The method of claim 3, wherein the mask is wirelessly communicated to the first client device.
5. (Previously Present) The method of claim 1, wherein the first class comprises at least one of a user associated with the first client device and a class of the first client device.
6. (Original) The method of claim 1, wherein assigning the first specific time slot is dependent on a network traffic load.

7. (Original) The method of claim 1, further comprising:  
reassigning the first specific time slot to a third client device in response to a detection that the first client device is unavailable.
8. (Previously Presented) An apparatus, comprising:  
a physical, portable key device adapted to wirelessly communicate data with a fixed reader device when located in a wireless coverage area of the fixed reader device,  
wherein the key device is arranged to communicate with the fixed reader device during a time slot based on a bit field stored in the key device that is set according to a class,  
wherein the time slot is determined based on synchronization information wirelessly received by the key device.
9. (Original) The apparatus of claim 8, wherein the time slot is adjustable dependent on a mask applied to the bit field.
10. (Original) The apparatus of claim 9, wherein the mask is determined external to the key device.
11. (Original) The apparatus of claim 8, wherein the bit field represents an identification of the key device.
- 12-19. (Cancelled).
20. (Previously Presented) A system, comprising:  
a network device arranged to wirelessly broadcast synchronization information in a first wireless coverage range; and  
a portable client device adapted to wirelessly communicate data with a reader device when the client device is located in communication proximity of the reader device, the client device adapted to store a bit field according to

which a time slot is determined, the time slot being set according to a class,  
wherein the client device is arranged to receive data from the network device during the time slot based on the synchronization information.

21. (Original) The system of claim 20, wherein the client device is further arranged to transmit data to the network device during the time slot.
22. (Original) The system of claim 20, wherein the time slot is determined based on a mask applied to a bit field stored in the client device, and wherein the mask is wirelessly communicated to the client device as part of the synchronization information wirelessly broadcasted by the network device.
23. (Original) The system of claim 20, wherein the synchronization information is dependent on at least one of a user associated with the client device, a class of a user associated with the client device, a class of the client device, and a network traffic load in the system.
24. (Previously Presented) A system, comprising:
  - a network device configured to wirelessly broadcast synchronization information;
  - and
  - a portable client device configured to wirelessly receive the synchronization information, the received synchronization information comprising information assigning a time slot during which the client device can receive data from the network device, the time slot being determined according to a class.
25. (Original) The system of claim 24, further comprising:
  - a reader device configured to proximity sense the client device, and further configured to communicate data with the client device in accordance with the synchronization information.

26. (Previously Presented) A method of facilitating data exchange, comprising:
- wirelessly broadcasting synchronization information to a portable client device, the synchronization information comprising information assigning a time slot during which the client device can receive data, the time slot being determined according to a class; and
  - wirelessly broadcasting data for reception by the client device during the time slot.

### **REMARKS**

Claims 1-26 were pending. Claims 12-19 are cancelled. Claims 1-11 and 20-26 remain pending upon entry of this amendment.

### **Election/Restriction**

The Examiner restricted the claims between Invention I (claims 1-11 and 20-26) and Invention II (claims 12-19). Applicants elect Invention I without traverse. Applicants cancel claims 12-19.

### **CONCLUSION**

Allowance of all claims is requested. If the Examiner believes that direct contact with Applicants' attorney will advance the prosecution of this case, the Examiner is encouraged to contact the undersigned as indicated below.

Respectfully Submitted,  
DAVID L. BROWN AND FRED S. HIRT

Date: July 14, 2010

By: /Elizabeth D. Ruzich/  
Elizabeth D. Ruzich, Reg. No. 54,416  
Attorney for Applicants  
Patent Law Works LLP  
165 South Main Street, 2<sup>nd</sup> Floor  
Salt Lake City, UT 84111  
Tel: (801) 258-9824  
Fax: (801) 258-0160  
Email: eruzich@patentlawworks.net

| Electronic Acknowledgement Receipt          |                                        |
|---------------------------------------------|----------------------------------------|
| <b>EFS ID:</b>                              | 8016097                                |
| <b>Application Number:</b>                  | 11620577                               |
| <b>International Application Number:</b>    |                                        |
| <b>Confirmation Number:</b>                 | 9508                                   |
| <b>Title of Invention:</b>                  | Dynamic Real-Time Tiered Client Access |
| <b>First Named Inventor/Applicant Name:</b> | David L. Brown                         |
| <b>Customer Number:</b>                     | 89194                                  |
| <b>Filer:</b>                               | Elizabeth D. Ruzich                    |
| <b>Filer Authorized By:</b>                 |                                        |
| <b>Attorney Docket Number:</b>              | 10001-02095                            |
| <b>Receipt Date:</b>                        | 14-JUL-2010                            |
| <b>Filing Date:</b>                         | 05-JAN-2007                            |
| <b>Time Stamp:</b>                          | 18:50:37                               |
| <b>Application Type:</b>                    | Utility under 35 USC 111(a)            |

### Payment information:

| Submitted with Payment | no                                       |                                               |                                                   |                  |                  |
|------------------------|------------------------------------------|-----------------------------------------------|---------------------------------------------------|------------------|------------------|
| <b>File Listing:</b>   |                                          |                                               |                                                   |                  |                  |
| Document Number        | Document Description                     | File Name                                     | File Size(Bytes)/<br>Message Digest               | Multi Part /.zip | Pages (if appl.) |
| 1                      | Response to Election / Restriction Filed | 02095_Response_to_Restriction_Requirement.pdf | 79496<br>b37803645cfa82847430e81ee8d0eeff01c740ce | no               | 6                |
| <b>Warnings:</b>       |                                          |                                               |                                                   |                  |                  |
| <b>Information:</b>    |                                          |                                               |                                                   |                  |                  |

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

**New Applications Under 35 U.S.C. 111**

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

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

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

**New International Application Filed with the USPTO as a Receiving Office**

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



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| APPLICATION NO.                                                                                     | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|-----------------------------------------------------------------------------------------------------|-------------|----------------------|---------------------------------|-----------------------------|
| 11/620,577                                                                                          | 01/05/2007  | David L. Brown       | 10001-02095                     | 9508                        |
| 89194 7590 09/29/2010<br>Patent Law Works/Proxense<br>165 South Main St<br>Salt Lake City, UT 84111 |             |                      | EXAMINER<br>REGO, DOMINIC E     |                             |
|                                                                                                     |             |                      | ART UNIT<br>2618                | PAPER NUMBER                |
|                                                                                                     |             |                      | NOTIFICATION DATE<br>09/29/2010 | DELIVERY MODE<br>ELECTRONIC |

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@patentlawworks.net  
gsueoka@patentlawworks.net  
bbrannon@patentlawworks.net

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>11/620,577 | <b>Applicant(s)</b><br>BROWN ET AL. |  |
|                              | <b>Examiner</b><br>DOMINIC E. REGO   | <b>Art Unit</b><br>2618             |  |

**-- 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 14 July 2010.

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

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

**Disposition of Claims**

4) ☒ Claim(s) 1-11 and 20-26 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) 1-11 and 20-26 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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____.<br>5) <input type="checkbox"/> Notice of Informal Patent Application<br>6) <input type="checkbox"/> Other: _____. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## DETAILED ACTION

1. This communication is responsive to the application filed on July 14, 2010.

Claims 1-11 and 20-26 are pending and presented for prosecution.

Claims 1,5,8,20,24, and 26 have been amended.

### ***Claim Rejections - 35 USC § 112***

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

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1,8,20,24, and 26 are rejected under 35 U.S.C. 112, 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 enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claimed limitations “assigning a first specific time slot for a first client device to wirelessly communicate with a fixed proximity-based reader device that is set according to a first class or according to a second class or according to a class” are not found in the specification and non-enabling to further prosecute.

### ***Claim Objections***

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Claims 8 and 20 are objected to because of the following informalities:

Applicant uses the word "adapted to" to the above claims where claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure (See MPEP 2111.04 [R-3]; MPEP 2106 [R-5]). Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. 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.

5. Claims 24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakagawa et al. (US Pub. No. 2006/0205408).

**Regarding claim 24**, Nakagawa teaches a system, comprising:

a network device configured to wirelessly broadcast synchronization information; and a portable client device configured to wirelessly receive the synchronization information, the received synchronization information comprising information assigning a time slot during which the client device can receive data

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from the network device, the time slot being determined according to a class (Paragraphs 0067-0074, especially paragraphs 0067 and 0074).

**Regarding claim 26**, Nakagawa teaches a method of facilitating data exchange, comprising: wirelessly broadcasting synchronization information to a portable client device, the synchronization information comprising information assigning a time slot during which the client device can receive data, the time slot being determined according to a class; and wirelessly broadcasting data for reception by the client device during the time slot (Paragraphs 0067-0074, especially paragraphs 0067 and 0074).

### ***Claim Rejections - 35 USC § 103***

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

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

7. Claims 1,3,4,8,10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Nakagawa et al. (US Pub. No. 2006/0205408).

**Regarding claim 1**, Shloss teaches a method of facilitating data exchange, comprising:

assigning a first specific time slot for a first client device (assigning a time

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slot of a transponder) (Figure 2, Item 114; column 7, lines 23-45) to wirelessly communicate with a fixed proximity-based reader (reader) device that is set according to a first class (Figure 2, Item 102; column 3, lines 59-66); and

assigning a second specific time slot for a second client device to wirelessly communicate with the fixed proximity-based reader device that is set according to a second class (shows that Item 114 of Figure 2 is an example of multiple transponders) (column 7, lines 58-67), but does not specifically teach wherein the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices.

However, in related art, Nakagawa teaches wherein the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices (*See Fig. 1, and paragraphs 0067-0074, especially paragraph 0067, Nakagawa teaches the first radio communication apparatus 10 (PDA, PC, or Mobile phone) is a node X. Paragraph 0074 teaches when receiving the set-up information necessary for communications with the node Y, the node X stores the set-up information in the storage section 15, and then performs transmitting and receiving of data signals directly with the node Y in accordance with the set-up information. The node X also performs processing for receiving a signal from the base station 30, obtaining information for synchronization included in a predetermined time slot of the received signal, and setting timing for communications with the node Y so that it corresponds to the communication timing in the mobile communications*

*network, based on the synchronization information*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Nakagawa to Shloss in order to improve communication characteristics and enhance the communication capacity and the throughput of the entire network.

**Regarding claim 3**, the combination of Shloss and Nakagawa teach all the claimed elements in claim 1. In addition, Shloss teaches a method of claim 1, wherein assigning the first specific time slot comprises: masking a bit field of the first client device (Figure 4; column 10, lines 29-53).

**Regarding claim 4**, the combination of Shloss and Nakagawa teach all the claimed elements in claim 3. In addition, Shloss teaches method of claim 3, wherein the mask is wirelessly communicated to the first client device (Figure 4; column 10, lines 29-53).

**Regarding claim 8**, Shloss teaches an apparatus, comprising:

a physical, portable key device adapted to wirelessly communicate data (transponder) (column 8, lines 44-52) with a fixed reader device when located in a wireless coverage area of the fixed reader device, wherein the key device is arranged to communicate with the fixed reader device during a time slot based on a bit field stored in the key device that is set according to a class (a unique identification number is stored in memory and used to gain access to the network) (column 8, lines 43-52) (transponder time slot assignments) (column 7, lines 42-45), but does not specifically teach

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wherein the time slot is determined based on synchronization information wirelessly received by the key device.

However, in related art, Nakagawa teaches wherein the time slot is determined based on synchronization information wirelessly received by the key device (*See Fig. 1, and paragraphs 0067-0074, especially paragraph 0067, Nakagawa teaches the first radio communication apparatus 10 (PDA, PC, or Mobile phone) is a node X. Paragraph 0074 teaches when receiving the set-up information necessary for communications with the node Y, the node X stores the set-up information in the storage section 15, and then performs transmitting and receiving of data signals directly with the node Y in accordance with the set-up information. The node X also performs processing for receiving a signal from the base station 30, obtaining information for synchronization included in a predetermined time slot of the received signal, and setting timing for communications with the node Y so that it corresponds to the communication timing in the mobile communications network, based on the synchronization information*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Nakagawa to Shloss in order to improve communication characteristics and enhance the communication capacity and the throughput of the entire network.

**Regarding claim 10**, Shloss discloses an apparatus of claim 9, wherein the mask is determined external to the key device (*sixty-four bit seed field is formed by the reader*) (*column 9, lines 65-68*).

**Regarding claim 11**, the combination of Shloss and Nakagawa teach all the claimed elements in claim 8. In addition, Shloss teaches the apparatus of claim 8, wherein the bit field represents an identification of the key device (unique identification number) (column 8, lines 43-52).

8. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Nakagawa et al. (US Pub. No. 2006/0205408) and further in view of Bestler US Patent No. 5,517,502.

**Regarding claim 2**, the combination of Shloss and Nakagawa teach all the claimed elements in claim 1. In addition, Shloss discloses setting time slots and changing the time slots based on network traffic (column 8, lines 43-52), but does not specifically disclose the method of claim 1, further comprising: dynamically adjusting at least one of the first specific time slot and the second specific time slot.

However, in related art, Bestler discloses the method of claim 1, further comprising: dynamically adjusting at least one of the first specific time slot and the second specific time slot (*Column 4, lines 48-58 teach the width and timing location of the time slots for a subscriber terminal are programmably controlled from the headend to accommodate dynamic changes within the network and making adjustments to the time slots or controlling the width and number of the time slots*). Therefore, it would have been obvious to one of ordinary skill in the

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art at the time of the invention to provide the above teaching of Bestler to Shloss and Nakagawa in order to improve overall throughput.

**Regarding claim 9**, the combination of Shloss and Nakagawa teach all the claimed elements in claim 8. In addition, Shloss teaches adjusting the time slot for another time slot based on the mask (slots are identified by letter codes or masks and are adjusted dependent on those masks) (column 10, lines 38-67), but does not teach the apparatus of claim 8, wherein the time slot is adjustable dependent on a mask applied to the bit field.

However, in related art, Bestler teaches the apparatus of claim 8, wherein the time slot is adjustable dependent on a mask applied to the bit field (*Column 4, lines 48-58 teach the width and timing location of the time slots for a subscriber terminal are programmably controlled from the headend to accommodate dynamic changes within the network and making adjustments to the time slots or controlling the width and number of the time slots*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Bestler to Shloss and Nakagawa in order to improve overall throughput.

9. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Nakagawa et al. (US Pub. No. 2006/0205408) and further in view of Barany et al. (US Pub. No. 7,068,623).

**Regarding claim 5**, the combination of Shloss and Nakagawa fail to teach

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the method of claim 1, wherein the first class comprises at least one of a user associated with the first client device and a class of the first client device.

However, in related art, Barany teaches the method of claim 1, wherein the first class comprises at least one of a user associated with the first client device (full-rate voice user) (column 5, lines 27-49) and a class of the first client device (see second obviousness statement below). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute Shloss's time slot assignment by Barany's time slot assignment based on class because Barany states that this method of time slot assignment provides for dedicated or limited sharing which as is well known in the art would reduce collisions (column 6, lines 30-37). It would also have been obvious to one of ordinary skill in the art at the time of the invention to implement a class associated with devices as well as a class associated with users because just like users all devices do not use the network bandwidth the same a pager providing texting capabilities versus a cell phone providing voice capabilities.

**Regarding claim 6**, the combination of Shloss and Nakagawa fail to teach the method of claim 1, wherein assigning the first specific time slot is dependent on a network traffic load.

However, in related art, Barany teaches the method of claim 1, wherein assigning the first specific time slot is dependent on a network traffic load (assigning based on different traffic classes) (column 5, line 51-column 6, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute Shloss's time slot assignment by Barany's time slot

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assignment based on traffic because Barany states that a multiplexer may be used in silent periods to combine flow of the network traffic reducing possible traffic collisions (column 6, lines 20-37).

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Nakagawa et al. (US Pub. No. 2006/0205408) and further in view of Rabe US Patent No. 6,138,010.

**Regarding claim 7**, the combination of Shloss and Nakagawa fail to teach the method of claim 1, further comprising: reassigning the first specific time slot to a third client device in response to a detection that the first client device is unavailable.

However, in related art, Rabe teaches the method of claim 1, further comprising: reassigning the first specific time slot to a third client device in response to a detection that the first client device is unavailable (inactive idle messages indicates that the communication device will be unavailable during an idle duration and the time slot and frequency may be reassigned during this unavailable period) (column 10, line 52-column 11, line 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute Shloss and Nakagawa's time slot assignment by Rabe's reassignment or unused time slots because Rabe states this permits use of the time slots when the first client device would not be using the time slots (column 6, lines 55-67).

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11. Claims 20, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408) in view of Shloss et al. (US Patent #5,307,349).

**Regarding claim 20**, Nakagawa teaches a system, comprising:

a network device arranged to wirelessly broadcast synchronization information in a first wireless coverage range (Paragraphs 0067 and 0074); and wherein the client device is arranged to receive data from the network device during the time slot based on the synchronization information (Paragraphs 0067 and 0074), but does not specifically teach a portable client device adapted to wirelessly communicate data with a reader device when the client device is located in communication proximity of the reader device, the client device adapted to store a bit field according to which a time slot is determined, the time slot being set according to a class.

However, in related art, Shloss teaches a portable client device adapted to wirelessly communicate data with a reader device when the client device is located in communication proximity of the reader device (transponder) (column 8, lines 44-52), the client device adapted to store a bit field according to which a time slot is determined, the time slot being set according to a class (column 7, lines 23-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Shloss to Nakagawa in order to properly transmit the signal to the target reader.

**Regarding claim 22**, the combination of Nakagawa and Shloss teach all

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the claimed elements in claim 20. In addition, Shloss teaches the system of claim 20, wherein the time slot is determined based on a mask applied to a bit field stored in the client device, and wherein the mask is wirelessly communicated to the client device as part of the synchronization information wirelessly broadcasted by the network device (column 10, line 54-column 11, line 7).

**Regarding claim 25**, Nakagawa teaches the system of claim 24, further comprising: communicate data with the client device in accordance with the synchronization information (Paragraph 0074), but does not specifically teach a reader device configured to proximity sense the client device.

However, in related art, Shloss teaches a reader device configured to proximity sense the client device (short range within 100 feet) (column 7, lines 46-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Shloss to Nakagawa in order to properly transmit the signal to the target reader.

12. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408) in view of Shloss et al. (US Patent #5,307,349) and further in view of Bestler et al. (US Patent No. 5,517,502).

**Regarding claim 21**, the combination of Nakagawa and Shloss teach all the claimed elements in claim 20. In addition, Shloss discloses setting time slots and changing the time slots based on network traffic (column 8, lines 43-52), but

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does not specifically disclose the system of claim 20, wherein the client device is further arranged to transmit data to the network device during the time slot.

However, in related art, Bestler discloses the system of claim 20, wherein the client device is further arranged to transmit data to the network device during the time slot (*Column 4, lines 48-58 teach the width and timing location of the time slots for a subscriber terminal are programmably controlled from the headend to accommodate dynamic changes within the network and making adjustments to the time slots or controlling the width and number of the time slots*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Bestler to Nakagawa and Shloss in order to improve overall throughput.

13. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408) in view of Shloss et al. (US Patent #5,307,349) and further in view of Barany et al. (US Pub. No. 7,068,623).

**Regarding claim 23**, the combination of Nakagawa and Shloss fail to teach the system of claim 20, wherein the synchronization information is dependent on at least one of a user associated with the client device, a class of a user associated with the client device, a class of the client device, and a network traffic load in the system.

However, in related art, Barany teaches the system of claim 20, wherein the synchronization information is dependent on at least one of a user associated

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with the client device, a class of a user associated with the client device, a class of the client device, and a network traffic load in the system (assigning based on different traffic classes) (column 5, line 51-column 6, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute Nakagawa and Shloss time slot assignment by Barany's time slot assignment based on traffic because Barany states that a multiplexer may be used in silent periods to combine flow of the network traffic reducing possible traffic collisions (column 6, lines 20-37).

**EXAMINER'S NOTE:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS: A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983),

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cert. denied, 469 U.S. 851 (1984) In re Fulton, 391 F.3d 1195, 1qw201,73

USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1-11 and 20-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC E. REGO whose telephone number

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is (571)272-8132. The examiner can normally be reached on Monday-Friday, 9:00 am-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. 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.

/Dominic E Rego/  
Examiner, Art Unit 2618  
Tel 571-272-8132

|                                   |                                       |  |                                                            |             |
|-----------------------------------|---------------------------------------|--|------------------------------------------------------------|-------------|
| <b>Notice of References Cited</b> | Application/Control No.<br>11/620,577 |  | Applicant(s)/Patent Under<br>Reexamination<br>BROWN ET AL. |             |
|                                   | Examiner<br>DOMINIC E. REGO           |  | Art Unit<br>2618                                           | Page 1 of 1 |

#### U.S. PATENT DOCUMENTS

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Name                  | Classification |
|---|---|--------------------------------------------------|-----------------|-----------------------|----------------|
| * | A | US-2007/0174809                                  | 07-2007         | Brown et al.          | 717/100        |
| * | B | US-2006/0205408                                  | 09-2006         | Nakagawa et al.       | 455/445        |
| * | C | US-2005/0201389                                  | 09-2005         | Shimanuki et al.      | 370/395.61     |
| * | D | US-7,724,720                                     | 05-2010         | Korpela et al.        | 370/342        |
| * | E | US-7,620,184                                     | 11-2009         | Marque Pucheu, Gerard | 380/270        |
| * | F | US-6,891,822                                     | 05-2005         | Gubbi et al.          | 370/345        |
| * | G | US-6,795,425                                     | 09-2004         | Raith, Alex Krister   | 370/345        |
| * | H | US-6,279,146                                     | 08-2001         | Evans et al.          | 716/18         |
| * | I | US-5,760,705                                     | 06-1998         | Glessner et al.       | 340/7.21       |
| * | J | US-5,689,529                                     | 11-1997         | Johnson, Neldon P.    | 375/259        |
| * | K | US-5,506,863                                     | 04-1996         | Meidan et al.         | 375/134        |
| * | L | US-5,410,588                                     | 04-1995         | Ito, Koichi           | 455/502        |
| * | M | US-5,317,572                                     | 05-1994         | Satoh, Junichi        | 370/509        |

#### FOREIGN PATENT DOCUMENTS

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>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.

|                                                                                                                    |                                            |                                                                |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------|
| <b><i>Index of Claims</i></b><br> | <b>Application/Control No.</b><br>11620577 | <b>Applicant(s)/Patent Under Reexamination</b><br>BROWN ET AL. |
|                                                                                                                    | <b>Examiner</b><br>DOMINIC E REGO          | <b>Art Unit</b><br>2618                                        |

|   |                 |   |                   |   |                     |   |                 |
|---|-----------------|---|-------------------|---|---------------------|---|-----------------|
| ✓ | <b>Rejected</b> | - | <b>Cancelled</b>  | N | <b>Non-Elected</b>  | A | <b>Appeal</b>   |
| = | <b>Allowed</b>  | ÷ | <b>Restricted</b> | I | <b>Interference</b> | O | <b>Objected</b> |

| <input type="checkbox"/> Claims renumbered in the same order as presented by applicant |          | <input type="checkbox"/> CPA |            | <input type="checkbox"/> T.D. |  | <input type="checkbox"/> R.1.47 |  |  |  |
|----------------------------------------------------------------------------------------|----------|------------------------------|------------|-------------------------------|--|---------------------------------|--|--|--|
| CLAIM                                                                                  |          | DATE                         |            |                               |  |                                 |  |  |  |
| Final                                                                                  | Original | 11/17/2009                   | 06/19/2010 | 09/23/2010                    |  |                                 |  |  |  |
|                                                                                        | 1        | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 2        | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 3        | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 4        | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 5        | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 6        | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 7        | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 8        | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 9        | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 10       | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 11       | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 12       | ✓                            | ÷          | -                             |  |                                 |  |  |  |
|                                                                                        | 13       | ✓                            | ÷          | -                             |  |                                 |  |  |  |
|                                                                                        | 14       | ✓                            | ÷          | -                             |  |                                 |  |  |  |
|                                                                                        | 15       | ✓                            | ÷          | -                             |  |                                 |  |  |  |
|                                                                                        | 16       | ✓                            | ÷          | -                             |  |                                 |  |  |  |
|                                                                                        | 17       | ✓                            | ÷          | -                             |  |                                 |  |  |  |
|                                                                                        | 18       | ✓                            | ÷          | -                             |  |                                 |  |  |  |
|                                                                                        | 19       | ✓                            | ÷          | -                             |  |                                 |  |  |  |
|                                                                                        | 20       | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 21       | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 22       | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 23       | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 24       | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 25       | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |
|                                                                                        | 26       | ✓                            | ÷          | ✓                             |  |                                 |  |  |  |

|                                                                                                              |                                                |                                                                    |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------------|
| <b>Search Notes</b><br><br> | <b>Application/Control No.</b><br><br>11620577 | <b>Applicant(s)/Patent Under Reexamination</b><br><br>BROWN ET AL. |
|                                                                                                              | <b>Examiner</b><br><br>LAURI HARRIS            | <b>Art Unit</b><br><br>2618                                        |

| SEARCHED |                                                |            |          |
|----------|------------------------------------------------|------------|----------|
| Class    | Subclass                                       | Date       | Examiner |
| 455      | 41.2                                           | 11/17/2009 | LH       |
| 455      | 3.02, 13.2,502                                 | 9/23/2010  | DR       |
| 375      | 145,149,240.28,293,355-257,262,363-365,368,370 | 9/23/2010  | DR       |
| Above    | Updated                                        | 9/23/2010  | DR       |

| SEARCH NOTES        |            |          |
|---------------------|------------|----------|
| Search Notes        | Date       | Examiner |
| assignee/inventor   | 11/17/2009 | LH       |
| EAST                | 11/17/2009 | LH       |
| PLUS                | 11/17/2009 | LH       |
| IEEE/Google         | 11/17/2009 | LH       |
| Updated EAST search | 9/23/2010  | DR       |

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

|                                          |  |
|------------------------------------------|--|
| /LAURI HARRIS/<br>Examiner.Art Unit 2618 |  |
|------------------------------------------|--|

## EAST Search History

## EAST Search History (Prior Art)

| Ref # | Hits | Search Query                                                                                                                                                                                                                                                                   | DBs                                                | Default Operator | Plurals | Time Stamp       |
|-------|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|------------------|---------|------------------|
| S11   | 10   | (first same second) near2 time near2 slot same determin\$3 same synchroniz \$5 same second near2 (cellular cell adj phone mobile portable pda terminal device ue user adj equipment wireless phone telephone cordless hand\$held hand adj held ms wtru subscriber station \$1) | US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB | OR               | ON      | 2010/09/21 22:53 |
| S18   | 15   | (first same second) near2 time near2 slot with determin\$3 with synchroniz\$5                                                                                                                                                                                                  | US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB | OR               | ON      | 2010/09/22 09:54 |
| S19   | 14   | S18 and (@ad <= "20070105" @rlad <= "20070105" @pd <= "20070105")                                                                                                                                                                                                              | US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB | OR               | ON      | 2010/09/22 09:55 |
| S21   | 46   | time near2 slots with determin\$5 with synchroniz\$5 near2 information                                                                                                                                                                                                         | US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB | OR               | ON      | 2010/09/23 11:14 |
| S22   | 42   | S21 and (@ad <= "20070105" @rlad <= "20070105" @pd <= "20070105")                                                                                                                                                                                                              | US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB | OR               | ON      | 2010/09/23 11:14 |

|     |    |                                                                   |                                                                   |    |    |                     |
|-----|----|-------------------------------------------------------------------|-------------------------------------------------------------------|----|----|---------------------|
| S23 | 38 | S21 and (@ad <= "20060106" @rlad <= "20060106" @pd <= "20060106") | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2010/09/23<br>11:19 |
|-----|----|-------------------------------------------------------------------|-------------------------------------------------------------------|----|----|---------------------|

9/ 24/ 2010 10:09:07 AM

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**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

APPLICANTS: David L. Brown et al.  
APPLICATION NO.: 11/620,577  
FILING DATE: January 5, 2007  
TITLE: Dynamic Real-Time Tiered Client Access  
EXAMINER: Dominic E. Rego  
GROUP ART UNIT: 2618  
ATTY. DKT. NO.: 10001-02095

**CERTIFICATE OF EFS-WEB TRANSMISSION**

Pursuant to 240 OG 45 and the Legal Framework For EFS-Web, I hereby certify that this follow-on correspondence is being officially submitted through the USPTO EFS-Web system from the Pacific Time Zone of the United States on the local date shown below:

Dated: November 29, 2010 By: /Brian G. Brannon/  
Brian G. Brannon, Reg. No. 57,219

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**AMENDMENT B**

Sir/Madam:

Responsive to the Office Action mailed on September 29, 2010, which sets a shortened statutory period for response that expires on December 29, 2010, please enter the following amendment and consider the following remarks.

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Application No. 11/620,577

## IN THE CLAIMS

All pending claims and their present status are produced below. Please amend claims 1, 8, 20 and 24 as indicated herein.

1. (Currently Amended) A method of facilitating data exchange, comprising:
  - assigning a first specific time slot for a first client device to wirelessly communicate with a fixed proximity-based reader device, the first specific time slot that is set according to a first class; and
  - assigning a second specific time slot for a second client device to wirelessly communicate with the fixed proximity-based reader device, the second specific time slot that is set according to a second class,
  - wherein the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices and priority level data associated with the first class and with the second class.
2. (Original) The method of claim 1, further comprising:
  - dynamically adjusting at least one of the first specific time slot and the second specific time slot.
3. (Original) The method of claim 1, wherein assigning the first specific time slot comprises:
  - masking a bit field of the first client device.

4. (Original) The method of claim 3, wherein the mask is wirelessly communicated to the first client device.
5. (Previously Presented) The method of claim 1, wherein the first class comprises at least one of a user associated with the first client device and a class of the first client device.
6. (Original) The method of claim 1, wherein assigning the first specific time slot is dependent on a network traffic load.
7. (Original) The method of claim 1, further comprising:

reassigning the first specific time slot to a third client device in response to a detection that the first client device is unavailable.
8. (Currently Amended) An apparatus, comprising:

a physical, portable key device for adapted to wirelessly communicating ~~communicate~~ data with a fixed reader device when located in a wireless coverage area of the fixed reader device,

wherein the physical, portable key device is arranged to communicate with the fixed reader device during a time slot identified by ~~based on~~ a bit field stored in the key device, the time slot ~~that is~~ set according to a class associated with the physical, portable key device,

wherein the bit field ~~time slot~~ is determined based on synchronization information

wirelessly received by the key device and priority level data associated with the class.

9. (Original) The apparatus of claim 8, wherein the time slot is adjustable dependent on a mask applied to the bit field.

10. (Original) The apparatus of claim 9, wherein the mask is determined external to the key device.

11. (Original) The apparatus of claim 8, wherein the bit field represents an identification of the key device.

12-19. (Cancelled).

20. (Currently Amended) A system, comprising:

a network device arranged to wirelessly broadcast synchronization information in a first wireless coverage range; and

a portable client device ~~for adapted to~~ wirelessly communicating ~~communicate~~ data with a reader device when the client device is located in communication proximity of the reader device, the client device adapted to store a bit field according to which a time slot is determined, the time slot being set according to a class associated with the portable client device,

wherein the client device is arranged to receive data from the network device during the time slot based on the synchronization information.

21. (Original) The system of claim 20, wherein the client device is further arranged to transmit data to the network device during the time slot.
22. (Original) The system of claim 20, wherein the time slot is determined based on a mask applied to a bit field stored in the client device, and wherein the mask is wirelessly communicated to the client device as part of the synchronization information wirelessly broadcasted by the network device.
23. (Original) The system of claim 20, wherein the synchronization information is dependent on at least one of a user associated with the client device, a class of a user associated with the client device, a class of the client device, and a network traffic load in the system.
24. (Currently Amended) A system, comprising:
  - a network device configured to wirelessly broadcast synchronization information;
  - and
  - a portable client device configured to wirelessly receive the synchronization information, the received synchronization information comprising information assigning a time slot during which the client device can receive data from the network device, the time slot being determined according to a class associated with the portable client device.

25. (Original) The system of claim 24, further comprising:

a reader device configured to proximity sense the client device, and further configured to communicate data with the client device in accordance with the synchronization information.

26. (Currently Amended) A method of facilitating data exchange, comprising:

wirelessly broadcasting synchronization information to a portable client device, the synchronization information comprising information assigning a time slot during which the client device can receive data, the time slot being determined according to a class associated with the portable client device; and  
wirelessly broadcasting data for reception by the client device during the time slot.

### **REMARKS**

Claims 1-11 and 20-26 were presented for examination. Claims 1-11 and 20-26 stand rejected in the Office Action dated September 29, 2010 (herein, "OA"). Claims 1, 8, 20 and 24 are amended herein.

### **Claim Objections**

Claims 8 and 20 are objected to because of informalities. Specifically, the OA alleges that use of the phrase "adapted to" is claim language that suggests or makes optional but does not require steps to be performed or that does not limit a claim to a particular structure (See MPEP 2111.04 [R-3]; MPEP 2106 [R-5]). This objection is overcome in view of the amended claims.

Claims 8 and 20 are amended herein to now recite a "client device for wirelessly communicating." Therefore, the claim language objected to in the OA is removed, and reconsideration and withdrawal of the objection is respectfully requested.

### **Response to Rejections Under 35 U.S.C. § 112**

Claims 1, 8, 20, 24, and 26 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is overcome in view of the amended claims.

Amended claim 1 now recites "the first specific time slot set according to a first class," "the second specific time slot set according to a second class" and "priority level data associated with the first class and with the second class." Similarly, amended claim 8 recites "the physical, portable key device is arranged to communicate with the fixed

reader device during a time slot identified by a bit field stored in the key device, the time slot set according to a class associated with the physical, portable key device.” Also, claim 20, as amended, recites “client device adapted to store a bit field according to which a time slot is determined, the time slot being set according to a class associated with the portable client device.” As amended, claim 24 also recites “the time slot being determined according to a class associated with the portable client device.” Similarly, amended claim 26 recites “the time slot being determined according to a class associated with the portable client device.”

Support for these claim amendments is found throughout the specification, for example at paragraphs [00124] and [00125]. Paragraph [00124] discloses:

Thus, in other words, by reserving time slots for both client device transmission and reception (based on masks established by the network), client transmission and reception time slots may be efficiently coordinated to reduce collision likelihood and allow for tiered client access, assignment of specific classes, and/or targeting an individual user for preferential, non-contended system access. Further, in one or more embodiments, bit masks may be changed to include or exclude specific users (or classes of users). Still further, in one or more embodiments, bit masks may be changed to dynamically alter access to the network by users or classes of users as traffic load on the network changes.

Additionally, paragraph [00125] further discloses:

In an effort to reduce collision and coordinate the time slots that each client device “talks” with the reader device, a mask may be communicated to each client device to set the times at which the client device is to communicate with the reader device. Further, certain ones of the client devices may be afforded some level of priority, in which case the masks would be set accordingly. For example, masks may be set according to a class of a user of a PDK or to a class of the PDK itself. To facilitate such differentiation, priority level or tier level data may be present in an RDC or CRDC

to be used when setting a mask for a particular client device or group thereof. Thus, in such a manner, there is provided a technique for dynamic real-time tiered client access.

Accordingly, various portions of the specification, such as the portions reproduced above, describe allocating time slots for client device reception and/or transmission while allowing for assignment of specific classes. Therefore, the specification contains a written description of the invention “in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which is it most nearly connected, to make and use the same,” so reconsideration and withdrawal of the rejections of claims 1, 8, 20, 24 and 26 is respectfully requested.

#### **Response to Rejections Under 35 U.S.C. § 102**

Claims 24 and 26 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2006/0205408 to Nakagawa et al. (“Nakagawa”). This rejection is overcome in view of the amended claims.

As amended, independent claim 24 recites, in part:

a portable client device configured to wirelessly receive the synchronization information, the received synchronization information comprising information assigning a time slot during which the client device can receive data from the network device, the time slot being determined according to a class associated with the portable client device.  
(emphasis added)

The claimed invention beneficially assigns a time slot to a portable client device using synchronization data wirelessly received by the portable client device. The time slot identified by the synchronization information is determined according to a class associated with the portable client device. During the time slot, the portable client device

receives data from a network device. Determining the time slot according to a class associated with the portable client device beneficially reduces the likelihood of collisions during communication between portable client devices and a network device and reduces the latency of communications from client devices to the network device. Additionally, including the time slot in synchronization data received from the network device beneficially allows dynamic real-time tiered access to the network device by portable client devices. Support for the amendments to claim 24 is found throughout the specification, for example at paragraphs [00124] and [00125].

Nakagawa fails to disclose at least the claim element “the time slot being determined according to a class associated with the portable client device.” Rather, Nakagawa discloses a radio communication system configured to use network resources of both a mobile communications network and an ad-hoc network. The system disclosed by Nakagawa includes an apparatus that uses TDD-CDMA to construct an ad-hoc network with other radio communication apparatuses proximate to the apparatus and to also communicate with a base station of a mobile communications network. Nakagawa, ¶ [0010], [0011]. At most, Nakagawa discloses a method where a first radio communication device sets timing for communication with a second radio communication device in an ad-hoc network so that the timing corresponds to the communication timing of a mobile communications network described by synchronization information retrieved from a base station. Nakagawa, ¶ [0074].

Thus, Nakagawa does not determine a time slot during which a portable client device can receive data from a network device “according to a class associated with the portable client device,” as claimed, but rather establishes communications between two

radio communication devices based on communication timing of a mobile communications network communicating with one of the radio communication devices. Nakagawa does not associate a class with a portable client device, much less use a class to specify a time slot for communication between the portable client device and a network device. Rather, Nakagawa determines communication between radio communication devices based on timing used by a mobile communications system communicating with one of the radio communication devices.

The OA alleges that the disclosure of paragraph [0074] is particularly relevant to the claim element “the time slot being determined according to a class associated with the portable client device.” However, paragraph [0074] provides:

[0074] When receiving the set-up information necessary for communications with the node Y, the node X stores the set-up information in the storage section 15, and then performs transmitting and receiving of data signals directly with the node Y in accordance with the set-up information. In this case, the node X performs power control in order not to interfere neighboring radio communications apparatuses which do not join the ad-hoc network. That is, it measures the interference level of all time slots based on received signals inputted into the receiver 12 and performs transmit power control so that the maximum value (the tolerance value) of transmit power, which is the sum of the measured values and an offset value set in advance, is not exceeded. The node X also performs processing for receiving a signal from the base station 30, obtaining information for synchronization included in a predetermined time slot of the received signal, and setting timing for communications with the node Y so that it corresponds to the communication timing in the mobile communications network, based on the synchronization information, and processing for determining estimated channel values of a desired signal transmitted from the node Y and other interference signals based on midambles included in the receive signals, removing the interference signals by joint detection with the use of the estimated channel values and the spreading code assigned to each signal, and the like.

As disclosed by paragraph [0074], a first radio communication device (node X) communicates with a second radio communication device (node Y) using set-up information received from the second communication device and sets timing for communication with the second communication device so that the timing corresponds to the communication timing of a mobile communications network communicating with the first radio communication device. Nakagawa does not use a class associated with a portable client device to determine a time slot during which the portable client device can receive data from a network device. As Nakagawa, makes no disclosure of a class associated with a client device. The remaining portions of Nakagawa cited by the OA, paragraphs [0067]-[0073] disclose selection of a communication channel for exchanging data between radio communication devices in an ad hoc network. Thus, neither the cited portion of Nakagawa, nor the remaining disclosure of Nakagawa, discloses “the time slot being determined according to a class associated with the portable client device,” as claimed.

Because Nakagawa does not disclose each and every element of claim 24, claim 24 is patentably distinct from Nakagawa. Hence, reconsideration and withdrawal of its rejection is respectfully requested.

Amended claim 26 recites similar elements to claim 24. Specifically, amended claim 26 recites, in part, “the time slot being determined according to a class associated with the portable client device.” Thus, all arguments advanced above with respect to claim 24 are also applicable to claim 26. Accordingly, claim 26 is also patentably distinct from Nakagawa, so reconsideration and withdrawal of its rejection is respectfully requested.

**Response to Rejections Under 35 U.S.C. § 103**

Claims 1, 3, 4, 8, 10, and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,307,349 to Shloss et al. (“Shloss”) in view of Nakagawa. This rejection is overcome in view of the amended claims.

As amended, independent claim 1 now recites:

assigning a first specific time slot for a first client device to wirelessly communicate with a fixed proximity-based reader device, the first specific time slot set according to a first class; and  
assigning a second specific time slot for a second client device to wirelessly communicate with the fixed proximity-based reader device, the second specific time slot set according to a second class,  
wherein the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices and priority level data associated with the first class and with the second class. (emphasis added)

The claimed invention beneficially sets a first specific time slot according to a first class, where the first client device wirelessly communicates with a fixed proximity based reader device during the first specific time slot. Similarly, a second time slot is set according to a second class, so the second client device wirelessly communicates with the fixed proximity device during the second specific time slot. Synchronization information wirelessly received by the first and second client devices and priority level data associated with the first class and with the second class are used to determine the first and second specific time slots. Determining the first and second specific times slot according to priority level data associated with the first class and with the second class beneficially reduces the likelihood of collisions during communication between the first client device

and the second client device communicating with the fixed proximity-based reader device.

Use of a first class and a second class also beneficially reduces the latency of communications from client devices to the network device for the first client device and for the second client device. Additionally, determining the first specific time slot and the second specific time slot from synchronization information received by the first client device and by the second client device beneficially allows dynamic real-time tiered access to the network device for portable client devices. Support for the amendments to claim 1 is found throughout the specification, for example at paragraphs [00124] and [00125].

The cited references fail to disclose at least the claim elements of “the first specific time slot set according to a first class,” the second specific time slot set according to a second class” and “the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices and priority level data associated with the first class and with the second class.”

Shloss merely discloses a TDMA network for communication between a reader and transponders. Shloss, Abstract. Shloss discloses assigning each transponder a time slot for communicating with the reader. Shloss, 7:23-28. There is no disclosure, or suggestion, in Shloss of setting a first time slot according to a first class or setting a second time slot according to a second class. The OA cites column 3, lines 59-66 of Shloss as allegedly disclosing setting a first time slot according to the first class. However, column 3, lines 59-66 of Shloss disclose:

The invention is embodied in a TDMA network 100 of the type used in reader-transponder communications 60 having an RF modulation/demodulation section 101 for modulating, demodulating and converting signals between an analog and digital format and a digital link controller 104 for decoding messages and providing a protocol structure to the reader-transponder communications as shown in FIG. 1.

The cited portion of Shloss merely discloses a TDMA where a device includes an RF modulation/demodulation section that converts signals between an analog format and a digital format. Conversion of a signal between an analog and a digital format does not set a first specific time slot according to a first class, but merely modifies a signal format to facilitate wireless transmission of the signal by a device.

The remaining disclosure of Shloss makes no disclosure of a first class or a second class, so Shloss fails to disclose “the first specific time slot set according to a first class” and “the second specific time slot set according to a second class,” as claimed.

Nakagawa fails to remedy the deficient disclosure of Shloss. Rather, Nakagawa discloses a radio communication system using network resources of both a mobile communications network and an ad-hoc network. Nakagawa discloses a radio communication apparatus constructing an ad-hoc network with other proximate radio communication apparatuses using a TDD-CDMA system, where the radio communication apparatus also communicates with a base station of a mobile communications network using the TDD-CDMA system. Nakagawa, ¶ [0010], [0011]. At most, Nakagawa discloses an ad-hoc network where a first radio communication device sets timing for communication with a second radio communication device in the ad-hoc network so that the timing corresponds to communication timing in a mobile communications network identified by synchronization information retrieved from a base station. Nakagawa, ¶ [0074].

However, Nakagawa does not disclose “a first class” or “a second class,” much less “the first specific time slot set according to a first class” and “the second specific time slot set according to a second class,” as claimed. At most, Nakagawa discloses allocating time slots for communication within an ad-hoc network based on a signal interference value or based on time slots used by a mobile communications network. Nakagawa, ¶ [0048], [0049]. Hence, time slots in Nakagawa are not set by a first class or by a second class, but are allocated based on network characteristics. Therefore, like Shloss, Nakagawa fails to disclose “the first specific time slot set according to a first class” and “the second specific time slot set according to a second class,” as claimed.

Additionally, the OA admits that Shloss does not specifically teach “wherein the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices,” as claimed. *See* OA, page 5. Thus, Shloss fails to disclose “the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices and priority level data associated with the first class and with the second class,” as recited by amended claim 1.

Nakagawa fails to remedy the deficient disclosure of Shloss. Rather, Nakagawa discloses configuring a radio communication system to use network resources of both a mobile communications network and an ad-hoc network. The system disclosed by Nakagawa includes an apparatus that constructs an ad-hoc network with other radio communication apparatuses proximate to the apparatus using a TDD-CDMA system and that also communicates with a base station of a mobile communications network using the TDD-CDMA system. Nakagawa, ¶ [0010], [0011]. At most, Nakagawa discloses

connecting to an ad-hoc network where a first radio communication device communicates with a second radio communication device in the ad-hoc network so that the timing according to mobile communications network timing identified by synchronization information retrieved from a base station. Nakagawa, ¶ [0074].

Thus, Nakagawa does not disclose “the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices and priority level data associated with the first class and with the second class,” as claimed, but rather determines time slots based on characteristics of a mobile communications network. Neither a first class nor a second class is used by Nakagawa when determining time slots for communication between a first client device, a second client device and a fixed proximity-based reader device. With no disclosure or suggestion of a first class or a second class, there is no disclosure or suggestion of “priority level data associated with the first class and with the second class,” as claimed.

The OA alleges that paragraph [0074] of Nakagawa is particularly relevant to the claim element “the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices and priority level data associated with the first class and with the second class.” However, paragraph [0074] provides:

[0074] When receiving the set-up information necessary for communications with the node Y, the node X stores the set-up information in the storage section 15, and then performs transmitting and receiving of data signals directly with the node Y in accordance with the set-up information. In this case, the node X performs power control in order not to interfere neighboring radio communications apparatuses which do not join the ad-hoc network. That is, it measures the interference level of all time slots based on received signals inputted into the receiver 12 and performs transmit power control so that the maximum value (the tolerance value) of transmit power, which is the sum of the measured values and an offset value set in advance, is not exceeded. The node X also performs processing for receiving a signal from the base station 30, obtaining information for synchronization included in a predetermined time slot of the received signal, and setting timing for communications with the node Y so that it corresponds to the communication timing in the mobile communications network, based on the synchronization information, and processing for determining estimated channel values of a desired signal transmitted from the node Y and other interference signals based on midambles included in the receive signals, removing the interference signals by joint detection with the use of the estimated channel values and the spreading code assigned to each signal, and the like.

Paragraph [0074] discloses a first radio communication device (node X) communicating with a second radio communication device (node Y) using set-up information received from the second communication device and sets timing for communication with the second communication device so that the timing corresponds to the communication timing of a mobile communications network that communicates with the first radio communication device (node X). Priority level data associated with a first class and with a second class is not used by Nakagawa to determine a first specific time slot and a second specific time slot. Rather than use synchronization data and priority level data associated with a first class and with a second class, Nakagawa uses data from a mobile communications network to determine time slots for communication between radio communication devices.

The remaining portions of Nakagawa cited by the OA, paragraphs [0067]-[0073], disclose selection of a communication channel for exchanging data between radio communication devices in an ad-hoc network and do not disclose priority level data associated with a first class and with a second class. Thus, neither the cited portion of Nakagawa, nor the remaining disclosure of Nakagawa, discloses “the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices and priority level data associated with the first class and with the second class,” as claimed.

Therefore, the cited references, both alone and in combination, fail to disclose “the first specific time slot set according to a first class,” the second specific time slot set according to a second class” and “the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices and priority level data associated with the first class and with the second class,” as claimed. Accordingly, claim 1 is patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claims 3 and 4 depend from claim 1, so all arguments advanced above with respect to claim 1 are also applicable to claims 3 and 4. Therefore, dependent claims 3 and 4 are also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of their rejection is respectfully requested.

Independent claim 8, as amended, recites in part:

wherein the physical, portable key device is arranged to communicate with the fixed reader device during a

time slot identified by a bit field stored in the key device, the time slot set according to a class associated with the physical, portable key device, wherein the bit field is determined based on synchronization information wirelessly received by the key device and priority level data associated with the class...(emphasis added)

Therefore, claim 8 recites similar elements as amended claim 1, so all arguments advanced above with respect to claim 1 are also applicable to claim 8, as amended. Accordingly, claim 8 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claims 10 and 11 depend from claim 8, so all arguments advanced above with respect to claim 1 are also applicable to claims 10 and 11. Therefore, dependent claims 10 and 11 are also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of their rejection is respectfully requested.

Claims 2 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shloss in view of Nakagawa and further in view of U.S. Patent No. 5,517,502 to Bestler et al. (“Bestler”). This rejection is overcome in view of the amended claims.

Claim 2 depends from claim 1, so all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 2. Claim 9 depends from claim 8, so all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 9.

Bestler fails to remedy the deficient disclosure of Shloss and Nakagawa. Rather, Bestler discloses techniques for downstream acknowledgement of upstream messages in

a two-way communication network. Bestler, 1:7-12. Like Shloss and Nakagawa, Bestler fails to disclose “the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices and priority level data associated with the first class and with the second class” or “the time slot set according to a class associated with the physical, portable key device,” as claimed. At most, Bestler discloses generating message transmission time slots that are uniquely assigned to subscriber terminals. In Bestler, the time slots associated with each subscriber terminal are controlled from a headend to dynamically change time slot allocation based on changes to the cable television system including the subscriber terminals. Bestler, 4:42-58. Bestler fails to disclose determining time slots based on “priority level data associated with the first class and with the second class” or setting a time slot “according to a class associated with the physical, portable key device,” as claimed.

Hence, claim 2 is patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shloss in view of Nakagawa and further in view of U.S. Patent No. 7,068,623 to Barany et al. (Barany). This rejection is overcome in view of the amended claims.

Claims 5 and 6 depend from claim 1, so all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 5 and 6.

Barany fails to remedy the deficient disclosure of Shloss and Nakagawa. Rather, Barany discloses a mobile communications system that detects when a first mobile station stops transmitting traffic including real-time, interactive data on a channel portion

and multiplexes traffic from a second mobile station onto the channel portion. Barany, 2:30-37. Barany increases the bandwidth for communication with various mobile stations in a communications system by multiplexing traffic from multiple mobile stations during a time slot when a mobile station is not transmitting traffic. Barany, 5:1-13. While Barany generally references different traffic classes that may be transmitted by a GPRS network, Barany makes no disclosure of priority level data associated with the classes or of setting a first time slot and a second time slot using priority level data. Barany, 5:61-66. Like Shloss and Nakagawa, Barany fails to disclose “the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices and priority level data associated with the first class and with the second class,” as claimed, but rather discloses modifying time slot allocation based on requests for re-allocation. Barany, 5:29-49.

Therefore, claims 5 and 6 are also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of their rejection is respectfully requested.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shloss in view of Nakagawa and further in view of U.S. Patent No. 6,138,010 to Rabe et al. (“Rabe”). This rejection is overcome in view of the amended claims.

As claim 7 depends from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 7.

Rabe fails to remedy the deficient disclosure of Shloss and Nakagawa. Rather, Rabe discloses a multimode communication device where a resource manager selectively assigns shared resources responsive to operation of the communication device according

to a first mode and a second mode. Rabe, 4:57 to 5:4. Rather than determine the first and second specific time slots based on received synchronization information and priority level data associated with the first class and with the second class, Rabe discloses modifying operation of a communication device from a preferred system to a non-preferred system responsive to receiving interrupts. Like Shloss and Nakagawa, Rabe fails to disclose “the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices and priority level data associated with the first class and with the second class,” as claimed.

Therefore, claim 7 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claims 20, 22, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa in view of Shloss. This rejection is overcome in view of the amended claims.

As amended, independent claim 20 recites:

- a network device arranged to wirelessly broadcast synchronization information in a first wireless coverage range; and
  - a portable client device adapted to wirelessly communicate data with a reader device when the client device is located in communication proximity of the reader device, the client device adapted to store a bit field according to which a time slot is determined, the time slot being set according to a class associated with the portable client device,
- wherein the client device is arranged to receive data from the network device during the time slot based on the synchronization information.

The claimed invention beneficially assigns a time slot to a portable client device during which the portable client device receives data from a network device using synchronization data wirelessly received by the portable client device. The time slot identified by the synchronization information is determined according to a class associated with the portable client device. Determining the time slot according to a class associated with the portable client device beneficially reduces the likelihood of collisions during communication between portable client devices and a network device and reduces latency of communications from client devices to the network device. Additionally, including the time slot in synchronization data received from the network device beneficially allows dynamic real-time tiered access to the network device by portable client devices. Support for the amendments to claim 20 is found throughout the specification, for example at paragraphs [00124] and [00125].

Nakagawa fails to disclose at least the claim element “the time slot being set according to a class associated with the portable client device.” Rather, Nakagawa discloses a radio communication system establishing an ad-hoc network including a device that also communicates with a mobile communications network. The system disclosed by Nakagawa includes an apparatus establishing an ad-hoc network with other radio communication apparatuses proximate to the apparatus and also communicating with a base station of a mobile communications network using a TDD-CDMA system. Nakagawa, ¶ [0010], [0011]. At most, Nakagawa discloses an ad-hoc network where a first radio communication device sets timing for communication with a second radio communication device in the ad-hoc network so that the timing corresponds to a timing

schedule used by a mobile communications network communicating with the first radio communication device. Nakagawa, ¶ [0074].

Thus, Nakagawa does not determine a time slot during which a portable client device can receive data from a network device “according to a class associated with the portable client device,” as claimed, but rather establishes communications between two radio communication devices using the timing of a mobile communications system communicating with one of the radio communication devices. A class associated with the portable client device is not used by Nakagawa to determine a time slot for communication between the portable client device and a network device. Rather, Nakagawa specifies communication times between radio communication devices using the timing schedule of a mobile communications network that communicates with one of the radio communication devices.

The OA alleges that the disclosure of paragraph [0074] is particularly relevant to the claim element “the time slot being determined according to a class associated with the portable client device.” Paragraph [0074] provides:

[0074] When receiving the set-up information necessary for communications with the node Y, the node X stores the set-up information in the storage section 15, and then performs transmitting and receiving of data signals directly with the node Y in accordance with the set-up information. In this case, the node X performs power control in order not to interfere neighboring radio communications apparatuses which do not join the ad-hoc network. That is, it measures the interference level of all time slots based on received signals inputted into the receiver 12 and performs transmit power control so that the maximum value (the tolerance value) of transmit power, which is the sum of the measured values and an offset value set in advance, is not exceeded. The node X also performs processing for receiving a signal from the base station 30, obtaining information for synchronization included in a predetermined time slot of the received signal, and setting timing for communications with the node Y so that it corresponds to the communication timing in the mobile communications network, based on the synchronization information, and processing for determining estimated channel values of a desired signal transmitted from the node Y and other interference signals based on midambles included in the receive signals, removing the interference signals by joint detection with the use of the estimated channel values and the spreading code assigned to each signal, and the like.

As disclosed by paragraph [0074], a first radio communication device (node X) communicating with a second radio communication device (node Y) using set-up information received from the second communication device and sets timing for communication with the second communication device so that the timing corresponds to the communication timing of a mobile communications network that communicates with the first radio communication device (node X). In Nakagawa, a class associated with a portable client device is not used to determine a time slot during which the portable client device can receive data from a network device. Further, Nakagawa does not disclose a class associated with a client device, much less disclose using the class to determine the time slot for communication with a network device. The remaining portions of Nakagawa cited by the OA, paragraphs [0067]-[0073], disclose selection of a

communication channel for exchanging data between radio communication devices in an ad-hoc network. Thus, neither the cited portion of Nakagawa, nor the remaining disclosure of Nakagawa, discloses “the time slot being set according to a class associated with the portable client device,” as claimed.

Shloss does not remedy the deficient disclosure of Nakagawa. Rather, Shloss merely discloses a TDMA network for communication between readers and a transponder. Shloss, Abstract. According to Shloss, each transponder is assigned a time slot for communicating with the reader. Shloss, 7:23-28. There is no disclosure, or suggestion, in Shloss of setting time slot according to a class associated with the portable client device. The OA cites column 7, lines 23-34 of Shloss as allegedly disclosing setting a first time slot according to the first class; however, the cited portion of Shloss merely discloses:

Once an identification message from the vehicle transponder 114 is received and identified, the transponder 114 is assigned specific and unique time slots. Thereafter, data communication occurs between the reader 112 and the vehicle transponder 114 in the assigned time slots. Entry of a vehicle transponder 114 to the TDMA network 100 is not permitted during the assigned time slots. This protocol rule eliminates interference between response signals of different vehicle transponders 114 and ensures a very high data communication success rate between the reader 112 and the transponders 114.

At most, the cited portion of Shloss makes a generalized disclosure of assigning specific and unique time slots and describes the benefits of assigning specific and unique time slots to different devices. Neither the cited portion of Shloss nor the remaining disclosure of Shloss describes using a class associated with a portable client device to set the time slot during which the portable client device communicates. While the claimed invention recites “the time slot being set according to a class associated with the portable

client device,” the cited portion of Shloss, as well as the remaining disclosure of Shloss, makes no disclosure or suggestion of associating a class with a device or of using the associated class to set the time slot used by the portable client device.

Thus, claim 20 is patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

As claim 22 depends from claim 20, all arguments advanced above with respect to claim 20 are also applicable to claim 22. Thus, reconsideration and withdrawal of the rejection of claim 22 is also respectfully requested.

Claim 25 depends from claim 24; thus, all arguments advanced above with respect to claim 24 are hereby incorporated so as to apply to claim 25. As claim 24 recites similar elements as claim 20, all arguments advanced above with respect to claim 20 are also hereby incorporated so as to apply to claim 25. Therefore, claim 25 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa in view of Shloss and further in view of Bestler. This rejection is overcome in view of the amended claims.

Claim 21 depends from claim 20, so all arguments advanced above with respect to claim 20 are hereby incorporated so as to apply to claim 20.

Bestler fails to remedy the deficient disclosure of Shloss and Nakagawa. Rather, Bestler discloses techniques for downstream acknowledgement of upstream messages in a two-way communication network. Bestler, 1:7-12. Like Shloss and Nakagawa, Bestler fails to disclose “the time slot being set according to a class associated with the portable

client device,” as claimed. At most, Bestler discloses generating message transmission time slots that are uniquely assigned to subscriber terminals. In Bestler, the time slots associated with each subscriber terminal are controlled from a headend to allow dynamic modification of the time slots responsive to changes in the cable television system including the subscriber terminals. Bestler, 4:42-58. Bestler makes no disclosure of associating a class with the portable client device, but merely discloses altering time slots in response to characteristics of a cable television system. Bestler fails to disclose “the time slot being set according to a class associated with the portable client device,” as claimed.

Hence, claim 20 is patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa in view of Shloss further in view of Barany. This rejection is overcome in view of the amended claims.

Claim 23 depends from claim 20, so all arguments advanced above with respect to claim 20 are hereby incorporated so as to apply to claim 23.

Barany fails to remedy the deficient disclosure of Shloss and Nakagawa. Rather, Barany discloses a mobile communications system that detects when a first mobile station stops transmitting traffic including real-time, interactive data on a channel portion and multiplexes traffic from a second mobile station onto the channel portion. Barany, 2:30-37. Barany increases the bandwidth for communication with various mobile stations in a communications system by multiplexing traffic from different mobile stations during a time slot when a mobile station is not transmitting traffic. Barany, 5:1-

13. While Barany generally references different traffic classes included in a GPRS network, Barany makes no disclosure of priority level data associated with the classes or of setting a first time slot and a second time slot using priority level data. Barany, 5:61-66. Like Shloss and Nakagawa, Barany fails to disclose “the time slot being set according to a class associated with the portable client device,” as claimed, but rather discloses modifying time slot allocation based on requests for re-allocation. Barany, 5:29-49.

Accordingly, claim 23 is patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

**CONCLUSION**

Allowance of all claims is requested. If the Examiner believes that direct contact with the Applicants' attorney will advance the prosecution of this case, the Examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,  
DAVID L. BROWN ET AL.

Dated: November 29, 2010 By: /Brian G. Brannon/  
Brian G. Brannon, Reg. No. 57,219  
Attorney for Applicants  
PATENT LAW WORKS LLP  
165 South Main Street, Second Floor  
Salt Lake City, UT 84111  
Tel.: (801) 258-9838  
Fax: (801) 355-0160  
Email: bbrannon@patentlawworks.net

| Electronic Acknowledgement Receipt          |                                        |
|---------------------------------------------|----------------------------------------|
| <b>EFS ID:</b>                              | 8921677                                |
| <b>Application Number:</b>                  | 11620577                               |
| <b>International Application Number:</b>    |                                        |
| <b>Confirmation Number:</b>                 | 9508                                   |
| <b>Title of Invention:</b>                  | Dynamic Real-Time Tiered Client Access |
| <b>First Named Inventor/Applicant Name:</b> | David L. Brown                         |
| <b>Customer Number:</b>                     | 89194                                  |
| <b>Filer:</b>                               | Brian Gregory Brannon                  |
| <b>Filer Authorized By:</b>                 |                                        |
| <b>Attorney Docket Number:</b>              | 10001-02095                            |
| <b>Receipt Date:</b>                        | 29-NOV-2010                            |
| <b>Filing Date:</b>                         | 05-JAN-2007                            |
| <b>Time Stamp:</b>                          | 16:55:59                               |
| <b>Application Type:</b>                    | Utility under 35 USC 111(a)            |

### Payment information:

| Submitted with Payment |                      | no                    |                                                    |                  |                  |
|------------------------|----------------------|-----------------------|----------------------------------------------------|------------------|------------------|
| <b>File Listing:</b>   |                      |                       |                                                    |                  |                  |
| Document Number        | Document Description | File Name             | File Size(Bytes)/<br>Message Digest                | Multi Part /.zip | Pages (if appl.) |
| 1                      |                      | 02095_Amendment_B.pdf | 194630<br>262f4fcdb3ccd6dc40312d0a27fd2121a01b6abd | yes              | 31               |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Document Description                                | Start  | End |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Amendment After Final                               | 1      | 1   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Claims                                              | 2      | 6   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Applicant Arguments/Remarks Made in an Amendment    | 7      | 31  |
| Warnings:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                     |        |     |
| Information:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                     |        |     |
| Total Files Size (in bytes):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                     | 194630 |     |
| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b><br/>If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b><br/>If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b><br/>If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> |                                                     |        |     |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------------------|---------------------------------------------------|----------|----------------------------------|---------------------|---------------------------------------|----------|
| <b>PATENT APPLICATION FEE DETERMINATION RECORD</b><br>Substitute for Form PTO-875                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |                                                                                                                                                                                                                               |              |                                    | Application or Docket Number<br><b>11/620,577</b> |          | Filing Date<br><b>01/05/2007</b> |                     | <input type="checkbox"/> To be Mailed |          |
| <b>APPLICATION AS FILED – PART I</b>                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |          |
| (Column 1)                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                          |                                                                                                                                                                                                                               | (Column 2)   |                                    | SMALL ENTITY <input checked="" type="checkbox"/>  |          | OR                               |                     | OTHER THAN SMALL ENTITY               |          |
| FOR                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                          | NUMBER FILED                                                                                                                                                                                                                  | NUMBER EXTRA |                                    | RATE (\$)                                         | FEE (\$) | OR                               |                     | RATE (\$)                             | FEE (\$) |
| <input type="checkbox"/> BASIC FEE<br>(37 CFR 1.16(a), (b), or (c))                                                                                                                                                                                                                                                                                                                                                                  |                                                                                          | N/A                                                                                                                                                                                                                           | N/A          |                                    | N/A                                               |          | OR                               |                     | N/A                                   |          |
| <input type="checkbox"/> SEARCH FEE<br>(37 CFR 1.16(k), (l), or (m))                                                                                                                                                                                                                                                                                                                                                                 |                                                                                          | N/A                                                                                                                                                                                                                           | N/A          |                                    | N/A                                               |          | OR                               |                     | N/A                                   |          |
| <input type="checkbox"/> EXAMINATION FEE<br>(37 CFR 1.16(o), (p), or (q))                                                                                                                                                                                                                                                                                                                                                            |                                                                                          | N/A                                                                                                                                                                                                                           | N/A          |                                    | N/A                                               |          | OR                               |                     | N/A                                   |          |
| TOTAL CLAIMS<br>(37 CFR 1.16(i))                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                          | minus 20 =                                                                                                                                                                                                                    | *            |                                    | X \$ =                                            |          | OR                               |                     | X \$ =                                |          |
| INDEPENDENT CLAIMS<br>(37 CFR 1.16(h))                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                          | minus 3 =                                                                                                                                                                                                                     | *            |                                    | X \$ =                                            |          | OR                               |                     | X \$ =                                |          |
| <input type="checkbox"/> APPLICATION SIZE FEE<br>(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). |              |                                    |                                                   |          |                                  |                     |                                       |          |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))                                                                                                                                                                                                                                                                                                                                                           |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    | TOTAL                                             |          | OR                               |                     | TOTAL                                 |          |
| * If the difference in column 1 is less than zero, enter "0" in column 2.                                                                                                                                                                                                                                                                                                                                                            |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |          |
| <b>APPLICATION AS AMENDED – PART II</b>                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |          |
| (Column 1)                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                          |                                                                                                                                                                                                                               | (Column 2)   |                                    | (Column 3)                                        |          | SMALL ENTITY                     |                     | OR OTHER THAN SMALL ENTITY            |          |
| <b>AMENDMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>11/29/2010</b>                                                                        | CLAIMS REMAINING AFTER AMENDMENT                                                                                                                                                                                              |              | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA                                     |          | RATE (\$)                        | ADDITIONAL FEE (\$) |                                       |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Total (37 CFR 1.16(j))                                                                   | * 18                                                                                                                                                                                                                          | Minus        | ** 26                              | = 0                                               |          | X \$26 =                         | 0                   | OR X \$ =                             |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Independent (37 CFR 1.16(h))                                                             | * 5                                                                                                                                                                                                                           | Minus        | *** 6                              | = 0                                               |          | X \$110 =                        | 0                   | OR X \$ =                             |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))                           |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          | TOTAL ADD'L FEE                  | 0                   | OR TOTAL ADD'L FEE                    |          |
| <b>AMENDMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                          | CLAIMS REMAINING AFTER AMENDMENT                                                                                                                                                                                              |              | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA                                     |          | RATE (\$)                        | ADDITIONAL FEE (\$) |                                       |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Total (37 CFR 1.16(j))                                                                   | *                                                                                                                                                                                                                             | Minus        | **                                 | =                                                 |          | X \$ =                           |                     | OR X \$ =                             |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Independent (37 CFR 1.16(h))                                                             | *                                                                                                                                                                                                                             | Minus        | ***                                | =                                                 |          | X \$ =                           |                     | OR X \$ =                             |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))                           |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          | TOTAL ADD'L FEE                  |                     | OR TOTAL ADD'L FEE                    |          |
| <p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p> |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |          |

Legal Instrument Examiner:  
/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.



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| APPLICATION NO.                                                            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|----------------------------------------------------------------------------|-------------|----------------------|-----------------------------|------------------|
| 11/620,577                                                                 | 01/05/2007  | David L. Brown       | 10001-02095                 | 9508             |
| 89194                                                                      | 7590        | 12/06/2010           |                             |                  |
| Patent Law Works/Proxense<br>165 South Main St<br>Salt Lake City, UT 84111 |             |                      | EXAMINER<br>REGO, DOMINIC E |                  |
|                                                                            |             |                      | ART UNIT                    | PAPER NUMBER     |
|                                                                            |             |                      | 2618                        |                  |
|                                                                            |             |                      | NOTIFICATION DATE           | DELIVERY MODE    |
|                                                                            |             |                      | 12/06/2010                  | ELECTRONIC       |

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@patentlawworks.net  
gsueoka@patentlawworks.net  
bbrannon@patentlawworks.net

|                                                                       |                                      |                                     |  |
|-----------------------------------------------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Advisory Action</b><br><b>Before the Filing of an Appeal Brief</b> | <b>Application No.</b><br>11/620,577 | <b>Applicant(s)</b><br>BROWN ET AL. |  |
|                                                                       | <b>Examiner</b><br>DOMINIC E. REGO   | <b>Art Unit</b><br>2618             |  |

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

THE REPLY FILED 29 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-11 and 20-26.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

/Dominic E. Rego/  
Examiner, Art Unit 2618

Please, do not enter

DR

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

APPLICANTS: David L. Brown et al.  
APPLICATION NO.: 11/620,577  
FILING DATE: January 5, 2007  
TITLE: Dynamic Real-Time Tiered Client Access  
EXAMINER: Dominic E. Rego  
GROUP ART UNIT: 2618  
ATTY. DKT. NO.: 10001-02095

**CERTIFICATE OF EFS-WEB TRANSMISSION**

Pursuant to 240 OG 45 and the Legal Framework For EFS-Web, I hereby certify that this follow-on correspondence is being officially submitted through the USPTO EFS-Web system from the Pacific Time Zone of the United States on the local date shown below:

Dated: November 29, 2010 By: /Brian G. Brannon/  
Brian G. Brannon, Reg. No. 57,219

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**AMENDMENT B**

Sir/Madam:

Responsive to the Office Action mailed on September 29, 2010, which sets a shortened statutory period for response that expires on December 29, 2010, please enter the following amendment and consider the following remarks.

Page 1 of 31

Application No. 11/620,577

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

|                      |                |             |            |                               |                 |          |      |
|----------------------|----------------|-------------|------------|-------------------------------|-----------------|----------|------|
| Application Number   | 11/620,577     | Filing Date | 2007-01-05 | Docket Number (if applicable) | 10001-02095     | Art Unit | 2618 |
| First Named Inventor | David L. Brown |             |            | Examiner Name                 | Dominic E. Rego |          |      |

**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 Amendment B filed on 11-29-2010

☐ 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 \_\_\_\_\_

## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

☒ Patent Practitioner Signature

☐ Applicant Signature

| Signature of Registered U.S. Patent Practitioner |                    |                     |            |
|--------------------------------------------------|--------------------|---------------------|------------|
| Signature                                        | /Brian G. Brannon/ | Date (YYYY-MM-DD)   | 2010-12-14 |
| Name                                             | Brian G. Brannon   | Registration Number | 57219      |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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

## Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

| Electronic Patent Application Fee Transmittal  |          |                                        |        |                      |
|------------------------------------------------|----------|----------------------------------------|--------|----------------------|
| <b>Application Number:</b>                     |          | 11620577                               |        |                      |
| <b>Filing Date:</b>                            |          | 05-Jan-2007                            |        |                      |
| <b>Title of Invention:</b>                     |          | Dynamic Real-Time Tiered Client Access |        |                      |
| <b>First Named Inventor/Applicant Name:</b>    |          | David L. Brown                         |        |                      |
| <b>Filer:</b>                                  |          | Brian Gregory Brannon/Esther Kim       |        |                      |
| <b>Attorney Docket Number:</b>                 |          | 10001-02095                            |        |                      |
| Filed as Small Entity                          |          |                                        |        |                      |
| <b>Utility under 35 USC 111(a) Filing Fees</b> |          |                                        |        |                      |
| Description                                    | Fee Code | Quantity                               | Amount | Sub-Total in USD(\$) |
| <b>Basic Filing:</b>                           |          |                                        |        |                      |
| <b>Pages:</b>                                  |          |                                        |        |                      |
| <b>Claims:</b>                                 |          |                                        |        |                      |
| <b>Miscellaneous-Filing:</b>                   |          |                                        |        |                      |
| <b>Petition:</b>                               |          |                                        |        |                      |
| <b>Patent-Appeals-and-Interference:</b>        |          |                                        |        |                      |
| <b>Post-Allowance-and-Post-Issuance:</b>       |          |                                        |        |                      |
| <b>Extension-of-Time:</b>                      |          |                                        |        |                      |

| Description                       | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-----------------------------------|----------|----------|--------|----------------------|
| <b>Miscellaneous:</b>             |          |          |        |                      |
| Request for continued examination | 2801     | 1        | 405    | 405                  |
| <b>Total in USD (\$)</b>          |          |          |        | <b>405</b>           |

| Electronic Acknowledgement Receipt          |                                        |
|---------------------------------------------|----------------------------------------|
| <b>EFS ID:</b>                              | 9034758                                |
| <b>Application Number:</b>                  | 11620577                               |
| <b>International Application Number:</b>    |                                        |
| <b>Confirmation Number:</b>                 | 9508                                   |
| <b>Title of Invention:</b>                  | Dynamic Real-Time Tiered Client Access |
| <b>First Named Inventor/Applicant Name:</b> | David L. Brown                         |
| <b>Customer Number:</b>                     | 89194                                  |
| <b>Filer:</b>                               | Brian Gregory Brannon                  |
| <b>Filer Authorized By:</b>                 |                                        |
| <b>Attorney Docket Number:</b>              | 10001-02095                            |
| <b>Receipt Date:</b>                        | 14-DEC-2010                            |
| <b>Filing Date:</b>                         | 05-JAN-2007                            |
| <b>Time Stamp:</b>                          | 18:11:49                               |
| <b>Application Type:</b>                    | Utility under 35 USC 111(a)            |

### Payment information:

|                                          |             |
|------------------------------------------|-------------|
| Submitted with Payment                   | yes         |
| Payment Type                             | Credit Card |
| Payment was successfully received in RAM | \$405       |
| RAM confirmation Number                  | 5975        |
| Deposit Account                          |             |
| Authorized User                          |             |

### File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/<br>Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------|-----------|-------------------------------------|------------------|------------------|
|-----------------|----------------------|-----------|-------------------------------------|------------------|------------------|

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------------|---------------------------------------------------|----|---|
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Request for Continued Examination (RCE) | 02095US20101214RCE.pdf | 36208<br>738fd943dd94ac18f579961e0cae06fcc7692a26 | no | 3 |
| <b>Warnings:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                         |                        |                                                   |    |   |
| This is not a USPTO supplied RCE SB30 form.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                         |                        |                                                   |    |   |
| <b>Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                         |                        |                                                   |    |   |
| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Fee Worksheet (PTO-875)                 | fee-info.pdf           | 30064<br>adc18361748464d54fb8de4ad2345f8a82b5861f | no | 2 |
| <b>Warnings:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                         |                        |                                                   |    |   |
| <b>Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                         |                        |                                                   |    |   |
| Total Files Size (in bytes):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                         |                        | 66272                                             |    |   |
| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b><br/> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b><br/> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b><br/> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> |                                         |                        |                                                   |    |   |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------------------|---------------------------------------------------|-----------------|----------------------------------|----|---------------------------------------|-------------------------|---------------------|
| <b>PATENT APPLICATION FEE DETERMINATION RECORD</b><br>Substitute for Form PTO-875                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |                                                                                                                                                                                                                               |              |                                    | Application or Docket Number<br><b>11/620,577</b> |                 | Filing Date<br><b>01/05/2007</b> |    | <input type="checkbox"/> To be Mailed |                         |                     |
| <b>APPLICATION AS FILED – PART I</b>                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
| (Column 1)                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                          |                                                                                                                                                                                                                               | (Column 2)   |                                    | SMALL ENTITY <input checked="" type="checkbox"/>  |                 | OR                               |    | OTHER THAN SMALL ENTITY               |                         |                     |
| FOR                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                          | NUMBER FILED                                                                                                                                                                                                                  | NUMBER EXTRA |                                    | RATE (\$)                                         | FEE (\$)        | OR                               |    | RATE (\$)                             | FEE (\$)                |                     |
| <input type="checkbox"/> BASIC FEE<br>(37 CFR 1.16(a), (b), or (c))                                                                                                                                                                                                                                                                                                                                                                  |                                                                                          | N/A                                                                                                                                                                                                                           | N/A          |                                    | N/A                                               |                 | OR                               |    | N/A                                   |                         |                     |
| <input type="checkbox"/> SEARCH FEE<br>(37 CFR 1.16(k), (l), or (m))                                                                                                                                                                                                                                                                                                                                                                 |                                                                                          | N/A                                                                                                                                                                                                                           | N/A          |                                    | N/A                                               |                 | OR                               |    | N/A                                   |                         |                     |
| <input type="checkbox"/> EXAMINATION FEE<br>(37 CFR 1.16(o), (p), or (q))                                                                                                                                                                                                                                                                                                                                                            |                                                                                          | N/A                                                                                                                                                                                                                           | N/A          |                                    | N/A                                               |                 | OR                               |    | N/A                                   |                         |                     |
| TOTAL CLAIMS<br>(37 CFR 1.16(i))                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                          | minus 20 =                                                                                                                                                                                                                    | *            |                                    | X \$ =                                            |                 | OR                               |    | X \$ =                                |                         |                     |
| INDEPENDENT CLAIMS<br>(37 CFR 1.16(h))                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                          | minus 3 =                                                                                                                                                                                                                     | *            |                                    | X \$ =                                            |                 | OR                               |    | X \$ =                                |                         |                     |
| <input type="checkbox"/> APPLICATION SIZE FEE<br>(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). |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))                                                                                                                                                                                                                                                                                                                                                           |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    | TOTAL                                             |                 | OR                               |    | TOTAL                                 |                         |                     |
| * If the difference in column 1 is less than zero, enter "0" in column 2.                                                                                                                                                                                                                                                                                                                                                            |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
| <b>APPLICATION AS AMENDED – PART II</b>                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
| (Column 1)                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                          | (Column 2)                                                                                                                                                                                                                    |              | (Column 3)                         |                                                   | SMALL ENTITY    |                                  | OR |                                       | OTHER THAN SMALL ENTITY |                     |
| <b>AMENDMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>12/14/2010</b>                                                                        | CLAIMS REMAINING AFTER AMENDMENT                                                                                                                                                                                              |              | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA                                     | RATE (\$)       | ADDITIONAL FEE (\$)              | OR |                                       | RATE (\$)               | ADDITIONAL FEE (\$) |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Total (37 CFR 1.16(j))                                                                   | * 18                                                                                                                                                                                                                          | Minus        | ** 26                              | = 0                                               | X \$26 =        | 0                                | OR |                                       | X \$ =                  |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Independent (37 CFR 1.16(h))                                                             | * 5                                                                                                                                                                                                                           | Minus        | *** 6                              | = 0                                               | X \$110 =       | 0                                | OR |                                       | X \$ =                  |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))                           |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   | TOTAL ADD'L FEE | 0                                | OR |                                       | TOTAL ADD'L FEE         |                     |
| (Column 1)                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                          | (Column 2)                                                                                                                                                                                                                    |              | (Column 3)                         |                                                   | SMALL ENTITY    |                                  | OR |                                       | OTHER THAN SMALL ENTITY |                     |
| <b>AMENDMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                          | CLAIMS REMAINING AFTER AMENDMENT                                                                                                                                                                                              |              | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA                                     | RATE (\$)       | ADDITIONAL FEE (\$)              | OR |                                       | RATE (\$)               | ADDITIONAL FEE (\$) |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Total (37 CFR 1.16(j))                                                                   | *                                                                                                                                                                                                                             | Minus        | **                                 | =                                                 | X \$ =          |                                  | OR |                                       | X \$ =                  |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Independent (37 CFR 1.16(h))                                                             | *                                                                                                                                                                                                                             | Minus        | ***                                | =                                                 | X \$ =          |                                  | OR |                                       | X \$ =                  |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))                           |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   | TOTAL ADD'L FEE |                                  | OR |                                       | TOTAL ADD'L FEE         |                     |
| <p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p> |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |                 |                                  |    |                                       |                         |                     |

Legal Instrument Examiner:  
/MINNIE JACKSON/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

|                                                                                                     |                        |                 |            |  |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|------------|--|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>( Not for submission under 37 CFR 1.99) | Application Number     |                 | 11620577   |  |
|                                                                                                     | Filing Date            |                 | 2007-01-05 |  |
|                                                                                                     | First Named Inventor   | David L. Brown  |            |  |
|                                                                                                     | Art Unit               | 2618            |            |  |
|                                                                                                     | Examiner Name          | Dominic E. Rego |            |  |
|                                                                                                     | Attorney Docket Number | 10001-02095     |            |  |

| U.S.PATENTS       |         |               |                        |            |                                                 |                                                                        | Remove |
|-------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|--------|
| Examiner Initial* | Cite No | Patent Number | Kind Code <sup>1</sup> | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |        |
|                   | 1       | 7460836       |                        | 2008-12-02 | Smith et al.                                    |                                                                        |        |
|                   | 2       | 7573841       |                        | 2009-08-11 | Lee et al.                                      |                                                                        |        |
|                   | 3       | 7583643       |                        | 2009-09-01 | Smith et al.                                    |                                                                        |        |

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| Examiner Initial*                   | Cite No | Publication Number | Kind Code <sup>1</sup> | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |        |
|                                     | 1       |                    |                        |                  |                                                 |                                                                        |        |

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| FOREIGN PATENT DOCUMENTS |         |                                      |                             |                        |                  |                                                 |                                                                        | Remove                   |
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| Examiner Initial*        | Cite No | Foreign Document Number <sup>3</sup> | Country Code <sup>2</sup> j | Kind Code <sup>4</sup> | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | T <sup>5</sup>           |
|                          | 1       |                                      |                             |                        |                  |                                                 |                                                                        | <input type="checkbox"/> |

|                                                                                                     |                        |                 |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>( Not for submission under 37 CFR 1.99) | Application Number     | 11620577        |
|                                                                                                     | Filing Date            | 2007-01-05      |
|                                                                                                     | First Named Inventor   | David L. Brown  |
|                                                                                                     | Art Unit               | 2618            |
|                                                                                                     | Examiner Name          | Dominic E. Rego |
|                                                                                                     | Attorney Docket Number | 10001-02095     |

| If you wish to add additional Foreign Patent Document citation information please click the Add button                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |                                                                                                                                                                                                                                                                 | Add                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <b>NON-PATENT LITERATURE DOCUMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |                                                                                                                                                                                                                                                                 | Remove                   |
| Examiner Initials*                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Cite No | 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, pages(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>5</sup>           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1       | United States Office Action, US Application No. 11/620,603, January 4, 2011, 13 pages.                                                                                                                                                                          | <input type="checkbox"/> |
| If you wish to add additional non-patent literature document citation information please click the Add button                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |         |                                                                                                                                                                                                                                                                 | Add                      |
| <b>EXAMINER SIGNATURE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |         |                                                                                                                                                                                                                                                                 |                          |
| Examiner Signature                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |                                                                                                                                                                                                                                                                 | Date Considered          |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.                                                                                                                                                                                                                                                                                                                                                                                                  |         |                                                                                                                                                                                                                                                                 |                          |
| <small> <sup>1</sup> See Kind Codes of USPTO Patent Documents at <a href="http://www.USPTO.GOV">www.USPTO.GOV</a> or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.         </small> |         |                                                                                                                                                                                                                                                                 |                          |

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

|                        |                 |
|------------------------|-----------------|
| Application Number     | 11620577        |
| Filing Date            | 2007-01-05      |
| First Named Inventor   | David L. Brown  |
| Art Unit               | 2618            |
| Examiner Name          | Dominic E. Rego |
| Attorney Docket Number | 10001-02095     |

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

- ☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

- ☐ See attached certification statement.
- ☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- ☒ None

**SIGNATURE**

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

|            |                    |                     |            |
|------------|--------------------|---------------------|------------|
| Signature  | /Brian G. Brannon/ | Date (YYYY-MM-DD)   | 2011-01-20 |
| Name/Print | Brian G. Brannon   | Registration Number | 57,219     |

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 1 hour 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.**

## Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

| Electronic Acknowledgement Receipt          |                                        |
|---------------------------------------------|----------------------------------------|
| <b>EFS ID:</b>                              | 9274309                                |
| <b>Application Number:</b>                  | 11620577                               |
| <b>International Application Number:</b>    |                                        |
| <b>Confirmation Number:</b>                 | 9508                                   |
| <b>Title of Invention:</b>                  | Dynamic Real-Time Tiered Client Access |
| <b>First Named Inventor/Applicant Name:</b> | David L. Brown                         |
| <b>Customer Number:</b>                     | 89194                                  |
| <b>Filer:</b>                               | Brian Gregory Brannon                  |
| <b>Filer Authorized By:</b>                 |                                        |
| <b>Attorney Docket Number:</b>              | 10001-02095                            |
| <b>Receipt Date:</b>                        | 20-JAN-2011                            |
| <b>Filing Date:</b>                         | 05-JAN-2007                            |
| <b>Time Stamp:</b>                          | 19:03:04                               |
| <b>Application Type:</b>                    | Utility under 35 USC 111(a)            |

### Payment information:

| Submitted with Payment | no                   |                |                                                   |                  |                  |
|------------------------|----------------------|----------------|---------------------------------------------------|------------------|------------------|
| <b>File Listing:</b>   |                      |                |                                                   |                  |                  |
| Document Number        | Document Description | File Name      | File Size(Bytes)/<br>Message Digest               | Multi Part /.zip | Pages (if appl.) |
| 1                      | Transmittal Letter   | 02095_SIDS.pdf | 75583<br>bf4ef631632e4330411b5a68d5aac9039f4c9436 | no               | 4                |
| <b>Warnings:</b>       |                      |                |                                                   |                  |                  |
| <b>Information:</b>    |                      |                |                                                   |                  |                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                         |                           |                                                        |    |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------|--------------------------------------------------------|----|----|
| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Information Disclosure Statement (IDS)<br>Filed (SB/08) | 02095_SB08a.pdf           | 612269<br>3444727f27118737224d30997eed5672951<br>24908 | no | 4  |
| <b>Warnings:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                         |                           |                                                        |    |    |
| <b>Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                         |                           |                                                        |    |    |
| 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | NPL Documents                                           | 11620603_Non_Final_OA.pdf | 454694<br>2b16bd4e2e3a11fe9f2763015a75929db3a<br>90caa | no | 13 |
| <b>Warnings:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                         |                           |                                                        |    |    |
| <b>Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                         |                           |                                                        |    |    |
| <b>Total Files Size (in bytes):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                         |                           | 1142546                                                |    |    |
| <p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b><br/> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b><br/> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b><br/> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> |                                                         |                           |                                                        |    |    |

**IN THE UNITED STATES**  
**PATENT AND TRADEMARK OFFICE**

APPLICANTS: David L. Brown et al.  
APPLICATION NO.: 11/620,577  
FILING DATE: January 5, 2007  
TITLE: Dynamic Real-Time Tiered Client Access  
EXAMINER: Dominic E. Rego  
GROUP ART UNIT: 2618  
ATTY. DKT. NO.: 10001-02095

**CERTIFICATE OF EFS-WEB TRANSMISSION**

Pursuant to 240 OG 45 and the Legal Framework For EFS-Web, I hereby certify that this follow-on correspondence is being officially submitted through the USPTO EFS-Web system from the Pacific Time Zone of the United States on the local date shown below:

|                                   |                        |
|-----------------------------------|------------------------|
| Dated: January 20, 2011           | By: /Brian G. Brannon/ |
| Brian G. Brannon, Reg. No. 57,219 |                        |

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**  
**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

Application No.11/620,577

This Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- ☒ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
  - ☐ Attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
  - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
    - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
    - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a

notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:

- ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
  - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
  - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
- ☐ Attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(d); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. \_\_\_\_\_, filed on \_\_\_\_\_, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in

37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).

Respectfully submitted,  
DAVID L. BROWN ET AL.

Dated: January 20, 2011 By: /Brian G. Brannon/  
Brian G. Brannon, Reg. No. 57,219  
Attorney for Applicants  
PATENT LAW WORKS LLP  
165 South Main Street, Second Floor  
Salt Lake City, UT 84111  
Tel.: (801) 258-9838  
Fax: (801) 355-0160  
Email: bbrannon@patentlawworks.net

## EAST Search History

## EAST Search History (Prior Art)

| Ref # | Hits | Search Query                                                                                                      | DBs                                                               | Default Operator | Plurals | Time Stamp          |
|-------|------|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------|---------|---------------------|
| L1    | 3    | priorit\$8 near3<br>level near5 data<br>near5 associat\$3<br>with first near2<br>class with second<br>near3 class | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2011/07/01<br>11:09 |
| L2    | 4    | priorit\$8 near3<br>level with data<br>with associat\$3<br>with first near2<br>class with second<br>near3 class   | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2011/07/01<br>11:10 |
| L3    | 57   | priorit\$8 near3<br>level with data<br>with associat\$3<br>with classes                                           | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2011/07/01<br>11:11 |
| L4    | 57   | priorit\$8 near3<br>level with data<br>with associat\$3<br>with classes                                           | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2011/07/01<br>11:11 |
| L5    | 47   | 4 and (@ad <=<br>"20060106" @rlad<br><= "20060106"<br>@pd <=<br>"20060106")                                       | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2011/07/01<br>11:24 |
| L6    | 57   | priorit\$8 near3<br>level with data<br>with associat\$3<br>with "classes"                                         | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2011/07/01<br>11:25 |

|     |    |                                                                                                                                                                                                                                                                                   |                                                                   |    |    |                     |
|-----|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----|----|---------------------|
| L7  | 21 | 4 same (cellular<br>cell adj phone<br>mobile portable<br>pda terminal<br>device user adj<br>equipment<br>wireless phone<br>telephone cordless<br>hand\$held hand<br>adj held wtru<br>subscriber station<br>\$1 (time\$slots<br>time adj slots))                                   | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/07/01<br>11:28 |
| L8  | 14 | 7 and (@ad <=<br>"20060106" @rlad<br><= "20060106"<br>@pd <=<br>"20060106")                                                                                                                                                                                                       | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/07/01<br>11:28 |
| S29 | 41 | (time\$slot time adj<br>slot) with determin<br>\$3 with class\$2<br>with (cellular cell<br>adj phone mobile<br>portable pda<br>terminal device<br>user adj<br>equipment<br>wireless phone<br>telephone cordless<br>hand\$held hand<br>adj held wtru<br>subscriber station<br>\$1) | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/23<br>15:48 |
| S30 | 34 | S29 and (@ad <=<br>"20060106" @rlad<br><= "20060106"<br>@pd <=<br>"20060106")                                                                                                                                                                                                     | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/23<br>15:49 |

|     |      |                                                                                                                                                                                                                                                                                                                 |                                                                   |    |    |                     |
|-----|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----|----|---------------------|
| S31 | 28   | determin\$3 near4<br>(time\$slot time adj<br>slot) with receiv\$3<br>with data with<br>network with<br>(cellular cell adj<br>phone mobile<br>portable pda<br>terminal device<br>user adj<br>equipment<br>wireless phone<br>telephone cordless<br>hand\$held hand<br>adj held wtru<br>subscriber station<br>\$1) | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/23<br>16:01 |
| S32 | 17   | S31 and (@ad <=<br>"20060106" @rlad<br><= "20060106"<br>@pd <=<br>"20060106")                                                                                                                                                                                                                                   | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/23<br>16:02 |
| S33 | 1693 | determin\$3 near4<br>(time\$slot time adj<br>slot) with (cellular<br>cell adj phone<br>mobile portable<br>pda wireless near2<br>(terminal device)<br>user adj<br>equipment phone<br>telephone cordless<br>hand\$held hand<br>adj held wtru<br>subscriber station<br>\$1)                                        | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/28<br>14:12 |
| S34 | 17   | S33 same class\$2                                                                                                                                                                                                                                                                                               | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/28<br>14:12 |
| S36 | 17   | S34 and (@ad <=<br>"20060106" @rlad<br><= "20060106"<br>@pd <=<br>"20060106")                                                                                                                                                                                                                                   | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/28<br>14:13 |

|     |    |                                                                                                                                                                                                                                                                                                        |                                                                   |    |    |                     |
|-----|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----|----|---------------------|
| S37 | 12 | assign\$3 with time<br>\$slot\$4 with receiv<br>\$3 near3 data with<br>during with<br>(cellular cell adj<br>phone mobile<br>portable pda<br>wireless near2<br>(terminal device)<br>user adj<br>equipment phone<br>telephone cordless<br>hand\$held hand<br>adj held wtru<br>subscriber station<br>\$1) | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/28<br>14:23 |
| S38 | 11 | S37 and (@ad <=<br>"20060106" @rlad<br><= "20060106"<br>@pd <=<br>"20060106")                                                                                                                                                                                                                          | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/28<br>14:23 |
| S39 | 22 | assign\$3 with time<br>near2 slots with<br>synchroniz\$5<br>near2 information<br>with (cellular cell<br>adj phone mobile<br>portable pda<br>wireless near2<br>(terminal device)<br>user adj<br>equipment phone<br>telephone cordless<br>hand\$held hand<br>adj held wtru<br>subscriber station<br>\$1) | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/28<br>15:02 |
| S40 | 22 | S39 and (@ad <=<br>"20060106" @rlad<br><= "20060106"<br>@pd <=<br>"20060106")                                                                                                                                                                                                                          | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/28<br>15:02 |

|     |     |                                                                                                                                                                                                                                                                                                                   |                                                                   |    |    |                     |
|-----|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----|----|---------------------|
| S41 | 8   | time near2 slots<br>with synchroniz\$5<br>near2 information<br>with (cellular cell<br>adj phone mobile<br>portable pda<br>wireless near2<br>(terminal device)<br>user adj<br>equipment phone<br>telephone cordless<br>hand\$held hand<br>adj held wtru<br>subscriber station<br>\$1) with receiv\$3<br>near4 data | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/28<br>15:07 |
| S42 | 8   | S41 and (@ad <=<br>"20060106" @rlad<br><= "20060106"<br>@pd <=<br>"20060106")                                                                                                                                                                                                                                     | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/28<br>15:07 |
| S47 | 103 | (different various<br>multi\$3 many<br>several numerous<br>variety plurality<br>alternat\$3) near3<br>(time\$slot\$1 time<br>adj slot\$1) with<br>determin\$3 with<br>synchroniz\$5                                                                                                                               | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/30<br>23:05 |
| S48 | 44  | S47 same (cellular<br>cell adj phone<br>mobile portable<br>pda terminal<br>device user adj<br>equipment<br>wireless phone<br>telephone cordless<br>hand\$held hand<br>adj held wtru<br>subscriber station<br>\$1)                                                                                                 | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/30<br>23:07 |
| S49 | 39  | S48 and (@ad <=<br>"20060106" @rlad<br><= "20060106"<br>@pd <=<br>"20060106")                                                                                                                                                                                                                                     | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/30<br>23:07 |

|     |     |                                                                                                                                                                                                                                                   |                                                                   |    |    |                     |
|-----|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----|----|---------------------|
| S50 | 103 | S47 same (cellular<br>cell adj phone<br>mobile portable<br>pda terminal<br>device user adj<br>equipment<br>wireless phone<br>telephone cordless<br>hand\$held hand<br>adj held wtru<br>subscriber station<br>\$1 (time\$slots<br>time adj slots)) | US-PGPUB;<br>USPAT;<br>USOCR; EPO;<br>JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2011/06/30<br>23:18 |
|-----|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----|----|---------------------|

7/ 1/ 2011 2:35:57 PM

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|                                                                                                              |                                                |                                                                    |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------------|
| <b>Search Notes</b><br><br> | <b>Application/Control No.</b><br><br>11620577 | <b>Applicant(s)/Patent Under Reexamination</b><br><br>BROWN ET AL. |
|                                                                                                              | <b>Examiner</b><br><br>LAURI HARRIS            | <b>Art Unit</b><br><br>2618                                        |

| SEARCHED |                                                |            |          |
|----------|------------------------------------------------|------------|----------|
| Class    | Subclass                                       | Date       | Examiner |
| 455      | 41.2                                           | 11/17/2009 | LH       |
| 455      | 3.02, 13.2,502                                 | 9/23/2010  | DR       |
| 375      | 145,149,240.28,293,355-257,262,363-365,368,370 | 9/23/2010  | DR       |
| Above    | Updated                                        | 9/23/2010  | DR       |

| SEARCH NOTES        |            |          |
|---------------------|------------|----------|
| Search Notes        | Date       | Examiner |
| assignee/inventor   | 11/17/2009 | LH       |
| EAST                | 11/17/2009 | LH       |
| PLUS                | 11/17/2009 | LH       |
| IEEE/Google         | 11/17/2009 | LH       |
| Updated EAST search | 9/23/2010  | DR       |
| Updated EAST search | 6/29/2011  | DR       |

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

|                                          |  |
|------------------------------------------|--|
| /LAURI HARRIS/<br>Examiner.Art Unit 2618 |  |
|------------------------------------------|--|

|                                                                                                                    |                                            |                                                                |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------|
| <b><i>Index of Claims</i></b><br> | <b>Application/Control No.</b><br>11620577 | <b>Applicant(s)/Patent Under Reexamination</b><br>BROWN ET AL. |
|                                                                                                                    | <b>Examiner</b><br>DOMINIC E REGO          | <b>Art Unit</b><br>2618                                        |

|   |                 |   |                   |   |                     |   |                 |
|---|-----------------|---|-------------------|---|---------------------|---|-----------------|
| ✓ | <b>Rejected</b> | - | <b>Cancelled</b>  | N | <b>Non-Elected</b>  | A | <b>Appeal</b>   |
| = | <b>Allowed</b>  | ÷ | <b>Restricted</b> | I | <b>Interference</b> | O | <b>Objected</b> |

| <input type="checkbox"/> Claims renumbered in the same order as presented by applicant |          | <input type="checkbox"/> CPA |            | <input type="checkbox"/> T.D. |            | <input type="checkbox"/> R.1.47 |  |  |  |
|----------------------------------------------------------------------------------------|----------|------------------------------|------------|-------------------------------|------------|---------------------------------|--|--|--|
| CLAIM                                                                                  |          | DATE                         |            |                               |            |                                 |  |  |  |
| Final                                                                                  | Original | 11/17/2009                   | 06/19/2010 | 09/23/2010                    | 07/01/2011 |                                 |  |  |  |
|                                                                                        | 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       | ✓                            | ÷          | ✓                             | ✓          |                                 |  |  |  |

|                                   |                                       |  |                                                            |             |
|-----------------------------------|---------------------------------------|--|------------------------------------------------------------|-------------|
| <b>Notice of References Cited</b> | Application/Control No.<br>11/620,577 |  | Applicant(s)/Patent Under<br>Reexamination<br>BROWN ET AL. |             |
|                                   | Examiner<br>DOMINIC E. REGO           |  | Art Unit<br>2618                                           | Page 1 of 1 |

#### U.S. PATENT DOCUMENTS

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Name               | Classification |
|---|---|--------------------------------------------------|-----------------|--------------------|----------------|
| * | A | US-7,209,955                                     | 04-2007         | Major et al.       | 709/207        |
| * | B | US-2003/0223394                                  | 12-2003         | Parantainen et al. | 370/336        |
| * | C | US-2007/0008916                                  | 01-2007         | Haugli et al.      | 370/320        |
| * | D | US-2006/0274711                                  | 12-2006         | Nelson et al.      | 370/342        |
| * | E | US-2002/0086690                                  | 07-2002         | Takahashi et al.   | 455/502        |
| * | F | US-2002/0037732                                  | 03-2002         | Gous et al.        | 455/502        |
| * | G | US-2002/0128017                                  | 09-2002         | Virtanen, Kari     | 455/452        |
|   | H | US-                                              |                 |                    |                |
|   | I | US-                                              |                 |                    |                |
|   | J | US-                                              |                 |                    |                |
|   | K | US-                                              |                 |                    |                |
|   | L | US-                                              |                 |                    |                |
|   | M | US-                                              |                 |                    |                |

#### FOREIGN PATENT DOCUMENTS

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>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.

Receipt date: 01/20/2011

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

11620577 - GAI-2618

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|------------|--|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>( Not for submission under 37 CFR 1.99) | Application Number     |                 | 11620577   |  |
|                                                                                                     | Filing Date            |                 | 2007-01-05 |  |
|                                                                                                     | First Named Inventor   | David L. Brown  |            |  |
|                                                                                                     | Art Unit               | 2618            |            |  |
|                                                                                                     | Examiner Name          | Dominic E. Rego |            |  |
|                                                                                                     | Attorney Docket Number | 10001-02095     |            |  |

| U.S. PATENTS      |         |               |                        |            |                                                 |                                                                          | Remove |
|-------------------|---------|---------------|------------------------|------------|-------------------------------------------------|--------------------------------------------------------------------------|--------|
| Examiner Initial* | Cite No | Patent Number | Kind Code <sup>1</sup> | Issue Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear |        |
|                   | 1       | 7460836       |                        | 2008-12-02 | Smith et al.                                    |                                                                          |        |
|                   | 2       | 7573841       |                        | 2009-08-11 | Lee et al.                                      |                                                                          |        |
|                   | 3       | 7583643       |                        | 2009-09-01 | Smith et al.                                    |                                                                          |        |

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| Examiner Initial*        | Cite No | Foreign Document Number <sup>3</sup> | Country Code <sup>2</sup> j | Kind Code <sup>4</sup> | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear | T <sup>5</sup>           |
|                          | 1       |                                      |                             |                        |                  |                                                 |                                                                          | <input type="checkbox"/> |

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.R./

|                                                                                                                                                   |                        |                 |            |                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------|------------|----------------------|
| <b>Receipt date: 01/20/2011</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><b>( Not for submission under 37 CFR 1.99)</b> | Application Number     |                 | 11620577   | 11620577 - GAU: 2618 |
|                                                                                                                                                   | Filing Date            |                 | 2007-01-05 |                      |
|                                                                                                                                                   | First Named Inventor   | David L. Brown  |            |                      |
|                                                                                                                                                   | Art Unit               | 2618            |            |                      |
|                                                                                                                                                   | Examiner Name          | Dominic E. Rego |            |                      |
|                                                                                                                                                   | Attorney Docket Number | 10001-02095     |            |                      |

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| <b>NON-PATENT LITERATURE DOCUMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                |                                                                                                                                                                                                                                                                 |                          | <b>Remove</b> |
| Examiner Initials*                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Cite No        | 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, pages(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>5</sup>           |               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 1              | United States Office Action, US Application No. 11/620,603, January 4, 2011, 13 pages.                                                                                                                                                                          | <input type="checkbox"/> |               |
| If you wish to add additional non-patent literature document citation information please click the Add button                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                |                                                                                                                                                                                                                                                                 |                          |               |
| <b>EXAMINER SIGNATURE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                |                                                                                                                                                                                                                                                                 |                          |               |
| Examiner Signature                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | /Dominic Rego/ |                                                                                                                                                                                                                                                                 | Date Considered          | 07/01/2011    |
| <p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>                                                                                                                                                                                                                                                                                                                                                                         |                |                                                                                                                                                                                                                                                                 |                          |               |
| <p><sup>1</sup> See Kind Codes of USPTO Patent Documents at <a href="http://www.USPTO.GOV">www.USPTO.GOV</a> or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.</p> |                |                                                                                                                                                                                                                                                                 |                          |               |



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| APPLICATION NO.                                                                       | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|---------------------------------------------------------------------------------------|-------------|----------------------|-----------------------------|------------------|
| 11/620,577                                                                            | 01/05/2007  | David L. Brown       | 10001-02095                 | 9508             |
| 89194                                                                                 | 7590        | 07/07/2011           |                             |                  |
| Patent Law Works/Proxense<br>165 South Main St<br>Suite 2<br>Salt Lake City, UT 84111 |             |                      | EXAMINER<br>REGO, DOMINIC E |                  |
|                                                                                       |             |                      | ART UNIT                    | PAPER NUMBER     |
|                                                                                       |             |                      | 2618                        |                  |
|                                                                                       |             |                      | NOTIFICATION DATE           | DELIVERY MODE    |
|                                                                                       |             |                      | 07/07/2011                  | ELECTRONIC       |

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@patentlawworks.net  
gsueoka@patentlawworks.net  
kishihara@patentlawworks.net

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>11/620,577 | <b>Applicant(s)</b><br>BROWN ET AL. |  |
|                              | <b>Examiner</b><br>DOMINIC E. REGO   | <b>Art Unit</b><br>2618             |  |

**-- 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 14 December 2010.

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

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

**Disposition of Claims**

4) ☒ Claim(s) 1-11 and 20-26 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) 1-11 and 20-26 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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/20/2011</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____.<br>5) <input type="checkbox"/> Notice of Informal Patent Application<br>6) <input type="checkbox"/> Other: _____. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/14/2010 has been entered.

2. This communication is responsive to the application filed on November 14, 2010. Claims 1-11 and 20-26 are pending and presented for prosecution. Claims 1,8, 20, 24, and 26 have been amended.

### ***Claim Rejections - 35 USC § 112***

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

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1,8,20,24, and 26 are rejected under 35 U.S.C. 112, 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 enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make

and/or use the invention. According to claim 1, the claimed limitations “the first specific time slot is set according to a first class and the second specific time slot set according to a second class and priority level data associated with the first class and with the second class” are not found in the specification and non-enabling for further prosecution. Same issue applies to claim 8, the limitations “the time slot set according to a class associated with the physical , portable key device”, claim 20, the limitations “the time slot being set according to a class associated with the portable client device”, claim 24, “the time slot being determined according to a class associated with the portable client device”, and claim 26, the limitations “the time slot being determined according to a class associated with the portable client device” are not found in the specification. The Examiner is requested to explain/define above limitations very clearly and also requested to show from paragraphs 00124 and 00125 precisely where the above limitations have been found. For example, the phrases “the first specific time slot set according to a first class and the second specific time slot set according to a second class” do not make any sense and is non-enabling because there is no clear explanation in the specification of “set according to first and second class”. If Applicant wants to move forward with this case, should explain/define clearly what does it meant by “a first class or a second class or a class” and should put those explanation in the claim language, not only in the Remarks so that anyone in one of ordinary skill can understand clearly.

According to Applicant Remarks, support for the amendments to claims 1, 8, 20, 24, and 26 is found throughout the specification, for example, at paragraphs [0124 and

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0125]. The Examiner copied paragraphs [0124 and 0125] of Applicant's specification, but nowhere have found those limitations. The Examiner is requested for clarification clearly.

[0124] Using, for example, the masking approach described above, individual client devices (e.g., PDKs) within a given cell (e.g., an RDC's wireless coverage area) may be addressed via real-time re-provisioning on command. Thus, in other words, by reserving time slots for both client device transmission and reception (based on masks established by the network), client transmission and reception time slots may be efficiently coordinated to reduce collision likelihood and allow for tiered client access, assignment of specific classes, and/or targeting an individual user for preferential, non-contended system access. Further, in one or more embodiments, bit masks may be changed to include or exclude specific users (or classes of users). Still further, in one or more embodiments, bit masks may be changed to dynamically alter access to the network by users or classes of users as traffic load on the network changes. Moreover, it is noted that once a specific client exits the network, previously reserved time slots of that client may be reassigned to one or more other client devices in the network.

[0125] To provide an example, there may be multiple client devices (e.g., PDKs) in proximity of a particular fixed reader device (e.g., an RDC). Each of these client devices, other than providing a location response, may request some data exchange with the reader device in order carry out a secure transaction. In an effort to reduce collision and coordinate the time slots that each client device "talks" with the reader device, a mask may be communicated to each client device to set the times at which the client device is to communicate with the reader device. Further, certain ones of the client devices may be afforded some level of priority, in which case the masks would be set accordingly. For example, masks may be set according to a class of a user of a PDK or to a class of the PDK itself. To facilitate such differentiation, priority level or tier level data may be present in an RDC or CRDC to be used when setting a mask for a particular client device or group thereof. Thus, in such a manner, there is provided a technique for dynamic real-time tiered client access. Moreover, it is noted that in one or more embodiments, a CSMA-CA mechanism may be implemented as a backup approach to facilitate data exchange.

### ***Claim Objections***

Claim 20 is objected to because of the following informalities: Applicant uses the word "adapted to" to the above claims where claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure (See MPEP 2111.04 [R-3]; MPEP 2106 [R-5]). Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

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

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

6. Claims 1,3,4,8,10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Nakagawa et al. (US Pub. No. 2006/0205408) and further in view of Major et al. (US Patent #7,209,955).

**Regarding claim 1**, Shloss teaches a method of facilitating data exchange, comprising:

assigning a first specific time slot for a first client device (*assigning a time slot of a transponder*) (*Figure 2, Item 114; Col 7, lines 23-45*) to wirelessly communicate with a fixed proximity-based reader (reader) device, the first specific time

slot set according to a first class (Col 3, lines 59-66 and Col 7, lines 23-45, Shloss teaches an increased number of transponders 114 can be accommodated by the TDMA network 100 since message repeat time is minimized. This combination of time slots provides the best results for the following reasons. The random time slot selection is convenient for entry into the TDMA network 100 but is a poor choice for uniquely communicating with a large number of vehicle transponders 114. The assigned time slots (more than one time slot) are efficient for communicating among a known list of vehicle transponders 114 (more than one transponder which can be first and second client device) wherein first specific time slot set according to a first class is obvious); and

assigning a second specific time slot for a second client device to wirelessly communicate with the fixed proximity-based reader device, the second specific time slot set according to a second class (Col 3, lines 59-66 and Col 7, lines 23-45, Shloss teaches an increased number of transponders 114 can be accommodated by the TDMA network 100 since message repeat time is minimized. This combination of time slots provides the best results for the following reasons. The random time slot selection is convenient for entry into the TDMA network 100 but is a poor choice for uniquely communicating with a large number of vehicle transponders 114. The assigned time slots (more than one time slot) are efficient for communicating among a known list of vehicle transponders 114 (more than one transponder which can be first and second client device) wherein second specific time slot set according to a second class is obvious)), but does not specifically teach wherein the first and second specific time slots

are determined based on synchronization information wirelessly received by the first and second client devices and priority level data associated with the first class and with the second class.

However, in related art, Nakagawa teaches wherein the first and second specific time slots are determined based on synchronization information wirelessly received by the first and second client devices (*See Fig. 1, and paragraphs 0067-0074, especially paragraph 0067, Nakagawa teaches the first radio communication apparatus 10 (PDA, PC, or Mobile phone) is a node X. Paragraph 0074 teaches the node X (can be more than one node) also performs processing for receiving a signal from the base station 30, obtaining information for synchronization included in a predetermined time slot (each node X can receive this information) of the received signal, and setting timing for communications with the node Y so that it corresponds to the communication timing in the mobile communications network, based on the synchronization information, so the first and second time slots are determined based on synchronization information wirelessly received by the first and second node X*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Nakagawa to Shloss in order to improve communication characteristics and enhance the communication capacity and the throughput of the entire network.

The combination of Shloss and Nakagawa do not specifically teach priority level data associated with the first class and with the second class.

However, in related art, Major teaches priority level data associated with the first class and with the second class (Col 19, line 62-Col 20, line 6). Therefore, it would have

been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Major to Shloss and Nakagawa in order to maintain the highest possible quality of the data stream.

**Regarding claim 3**, the combination of Shloss, Nakagawa, and Major teach all the claimed elements in claim 1. In addition, Shloss teaches a method of claim 1, wherein assigning the first specific time slot comprises: masking a bit field of the first client device (Figure 4; column 10, lines 29-53).

**Regarding claim 4**, the combination of Shloss, Nakagawa, and Major teach all the claimed elements in claim 3. In addition, Shloss teaches method of claim 3, wherein the mask is wirelessly communicated to the first client device (Figure 4; column 10, lines 29-53).

**Regarding claim 8**, Shloss teaches an apparatus, comprising:

a physical, portable key device (transponder) for wirelessly communicating data with a fixed reader device when located in a wireless coverage area of the fixed reader device (Col 7, lines 23-45 and Col 8, lines 33-52),

wherein the physical, portable key device is arranged to communicate with the fixed reader device during a time slot identified by a bit field stored in the key device, the time slot set according to a class associated with the physical, portable key device ( *Col 7, lines 23-45 and Col 8, lines 33-52, especially Col 7, lines 23-45, Shloss teaches the assigned time slots (more than one time slot) are efficient for communicating among a known list of vehicle transponders 114 (more than one transponder which can be first and second client device. Col 3, lines 44-52, Shloss teaches the vehicle transponder*

*114 randomly selects one of the sixteen activation time slots 152 and transmits a short transponder identification message 160 shown in FIG. 4b to the reader 112. The transponder identification message 160 contains a unique identification number used to gain access to the TDMA network 100. The unique transponder identification number is stored in the memory 138 of the vehicle transponder shown in FIG. 2, wherein the time slot set according to a class associated with the physical, portable key device or transponder is obvious), but does not specifically teach wherein the bit field is determined based on synchronization information wirelessly received by the key device and priority level data associated with the class.*

However, in related art, Nakagawa teaches wherein the bit field (*included in the time-slot*) is determined based on synchronization information wirelessly received by the key device (*See Fig. 1, and paragraphs 0067-0074, especially paragraph 0067, Nakagawa teaches the first radio communication apparatus 10 (PDA, PC, or Mobile phone) is a node X. Paragraph 0074 teaches the node X) also performs processing for receiving a signal from the base station 30, obtaining information for synchronization included in a predetermined time slot (fit field included in the time slot) of the received signal, and setting timing for communications with the node Y so that it corresponds to the communication timing in the mobile communications network, based on the synchronization information, so the first and second time slots are determined based on synchronization information wirelessly received by the first and second node X).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Nakagawa to Shloss in order to improve

communication characteristics and enhance the communication capacity and the throughput of the entire network.

The combination of Shloss and Nakagawa do not specifically teach priority level data associated with the class.

However, in related art, Major teaches priority level data associated with the class (Col 19, line 62-Col 20, line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Major to Shloss and Nakagawa in order to maintain the highest possible quality of the data stream.

**Regarding claim 10**, the combination of Shloss, Nakagawa, and Major teach all the claimed elements in claim 1. In addition, Shloss discloses an apparatus of claim 9, wherein the mask is determined external to the key device (*sixty-four bit seed field is formed by the reader*) (column 9, lines 65-68).

**Regarding claim 11**, the combination of Shloss, Nakagawa, and Major teach all the claimed elements in claim 1. In addition, Shloss teaches the apparatus of claim 8, wherein the bit field represents an identification of the key device (unique identification number) (column 8, lines 43-52).

7. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Nakagawa et al. (US Pub. No. 2006/0205408) in view of Major et al. (US Patent #7,209,955) and further in view of Bestler US Patent No. 5,517,502.

**Regarding claim 2**, the combination of Shloss, Nakagawa, and Major teach all the claimed elements in claim 1. In addition, Shloss discloses setting time slots and changing the time slots based on network traffic (column 8, lines 43-52), but does not specifically disclose the method of claim 1, further comprising: dynamically adjusting at least one of the first specific time slot and the second specific time slot.

However, in related art, Bestler discloses the method of claim 1, further comprising: dynamically adjusting at least one of the first specific time slot and the second specific time slot (*Column 4, lines 48-58 teach the width and timing location of the time slots for a subscriber terminal are programmably controlled from the headend to accommodate dynamic changes within the network and making adjustments to the time slots or controlling the width and number of the time slots*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Bestler to Shloss, Nakagawa and Major in order to improve overall throughput.

**Regarding claim 9**, the combination of Shloss, Nakagawa, and Major teach all the claimed elements in claim 8. In addition, Shloss teaches adjusting the time slot for another time slot based on the mask (slots are identified by letter codes or masks and are adjusted dependent on those masks) (column 10, lines 38-67), but does not teach the apparatus of claim 8, wherein the time slot is adjustable dependent on a mask applied to the bit field.

However, in related art, Bestler teaches the apparatus of claim 8, wherein the time slot is adjustable dependent on a mask applied to the bit field (*Column 4, lines 48-*

*58 teach the width and timing location of the time slots for a subscriber terminal are programmably controlled from the headend to accommodate dynamic changes within the network and making adjustments to the time slots or controlling the width and number of the time slots).* Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Bestler to Shloss, Nakagawa, and Major in order to improve overall throughput.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Nakagawa et al. (US Pub. No. 2006/0205408) in view of Major et al. (US Patent #7,209,955) and further in view of Barany et al. (US Pub. No. 7,068,623).

**Regarding claim 5**, the combination of Shloss, Nakagawa, and Major fail to teach the method of claim 1, wherein the first class comprises at least one of a user associated with the first client device and a class of the first client device.

However, in related art, Barany teaches the method of claim 1, wherein the first class comprises at least one of a user associated with the first client device (full-rate voice user) (column 5, lines 27-49) and a class of the first client device (see second obviousness statement below). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute Shloss's time slot assignment by Barany's time slot assignment based on class because Barany states that this method of time slot assignment provides for dedicated or limited sharing which as is well known in the art would reduce collisions (column 6, lines 30-37). It would also have been

obvious to one of ordinary skill in the art at the time of the invention to implement a class associated with devices as well as a class associated with users because just like users all devices do not use the network bandwidth the same a pager providing texting capabilities versus a cell phone providing voice capabilities.

**Regarding claim 6**, the combination of Shloss, Nakagawa, and Major fail to teach the method of claim 1, wherein assigning the first specific time slot is dependent on a network traffic load.

However, in related art, Barany teaches the method of claim 1, wherein assigning the first specific time slot is dependent on a network traffic load (assigning based on different traffic classes) (column 5, line 51-column 6, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute Shloss's time slot assignment by Barany's time slot assignment based on traffic because Barany states that a multiplexer may be used in silent periods to combine flow of the network traffic reducing possible traffic collisions (column 6, lines 20-37).

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Nakagawa et al. (US Pub. No. 2006/0205408) in view of Major et al. (US Patent #7,209,955) and further in view of Rabe US Patent No. 6,138,010.

**Regarding claim 7**, the combination of Shloss, Nakagawa, and Major fail to teach the method of claim 1, further comprising: reassigning the first specific time slot to a third client device in response to a detection that the first client device is unavailable.

However, in related art, Rabe teaches the method of claim 1, further comprising: reassigning the first specific time slot to a third client device in response to a detection that the first client device is unavailable (inactive idle messages indicates that the communication device will be unavailable during an idle duration and the time slot and frequency may be reassigned during this unavailable period) (column 10, line 52-column 11, line 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute Shloss and Nakagawa's time slot assignment by Rabe's reassignment or unused time slots because Rabe states this permits use of the time slots when the first client device would not be using the time slots (column 6, lines 55-67).

10. Claims 20, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408) in view of Shloss et al. (US Patent #5,307,349).

**Regarding claim 20**, Nakagawa teaches a system, comprising:

a network device arranged to wirelessly broadcast synchronization information in a first wireless coverage range (Paragraphs 0067 and 0074); and

wherein the client device is arranged to receive data from the network device during the time slot based on the synchronization information (Paragraphs 0067 and 0074), but does not specifically teach a portable client device for wirelessly communicating data with a reader device when the client device is located in communication proximity of the reader device, the client device adapted to store a bit

field according to which a time slot is determined, the time slot being set according to a class associated with the portable client device.

However, in related art, Shloss teaches a portable client device for wirelessly communicating data with a reader device when the client device is located in communication proximity of the reader device, the client device adapted to store a bit field according to which a time slot is determined, the time slot being set according to a class associated with the portable client device (*Col 7, lines 23-45 and Col 8, lines 33-52, especially Col 7, lines 23-45, Shloss teaches the assigned time slots (more than one time slot) are efficient for communicating among a known list of vehicle transponders 114 (more than one transponder which can be first and second client device. Col 3, lines 44-52, Shloss teaches the vehicle transponder 114 randomly selects one of the sixteen activation time slots 152 and transmits a short transponder identification message 160 shown in FIG. 4b to the reader 112. The transponder identification message 160 contains a unique identification number used to gain access to the TDMA network 100. The unique transponder identification number is stored in the memory 138 of the vehicle transponder shown in FIG. 2, wherein the time slot set according to a class associated with the physical, portable key device or transponder is obvious).* Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Shloss to Nakagawa in order to properly transmit the signal to the target reader.

**Regarding claim 22**, the combination of Nakagawa and Shloss teach all the claimed elements in claim 20. In addition, Shloss teaches the system of claim 20,

wherein the time slot is determined based on a mask applied to a bit field stored in the client device, and wherein the mask is wirelessly communicated to the client device as part of the synchronization information wirelessly broadcasted by the network device (column 10, line 54-column 11, line 7).

**Regarding claim 25**, Nakagawa teaches the system of claim 24, further comprising: communicate data with the client device in accordance with the synchronization information (Paragraph 0074), but does not specifically teach a reader device configured to proximity sense the client device.

However, in related art, Shloss teaches a reader device configured to proximity sense the client device (short range within 100 feet) (column 7, lines 46-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Shloss to Nakagawa in order to properly transmit the signal to the target reader.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408) in view of Shloss et al. (US Patent #5,307,349) and further in view of Bestler et al. (US Patent No. 5,517,502).

**Regarding claim 21**, the combination of Nakagawa and Shloss teach all the claimed elements in claim 20. In addition, Shloss discloses setting time slots and changing the time slots based on network traffic (column 8, lines 43-52), but does not specifically disclose the system of claim 20, wherein the client device is further arranged to transmit data to the network device during the time slot.

However, in related art, Bestler discloses the system of claim 20, wherein the client device is further arranged to transmit data to the network device during the time slot (*Column 4, lines 48-58 teach the width and timing location of the time slots for a subscriber terminal are programmably controlled from the headend to accommodate dynamic changes within the network and making adjustments to the time slots or controlling the width and number of the time slots*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Bestler to Nakagawa and Shloss in order to improve overall throughput.

12. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408) in view of Shloss et al. (US Patent #5,307,349) and further in view of Barany et al. (US Pub. No. 7,068,623).

**Regarding claim 23**, the combination of Nakagawa and Shloss fail to teach the system of claim 20, wherein the synchronization information is dependent on at least one of a user associated with the client device, a class of a user associated with the client device, a class of the client device, and a network traffic load in the system.

However, in related art, Barany teaches the system of claim 20, wherein the synchronization information is dependent on at least one of a user associated with the client device, a class of a user associated with the client device, a class of the client device, and a network traffic load in the system (assigning based on different traffic classes) (column 5, line 51-column 6, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute Nakagawa and Shloss

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time slot assignment by Barany's time slot assignment based on traffic because Barany states that a multiplexer may be used in silent periods to combine flow of the network traffic reducing possible traffic collisions (column 6, lines 20-37).

13. Claims 24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakagawa et al. (US Pub. No. 2006/0205408) in view of Gous et al. (US 2002/0037732) and further in view of Virtanen (US 2002/0128017).

**Regarding claim 24**, Nakagawa teaches a system, comprising:

a network device configured to wirelessly broadcast synchronization information; and a portable client device configured to wirelessly receive the synchronization information, the received synchronization information (Paragraph 0074) comprising but does not specifically teach information assigning a time slot during which the client device can receive data from the network device, the time slot being determined according to a class associated with the portable client device.

However, in related art, Gous teaches information assigning a time slot during which the client device can receive data from the network device (See Abstract; claim 1; Paragraphs 0012 and 0013). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Gous to Nakagawa in order to transmit/receive data from the mobile unit/base station to the base station/mobile unit so that data from the mobile unit/base station arrives at the mobile unit/base station during the assigned time slot for that particular mobile unit/base station.

The combination of Nakagawa and Gous do not specifically teach the time slot being determined according to a class associated with the portable client device.

However, in related art, Virtanen teaches the time slot being determined according to a class associated with the portable client device (Paragraph 0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Virtanen to Nakagawa and Gous in order to have desired quality of service to the mobile station.

**Regarding claim 26**, Nakagawa teaches a method of facilitating data exchange, comprising: wirelessly broadcasting synchronization information to a portable client device (Paragraph 0074), but does not specifically teach the synchronization information comprising information assigning a time slot during which the client device can receive data, the time slot being determined according to a class associated with the portable client device; and wirelessly broadcasting data for reception by the client device during the time slot.

However, in related art, Gous teaches the synchronization information comprising information assigning a time slot during which the client device can receive data; and wirelessly broadcasting data for reception by the client device during the time slot (See Abstract; claim 1; Paragraphs 0012 and 0013). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Gous to Nakagawa in order to transmit/receive data from the mobile unit/base station to the base station/mobile unit so that data from the mobile unit/base

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station arrives at the mobile unit/base station during the assigned time slot for that particular mobile unit/base station.

The combination of Nakagawa and Gous do not specifically teach the time slot being determined according to a class associated with the portable client device.

However, in related art, Virtanen teaches the time slot being determined according to a class associated with the portable client device (Paragraph 0026).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Virtanen to Nakagawa and Gous in order to have desired quality of service to the mobile station.

**EXAMINER'S NOTE:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS: A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert.

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denied, 469 U.S. 851 (1984) In re Fulton, 391 F.3d 1195, 1qw201,73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-11 and 20-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Parantainen et al. (US 2003/0223394), Haugli et al. (US 2007/0008916), Nelson, JR et al. (US 2006/0274711), Takahashi et al. (US 2002/0086690).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC E. REGO whose telephone number is (571)272-8132. The examiner can normally be reached on Monday-Friday, 9:00 am-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/DOMINIC E REGO/  
Primary Examiner, Art Unit 2618  
Tel 571-272-8132

|                                                                                                     |                        |                |            |  |
|-----------------------------------------------------------------------------------------------------|------------------------|----------------|------------|--|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>( Not for submission under 37 CFR 1.99) | Application Number     |                | 11620577   |  |
|                                                                                                     | Filing Date            |                | 2007-01-05 |  |
|                                                                                                     | First Named Inventor   | David L. Brown |            |  |
|                                                                                                     | Art Unit               | 2618           |            |  |
|                                                                                                     | Examiner Name          | Dominice Rego  |            |  |
|                                                                                                     | Attorney Docket Number | 10001-02095 US |            |  |

| U.S. PATENTS                                                                                               |         |                    |                        |                  |                                                 | Remove                                                                   |
|------------------------------------------------------------------------------------------------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|
| Examiner Initial*                                                                                          | Cite No | Patent Number      | Kind Code <sup>1</sup> | Issue Date       | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear |
|                                                                                                            | 1       | 6957086            |                        | 2005-10-18       | Bahl et al.                                     |                                                                          |
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|                                                                                                            | 2       | 20030109274        |                        | 2003-06-12       | Budka et al.                                    |                                                                          |
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|                                                                                                            | 4       | 20060198337        |                        | 2006-09-07       | Hoang et al.                                    |                                                                          |
|                                                                                                            | 5       | 20060238305        |                        | 2006-10-26       | Loving et al.                                   |                                                                          |
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| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>( Not for submission under 37 CFR 1.99) | Application Number     |                | 11620577   |
|                                                                                                     | Filing Date            |                | 2007-01-05 |
|                                                                                                     | First Named Inventor   | David L. Brown |            |
|                                                                                                     | Art Unit               | 2618           |            |
|                                                                                                     | Examiner Name          | Dominice Rego  |            |
|                                                                                                     | Attorney Docket Number | 10001-02095 US |            |

| Examiner Initial* | Cite No | Foreign Document Number <sup>3</sup> | Country Code <sup>2</sup> i | Kind Code <sup>4</sup> | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear | T <sup>5</sup>           |
|-------------------|---------|--------------------------------------|-----------------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|--------------------------|
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| 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 a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)

|                        |                |
|------------------------|----------------|
| Application Number     | 11620577       |
| Filing Date            | 2007-01-05     |
| First Named Inventor   | David L. Brown |
| Art Unit               | 2618           |
| Examiner Name          | Dominice Rego  |
| Attorney Docket Number | 10001-02095 US |

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

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☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

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

|            |                   |                     |            |
|------------|-------------------|---------------------|------------|
| Signature  | /Kanda Ishihara/  | Date (YYYY-MM-DD)   | 2011-08-26 |
| Name/Print | Kanda V. Ishihara | Registration Number | 56607      |

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 1 hour 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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| Electronic Patent Application Fee Transmittal  |          |                                        |        |                      |
|------------------------------------------------|----------|----------------------------------------|--------|----------------------|
| <b>Application Number:</b>                     |          | 11620577                               |        |                      |
| <b>Filing Date:</b>                            |          | 05-Jan-2007                            |        |                      |
| <b>Title of Invention:</b>                     |          | Dynamic Real-Time Tiered Client Access |        |                      |
| <b>First Named Inventor/Applicant Name:</b>    |          | David L. Brown                         |        |                      |
| <b>Filer:</b>                                  |          | Kanda Ishihara                         |        |                      |
| <b>Attorney Docket Number:</b>                 |          | 10001-02095                            |        |                      |
| Filed as Small Entity                          |          |                                        |        |                      |
| <b>Utility under 35 USC 111(a) Filing Fees</b> |          |                                        |        |                      |
| Description                                    | Fee Code | Quantity                               | Amount | Sub-Total in USD(\$) |
| <b>Basic Filing:</b>                           |          |                                        |        |                      |
| <b>Pages:</b>                                  |          |                                        |        |                      |
| <b>Claims:</b>                                 |          |                                        |        |                      |
| <b>Miscellaneous-Filing:</b>                   |          |                                        |        |                      |
| <b>Petition:</b>                               |          |                                        |        |                      |
| <b>Patent-Appeals-and-Interference:</b>        |          |                                        |        |                      |
| <b>Post-Allowance-and-Post-Issuance:</b>       |          |                                        |        |                      |
| <b>Extension-of-Time:</b>                      |          |                                        |        |                      |

| Description                             | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-----------------------------------------|----------|----------|--------|----------------------|
| <b>Miscellaneous:</b>                   |          |          |        |                      |
| Submission- Information Disclosure Stmt | 1806     | 1        | 180    | 180                  |
| <b>Total in USD (\$)</b>                |          |          |        | <b>180</b>           |

| Electronic Acknowledgement Receipt          |                                        |
|---------------------------------------------|----------------------------------------|
| <b>EFS ID:</b>                              | 10827287                               |
| <b>Application Number:</b>                  | 11620577                               |
| <b>International Application Number:</b>    |                                        |
| <b>Confirmation Number:</b>                 | 9508                                   |
| <b>Title of Invention:</b>                  | Dynamic Real-Time Tiered Client Access |
| <b>First Named Inventor/Applicant Name:</b> | David L. Brown                         |
| <b>Customer Number:</b>                     | 89194                                  |
| <b>Filer:</b>                               | Kanda Ishihara                         |
| <b>Filer Authorized By:</b>                 |                                        |
| <b>Attorney Docket Number:</b>              | 10001-02095                            |
| <b>Receipt Date:</b>                        | 26-AUG-2011                            |
| <b>Filing Date:</b>                         | 05-JAN-2007                            |
| <b>Time Stamp:</b>                          | 19:51:30                               |
| <b>Application Type:</b>                    | Utility under 35 USC 111(a)            |

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| <b>Warnings:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                       |                    |                                                    |    |   |
| <b>Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |                    |                                                    |    |   |
| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Fee Worksheet (SB06)                                  | fee-info.pdf       | 29750<br>32a5b1d60ca0b4f3d1617488c7a2f04c411c8433  | no | 2 |
| <b>Warnings:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                       |                    |                                                    |    |   |
| <b>Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |                    |                                                    |    |   |
| <b>Total Files Size (in bytes):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                       |                    | 642091                                             |    |   |
| <p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b><br/> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b><br/> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b><br/> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> |                                                       |                    |                                                    |    |   |

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

APPLICANTS: David L. Brown et al.  
APPLICATION NO.: 11/620,577  
FILING DATE: January 5, 2007  
TITLE: Dynamic Real-Time Tiered Client Access  
EXAMINER: Dominic E. Rego  
GROUP ART UNIT: 2618  
ATTY. DKT. NO.: 10001-02095 US

**CERTIFICATE OF EFS-WEB TRANSMISSION**

Pursuant to 240 OG 45 and the Legal Framework For EFS-Web, I hereby certify that this follow-on correspondence is being officially submitted through the USPTO EFS-Web system from the Pacific Time Zone of the United States on the local date shown below:

Dated: October 7, 2011 By: /Kanda Ishihara/  
Kanda V. Ishihara, Reg. No. 56,607

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**AMENDMENT C**

Sir:

Responsive to the Office Action mailed on July 7, 2011 which sets a shortened statutory period for response that expires on October 7, 2011, please enter the following amendment and consider the following remarks.

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Application No. 11/620,577

Attorney Docket No. 10001-02095 US

### IN THE CLAIMS

All pending claims are reproduced below.

1. (Currently Amended) A method of facilitating data exchange, comprising:  
assigning a first specific time slot for a first client device to wirelessly communicate with  
a fixed proximity-based reader device, the first specific time slot set according to  
a first class; and  
assigning a second specific time slot for a second client device to wirelessly  
communicate with the fixed proximity-based reader device, the second specific  
time slot set according to a second class,  
wherein the first and second specific time slots are determined based on synchronization  
information wirelessly received by the first and second client devices and priority  
level data associated with the first class and with the second class, and  
wherein the first class is associated with one or more of the first client device and a user  
of the first client device, and the second class is associated with one or more of  
the second client device and a user of the second client device.
2. (Original) The method of claim 1, further comprising:  
dynamically adjusting at least one of the first specific time slot and the second specific  
time slot.
3. (Original) The method of claim 1, wherein assigning the first specific time slot  
comprises:  
masking a bit field of the first client device.
4. (Original) The method of claim 3, wherein the mask is wirelessly communicated  
to the first client device.

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Application No. 11/620,577

Attorney Docket No. 10001-02095 US

5. (Previously Presented) The method of claim 1, wherein the first class comprises at least one of a user associated with the first client device and a class of the first client device.

6. (Original) The method of claim 1, wherein assigning the first specific time slot is dependent on a network traffic load.

7. (Original) The method of claim 1, further comprising:

reassigning the first specific time slot to a third client device in response to a detection that the first client device is unavailable.

8. (Previously Presented) An apparatus, comprising:

a physical, portable key device for wirelessly communicating data with a fixed reader device when located in a wireless coverage area of the fixed reader device,

wherein the physical, portable key device is arranged to communicate with the fixed reader device during a time slot identified by a bit field stored in the key device, the time slot set according to a class associated with the physical, portable key device,

wherein the bit field is determined based on synchronization information wirelessly received by the key device and priority level data associated with the class.

9. (Original) The apparatus of claim 8, wherein the time slot is adjustable dependent on a mask applied to the bit field.

10. (Original) The apparatus of claim 9, wherein the mask is determined external to the key device.

11. (Original) The apparatus of claim 8, wherein the bit field represents an identification of the key device.

12-19. (Cancelled).

20. (Currently Amended) A system, comprising:

a network device arranged to wirelessly broadcast synchronization information in a first wireless coverage range; and

a portable client device for wirelessly communicating data with a reader device when the client device is located in communication proximity of the reader device, the client device ~~adapted to store~~ for storing a bit field according to which a time slot is determined, the time slot being set according to a class associated with the portable client device,

wherein the client device is arranged to receive data from the network device during the time slot based on the synchronization information.

21. (Original) The system of claim 20, wherein the client device is further arranged to transmit data to the network device during the time slot.

22. (Original) The system of claim 20, wherein the time slot is determined based on a mask applied to a bit field stored in the client device, and wherein the mask is wirelessly communicated to the client device as part of the synchronization information wirelessly broadcasted by the network device.

23. (Original) The system of claim 20, wherein the synchronization information is dependent on at least one of a user associated with the client device, a class of a user associated with the client device, a class of the client device, and a network traffic load in the system.

24. (Previously Presented) A system, comprising:

a network device configured to wirelessly broadcast synchronization information; and

a portable client device configured to wirelessly receive the synchronization information, the received synchronization information comprising information assigning a time

slot during which the client device can receive data from the network device, the time slot being determined according to a class associated with the portable client device.

25. (Original) The system of claim 24, further comprising:

a reader device configured to proximity sense the client device, and further configured to communicate data with the client device in accordance with the synchronization information.

26. (Previously Presented) A method of facilitating data exchange, comprising:

wirelessly broadcasting synchronization information to a portable client device, the synchronization information comprising information assigning a time slot during which the client device can receive data, the time slot being determined according to a class associated with the portable client device; and  
wirelessly broadcasting data for reception by the client device during the time slot.

### **REMARKS**

Claims 1-11 and 20-26 were presented for examination. Claims 1-11 and 20-26 stand rejected in the Office Action dated July 7, 2011 (herein, "OA"). Claims 1 and 20 are amended. Claims 1-11 and 20-26 are pending upon entry of this amendment.

### **Claim Objections**

Claim 20 is objected to because of informalities. Specifically, the OA alleges that use of the phrase "adapted to" is claim language that suggests or makes optional but does not require steps to be performed or that does not limit a claim to a particular structure (See MPEP 2111.04 [R-3]; MPEP 2106 [R-5]). This objection is overcome in view of the amended claims.

Claim 20 is amended herein to now recite "the client device for storing a bit field..." Therefore, the claim language objected to in the OA is removed, and reconsideration and withdrawal of the objection is respectfully requested.

### **Response to Rejections Under 35 U.S.C. § 112**

Claims 1, 8, 20, 24, and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, on pages 2-3 of the OA, the Examiner asserts:

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Application No. 11/620,577

Attorney Docket No. 10001-02095 US

and/or use the invention. According to claim 1, the claimed limitations "the first specific time slot is set according to a first class and the second specific time slot set according to a second class and priority level data associated with the first class and with the second class" are not found in the specification and non-enabling for further prosecution. Same issue applies to claim 8, the limitations "the time slot set according to a class associated with the physical, portable key device", claim 20, the limitations "the time slot being set according to a class associated with the portable client device", claim 24, "the time slot being determined according to a class associated with the portable client device", and claim 26, the limitations "the time slot being determined according to a class associated with the portable client device" are not found in the specification. The

Respectfully, Applicants respectfully disagree. On page 3 of the OA, Examiner asserts that the above limitations must be explained/defined very clearly and shown the precisely where the limitations have been found in paragraphs [00124] and [00125] in order to proceed. Specifically, the Examiner seems interested in the limitations regarding setting/determining a time slot according to a class.

Paragraph [00124] discloses:

Thus, in other words, by reserving time slots for both client device transmission and reception (based on masks established by the network), client transmission and reception time slots may be efficiently coordinated to reduce collision likelihood and allow for tiered client access, assignment of specific classes, and/or targeting an individual user for preferential, non-contended system access. Further, in one or more embodiments, bit masks may be changed to include or exclude specific users (or classes of users). Still further, in one or more embodiments, bit masks may be changed to dynamically alter access to the network by users or classes of users as traffic load on the network changes.

Paragraph [00125] discloses:

In an effort to reduce collision and coordinate the time slots that each client device "talks" with the reader device, a mask may be communicated to each client device to set the times at which the client device is to communicate with the reader device. Further,

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Attorney Docket No. 10001-02095 US

certain ones of the client devices may be afforded some level of priority, in which case the masks would be set accordingly. For example, masks may be set according to a class of a user of a PDK or to a class of the PDK itself. To facilitate such differentiation, priority level or tier level data may be present in an RDC or CRDC to be used when setting a mask for a particular client device or group thereof. Thus, in such a manner, there is provided a technique for dynamic real-time tiered client access.

In [00124], “client devices (e.g., PDKs)” teaches that one example of a client device is a PDK, which, according to one embodiment, is a physical, portable key device. In paragraph [00125], “a class of a user of a PDK or to a class of the PDK” teaches that one or more of the client device and the user of a client device are associated with a class. In paragraph [00124], “classes” is plural indicating that, in one embodiment, at least two classes, i.e., at least a first class and a second class, exist. In paragraph [00125], “masks may be set according to a class” teaches that masks may be set according to class. In paragraph [00124], “alter[ing] access to the network by users or classes of users” teaches that in at least one embodiment class is associated with access, which is further supported by context and the discussion of “tiered access,” “preferential non-contended access” and “priority level” throughout paragraphs [00124] and [00125]. In paragraph [00125], a mask “set[s] the times at which the client device is to communicate with the reader device.”

In summary, in at least one embodiment, a client device or its user is associated with a class. The class is associated with network access, e.g., a priority level, which is stored in the form of data. A mask is set according to the class. The mask sets the times, or time slot, the client communicates with the reader device. To simplify further, the time slot is set according to the class. A person having ordinary skill in the art will recognize that, in one embodiment, when two client devices (a first client device and a second client device) are present, and each client

device, or its user, is associated with a class (a first class and a second class, respectively), and each class is associated with a priority level (priority level data), a first time slot is set according to the first class for the first client device and a second time slot is set for the second client device according to the second class and based on the priority level data associated with the first class and with the second class.

Therefore, the specification contains a written description of the invention “in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which is it most nearly connected, to make and use the same,” as required by 35 U.S.C. 112, therefore reconsideration and withdrawal of the rejections of claims 1, 8, 20, 24 and 26 is respectfully requested.

### **Response to Rejections Under 35 U.S.C. § 103**

Claims 1, 3, 4, 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Nakagawa et al. (US Pub. No. 2006/0205408) and further in view of Major et al. (US Patent #7,209,955). The rejection is traversed in view of independent claims 1 and 8, which will be discussed in order.

Independent claim 1, as amended, recites in part:

. . . the first specific time slot set *according to a first class*; and  
. . . the second specific time slot set *according to a second class*,  
wherein the first and second specific time slots are determined based on synchronization information . . . and *priority level data associated with the first class and with the second class, and*  
*wherein the first class is associated with one or more of the first client device and a user of the first client device, and the second class is associated with one or more of the second client device and a user of the second client device.*

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The assignment of classes (categories) beneficially allows for tiered client access. As explained in the specification, embodiments of the present invention relate to a technique for synchronizing (or “coordinating”) multiple wireless cells, in any one of which an individual (or “user”) can reliably and securely conduct one or more wireless transactions with some device in one or more of the cells. Particularly, in one or more embodiments, wireless cells are synchronized in order to prevent wireless collisions and extend the battery life of individual user units.

The cited references do not disclose or suggest, among other things, “the first specific time slot set *according to a first class*” and “the second specific time slot set *according to a second class*” as recited by claim 1. On pages 5-6 of the OA, the Examiner argues that Shloss discloses the above-quoted elements of claim 1 and cites column 3, lines 59-66 and column 7, lines 23-45. Specifically, the Examiner states:

communicate with a fixed proximity-based reader (reader) device, the first specific time slot set according to a first class (Col 3, lines 59-66 and Col 7, lines 23-45, Shloss teaches an increased number of transponders 114 can be accommodated by the TDMA network 100 since message repeat time is minimized. This combination of time slots provides the best results for the following reasons. The random time slot selection is convenient for entry into the TDMA network 100 but is a poor choice for uniquely communicating with a large number of vehicle transponders 114. The assigned time slots (more than one time slot) are efficient for communicating among a known list of vehicle transponders 114 (more than one transponder which can be first and second client device) wherein first specific time slot set according to a first class is obvious);

Respectfully, the Examiner is incorrect. Schloss does not disclose or suggest “the first specific time slot set *according to a first class*” and “the second specific time slot set *according to a second class*” in column 3, lines 59-66 or in column 7, lines 23-45. Specifically, column 3, lines 59-66 disclose:

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The invention is embodied in a TDMA network 100 of the type used in reader-transponder communications 60 having an RF modulation/demodulation section 102 for modulating, demodulating and converting signals between an analog and digital format and a digital link controller 104 for decoding messages and providing a protocol structure to the reader-transponder communications as shown in FIG. 1. 65

As Applicants explained in the previous office action response dated November 29, 2010, the cited portion of Shloss merely discloses a TDMA where a device includes an RF modulation/demodulation section that converts signals between an analog format and a digital format. Conversion of a signal between an analog and a digital format does not set a first specific time slot *according to a first class*, but merely modifies a signal format to facilitate wireless transmission of the signal by a device.

The remaining disclosure of Shloss makes no disclosure of a first class or a second class, so Shloss fails to disclose “the first specific time slot set *according to a first class*” and “the second specific time slot set *according to a second class*” as claimed.

Column 7, lines 23-45 discloses:

Once an identification message from the vehicle transponder 114 is received and identified, the transponder 114 is assigned specific and unique time slots. Thereafter, data communication occurs between the reader 112 and the vehicle transponder 114 in the assigned time slots. Entry of a vehicle transponder 114 to the TDMA network 100 is not permitted during the assigned time slots. This protocol rule eliminates interference between response signals of different vehicle transponders 114 and ensures a very high data communication success rate between the reader 112 and the transponders 114. Further, an increased number of transponders 114 can be accommodated by the TDMA network 100 since message repeat time is minimized. This combination of time slots provides the best results for the following reasons. The random time slot selection is convenient for entry into the TDMA network 100 but is a poor choice for uniquely communicating with a large number of vehicle transponders 114. The assigned time slots are efficient for communicating among a known list of vehicle transponders 114 but entry into the TDMA network 100 by vehicle transponders 114 is difficult.

As the Applicants explained in the previous office action response dated November 29, 2010, at most, the cited portion of Shloss makes a generalized disclosure of assigning specific and unique time slots and describes the benefits of assigning specific and unique time slots to different devices. Neither the cited portion of Shloss nor the remaining disclosure of Shloss describes using a class associated with a portable client device to set the time slot during which the portable client device communicates. While the claimed invention recites “the time slot being set *according to a class* associated with the portable client device,” the cited portion of Shloss, as well as the remaining disclosure of Shloss, makes no disclosure or suggestion of associating a class with a device or of using the associated class to set the time slot used by the portable client device.

Nakagawa fails to remedy the deficient disclosure of Shloss. Rather, Nakagawa discloses a radio communication system using network resources of both a mobile communications network and an ad-hoc network. Nakagawa discloses a radio communication apparatus

constructing an ad-hoc network with other proximate radio communication apparatuses using a TDD-CDMA system, where the radio communication apparatus also communicates with a base station of a mobile communications network using the TDD-CDMA system. Nakagawa, ¶ [0010], [0011]. At most, Nakagawa discloses an ad-hoc network where a first radio communication device sets timing for communication with a second radio communication device in the ad-hoc network so that the timing corresponds to communication timing in a mobile communications network identified by synchronization information retrieved from a base station. Nakagawa, ¶ [0074].

However, Nakagawa does not disclose “a first class” or “a second class,” much less “the first specific time slot set *according to a first class*” and “the second specific time slot set *according to a second class*,” as claimed. At most, Nakagawa discloses allocating time slots for communication within an ad-hoc network based on a signal interference value or based on time slots used by a mobile communications network. Nakagawa, ¶ [0048], [0049]. Hence, time slots in Nakagawa are not set by a first class or by a second class, but are allocated based on network characteristics. Therefore, like Shloss, Nakagawa fails to disclose “the first specific time slot set *according to a first class*” and “the second specific time slot set *according to a second class*,” as claimed.

By the examiner’s own admission Nakagawa does not disclose setting a time slot according to a class as recited in the claims. Specifically, on page 19 of the OA, the Examiner admits:

The combination of Nakagawa and Gous do not specifically teach the time slot being determined according to a class associated with the portable client device.

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By admitting that Nakagawa in combination with another reference does not disclose setting a time slot according to a class, the Examiner admits that Nakagawa alone does not disclose setting a time slot according to a class.

Major fails to remedy the deficient disclosure of Shloss and Nakagawa. Rather, Major discloses pushing user-selected data items to a user's mobile data communication device and notifying the user in a user-selected manner. Major, column 3, lines 32-33, 50-53. Major also discloses that the data items can have a class associated with a priority level. Major, column 20, lines 5-6.

However, Major fails to disclose a class associated with a client device and/or its user, and a class associated with time slots much less “the first specific time slot set *according to a first class*” and “the second specific time slot set *according to a second class*,” as claimed.

As will be discussed in greater detail below in reference to the priority level limitation, Major does not disclose “class” as recited in the claim. In Major, class is associated with data items; in the Applicants' specification, class is associated with one or more of the client device and the user of the client device. Furthermore, class in Major is not used to set a time slot.

Therefore, the cited references, both alone and in combination, fail to disclose “the first specific time slot set *according to a first class*” and “the second specific time slot set *according to a second class*” as claimed. Accordingly, claim 1 is patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

The cited references do not disclose or suggest, among other things, “*priority level data associated with the first class and with the second class*” as recited by claim 1. On pages 7-8 of

the OA, the Examiner argues that Major teaches priority level data associated with the first class and with the second class and cites column 19, line 62- column 20, line 6.

Respectfully, the Examiner is incorrect. Major does not disclose or suggest “*priority level data associated with the first class and with the second class*” in column 19, line 62- column 20, line 6. Specifically, column 19, line 62- column 20, line 6 discloses:

preferred list. In this manner, the mobile device **24** can dynamically limit the amount of information being redirected to it by minimizing the number of senders on the preferred list. Other example commands include: (1) a 65 message to change the configuration of the host system to enable the mobile device **24** to receive and process certain

attachments; (2) a message to instruct the host system to redirect an entire data item to the mobile device in the situation where only a portion of a particular data item has been redirected; (3) a message to instruct the host system to  
5 modify the priority level associated with classes or sub-classes of data items.

Major discloses priority levels associated with classes of data items. However, this is not “*priority level data associated with the first class and with the second class*” as recited in claim 1. While the classes disclosed in Major are associated with different data items, the classes of the Applicant’s application are associated with one or more of the client device and the user of the client device. Amended claim one now recites “the first class is associated with one or more of the first client device and a user of the first client device, and the second class is associated with one or more of the second client device and a user of the second client device” in order to clarify this distinction.

The amendment and foregoing interpretation are supported throughout the specification, for example, at paragraph [00125]. Disclosing a priority of data items does not disclose or suggest a priority of client devices or a priority of users of client devices.

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Therefore, the cited references, both alone and in combination, fail to disclose “priority level data associated with the first class and with the second class, wherein the first class is associated with one or more of the first client device and a user of the first client device, and the second class is associated with one or more of the second client device and a user of the second client device” as claimed. Accordingly, claim 1 is patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claims 3 and 4 depend from claim 1, so all arguments advanced above with respect to claim 1 are also applicable to claims 3 and 4. Therefore, dependent claims 3 and 4 are also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of their rejection is respectfully requested.

Independent claim 8, as previously presented, recites in part:

wherein the physical, portable key device . . . the time slot set *according to a class associated with the physical, portable key device,*  
wherein the bit field is determined based on synchronization information . . . and *priority level data associated with the class.*

Therefore, claim 8 recites similar elements as amended claim 1, so all arguments advanced above with respect to claim 1 are also applicable to claim 8 as previously presented. Accordingly, claim 8 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claims 10 and 11 depend from claim 8, so all arguments advanced above with respect to claim 8 are also applicable to claims 10 and 11. Therefore, dependent claims 10 and 11 are also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of their rejection is respectfully requested.

Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Nakagawa et al. (US Pub. No. 2006/0205408) in view of Major et al. (US Patent #7,209,955) and further in view of Bestler US Patent No. 5,517,502.

Claim 2 depends from claim 1, so all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 2. Claim 9 depends from claim 8, so all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 9. Therefore, claims 2 and 9 are also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of their rejection is respectfully requested.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Nakagawa et al. (US Pub. No. 2006/0205408) in view of Major et al. (US Patent #7,209,955) and further in view of Barany et al. (US Pub. No. 7,068,623).

Claims 5 and 6 depend from claim 1, so all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 5 and 6. Therefore, claims 5 and 6 are also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of their rejection is respectfully requested.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Nakagawa et al. (US Pub. No. 2006/0205408) in view of Major et al. (US Patent #7,209,955) and further in view of Rabe US Patent No. 6,138,010.

Claim 7 depends from claim 1, so all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 7. Therefore, claim 7 is also patentably distinct

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from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claims 24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakagawa et al. (US Pub. No. 2006/0205408) in view of Gous et al. (US 2002/0037732) and further in view of Virtanen (US 2002/0128017).

Independent claim 24, as previously presented, recites in part:

*. . . the time slot being determined according to a class associated with the portable client device.*

The cited references do not disclose or suggest, among other things, “*the time slot being determined according to a class*” as recited by claim 24. On pages 19 of the OA, the Examiner argues that Virtanen discloses the above-quoted elements of claim 24. Specifically, the Examiner argues:

The combination of Nakagawa and Gous do not specifically teach the time slot being determined according to a class associated with the portable client device.

However, in related art, Virtanen teaches the time slot being determined according to a class associated with the portable client device (Paragraph 0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Virtanen to Nakagawa and Gous in order to have desired quality of service to the mobile station.

Paragraph 0026 of Virtanen discloses:

[0026] The invention can be implemented in the HSCSD system by providing the subscriber data in the home location register HLR with a field which defines a subscriber-specific maximum value for a multislot class, i.e. the fact how many time slots the mobile user may request and how they can be divided between the uplink and the downlink directions. In the HSCSD system the mobile services switching centre MSC functions as an element which checks the subscriber's identification and authentication data and any maximum values defined for a multislot class in the home location register HLR or in the visitor location register VLR. In other respects the connection establishment and barring of connection establishment of the invention can be implemented in the same way as in the GPRS system. If the subscriber has not set any limit to the multislot class to be used, the maximum number of time slots to be allocated to the connection is not determined only on the basis of the available resources in the HSCSD, but also on the basis of the mobile station class. For example, more than five time slots cannot be allocated to a mobile station of class 1 in any case.

Virtanen at most discloses using a mobile station class to determine how many time slots the mobile user may request. The class therefore is determines a number of time slots. By contrast, paragraphs [00124] and [00125] Applicant's specification teach that class in certain circumstances determines whether a client device or its user has access to the network. For example, whether the client device is given a time slot and/or which time slot the client device is given. Disclosing a class that determines a number of time slots does not disclose or suggest a class that determines which time slot, if any, is assigned.

Therefore, the cited references, both alone and in combination, fail to disclose "*the time slot being determined according to a class*" as claimed. Accordingly, claim 24 is patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claim 25 depends from claim 24, so all arguments advanced above with respect to claim 24 are hereby incorporated so as to apply to claim 25. Therefore, claim 25 is also patentably

distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claims 20, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408) in view of Shloss et al. (US Patent #5,307,349).

Independent claim 20, as previously presented, recites in part:

. . . the time slot being set *according to a class associated with the portable client device*,

Therefore, claim 20 recites similar elements as amended claim 1, so all arguments advanced above with respect to claim 1 are also applicable to claim 20 as previously presented. Accordingly, claim 20 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claim 22 depends from claim 20, so all arguments advanced above with respect to claim 20 are hereby incorporated so as to apply to claim 22. Therefore, claim 22 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claim 25 depends from claim 24, so all arguments advanced above with respect to claim 24 are hereby incorporated so as to apply to claim 25. Therefore, claim 25 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408) in view of Shloss et al. (US Patent #5,307,349) and further in view of Bestler et al. (US Patent No. 5,517,502).

Claim 21 depends from claim 20, so all arguments advanced above with respect to claim 20 are hereby incorporated so as to apply to claim 21. Therefore, claim 21 is also patentably

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distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408) in view of Shloss et al. (US Patent #5,307,349) and further in view of Barany et al. (US Pub. No. 7,068,623).

Claim 23 depends from claim 20, so all arguments advanced above with respect to claim 20 are hereby incorporated so as to apply to claim 23. Therefore, claim 23 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

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**CONCLUSION**

Allowance of all claims is requested. If the Examiner believes that direct contact with the Applicants' attorney will advance the prosecution of this case, the Examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,  
DAVID L. BROWN ET AL.

Dated: October 7, 2011 By: /Kanda Ishihara/  
Kanda V. Ishihara, Reg. No. 56,607  
Attorney for Applicants  
PATENT LAW WORKS LLP  
165 South Main Street, Second Floor  
Salt Lake City, UT 84111  
Tel.: (801) 258-9835  
Fax: (801) 355-0160  
Email: kishihara@patentlawworks.net

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| Electronic Acknowledgement Receipt          |                                        |
|---------------------------------------------|----------------------------------------|
| <b>EFS ID:</b>                              | 11145127                               |
| <b>Application Number:</b>                  | 11620577                               |
| <b>International Application Number:</b>    |                                        |
| <b>Confirmation Number:</b>                 | 9508                                   |
| <b>Title of Invention:</b>                  | Dynamic Real-Time Tiered Client Access |
| <b>First Named Inventor/Applicant Name:</b> | David L. Brown                         |
| <b>Customer Number:</b>                     | 89194                                  |
| <b>Filer:</b>                               | Kanda Ishihara                         |
| <b>Filer Authorized By:</b>                 |                                        |
| <b>Attorney Docket Number:</b>              | 10001-02095                            |
| <b>Receipt Date:</b>                        | 07-OCT-2011                            |
| <b>Filing Date:</b>                         | 05-JAN-2007                            |
| <b>Time Stamp:</b>                          | 17:05:33                               |
| <b>Application Type:</b>                    | Utility under 35 USC 111(a)            |

### Payment information:

| Submitted with Payment | no                   |                         |                                                    |                  |                  |
|------------------------|----------------------|-------------------------|----------------------------------------------------|------------------|------------------|
| <b>File Listing:</b>   |                      |                         |                                                    |                  |                  |
| Document Number        | Document Description | File Name               | File Size(Bytes)/<br>Message Digest                | Multi Part /.zip | Pages (if appl.) |
| 1                      |                      | 02095_US_AmendmentC.pdf | 754827<br>00350b93a6a55c8a36d540c13e0f1a92e6e0d02b | yes              | 22               |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Document Description                                | Start  | End |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Amendment Copy Claims/Response to Suggested Claims  | 1      | 1   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Claims                                              | 2      | 5   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Applicant Arguments/Remarks Made in an Amendment    | 6      | 22  |
| Warnings:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                     |        |     |
| Information:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                     |        |     |
| Total Files Size (in bytes):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                     | 754827 |     |
| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b><br/>If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b><br/>If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b><br/>If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> |                                                     |        |     |





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| APPLICATION NO.                                                                                                | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|----------------------------------------------------------------------------------------------------------------|-------------|----------------------|---------------------------------|-----------------------------|
| 11/620,577                                                                                                     | 01/05/2007  | David L. Brown       | 10001-02095 US                  | 9508                        |
| 89194 7590 12/15/2011<br>Patent Law Works/Proxense<br>165 South Main St<br>Suite 2<br>Salt Lake City, UT 84111 |             |                      | EXAMINER<br>REGO, DOMINIC E     |                             |
|                                                                                                                |             |                      | ART UNIT<br>2618                | PAPER NUMBER                |
|                                                                                                                |             |                      | NOTIFICATION DATE<br>12/15/2011 | DELIVERY MODE<br>ELECTRONIC |

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@patentlawworks.net  
kishihara@patentlawworks.net  
jnakao@patentlawworks.net

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>11/620,577 | <b>Applicant(s)</b><br>BROWN ET AL. |  |
|                              | <b>Examiner</b><br>DOMINIC E. REGO   | <b>Art Unit</b><br>2618             |  |

**-- 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 07 October 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1-11 and 20-26 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☒ Claim(s) 1-7 is/are allowed.
- 7) ☒ Claim(s) 8-11 and 20-26 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

**Attachment(s)**

- |                                                                                                                                     |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                         | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/26/2011</u> . | 6) <input type="checkbox"/> 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 negated by the manner in which the invention was made.

2. Claims 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Parantainen et al. (US 2003/0223394) in view of Nakagawa et al. (US Pub. No. 2006/0205408) and further in view of Major et al. (US Patent #7,209,955).

**Regarding claim 8**, Shloss teaches an apparatus, comprising:

a physical, portable key device (transponder) for wirelessly communicating data with a fixed reader device when located in a wireless coverage area of the fixed reader device (Col 7, lines 23-45 and Col 8, lines 33-52),

wherein the physical, portable key device is arranged to communicate with the fixed reader device during a time slot identified by a bit field stored in the key device ( Col 7, lines 23-45 and Col 8, lines 33-52, especially Col 7, lines 23-45, Shloss teaches the assigned time slots (more than one time slot) are efficient for communicating among a known list of vehicle transponders 114 (more than one transponder which can be first and second client device. Col 3, lines 44-52, Shloss teaches the vehicle transponder

*114 randomly selects one of the sixteen activation time slots 152 and transmits a short transponder identification message 160 shown in FIG. 4b to the reader 112. The transponder identification message 160 contains a unique identification number used to gain access to the TDMA network 100. The unique transponder identification number is stored in the memory 138 of the vehicle transponder shown in FIG. 2, wherein the time slot set according to a class associated with the physical, portable key device or transponder is obvious), but does not specifically teach the time slot set according to a class associated with the physical, portable key device, wherein the bit field is determined based on synchronization information wirelessly received by the key device and priority level data associated with the class.*

However, in related art, Parantainen teaches the time slot set according to a class associated with the physical, portable key device (Paragraph 0008). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Parantainen to Shloss in order to enable mobile terminals to receive/transmit broadcast information without significant interruptions.

The combination of Shloss and Parantainen do not specifically teach wherein the bit field is determined based on synchronization information wirelessly received by the key device and priority level data associated with the class.

However, in related art, Nakagawa teaches wherein the bit field (*included in the time-slot*) is determined based on synchronization information wirelessly received by the key device (*See Fig. 1, and paragraphs 0067-0074, especially paragraph 0067, Nakagawa teaches the first radio communication apparatus 10 (PDA, PC, or Mobile*

*phone) is a node X. Paragraph 0074 teaches the node X) also performs processing for receiving a signal from the base station 30, obtaining information for synchronization included in a predetermined time slot (fit field included in the time slot) of the received signal, and setting timing for communications with the node Y so that it corresponds to the communication timing in the mobile communications network, based on the synchronization information, so the first and second time slots are determined based on synchronization information wirelessly received by the first and second node X).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Nakagawa to Shloss and Parantainen in order to improve communication characteristics and enhance the communication capacity and the throughput of the entire network.

The combination of Shloss, Parantainen, and Nakagawa do not specifically teach priority level data associated with the class.

However, in related art, Major teaches priority level data associated with the class (Col 19, line 62-Col 20, line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Major to Shloss, Parantainen and Nakagawa in order to maintain the highest possible quality of the data stream.

**Regarding claim 10**, the combination of Shloss, Parantainen, Nakagawa, and Major teach all the claimed elements in claim 1. In addition, Shloss discloses an apparatus of claim 9, wherein the mask is determined external to the key device (*sixty-four bit seed field is formed by the reader*) (column 9, lines 65-68).

**Regarding claim 11**, the combination of Shloss, Parantainen, Nakagawa, and Major teach all the claimed elements in claim 1. In addition, Shloss teaches the apparatus of claim 8, wherein the bit field represents an identification of the key device (unique identification number) (column 8, lines 43-52).

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent #5,307,349) in view of Parantainen et al. (US 2003/0223394) in view of Nakagawa et al. (US Pub. No. 2006/0205408) in view of Major et al. (US Patent #7,209,955) and further in view of Bestler US Patent No. 5,517,502.

**Regarding claim 9**, the combination of Shloss, Parantainen, Nakagawa, and Major teach all the claimed elements in claim 8. In addition, Shloss teaches adjusting the time slot for another time slot based on the mask (slots are identified by letter codes or masks and are adjusted dependent on those masks) (column 10, lines 38-67), but does not teach the apparatus of claim 8, wherein the time slot is adjustable dependent on a mask applied to the bit field.

However, in related art, Bestler teaches the apparatus of claim 8, wherein the time slot is adjustable dependent on a mask applied to the bit field (*Column 4, lines 48-58 teach the width and timing location of the time slots for a subscriber terminal are programmably controlled from the headend to accommodate dynamic changes within the network and making adjustments to the time slots or controlling the width and number of the time slots*). Therefore, it would have been obvious to one of ordinary skill

in the art at the time of the invention to provide the above teaching of Bestler to Shloss, Parantainen, Nakagawa, and Major in order to improve overall throughput.

4. Claims 20, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408) in view of Shloss et al. (US Patent #5,307,349), and further in view of Parantainen et al. (US 2003/0223394).

**Regarding claim 20**, Nakagawa teaches a system, comprising:

a network device arranged to wirelessly broadcast synchronization information in a first wireless coverage range (Paragraphs 0067 and 0074); and

wherein the client device is arranged to receive data from the network device during the time slot based on the synchronization information (Paragraphs 0067 and 0074), but does not specifically teach a portable client device for wirelessly communicating data with a reader device when the client device is located in communication proximity of the reader device, the client device adapted to store a bit field according to which a time slot is determined, the time slot being set according to a class associated with the portable client device.

However, in related art, Shloss teaches a portable client device for wirelessly communicating data with a reader device when the client device is located in communication proximity of the reader device, the client device adapted to store a bit field according to which a time slot is determined (*Col 7, lines 23-45 and Col 8, lines 33-52, especially Col 7, lines 23-45, Shloss teaches the assigned time slots (more than one time slot) are efficient for communicating among a known list of vehicle transponders*

*114 (more than one transponder which can be first and second client device. Col 3, lines 44-52, Shloss teaches the vehicle transponder 114 randomly selects one of the sixteen activation time slots 152 and transmits a short transponder identification message 160 shown in FIG. 4b to the reader 112. The transponder identification message 160 contains a unique identification number used to gain access to the TDMA network 100. The unique transponder identification number is stored in the memory 138 of the vehicle transponder shown in FIG. 2, wherein the time slot set according to a class associated with the physical, portable key device or transponder is obvious).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Shloss to Nakagawa in order to properly transmit the signal to the target reader.

The combination of Nakagawa and Shloss do not specifically teach the time slot being set according to a class associated with the portable client device.

However, in related art, Parantainen teaches the time slot being set according to a class associated with the portable client device (Paragraph 0008). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Parantainen to Nakagawa and Shloss in order to enable mobile terminals to receive/transmit broadcast information without significant interruptions.

**Regarding claim 22**, the combination of Nakagawa, Shloss, and Parantainen teach all the claimed elements in claim 20. In addition, Shloss teaches the system of claim 20, wherein the time slot is determined based on a mask applied to a bit field

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stored in the client device, and wherein the mask is wirelessly communicated to the client device as part of the synchronization information wirelessly broadcasted by the network device (column 10, line 54-column 11, line 7).

**Regarding claim 25**, the combination of Nakagawa, Shloss, and Parantainen teach all the claimed elements in claim 20. In addition, Nakagawa teaches the system of claim 24, further comprising: communicate data with the client device in accordance with the synchronization information (Paragraph 0074), but does not specifically teach a reader device configured to proximity sense the client device.

However, in related art, Shloss teaches a reader device configured to proximity sense the client device (short range within 100 feet) (column 7, lines 46-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Shloss to Nakagawa and Parantainen in order to properly transmit the signal to the target reader.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408) in view of Shloss et al. (US Patent #5,307,349) in view Parantainen et al. (US 2003/0223394) and further in view of Bestler et al. (US Patent No. 5,517,502).

**Regarding claim 21**, the combination of Nakagawa, Shloss, and Parantainen teach all the claimed elements in claim 20. In addition, Shloss discloses setting time slots and changing the time slots based on network traffic (column 8, lines 43-52), but

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does not specifically disclose the system of claim 20, wherein the client device is further arranged to transmit data to the network device during the time slot.

However, in related art, Bestler discloses the system of claim 20, wherein the client device is further arranged to transmit data to the network device during the time slot (*Column 4, lines 48-58 teach the width and timing location of the time slots for a subscriber terminal are programmably controlled from the headend to accommodate dynamic changes within the network and making adjustments to the time slots or controlling the width and number of the time slots*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Bestler to Nakagawa, Shloss, and Parantainen in order to improve overall throughput.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408) in view of Shloss et al. (US Patent #5,307,349) in view of Parantainen et al. (US 2003/0223394) and further in view of Barany et al. (US Pub. No. 7,068,623).

**Regarding claim 23**, the combination of Nakagawa, Shloss, and Parantainen fail to teach the system of claim 20, wherein the synchronization information is dependent on at least one of a user associated with the client device, a class of a user associated with the client device, a class of the client device, and a network traffic load in the system.

However, in related art, Barany teaches the system of claim 20, wherein the synchronization information is dependent on at least one of a user associated with the client device, a class of a user associated with the client device, a class of the client device, and a network traffic load in the system (assigning based on different traffic classes) (column 5, line 51-column 6, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute Nakagawa, Shloss, and Parantainen time slot assignment by Barany's time slot assignment based on traffic because Barany states that a multiplexer may be used in silent periods to combine flow of the network traffic reducing possible traffic collisions (column 6, lines 20-37).

7. Claims 24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakagawa et al. (US Pub. No. 2006/0205408) in view of Gous et al. (US 2002/0037732) and further in view of Parantainen et al. (US 2003/0223394).

**Regarding claim 24**, Nakagawa teaches a system, comprising:

a network device configured to wirelessly broadcast synchronization information (Paragraph 0074); and

a portable client device configured to wirelessly receive the synchronization information (Paragraph 0074), but does not specifically teach the received synchronization information comprising information assigning a time slot during which the client device can receive data from the network device, the time slot being determined according to a class associated with the portable client device.

However, in related art, Gous teaches the received synchronization information comprising information assigning a time slot during which the client device can receive data from the network device (See Abstract; claim 1; Paragraphs 0012 and 0013). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Gous to Nakagawa in order to transmit/receive data from the mobile unit/base station to the base station/mobile unit so that data from the mobile unit/base station arrives at the mobile unit/base station during the assigned time slot for that particular mobile unit/base station.

The combination of Nakagawa and Gous do not specifically teach the time slot being determined according to a class associated with the portable client device.

However, in related art, Parantainen teaches the time slot being determined according to a class associated with the portable client device (Paragraph 0008). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Parantainen to Nakagawa and Gous in order to have desired quality of service to the mobile station.

**Regarding claim 26**, Nakagawa teaches a method of facilitating data exchange, comprising: wirelessly broadcasting synchronization information to a portable client device (Paragraph 0074), but does not specifically teach the synchronization information comprising information assigning a time slot during which the client device can receive data, the time slot being determined according to a class associated with the portable client device; and wirelessly broadcasting data for reception by the client device during the time slot.

However, in related art, Gous teaches the synchronization information comprising information assigning a time slot during which the client device can receive data; and wirelessly broadcasting data for reception by the client device during the time slot (See Abstract; claim 1; Paragraphs 0012 and 0013). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Gous to Nakagawa in order to transmit/receive data from the mobile unit/base station to the base station/mobile unit so that data from the mobile unit/base station arrives at the mobile unit/base station during the assigned time slot for that particular mobile unit/base station.

The combination of Nakagawa and Gous do not specifically teach the time slot being determined according to a class associated with the portable client device.

However, in related art, Parantainen teaches the time slot being determined according to a class associated with the portable client device (Paragraph 0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Parantainen to Nakagawa and Gous in order to have desired quality of service to the mobile station.

***Allowable Subject Matter***

8. Claims 1-7 are allowed.
9. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art fails to teach the first specific time slot set according to a first class and the second specific time slot set according to a second class, wherein the first class is associated with one or more of the first client device and a user of the first client device, and the second class is associated with one or more of the second client device and a user of the second client device.

Dependent claims 2-7 are allowed for the same reason.

**EXAMINER'S NOTE:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS: A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) *In re Fulton*, 391 F.3d 1195, 1qw201,73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

***Response to Arguments***

10. Applicant's arguments filed 10/07/2011, with respect to the rejection(s) of claim(s) 1-11 and 20-26 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Parantainen et al. (US 2003/0223394).

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kanerva et al. (US Patent #6,240,076), Onouchi (US 2001/0024428).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC E. REGO whose telephone number is (571)272-8132. The examiner can normally be reached on Monday-Friday, 9:00 am-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

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.

/DOMINIC E REGO/  
Primary Examiner, Art Unit 2618  
Tel 571-272-8132

|                                   |                                       |                                                            |             |
|-----------------------------------|---------------------------------------|------------------------------------------------------------|-------------|
| <b>Notice of References Cited</b> | Application/Control No.<br>11/620,577 | Applicant(s)/Patent Under<br>Reexamination<br>BROWN ET AL. |             |
|                                   | Examiner<br>DOMINIC E. REGO           | Art Unit<br>2618                                           | Page 1 of 1 |

**U.S. PATENT DOCUMENTS**

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Name               | Classification |
|---|---|--------------------------------------------------|-----------------|--------------------|----------------|
| * | A | US-2003/0223394                                  | 12-2003         | Parantainen et al. | 370/336        |
| * | B | US-6,240,076                                     | 05-2001         | Kanerva et al.     | 370/330        |
| * | C | US-2001/0024428                                  | 09-2001         | Onouchi, Takakazu  | 370/329        |
|   | D | US-                                              |                 |                    |                |
|   | E | US-                                              |                 |                    |                |
|   | F | US-                                              |                 |                    |                |
|   | G | US-                                              |                 |                    |                |
|   | H | US-                                              |                 |                    |                |
|   | I | US-                                              |                 |                    |                |
|   | J | US-                                              |                 |                    |                |
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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.

Receipt date: 08/26/2011

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

11620577 - GAI: 2618

Approved for use through 07/31/2012. OMB 0651-0031

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|-----------------------------------------------------------------------------------------------------|------------------------|----------------|------------|--|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>( Not for submission under 37 CFR 1.99) | Application Number     |                | 11620577   |  |
|                                                                                                     | Filing Date            |                | 2007-01-05 |  |
|                                                                                                     | First Named Inventor   | David L. Brown |            |  |
|                                                                                                     | Art Unit               | 2618           |            |  |
|                                                                                                     | Examiner Name          | Dominice Rego  |            |  |
|                                                                                                     | Attorney Docket Number | 10001-02095 US |            |  |

| U.S. PATENTS                                                                                               |         |                    |                        |                  |                                                 |                                                                          | Remove |
|------------------------------------------------------------------------------------------------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|--------|
| Examiner Initial*                                                                                          | Cite No | Patent Number      | Kind Code <sup>1</sup> | Issue Date       | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear |        |
|                                                                                                            | 1       | 6957086            |                        | 2005-10-18       | Bahl et al.                                     |                                                                          |        |
| If you wish to add additional U.S. Patent citation information please click the Add button.                |         |                    |                        |                  |                                                 |                                                                          | Add    |
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|                                                                                                            | 1       | 20020153996        |                        | 2002-10-24       | Chan et al.                                     |                                                                          |        |
|                                                                                                            | 2       | 20030109274        |                        | 2003-06-12       | Budka et al.                                    |                                                                          |        |
|                                                                                                            | 3       | 20050040961        |                        | 2005-02-24       | Tuttle                                          |                                                                          |        |
|                                                                                                            | 4       | 20060198337        |                        | 2006-09-07       | Hoang et al.                                    |                                                                          |        |
|                                                                                                            | 5       | 20060238305        |                        | 2006-10-26       | Loving et al.                                   |                                                                          |        |
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| <b>Receipt date: 08/26/2011</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><b>( Not for submission under 37 CFR 1.99)</b> | Application Number     |                | 11620577   | 11620577 - GAU: 2618 |
|                                                                                                                                                   | Filing Date            |                | 2007-01-05 |                      |
|                                                                                                                                                   | First Named Inventor   | David L. Brown |            |                      |
|                                                                                                                                                   | Art Unit               | 2618           |            |                      |
|                                                                                                                                                   | Examiner Name          | Dominice Rego  |            |                      |
|                                                                                                                                                   | Attorney Docket Number | 10001-02095 US |            |                      |

| Examiner Initial* | Cite No | Foreign Document Number <sup>3</sup> | Country Code <sup>2</sup> | Kind Code <sup>4</sup> | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear | T <sup>5</sup>           |
|-------------------|---------|--------------------------------------|---------------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|--------------------------|
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|--------------------|----------------|-----------------|------------|
| Examiner Signature | /Dominic Rego/ | Date Considered | 12/07/2011 |
|--------------------|----------------|-----------------|------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> See Kind Codes of USPTO Patent Documents at [www.USPTO.GOV](http://www.USPTO.GOV) or MPEP 901.04. <sup>2</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>3</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language translation is attached.

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| <b>Receipt date: 08/26/2011</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><b>( Not for submission under 37 CFR 1.99)</b> | Application Number     |                | 11620577      11620577 - GAU: 2618 |
|                                                                                                                                                   | Filing Date            |                | 2007-01-05                         |
|                                                                                                                                                   | First Named Inventor   | David L. Brown |                                    |
|                                                                                                                                                   | Art Unit               | 2618           |                                    |
|                                                                                                                                                   | Examiner Name          | Dominice Rego  |                                    |
|                                                                                                                                                   | Attorney Docket Number | 10001-02095 US |                                    |

### CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

### SIGNATURE

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

|            |                   |                     |            |
|------------|-------------------|---------------------|------------|
| Signature  | /Kanda Ishihara/  | Date (YYYY-MM-DD)   | 2011-08-26 |
| Name/Print | Kanda V. Ishihara | Registration Number | 56607      |

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 1 hour 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.**

**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:

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public 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.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /D.R./

EFS Web 2.1.17

|                                                                                                                    |                                            |                                                                |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------|
| <b><i>Index of Claims</i></b><br> | <b>Application/Control No.</b><br>11620577 | <b>Applicant(s)/Patent Under Reexamination</b><br>BROWN ET AL. |
|                                                                                                                    | <b>Examiner</b><br>DOMINIC E REGO          | <b>Art Unit</b><br>2618                                        |

|   |                 |   |                   |   |                     |   |                 |
|---|-----------------|---|-------------------|---|---------------------|---|-----------------|
| ✓ | <b>Rejected</b> | - | <b>Cancelled</b>  | N | <b>Non-Elected</b>  | A | <b>Appeal</b>   |
| = | <b>Allowed</b>  | ÷ | <b>Restricted</b> | I | <b>Interference</b> | O | <b>Objected</b> |

| <input type="checkbox"/> Claims renumbered in the same order as presented by applicant |          | <input type="checkbox"/> CPA |            | <input type="checkbox"/> T.D. |            | <input type="checkbox"/> R.1.47 |  |  |  |
|----------------------------------------------------------------------------------------|----------|------------------------------|------------|-------------------------------|------------|---------------------------------|--|--|--|
| CLAIM                                                                                  |          | DATE                         |            |                               |            |                                 |  |  |  |
| Final                                                                                  | Original | 11/17/2009                   | 06/19/2010 | 09/23/2010                    | 07/01/2011 | 12/07/2011                      |  |  |  |
|                                                                                        | 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       | ✓                            | ÷          | ✓                             | ✓          | ✓                               |  |  |  |

|                                                                                                              |                                                |                                                                    |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------------|
| <b>Search Notes</b><br><br> | <b>Application/Control No.</b><br><br>11620577 | <b>Applicant(s)/Patent Under Reexamination</b><br><br>BROWN ET AL. |
|                                                                                                              | <b>Examiner</b><br><br>DOMINIC E REGO          | <b>Art Unit</b><br><br>2618                                        |

| SEARCHED |                                                |            |          |
|----------|------------------------------------------------|------------|----------|
| Class    | Subclass                                       | Date       | Examiner |
| 455      | 41.2                                           | 11/17/2009 | LH       |
| 455      | 3.02, 13.2,502                                 | 9/23/2010  | DR       |
| 375      | 145,149,240.28,293,355-257,262,363-365,368,370 | 9/23/2010  | DR       |
| Above    | Updated                                        | 9/23/2010  | DR       |

| SEARCH NOTES        |            |          |
|---------------------|------------|----------|
| Search Notes        | Date       | Examiner |
| assignee/inventor   | 11/17/2009 | LH       |
| EAST                | 11/17/2009 | LH       |
| PLUS                | 11/17/2009 | LH       |
| IEEE/Google         | 11/17/2009 | LH       |
| Updated EAST search | 9/23/2010  | DR       |
| Updated EAST search | 6/29/2011  | DR       |
| Updated EAST Search | 12/7/2011  | DR       |

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

|                                          |  |
|------------------------------------------|--|
| /LAURI HARRIS/<br>Examiner.Art Unit 2618 |  |
|------------------------------------------|--|

**EAST Search History****EAST Search History (Prior Art)**

| Ref # | Hits | Search Query                                                                                                                                                                                                                                                                                                 | DBs                                                               | Default Operator | Plurals | Time Stamp          |
|-------|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------|---------|---------------------|
| S37   | 11   | (time\$slot time adj2 slot) with (set\$4 determin\$3) with class\$2 with associat\$3 with (cellular cell adj phone mobile portable pda terminal device user equipment wireless phone telephone cordless hand\$held hand adj held wtru subscriber station\$1 electronic near2 (device station terminal unit)) | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2011/12/07<br>14:30 |
| S38   | 8    | S37 and (@ad <= "20060106" @rlad <= "20060106" @pd <= "20060106")                                                                                                                                                                                                                                            | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2011/12/07<br>14:31 |
| S39   | 2    | (time\$slot time adj2 slot) adj4 (set\$4 determin\$3) adj4 class\$2 near5 (cellular cell adj phone mobile portable pda terminal device user equipment wireless phone telephone cordless hand\$held hand adj held wtru subscriber station\$1 electronic near2 (device station terminal unit))                 | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2011/12/07<br>16:02 |
| S41   | 13   | (time\$slot time adj2 slot) near5 (set\$4 determin\$3) near5 class\$2 near5 (cellular cell adj phone mobile portable pda terminal device user equipment wireless phone telephone cordless hand\$held hand adj held wtru subscriber station\$1 electronic near2 (device station terminal unit))               | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2011/12/07<br>17:51 |
| S42   | 12   | S41 and (@ad <= "20060106" @rlad <= "20060106" @pd <= "20060106")                                                                                                                                                                                                                                            | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2011/12/07<br>17:52 |

**12/ 7/ 2011 9:11:24 PM****C:\Users\drego\Documents\EAST\Workspaces\11620577.wsp**

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

APPLICANTS: David L. Brown et al.  
APPLICATION NO: 11/620,577  
FILING DATE: January 5, 2007  
TITLE: Dynamic Real-Time Tiered Client Access  
EXAMINER: Dominic E. Rego  
GROUP ART UNIT: 2618  
ATTY. DKT. NO: 10001-02095 US

**CERTIFICATE OF EFS-WEB TRANSMISSION**

Pursuant to 240 OG 45 and the Legal Framework For EFS-Web, I hereby certify that this follow-on correspondence is being officially submitted through the USPTO EFS-Web system from the Pacific Time Zone of the United States on the local date shown below:

Dated: December 30, 2011 By: /Kanda Ishihara/  
Kanda V. Ishihara, Reg. No. 56,607

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**AMENDMENT D**

Sir/Madam:

Responsive to the Office Action mailed on December 15, 2011, which sets a shortened statutory period for response that expires on March 15, 2012, please enter the following amendment and consider the following remarks.

### IN THE CLAIMS

All pending claims are reproduced below.

1. (Previously Presented) A method of facilitating data exchange, comprising:  
assigning a first specific time slot for a first client device to wirelessly communicate with  
a fixed proximity-based reader device, the first specific time slot set according to  
a first class; and  
assigning a second specific time slot for a second client device to wirelessly  
communicate with the fixed proximity-based reader device, the second specific  
time slot set according to a second class,  
wherein the first and second specific time slots are determined based on synchronization  
information wirelessly received by the first and second client devices and priority  
level data associated with the first class and with the second class, and  
wherein the first class is associated with one or more of the first client device and a user  
of the first client device, and the second class is associated with one or more of  
the second client device and a user of the second client device.
2. (Original) The method of claim 1, further comprising:  
dynamically adjusting at least one of the first specific time slot and the second specific  
time slot.
3. (Original) The method of claim 1, wherein assigning the first specific time slot  
comprises:  
masking a bit field of the first client device.
4. (Original) The method of claim 3, wherein the mask is wirelessly communicated  
to the first client device.

5. (Previously Presented) The method of claim 1, wherein the first class comprises at least one of a user associated with the first client device and a class of the first client device.

6. (Original) The method of claim 1, wherein assigning the first specific time slot is dependent on a network traffic load.

7. (Original) The method of claim 1, further comprising:  
reassigning the first specific time slot to a third client device in response to a detection that the first client device is unavailable.

8. (Currently Amended) An apparatus, comprising:  
a physical, portable key device for wirelessly communicating data with a fixed reader device when located in a wireless coverage area of the fixed reader device,  
wherein the physical, portable key device is arranged to communicate with the fixed reader device during a specific time slot identified by a bit field stored in the key device, the specific time slot set according to a class associated with one or more of the physical, portable key device and the user of the physical, portable key device,

wherein the ~~bit field~~ specific time slot is determined based on synchronization information wirelessly received by the key device and priority level data associated with the class.

9. (Original) The apparatus of claim 8, wherein the time slot is adjustable dependent on a mask applied to the bit field.

10. (Original) The apparatus of claim 9, wherein the mask is determined external to the key device.

11. (Original) The apparatus of claim 8, wherein the bit field represents an

identification of the key device.

12-19. (Cancelled).

20. (Currently Amended) A system, comprising:

a network device arranged to wirelessly broadcast synchronization information in a first wireless coverage range; and

a portable client device for wirelessly communicating data with a reader device when the client device is located in communication proximity of the reader device, the client device ~~for storing a bit field according to which identifying a specific time slot is determined~~, the specific time slot ~~being~~ set according to a class associated with one or more of the portable client device and the user of the portable client device,

wherein the client device is arranged to receive data from the network device during the specific time slot, the time slot determined based on the synchronization information and priority level data associated with the class.

21. (Original) The system of claim 20, wherein the client device is further arranged to transmit data to the network device during the time slot.

22. (Original) The system of claim 20, wherein the time slot is determined based on a mask applied to a bit field stored in the client device, and wherein the mask is wirelessly communicated to the client device as part of the synchronization information wirelessly broadcasted by the network device.

23. (Original) The system of claim 20, wherein the synchronization information is dependent on at least one of a user associated with the client device, a class of a user associated with the client device, a class of the client device, and a network traffic load in the system.

24. (Currently Amended) A system, comprising:
- a network device configured to wirelessly broadcast synchronization information; and
- a portable client device configured to wirelessly receive the synchronization information,
- the received synchronization information comprising information assigning a specific time slot during which the client device can receive data from the network device, the time slot being determined according to a priority level data associated with a class, the class associated with the one or more of the portable client device and the user of the portable client device.
25. (Original) The system of claim 24, further comprising:
- a reader device configured to proximity sense the client device, and further configured to communicate data with the client device in accordance with the synchronization information.
26. (Currently Amended) A method of facilitating data exchange, comprising:
- wirelessly broadcasting synchronization information to a portable client device, the synchronization information comprising information assigning a time slot during which the client device can receive data, the time slot being determined according to priority level data associated with a class, the class associated with one or more of the portable client device and the user of the portable client device; and
- wirelessly broadcasting data for reception by the client device during the time slot.

## **REMARKS**

Claims 1-11 and 20-26 were presented for examination. Claims 8-11 and 20-26 stand rejected in the Office Action dated December 15, 2011 (herein, "OA"). Claims 1-7 are allowed. Claims 8, 20, 24 and 26 are amended. Claims 8-11 and 20-26 are pending upon entry of this amendment.

### **Summary of Office Action**

Claims 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent No. 5,307,349), hereinafter "Shloss" in view of Parantainen et al. (US 2003/0223394), hereinafter "Parantainen" in view of Nakagawa et al. (US Pub. No. 2006/0205408), hereinafter "Nakagawa" and further in view of Major et al. (US Patent #7,209,955), hereinafter "Major".

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent No. 5,307,349), hereinafter "Shloss" in view of Parantainen et al. (US 2003/0223394), hereinafter "Parantainen" in view of Nakagawa et al. (US Pub. No. 2006/0205408), hereinafter "Nakagawa" in view of Major et al. (US Patent No. 7,209,955), hereinafter "Major" and further in view of Bestler (US Patent No. 5,517,502), hereinafter "Bestler".

Claims 20, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408), hereinafter "Nakagawa" in view of Shloss et al. (US Patent No. 5,307,349), hereinafter "Shloss" and further in view of Parantainen et al. (US 2003/0223394), hereinafter "Parantainen".

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408), hereinafter "Nakagawa" in view of Shloss et al. (US Patent No. 5,307,349), hereinafter "Shloss" in view of Parantainen et al. (US 2003/0223394), hereinafter

“Parantainen” and further in view of Bestler et al. (US Patent No. 5,517,502), hereinafter “Bestler”.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408), hereinafter “Nakagawa” in view of Shloss et al. (US Patent No. 5,307,349), hereinafter “Shloss” in view of Parantainen et al. (US 2003/0223394), hereinafter “Parantainen” and further in view of Barany et al. (US Pub. No. 7,068,623), hereinafter “Barany”.

Claims 24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakagawa et al. (US Pub. No. 2006/0205408), hereinafter “Nakagawa” in view of Gous et al. (US 2002/0037732), hereinafter “Gous” and further in view of Parantainen et al. (US 2003/0223394), hereinafter “Parantainen”.

#### **Response to Rejections under 35 U.S.C. § 103**

Claims 8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent No. 5,307,349), hereinafter “Shloss” in view of Parantainen et al. (US 2003/0223394), hereinafter “Parantainen” in view of Nakagawa et al. (US Pub. No. 2006/0205408), hereinafter “Nakagawa” and further in view of Major et al. (US Patent #7,209,955), hereinafter “Major”. Claim 8 is amended to include language that mirrors the language of allowed claim 1; however, the Examiner’s rejection is traversed.

#### **Independent Claim 8**

Amended independent claim 8 recites, in part:

. . . the physical, portable key device is arranged to communicate with the fixed reader device during a specific time slot . . . set according to *a class associated with one or more of the physical, portable key device and the user of the physical, portable key device,* wherein the *specific time slot is determined based on synchronization information*

*wirelessly received by the key device and priority level data associated with the class.*

Applicants' invention, therefore, beneficially arranges for each physical, portable key device to communicate with a fixed reader at a specific time to reduce collision likelihood. The specific time is determined based on synchronization information and priority level data associated with the class of the physical, portable key device and/or the user of the physical, portable key device. Thus, the Applicants' invention allows for tiered access, e.g., a certain class of user(s) and/or device(s) will have priority and be given preferential, non-contended access to a time slot in order to perform a secure transaction over another class of user(s) and/or device(s).

The cited references do not disclose or suggest, among other things, "a class associated with one or more of the physical, portable key device and the user of the physical, portable key device" and a "*priority level data associated with the class.*"

On pages 3-4 of the OA, the Examiner argues that setting a time slot according to a class associated with the physical, portable device, wherein the time slot is determined at least in part by priority level data associated with the class of physical, portable device is disclosed by combining Parantainen and Major. Specifically, on page 3 of the OA, the Examiner argues:

However, in related art, Parantainen teaches the time slot set according to a class associated with the physical, portable key device (Paragraph 0008). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Parantainen to Shloss in order to enable mobile terminals to receive/transmit broadcast information without significant interruptions.

On page 4 of the OA, the Examiner argues:

However, in related art, Major teaches priority level data associated with the class (Col 19, line 62-Col 20, line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Major to Shloss, Parantainen and Nakagawa in order to maintain the highest possible quality of the data stream.

Respectfully, the Applicants disagree, because Parantainen teaches away from priority level data and, moreover, the combination of Parantainen and Major does not disclose each and every element of claim 8.

Parantainen at most discloses that the reception and transmission capabilities of a mobile terminal depends on the mobile terminal's multislot class, and the simultaneous receipt of MBMS data by multiple mobile terminals by accounting for the multislot class constraints of the mobile terminals. Parantainen, ¶¶[0008] and [0015]. In other words, Parantainen discloses the simultaneous receipt of data by a mobile terminal regardless of the mobile terminal's multislot class. This is demonstrated, for example, in the fourth embodiment of the invention in which the PMBCH is allocated to time slots such that a mobile terminal capable of receiving MBMS on two time slots and a terminal capable of receiving MBMS on three time slots can simultaneously receive data. Parantainen, ¶¶ [0050]-[0053].

Simultaneous receipt of data regardless of class teaches away from a priority level being associated with the class of device. Priority requires a right to take precedence or proceed before another, while simultaneous requires something to occur at the same time. Disclosing that events occurs at the same time teaches away from events preceding one another. MPEP 2145 (X)(D)(2) states:

It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

Accordingly, it is improper for the Examiner to combine Parantainen with any reference disclosing priority level, and the combination of Parantainen and Major fails to disclose or suggest “a class associated with one or more of the physical, portable key device and the user of the physical, portable key device” and a “*priority level data associated with the class*” for at least this reason..

Moreover, the combination of Parantainen and Major fails to disclose the above quoted elements for additional reasons, which were previously raised in the Applicants’ previous Office Action Response dated October 7, 2011 and are further expanded upon below.

Major at most discloses that the data items can have a class associated with a priority level. Major, column 20, lines 5-6. Major fails to disclose a class associated with a device and/or its user, and a class associated with time slots. In Major, class is associated with data items; in the Applicants’ specification, class is associated with one or more of the device and the user of the device. Therefore, even assuming *arguendo* that the combination of Parantainen and Major is permissible. Neither Major nor Parantainen disclose or suggest that because a class of data item can have a priority level that either a class of device or a class of a user of the device can have an associated priority level.

Therefore, the cited references, both alone and in combination, fail to disclose “a class associated with one or more of the physical, portable key device and the user of the physical, portable key device” and a “*priority level data associated with the class*” as claimed. Accordingly, claim 8 is patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claims 10 and 11 depend from claim 8, so all arguments advanced above with respect to claim 8 are hereby incorporated so as to apply to claims 10 and 11. Therefore, claims 10 and 11

are also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of their rejection is respectfully requested.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shloss et al. (US Patent No. 5,307,349), hereafter “Shloss” in view of Parantainen et al. (US 2003/0223394), hereinafter “Parantainen” in view of Nakagawa et al. (US Pub. No. 2006/0205408), hereinafter “Nakagawa” in view of Major et al. (US Patent No. 7,209,955), hereinafter “Major” and further in view of Bestler (US Patent No. 5,517,502), hereinafter “Bestler”.

Claim 9 depends from claim 8, so all arguments advanced above with respect to claim 8 are hereby incorporated so as to apply to claim 9. Therefore, claim 9 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of their rejection is respectfully requested.

Claims 24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakagawa et al. (US Pub. No. 2006/0205408), hereinafter “Nakagawa” in view of Gous et al. (US 2002/0037732), hereinafter “Gous” and further in view of Parantainen et al. (US 2003/0223394), hereinafter “Parantainen”.

#### Independent Claim 24

Independent claim 24, as amended, recites in part:

a portable client device configured to wirelessly receive the synchronization information, the received synchronization information comprising information assigning a specific time slot during which the client device can receive data from the network device, *the time slot being determined according to a priority level data associated with a class, the class associated with the one or more of the portable client device and the user of the portable client device.*

Claim 24, as amended cites similar elements to claim 8. Specifically, the addition of “priority level data associated with the class” is not disclosed by Nakagawa, Gous or Parantainen

alone or in combination. As indicated on page 4 of the OA, the Examiner relies upon Major to disclose “priority level data associated with the class,” which is not cited in the rejection. Therefore, each and every element amended claim 24 is not disclosed by the combination of Nakagawa, Gous and Parantainen.

However, even had Major been cited as part of the rejection, claim 24 recites similar elements as amended claim 8, so all arguments advanced above with respect to claim 8 are also applicable to claim 20. Accordingly, claim 24 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

#### Independent Claim 26

Independent claim 26, as amended, recites in part:

wirelessly broadcasting synchronization information to a portable client device, the synchronization information comprising information assigning a time slot during which the client device can receive data, the time slot being determined according to priority level data associated with a class, the class associated with one or more of the portable client device and the user of the portable client device;

Claim 26, as amended cites similar elements to claim 8. Specifically, the addition of “priority level data associated with the class” is not disclosed by Nakagawa, Gous or Parantainen alone or in combination. As indicated on page 4 of the OA, the Examiner relies upon Major to disclose “priority level data associated with the class,” which is not cited in the rejection. Therefore, each and every element amended claim 26 is not disclosed by the combination of Nakagawa, Gous and Parantainen.

However, even had Major been cited as part of the rejection, claim 26 recites similar elements as amended claim 8, so all arguments advanced above with respect to claim 8 are also

applicable to claim 26. Accordingly, claim 26 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claims 20, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408), hereinafter “Nakagawa” in view of Shloss et al. (US Patent No. 5,307,349), hereinafter “Shloss” and further in view of Parantainen et al. (US 2003/0223394), hereinafter “Parantainen”.

#### Independent Claim 20

Independent claim 20, as amended, recites in part:

a portable client device . . . storing a bit field identifying a specific time slot, the specific time slot set according to *a class associated with one or more of the portable client device and the user of the portable client device*, wherein the client device is arranged to receive data from the network device during the specific time slot, the time slot determined based on the synchronization *information and priority level data associated with the class*.

Claim 20, as amended cites similar elements to claim 8. Specifically, the addition of “priority level data associated with the class” is not disclosed by Nakagawa, Shloss or Parantainen alone or in combination. As indicated on page 4 of the OA, the Examiner relies upon Major to disclose “priority level data associated with the class,” which is not cited in the rejection. Therefore, each and every element amended claim 20 is not disclosed by the combination of Nakagawa, Shloss and Parantainen.

However, even had Major been cited as part of the rejection, claim 20 recites similar elements as amended claim 8, so all arguments advanced above with respect to claim 8 are also applicable to claim 20. Accordingly, claim 20 is also patentably distinct from the cited

references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claim 22 depends from claim 20, so all arguments advanced above with respect to claim 20 are hereby incorporated so as to apply to claim 22. Therefore, claim 22 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claim 25 depends from claim 24, so all arguments advanced above with respect to claim 24 are hereby incorporated so as to apply to claim 25. Therefore, claim 25 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of its rejection is respectfully requested.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408), hereinafter “Nakagawa” in view of Shloss et al. (US Patent No. 5,307,349), hereinafter “Shloss” in view of Parantainen et al. (US 2003/0223394), hereinafter “Parantainen” and further in view of Bestler et al. (US Patent No. 5,517,502), hereinafter “Bestler”.

Claim 21 depends from claim 20, so all arguments advanced above with respect to claim 20 are hereby incorporated so as to apply to claim 21. Therefore, claim 21 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of their rejection is respectfully requested.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (US Pub. No. 2006/0205408), hereinafter “Nakagawa” in view of Shloss et al. (US Patent No. 5,307,349), hereinafter “Shloss” in view of Parantainen et al. (US 2003/0223394), hereinafter

“Parantainen” and further in view of Barany et al. (US Pub. No. 7,068,623), hereinafter “Barany”.

Claim 23 depends from claim 20, so all arguments advanced above with respect to claim 20 are hereby incorporated so as to apply to claim 23. Therefore, claim 23 is also patentably distinct from the cited references, both alone and in combination, so reconsideration and withdrawal of their rejection is respectfully requested.

### **CONCLUSION**

Allowance of all claims is requested. If the Examiner believes that direct contact with Applicants' attorney will advance the prosecution of this case, the Examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,  
DAVID L. BROWN ET AL.

Dated: December 30, 2011 By: /Kanda Ishihara/  
Kanda V. Ishihara, Reg. No. 56,607  
Attorney for Applicants  
PATENT LAW WORKS LLP  
165 South Main Street, Second Floor  
Salt Lake City, UT 84111  
Tel.: (801) 258-9835  
Fax: (801) 355-0160  
Email: kishihara@patentlawworks.net

| Electronic Acknowledgement Receipt          |                                        |
|---------------------------------------------|----------------------------------------|
| <b>EFS ID:</b>                              | 11739701                               |
| <b>Application Number:</b>                  | 11620577                               |
| <b>International Application Number:</b>    |                                        |
| <b>Confirmation Number:</b>                 | 9508                                   |
| <b>Title of Invention:</b>                  | Dynamic Real-Time Tiered Client Access |
| <b>First Named Inventor/Applicant Name:</b> | David L. Brown                         |
| <b>Customer Number:</b>                     | 89194                                  |
| <b>Filer:</b>                               | Kanda Ishihara                         |
| <b>Filer Authorized By:</b>                 |                                        |
| <b>Attorney Docket Number:</b>              | 10001-02095 US                         |
| <b>Receipt Date:</b>                        | 30-DEC-2011                            |
| <b>Filing Date:</b>                         | 05-JAN-2007                            |
| <b>Time Stamp:</b>                          | 18:22:50                               |
| <b>Application Type:</b>                    | Utility under 35 USC 111(a)            |

### Payment information:

| Submitted with Payment |                      | no                       |                                                     |                  |                  |
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| <b>File Listing:</b>   |                      |                          |                                                     |                  |                  |
| Document Number        | Document Description | File Name                | File Size(Bytes)/<br>Message Digest                 | Multi Part /.zip | Pages (if appl.) |
| 1                      |                      | 02095_US_Amendment_D.pdf | 296416<br>bcf3a3bb7db33699a029ec298804e8ad0a939b3bd | yes              | 16               |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Document Description                                | Start  | End |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Amendment Copy Claims/Response to Suggested Claims  | 1      | 1   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Claims                                              | 2      | 5   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Applicant Arguments/Remarks Made in an Amendment    | 6      | 16  |
| Warnings:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                     |        |     |
| Information:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                     |        |     |
| Total Files Size (in bytes):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                     | 296416 |     |
| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b><br/>If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b><br/>If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b><br/>If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> |                                                     |        |     |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------------------|---------------------------------------------------|----------|----------------------------------|---------------------|---------------------------------------|--------------------|
| <b>PATENT APPLICATION FEE DETERMINATION RECORD</b><br>Substitute for Form PTO-875                                                                                                                                                                                                                                                                                                                                                    |                                                                                          |                                                                                                                                                                                                                               |              |                                    | Application or Docket Number<br><b>11/620,577</b> |          | Filing Date<br><b>01/05/2007</b> |                     | <input type="checkbox"/> To be Mailed |                    |
| <b>APPLICATION AS FILED – PART I</b>                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |                    |
| (Column 1)                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                          |                                                                                                                                                                                                                               | (Column 2)   |                                    | SMALL ENTITY <input checked="" type="checkbox"/>  |          | OR                               |                     | OTHER THAN SMALL ENTITY               |                    |
| FOR                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                          | NUMBER FILED                                                                                                                                                                                                                  | NUMBER EXTRA |                                    | RATE (\$)                                         | FEE (\$) | OR                               |                     | RATE (\$)                             | FEE (\$)           |
| <input type="checkbox"/> BASIC FEE<br>(37 CFR 1.16(a), (b), or (c))                                                                                                                                                                                                                                                                                                                                                                  |                                                                                          | N/A                                                                                                                                                                                                                           | N/A          |                                    | N/A                                               |          | OR                               |                     | N/A                                   |                    |
| <input type="checkbox"/> SEARCH FEE<br>(37 CFR 1.16(k), (l), or (m))                                                                                                                                                                                                                                                                                                                                                                 |                                                                                          | N/A                                                                                                                                                                                                                           | N/A          |                                    | N/A                                               |          | OR                               |                     | N/A                                   |                    |
| <input type="checkbox"/> EXAMINATION FEE<br>(37 CFR 1.16(o), (p), or (q))                                                                                                                                                                                                                                                                                                                                                            |                                                                                          | N/A                                                                                                                                                                                                                           | N/A          |                                    | N/A                                               |          | OR                               |                     | N/A                                   |                    |
| TOTAL CLAIMS<br>(37 CFR 1.16(i))                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                          | minus 20 =                                                                                                                                                                                                                    | *            |                                    | X \$ =                                            |          | OR                               |                     | X \$ =                                |                    |
| INDEPENDENT CLAIMS<br>(37 CFR 1.16(h))                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                          | minus 3 =                                                                                                                                                                                                                     | *            |                                    | X \$ =                                            |          | OR                               |                     | X \$ =                                |                    |
| <input type="checkbox"/> APPLICATION SIZE FEE<br>(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). |              |                                    |                                                   |          |                                  |                     |                                       |                    |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))                                                                                                                                                                                                                                                                                                                                                           |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    | TOTAL                                             |          | OR                               |                     | TOTAL                                 |                    |
| * If the difference in column 1 is less than zero, enter "0" in column 2.                                                                                                                                                                                                                                                                                                                                                            |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |                    |
| <b>APPLICATION AS AMENDED – PART II</b>                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |                    |
| (Column 1)                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                          |                                                                                                                                                                                                                               | (Column 2)   |                                    | (Column 3)                                        |          | SMALL ENTITY                     |                     | OR OTHER THAN SMALL ENTITY            |                    |
| <b>AMENDMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>12/30/2011</b>                                                                        | CLAIMS REMAINING AFTER AMENDMENT                                                                                                                                                                                              |              | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA                                     |          | RATE (\$)                        | ADDITIONAL FEE (\$) |                                       |                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Total (37 CFR 1.16(i))                                                                   | * 18                                                                                                                                                                                                                          | Minus        | ** 26                              | = 0                                               |          | X \$30 =                         | 0                   | OR X \$ =                             |                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Independent (37 CFR 1.16(h))                                                             | * 5                                                                                                                                                                                                                           | Minus        | *** 6                              | = 0                                               |          | X \$125 =                        | 0                   | OR X \$ =                             |                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))                           |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  | TOTAL ADD'L FEE     | <b>0</b>                              | OR TOTAL ADD'L FEE |
| (Column 1)                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                          |                                                                                                                                                                                                                               | (Column 2)   |                                    | (Column 3)                                        |          | SMALL ENTITY                     |                     | OR OTHER THAN SMALL ENTITY            |                    |
| <b>AMENDMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                          | CLAIMS REMAINING AFTER AMENDMENT                                                                                                                                                                                              |              | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA                                     |          | RATE (\$)                        | ADDITIONAL FEE (\$) |                                       |                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Total (37 CFR 1.16(i))                                                                   | *                                                                                                                                                                                                                             | Minus        | **                                 | =                                                 |          | X \$ =                           |                     | OR X \$ =                             |                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | Independent (37 CFR 1.16(h))                                                             | *                                                                                                                                                                                                                             | Minus        | ***                                | =                                                 |          | X \$ =                           |                     | OR X \$ =                             |                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))                           |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  | TOTAL ADD'L FEE     |                                       | OR TOTAL ADD'L FEE |
| <p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p> |                                                                                          |                                                                                                                                                                                                                               |              |                                    |                                                   |          |                                  |                     |                                       |                    |

Legal Instrument Examiner:  
/MOLIKI MAY/

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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## NOTICE OF ALLOWANCE AND FEE(S) DUE

89194 7590 03/07/2012  
Patent Law Works/Proxense  
165 South Main St  
Suite 2  
Salt Lake City, UT 84111

EXAMINER

REGO, DOMINIC E

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 03/07/2012

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 11/620,577      | 01/05/2007  | David L. Brown       | 10001-02095 US      | 9508             |

TITLE OF INVENTION: DYNAMIC REAL-TIME TIERED CLIENT ACCESS

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | YES          | \$870         | \$300               | \$0                  | \$1170           | 06/07/2012 |

**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:

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

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B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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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.**

Page 1 of 3

PTOL-85 (Rev. 02/11)

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**  
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**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.

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 Patent Law Works/Proxense  
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 Suite 2  
 Salt Lake City, UT 84111

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.

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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. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 11/620,577      | 01/05/2007  | David L. Brown       | 10001-02095 US      | 9508             |

TITLE OF INVENTION: DYNAMIC REAL-TIME TIERED CLIENT ACCESS

| APPLN. TYPE    | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | YES          | \$870         | \$300               | \$0                  | \$1170           | 06/07/2012 |

| EXAMINER        | ART UNIT | CLASS-SUBCLASS |
|-----------------|----------|----------------|
| REGO, DOMINIC E | 2618     | 455-502000     |

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 3.111. 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 \_\_\_\_\_ (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 \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

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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# UNITED STATES PATENT AND TRADEMARK OFFICE

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|                                                                                       |             |                      |                     |                  |
|---------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.                                                                       | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 11/620,577                                                                            | 01/05/2007  | David L. Brown       | 10001-02095 US      | 9508             |
| 89194 7590 03/07/2012                                                                 |             |                      |                     |                  |
| Patent Law Works/Proxense<br>165 South Main St<br>Suite 2<br>Salt Lake City, UT 84111 |             |                      |                     |                  |
| EXAMINER                                                                              |             |                      |                     |                  |
| REGO, DOMINIC E                                                                       |             |                      |                     |                  |
| ART UNIT                                                                              |             | PAPER NUMBER         |                     |                  |
| 2618                                                                                  |             |                      |                     |                  |
| DATE MAILED: 03/07/2012                                                               |             |                      |                     |                  |

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

The Patent Term Adjustment to date is 654 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 654 day(s).

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 Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

## 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.

|                               |                        |                     |  |
|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 11/620,577             | BROWN ET AL.        |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | DOMINIC E. REGO        | 2618                |  |

**-- 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 12/30/2011.

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 1-11 and 20-26.

4. ☐ 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 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. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.

(b) ☐ 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).**

7. ☐ 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. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____<br>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 5. <input type="checkbox"/> Notice of Informal Patent Application<br>6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____ .<br>7. <input type="checkbox"/> Examiner's Amendment/Comment<br>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance<br>9. <input type="checkbox"/> Other ____ . |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-11 and 20-26 are allowed.
2. The examiner's reason for allowing the independent claims 1, 8, 20, 24, and 26 are presented based on Applicant's Remarks filled on 12/30/2011.

Regarding claims 2-7, 9-11, 21-23, and 25, the claims are allowed as being dependent of claims 1, 8, 20, 24, and 26, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC E. REGO whose telephone number is (571)272-8132. The examiner can normally be reached on Monday-Friday, 9:00 am-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

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.

/DOMINIC E REGO/  
Primary Examiner, Art Unit 2618  
Tel 571-272-8132

|                                   |                                       |                                                            |             |
|-----------------------------------|---------------------------------------|------------------------------------------------------------|-------------|
| <b>Notice of References Cited</b> | Application/Control No.<br>11/620,577 | Applicant(s)/Patent Under<br>Reexamination<br>BROWN ET AL. |             |
|                                   | Examiner<br>DOMINIC E. REGO           | Art Unit<br>2618                                           | Page 1 of 1 |

**U.S. PATENT DOCUMENTS**

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Name             | Classification |
|---|---|--------------------------------------------------|-----------------|------------------|----------------|
| * | A | US-7,230,908                                     | 06-2007         | Vanderaar et al. | 370/203        |
|   | 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<br>Country Code-Number-Kind Code | Date<br>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.

## EAST Search History

## EAST Search History (Prior Art)

| Ref # | Hits  | Search Query                                                                                                                                                                                                                                                                                                                                                  | DBs                                                               | Default Operator | Plurals | Time Stamp          |
|-------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------|---------|---------------------|
| L1    | 7191  | 455/41.2,3.02,13.2,502.ccls.                                                                                                                                                                                                                                                                                                                                  | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2012/03/04<br>20:14 |
| L3    | 32104 | 375/145,149,240.28,355-357,362-370.ccls.<br>370/252,512,442,314,320,350,503,345,324,503-514,350,510.ccls.                                                                                                                                                                                                                                                     | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2012/03/04<br>20:28 |
| L4    | 38555 | 1 or 3                                                                                                                                                                                                                                                                                                                                                        | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2012/03/04<br>20:29 |
| L5    | 15    | broad\$cast\$3 same synchroni\$6 same (tim\$slot<br>time near2 slot) same (cellular cell adj phone<br>mobile portable pda terminal device user<br>equipment wireless phone telephone cordless<br>hand\$free hand adj free hand\$held hand adj<br>held wtru subscriber station\$1 electronic near2<br>(device station terminal unit) apparatus) same<br>class  | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2012/03/04<br>20:29 |
| L6    | 5     | 4 and 5                                                                                                                                                                                                                                                                                                                                                       | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2012/03/04<br>20:29 |
| L7    | 3     | 6 and (@ad <= "20060106" @rlad <=<br>"20060106" @pd <= "20060106")                                                                                                                                                                                                                                                                                            | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2012/03/04<br>20:29 |
| L8    | 8     | broad\$cast\$3 same synchroni\$6 same (tim\$slot<br>time near2 slot) same (cellular cell adj phone<br>mobile portable pda terminal device user<br>equipment wireless phone telephone cordless<br>hand\$free hand adj free hand\$held hand adj<br>held wtru subscriber station\$1 electronic near2<br>(device station terminal unit) apparatus) same<br>reader | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2012/03/04<br>20:31 |
| L9    | 0     | 4 and 8                                                                                                                                                                                                                                                                                                                                                       | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;                        | OR               | ON      | 2012/03/04<br>20:31 |

file:///C:/Users/drego/Documents/e-Red%20Folder/11620577/EASTSearchHistory.11620577\_AccessibleVersion.htm[3/4/2012 8:37:16 PM]

|     |    |                                                                                                                                                                                                                                                                                                                                                 |                                                                   |    |    |                     |
|-----|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----|----|---------------------|
|     |    |                                                                                                                                                                                                                                                                                                                                                 | DERWENT;<br>IBM_TDB                                               |    |    |                     |
| L14 | 11 | broad\$cast\$3 same synchroni\$6 same (tim\$slot time near2 slot) same reader                                                                                                                                                                                                                                                                   | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2012/03/04<br>20:34 |
| L15 | 0  | 4 and 14                                                                                                                                                                                                                                                                                                                                        | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2012/03/04<br>20:34 |
| S49 | 90 | (broad\$cast\$3 same synchroni\$6 same (tim\$slot time near2 slot) same (cellular cell adj phone mobile portable pda terminal device user equipment wireless phone telephone cordless hand\$free hand adj free hand\$held hand adj held wtru subscriber station\$1 electronic near2 (device station terminal unit) apparatus)).clm.             | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2012/03/04<br>18:34 |
| S50 | 2  | (broad\$cast\$3 same synchroni\$6 same (tim\$slot time near2 slot) same (cellular cell adj phone mobile portable pda terminal device user equipment wireless phone telephone cordless hand\$free hand adj free hand\$held hand adj held wtru subscriber station\$1 electronic near2 (device station terminal unit) apparatus) same reader).clm. | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2012/03/04<br>18:35 |
| S51 | 2  | (broad\$cast\$3 same synchroni\$6 same (tim\$slot time near2 slot) same (cellular cell adj phone mobile portable pda terminal device user equipment wireless phone telephone cordless hand\$free hand adj free hand\$held hand adj held wtru subscriber station\$1 electronic near2 (device station terminal unit) apparatus) same class).clm.  | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR | ON | 2012/03/04<br>18:38 |

3/ 4/ 2012 8:37:07 PM

C:\Users\drego\Documents\EAST\Workspaces\11620577.wsp

|                                                                                                              |                                                |                                                                    |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------------|
| <b>Search Notes</b><br><br> | <b>Application/Control No.</b><br><br>11620577 | <b>Applicant(s)/Patent Under Reexamination</b><br><br>BROWN ET AL. |
|                                                                                                              | <b>Examiner</b><br><br>DOMINIC E REGO          | <b>Art Unit</b><br><br>2618                                        |

| SEARCHED |                                                                |            |          |
|----------|----------------------------------------------------------------|------------|----------|
| Class    | Subclass                                                       | Date       | Examiner |
| 455      | 41.2                                                           | 11/17/2009 | LH       |
| 455      | 3.02, 13.2,502                                                 | 9/23/2010  | DR       |
| 375      | 145, 149, 240.28, 293, 355-357, 362-370                        | 9/23/2010  | DR       |
| Above    | Updated                                                        | 9/23/2010  | DR       |
| 370      | 252, 512, 442, 314, 320, 350, 503, 345, 324, 503-514, 350, 510 | 3/4/2012   | DR       |

| SEARCH NOTES                        |            |          |
|-------------------------------------|------------|----------|
| Search Notes                        | Date       | Examiner |
| assignee/inventor                   | 11/17/2009 | LH       |
| EAST                                | 11/17/2009 | LH       |
| PLUS                                | 11/17/2009 | LH       |
| IEEE/Google                         | 11/17/2009 | LH       |
| Updated EAST search                 | 9/23/2010  | DR       |
| Updated EAST search                 | 6/29/2011  | DR       |
| Updated EAST Search                 | 12/7/2011  | DR       |
| Assignee, Inventor, and EAST search | 3/4/2012   | DR       |

| INTERFERENCE SEARCH |                                                    |          |          |
|---------------------|----------------------------------------------------|----------|----------|
| Class               | Subclass                                           | Date     | Examiner |
|                     | PGPUB Text Search-See Interference Search Printout | 3/4/2012 | DR       |

|                                          |  |
|------------------------------------------|--|
| /LAURI HARRIS/<br>Examiner.Art Unit 2618 |  |
|------------------------------------------|--|

**EAST Search History****EAST Search History (Prior Art)**

| Ref # | Hits | Search Query                                                                                                                                                                                                                                                                                                                        | DBs                                                               | Default Operator | Plurals | Time Stamp          |
|-------|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------|---------|---------------------|
| L10   | 2679 | (david near2 brown).in. (fred near2 hirt).in.                                                                                                                                                                                                                                                                                       | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2012/03/04<br>20:32 |
| L11   | 31   | proxense.as.                                                                                                                                                                                                                                                                                                                        | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2012/03/04<br>20:32 |
| L12   | 90   | (broad\$cast\$3 same synchroni\$6 same (tim\$slot time near2 slot) same (cellular cell adj phone mobile portable pda terminal device user equipment wireless phone telephone cordless hand\$free hand adj free hand\$held hand adj held wtru subscriber station\$1 electronic near2 (device station terminal unit) apparatus)).clm. | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2012/03/04<br>20:32 |
| L13   | 1    | 11 and 12                                                                                                                                                                                                                                                                                                                           | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2012/03/04<br>20:33 |
| L16   | 3    | (broad\$cast\$3 same synchroni\$6 same (tim\$slot time near2 slot) same reader).clm.                                                                                                                                                                                                                                                | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2012/03/04<br>20:34 |
| L17   | 0    | 11 and 16                                                                                                                                                                                                                                                                                                                           | US-PGPUB;<br>USPAT;<br>USOCR;<br>EPO; JPO;<br>DERWENT;<br>IBM_TDB | OR               | ON      | 2012/03/04<br>20:34 |

**3/ 4/ 2012 8:36:21 PM****C:\Users\drego\Documents\EAST\Workspaces\11620577.wsp**

|                                                                                                                  |                                            |                                                                |
|------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------|
| <b>Issue Classification</b><br> | <b>Application/Control No.</b><br>11620577 | <b>Applicant(s)/Patent Under Reexamination</b><br>BROWN ET AL. |
|                                                                                                                  | <b>Examiner</b><br>DOMINIC E REGO          | <b>Art Unit</b><br>2618                                        |

| ORIGINAL           |                                   |          |     |     |  | INTERNATIONAL CLASSIFICATION |   |   |   |                     |             |  |  |  |  |  |  |  |
|--------------------|-----------------------------------|----------|-----|-----|--|------------------------------|---|---|---|---------------------|-------------|--|--|--|--|--|--|--|
| CLASS              |                                   | SUBCLASS |     |     |  | CLAIMED                      |   |   |   |                     | NON-CLAIMED |  |  |  |  |  |  |  |
| 455                |                                   | 502      |     |     |  | H                            | 0 | 4 | B | 7 / 00 (2006.01.01) |             |  |  |  |  |  |  |  |
| CROSS REFERENCE(S) |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
| CLASS              | SUBCLASS (ONE SUBCLASS PER BLOCK) |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
| 455                | 503                               |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
| 370                | 510                               | 512      | 324 | 350 |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
| 375                | 240.28                            |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |
|                    |                                   |          |     |     |  |                              |   |   |   |                     |             |  |  |  |  |  |  |  |

| <input type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47 |          |       |          |       |          |       |          |       |          |       |          |       |          |       |          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------|----------|-------|----------|-------|----------|-------|----------|-------|----------|-------|----------|-------|----------|
| Final                                                                                                                                                                             | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original | Final | Original |
| 1                                                                                                                                                                                 | 1        |       | 17       |       |          |       |          |       |          |       |          |       |          |       |          |
| 2                                                                                                                                                                                 | 2        |       | 18       |       |          |       |          |       |          |       |          |       |          |       |          |
| 3                                                                                                                                                                                 | 3        |       | 19       |       |          |       |          |       |          |       |          |       |          |       |          |
| 4                                                                                                                                                                                 | 4        | 12    | 20       |       |          |       |          |       |          |       |          |       |          |       |          |
| 5                                                                                                                                                                                 | 5        | 13    | 21       |       |          |       |          |       |          |       |          |       |          |       |          |
| 6                                                                                                                                                                                 | 6        | 14    | 22       |       |          |       |          |       |          |       |          |       |          |       |          |
| 7                                                                                                                                                                                 | 7        | 15    | 23       |       |          |       |          |       |          |       |          |       |          |       |          |
| 8                                                                                                                                                                                 | 8        | 16    | 24       |       |          |       |          |       |          |       |          |       |          |       |          |
| 9                                                                                                                                                                                 | 9        | 17    | 25       |       |          |       |          |       |          |       |          |       |          |       |          |
| 10                                                                                                                                                                                | 10       | 18    | 26       |       |          |       |          |       |          |       |          |       |          |       |          |
| 11                                                                                                                                                                                | 11       |       |          |       |          |       |          |       |          |       |          |       |          |       |          |
|                                                                                                                                                                                   | 12       |       |          |       |          |       |          |       |          |       |          |       |          |       |          |
|                                                                                                                                                                                   | 13       |       |          |       |          |       |          |       |          |       |          |       |          |       |          |
|                                                                                                                                                                                   | 14       |       |          |       |          |       |          |       |          |       |          |       |          |       |          |
|                                                                                                                                                                                   | 15       |       |          |       |          |       |          |       |          |       |          |       |          |       |          |
|                                                                                                                                                                                   | 16       |       |          |       |          |       |          |       |          |       |          |       |          |       |          |

|                                                     |            |                              |                   |
|-----------------------------------------------------|------------|------------------------------|-------------------|
| NONE                                                |            | <b>Total Claims Allowed:</b> |                   |
|                                                     |            | 18                           |                   |
| (Assistant Examiner)                                | (Date)     |                              |                   |
| /DOMINIC E REGO/<br>Primary Examiner. Art Unit 2618 | 03/04/2012 | O.G. Print Claim(s)          | O.G. Print Figure |
| (Primary Examiner)                                  | (Date)     | 1                            | 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)

89194 7590 03/02/2012  
 Patent Law Works/Proxense  
 165 South Main St  
 Suite 2  
 Salt Lake City, UT 84111

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 transmittal.

## Certificate of Mailing or Transmittal

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. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 11620,577       | 01/05/2007  | David L. Brown       | 10001-02095 US      | 9308             |

TITLE OF INVENTION: DYNAMIC REAL-TIME TIERED CLIENT ACCESS

| APPL. TYPE     | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE   |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | YES          | \$870         | \$300               | \$0                  | \$1170           | 06/07/2012 |

| EXAMINER        | ART UNIT | CLASS-PUBCLASS |
|-----------------|----------|----------------|
| REGO, DOMINIC E | 2618     | 455-502000     |

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 OK, 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 Patent Law Works LLP

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 assignor is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Proxense, LLC

(B) RESIDENCE (CITY and STATE OR COUNTRY)

Bend, OR

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-2010 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (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 /Kanda Ishihara/

Date June 7, 2012

Typed or printed name Kanda V. Ishihara

Registration No. 56,607

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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

| Electronic Patent Application Fee Transmittal  |          |                                        |        |                      |
|------------------------------------------------|----------|----------------------------------------|--------|----------------------|
| <b>Application Number:</b>                     |          | 11620577                               |        |                      |
| <b>Filing Date:</b>                            |          | 05-Jan-2007                            |        |                      |
| <b>Title of Invention:</b>                     |          | DYNAMIC REAL-TIME TIERED CLIENT ACCESS |        |                      |
| <b>First Named Inventor/Applicant Name:</b>    |          | David L. Brown                         |        |                      |
| <b>Filer:</b>                                  |          | Kanda Ishihara/Esther Kim              |        |                      |
| <b>Attorney Docket Number:</b>                 |          | 10001-02095 US                         |        |                      |
| Filed as Small Entity                          |          |                                        |        |                      |
| <b>Utility under 35 USC 111(a) Filing Fees</b> |          |                                        |        |                      |
| Description                                    | Fee Code | Quantity                               | Amount | Sub-Total in USD(\$) |
| <b>Basic Filing:</b>                           |          |                                        |        |                      |
| <b>Pages:</b>                                  |          |                                        |        |                      |
| <b>Claims:</b>                                 |          |                                        |        |                      |
| <b>Miscellaneous-Filing:</b>                   |          |                                        |        |                      |
| Publ. Fee- early, voluntary, or normal         | 1504     | 1                                      | 300    | 300                  |
| <b>Petition:</b>                               |          |                                        |        |                      |
| <b>Patent-Appeals-and-Interference:</b>        |          |                                        |        |                      |
| <b>Post-Allowance-and-Post-Issuance:</b>       |          |                                        |        |                      |
| Utility Appl issue fee                         | 2501     | 1                                      | 870    | 870                  |

| Description        | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|--------------------|----------|----------|--------|----------------------|
| Extension-of-Time: |          |          |        |                      |
| Miscellaneous:     |          |          |        |                      |
| Total in USD (\$)  |          |          |        | 1170                 |

| Electronic Acknowledgement Receipt          |                                        |
|---------------------------------------------|----------------------------------------|
| <b>EFS ID:</b>                              | 12963457                               |
| <b>Application Number:</b>                  | 11620577                               |
| <b>International Application Number:</b>    |                                        |
| <b>Confirmation Number:</b>                 | 9508                                   |
| <b>Title of Invention:</b>                  | DYNAMIC REAL-TIME TIERED CLIENT ACCESS |
| <b>First Named Inventor/Applicant Name:</b> | David L. Brown                         |
| <b>Customer Number:</b>                     | 89194                                  |
| <b>Filer:</b>                               | Kanda Ishihara                         |
| <b>Filer Authorized By:</b>                 |                                        |
| <b>Attorney Docket Number:</b>              | 10001-02095 US                         |
| <b>Receipt Date:</b>                        | 07-JUN-2012                            |
| <b>Filing Date:</b>                         | 05-JAN-2007                            |
| <b>Time Stamp:</b>                          | 19:35:33                               |
| <b>Application Type:</b>                    | Utility under 35 USC 111(a)            |

### Payment information:

|                                          |             |
|------------------------------------------|-------------|
| Submitted with Payment                   | yes         |
| Payment Type                             | Credit Card |
| Payment was successfully received in RAM | \$1170      |
| RAM confirmation Number                  | 6235        |
| Deposit Account                          |             |
| Authorized User                          |             |

### File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/<br>Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------|-----------|-------------------------------------|------------------|------------------|
|-----------------|----------------------|-----------|-------------------------------------|------------------|------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |                                 |                                                   |    |   |
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| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Issue Fee Payment (PTO-85B) | 02095US_IssueFeeTransmittal.pdf | 317465<br>f5d4bcd5f8245322c6ff607b32c99d712996923 | no | 1 |
| <b>Warnings:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |                                 |                                                   |    |   |
| <b>Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |                                 |                                                   |    |   |
| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Fee Worksheet (SB06)        | fee-info.pdf                    | 31862<br>137070a915496536ed3431b5d197a5197cbe684f | no | 2 |
| <b>Warnings:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |                                 |                                                   |    |   |
| <b>Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |                                 |                                                   |    |   |
| <b>Total Files Size (in bytes):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |                                 | 349327                                            |    |   |
| <p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b><br/> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b><br/> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b><br/> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> |                             |                                 |                                                   |    |   |



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P. O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|------------|------------|---------------------|------------------|
| 11/620,577      | 07/10/2012 | 8219129    | 10001-02095 US      | 9508             |

89194 7590 06/20/2012  
Patent Law Works/Proxense  
165 South Main St  
Suite 2  
Salt Lake City, UT 84111

## 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 996 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):

David L. Brown, Jupiter, FL;  
Fred S. Hirt, Brookfield, IL;



# 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 NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY.DOCKET NO./TITLE | REQUEST ID |
|--------------------|-----------------------|-----------------------|-----------------------|------------|
| 11/620,577         | 01/05/2007            | David L. Brown        | 10001-02095 US        | 117522     |

## Acknowledgement of Loss of Entitlement to Entity Status Discount

The entity status change request below filed through Private PAIR on 07/24/2020 has been accepted.

### CERTIFICATIONS:

#### Change of Entity Status:

☒ Applicant changing to regular undiscounted fee status.

NOTE: Checking this box will be taken to be notification of loss of entitlement to small or micro entity status, as applicable.

This portion must be completed by the signatory or signatories making the entity status change in accordance with 37 CFR 1.4(d)(4).

|                      |                  |
|----------------------|------------------|
| Signature:           | /Greg T. Sueoka/ |
| Name:                | Greg T. Sueoka   |
| Registration Number: | 33800            |

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

FIRST INVENTOR: David L. Brown  
PATENT NO: 8,219,129  
ISSUE DATE: July 10, 2012  
APPLICATION NO: 11/620,577  
FILING DATE: January 5, 2007  
TITLE: Dynamic Real-Time Tiered Client Access  
EXAMINER: Dominic E. Rego  
GROUP ART UNIT: 2618  
ATTY. DKT. NO: 10001-02095 US  
CONFIRMATION NO: 9508

**CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 CFR § 1.8**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on the date below.

Date: August 4, 2020

By: /Greg T. Sueoka/

Greg T. Sueoka, Reg. No. 33,800

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P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**NOTIFICATION OF LOSS OF SMALL ENTITY STATUS UNDER 37 CFR 1.27(g)(2)  
AND PAYMENT OF DEFICIENCY IN FEES**

Sir/Madam:

On or about June 11, 2020, the undersigned was made aware of the above-identified property having been licensed to a large entity since August 5, 2019. The undersigned is hereby

taking action to rectify the situation and the pay the fees associated with this application as a large entity. The amount of additional fees to be paid as a large entity are as follows:

| Date Paid                 | Fee Code | Description                             | Amount Paid | Undiscounted Fee | Amount Owed   |
|---------------------------|----------|-----------------------------------------|-------------|------------------|---------------|
| 12/18/2019                | 2552     | 7.5 year maintenance fee – small entity | \$1800      | \$3600           | \$1800        |
| <b>Total Amount Owed:</b> |          |                                         |             |                  | <b>\$1800</b> |

The Director is hereby authorized to charge the above-identified fees totaling \$1800 to Deposit Account No. 603148.

Respectfully submitted,

PROXENSE, LLC

Dated: August 4, 2020

By: /Greg T. Sueoka/

Greg T. Sueoka, Reg. No. 33,800

Attorney for Applicant

PATENT LAW WORKS LLP

310 East 4500 South, Suite 400

Salt Lake City, UT 84107

Tel.: (801) 258-9821

Fax: (801) 355-0160

Email: gsueoka@patentlawworks.net

GTS/kdl

| Electronic Acknowledgement Receipt          |                                        |
|---------------------------------------------|----------------------------------------|
| <b>EFS ID:</b>                              | 40192214                               |
| <b>Application Number:</b>                  | 11620577                               |
| <b>International Application Number:</b>    |                                        |
| <b>Confirmation Number:</b>                 | 9508                                   |
| <b>Title of Invention:</b>                  | DYNAMIC REAL-TIME TIERED CLIENT ACCESS |
| <b>First Named Inventor/Applicant Name:</b> | David L. Brown                         |
| <b>Customer Number:</b>                     | 89194                                  |
| <b>Filer:</b>                               | Greg T. Sueoka                         |
| <b>Filer Authorized By:</b>                 |                                        |
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| Submitted with Payment |                                                | no                                                       |                                                           |                  |                  |
|------------------------|------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------------|------------------|------------------|
| <b>File Listing:</b>   |                                                |                                                          |                                                           |                  |                  |
| Document Number        | Document Description                           | File Name                                                | File Size(Bytes)/<br>Message Digest                       | Multi Part /.zip | Pages (if appl.) |
| 1                      | Petition for review by the Office of Petitions | 02095US_20200804_NoticeofL<br>ossofSmallEntityStatus.pdf | 23065<br><br>a415ec4586baba6ffa7a0f046e1e89bc62e3<br>9088 | no               | 2                |
| <b>Warnings:</b>       |                                                |                                                          |                                                           |                  |                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <b>Information:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |       |
| <b>Total Files Size (in bytes):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 23065 |
| <p><b>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.</b></p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b><br/> <b>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.</b></p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b><br/> <b>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.</b></p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b><br/> <b>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.</b></p> |       |



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| APPLICATION NO.                | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------|-------------|----------------------|---------------------|------------------|
| 11/620,577                     | 01/05/2007  | David L. Brown       | 10001-02095 US      | 9508             |
| 89194                          | 7590        | 10/20/2020           |                     |                  |
| Patent Law Works/Proxense      |             |                      | EXAMINER            |                  |
| Greg Sueoka                    |             |                      | REGO, DOMINIC E     |                  |
| 310 East 4500 South, Suite 400 |             |                      |                     |                  |
| Salt Lake City, UT 84107       |             |                      | ART UNIT            | PAPER NUMBER     |
|                                |             |                      | 2618                |                  |
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|                                |             |                      | 10/20/2020          | ELECTRONIC       |

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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patents@patentlawworks.net



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In re Patent No. 8,219,129 :  
Issue Date: July 10, 2012 :  
Application No. 11/620,577 : NOTICE  
Filed: January 5, 2007 :  
Attorney Docket No: 10001-02095 US :

This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed August 4, 2020.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

The fee deficiency submission under 37 CFR 1.28(c) is hereby ACCEPTED.

This patented file is no longer entitled to small entity status. Accordingly, all future fees paid must be paid at the undiscounted rate.

Inquiries related to this communication should be directed to the Paralegal Specialist Debra Wyatt at (571) 272-3621

/DEBRA WYATT/  
Paralegal Specialist, OPET